

# Discretionary Power, Corruption, and Separation of Powers: An Evaluation of the Pork Barrel System from the Rule of Law Perspective

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The Supreme Court struck down as unconstitutional the Priority Development Assistance Fund (PDAF) and the Disbursement Acceleration Program (DAP) in *Belgica v. Ochoa, Jr.* and *Araullo v. Aquino*, respectively. Prior to these decisions, the President of the Philippines and each member of both chambers of Congress had discretionary funds at their disposal, which they often used for political capital and for investing in political bailiwicks.

This Article explores the history and development of the pork barrel system in the Philippines and how it violates the conception of the rule of law as explored by Raz, Fuller, and Dicey. It provides a historical and contemporary backdrop against which the former practices under the PDAF and DAP are evaluated.

Upon evaluation, the Author concluded that the pork barrel system violated the principle of separation of powers that went against the rule that laws or orders should be guided by open, stable, and general rules. The practices under the PDAF and DAP were also marred with arbitrariness and defeated the safeguards of checks and balances, which is crucial in upholding separation of powers. These practices promoted corruption and denied citizens access to funds. It also created uncertainty amongst the citizens. These corrupt practices then promoted dissatisfaction against the government and disrespect for the rule of law. It also enabled a *rule of men* rather than a rule of law, where patronage politics and clientelism made the citizens beholden to those in power who gave them benefits, which were due them under the law.

The Article recommends the strengthening of weak institutional safeguards and internal reforms. It also suggests increasing the need for transparency and accountability from the side of those in power.