

Reflections on the Bayanihan Act or Republic Act No. 11469 (“the Act”) with Matrix of Presidential Powers Under Existing Laws to Meet Emergencies, Including the Covid-19 Crisis

This document contains a summary of the discussion points through online engagements within the Constitutional Law Cluster¹ of the UP College of Law. It may be used to aid students, and interested parties in making their own analysis of the Act. The views contained here are not definitive and are simply meant to encourage further discussion and engagement.

Attached to the document is a chart of Presidential Powers found in Existing Statutes that could have been used sans the Act. The chart is not exhaustive, but is meant to be a handy reference.

Preliminary Points on the Act

Because of previously circulating views espoused by some government officials, it is essential to begin with the reminder that the Supreme Court has ruled² that emergency powers do not justify violations under the Bill of Rights, in particular abridgment of freedom of expression and of the press, repression of the right against unreasonable searches and seizures, and deprivation of due process.

Another key point raised is that the institutional structure under the 1987 Constitution allows for a whole-of-government approach to national emergencies. “Sufficient authority already resides in the President as the singular executive given supervision and control over the entire bureaucracy and supervision of local government units (“LGUs”).”

For reference, attached is a Chart of the Scope and Extent of the President’s Powers under several Existing Statutes, which allow him to perform necessary tasks to meet emergencies.

What the Act Does

The justification used for the Bill requires no extensive discussion. A nuanced view, however, raises that, “(t)he justification for this delegation of legislative power is the national emergency which prevents Congress from discharging its function.” This view implies that an analysis of the Bayanihan Act (and its broad delegation of powers) may proceed in the context of not just a national emergency but, one that prevents Congress from discharging its function. This dovetails with the take of another member: “Generally, Congress is the repository of emergency powers. However, knowing that during grave emergencies, it may not be possible or practicable for Congress to meet and exercise its powers, the framers of our Constitution deemed it wise to allow Congress to grant emergency powers to the President, subject to certain conditions.”

The Act is a punitive measure, which aspect may be of added interest to Criminal Law professors, practitioners and their students. Given the nature of the emergency as a public health concern, criminalizing conduct, and imposing further punitive action

The Supreme Court has ruled that emergency powers do not justify violations under the Bill of Rights

During grave emergencies, it may not be possible or practicable for Congress to meet and exercise its powers, the framers of our Constitution deemed it wise to allow Congress to grant emergency powers to the President, subject to certain conditions

1 The members of the Cluster are: Justice VV Mendoza, Tony La Vina, Alberto Muyot, Charlie Yu, Dan Gatmaytan, Gwen de Vera and John Molo.

2 David v. Macapagal-Arroyo (G.R. No. 171396, May 3, 2006)

for acts that are already penalized under existing laws, may be viewed as oppressive and also as undue burden on government resources (law enforcement, prosecutorial service, and our courts)”.

It is also observed that the Act imposes “perpetual or temporary disqualification” from office to offenders. With elections a few years away, it was observed that this provision is prone to abuse.

The “take-over” power

The final version “is a watered-down version of the earlier bill that empowered the President to take over virtually any business.” As passed, it is now limited to privately-owned hospitals and medical and health facilities, including passenger and other establishments and apparently only “to house health workers, serve as quarantine areas, quarantine centers, medical relief and aid distribution locations, or other temporary medical facilities; and public transportation to ferry health, emergency, and frontline personnel and other persons.”

The imposition of a criminal penalty appears to be unnecessary considering that the President is given the authority under the law to take over the facilities. The objectives of the Act are achieved without need of criminalizing conduct.

Executive’s Power over Budget Items

There are different takes on the possible conflict with Art. VI, Sec. 25 (5) of the Constitution, which states in brief: “No law shall be passed authorizing any transfer of appropriations; however, the President . . . may, by law, be authorized to augment any item in the general appropriations for their respective offices from savings in other items of their respective appropriations.”

One view posits that Sec. 4 of the Act does not violate the Constitution: “In giving the President the power to ‘reprogram, reallocate, and realign’ savings from items in the Executive Department, the purpose seems to me to give to him the power to APPROPRIATE public funds to meet the emergency caused by the outbreak of coronavirus. The funds will be drawn from savings from items in the Executive Department.”

The other view proceeds thus:

“The President has been given the power to ‘reprogram, reallocate, and realign from savings on other items of appropriations in the FY 2020 GAA in the Executive Department . . .’ in clear violation of Article VI, Section 23. Savings are meant to augment appropriations, nothing more. I do not think that emergency powers can be used to circumvent provisions of the Constitution. If we sanction this provision (in the Act), then emergency powers can be used to amend any provision of the Constitution.”

Another take focuses on the statutory standards (not) given by the Act: “In general, the Bayanihan Act does not appear to have sufficient guidance for the President in the exercise of the authority granted under §§4(v-y)(dd)(ee). The creation of the oversight committee and rendition of reports are insufficient safeguards considering that the exercise by the committee of the Legislature’s oversight function of supervision is quite limited. Short of revoking the authority granted by subsequent law or withdrawing the declaration by joint resolution, Congress cannot review, modify or rescind any action taken by the President in the exercise of these powers.”

Still, another view raises the point that Art. VI, Sec. 23 (2) provides the Constitutional conditions under which Congress may authorize the President and other constitutional heads to transfer appropriations from one item to another in their respective Departments as an exception to the rule that Congress cannot authorize anyone to transfer appropriations it has made. So, while Congress cannot authorize the President to reprogram, reallocate or realign appropriations made by it, Congress itself can do that because the power to appropriate public funds belongs to it. It is this power

of Congress that is expressly given to the President in case of war or other national emergency: “When a nation is at war or is a great danger, many things that can be done or said may be such a hindrance to its effort to contain the enemy or meet the danger, that the citizen must endure them so long as the need for them exists.”

Emergencies (such as the coronavirus) do not justify violating the Constitution

This view affirms that certainly, emergencies (such as the coronavirus) do not justify violating the Constitution, but they trigger a “dormant” power — one lodged in Sec. 23 (2). “This gives rise to the occasion for the exercise of certain powers like the imposition of area restrictions, curfew hours, and the like to respond to the danger posed by the pandemic. Indeed, the Constitution provides for “periods of dictatorship” in times of great stress - - constitutional dictatorship.

Effectivity

The largely problematic wording of the initial version has been replaced with one that gives Congress the sole power to extend the Act. Still, it was raised that a portion of Sec. 9 that allows the powers to be “ended by Presidential Proclamation,” should take note of *David v. Macapagal-Arroyo*, where “the Supreme Court said that the President cannot determine when the exceptional circumstances have ceased.”

Matrix of Presidential Powers Under Existing Laws to Meet Emergencies, Including the Covid-19 Crisis

A. Health, Health Care Workers, Supplies		
§4(a)	Adopt and implement measures to suppress further spread of COVID-19, through education, detection, protection, and treatment	<p>Republic Act No. 11332, or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Concern Act</p> <p>Memorandum from the Executive Secretary providing for Additional Guidelines for the Enhanced Community Quarantine (March 18, 2020)</p> <p>Memorandum from the Executive Secretary on the Community Quarantine over the Entire Luzon (March 16, 2020)</p> <p>DOH Public Advisory No. 16 guidance for institutions if a PUI or confirmed COVID-19 is detected at the workplace</p> <p>DOH Guidelines for entry, exit, and movement for essential and non-essential persons in areas under general community quarantine and ECQ</p>
§4(b)	<p>Expedite and streamline accreditation of testing kits and prompt testing by public and private institutions and compulsory and immediate isolation and treatment of patients</p> <p>Cost of treatment for COVID-19 patients shall be covered under the National Health Insurance Program (“NHIP”) of the Philippine Health Insurance Corporation (“PhilHealth”)</p>	<p>Republic Act No. 11332, or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Concern Act</p> <p>PhilHealth Circular No. 2020-04 enhancement of packages related to Coronavirus Infection (February 10, 2020)</p>
§4(d)	<p>Public health workers</p> <p>(i) Hazard Pay under the Magna Carta of Public Health Workers (Rep. Act No. 7305)</p> <p>(ii) COVID-19 special risk allowance (amount unspecified)</p>	OP Administrative Order authorizing grant of hazard pay to government personnel who physically report for work during the implementation of the ECQ (March 23, 2020)
§4(e)	PhilHealth to shoulder all medical expenses of public and private health workers in case of (i) exposure to COVID-19 or (ii) any work-related injury or disease for the duration of the emergency	PhilHealth Circular No. 2020-04 enhancement of packages related to Coronavirus Infection (February 10, 2020)
§4(f)	<p>(i) PhP100,000 compensation to public and private health workers who may contract severe COVID-19 infection while in the line of duty</p> <p>(ii) PhP1,000,000 compensation to public and private health workers who may die while fighting the COVID-19 pandemic</p> <p>Retroactive to February 1, 2020</p>	See GAA and relevant DBM issuances
§4(m)	<p>Engage temporary Human Resources for Health (“HRH”) (medical and allied medical staff) to complement current health workforce or man temporary health facilities</p> <p>(i) With appropriate compensation and allowances</p> <p>(ii) Actual hazard pay duty for those in front line during the state of calamity due to COVID 19</p>	See Republic Act No. 11332, or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Concern Act and existing DBM and CSC circulars
§4(o)	<p>Incentives for manufacture and importation of critical or needed equipment or supplies</p> <p>Importation exempt from import duties, taxes and other fees</p>	See various Food and Drug Administration and Bureau of Customs issuances

<i>B. Social Amelioration and Safety Nets</i>		
§4(c)	Emergency subsidy to 18 million low income households PhP5,000 – 8,000 / month, for 2 months	See GAA and relevant DBM issuances
§4(cc)	Implement enhanced Pantawid Family Program	Republic Act No. 11332, or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Concern Act
§4(l)	Partner with the Philippine Red Cross to give aid, distribution of goods and services (subject to reimbursement)	Republic Act No. 11332, or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Concern Act
§4(p)	Ensure the availability of essential goods (food and medicine)	See below on Availability of Goods and Services
§4(z)	Move statutory deadlines and timelines for filing and submission of any document, payment of taxes, fees and other charges [“and grant the benefit of any. . .”]	BIR Revenue Memorandum Circular No. 29-2020 extension of deadline for filing and payment of tax (March 19, 2020)
§4(aa)	Banks, quasi-banks, financing companies, financial institutions (including GSIS, Pag-IBIG, and SSS) to implement 30-day grace period for payment of loans (i) falling due within the enhanced community quarantine (ii) no penalties, interests, fees or charges (iii) across multiple loans	BSP Memorandum No. M-2020-008 regulatory relief for BSP-supervised financial institutions (“BSFIs”) See various institutional announcements on extension of payment deadlines SEC Notice on adoption of debt relief measures (SEC strongly encourages financing and lending institutions to adopt measures that will help ease borrowers’ financial burden (March 23, 2020)
§4(bb)	30-day grace period on residential rents falling within period of enhanced community quarantine	Memorandum from the Executive Secretary on the Community Quarantine over the Entire Luzon (March 16, 2020)
<i>C. Availability of Goods and Services</i>		
§4(i)	Enforce measures to protect against hoarding, profiteering, injurious speculations, manipulation of prices, product deceptions, and cartels, monopolies, pernicious practices affecting the supply, distribution and movement of food, clothing, hygiene and sanitation products, medicine and medical supplies, fuel, fertilizers, chemicals, building materials, implements, machinery equipment and spare parts required in agriculture, industry and essential services, as well as articles of prime necessity imported or local	Republic Act No. 7581, as amended by Rep. Act No. 10623, or the Price Act Republic Act No. 9502 or the Universally Accessible Cheaper and Quality Medicines Act OP Memorandum Circular No. 77 directs all government agencies and instrumentalities, including LGUs, to implement and ensure compliance with issuances (of DOH and DA) on prices of essential emergency medicines and supplies, agricultural and fishery commodities (March 17, 2020) DOH Public Advisory No. 19 prohibition on hoarding of drugs and medicines, profiteering, illegal combination and all other acts committed in restraint of trade DTI Memorandum Circular No. 20-07 on anti-hoarding and anti-panic buying (March 19, 2020) [note DTI refers to Republic Act No. 7581 or the Price Act, but there is mistake in calling it the Consumer Act of the Philippines] DOH Department Circular No. 2020-0133 reiterating price freeze of essential emergency medicines and medical devices due to COVID-19 (March 12, 2020) DTI Memorandum Circular No. 20-08 issuance on unhampered movement of cargo and transit of personnel of exempt business establishments; measures to prevent unreasonable increase in the prices of all basic necessities (March 20, 2020)
§4(u)	Conserve and regulate the distribution and use of power, fuel, energy, water, and ensure adequate supply of the same	See various issuances of regulatory agencies involved

D. Human Resources and Employment

§4(t)	Continue to authorize alternative working arrangements for employees and workers in the Executive Branch, and as necessary in other independent branches and constitutional bodies, and the private sector	<p>(i) In general</p> <p>Memorandum from the Executive Secretary providing for Additional Guidelines for the Enhanced Community Quarantine (March 18, 2020)</p> <p>Memorandum from the Executive Secretary on the Community Quarantine over the Entire Luzon (March 16, 2020)</p> <p>(ii) Public Sector</p> <ul style="list-style-type: none"> - CSC adoption of work from home arrangements for civil servants - CSC and DBM Guidelines for Contract of Service and Job Order workers during the period of the ECQ <p>(iii) Private Sector</p> <ul style="list-style-type: none"> - DOLE Guidelines for the Implementation of the Tulong Panghanapbuhay Sa Ating Displaced/Disadvantaged Workers Program (TUPAD) #Barangay Ko Bahay Ko Disinfecting (TUPAD #BKBK) (March 18, 2020) - DOLE Labor Advisory No. 12 on CAMP Guidelines (March 19, 2020) - DOLE Labor Advisory No. 11 supplemental guidelines relative to remedial measures in view of COVID-19 outbreak (flexible work arrangements, operations of manufacturing, retail and service, unpaid leaves due to COVID-19 to be covered under CAMP, ID for transit of employees) (March 14, 2020) - DOLE Labor Advisory No. 09 guidelines on the implementation of flexible work arrangements due to COVID-19 outbreak (March 4, 2020)
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E. Business and Enterprise

§4(n)	<p>Ensure availability of credit</p> <p>(i) Lowering effective lending interest rates</p> <p>(ii) Lowering reserve requirements of lending institutions</p>	BSP amendment of the Standard Operating Procedures for Banks and Non-Bank Financial Institutions, reduction of key transaction rates, and operational relief measures for FIs.
§4(p)	Ensure the availability of essential goods (food and medicine) by, among others, facilitating or minimizing disruption in supply chain	<p>OP Memorandum Circular No. 77 directs all government agencies and instrumentalities, including LGUs, to implement and ensure compliance with issuances (of DOH and DA) on prices of essential emergency medicines and supplies, agricultural and fishery commodities (March 17, 2020)</p> <p>DTI Memorandum Circular No. 20-08 issuance on unhampered movement of cargo and transit of personnel of exempt business establishments; measures to prevent unreasonable increase in the prices of all basic necessities (March 20, 2020)</p> <p>Bureau of Customs provisional goods declaration for relief consignment (March 17, 2020)</p> <p>NAPOLCOM Memorandum strict directive to allow unimpeded/unhampered movement of all cargoes (March 21, 2020)</p>
§4(q)	<p>Businesses to prioritize and accept contracts for materials and services necessary to promote the national policy under the Bayanihan Act</p> <p>This is subject to fair and reasonable terms</p>	Republic Act No. 11332, or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Concern Act

§4(z)	Move statutory deadlines and timelines for filing and submission of any document, payment of taxes, fees and other charges [“and grant the benefit of any. . . .”]	BIR Revenue Memorandum Circular No. 29-2020 extension of deadline for filing and payment of tax (March 19, 2020)
§4(aa)	Banks, quasi-banks, financing companies, financial institutions (including GSIS, Pag-IBIG, and SSS) to implement 30-day grace period for payment of loans (i) falling due within the enhanced community quarantine (ii) no penalties, interests, fees or charges (iii) across multiple loans	BSP Memorandum No. M-2020-008 regulatory relief for BSP-supervised financial institutions (“BSFIs”) See various institutional announcements on extension of payment deadlines SEC Notice on adoption of debt relief measures (SEC strongly encourages financing and lending institutions to adopt measures that will help ease borrowers’ financial burden (March 23, 2020)
<i>F. Transportation and Traffic</i>		
§4(r)	Regulate and limit operation of all sectors of transportation, public or private	Memorandum from the Executive Secretary on the Community Quarantine over the Entire Luzon (March 16, 2020) DOTr Task Group Guidelines for the Management of Emerging Infectious Diseases [signed by line agency heads: PPD, PPA, LTO, MRT3, LRTA, CAAP, LTFRB, MARINA, PCG, PNR] LTFRB Memorandum Circular No. 2020-05 (February 1, 2020) IATF Resolution providing for enumeration of health and emergency frontline workers; directive to PNP to allow unimpeded movement of all types of cargoes; continued operation of capital markets; transportation services for returning OFWs through Overseas Workers Welfare Administration; extension of period for media personnel to secure PCOO accreditation; directive allowing delivery services to operate. DILG supplementary guidelines for LGUs during ECQs, including establishment of checkpoints, prohibition on mass gatherings, strict home quarantine, closure of establishments, suspension of mass public transportation, transportation arrangements for exempted persons, and unrestricted movement of frontline workers and cargoes (March 21, 2020) [Note cited DILG issuances] Bureau of Quarantine Memorandum Circular No. 2020-07 guidelines at all seaports for Prevention and Spread of COVID-19 (March 3, 2020)
§4(s)	(i) Regulate traffic (ii) Prohibit putting up of encroachments or obstacles (iii) Authorize removal of obstacles and illegal constructions in public places	DILG supplementary guidelines for LGUs during ECQs, including establishment of checkpoints, prohibition on mass gatherings, strict home quarantine, closure of establishments, suspension of mass public transportation, transportation arrangements for exempted persons, and unrestricted movement of frontline workers and cargoes (March 21, 2020) [Note cited DILG issuances]

G. Takeover Provision (Pursuant to 1987 Constitution, Article XII, Section 17)

§4(h)	<p>Direct the operation of any privately-owned hospitals and medical and health facilities including passenger vessels and other establishments to serve as quarantine areas, quarantine centers, medical relief and aid distribution locations, temporary medical facilities and public transportation to ferry health, emergency, and frontline personnel and other persons</p> <p>(i) Management and operations shall be retained by owners</p> <p>(ii) Owners (operators) to render full accounting to President or his representative on operations of the utility or business for appropriate compensation</p> <p>(iii) if the enterprise unjustifiably refuses or signifies that they are no longer capable of operating their enterprises for the purpose of the Bayanihan Act, the President may takeover their operations</p>	<p>Among the requisites for valid delegation of emergency powers is that the delegation must be subject to such restrictions as the Congress may prescribe. (<i>David v. Macapagal-Arroyo</i>)</p> <p>The takeover provision specifies the entities and establishments in whose operations there may be government intrusion or intervention for the specific purpose only of serving as quarantine areas, quarantine centers, medical relief and aid distribution locations, temporary medical facilities and public transportation to ferry health, emergency, and frontline personnel and other persons. The provision also provides an escalation of intervention from (a) retaining management and operations but receiving direction from government to (b) government takeover of operations in the event the enterprise (i) unjustifiably refuses to operate for the above purposes or (ii) signifies it is not capable of operating.</p> <p>These limitations should be observed.</p>
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H. Government Procurement

§4(k)	<p>Procurement exempted from Government Procurement Reform Act (Rep. Act No. 9184) and relevant laws, for:</p> <p>(i) specific goods and providing for their allocation and distribution</p> <p>(ii) goods and services for social amelioration measures in favor of affected communities</p> <p>(iii) lease of real property or venue to house health workers, serve as quarantine centers, medical relief and aid, temporary medical facilities</p> <p>(iv) establishment, construction, and operation of temporary medical facilities</p> <p>(v) utilities, telecommunications, and other critical services in relation to operation of quarantine centers, medical relief and aid, temporary medical facilities</p> <p>(vi) related ancillary services</p>	<p>Rep. Act No. 9184 or GPRA</p> <p>GPPB Resolution No. 03-2020 Approving the Adoption of Efficient, Effective and Expedient Procurement Procedures During a State of Public Health Emergency (March 9, 2020)</p>
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I. Local Government Units (“LGUs”)

§4(g)	<p>(i) LGUs act within the letter and spirit of all the rules, regulations and directives issued by the National Government pursuant to the Bayanihan Act</p> <p>(ii) LGUs to implement standards of community quarantine consistent with National Government standards for the area</p> <p>(iii) LGUs to fully cooperate towards unified, cohesive and orderly implementation of national policy to address COVID-19</p> <p>(iv) LGUs authorized to utilize more than 5% of the amount allocated for their calamity fund, subject to additional funding and support from National Government</p> <p>LGUs may continue exercising their autonomy in matters undefined by the National Government or within the powers it has set</p>	<p>Republic Act No. 7160, as amended (“Local Government Code”)</p> <p>DILG supplementary guidelines for LGUs during ECQs, including establishment of checkpoints, prohibition on mass gatherings, strict home quarantine, closure of establishments, suspension of mass public transportation, transportation arrangements for exempted persons, and unrestricted movement of frontline workers and cargoes (March 21, 2020) [Note cited DILG issuances]</p>
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J. Government Budget

<p>§4(v)</p>	<p>Direct discontinuance of appropriated programs, projects, activities of any agency in the Executive Department and GOCCs for FYs 2019 and 2020</p> <p>(i) unobligated, released or unreleased</p> <p>(ii) utilize as savings to augment any item directly related to support operations and response measures</p> <p>(iii) budget items for prioritization in augmentation specified:</p> <ul style="list-style-type: none"> - DOH hospitals - UP-PGH - NDRRF or calamity fund - DOLE Programs (Tulong Panghanap and CAMP) - DTI Livelihood Seedling Program and Negosyo Serbisyo sa Barangay - DA Rice Farmers Financial Assistance Program - DEPED Feeding Program - DSWD AICS and other programs - Quick Response Funds (QRF) - allocations to LGUs <p>Discontinued PAPs may be revived for funding for the next two years after the national emergency has ceased</p>	<p>See <i>Araullo v. Aquino</i>, G.R. No. 209287, July 1, 2014</p> <p>Among the requisites for valid delegation of emergency powers is that the delegation must be subject to such restrictions as the Congress may prescribe. (<i>David v. Macapagal-Arroyo</i>)</p> <p>The standards or restrictions are insufficient under this provision.</p> <p>- No criteria is offered for the selection of PAPs, considering it applies to (i) Executive Departments and GOCCs and for (ii) FY 2019 and 2020</p> <p>- No amount or figure is offered in terms of the funding required for the various programs prioritized for augmentation and the need to address the emergency, so that the discontinuance and augmentation will not be abused (and PAPs not unreasonably disrupted), particularly since the period of the effectivity is limited (but there is a possibility of the emergency to persist)</p> <p>It is also important to remain guided by the 1987 Constitution in Article VI, §23(4), stating that no law shall be passed authorizing transfer of appropriations; however the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions, may by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.</p>
<p>§4(dd)</p>	<p>Lift 30% cap on amount appropriated for QRF as provided in Philippine Disaster Risk Reduction and Management Act of 2010 (Rep. Act No. 10121)</p>	<p>Among the requisites for valid delegation of emergency powers is that the delegation must be subject to such restrictions as the Congress may prescribe. (<i>David v. Macapagal-Arroyo</i>)</p> <p>The standards or restrictions are insufficient under this provision.</p>
<p>§4(w)</p>	<p>Unutilized or unreleased balance in special purpose fund declared abandoned for duration of state of emergency and appropriated to address COVID-19</p>	<p>Among the requisites for valid delegation of emergency powers is that the delegation must be subject to such restrictions as the Congress may prescribe. (<i>David v. Macapagal-Arroyo</i>)</p> <p>The standards or restrictions are insufficient under this provision. In <i>David v. Macapagal-Arroyo</i>, it was explained, for example, that a delegation of emergency powers that allows the President to takeover businesses imbued with public interest would be inadequate if the determination of what businesses are considered to be imbued with public interest were left entirely to the President (“Likewise, without legislation, the President has no power to point out the types of businesses affected with public interest that should be taken over. In short, the President has no absolute authority to exercise all the powers of the State under Section 17, Article VII in the absence of an emergency powers act passed by Congress.”).</p> <p>- No criteria are offered for the selection of special purpose fund</p> <p>- No amount or figure is offered in terms of the funding required; no measures indicated</p>

§4(x)	Reprogram, reallocate, realign from savings on other items of appropriations in FY 2020 GAA in the Executive Department to fund measures to address COVID-19 emergency	<p>See Araullo <i>v.</i> Aquino, G.R. No. 209287, July 1, 2014</p> <p>Among the requisites for valid delegation of emergency powers is that the delegation must be subject to such restrictions as the Congress may prescribe. (David <i>v.</i> Macapagal-Arroyo)</p> <p>The standards or restrictions are insufficient under this provision.</p> <p>- No amount or figure is offered in terms of the funding required; no measures indicated</p>
§4(y)	Allocate cash, funds, investments held by GOCC or any national government agency in order to address COVID-19	<p>See Araullo <i>v.</i> Aquino, G.R. No. 209287, July 1, 2014</p> <p>Among the requisites for valid delegation of emergency powers is that the delegation must be subject to such restrictions as the Congress may prescribe. (David <i>v.</i> Macapagal-Arroyo)</p> <p>The standards or restrictions are insufficient under this provision.</p> <p>- No criteria are offered for the selection or prioritization among GOCCs or NGAs</p> <p>- No amount or figure is offered in terms of the funding required; no measures indicated</p> <p>It is also important to remain guided by the 1987 Constitution in Article VI, §23(4), stating that no law shall be passed authorizing transfer of appropriations; however the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions, may by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.</p>
<i>K. General Grant of Authority</i>		
§4(ee)	Undertake such other measures as may be reasonable and necessary to enable the President to carry out the declared national policy subject to the Bill of Rights and other constitutional guarantees	<p>Main directives with respect to ECQ (definition of ECQ and consequences of declaration of ECQ on schools, private establishments, government offices, and public services)</p> <p>David <i>v.</i> Macapagal-Arroyo reminds us that During emergency, governmental action may vary in breadth and intensity from normal times, yet they should not be arbitrary as to unduly restrain our people's liberty.</p>