

FOREWORD*

*Alexander G. Gesmundo***

The legal profession is at the threshold of a new era. Digitalization and artificial intelligence (“AI”) are fueling intense discourse on emerging issues and challenges that simultaneously present an immense potential for growth and a serious risk of descent to irrelevancy. New realities demand that the entire justice system evolve rapidly and meaningfully, preceded by a rethinking of traditional methods and legal practice postulates. A robust legal scholarship thus underpins the necessary paradigm shift by reimagining the essential components of the legal system.

The viability of participation in legal aid programs by government lawyers employed in the judiciary is the focus of *Combatting the Motivational Constraint Barrier in Legal Aid Participation by Lawyers in the Judiciary* by Atty. Karina P. Garcia. Given the developments in other jurisdictions which have widely encouraged and enabled them to render volunteer services for legal aid *vis a vis* the still inadequate and inaccessible legal services in our country, this article examines the barriers to such participation by our own lawyers in the judiciary who are explicitly prohibited from engaging in private practice under the new *Code of Professional Responsibility and Accountability (CPR A)*. The author demonstrates how vagueness and lack of clear rules, exacerbated by the broad definition of “practice of law” in the case of *Cayetano v. Monsod*,¹ engender a “motivational constraint” to legal aid participation. She then proposes the adoption of an approach similar to that in the United States, which had enforced comparable rules and previously tackled the same impediment.

In the next article, Atty. Juan Paolo M. Artiaga and Atty. Ferdinand Elbert D. Jomilla, Jr. ask the question on many minds today with their paper: *Will Artificial Intelligence Replace Lawyers in the Philippines?*. While recognizing that some “routine” tasks of lawyers have already been partially or fully automated, the authors maintain that it is still unlikely for lawyers to be completely replaced by automation in the next few decades. This is because lawyering involves acts that require “a great deal of creative and

* *Cite as* Alexander G. Gesmundo, *Foreword*, 96 PHIL. L.J. v, [page cited] (2023).

** Chief Justice of the Supreme Court of the Philippines (2021–present). Associate Justice, Supreme Court of the Philippines (2017–2021). Associate Justice, Sandiganbayan (2005–2017). Bachelor of Laws, Ateneo de Manila University (1984). B.S. Economics, Lyceum of the Philippines University (1980).

¹ 278 Phil. 235 (1991) (Paras, J.).

social intelligence,” which they refer to as “bottlenecks to automation.” The authors believe that advances in AI will lead to more productive and highly specialized lawyers. Unburdened by mechanical tasks which previously consumed much of their time, lawyers will now have an enhanced capacity “to perform the more cognitive aspects of their role.” They believe that the skills that “draw on the lawyer’s humanity and ethics,” which AI cannot provide, will become “more sought after and more valuable.”

The failure of our law schools to create the conditions for the core values enshrined in our fundamental law to flourish is the subject of the first article entitled, *The Law School as Generative Social Field for Cultivating Liberty, Prosperity and the Rule of Law* by Atty. Ma. Tanya Karina A. Lat. She describes the state of Philippine legal education as reflective of the “dysfunctions of Philippine society, replicating and reinforcing the social dynamic of hierarchy and elitism, and creating lawyers who profess democratic values but practice an authoritarian way of life.” This was explained through mental models regarding the law, the legal system, and legal education, which have been imbibed by students during law school and which have remained unexamined since colonial times. The author then discusses concrete proposals on how we can create the kind of society that we want through a culture of liberty, prosperity, and rule of law in our law schools.

Finally, in *The Long Shadow of Vinuya in the Time of Artificial Intelligence: Reflections on Ethical Issues in Legal Research*, Atty. Paolo S. Tamase analyzes the academic conversations on the intersection of AI and legal education in the Philippines and plagiarism’s “misplaced entanglement with fraud” stemming from the Supreme Court’s definition of plagiarism in the cases beginning with *Vinuya v. Romulo*,² which have “complicated legal research ethics for at least a decade.” Understanding the context of the predominant concern over student use of AI-generated content in complying with course over student use of AI-generated content in complying with course requirements is necessary towards broader and deeper discussions that consider AI as “a tool that can be used for justice instead of principally a threat to academic integrity.”

Technologies such as AI indeed offer a propitious opportunity to enhance the legal practice and to highlight the core values of the legal profession. Initiatives such as the **Strategic Plan for Judicial Innovations**

² 633 Phil. 538 (2010); *In re Del Castillo*, 647 Phil. 122 (2010) and 657 Phil. 11 (2011) (Res.); and *In re UP Law Faculty*, 548 Phil. 1 (2010), 660 Phil. 1 (2011), and 666 Phil. 1 (2011) (Res.).

2022-2027 or **SPJI** underscore the judiciary's commitment to leverage innovation, including AI, to drive performance excellence in court operations and services towards securing responsive and real-time justice. For the legal profession, the aim is to foster greater social commitment and ethical responsibility among our lawyers by re-orienting legal education and expanding legal aid programs.

It is my fervent hope that our aligned pursuits ensure a meaningful transformation of the Philippine justice system in the digital age.

- o0o -