FOREWORD*

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In its recent issuance instituting the Code of Professional Responsibility and Accountability ("CPRA"), the Supreme Court recognized the evolving and shifting roles of modern-day lawyers from advocates to peacemakers, from solicitors to specialists, and from counterparts to collaborators.[1] This is especially true in our society; though still belonging to the Third World, it has now become largely driven by technology, considering that seventy-five percent (75%) of our people already owns and utilizes smart phones, apart from those who use computers instead. This volume of the Philippine Law Journal (PLJ) explores a number of specialized topics relevant to the times. Hopefully, it will provide a useful and discourse-provoking resource for lawyers, law students, and policy-makers.

The analysis of the proposals for the Maharlika Investment Fund ("MIF"), more than characterizing its fund sources, provokes a discussion on constitutionality, integrity of the investments, commercial strategies, and corporate governance. The article is even more relevant now that the MIF has just been signed into law (Republic Act No. 11954).

Pushing an assessment and a reimagination of the current roles (or role concentrations) of the Ombudsman is a collaboration with society's efforts at exacting more accountability from public servants. To this extent, the issuance of condemnatory opinions has been explored and suggested. It is hoped that such condemnatory opinions, for example, would ensure a speedy and assured form of retribution since the public official will be subject to immediate criticism and reprimand in a published issuance—a stigma that should discourage misconduct in office. However, careful consideration must be made of the due process parameters under which condemnatory opinions are issued, as it may have possible unintended consequences. Quick access to information and technology has led to the weaponization of information, alongside a proliferation of false reports. Publication of alleged wrongdoings by certain public officials, especially prior to hearing both sides, can be weaponized against political rivals and become tools for harassment,

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[1] Adm. Matter No. 22-09-01-SC (2023), 3rd Whereas Clause.

especially with the employment of "troll farms" for those with resources and influence. Perhaps, the answer lies somewhere in the middle of the pendulum. It is the established general practice in the Office of the Ombudsman, in observance of due process, that complaints against public officials should be kept confidential until the respondent public officials are given the opportunity to answer the charges against them and the complaints are resolved after the conduct of the proper administrative or preliminary investigation. With the proceedings done, the Ombudsman would have adequate and more balanced information to issue a condemnatory opinion.

Society's rapid technological developments have not only changed and shaped the manner by which lawyers practice law, but also formed norms of public behavior and expectations of conduct in general. In the re-examination of *Vivares v. St. Theresa's College*, the traditional notions and standards of privacy are weighed against expectations of privacy under the evolving realities and fast-developing technological infrastructures of online presence. It is a rich source of information and standards that must be understood and balanced in resolving disputes that deal with online conduct.

Tempora mutantur, nos et mutamur in illis.[2] However, whether the changes in the legal landscape are technology-driven or the consequences of society's evolving progressive thought, re-examination is a useful and indispensable tool. The analysis of *Acharon v. People* presents a meaningful challenge as to whether doctrinal pronouncements should be the results of balanced considerations of intent and letter; where intent is fulfilled by solutions that are hemmed in from over-reaching or having unintended consequences.

So, too, has technology opened new areas of specializations where law and technology meet. The matter on the growing Decentralized Autonomous Organizations ("DAOs") is of special interest. To the knowledge of the undersigned, only a small percentage of law practitioners belonging to the generations prior to the Millennial Generation and Generation Z is familiar with the same. Beyond recognition as a legal entity and incorporation into the existing legal framework, the very concept and existence of a DAO triggers questions on *situs*, regulation, governance, transparency/accountability, and remedial and procedural matters.

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[2] Times are changed; we also are changed with them.

Congratulations to the authors and to the Editorial Board for the carefully curated scholarly works in this Volume that are indeed relevant and reflective of the changes during these interesting times.

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