

FOREWORD

EMERGING LEGAL CHALLENGES*

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Necessity is the mother of invention, as the adage goes. Throughout human history, surges of social progress have been marked by scientific milestones: the invention of the wheel, the invention of the printing press, the first combustion engine, the first computing machine, the first airplane. What is true in science is true in law as well.

Laws were invented to govern relationships among individuals and between individuals and those who rule or govern them. Whole legal systems were developed in response to the need to maintain order and peace, to define rights and obligations, as communities grew and people traded with each other not only material goods but also ideas and knowledge.

Undeniably, we now inhabit a world of rapid invention and constantly upgrading technologies. Yet, innovation in law has not been as swift. The reasons for this are not surprising. First, our notions of justice and right are rooted in numerous principles from ancient history which are deemed universal and unchanging. Second, precisely because laws are meant to set rules that would be binding and enduring, the process of legislative creation and amendment has been designed to ensure due deliberation and eliminate arbitrariness in law making. Consequently, said process can be highly technical, tedious and time-consuming, not to mention, susceptible to delay, attributable to influence from competing interests.

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Nonetheless, law – to continue to be relevant and effective in a fast transforming milieu – cannot remain static. It is timely indeed for the Philippine Law Journal to dedicate this issue to emerging legal challenges in various fields of law, such as, legal ethics, commercial law, environmental law, alternative dispute resolution and state regulation of the internet and electronic media. As we reflect on how social attitudes and behaviour have shifted over time due to the way technological advances and other modern inventions have altered how we live and work, the ultimate question to be explored is how should law respond to such dramatic and pervasive societal change.

Even as scientific breakthroughs have uplifted our standard of living, there are admittedly not so beneficial consequences to us and our environment. Has the self-indulgence and convenience of modern life contributed to the degeneration of morality and our sense of communal good? As humankind rapaciously uses up the world's resources to construct our cities and to power our industries, have we given enough thought to how we can sustain our compulsive need to build, invent and develop? With the advent of the age of the Internet and social media, what laws and regulations should be put in place to govern our evolving techniques for doing business and maintaining societal and personal relationships?

In my humble view, for those of us who are members of the legal community, the challenge lies not in modifying our already high ethical and professional standards but laying down the guidelines for maintaining them and ensuring their observance, even in the wake of the external transformation of our way of life. I say *external* for despite the astounding new technological developments in the world we live in, our concept of right and wrong and our moral values are fundamentally not very different from our forebears.

Truly, lawmakers and policy makers, even in anticipating future situations, must have definite basis for legislation and State action, basis that is rooted in wisdom gathered from past and present experience and which the Judiciary too must be conscious of. I congratulate the Philippine Law Journal for this seminal volume of articles gives its readers astute and incisive ideas from where law reformers should start in consideration of the emerging realities of modern society.