

FOREWORD

*Franklin M. Drilon**

It has been over 45 years since I was a member of the Editorial Board of the PHILIPPINE LAW JOURNAL. I am pleased to note that the calibre of articles published by the *Journal* remains as prodigious as it has ever been. The PHILIPPINE LAW JOURNAL has always been one of the leading fora for facilitating discourse between legal scholars in the country. Through the years, the *Journal* has consistently published articles that provide in depth analyses of the laws passed by Congress, the decisions rendered by the Supreme Court, and the issuances promulgated by the President. Among the most insightful are those concerning law reform. As a legislator, I will be the first to acknowledge that the quality of the discourse on law reform is enriched by the availability of legal research. That is the role that the *Journal* has played over the years. By publishing articles with novel and original approaches to existing legal problems, the *Journal* constantly reminds us of the need to improve our laws for the benefit of our fellow citizens.

This selection of articles is no different. Covering topics on Environmental Law, Taxation Law, International Law, Labor Law and Remedial Law, the second issue of Volume 88 brings together a vibrant cross-section of articles from various fields. From renowned experts in the field, to top government officials, members of the academe, young lawyers, and even law students, this issue anthologizes the opinions of legal scholars of diverse backgrounds, and compiles their insights for the improvement of our current regime of laws.

In the field of Environmental Law, Dean Antonio G. M. La Viña's *After More than 100 Years of Environmental law, What's Next for the Philippines?* traces the progress and shortcomings of our environmental laws over the past century. After diagnosing the lapses and failures of our laws, the article maps out a path to progress by proposing reforms that can be instituted by each of the three branches of government.

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In the field of Taxation Law, Prof. Jesusa Loreto A. Arellano-Aguda's *A Call for Re-evaluation: Prior Tax Treaty Application* examines the Bureau of Internal Revenue's regulations requiring mandatory prior applications for tax treaty relief, in connection with its legal and policy implications. Finding that the current regulations effectively impose a tax treaty override, the paper proposes a new framework for the proper implementation of tax treaties by adopting the prevailing practices of the United States and other countries.

In the field of International Law, the article *Not All Roads Lead to Rome: Philippine Official Immunities and the Rome Statute* by Alexis Ian P. Dela Cruz takes an in depth look into the International Criminal Court's Rome Statute. Having been ratified by the Philippines in 2011, this paper examines the implications of dealing with a promising treaty commitment which appears irreconcilable with the concepts of official and presidential immunity in Philippine jurisprudence.

In *Non-Appearance and Compliance in the Context of the United Nations Convention on the Law of the Sea Dispute Settlement Mechanism*, Celeste Ruth L. Cembrano-Mallari lends her expertise in international law by looking closely at the UN Convention on the Law of the Sea and its mechanism for compulsory procedures in dispute settlement. Particularly, it discusses the implications of default proceedings. This article is especially relevant today given the current maritime dispute between the Philippines and China.

In the field of Labor Law, the article *De-Confusing Contractualization: Defining Employees Engaged in Precarious Work in the Philippines*, authored by two law students, Mely Ann Emerie A. Cristobal and Efren II R. Resurreccion, seeks to address the problems encountered by the rapidly growing number of contractual workers in the country that are inadequately protected by the provisions of the Labor Code. It argues for the need to introduce statutory amendments to properly define contractual employees in order to allow them to be ensured a right to security of tenure, to secure their right to self-organization and collective bargaining, and to attain the same benefits as regular employees.

Finally, in the field of Remedial Law, Justice Secretary Leila M. De Lima and Assistant Secretary Geronimo L. Sy share their insights by providing *A Short History of Preliminary Investigation*. In this short essay, Secretary De Lima and Assistant Secretary Sy recount the factors which led to the evolution of the preliminary investigation, from being a procedure which was originally judicial in both nature and function, to one that is judicial in nature but executive in function. The authors make a case to reform the current laws governing preliminary investigations in order to address the problems brought about by such a change in its function.

As it approaches its 100th anniversary, I commend the PHILIPPINE LAW JOURNAL's continuing commitment to furthering the discourse on law reform as one of the great bastions of legal scholarship. Best of luck to the PHILIPPINE LAW JOURNAL, and the Editorial Board of Volume 88.

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