

**AFTERWORD:
REFORMING THE PHILIPPINE LAW JOURNAL
AS A HUNDRED-YEAR INSTITUTION**

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It is easy to dismiss this brief *Afterword* as an egocentric piece, concerned solely with the internal operations of the JOURNAL.¹ However, I do believe that the experience of the JOURNAL as far as its organization, management, and operations are concerned is valuable to other existing local law reviews, and those that have been newly constituted or are to be formed in the future. Furthermore, the soundness of the JOURNAL's structure goes into its ability to fulfill its obligations to the College as its scholarly face and to the academic and legal community as an enduring guardian and advocate of scholarship.

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This Centennial Issue of the PHILIPPINE LAW JOURNAL is a wordy exercise of celebrating the past 100 years of the publication. More than half of the issue was devoted to assessing the JOURNAL in the context of the current state of legal scholarship in the Philippines and reviewing articles that were once printed by the publication. The first two articles, while unrelated to the JOURNAL's centennial, were written by a former chair and a former member of the student editorial board. The *Foreword*, authored by the present Chief Justice (who is likewise an alumna of the publication), was purposefully juxtaposed with a reprint of its counterparts in the first issue of the JOURNAL, including one from the country's first Chief Justice.

To a former editor or a frequent reader of the JOURNAL, this issue is one shrouded in strangeness. Possibly, there is the sense that the issue has crossed the line from a respectful commemoration of the past century to a self-aggrandizement of what is, in the final analysis, a most imperfect institution. Yet for all its faults and shortcomings, the JOURNAL has become exactly that—an

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¹ It would not be the first one. The past decade of the JOURNAL is peppered with these reflective pieces on the internal management of the publication. While I personally and respectfully believe that an academic journal is an improper venue for such essays, the Centennial is a rare opportunity to assess practices and policies that have worked and those that have not. Furthermore, at the risk of sounding defensive, I will reiterate that the suggestions here *might* have practical value for other student-run law reviews in the Philippines.

institution, if not for its academic worth, at least for its sheer longevity; if not in the region as Asia's oldest English language law review,² at least in the country as its oldest law journal. Moreover, it would be hardly fair to say that the JOURNAL has not made any academic or social impact: for instance, the JOURNAL is the only local law review cited in the deliberations of the 1986 Constitutional Commission that drafted the present basic law,³ and much has been devoted already to the discussion of the publication's role in shaping and interpreting indigenous people's rights law.

Perhaps the strangeness, then, lies in the contrast between the nostalgia of the Centennial Celebrations with the pioneering spirit of the JOURNAL. It might indeed be strange for the JOURNAL to look to the past when it has always looked to the future.

Or so we think. While articles published in the JOURNAL have generally retained a radical, revolutionary character, the organizational infrastructure of the publication is firmly stuck in the past, detached from new and present realities.

A survey of forewords written by chairs and editorial boards of the JOURNAL in the past decade and casual conversations between predecessors and successors reveal an incredibly clear awareness of the long-term administrative problems that the publication's ever-changing management faces: the absence of continuity between editorial boards, the inconsistency in editorial standards and citation formats (and even the layout and appearance of JOURNAL issues) through the years, and the weakness of editor-author relationships, among many others. One would think that, with such a consistent and extensive self-diagnosis, the JOURNAL would have already attended to these; in fact, to the credit of earlier editorial boards, there have been attempts to remedy the situation through solutions like the Internship Program.⁴

² Kevin Y. L. Tan, Essay, *The Journey of a Journal: 50 Years of the Singapore Journal of Legal Studies*, 2009 SING. J. LEGAL STUD. 1, 2.

³ Among papers cited were Jorge R. Coquia, *Development of the Archipelagic Doctrine as a Recognized Principle in International Law*, 58 PHIL. L.J. 13 (1983), in I JOURNAL CONST. COMM'N 20 (July 1, 1986); Perfecto V. Fernandez, *Towards a Definition of National Policy on Recognition of Ethnic Law*, 55 PHIL. L.J. 383 (1980), in II JOURNAL CONST. COMM'N 68 (Aug. 29, 1986); and Raphael Perpetuo M. Lotilla, *Student Academic Freedom in Institutions of Higher Learning*, 57 PHIL. L.J. 552 (1982), in II JOURNAL CONST. COMM'N 69 (Aug. 30, 1986).

⁴ The Program is designed to prepare interns, who are likely to take the annual competitive examinations for admission to the JOURNAL's editorial board, for *potential* membership in the publication by exposing them to editorial and administrative work. See Johann Carlos S. Barcena, *Sisyphus' Lament, Part V.I: Laying Foundations and Reinforcing an Institution through an Effective Internship Program*, 84 PHIL. L.J. i (2010). The problem, of course, is that few of these interns actually top the annual examinations and land a spot in the editorial board.

Yet none of these concerns have been seriously or effectively addressed because of the tendency of editorial boards to protect and uphold *tradition*. Membership in the editorial board continues to be determined purely on the basis of academic qualifications and an annual examination, designed to test the writing and editing skills of aspiring members, when as a purely student-run operation, what each editorial board actually needs is some measure of managerial competence that can only be acquired through experience. The number of seats in the board remain fixed at eight when the online expansion of the JOURNAL and the increasing complication of source-checking work has required more heads and hands. As for the Internship Program, editorial boards have been content with offering interns the opportunity for “training” and “growth” while withholding the right to claim *bona fide* membership in the JOURNAL, even if interns provide invaluable service to the publication. In effect, because membership in the JOURNAL remains to be inaccessible, editors often leave the College with bright hiring prospects; meanwhile, the publication is left with an inexperienced, undermanned, and to a certain extent, exploitative management.⁵

Looking at the bigger picture and in the context of the functions of the JOURNAL, these “administrative” problems have had serious operational consequences: first, despite the incumbent board’s desire to regularly update its website, the lack of manpower has left the JOURNAL’s online presence to stagnate into an archive of past issues; second, because of the absence of a technological transfer between editorial boards, each board is left with no choice but to structure anew every aspect of the JOURNAL’s operations, resulting in delays in publication;⁶ third, the non-creditable and non-compulsory nature of participation in the Internship Program has disincentivized interns from being deeply immersed in the operations of the publication, rendering unfulfilled the very objectives of the program. I do not claim to have empirical evidence to support these assertions, but they flow from the observation of a chair and a former intern of the publication.

It is evident, then, that in looking to the *future* of the PHILIPPINE LAW JOURNAL, the College which publishes it and future editorial boards must retrofit the institution for the next 100 years.

⁵ Parenthetically, these practices and policies might have worked in a *different* time. For instance, the continuity problem that arises when a completely new board qualifies every year might have been mitigated by the practice of appointing a *faculty editor* who held the position for a longer period.

⁶ The incumbent board has attempted to remedy this situation by codifying the custom of the JOURNAL to assist succeeding boards.

What I personally advocate is certainly not the total abrogation of the annual competitive examination system, but effectively longer, staggered terms for members of the editorial board; the complacency that comes with tenure can be countered by strict rules for retention of membership. I do believe that an entrance examination solely administered by a faculty committee is essential to maintain the integrity and credibility of the admissions process.⁷ Because the chair, in practice, mainly functions as the chief administrative and executive officer of the JOURNAL, the College might also look into the possibility of having the chair elected by the board (instead of him or her being automatically appointed by reason of his or her topping the examination, as I doubt whether there is any correlation between excellence in writing and management competence), or alternatively, a *managing editor* elected by the board to spearhead the various administrative functions in the JOURNAL. As to the number of members, the board must be expanded to at least accommodate a separate online editor. A proposal to create a permanent student staff for the JOURNAL, even if, for prestige's sake, under a different organization, is also worth considering.

Finally, it might be best for the College to constitute a special committee—composed of former editors, members of the faculty, and other key stakeholders—to draft and propose long-term reforms to the JOURNAL's structure and operations. While it may be presumed that all editorial boards aim to contribute to the hundred-year legacy of the publication by inserting a reform measure, none of them have the time, energy, and most importantly, power to put in place policies that will transcend their changing compositions.

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*A century of Philippine legal scholarship.*⁸ Many papers can and have been written about the role of law reviews, but the PHILIPPINE LAW JOURNAL, by accident of history as the Philippines' oldest law review, has a special place in our country's legal system. The Centennial has provided the publication (and its stakeholders, particularly its former editors and the College) a chance to appreciate that "special place," but if the JOURNAL is to maintain its status as the Philippines' premier student-run law review, and possibly *expand* that status as an important law journal in the region, it must now look to the *future*. If there is any *tradition* we ought to cling to, it is that of upholding diligence, persistence, and

⁷ I, however, respectfully disagree with Oscar Tan (*see* Oscar Tan, *Sisyphus' Lament VII: The Death of the Philippine Law Journal*, 88 PHIL. L.J. 539 (2014)) when it comes to the issue of whether the process should return to the old one-week examination format, the integrity of which cannot be secured; an honor code is not invulnerable against the zeal of one who intends to secure a membership in the JOURNAL.

⁸ Ma. Lourdes P. A. Sreno, *Foreword*, 88 PHIL. L.J. xi, xi (2014).

critical thinking—the values by which the JOURNAL thrived, and those which should continue to guide it as it authors this new century.

Let the writing of the next 100 years begin.

PHILIPPINE LAW JOURNAL

Published by the College of Law, University of the Philippines,
Diliman, Quezon City, Philippines

VOLUME 88

OCTOBER 2014

No. 4

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ACKNOWLEDGMENTS

The Editorial Board of the PHILIPPINE LAW JOURNAL Volume 88 would like to acknowledge the assistance of our interns for this volume. Participants in the PLJ Internship Program assist the members of the Editorial Board in their regular editorial and administrative tasks. Because membership in the JOURNAL is purely on the basis of academic qualifications and the annual competitive examinations, participants in the Internship Program are not members of the publication. However, participation in the internship program is especially encouraged for students interested in membership in the Board, as it exposes them to the work of student editors.

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