

## FOREWORD\*

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The Philippine Law Journal has featured many scholarly works that focused on the wisdom of the law. It is in keeping with this great tradition of legal scholarship that legal luminaries and scholars write papers that do not merely explain what the law is and what it should be, but likewise offer guidance on how policies embodied by these laws should be formulated and enforced.

This most recent issue of the Philippine Law Journal features scholarly works dedicated to addressing immediate compelling policy considerations facing the country today.

Senior Associate Justice Antonio T. Carpio, in his article entitled *The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea* presents a comprehensive discussion relating to the South China Sea Dispute. It details the history of the interactions between the Philippines and China leading up to the arbitration proceedings before the Permanent Court of Arbitration (PCA). By examining the issues raised before the PCA, Justice Carpio provides a glimpse of how the case was decided in favor of the Philippines. It further offers enforcement mechanisms and peaceful courses of action the Philippines may resort to in order to enforce the Arbitral award against China.

A requirement for the strengthening of the Rule of Law is the existence of unwavering public confidence in democratic institutions such as the Judiciary. Darwin P. Angeles, in his article entitled *Judicial Flip-Flopping and the Philippine Supreme Court: The Myth of Judicial Infallibility and Its Role in Preserving the Rule of Law* reexamines the phenomenon of “judicial flip-flopping.” It explains its adverse effects on the Supreme Court as an institution at the forefront of upholding the primacy of the Rule of Law. In particular, Angeles argues that although in general judicial flip-flopping may serve “practical and ‘higher interests of justice’ in the short term”, it may nevertheless contribute to the decay of the Rule of Law in the long term.

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\* Cite as Danilo L. Concepcion, *Foreword*, 90 PHIL. L.J. v. (page cited) (2017).

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The Bill of Rights as enshrined in the Constitution is the cornerstone of our democracy. Centered on this fundamental principle, Pola Lia Celina L. Lamarca in her paper entitled *The Tunnel Before the Light: The Role of Amparo in the Philippine Framework of Human Rights*, examines the development of the Rule of the Writ of Amparo in the context of human rights law since its promulgation by the Supreme Court in 2007. Lamarca calls for the expansion of the scope of the Rule so as to “truly give life to the fundamental right to life, liberty and security of persons”.

With the growing public clamor for same-sex legislation around the world, Jocel Isidro S. Dilag in his paper entitled *#LoveWins: Stimulating the Institution of Property Relations for Same-Sex Partners* examines the viability of applying existing laws to property relationships of same-sex partners. Through the use of existing provisions of the New Civil Code and the Family Code, Dilag provides a sound legal framework for qualified same-sex partners to be given similar property benefits currently enjoyed by married heterosexuals under the Family Code.

Law journals play an important role in the formulation of pertinent State policies. It is an avenue where luminaries and legal scholars can impart their knowledge on specific issues of great importance to key actors in the public arena. This issue of the Philippine Law Journal presents uncharted ideas which goes beyond the normative and the positive texts of the law as the papers it feature illustrate how State policies can be enforced and better serve their purposes. This will be of great use to readers as the postulations presented in these scholarly works may be a springboard in searching for answers to the many problems presently hounding our nation.

I salute the Philippine Law Journal for its invaluable contribution to legal scholarship and staying true to the University's motto of *honor* and *excellence*.

Mabuhay!