

FOREWORD*

*Vice President Maria Leonor G. Robredo***

To say that the law is important is an understatement. It recognizes what the people can do as members of a community. It says what public officials ought to do as servants of the people. It protects the poor and disenfranchised, defends the state against corruption, and creates a just society. Indeed, the rule of law is the cornerstone of the Philippine legal system.¹

Justice Isagani Cruz has said, “This is once again an open society, with all the acts of the government subject to public scrutiny and available always to public cognizance. This has to be so if our country is to remain democratic, with sovereignty residing in the people and all government authority emanating from them.”² Our duty as legal professionals is to defend the primacy of the rule of law, and through it ensure that those who have less in life should have more in law, as former President Ramon Magsaysay famously said.

But we must not be content with making sure that everybody follows the law. We need to embrace a more proactive role in shaping the legal system. This requires a rich resource of legal analysis through which we develop critical thinking and encourage conscious discourse. As the law is an evolving institution, we rely on the work of writers and the quiet perseverance of thinkers to gain a better understanding of emerging issues. The Philippine Law Journal is one of those committed to cultivating and disseminating legal knowledge.

In this issue, the Philippine Law Journal exposes us to the reality that our Constitution is not immune from the challenge to remain relevant. Evident in the piece entitled “*The Blurring of the Public-Private Distinction:*

* Cite as Maria Leonor G. Robredo, *Foreword*, 90 PHIL. L.J. v, (page cited) (2015).

** Vice President of the Philippines (2016-present); Chairperson, Housing and Urban Development Coordinating Council (2016-present); Congresswoman for the Third District of Camarines Sur, House of Representatives (2013-2016); Doctorate in Public Administration (*Honoris Causa*), Polytechnic University of the Philippines (2015); Coordinator, Sentro ng Alternatibong Lingap Panligan; Public Attorney’s Office; J.L.B., University of Nueva Caceres (1992); B.A. Economics, University of the Philippines (1986).

¹ *Poe-Llamanzares v. Commission on Elections*, G.R. No. 221697 and G.R. No. 221698-700, Apt. 5, 2016 (Brion, *J.*, dissenting).

² *Tanada v. Tuvera*, G.R. No. L-63915, 146 SCRA 446, 456, Dec. 29, 1986.

Obsolescence of the State Action Doctrine” of Raphael Lorenzo A. Pangalangan is a potential evolution of our Bill of Rights, the proposition being that the state action doctrine should be abandoned as private actors have become a threat to our fundamental freedoms.

The function of state policies is addressed in “*Charting the Waters of Constitutional Construction: A Function-Based Framework for Appreciating Our Constitutional State Policies?*” of Efren II R. Resurreccion. It emphasizes that the Declaration of State Policies embodied in Article II of the Constitution should not be readily dismissed as mere surplusage.

In the “*The Bed & the Bar: Regulating Attorney-Client Sexual Relations in the Philippines?*” by Antonio B.C. Reynes, the balancing of public interest and private interest is examined, as it tackles the constitutionality of regulating sexual relations.

Russell Stanley Q. Geronimo’s “*How Short Sales Circumvent the Capital Gains Tax System?*” brings to light the absence of regulation in the stock market.

What is apparent from these articles is the inevitability of change and the need to push for inclusive and swift justice. The belief that justice serves only those who can afford it is something we must all fight. For in an ideal world, those who are in the fringes of society should find justice in the courts. We trust that striving for legal advancement will retain the law as an instrument of justice and empowerment, especially at this most crucial stage in our country’s development story.

Maraming Salamat, PLJ. Mabuhay!