

## FOREWORD\*

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The second issue of the PHILIPPINE LAW JOURNAL Volume No. 91 is an anthology of articles covering issues in different fields of law. With pieces written by jurists, members of the academe, and law students, this issue aims to provide an overview of the state of Philippine law in general.

In constitutional law, this issue is graced by writings of two former members of the Supreme Court. In *Political Dynasties Must Go*, Chief Justice Reynato S. Puno (ret.), as Chair of the Consultative Committee tasked to review the 1987 Constitution, advocates the strict regulation of political dynasties. Originally delivered as a speech before the Committee, Chief Justice Puno advocates the inclusion of a self-executing provision in the proposed new Charter that prohibits relatives of incumbent officials up to the second degree of consanguinity or affinity from running for office. In *Congress as a Constituent Assembly*, Associate Justice Vicente V. Mendoza (ret.) offers his interpretation on the manner in which Congress may effect amendments to or revisions of the 1987 Constitution, an issue that presently is subject of much legal debate.

Another article on political law is Marie Catherine S. Alcantara's *The "Impeachment Epidemic": Defeating the One-Year Bar Rule*, where she discusses the country's recent experiences on the impeachment process, and offers a reinterpretation of the current jurisprudence on the counting of the one-year bar rule to enhance accountability and transparency in public service.

Exploring the intersection between law and science, *GMO Scared: Postscripts on the Philippines' First Major Legal Battle on GMOs* by Prof. Edgardo Carlo L. Vistan II discusses the Supreme Court's first landmark case on genetically modified organisms (GMOs), offers insights on their regulation through the constitutional lens of separation of powers, and analyzes the Court's overreach in applying its outsized version of the precautionary principle under the rules on environmental cases.

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Winner of the Florida Ruth P. Romero Prize for Best Paper in Family Law, *Beyond Best Interests: The Court's Role in Insulating the Child During "Divorce" Proceedings*, authored by Giselle C. Jose, examines the unique position of the Filipino child in legal proceedings involving the dissolution of his or her parents' marriage. It looks into the consequences of gaps in legislation, and analyzes the existing mechanisms for ensuring the well-being of the child during and after "divorce," including the institution of independent legal representation.

In the field of succession law are two articles. Hilton A. Lazo's *Piercing the Iron Curtain Rule in Intestate Succession: A Due Process Approach* introduces the irrebuttable presumption analysis as a new viable framework for judicial review to the iron curtain rule. Using the framework, Lazo suggests that the rule should not be viewed as a conclusive presumption of enmity that bars succession between an illegitimate child and her parents' legitimate relatives, but should give way to contrary evidence to vouchsafe a litigant's right to a meaningful participation in the judicial process.

*Digital Succession: Addressing the Disposition of Juan's Online Digital Assets Upon his Death* by Macario B. Manicad III and Alyanna D. Perez explores several legal issues on the inheritance of digital assets, which include the determination of their ownership and transferability, and the successors' right to access the decedent's accounts and uploaded materials in light of the privacy agreements entered into with internet companies.

Lee Edson P. Yarcia's *Redefining the Element of "Duty" Towards an Objective Standard: An Interdisciplinary Appraisal of Medical Negligence Jurisprudence in the Philippines* examines recent and leading cases on medical negligence, and analyzes the standard of behavior imposed on physicians by jurisprudence. Ultimately, Yarcia offers a reevaluation of how the courts should view the physician's "duty" using an interdisciplinary lens, and in consideration of the complexities of each case.

Related to the preceding article is Stephanie Anne V. Oracion's *The Tort of Medical Errors: A Change in Perspective*, which explores different means of dealing with error in medical malpractice cases other than the traditional negligence analysis. It looks at alternative avenues for the speedy resolution of medical negligence cases by creating uniform standards for compensation, and establishing administrative health courts.

In the field of tax law, Jonas Miguelito P. Cruz's *In Defense of the Taxpayer: 2017 in Review* provides a survey of tax cases decided by the

Supreme Court in 2017, particularly those with new interpretations of provisions of the Tax Code with regard to the procedural rules on assessments and how they are appealed, and the Court of Tax Appeal's expanded authority to review such issues.

It is hoped that this issue will provide the readers with, not only an overview and appreciation of Philippine law, both novel and already much debated, but also opinions on the operation and amendment of our laws, grounded on academic persuasion as they impact present and future political and social developments.

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