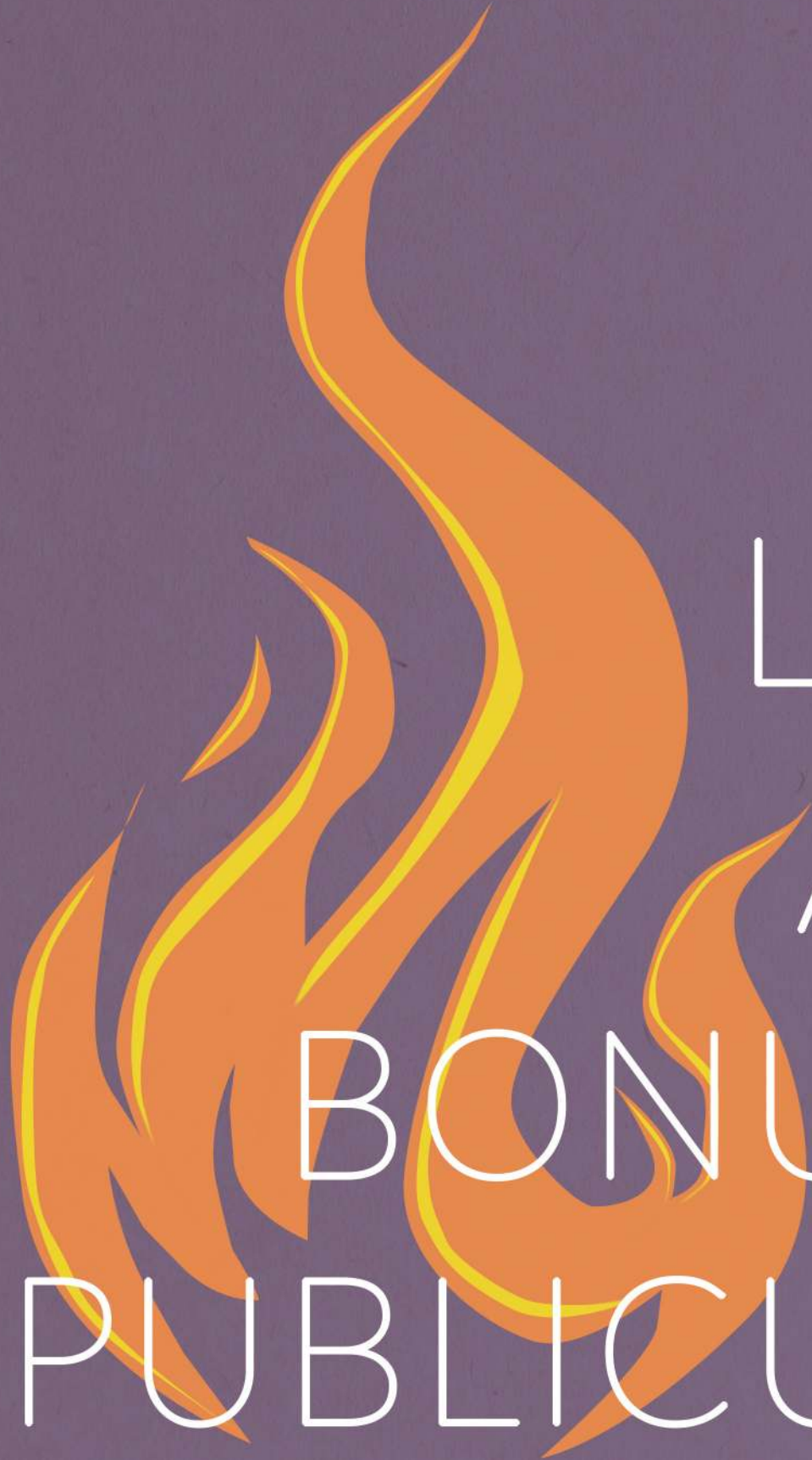




GAZETTE

2021



LEX

AD

BONUM

PUBLICUM

editor's note

Dear readers,

We face a phenomenon no one could have foreseen. It has taken a toll on our usual activities. The used-to-bes became a mere longing in light of the threat posed by the newly discovered disease, COVID-19. Despite the limitations and restrictions it caused, you have at hand a collaboration from the PLM Law Gazette.

At present, we communicate using the internet. It has been quite a while since we last enjoyed the company of each other—sharing thoughts and perspectives on various matters affecting our community, national issues and cross-border impacts. We are witnesses to the year-round changes made to embrace the new normal. We share the same sentiments with regard to the sudden transition from conventional methods of learning to distance learning using online platforms. However, as the latter progresses, there are those who are left behind; those who do not have the means to comply with the sudden shift in attending to our classes. Yet, the same is not attributed to these individuals, but to the all in all unreadiness of the system, internet connection services, gadgets required and much more that hinder us in this journey.

Regardless, I am optimistic that someday we will attain the balance to address the needs of the community. We are fortunate enough to have a pillar in the PLM College of Law that attends to its students and adjust systemically to those who cannot abruptly adapt to the transition of what was into what is.

To all who have contributed to this issue; the PLM Law administration; our adviser, Atty. Rickee Brieva; our dearest Dean George Erwin Garcia, and most especially to the whole Gazette team; our Associate Editor, Ms. Clio Ocampo; our Managing Editor, Ms. Anthea Oarde; our Arts and Media Editor, Ms. Precius Anies; our section heads, Ms. Sarah Asis, Ms. Kristalline Hadjirul, Mr. Lamarck Luna and Ms. Natasha San Pedro; and to all our correspondents: it is but an honor to have collaborated with you in this great work of art.

This issue is a result of planning and preparation, accepting adversities, embracing all the changes and learning from our failures. Certainly, all of us have faced challenges along the way, yet we have arrived and set foot on this gratifying achievement. The effort, dedication and perseverance you all shared are examples of inspiration, motivation and encouragement to our fellow students to do more in writing as you impart words of life, new beginnings and accomplishments, especially in this period of uncertainty.

Through this literary work, we hope to convey inspiration and motivation to all law students with the comfort that although we share different pains and obstacles, we are here for each other to share our successes toward our journey in becoming lawyers.

Padayon! Congratulations future pañeros and pañeras.



Casin Mae B. Cenit, Rpm
Editor-in-Chief



Casina Mae Cenit
EDITOR-IN-CHIEF

Clio Marie Ocampo
ASSOCIATE EDITOR

Anthea Margarita Oarde
MANAGING EDITOR

Precius Aiah Anies
ARTS AND MEDIA EDITOR

Kristalline Hadjirul
NEWS EDITOR

Lamarck Luna
OPINION EDITOR

Sarah Jane Asis
LEGAL UPDATES EDITOR

Natasha San Pedro
FEATURE EDITOR

Alexandra Fabella, Diane Mapoy,
Enrique San Juan, Hazel Foster
CORRESPONDENTS

Clio Pantaleon, Jamaica Aquino
LAYOUT ARTISTS

Atty. Rickee Gerald Brieva
ADVISER

g a z e t t e
t e a m

2 News

Legal
Updates 31

50 Editorial

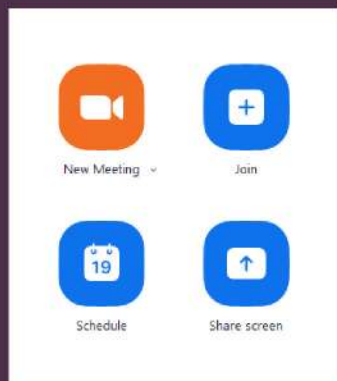
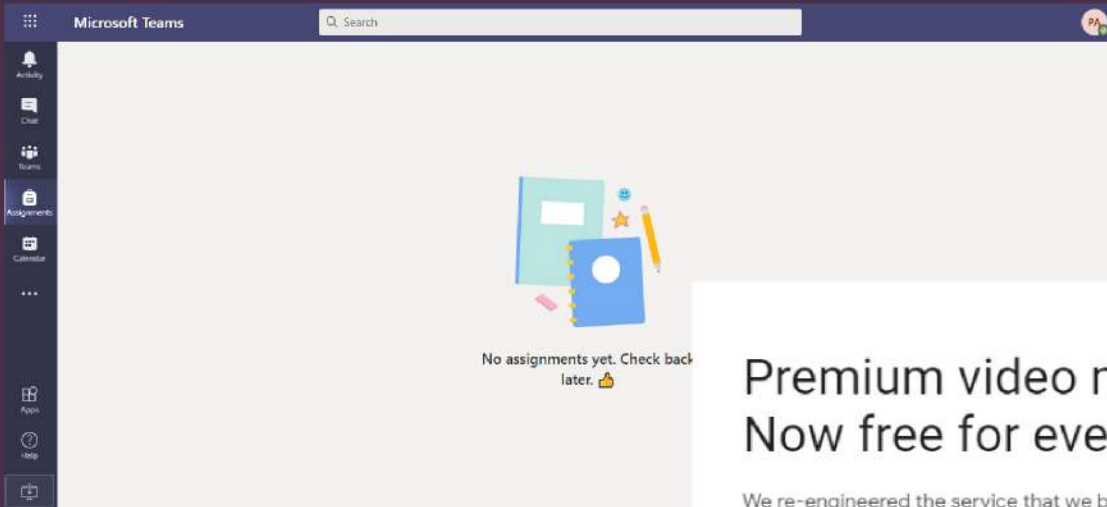
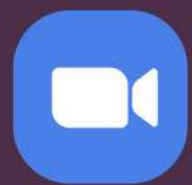
Feature 64

NEWS



"Boss, balita?"

Photo by: JOANNE CAMILLE P. BEJARIN



Premium video meetings. Now free for everyone.

We re-engineered the service that we built for secure business meetings, Google Meet, to make it free and available for all.

[New meeting](#) [Join](#)

[Learn more about Google Meet](#)

College of Law Transitions to Online Classes

To curb the effects of academic inactivity following President Rodrigo Duterte's declaration placing the National Capital Region (NCR) under community quarantine in an effort to control the spread of Novel Coronavirus Disease 2019 (COVID-19), the Pamantasan ng Lungsod ng Maynila College of Law (PLM-CL) initially released a resolution promoting alternative distance learning and gave professors the discretion on how to conduct online classes.

Online lectures and the submission of assignments via online platforms were encouraged. However, these initiatives were halted as PLM University President Emmanuel Leyco passed Office Order 2020-0317-01 Series of 2020 which suspended all academic tasks until further notice to enable the faculty and students to focus on their welfare. In April, PLM gave all of its students a passing mark for the academic year 2019-2020.

The pandemic did not hamper graduate schools from pursuing their own college activities amidst class suspensions in lower levels. In law school, classroom discussions on doctrines and jurisprudence play a large factor in the preparation for the Bar examinations. Fortunately, free online lectures on law subjects were hosted by institutions like the Philippine Association of Law Schools (PALS) and Rex Book Store.

PLM-COL began to adopt this idea as it launched exclusive online lectures for its students on various law subjects conducted by its faculty via Zoom. Students were sent Zoom invitation links through their class beadies prior to the lecture and the recording of the lectures and handouts, if any, were later distributed to give access to students who were not able to attend due to connectivity issues.

Dean Garcia expressed that the college is adapting to the new normal and exploring plans to address the challenges faced by educational institutions during the pandemic. He suggested that students should start getting comfortable with the online lecture setup considering that ample time is needed to resolve the pandemic since schools cannot afford to entirely cease academic activity.

Thus, on 3 August 2020, the college completed their resolve to transition to online classes as it commenced the enrollment period for Term 1, academic year 2020-2021. PLM-COL is set to start the term on 3 September 2020. The PLM- Information and Communications Technology Office (PLM-ICTO) has already distributed Microsoft Outlook accounts to each student to be used for online classes.

PLM-CL Hosts Exclusive Online Lecture Series

By Dhea-Amor A Cabug

Amidst the suspension of classes due to the pandemic, the Pamantasan ng Lungsod ng Maynila College of Law (PLM-CL) encouraged students to continue their studies with the conduct of an exclusive online lecture series on various fields of law beginning 15 May 2020.

At the onslaught of the Novel Coronavirus Disease 2019 (COVID-19) pandemic in the Philippines, schools, companies, and even government offices suspended their face-to-face services. There was a huge surge in the demand to shift to online processes across various sectors in order to keep things running.

Fortunately, institutions like the Philippine Association of Law Schools (PALS) and Rex Book Store decided to make use of the suspension to host free online lectures on law subjects. PALS thus launched an online lecture series through their Facebook page where deans and professors of various law schools across the Philippines lectured on specific fields of law. Rex Book Store on the other hand, launched online lectures on various subjects such as commercial law, civil law, and education law.

PLM-CL joins this initiative as Dean George Erwin Garcia announced that the college and its faculty will conduct a free online lecture series exclusive for its students. Students were thus sent Zoom invitations. Additionally, most lectures were recorded and other materials were later distributed to enable students to access them in their own time.

The online lecture series was officially launched on 15 May 2020 as Atty. Leah Sebastian conducted a lecture on the Philippine Competition law and a number of faculty members followed after.

Below is the list of faculty members who lectured in the series, the corresponding law subject they lectured on, and the date of their lecture:

FACULTY	SUBJECT	DATE
Atty. Leah Sebastian	Philippine Competition Law	15 May 2020
Atty. Josephrally L. Chavez	Taxation Law Part 1	20 May 2020
Atty. Roselle Sarino	Special Proceedings	22 May 2020
Atty. Josephrally L. Chavez	Taxation Law Part 2	27 May 2020
Atty. Josephrally L. Chavez	Taxation Law Part 3	27 May 2020
Atty. Francis Borja	Commercial Law	29 May 2020
Atty. Josephrally L. Chavez	Taxation Law Part 4	3 June 2020
Dean Cecilio Dioneda Duka	Labor Law Review Part 1	3 June 2020
Atty. Bong Lopez	Constitutional Law Part 1	5 June 2020
Atty. Kristian Gargantiel	Anti-Graft and Corrupt Practices Act	6 June 2020
Dean Cecilio Dioneda Duka	Labor Law Review Part 2	10 June 2020
Atty. Judy Lardizabal	Persons and Family Relations	11 June 2020
Atty. Judy Lardizabal	Obligations and Contracts	13 June 2020
Atty. Teresita L. Cruz	Succession	16 June 2020
Atty. Teresita L. Cruz	Property	17 June 2020
Comm. Ivy D. Patdu	Data Privacy Act	19 June 2020
Atty. Modesto Ticman, Jr.	Criminal Law Part 1	24 June 2020
Atty. Modesto Ticman, Jr.	Criminal Law Part 2	26 June 2020
Atty. Kristian Gargantiel	Anti-Hazing and Safe Spaces Act	27 June 2020
Atty. Bong Lopez	Constitutional Law Part 2	4 July 2020
Dean Ed Vincent Albano	Civil Law Review Part 1	7 July 2020
Dean Ed Vincent Albano	Civil Law Review Part 2	9 July 2020
Dean George Garcia	Election Law Part 1	11 July 2020
Dean George Garcia	Election Law Part 2	18 July 2020
Atty. Kristian Gargantiel	Cybercrime, Anti-Money Laundering, Anti-Terrorism Act	18 July 2020
Judge Marlo B. Campanilla	Special Penal Laws Part 1	19 July 2020
Judge Marlo B. Campanilla	Special Penal Laws Part 2	25 July 2020
Judge Joeven Delloso	Criminal Procedure Part 1	26 July 2020
Judge Joeven Delloso	Criminal Procedure Part 2	31 July 2020
Atty. Zarah Villanueva-Castro	Commercial Law Part 1	7 August 2020
Atty. Zarah Villanueva-Castro	Commercial Law Part 2	12 August 2020
Atty. Archilo Matugas	Labor Law at a Glance	14 August 2020
Atty. Zarah Villanueva-Castro	Commercial Law Part 3	17 August 2020
Atty. Zarah Villanueva-Castro	Commercial Law Part 4	18 August 2020

The list continues as the college still conducts such lectures in the interest of helping its students to pursue their legal education despite the adversities brought by COVID-19.

In a span of three months, the college hosted a total of 34 free online lectures for their students. Such is a huge contribution considering that online lectures typically cost about 400 PHP per day in selected bar review centers.

Bar Review Lecture
The Philippine Competition Act

Republic Act 10667

Atty. Leah Jose-Sebastian



Atty. Leah Jose- Sebastian
Philippine Competition Law



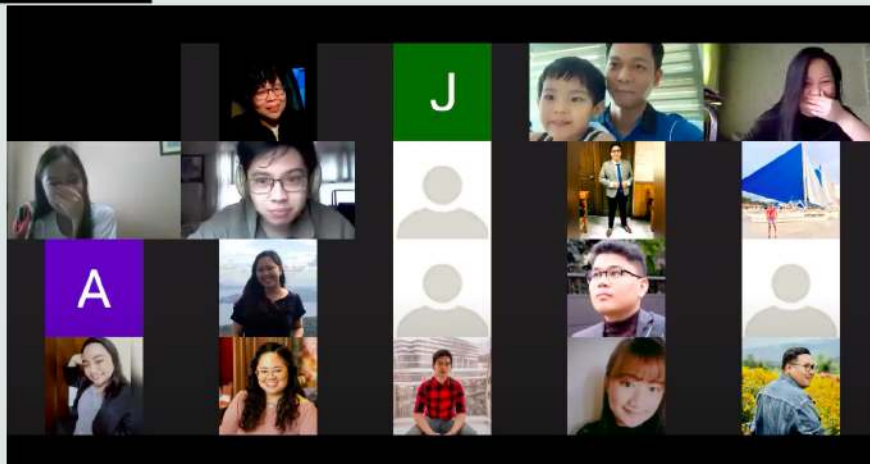
Dean Cecilio Dioneda Duka
Labor Law Review

Learning objectives

1. To gain basic knowledge and understanding of some established principles in labor law.
2. To get you interested in taking a deeper dive into labor law not just for the bar exam but as an integral part of your professional development as a legal scholar.

Atty. Archilo R. Matugas
Bachelor of Laws (LLB), Ateneo de Manila University
Master of Laws (LLM), Singapore Management University

Atty. Archilo Matugas
Labor Law at a Glance



Atty. Josephrally L. Chavez
Taxation Law

CLSC Welcomes 2020 Freshmen

By Donald Fiegalan

The Pamantasan ng Lungsod ng Maynila (PLM) College of Law Student Council (CLSC) conducted its first online Freshmen Introductory Session via zoom meetings on 16 August 2020.

The event was organized by the CLSC Vice President for Internal Affairs, Jell Effie Waje, and hosted by the Vice President for External Affairs, Catherine Jade David (David) and Public Relations Officer, Aaron Thomas de Guia. The session aimed to give the freshmen students a glimpse of their journey towards the Bar. In line with this, the CLSC prepared a special segment entitled "Teaching 101" to provide useful tips and advices while in law school.

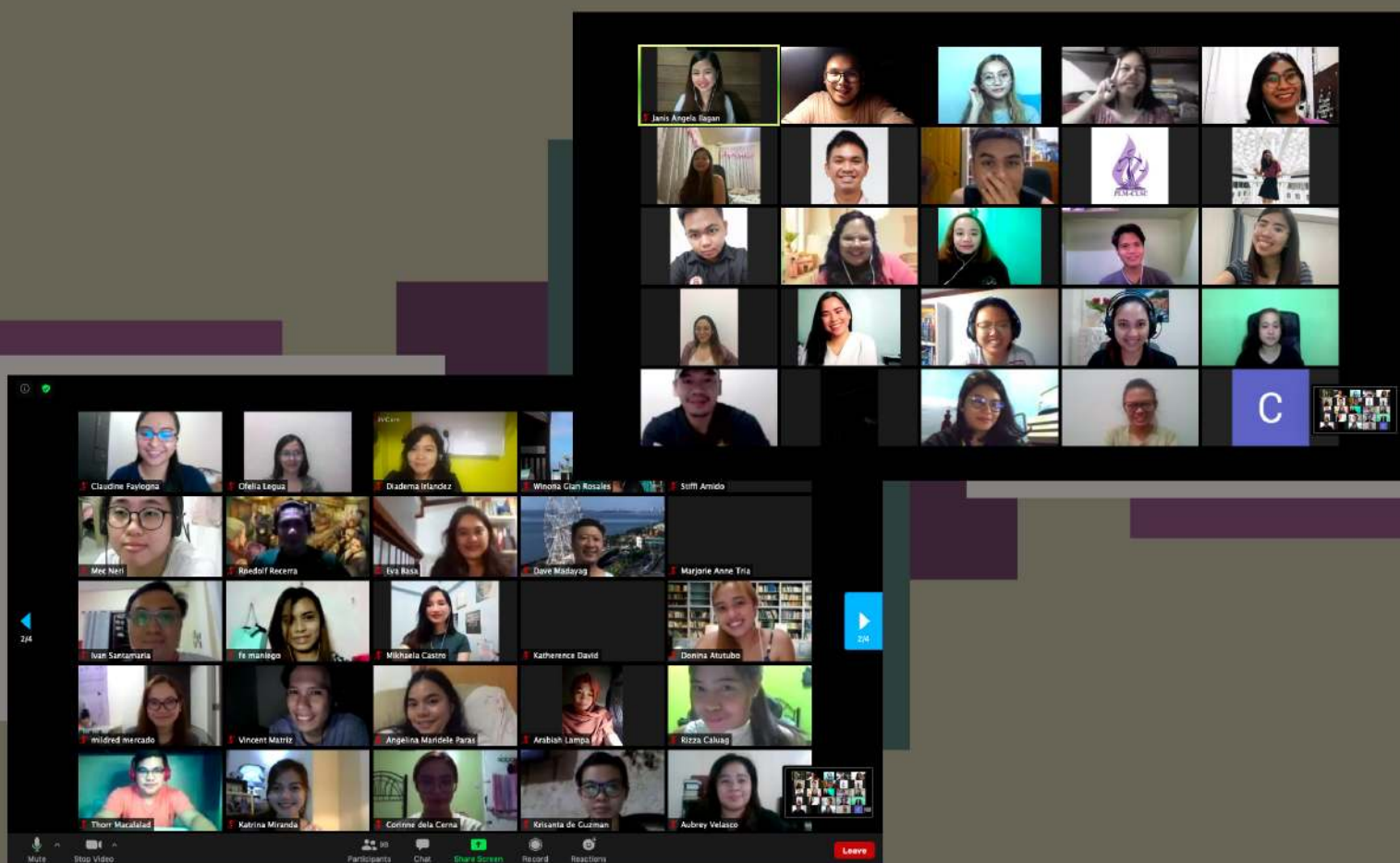
The Freshmen Introductory Session was formally started with a prayer led by David. Then, the CLSC President, Janis Angela Ilagan delivered her welcoming remarks to welcome the newly admitted haribons. The Teaching 101 proper began with the discussion of the current law curriculum. Fiegalan shared steps on how to ace the recitations including the dos and don'ts while on deck. It was followed by CLSC Treasurer Maridie Torne, who discussed how to make a case digest. She emphasized on its vital parts and how to properly spot the issues accurately. CLSC Auditor Angelina Paras then shared effective and efficient ways to answer examinations following the so-called ALAC or IRAC method. Lastly, CLSC Secretary Marbie

Simbahan discussed how to maximize effective learning materials including self-assessment as part of evaluating which learning material should be best used by a student.

To lighten the mood, an icebreaker entitled "Categories" was played by some of the freshmen representing their respective blocks. Afterwards, Cielo Musa and Janelle Nuval, shared about their experiences as a full-time student and a working student respectively.

This year, freshmen applications were assuaged, and were required to submit documents and an undertaking electronically but all online submissions shall be submitted in hard copies upon the resumption of regular work. This introductory session is a getting-to-know and a preparatory phase of the freshmen students before they formally commence their law school education.

The 2020 Covid-19 pandemic posed challenges to various institutions particularly to the method and conduct of classes. However, despite such adversities, the PLM College of Law admitted more than 300 freshmen for the upcoming semester despite not being able to measure their aptitude and readiness to hurdle law school because as a school which values education, the submission of the application is an indicator that applicants have the grit to take up law school.



PLM Offers FINANCIAL ASSISTANCE

News, 21 August 2020



PLM Offers FINANCIAL ASSISTANCE

In view of the crisis brought by the Novel Coronavirus Disease 2019 (COVID-19) pandemic, the Pamantasan ng Lungsod ng Maynila (PLM) Office of the University President submitted Administrative Order No. 14 Series of 2020. Said Order provides financial assistance for the 1st semester and 1st trimester of the Academic Year 2020-2021 via discounts in tuition and other fees for graduate and professional school students who were economically affected by the pandemic.

As stated therein, students who are children of single parents, senior citizens, persons with disabilities, and PLM employees are covered by the grant. Moreover, students who were economically affected because of loss of employment, reduction in the family income, and closure of business or enterprise are also covered.

Students who are covered by this grant should submit the appropriate documentary requirements proving their qualifications. Upon the successful evaluation by the PLM Office of the President, they may be granted either 50% or 100% tuition fee assistance. However, the said student is required to submit a sworn undertaking that he or she shall render 1 year of community service in exchange for the 100% tuition fee assistance or 6 months of community services for 50% tuition fee assistance.

Aside from the mentioned assistance, the University also acknowledged the burden of the pandemic and allowed paying students to automatically avail themselves the option of paying their tuition fee in installments. All these were done to ensure that students will still be able to continue their education despite the challenges posed by the pandemic.



"Tayo at ang Mundo"
Photo by: JOANNE CAMILLE P. BEJARIN

PLM LEADS

Taal Donation Drive

By: Florante Moren



Two days after the eruption of the Taal Volcano on 12 January 2020 which prompted thousands of citizens to flee from their homes, the Pamantasan ng Lungsod ng Maynila (PLM) College of Law Student Council (CLSC), in coordination with the City of Manila, launched a Taal Donation Drive.

PLM College of Law administrators, faculty members, students and alumni actively participated in the gathering of goods to be distributed to the victims. Thus, several boxes of relief goods containing rice, biscuits, noodles, toiletries, canned food, bottled water, masks, clothes, medicine, blankets and mats were produced for the affected communities.

After the quick collection of the goods, the donations were turned over to the City of Manila for delivery and distribution. The City thereafter thanked the PLM-COL community for their generosity in extending help for the victims of the taal eruption.

CLSC LAUNCHES DAMAYAN PROJECT

News, 21 August 2020

"Kuya, Para Po..."

Empowered by the motto of the Pamantasan ng Lungsod ng Maynila (PLM) College of Law, Lex Ad Bonum Publicum or "Law for the Public Interest", the PLM College of Law Student Council (CLSC) presented its launching of the "CLSC Damayan: Serving the student body and partner communities" last 30 July 2020.

During these trying times, the CLSC aims to recognize and address the needs of its partner communities affected by the COVID-19 Pandemic. Thus, to kickstart the project, the CLSC presented "Kuya, Para Po...: A donation drive for Manong Pedicab Driver".

The first beneficiaries of this project are the pedicab drivers in Intramuros, Manila, whose sources of livelihood have been greatly affected by the pandemic. The CLSC consequently called for donations via money transfer through GCash, Paymaya, Unionbank, or BPI.

The proceeds of the donation drive will be used in two prongs: first, as a means to support their start-up businesses or capital to provide other means of earning a living; and second, for relief goods donation. Each driver will receive rice, noodles, canned goods, biscuits, coffee or milk, soap, alcohol, and a face mask.

The CLSC stressed that little contributions matter especially during these turbulent times and reiterated the Damayan project's motto: "Sa maliit na paraan natin lahat, mabibigyan natin ng panibagong pag-asa ang bawat isa." The CLSC is set to launch another installation of the Damayan Project.





PLM Advocates to Stop Hazing

by Justine Dagdag

Representatives from the Pamantasan ng Lungsod ng Maynila College of Law (PLM-COL) participated and signed the solidarity movement to take measures in implementing a hazing-free environment at the National Conference and Solidarity Movement against Hazing hosted by Stop Hazing PH and Crusade Against Violence at the Manila Prince Hotel on 11 February 2020.

At the conference, several key speakers shared important points regarding the hazing situation in the country and one of which was from the PLM-COL faculty, former Senator Joey Lina who is also one of the authors of Republic Act 8049 otherwise known as the Anti-Hazing law which was amended by Republic Act 11053. Lina generously discussed the purpose of the law and who may be held criminally liable under it.

The Philippine National Police Academy (PNPA) and the Philippine Military Academy (PMA) also sent their representatives to share their efforts in minimizing the hazing incidents inside the institution. They stated that one of the new policies implemented is that cadets from all classes will share the same room. Under this policy, Third Class to First Class cadets will be held accountable for each other's actions and a Fourth Class cadet will be assigned as a bunkmate for each room.

Both academies admitted that physical and psychological maltreatment, which may be classified as hazing, often occur within the school premises. However, they assured that they have created new and stringent policies which will eradicate and prevent hazing from being tolerated or abused by the cadets.

Before the program ended, all participants were made aware of the problems caused by hazing as they sign the solidarity movement in the nation's fight to stop hazing. This document shall serve as a proof that each institution, organization, or any association who signed it will take measures on implementing a hazing-free environment.

The Pamantasan ng Lungsod ng Maynila (PLM) Supreme Student Council, in partnership with several local student councils including the College of Law Student Council (CLSC) and the PLM Law Center, conducted a wholistic community outreach program entitled "PIKO: An Outreach Program for the Multidisciplinary Advancement of Barangay 105" at Tondo, Manila on 29 February 2020.

While other student councils prepared insightful talks and performances for the beneficiaries, which provided them useful knowledge and entertainment. The CLSC and the PLM Law Center on the other hand, collaborated to provide free legal assistance to the residents of Barangay 105. Law students were tasked to entertain the queries of the residents and to give legal advice and services. This opened an opportunity for the aspiring lawyers to make use of their legal knowledge and assist other individuals under the guidance of the PLM Law Center.

In honoring and adhering to the motto Lex Ad Bonum Publicum or Law for Public Interest, legal aid clinics are conducted in order to serve the public in a benevolent way, as well as to raise awareness of the different existing social realities. True to its motto, the PLM College of Law aims to produce lawyers who are well equipped to serve the people, especially the less fortunate. This Outreach Program is a testament to the College's continued commitment to serve communities like Barangay 105, Tondo.

PLM Student Council, PLM Law Center set up Legal Aid Clinic

by Meg Villarica



The Pamantasan ng Lungsod ng Maynila (PLM) Law Center held a symposium on the Anti-Red Tape Act and the Law on Ease of Doing Business at the Bukod Tanging Bulwagan from 2:00 pm to 4:00 pm on 12 September 2019.

The guest speaker at the said symposium was no other than the Director-General of the Anti-Red Tape Authority (ARTA), Atty. Jeremiah B. Belgica, an alumnus of the PLM College of Law.

Belgica discussed the core principles of the Anti-Red Tape Act and the Law on Ease of Doing Business as well as the important provisions of R.A. 11032, otherwise known as “An Act Promoting Ease of Doing Business and Efficient Delivery of Government Services” which amended the Anti-Red Tape Act of 2007.

Director-General Belgica also presented points on how to properly implement such law and emphasized its significance in eliminating inefficiency in government processes, thereby referring to the Anti-Red Tape Authority’s motto, “Bawal Sagabal sa Pagunlad,” and “Smarter and Better with ARTA”. The symposium was attended and participated by law students, law professors, PLM University Officials, Manila City Hall Officials, Intramuros Barangay Officials, and representatives from other government entities.

After the symposium, Director-General Belgica was recognized as an “Outstanding Alumnus” of the PLM College of Law.

ARTA Diretor-General Leads PLM Law Symposium

Atty. Jim Lopez Lectures Freshmen Law Students How to Conquer Law School

To buffer the transition to law school, more than a hundred freshmen law students of the Pamantasan ng Lungsod ng Maynila (PLM) attended Atty. Jim Lopez’s seminar-workshop entitled “How to Conquer Law School” at the Bukod Tanging Bulwagan last 27 July and 3 August 2019, days prior to the start of academic year 2019-2020.

As former Senator Atty. Miriam Defensor-Santiago once said in her book *Stupid is Forever*, “Law school is quite easy. It’s like a stroll in the park, but Jurassic Park.” In general, law school is no easy ride for anyone and it can be pretty demanding for first years. Thankfully, PLM intended its first year law students’ transition to not be as daunting because of Atty. Lopez’s lecture.

Atty. Lopez is the former dean of the University of the Philippines College of Law and the author of several law books including *The Study of Law: How to Conquer Law School* which highlighted the best practices and methods that law students can use to study more efficiently. He is also known to conduct seminar-workshops teaching first year law students to adjust to the law school life as well as how barristers can hurdle the bar exam.

In his lecture, Atty. Lopez broke down the ins and outs of law school to first years and provided practical tips and strategies in studying, reciting, and answering exams. He also emphasized the development of skills as well as the instilment of discipline and proper mindset among students. Atty. Lopez heavily accented the importance of preparation as he remarked that preparation is the majority of the battle in the legal field.

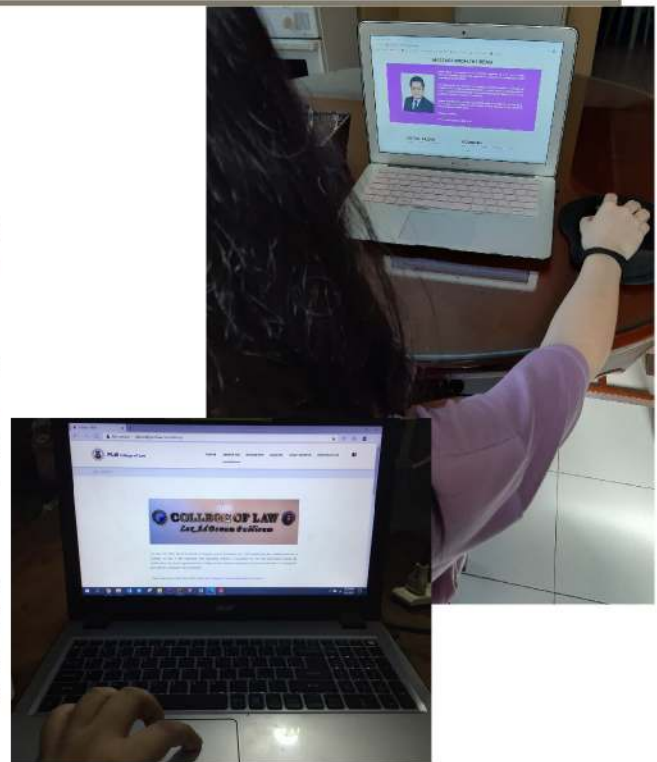
PLM College of Law Launches Website

By: Alexandra Jane Fabella

The Pamantasan ng Lungsod ng Maynila College of Law (PLM-COL) finally launched its own website, plmcollegeoflaw.com on December 2019.

The site features several tabs with information on the College's current curriculum, faculty and staff, Law Center, Bar operations, and alumni. There is no online registration required and the site is open to the public for the effective assimilation of events, announcements, and bulletins.

Moreover, the College of Law's official Facebook page is also connected to the website, which then displays reminders of upcoming events, schedules, and recent happenings. The website was made through the efforts of both the Dean, Atty. George Erwin M. Garcia, and the Department.



MyLegalWhiz Portal Opens for PLM Law Students



An introduction and demonstration of the online legal research tool "MyLegalWhiz" was held at the Bukod Tanging Bulwagan, Gusaling Katipunan, Pamantasan ng Lungsod ng Maynila (PLM) on 28 August 2019.

During the platform's launching, Atty. Joseph Dexter Feliciano, the founder and Chief Executive Officer of MyLegalWhiz himself, demonstrated the tool's functions which enables its users to read or download the full-text of cases, case summaries, and legal form templates. Moreover, legal maxims, principles, doctrines, and concepts can also be easily searched through its platform.

Atty. Feliciano shared that the platform hosts a system called "Ask LEA," a legal engineer assistant that can help users draft legal documents, explain legal terms, and summarize cases.

Overall, MyLegalWhiz is a combination of knowledge database and research assistance which makes it a virtual legal companion that allows easier legal research for law students and practitioners alike. Its massive database on

legal jurisprudence and the availability of case digests highlighting the issue/s of their respective cases may be extremely helpful during recitations or crafting legal documents.

It was noted however, that when searching for cases, users should avoid typing the SCRA citations and ought to use "n" instead of "ñ". For instance, "Tanada vs. Tuvera" with or without the corresponding G.R. Number should be typed in the search box instead of "Tañada vs. Tuvera 123 SCRA 456."

By courtesy of PLM College of Law Dean, Atty. George Erwin Garcia, the college availed a subscription to MyLegalWhiz at no expense to the university or the students. Thus, all PLM law students may access MyLegalWhiz to assist them in pursuing legal education.

Students may access the platform by logging in to <https://www.mylegalwhiz.com/> using the credentials provided by the college.

PLM CLSC INDUCTS NEW SET OF OFFICERS

News, 21 August 2020



JANIS ANGELA ILAGAN
PRESIDENT



JELL EFFIE WAJE
VICE PRESIDENT FOR
INTERNAL AFFAIRS



CATHERINE JADE DAVID
VICE PRESIDENT FOR
EXTERNAL AFFAIRS



MARBIE ANN SIMBAHAN
SECRETARY



JOHNDEL CRUZ
ASSISTANT SECRETARY



MARIDIE KATELYN TORNE
TREASURER



ANGELINA MARIDELE
PARAS
AUDITOR



AARON THOMAS DE GUIA
PUBLIC RELATIONS
OFFICER



DONALD FIEGALAN
COLLEGE REPRESENTATIVE

As the duly-accredited student government representing the body politic of the PLM College of Law, the CLSC primary functions as a voice for the concerns of the student body to promote and protect students' rights and welfare, inter alia.

Unfortunately, at the strike of the pandemic, classes were suspended, which halted the student council election. To continue the CLSC's service the CLSC thus presented acting officers for this hold-over term.

As announced, Janis Angela Ilagan shall serve as the President, Jell Effie Waje as Vice President for Internal Affairs, Catherine Jade David as Vice President for External Affairs, Marbie Ann Simbahan as Secretary, Johnnel Cruz as Assistant Secretary, Maridie Katelyn Torne as Treasurer, Angelina Maridele Paras as Auditor, Aaron Thomas De Guia as Public Relations Officer, and Donald Fiegalan as College Representative.

Accordingly, under Section 2, Article 12 of the PLM Supreme Student Council Constitution, in case of vacancy by reason of death, resignation, disqualification, permanent incapacity or separation from the university of any officer, an acting officer elected by majority vote of the officers shall serve for the unexpired term, or until the next election, as the case may be.

The new student council already kickstarted their term by collaborating with various organizations to hold various webinars across different fields of law. On 18 July 2020, the CLSC partnered with the National Union of Students of the Philippines (NUSP), Silliman University Student Government (SUSG), PLM Business School Student Council to hold the "Know Your Rights Online Caravan."

Furthermore, on 12 August 2020, CLSC collaborated with the Association of Law Students of the Philippines (ALSP) and Greenpeace of the Philippines to bring the Climate x Law webinar series to life. The said webinar series tackled the nuisances of Environmental Law and featured environmental law experts like Atty. Grizelda Mayo-Anda, Atty. Antonio Gabriel La Viña, Atty. Rose Liza Osorio, and Atty. Gloria Ramos.

Despite the pandemic and the new normal, the CLSC has not stopped serving the students. On the contrary, the recent changes have given them an opportunity to hold more events and collaborate with more organizations using different platforms.



PATRIATIKO, DEMOKRATIKO, PROGRESIBO.

NUSP

PLM-CLSC

CLSC BECOMES A MEMBER OF THE NUSP

July 7, 2020

News, August 21, 2020

The Pamantasan ng Lungsod ng Maynila (PLM) College of Law Student Council (CLSC) proudly announced its membership in the National Union of Students of the Philippines (NUSP) last 7 July 2020.

Founded in 1957, the NUSP is the largest and longest-existing progressive alliance of student councils and governments in the Philippines committed to the advancement of the students' democratic rights and welfare. It is a patriotic, democratic, progressive alliance of student leaders that upholds and defends the rights and welfare of the Filipino students.

Through this membership, the CLSC hopes to empower the student body by raising awareness on current national and local issues and encouraging community engagements in pursuit of the organization's objectives — Patriatiko, Demokratiko, Progresibo.

Indeed, the membership already began to bear fruits as the CLSC collaborated with NUSP to bring a webinar entitled "One Big Fight for Human Rights and Democracy: Edukasyon sa Gitna ng Pandemya" to life along with about 20 other organizations on 2 August 2020. The CLSC continues to work with NUSP in kickstarting various initiatives.

Cenit and Nadora Bring Honor to PLM at 30th ALSP Convention

By Diane Mapoy

As an organization officially recognized by the Supreme Court as the student counterpart of the Integrated Bar of the Philippines with over 70 law student governments whose members are bona fide law students from all over the archipelago. Every year, members of these student governments gather at the ALSP National convenes to recognize each individual's efforts, encourage network-building, and engage in dialogues to consistently improve legal education in the country.

Throughout the event, participants were given the chance to attend the talks of notable legal professionals. Some of the speakers were Atty. Aquilino "Koko" Pimentel III, former Chief Justice Maria Lourdes Sereno, and Atty. Neri Javier Colmenares. In between talks, law students were given time to conduct a World Café Discussion titled "the Breakout Session" to enrich and exchange their knowledge on topics like the law curriculum, student affairs, and mental health policies and programs of their respective schools.

Prior to the closing of the convention an election of ALSP officers was conducted. PLM's Cenit and Nadora vied for positions and campaigned with the limited time given to them. As candidates, some questions were asked to assess their suitability for the positions they were pursuing. It is the pride of the PLM College of Law that one of its students was elected as an officer of the Association of Law Students of the Philippines. Nadora, an incoming junior, was elected as the Public Relations Officer of the National Capital Region Chapter.

The ALSP National Convention is the platform that promotes in-depth understanding of the various legal systems of education implemented in different parts of the Philippines and an avenue for law students to strengthen camaraderie towards their journey of defending truth and justice. ALSP holds their conventions to maintain camaraderie and actively communicate with each other to help and contribute in nation building.

Last 4th to 7th of July 2019, the 30th National Convention of the Association of Law Students of the Philippines, Inc. (ALSP) was held at Far Eastern University and Century Park Hotel with the theme: "The Roles and Responsibilities of Law Students in Nation Building". This year's convention, with the theme: "The Roles and Responsibilities of Law Students in Nation Building" may be considered as the largest general assembly of all members of the Association. The convention started with a welcome dinner and cultural night to break the ice between the attendees and give them a chance to socialize with one another.

Enrique Adolfo San Juan and Ria Mariz Nadora of the debate team, Casina Mae Cenit, the PLM Commission on Elections Chairperson, and Diane Kimberly Mapoy and Catherine Jade David as the President and Auditor of the College of Law Student Council, respectively duly represented the Pamantasan ng Lungsod ng Maynila College of Law (PLM-COL) at the 30th National Convention of the Association of Law Students of the Philippines, Inc. (ALSP) held at the Far Eastern University and Century Park Hotel on 4 and 7 July 2019.

It is the pride of the PLM-COL that two of its students were recognized. First Cenit, then PLM Commission on Elections Chairperson and current Editor-in-Chief of the PLM Law Gazette, brought home two awards: The Student Leadership Award and Best Dressed Award. As part of the criteria, the Student Leadership Award Committee recognized Cenit's works and contributions to the society in her college days in which she also served as the president of two organizations – the Student Youth Leaders Association and the Bukluran Students' Alliance - Integrated Students' Organization.

Nadora on the other hand, an incoming junior at PLM-COL and member of the debate team, was elected as the Public Relations Officer of ALSP National Capital Region Chapter.

PLM Participates in ALSA Forum

By Enrique San Juan

The ALSA FORUM is the largest gathering of law students in Asia annually held by the member countries of the Association of Law Students of Asia (ALSA). It aims to expose law students to distinct cultures and the respective legal systems of ALSA's member countries.

In 2019, the Association of Law Students of the Philippines (ALSP), a member association of the ALSA, was chosen to host the ALSA Forum Cebu 2019 (ALSA Cebu), a 6-day event from 4 to 9 August 2019 held at Cebu, Philippines. The theme of the forum was Law and Technology: Framing the Roadmap of Tomorrow which emphasized the rapid increase of digital economy and the consequent need of legal systems to strengthen its laws on several essential areas such as data privacy and protection.

To represent the students of the Pamantasan ng Lungsod ng Maynila College of Law (PLM-CL), Dean Atty. George Erwin M. Garcia sent Ms. Casina Mae Genit and I, Mr. Enrique Adolfo San Juan to ALSA Cebu. The activities of ALSA Cebu were categorized into two strands – the academic and non-academic strand.

The first four (4) days of ALSA Cebu were mainly dedicated for the academic strand, with day one as an exception, where the participants checked in at the Summit Galleria Hotel and were given the chance to meet other delegates during the welcome dinner.

On the second day, the participants were divided into groups, each having their own topic relative to data privacy and technological advancement, blockchain and virtual currencies, social media and cyber security, and government's role in data protection.

Simultaneously, the ALSP presented its annual reports, plans, and projects before the officers of the respective national associations of each member country as well as those of other countries and regions in attendance including Brunei, Hong Kong, Indonesia, Japan, Korea, Laos, Macau, Myanmar, Singapore, Taiwan, Thailand, Vietnam, and Australia. In the afternoon, all participants were gathered to attend the conference of Atty. Jay-r Ipac of Divina Law on data privacy and technological advancement.



The third day began with an alumni roundtable discussion with Atty. Aaron Marc Dimaano of the Legal Education Board, Atty. Ryan Esteves of Presidential Legislative Liason Office of the House of Representatives, Atty. Jelorje Gallego, ALSA President 2014-2015, and Atty. Kaung Mya Ahka, Founder and President of ALSA Myanmar. The delegates proceeded with their academic activities for the remaining part of the day.

Saving the best for last, the academic strand ended on the fourth day with three major activities – output presentation of the earlier divided groups, election of the officers of ALSA and the most anticipated cultural night where participants proudly wore their national dresses and performed live cultural shows for everyone.

To complete the experience, the fifth day started with the first non-academic strand activity – the non-academic tour where participants travelled early for the all-day canyoneering activity at Kawasan Falls.

On the sixth day, the participants had the chance to tour around the City of Cebu, visit various legal institutions such as the University of San Carlos and the Romulo Mabanta Buenaventura Savoc and Delos Angeles Cebu Office, as well as spend time with kids at a local foster care foundation.

ALSA Cebu ended with a farewell dinner where the participants exchanged their gifts, words of thanks, and love for each other.

The impact to our PLM representatives as quoted, **“you have to go and experience it yourself. We can write all day telling you how memorable and fun the experience was, but it will never be enough to describe what ALSA Cebu made us feel – there is hope for the legal profession; there is hope for the oppressed. There is hope for peace; there is hope for international collaboration. There is beauty in unity. ALSA always be one.”**



LYCCA TEÑOSO EXCELS IN ANC SQUARE OFF ELIMINATION ROUND 2019

Danica Tabajunda

Lycca Tenoso of the Pamantasan ng Lungsod ng Maynila College of Law (PLM-COL) debate team was awarded Best Speaker at the 2019 ABS-CBN News Channel (ANC) Square Off held at the ABS-CBN Broadcasting Station on 10 October 2019.

The PLM debate team, represented by junior law students Boogie San Juan and Casina Mae Cenit, and sophomore Salvacion Lycca Teñoso competed at the ANC Square Off, a televised debate program hosted and broadcasted by ANC, with participants from law schools around the Philippines. The program uses a modified Oregon-Oxford format with three debaters on each team arguing on motions of legal and socio-political relevance.

At the competition, the PLM debate team were at the affirmative side in resolving whether the Good Conduct Time Allowance (GCTA) Law otherwise known as Republic Act No. 10952 should be repealed. During the elimination round, PLM faced the Ateneo de Manila University (ADMU) team which bested them. Nonetheless, Lycca Teñoso, third affirmative speaker for the PLM team still gained recognition as the Best Speaker.

According to Teñoso, the team exerted efforts and done extensive research in preparation for the debate. She expressed that winning the said title is like a 'go' signal for her to pursue her future plans in litigation.

To those who plan on joining the debate team, Teñoso explains that "Debate is a liberating tool from a framework we have accustomed to. It fuels passion and molds character. In the course of debating, you will realize that you are slowly constructing yourself by adapting to the changing landscape of discourse. Who you become is sweeter than the championships and awards that come later on".

PLM Mooters Make History at International Tilt

By Salvacion Lycca Teñoso

The Pamantasan ng Lungsod ng Maynila (PLM) Law Debate and Moot Society marked history as they made their first appearance at the prestigious 2019 National Moot Court Competition on International Humanitarian Law (IHL) organized by the International Committee of the Red Cross held at the Manila Adventist College from September 23 to 27, 2019.

The delegates were then third year law student and team captain, Enrique Adolfo San Juan, then sophomores Justine Mark Dagdag and Ria Mariz Nadora, the latter also a registered research assistant. Atty. Ma. Patricia Rebaño and Atty. Mynoa Refazo-Sto. Domingo mentored the team as coach and adviser, respectively.

According to Lead Counsel San Juan, "the facts of the moot court problem are arguably akin to what have happened to the Aleppo Conflict. At the outset, the nature of the moot court problem may be said to involve a non-international conflict, which would generally preclude the application of the Rome Statute and international humanitarian laws – an apparent win for the defense. However, a closer scrutiny of the facts may establish the existence of an international conflict which may turn the tables in favor of the prosecution."

San Juan elaborated that in tackling the problem presented, the team primarily conducted tedious research on the basic concepts and principles of international humanitarian law. They then familiarized themselves with the moot court problem by dissecting the facts, making a timeline of the events, discussing the same with each other, and making sure that the mooters knew the facts by heart.

Thereafter, the team proceeded to analyze possible case theories on the

prosecution and the defense's perspectives. After choosing a case theory, the team worked on the factual arguments as well as the laws, jurisprudence, and authorities applicable to the case in order to craft their legal arguments.

Lastly, the team drafted the memorials both for the prosecution and the defense's side and went over these several times until they finished memorials, complete in form and in substance.

When asked about challenges during the competition, Dagdag cited the highly competitive nature of moot court competitions. He shared, "In moot court competitions, we need to be calm, concise, and firm with our arguments. It is because we present this not to the opposing side, but to the judges who have the discretion to ask us questions about the case."

San Juan commented that he is positive about the future of the organization. He stated, "it may sound simple, but the plan is to join as many competitions as we can. The goal is to get started. The PLM debate team is a relatively young organization. What it lacks, at the moment, is experience. With proper and consistent guidance, training and exposure, I am confident the PLM Debate Team will be bringing home both national and international championships soon."

In its 19th year, the IHL moot court competition aims to provide the students a training ground where their articulation, argumentation, and advocacy skills are honed for future legal practice with special focus on the basics of international humanitarian law. In 2019, a total of 16 different law schools from various parts of the country participated in the competition.



Tribo Haribon Soars in Conflicts of Law 2020

by Catherine Jade M. David

The Pamantasan ng Lungsod ng Maynila College of Law (PLM-COL)'s Tribo Haribon joined the annual Conflicts of Law organized by the Association of Law Students of the Philippines - National Capital Region (ALSP-NCR) as it officially commenced at the Arellano University School of Law Gymnasium at Pasay City on 2 February 2020.

The Conflicts of Law is a month-long activity organized to display the talents of law students from the 26 law schools participating in NCR. This year, the activities included basketball, volleyball, football, futsal, table tennis, badminton, chess, debate, quiz bee, Defense of the Ancients (DOTA), League of Legends, and Mobile Legends. This year, the theme was "Conflicts of Law 2020: lisang koponan, lisang kapisanan" and Mr. Justine Vince Macasaet, ALSP Presidential Chief-of-Staff and Ms. Agatha Wong, SEA Games 2019 Wushu gold medalist graced the ceremonies instilling courage, unity, and camaraderie among athletes.

PLM Law's Debate Team Adjudicator, Lycca Tenoso, placed 2nd among the 72 adjudicators from different law schools. This marked Teñoso's comeback since placing 13th in the Conflicts of Law 2018. As a seasoned debater from UP Visayas-Tacloban College, Tenoso's excellence continued her streak as she joined the PLM Law Debate and Moot Court Society in 2019. Since then, she has been competing in several debate competitions such as the Philippine Law

Debate Championships and the International Committee of the Red Cross (ICRC)'s National Moot Court Competition on International Humanitarian Law.

Recognition was also given to the Ateneo Law School, University of the Philippines College of Law, Arellano University School of Law, and San Beda University College of Law for dominating the tournaments in Conflicts of Law 2020.

The intramurals were scheduled for five consecutive Sundays, on February 2, 9, 16, 23, and March 1 but unfortunately, the event was cut short due to the COVID-19 pandemic. As a precaution to keep athletes and the rest of the student body safe, the ALSP-NCR also cancelled the succeeding games and postponed events indefinitely. Nevertheless, athletes remain hopeful that Conflicts of Law 2021 will push through.

The student body of PLM-COL congratulated its athletes for showing sportsmanship during the Conflicts of Law 2020. The college lauds the participants and continues to support them along with those who aspire to bring the college to the top.

Below is the list of student-participants who deserve recognition for their undeniable efforts in the Conflicts of Law 2020:

MEN'S BASKETBALL TEAM

AVIÑANTE, Jethro Marion J.
BATTAD, Ronel C.
CRISOSTOMO, Kris Jonathan T.
CRUZ, Johndel B.
DAGDAG, Justine Mark N.
DELA LUNA, Jose Carlos
DEL AYRE, Anthony John T.
DEL CASTILLO, Lester V.
DOMINGO, Jose Paulino M.
LAYOS II, Alexander B.
MANALAYSAY, Mierell Leichtenstein R.
MEDINA, David Salaam M.
MENDOZA, Marco
NANQUIL, Courllie Courtney C.
PAGASPAS, Louisito C.
PEÑAMANTE, Richmond D.
ROQUE, Tristan Troy V.

MEN'S VOLLEYBALL TEAM

DELA LUNA, Jose Carlos
PAGASPAS, Louisito C.
RODIEL, Gabriel Hallig
ROQUE, Tristan Troy V.
SAN JUAN, Enrique Adolfo C.
YU, Roel

WOMEN'S VOLLEYBALL TEAM

ANIES, Precius Aiah L.
BELINO, Maria Fatima C.
CENIT, Casina Mae
DAVID, Catherine Jade M.
DAVID, Ma. Carmela R.
ILAGAN, Janis Angela J.
MAPOY, Diane Kimberly D.
PANTALEON, Clio Catane
SIMBAHAN, Marbie Ann B.

DEBATE TEAM

DAGDAG, Justine Mark N.
DE GUIA, Aaron Thomas Lising
PANTALEON, Clio Catane
TEÑOSO, Salvacion Lycca B.

BADMINTON

TICMAN, Mikhaila Nadine J.

CHESS

MUSA, Maria Cielo F.

The Pamantasan ng Lungsod ng Maynila College of Law (PLM-COL) organized a send-off ceremony for its 2019 Bar examinees on 2 November 2019. Students and faculty carried tarpaulins and chanted "Aim One Pamantasan!" as they warmly welcomed the college's 2019 Bar examinees.

A thanksgiving mass led by the college's own law student, Fr. Florante Moren was held at the PLM Church. At the end of the mass, Fr. Moren gave a special prayer for the candidates' well-being and blessed the tools and materials that they will use for the month-long examination.

The college thereafter hosted a program dedicated to the candidates. Members of faculty shared tips for the exams, students performed musical numbers, and Bar candidates were given the chance to recall their law school journey before sending them off to brave the first leg of the Bar examinations on 3 November 2019.

For years, the Bar has been hailed as the most strenuous licensure examination in the Philippines. Thus, in solidarity, the students' cheers of "Aim One Pamantasan!" did not dwindle until the last PLM Bar candidate arrived during the Salubong on the last day of the examinations on 24 November 2020.

In commemoration of the end of the grueling examinations, COL and the BarOps Committee organized a thanksgiving party at the Palacio de Manila. The families of the bar candidates, students, and the esteemed members of the faculty were all present in this momentous event. COL recognized that each student's success is also the success of their family, peers, and mentors.

Bar examinees handed out gifts to their assigned Bar buddies who assisted them throughout the Bar Season. Despite the long wait for the looming results, the candidates remained in high spirits as they celebrated their victory in finishing the entirety of the Bar Examinations.



BAROPS 2019: PLM-CL AIMS HIGH

by: **Kristalline Hadjirul**



SC Decentralizes Bar Examinations

by: Howard S. Ong

Shortly after the results of the 2019 Bar examinations were released, the chairperson for the 2020 bar examinations, Justice Marvic Leonen, issued Bar Bulletin No. 11. Series of 2020 officially postponing the 2020 bar examinations due to the COVID-19 pandemic. The Supreme Court (SC) thus announced that the bar exam will be moved the following year and specific guidelines shall follow later on.

Moreover, the Court also announced that the venue for the 2020 bar examinations will be held in two cities – Manila and Cebu. This is a first for the Philippine Bar examinations.

Since 1901, the bar examinations have consistently been held in Manila as the country's capital, and was further supported by the first paragraph of Section 11, Rule 138 of the Rules of Court which provides that "Annual examination – Examinations for admission to the bar of the Philippines shall take place annually in the City of Manila."

For years, it has been observed that exclusively hosting the bar exams in Manila posted a challenge for those in the provinces, especially outside of Luzon. This setup required bar examiners to prepare for their travel along with board and lodging expenses for four consecutive Sundays. To some, this also posted an additional emotional and mental challenge to quickly adapt to a new environment.

Therefore, a testing center in Cebu aims to bring the bar examinations closer to law schools in Visayas and Mindanao, which have been fostering top performing law schools in the past years. The 2019 Bar examinations was a testament to this as 5 of the 10 top-notchers were from provincial schools including, Atty. Diane Azores of Aquinas University, who ranked first place while law graduates from provincial law schools like the University of San Carlos in Cebu consistently dominated the top 10 spots in the Bar exams.

PLM Boasts 55.88% Passing in 2019 Bar Exams

In 2019, Manila City Mayor Francisco "Isko" Moreno wished 34 Pamantasan ng Lungsod ng Maynila College of Law (PLM-CL) alumni luck as they challenged the Berna-bar, the 2019 Bar Exams chaired by Senior Associate Justice Perlas-Bernabe.

Dubbed as "Barista ni Yorme," PLM-CL barristers indeed brought glory to the university in achieving an overall passing rate of 55.88%, significantly higher than the national passing rate of 27.36%.

Moreover, in a report published by the Legal Education Board, the PLM-CL was further recognized as a top performing law school in the 2019 Bar Exams as it ranked 6th among law schools with less than 63 examinees.

The college and the university thus, proudly congratulated Attys. Donn Joseph Abrazaldo, Jude Fayaz Ahmed, Carlo Nico Aguilana, Earvin Joelet Arias, Nikki Isabel Balanquit, Hazel Marie Bartolata, Ma. Jennifer Borbon, Mark Dungo, Ma. Theresa Faustino, Anna Kathrina Fernandez, Nastassja Nicole Flores, Janeth Hernandez, Wengie Improgo, Andrea Filipina Juarez, Rowelle Sheena Juarez, Anna Marie Pagtabunan, Irish Pineda, Karine Joy Rosario, and Enzo Emmanuel Toledo.

Finally, our 2019 barristers have passed the Bar ready to adhere to the college's longstanding principle of Lex Ad Bonum Publicum (Law for the Public Interest).



2019 Bar Passers Take their Oath and Sign the Roll Under the New Normal

Successful examinees of the 2019 Bar Examination took their oath of office online on 25 June 2020 and signed the roll of attorneys from 6 July to 3 August 2020 following strict health protocols.

As provided by the Rules of Court, the next steps after successfully hurdling the Bar are for the passers to physically appear before the Supreme Court (SC) to take their oath of office and sign the roll of attorneys kept by the Clerk of Court before they can finally use the title, "Attorney". However, with the Novel Coronavirus Disease 2019 (COVID-19) pandemic, physical appearance and mass gathering of 2,103 successful examinees would break quarantine protocols and would be detrimental to the health of those present. Hence, various innovations were implemented, as decided by the Supreme Court.

Instead of physically appearing before the SC, bar passers took their oath of office online via Zoom. Unlike previous years, the oath-taking was also publicly televised. The oath-taking ceremony has always been exclusive and shrouded in mystery,

but this year's innovations gave the public the opportunity to watch.

Moreover, since physical appearance in the SC is indispensable when signing the roll of attorneys, all bar passers followed specific instructions. First, the signing was conducted from 6 July 2020 to 3 August 2020 and bar passers chose their own schedule. Second, bar passers were still required to wear formal attire but with face masks and other personal protective equipment. One major change would be the prohibition against guests. Only the bar passers were allowed to come.

Aside from submitting the required documents and its corresponding fees, bar passers were also required to undergo a COVID-19 rapid test administered by the SC Clinic Doctor, and pay the required fees for such service before signing the Roll.

Although the said procedures were tight and some bar passers complained that the pandemic robbed them of the jovial and rewarding experience, this is the temporary reality everyone must face as the country continues its fight against COVID-19.

CL HONORS SC JUSTICE GAERLAN AS OUTSTANDING FACULTY

The Pamantasan ng Lungsod ng Maynila College of Law (PLM-CL) held a Faculty Fellowship Luncheon at the Manila Hotel and honored its outstanding faculty members led by the newly-appointed Supreme Court (SC) Associate Justice Samuel Gaerlan on 17 January 2020.

The luncheon was attended by esteemed guests including retired SC Chief Justices Reynato Puno and Teresita Leonardo de Castro, former Ombudsman Merceditas Gutierrez, former Senator Joey Lina, PLM Board of Regent members led by Dr. Francisco Roman, members of the PLM Executive and Management Committee led by PLM President Emmanuel Leyco, and officers of the PLM-CL Student Council.

In his acceptance speech, Justice Gaerlan welcomed his appointment and attributed it as “a challenge to contribute to annals of history and catalyst of change for equal and equitable justice to society”.

Justice Gaerlan notably rose from the ranks in government services. He began as a public attorney and was appointed as municipal trial court judge, then regional trial court judge, and a Court of Appeals associate justice before finally being appointed as an SC justice. Former Chief Justices Puno and de Castro welcomed Justice Gaerlan’s appointment.

Former Chief Justice Puno said, “It’s a matter of historical record that the law school of PLM stands as one of the best in the country. I’m sure that his [Gaerlan’s] academic role in PLM will help him tremendously in fulfilling the high expectations that are expected from the highest court of the land. Congratulations to the honorees, especially to Justice Gaerlan, and congratulations collectively to PLM.”

Former Chief Justice de Castro echoed the sentiments and stated, “I truly believe that it is significant for a Supreme Court Justice to go through all levels of the judiciary... Considering the extensive and vigorous discussions that we have at the Supreme Court, it’s important that someone like Justice Gaerlan be promoted because of his wide experience. Congratulations, Justice Gaerlan, and PLM, for having one of your own as part of the Supreme Court.”

The College also recognized its outstanding faculty members who received the highest rating in student-faculty evaluation with scores ranging from 4.87 to 4.99 out of the perfect score of 5 for the first semester of 2019-2020.

Among the awardees were Atty. Luch Gempis and Atty. Patricia Rebaño (professors of Land Titles and Deeds); Atty. Teresita Cruz (Succession); Atty. Kenneth Raymundo (Obligations and Contracts); Atty. Roselle SJ. Sariño (Appellate Practice); Commissioner Gina Cenit-Escoto (Criminal Procedure); Dean Melencio Sta. Maria, (Civil Law Review); Atty. Modesto A. Ticman, Jr. (Criminal Law); Atty. Leah Jose-Sebastian (Election Competition Law); Atty. Cecilio Duka (Labor Law Review); Justice Hector Hofileña (Property Laws) and Atty. Reynaldo Lopez (Constitutional Law).

The awardees were given medals and plaques of recognition. PLM President Emmanuel Leyco congratulated them and accented PLM’s vision to promote academic integrity, academic excellence, and social responsibility. PLM Regent and College of Law Dean George Erwin Garcia highlighted the university’s exceptional track record in academic performance and stated, “We want the graduates of College of Law to embody our slogan, *Lex Ad Bonum Publicum* or law for the public interest.”



PLM College of Law Dean Critical of the Anti-Fake News Bill

By Stephanie Rey

On 1 July 2019, Senate President Vicente Sotto III filed Senate Bill No. 9 or the Anti-Fake News Bill. This piece of legislation aims to safeguard the reputation of individuals from the spread of wrong information. The Pamantasan ng Lungsod ng Maynila (PLM) College of Law dean, Atty. George Erwin Garcia, noticed that the said bill might violate the Constitution and it needs to be thoroughly reviewed by the lawmakers.

Dean Garcia, a verified Constitutional law expert, explained that the passing of the bill could mean restriction to the freedom of expression of the Filipinos. He remarked, ***“to a certain extent, may tinatawag tayo sa constitutional law na prior restraint. Iyong prior restraint pinagbabawal iyon (we have something in constitutional law called prior restraint. Prior restraint is prohibited), because that is a violation of the constitutional guarantee of the freedom of expression.”***

According to Senate President Sotto, the spread of wrong information about an individual should not be tolerated and the public should give the government the chance to remove it. The provisions of the Anti-Fake News Bill state that:

Furthermore, according to the law, any person who fails to comply with the government's order to take down the content allegedly containing false information face imprisonment and/or a P2,000,000 fine or both. Since the bill has been passed into law, the Department of Justice-Office of Cybercrime now has the authority to issue a rectification order, takedown order, or block access order.

Anti-Terror Law groups and legal coalitions who have voiced their disapproval of the newly-signed legislation currently await further developments and actions on the issue.

“Any person found guilty of: (1) knowingly creating or publishing false information to mislead the public; (2) using a fictitious online account or website in creating or publishing false information; (3) knowingly offered or provided his/her expertise to create or publish content containing information to deceive the public, whether it is done for profit or not; (4) financing an activity for the purpose of creating or publishing on-line sites containing false information; and (5) failure to comply with a lawful order to take down the content containing false information, issue necessary corrections, or block users' access to its websites and social media platforms; will face imprisonment or fine, or both.”



2020: A Fierce Beginning to a New Decade

By Clio Pantaleon



2020 tragically began with the worldwide occurrence of a plethora of disasters ranging from the field of politics, environment, sports, and health.

Just on the third of January, United States of America (USA) president, Donald Trump, authorized an airstrike against Iran causing the death of, among other Iranian military men, one of the most revered Military General of the nation, Qassam Soleimani which caused the further deterioration of the bilateral relations of the two states.

On the other side of the world, Australia faced a massive bushfire which led to 33 human casualties, the death of millions of native animals, and the destruction of thousands of houses.

The Philippines also experienced its own set of challenges. On January 12, Taal Volcano erupted for the first time since 1965. The eruption caused schools and government agencies to suspend activities in view of the harmful health effects of the ashfall brought by the eruption. It greatly affected the local agricultural and residential areas throughout the nearby provinces. This prompted the evacuation of thousands of families from the perimeter and forced both the government and the public sector to provide emergency relief. The unexpected ashfall also caused traffic accidents which led to the death of several individuals.

Sports enthusiasts were also not spared as National Basketball Association (NBA) fans across the globe grieved for the death of the basketball legend, Kobe Bryant and his daughter after his helicopter crashed on January 26, which killed a total of Nine (9) individuals.

At the end of January, the World Health Organization (WHO) declared a global emergency as the coronavirus (COVID-19) outbreak which originated in Wuhan, China began spreading across the countries. The outbreak reached the Philippines. After several calls from the masses to seal the country's borders from China, the Philippine government conceded and imposed the appropriate travel bans and implemented community quarantines nationwide.



Source: asiafoundation.org

CYBER-JUSTICE: THE SUPREME COURT'S TRAILBLAZING TACTIC DURING THE GLOBAL PANDEMIC

By Mera Lyka Timan

As part of the judiciary's effort to provide just and speedy disposition of cases amidst the pandemic, the Supreme Court (SC) of the Philippines issued several administrative circulars to guide the bar and the bench through the crisis by taking advantage of cyber-technology by enabling online transactions of courts.

Despite the physical suspension of courts in select areas, the SC distributed official Philippine Judiciary Office 365 accounts as a communication platform for video conferencing. The courts' e-mail addresses, hotline numbers, and/or Facebook accounts were posted online through the SC website.

Additionally, the raffling of cases in areas under modified enhanced community quarantine (MECQ) were directed to proceed either electronically or through videoconferencing. While courts in areas under general community quarantine (GCQ), were instructed to conduct raffles either through eCourt or non-eCourt stations, provided that only members of the Raffle Committee would attend.

As to the resolution of pending cases, courts under MECQ have been conducting hearings through videoconferencing. Whereas, those under GCQ were allowed to conduct in-court hearings, so long as health hygiene protocols are strictly observed.

Consistent with these courses of action apropos of the digitization of court transactions, the Office of the Chief Justice in coordination with other offices and law enforcement authorities across the globe conducted a webinar entitled "The New Normal: Cybersecurity in a COVID-free, Malware-free Judiciary," which intended to ensure the security of the online dealings of the judicial branch.

Overall, these events accord to the observance of appropriate court processes and the consistent clamor for the speedy disposition of justice. Amidst a pandemic, justice remains alive through the Judiciary's continuous hard work. Whether or not these strategies will be retained after this predicament shall be anticipated by the legal community.

Pastillas Scheme: Grease Money for Faster Entrance through Immigration

By Clio Pantaleon



Source: Senator Risa Hontiveros' Facebook Page

It was revealed by Senator Risa Hontiveros on February 2020 that "Pastillas Scheme," is the newest connivance employed in the Ninoy Aquino International Airport (NAIA) by Chinese nationals and officials of the Bureau of Immigration (BI) granting the former express ingress in the Philippines. According to her, akin to the dessert it was named after, money is rolled in a bond paper and handed to the attending immigration officer.

Hontiveros stated that under this scheme, an officer would lead Chinese citizens to an office where the standard screening process will be evaded. Allegedly, at least Php 10,000 is being paid by Chinese citizens while those with high-profile individuals pay Php 50,000 to P200,000 for their transaction fees.

Informant Allison Chiong disclosed that Php 2,000 is shared by six immigration officials while the rest are given to Chinese and Filipino tour operators, and the syndicate who runs the whole scheme. Chiong further stated during a Senate hearing that 90% of the Bureau's personnel are estimated to be engaged in the Pastillas Scheme.

In response to the allegations, BI Spokesperson Dana Sandoval, admitted that the scheme is an old malpractice in the agency and the same has already been eradicated, but some officials still manage to conduct such schemes. President Rodrigo Duterte, through Spokesperson Salvador Panelo, expressed that the government does not tolerate such form of grave corruption.

Duterte has already ordered the relief of immigration personnel involved in the scheme pending investigation and as of February 27, 19 immigration personnel have already been subjected to administrative cases without prejudice to criminal charges that may be later instituted against them. However, the President expressed his retained confidence in Bureau of Immigration Commissioner Morente, a former Davao City chief of police.

Personnel who took part in the scheme may face charges for bribery, negligence, and tolerance which are punishable under the Revised Penal Code, as well as administrative charges for grave misconduct, dishonesty, a conduct prejudicial to the best interest of the service, and for violation of the Civil Service Commission Uniform Rules on Administrative Cases in Civil Service if found guilty.



POGO: Its Costs and Shortcomings

By Clio Pantaleon

Since the People's Republic of China prohibits most forms of gambling within its territory, the Philippine Offshore Gaming Operators (POGOs) have evolved to become its alternative provider of online gambling services. The rise of POGOs thus ushered in both positive and negative effects within the Philippines.

POGOs are controlled and regulated by the Philippine Amusement and Gaming Corporation (PAGCOR) which issues licenses to qualified firms as mandated by Presidential Decree No. 1869. Despite the economic boost POGOs bring into the country, there lies its shortcomings such as but not limited to labor and employment, national security and internal revenue.

In 2016, a significant influx of undocumented Chinese Mainlanders throughout the country arose. This posed challenges not only to the country's national security but as well as to the labor industry.

Considering that POGOs serve the Chinese market, Mandarin-speaking individuals are more qualified for the jobs they offer. This result is at the disadvantage to Filipino employment because of the language barrier. According to the data released by PAGCOR, only 2 out of 10 employees in these gaming companies are Filipinos, and 82.3% are dominated by foreign nationals.

Filipinos and some legislators are alarmed because this system has limited job opportunities which could have been offered to 2 million unemployed Filipino citizens. At present, labor laws in the country allow the issuance of employment permits to foreign nationals for positions with functions which cannot be performed by Filipino citizens. Opportunities for Filipinos has been limited to administrative tasks while a greater number of employment positions are given to Mandarin-speakers often, Chinese citizens.

Fluency in Mandarin is the generally accepted qualification that sets apart foreign nationals and Filipino citizens in performing their functions in POGO establishments. This does not indicate that Filipinos are not competent enough to perform other functions yet a large number of POGOs opt to employ foreign nationals.

In a statement, PAGCOR chief and Chief Executive Officer Domingo, claimed that if more Filipinos would be trained to fit the job offered by the industry, the number of Filipinos employed in these firms would increase. In fact, there are efforts on the part of the government to increase the competency of Filipino workers as the Technical Education and Skills Development Authority (TESDA) offers free language training in Mandarin. Labor Secretary Bello also supported this initiative by saying that if Filipinos would learn to speak Mandarin, the government could cease issuing work permits to Chinese nationals.

In February 2020, the Chinese Embassy in Manila acknowledged this sentiment and expressed in a statement that China is already starting the crackdown of Chinese nationals suspected of committing long-term telecom fraud crimes abroad. This will lead to thousands of Chinese workers in the Philippines being deported back to their country.

China also expressed commitment to aid in the apprehension of Chinese tax evaders and in securing Philippines' national security amid issues arising from POGO. Despite President Duterte's assurance that POGOs are already beneficial to the Philippine economy, the Congress is proposing to impose 5% franchise tax on POGO-related companies, and a greater withholding tax for its foreign hires. Further, the Chinese Government, reiterating its criminal classification of such gambling activity, has called for the shutdown of POGOs in the Philippines. The question now is whether the economic benefits given by POGO outweigh the interest of this country.

LEGAL



by Rose May Gabejan

UPDATES



LEGAL UPDATES ON THE CORPORATION CODE

Republic Act. No. 11232 – “The Revised Corporation Code”

By: Janis Angela J. Ilagan

Globalization, modern technology, and a call for greater transparency are the new normal for the corporate sector in the Philippines. As businesses grow more complex by the minute, laws governing corporations must also adapt to these changes.

Republic Act. No. 11232, otherwise known as the Revised Corporation Code, repealed the 38-year-old Batas Pambansa Bilang 68 or the Corporation Code of the Philippines last 23 February 2019. The law was created to promote the ease of doing business and to promote good corporate governance that would lead to a stronger and more competitive corporate sector.

Among the notable features of the Revised Corporation Code is the concept of One Person Corporations or OPCs. Corporation Law Professor Atty. Melchor Jaemond Aranas, Esq., Managing Partner at Belgica Aranas Baldueza Dela Cruz and Associates Law Offices, said that with the introduction of OPCs, an individual can now register with the Philippine Securities and Exchange Commission as a corporation.

“Prior to the passage of the RCC, individuals or persons that do not reach the 5-person requirement under the old law are either forced to register as a sole proprietorship/partnership, or compelled to appoint “dummies” to be able to form a corporation and enjoy its limited liability feature. However, using “dummies” creates more problems than solutions in their businesses. With the passage of the RCC, small and medium sized businesses will surely benefit, as they are now given a more viable option to register as a corporation.” Atty. Aranas said.

The Revised Corporation Code also highlights the importance of technology in the corporate field. The new law adopts internationally-accepted principles and convenient alternatives such as videoconferencing and teleconferencing to better suit modern business settings. As explained by Atty. Aranas, “[s]tockholders and members are now allowed to vote through remote communication or “in absentia.” Directors or trustees can likewise participate in meetings even if they are not physically present. Moreover, notices can be sent through electronic mail subject to certain conditions. Online meeting platforms like Zoom, Microsoft Teams, Google Meet, and even Facebook video Messenger / Meeting Rooms can now be fully utilized under the new law.”

The Code also provides for perpetual existence for corporations unless their Articles of Incorporation states otherwise. This amendment favors the corporate sector since this eliminates the possibility of prematurely closing down the business by the Securities and Exchange Commission (SEC) due to failure to renew registration.

This law also poses new challenges for the Legislature in identifying and maintaining the provisions of the old law that are still effective in the modern commercial setting, having in mind provisions relevant to adopt in today’s digital and fast-paced environment. Overall, the Revised Corporation Code is the government’s best response to improve the country’s business climate. With the effectivity of the Revised Corporation Code, Atty. Aranas said that “[t]he Philippines is really moving forward”. The Philippines can now compete with the rest of the world.

Resolving Judicial Delay through Alternative Dispute Resolution

By JC Dela Luna

As Section 181 of Republic Act 1132, otherwise known as the Revised Corporation Code, took effect on 23 February 2019 which requires intra-corporate disputes to be referred to arbitration, alternative dispute resolution (ADR) became a more feasible option to resolve legal disputes among companies and even individuals.

Since such dispute settlement mechanism is allowed, there is also a rise in the popularity of the “Tulfo court” which is introduced by the TV5 segment “Raffy Tulfo in Action.” The segment’s primary focus is to resolve different individuals’ legal dispute. Although the “Tulfo court” may be considered as a mode of ADR which helps resolve judicial delay, there are many who are against such concept.

Back when Republic Act No. 876 or the Arbitration law was still in effect, legal disputes had been, more often than not, resolved by the courts. Occasionally, independent arbitrators would come into play and settle select disputes in hopes of unclogging court dockets.

The enactment of the Arbitration law allowed the courts to further unclog dockets and achieve the law’s main purpose of countering judicial delay or the prolonging of the judicial process and the administration of justice.

During the Marcos regime, lawyerly tactics that ensure judicial delay included (1) the misuse of the due process and the abuse of legal technicalities; (2) intervention of political issues in court; (3) sheer weight of court litigations arising from development and growth; (4) dilatory tactics of lawyers; and (5) neglect and laxity of lawyers.

In 2004, Republic Act No. 9285, also known as the Alternative Dispute Resolution (ADR) Act of 2004, was enacted to promote faster dispute resolution by enabling parties to resolve their disputes independently. The said law is based on the United Nations Commission on International Trade Law

(UNCITRAL) Model Law for international and domestic arbitration and aims to further unclog court dockets as well as hasten the delivery of impartial justice.

As defined by Section 3(a) of RA 9285, ADR is a process used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency ... in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof.

Hence, private organizations may manage private courts to serve those who need to resolve consumer, civil, corporate and commercial disputes. Accordingly, aside from arbitration, the other forms of ADR are mediation, conciliation, early neutral evaluation, mini trial; and any combination thereof. The most commonly used ADR methods are mediation and judicial dispute resolution conferences. The following is the general flow of events before a trial commences:

However, not all cases can be resolved by ADR. Constitutional issues, anti-trust suits, probate, adoption, cases that involve punitive damages, actions of equitable relief, and nuisance are issues that are exempt from ADR.

Article 2035 of the New Civil Code further provides that the following issues also cannot be subjected to ADR: civil status of persons, validity of marriage, legal separation, future support, future legitime, support; and, jurisdiction of courts.

Overall, resort to ADR is not necessary as provided for in the case of Fruehauf Electronics Philippines Corporation v. Technology Electronics Assembly and Management Pacific Corporation, G.R. No. 204197, November 23, 2016, wherein the court ruled that:



Resort to arbitration is voluntary. It requires consent from both parties in the form of an arbitration clause that pre-existed the dispute or a subsequent submission agreement. This written arbitration agreement is an independent and legally enforceable contract that must be complied with in good faith. By entering into an arbitration agreement, the parties agree to submit their dispute to an arbitrator (or tribunal) of their own choosing and be bound by the latter's resolution.

XXX

As a purely private mode of dispute resolution, arbitration proceedings, including the records, the evidence, and the arbitral award, are confidential ⁷⁴ unlike court proceedings which are generally public. This allows the parties to avoid negative publicity and protect their privacy. Our law highly regards the confidentiality of arbitration proceedings that it devised a judicial remedy to prevent or prohibit the unauthorized disclosure of confidential information obtained therefrom.

Nevertheless, it should not be overlooked that as provided by the Local Government Code of 1991, it is precursory that disputes should be amicably settled through the Katarungang Pambarangay or the Barangay Justice System first before the case is heard by the courts. The non-compliance thereof is a fatal defect which is dismissible.

Ultimately, as provided by a saying:

“The choice between litigation and settlement is clear. He would rather cut through the years and solve his disputes swiftly and move on with his life.”



Dean Garcia establishes Haribon Honor Society

During the second semester of academic year 2019-2020, Dean George Erwin Garcia founded the Pamantasan ng Lungsod ng Maynila (PLM) Law Haribon Honor Society, a premier student organization created to foster and promote academic excellence and ethical conduct in aspiring PLM lawyers.

On 27 January 2020, the PLM College of Law recognized students who successfully hurdled the previous semesters and warmly welcomed the following as the Society's pioneer members: Ma. Florence Fuerte, Patricia Anne Felipe, Diana Garin, Eljohn Marin, Carlo Niel Barangtay, Rapunzel Mae Maluto, Angeline Maridele Paras, Maridie Katelyn Torne, Johndel Cruz, Rowie Capate, Johnny Esmilla, Jr., Reuben Mar Say, and Athena Villagonzalo.

To commemorate the event, the college awarded each member a pin and a certificate of membership in recognition of the excellence they displayed in the course of their legal education at the College of Law Moot Court.

Established upon the principles of *Lex Ad Bonum Publicum* (Law for the Public Interest), the society embraces the finest attributes of the legal profession and emphasizes its importance especially in promoting social justice and advancing the interest of the public.

Membership in the organization is drawn from the pool of regular law students which as a precursory condition must have (1) no failing mark, (2) not dropped any subject, and (3) enrolled in the required full unit during the particular semester. Moreover, these students must belong to the top five of their class for two consecutive terms.

At present, the Haribon Honor Society awaits more members as the academic year 2020-2021 begins amidst the COVID-19 pandemic.





PHILIPPINE LAW SCHOOL ADMISSION TEST
PhiLSAT

SC Scraps PhiLSAT Law School Admission Requisite

The country's highest court took a calibrated approach in deciding on the constitutionality of the law school aptitude test.

By: Sarah Jane Asis

On 10 September 2019, the Supreme Court ruled with finality on the issue of the constitutionality of the Philippine Law School Admission Test or PhiLSAT. At the core of the issues raised by the petitioners in *Pimentel et. al v. Legal Education Board et. al* was the constitutionality of Republic Act (R.A.) No. 7662 or the Legal Education Reform Act of 1993, which created the Legal Education Board (LEB).

The law was assailed as unconstitutional on the following principal grounds: (1) encroachment upon the rule-making power of the Supreme Court concerning the practice of law; (2) violation of institutional academic freedom; and (3) violation of a law school aspirant's right to education.

On the first ground, the Court maintained the power of the LEB to prescribe the minimum standards for law admission under Section 7(e) of R.A. No. 7662. Merely authorizes the LEB to prescribe minimum requirements and not to impose a standard by way of an exclusionary and qualifying exam.

Meanwhile, the Court affirmed the authority of the LEB to administer an aptitude test as a minimum standard for law admission pursuant to Section 7(e). PhiLSAT, as an aptitude exam, was found by the Court to be reasonably related to the State's interest in improving the quality of legal education. "[I]nsofar as it functions as an aptitude exam that measures the academic potential of the examinee to pursue the study of law to the end that the quality of legal education is improved," PhiLSAT is not per se unconstitutional.

On the second and third ground, the Court partially nullified LEBMO No. 7-2016 "insofar as it absolutely prescribes the passing of the PhiLSAT and the taking thereof within two years as a prerequisite for admission to any law school, which run directly counter to institutional academic freedom."

Paragraphs 7, 9, 11, and 15 of LEBMO No. 7-2016 mandate that only applicants who scored at least 55% correct answers shall be admitted to any law school, while applicants with a grade lower than the prescribed cut-off score and those with expired PhiLSAT eligibility shall be denied.

According to the Court, these provisions show that PhiLSAT "usurps the right and duty of law schools to determine for themselves the criteria for the admission of students . . . They are left with absolutely no discretion to choose their students at the first instance and in accordance with their own policies." Only after the applicants have been pre-screened by LEB were law schools allowed to choose from the pool of PhiLSAT passers.

The Court said that in the rightful exercise of their academic freedom, law schools should instead be left with the discretion to determine how much weight they would give to PhiLSAT results.

It remains to be seen whether LEB will continue to conduct PhiLSAT which, at this point, merely serves as an additional or supplementary test to the entrance exams administered by law schools, or whether law schools will instead take the initiative to establish a unified, standardized, and unrestrictive law admission examination in place of PhiLSAT, their own admission exams, or both.

Rules on Evidence: Updates for the Young Ones and the Young Once

By Hazel B. Foster

“Take nothing on its looks; take everything on evidence. There is no better rule.”- Charles Dickens

The Supreme Court of the Philippines, through the Revision Committee, adopted A.M. No. 19-08-15-SC entitled “2019 Proposed Amendments to the Revised Rules on Evidence,” which became effective on 1 May 2020. These amendments have been necessitated by jurisprudence and the calls of time. The Rules play a vital role in administering and serving justice.

On 20 August 2020, the Supreme Court En Banc had a media launch of the said amendments. Justice Eduardo B. Peralta, Jr. of the Court of Appeals discussed the salient features of the 2019 Amendments to the Revised Rules on Evidence. There are various changes, but Justice Peralta categorized them into two: minor and major changes.

Although minor, these changes are still considered vital as they form part of the procedure and contribute to a better understanding and clear implementation of the rules. Justice Peralta enumerated that the minor amendments include re-numbering, gender inclusivity, recognition of technological progression (based on RA 8792 or the Rules on Electronic Evidence), and Interim Rules on Remote Notarization of Paper Documents for the interim pandemic.

The major changes include the following: picture as documentary evidence, expansion of privileged communications, dichotomy of concepts such as personal knowledge from hearsay, modification of exceptions to hearsay, residual exception, Apostille Convention, modes of impeachment, burden of evidence, oral offer, objection and ruling, and factors for an expert opinion. However, this paper discusses only some of the changes that may be of help to law students and the public in general.

Evidence is defined as the means, sanctioned by the rules, of ascertaining in a judicial proceeding the truth respecting a matter of fact. To be admissible, it must be relevant to the issue and not excluded by the Constitution, the law, or these Rules. To be relevant, evidence must have such a relation to the fact in issue as to induce belief in its existence or non-existence.

The very first amendment is found on Rule 128, Section 3, which specifies that “evidence is admissible when it is relevant to the issue and not excluded by the Constitution...” This has been made clear and specific, pursuant to the rule that the Constitution is the supreme law of the land and all statutes must conform to it.

The second minor change is gender inclusivity. Gone are the days when the pronouns “his” and “he” dominated the legal provisions. The Rules already included “she” and “her.” This perhaps aims to remove gender bias and/or discrimination among genders.

In his column “Weaving through the New Rules on Evidence (Part1),” Atty. Tranquil Gervacio S. Salvador III discussed the three classifications of evidence: object, documentary, and testimonial. He stated that the “Best Evidence Rule” has been changed to the “Original Document Rule.” The rule on documentary evidence is that the original document must be presented for the court’s examination when the subject of the inquiry is the contents of a document, writing, recording, photograph or other record. However, there are exceptions, such as when (a) when the original is lost or destroyed, or cannot be produced in court, without bad faith on the part of the offeror;





In a lecture entitled "The Hearsay Rule: A Paradigm Shift," Associate Justice Maria Filomena D. Singh of the Court of Appeals stated that the old Hearsay Rule is lack of personal knowledge. Now, the rule is lack of firsthand knowledge. Rules 38 to 50 are exceptions to the Hearsay Rule, which means that these sections are admissible as evidence.

(b) when the original is in the custody or under the control of the part against whom the evidence is offered, and the latter fails to produce it after reasonable notice, or the original cannot be obtained by local judicial processes or procedures; (c) when the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole; (d) when the original is a public record in the custody of a public officer or recorded in a public office; and (e) when the original is not closely-related to a controlling issue. The provisions in a and b are additions to the exceptions.

On the other hand, documentary evidence consists of writings, recordings, photographs or any material containing letters, words, sounds, numbers, figures, symbols, or their equivalent, or other modes of written expression offered as proof of their contents. Photographs now include still pictures, drawings, stored images, x-ray films, motion pictures or videos. In the old Rules, photographs, x-ray films, videos and similar paraphernalia were object evidence. In the amendments, they are now considered documentary evidence.

Furthermore, in testimonial evidence, a witness can testify only to those facts which he or she knows of his or her personal knowledge; that is, which are derived from his or her own perception. Sections 21 and 23 on mental incapacity or immaturity, and the Dead Man's statute, have been deleted. However, Atty. Salvador III explained that in case a witness with mental retardation or a child of tender years can still testify if he or she can perceive and make known his or her perception at the time of his or her presentation in court.

In addition to the amendments in testimonial evidence, Section 24 (Disqualification by reason of privileged communications) has been expanded and now includes personal belief of the person as regards the authority or license of an attorney, physician or psychotherapist, or minister, priest, or person reasonably believed to be so.

Another notable amendment is the Hearsay rule. Hearsay is defined as a statement other than one made by the declarant while testifying at a trial or hearing, offered to prove the truth of the facts asserted therein. A statement is (1) an oral or written assertion or (2) a non-verbal conduct of a person, if it is intended by him or her as an assertion. Hearsay evidence is inadmissible except as otherwise provided in these Rules.

One of the exceptions to the Hearsay Rule is an act or declaration about pedigree (Rule 130, Section 41). This rule now recognizes an adopted person or one so intimately associated as to be likely to have information concerning his or her pedigree. When such person's information becomes the guarantee of the accuracy or reliability of his or her information on the pedigree on a particular subject matter of the controversy, then that information may be received in evidence. Jurisprudence has recognized these exceptions already, and they have been codified in the new Rules.

Another important amendment to the exceptions is residual exception, which is a statement not specifically covered by any of the exceptions but having equivalent circumstantial guarantees of trustworthiness. It is admissible, subject to certain conditions.

It is also noteworthy that the Rules now include burden of evidence and not just burden of proof. On one hand, burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his or her claim or defense by the amount of evidence required by law. It never shifts. On the other hand, burden of evidence is the duty of a party to present evidence sufficient to establish or rebut a fact in issues to establish a prima facie case. It may shift from one party to the other in the course of the proceedings depending on the exigencies of the case. Burden of evidence is also called the burden of going forward or burden of production of evidence. It is a very good amendment.

In conclusion, the amendments to the Rules on Evidence reflected, codified, incorporated, and recognized various factors--jurisprudence, society's needs, technological advancements, and most importantly, justice and fairness. These will help the bench and the bar in uncovering and ascertaining the truth, considering the rights of contending parties and with the end view of serving justice. To achieve this, let evidence speak.



SC Amends Two-Decade-Old Rules of Civil Procedure

A brief account and summary of the significant changes introduced by A.M. No. 19-10-20-SC or the "2019 Proposed Amendments to the 1997 Rules of Civil Procedure"

By **Johndel Cruz**

17 May 2020—Procedural rules are created not to hinder or delay but to facilitate and promote the administration of justice. The 1997 Rules of Civil Procedure was revised and updated by the Supreme Court. The amendments of the Rules of Civil Procedure are from Rule 6 until Rule 35 thereof.

The Rules of Court with reference to the body of rules governing pleadings, practices and procedures promulgated by the Supreme Court pursuant to its rule-making powers under the constitution.

The Rules of Court had been in existence since 1940. There were sporadic revisions in 1964 until, in 1997, a major part of it was revised, which created the Rules of Civil Procedure.

The former Supreme Court Chief Justice Lucas P. Bersamin promised to prioritize the reform of procedural laws and make the disposition of every action and proceeding just, speedy and inexpensive. Aimed to prevent delays and decongest the courts. Under his leadership, the SC formed the Sub-Committee (2019 Sub-Committee) for the Revision of the 1997 Rules of Civil Procedure as per Memorandum Order No. 04-2019 dated January 14, 2019.

On 01 May, 2020, the SC approved the "2019 Proposed Amendments to the 1997 Rules of Civil Procedure" and "2019 Proposed Amendments to the Revised Rules on Evidence".

The Rules of Court served as a delineation of method in court proceedings, and its efficiency is essential in achieving judicial objective. The Rules of Civil Procedure and the Rules on Evidence, as integral parts of the Rules, were subjected to changes in order to simplify our justice system.

Significant provisions under the amended Rules of Civil Procedure:

Section 2, Rule 6

The plaintiff may file a reply only if the defendant attaches an actionable document to his or her answer.

Section 5, Rule 6; Section 12, Rule 8

Aside from fraud, statute of limitations, release, payment, illegality, statute of frauds, estoppel, former recovery, discharge in bankruptcy, and any other matter by way of confession and avoidance, affirmative defenses may now include grounds for the dismissal of the complaint, specifically, that the court has no jurisdiction over the subject matter, that there is another action pending between the same parties for the same cause, that the action is barred by a prior judgement, that the court has no jurisdiction over the person of the defendant, that venue is improperly laid, that the plaintiff has no legal capacity to sue, that the pleading asserting the claim states no cause of action, or that a condition precedent for filing the claim has not been complied with. Denial of affirmative defenses cannot be the subject of a motion for reconsideration or petition for certiorari, prohibition or mandamus, but may be among the matters to be raised on appeal after a judgement on the merits.

Section 3, Rule 7

The signature of counsel constitutes a certificate by him or her that he or she has read the pleading and document; that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

It is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

The claims, defenses, and other legal contentions are warranted by existing law or jurisprudence, or by a non-frivolous argument for extending, modifying, or reversing existing jurisprudence;

The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after availment of the modes of discovery under the rules; and

The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Upon court determination, on motion or motu proprio and after notice and hearing, violation of this rule is a ground for imposition of appropriate sanction on any attorney, law firm, or party that violated the same, or is responsible for the violation. In case of monetary sanction, the lawyer or law firm cannot pass on the monetary penalty to the client.

Section 4, Rule 7

Authorization of an affiant to certify a certification against forum shopping on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading and must allege certain attestations provided in the rules.

Section 6, Rule 7

A new provision relative to contents of pleadings was introduced. Said provision requires every pleading stating a party's claims or defenses, in addition to those mandated by Section 2, Rule 7, to state: a.) The name of the witnesses who will be presented to prove a party's claim or defense; b.) Summary of the witnesses' intended testimonies, provided that the judicial affidavits of the said witnesses shall be attached to the pleading and form an integral part thereof. Only witnesses whose judicial affidavits are attached to the pleading shall be presented by the parties during trial. Except if a party presents meritorious reasons as basis for the admission of additional witnesses, no other witness or affidavit shall be heard or admitted by the court; and c.) Documentary and object evidence in support of the allegations contained in the pleading.

Section 1, Rule 8

Every pleading shall include the evidence on which the party pleading relies for claim or defense, as the case may be. If a cause of action relied on is based on law, the pertinent provisions thereof and their applicability to him or her shall be clearly and concisely stated.

Section 3, 9, and 18, Rule 13

Filing of pleadings and other court submissions may be made through electronic mail or other electronic means as may be authorized by the Court in places where the court is electronically equipped. Service of pleadings, motions, notices, orders, judgements, and other court submissions by electronic means shall be made only if the party concerned consents to such mode of service. The court may also issue orders and other documents electronically to all parties.

In case of failure of service of summons by the sheriff, his deputy, or other proper court officer, the court may now authorize the plaintiff – to serve summons – together with the sheriff. Where summons is to be served outside the judicial region of the court where the case is pending, the plaintiff shall be authorized to cause the service thereof.

Section 3, Rule 14

If, for justifiable causes, the defendant cannot be served personally after at least three (3) attempts on two (2) separate dates, service of summons may also be made by sending an electronic mail to the defendant's electronic mail address, if allowed by the court. In such case, a printout of said electronic mail, with the copy of the summons as served, and the affidavit of the person mailing, shall constitute as proof of service.

**Section 6 and 21,
Rule 14**

Where the summons is improperly served, the counsel making special appearance on behalf of the defendant to question the validity of summons, shall be deputized by the court to serve summons on his client. (Section 13, Rule 14)

Section 13, Rule 14

An enumeration of non-litigious and litigious motions were made, and their respective way of resolution. Non-litigious motions must be resolved by the court within five (5) calendar days from the receipt thereof, without need of hearing. On the other hand, hearing for the resolution of litigious motions was made discretionary upon the court. And except for motions requiring immediate action, if the court finds that a hearing is necessary for the resolution of litigious motion, the same shall be set on a Friday. (Section 4, 5, 6, and 8 Rule 15)

**Section 4, 5, 6, and
8, Rule 15**

Provisions under the rule on motion to dismiss (Rule 16) of the present rules were either deleted or transposed. Motion to dismiss is now a prohibited motion under the revised rules, except on the following grounds:

**Section 12, Rule
15; Section 12,
Rule 8**

That the court has no jurisdiction over the subject matter of the claim;

That there is another action pending between the same parties for the same cause; and

That the cause of action is barred by a prior judgement or by the statute of limitations.

Grounds available for dismissal under the present rules such as: a.) that the court has no jurisdiction over the person of the defendant; b.) that venue is improperly laid; c.) that the plaintiff has no legal capacity to sue; d.) that the pleading asserting the claim states no cause of action; or e.) that a condition precedent for filing the claim has not been complied with, must be pleaded as an affirmative defense under the revised rules, which the court shall resolve within thirty (30) calendar days from the filing of the answer. (Section 12, Rule 15; Section 12, Rule 8)

Section 12, Rule 15

Aside from motion to dismiss, the revised rules also enumerated the following as prohibited motions:

Motion to hear affirmative defenses;

Motion for reconsideration of the court's action on the affirmative defenses;

Motion to suspend proceedings without a temporary restraining order or injunction issued by a higher court;

Motion for extension of time to file pleadings, affidavits or any other papers, except a motion for extension to file an answer as provided by Section 11, Rule 11; and

Motion for postponement intended for delay, except if it is based on acts of God, force majeure or physical inability of the witness to appear and testify. (Section 12, Rule 15)

Section 1, Rule 18

It is no longer the duty of the plaintiff to move for the setting of the case for pre-trial as it is now the branch clerk of court who shall issue, within five (5) calendar days from filing, a notice of pre-trial which shall be set not later than sixty (60) calendar days from the filing of the last responsive pleading. (Section 1, Rule 18)

Section 2, Rule 18

Failure to appear without just cause, despite notice, of a party and counsel during pre-trial will result in a waiver of any objections to the faithfulness of the reproductions marked, or their genuineness and due execution. Further, failure of a party and/or counsel to bring the evidence required, without just cause, shall be deemed a waiver of the presentation of such evidence. (Section 2, Rule 18)

Section 8 and 9, Rule 18

After pre-trial and, after issues are joined, the court shall refer the parties for mandatory court-annexed mediation (CAM), which shall not exceed thirty (30) calendar days. If CAM fails, but the judge of the court to which the case was originally raffled is convinced that settlement is still possible, the case may be referred to another court for judicial dispute resolution (JDR), which shall be conducted within a non-extendible period of fifteen (15) calendar days from notice of failure of the CAM. If JDR fails, trial before the court to which the case was originally raffled shall proceed on the dates agreed upon. (Section 8 and 9, Rule 18)

Section 2, Rule 34

The court may, upon motion or motu proprio, render judgment on the pleadings if it is apparent that the answer fails to tender and issue, or otherwise admits the material allegation of the adverse party's pleadings. (Section 2, Rule 34)

Section 3, Rule 35

Conduct of hearing for summary judgements shall only be made upon court order. Otherwise, judgement sought shall be rendered forthwith if the pleadings, supporting affidavits, depositions and admissions on file, show that, except as to the amount of damages, there is no genuine issue as to any material fact and that the moving party is entitled to judgement as a matter of law.

Any act of the court on a motion for summary judgement shall not be subject of an appeal or petition for certiorari, prohibition or mandamus. (Section 3, Rule 35)

SolGen Asks SC to Revoke ABS-CBN's Franchise

In a move to forfeit or revoke the broadcast giant's legislative franchise, the Solicitor General accuses the latter of violating its franchise by operating pay-per-view services and selling PDRs to foreign investors.

By Danilo Dadios



19 May 2020—Solicitor General Jose Calida filed a petition for quo warranto against network giant ABS-CBN on February 9, praying to revoke the network's legislative franchise over a month before its expiration. This was due to the alleged violations done by ABS-CBN Corporation as well as ABS-CBN Convergence with respect to pay-per-view services, Philippine Depositary Receipts, and corporate layering.

Pay-Per-View Services

Citing an order issued by the National Telecommunications Commission (NTC) in 2019, Calida asserted that ABS-CBN operated its TV Plus or Kapamilya Box Office (KBO) programs without the necessary permits. The Solicitor General further contended that the franchise granted to the broadcast giant does not allow the same to collect fees and showcase programs not available on free TV.

ABS-CBN categorically denied such allegations made by the Solicitor General in the former's official statement, by explaining the following: "All our broadcast offerings, including KBO, have received the necessary government and regulatory approvals and are not prohibited by our franchise". The same was affirmed by the NTC in a Senate hearing conducted by the Committee on Public Services on February 24.

Philippine Depositary Receipts

The Constitutional limitation of ownership of mass media by Philippine citizens was allegedly violated. First, ABS-CBN sold shares of stocks to ABS-CBN Holdings, the former's sister company. After which, ABS-CBN Holdings issued and sold PDRs, enabling purchasers to collect dividends accruing to each share of stocks. Calida argued that the PDRs sold by ABS-CBN to foreign investors were imbued with beneficial ownership, a clear violation of its charter.

Yet, PDRs are not equivalent to a certificate of ownership or a share of a corporation.

According to ABS-CBN, PDRs issued by ABS-CBN Holdings were evaluated and approved by the Securities and Exchange Commission (SEC) and the Philippine Stock Exchange (PSE) prior to its public offering.

Corporate Layering

Lastly, Calida also accused ABS-CBN of "corporate layering," in which the latter utilized franchises granted to companies it eventually acquired. According to Calida, such corporate structuring resulted in ABS-CBN's use of two franchises without approval from the Congress.

In 1994, Multi-Media Telephony was granted by the Congress with a 25-year franchise. A few years before it expired, Multi-Media Telephony—which was then owned by Columbus Technology—was bought by Sipientis. ABS-CBN then entered into a merger with Sipientis in 2015, which later on became a subsidiary of ABS-CBN Corporation.

According to Calida, Multi-Media Telephony made use of another name—which was ABS-CBN Convergence—when it sought for extension of provisional authority. He further reiterated that a corporation cannot use another corporation's name to transact business.

In 2012, ABS-CBN invested 49% of equity interest in Amcara, which acquired its legislative franchise from the Congress in 1995. Calida said that such practice by ABS-CBN constituted corporate layering and a deliberate scheme to avoid the long and arduous process of securing a franchise.

In its official statement, ABS-CBN said that these transfers were approved under the Public Telecommunications Policy Act and were fully compliant with law.

QUO WARRANTO

In the same landmark ruling, the Supreme Court held that “when a question before the Court involves determination of a factual issue indispensable to the resolution of the legal issue, the Court will refuse to resolve the question. Such question must first be brought before the proper trial courts or the Court of Appeals, both of which are specially equipped to try and resolve factual questions.”

This runs counter with the petition filed by Calida who justifies such direct resort to the Supreme Court as the case is of transcendental importance.

Justice Panganiban shared the same sentiment, stating that “the case should be remanded to the Court of Appeals to determine the factual issues before the SC can act on the legal issues.”

Despite the telecommunications regulator’s promise to allow the broadcast giant to continue its operations under a provisional authority, the NTC on May 4 issued a Cease and Desist Order (CDO) against ABS-CBN upon the expiry of its legislative franchise on the eve of the same day.

Citing R.A.No. 3846, otherwise known as the Radio Control Law, the NTC ordered ABS-CBN to halt its television and radio broadcasting operations “absent a valid Congressional franchise required by law.” The same order runs counter to the legal advice issued by the Department of Justice which recommended that ABS-CBN be permitted to operate under a provisional authority pending renewal of its franchise.

The NTC expressed in a statement that it would have encroached on the Congress’ authority had the agency allowed ABS-CBN to continue its operation under a provisional authority.

Retired Chief Justice Reynato Puno shared the same opinion with the NTC. In *ACWS v. NTC*, the Supreme Court held that the NTC cannot issue a provisional permit in favor of a broadcasting corporation that has no valid and existing legislative franchise.

Less than a week after ABS-CBN was ordered to shut down its operations, the House of Representatives Committee of the Whole approved on second reading a bill that grants ABS-CBN with a provisional franchise which would be valid until October 31, 2020.

House Bill 6732, which was filed by House Speaker Alan Peter Cayetano, tends to give Congress ample time to act on ABS-CBN’s application for a new 25-year legislative franchise.

HB 6732 is now scheduled for 3rd reading subject to the approval of the House of Representatives. After which, the approved bill will then be transmitted to the Senate for its concurrence. Consequently, Senate Majority Leader Juan Miguel Zubiri expressed Senate’s commitment to pass the provisional license before it adjourns in the first week of June.

Validity of Quo Warranto

One of the legal issues being heavily debated among the members of the legal profession is the validity of the quo warranto petition filed by Solicitor General Jose Calida against broadcast giant ABS-CBN to question the latter’s legislative franchise. The provision for quo warranto is enshrined in Rule 66 of the Rules of Court, which vests the Solicitor General with authority to initiate a quo warranto petition or an action against a person who usurps public office, position or franchise. In this case, the petition is based on Section 1(c) of the same provision which disqualifies an association for acting as a corporation without being legally incorporated or without legal authority to do so.

In a column written by former Supreme Court Chief Justice Artemio Panganiban, he said that in order for a quo warranto petition to prosper, the grounds for invalidity must be pre-existing before such individual was appointed or elected.

Citing *Republic v. Sereno*, Panganiban stated that “quo warranto is proper when the challenged act or omission was committed prior to or at the time of the appointment or election relating to an official’s qualifications to hold office as to render such appointment or election invalid. Acts or omissions committed during the incumbency of a validly appointed and/or elected official cannot be the subject of a quo warranto proceeding.”

Although the *Sereno* case did not involve a franchise but a public office, the former Chief Justice maintained that the same principle must apply.

Since the acts complained of were committed by ABS-CBN after it validly obtained the legislative franchise, a quo warranto petition against the former cannot prosper.

In an interview, Constitutional Law Professor Tony Laviña said that Section 1(c) of Rule 66 is not sufficient as a basis on account that it involves a corporation that was not legally incorporated.

Citing *Gio-Samar v. DOTC*, Law Professor Theodore Te said Solicitor General Calida could not go straight to the Supreme Court and file an action which entails determination of facts.

Anti-Terrorism Act of 2020: Salient Features and Legal Consequences

By: Justin Brian F. Borbon

President Rodrigo Duterte signed into law the controversial “Anti-Terrorism Act of 2020” thereby repealing the Human Security Act of 2007 on 3 July 2020. Senator Ping Lacson, one of the law’s principal sponsors, stated that many of its provisions have been adapted from the “Anti-Terrorism Act” of Australia. National Security Adviser Hermogenes Esperon, Jr. highlighted that the law is a matter of necessity as the Philippines is one of the most terrorism-afflicted countries in the entire world. ATA’s Declaration of Policy states that the law will be used to combat terrorism using a comprehensive approach while upholding the basic rights and fundamental liberties enshrined in the Constitution.

However, legal and human rights groups think otherwise, arguing that the new Anti-Terror Law contains several troublesome provisions which may be abused by law enforcement authorities. As of writing, 27 petitions have already been filed before the Supreme Court (SC) challenging the constitutionality of the law, making it the most challenged statute in Philippine history.

What is Terrorism?

Under the old HSA of 2007, “terrorism” is committed by any person who commits an act punishable as rebellion or insurrection, thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace in order to coerce the government to give in to an unlawful demand. Before a charge for terrorism may be filed under the same, there must first be a predicate crime actually committed to trigger the operation of the key qualifying phrases in the other elements of the crime.

The new anti-terror act expanded the definition of terrorism as it now includes those which are intended

to cause death or serious bodily injury to any person, extensive damage to government or private property, interference with critical infrastructure, developing weapons, and releasing dangerous substances when the purpose of such is to intimidate the general public or a section thereof, create an atmosphere or send a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the fundamental structures of the country, or create emergency or undermine public safety.

The ATA, however, emphasized that terrorism shall not include advocacy, protest, dissent, stoppage of work, and other exercise of civil and political rights which are not intended to cause death or serious physical harm to a person or create serious risk to public safety. The penalty of life imprisonment without the benefit of parole provided for in the ATA is higher compared to 40 years imprisonment without benefit of parole in the HSA.

New Provisions in the Anti-Terrorism Act of 2020

Various novel crimes and provisions have been introduced in R.A. No. 11479, and nullification of Sections 4 to 12 thereof is the main focus of several petitions contesting its validity.

Proposal to Commit Terrorism is committed when a person who has decided to commit any of the crimes defined and penalized under the ATA proposes its execution to some other person or persons, while Threat to Commit Terrorism is committed by any person who shall threaten to commit any of the acts stated in Section 4. However, the ATA failed to define what may constitute a “threat” to commit terrorism.

Planning, Training, Preparing, and Facilitating the Commission of Terrorism, which are all mere preparatory acts, may now constitute a crime. Even mere possession of objects deemed to be in connection with acts of terrorism is now punishable. Inciting to Commit Terrorism, one of the law’s most contested and reprobated provisions, states that:

”

any person who, without taking any direct part in the commission of terrorism, shall incite others to the execution of any of the acts specified in Section 4 hereof by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end, shall suffer the penalty of imprisonment of twelve (12) years.

Opposition asserts that the ATA may be examined using the facial challenge since this provision could produce a “chilling effect” on people exercising their freedom of speech.

Surveillance of Suspects and Interception and Recording of Communications is a new provision which enlarges the list of persons who may be the subject of surveillance or wiretapping, and surveillance activities. It now allows the tracking down of individuals which was limited only to communications under the HSA. Furthermore, the effectivity period of judicial authorization in the ATA shall not exceed 60 days, more than that provided for in the HSA which was only for 30 days. The authorization may even be renewed or extended by the Court of Appeals (CA) to a non-extendible period which shall not exceed 30 days.

Designation of Terrorist Individuals, Groups, Organizations, and Associations

The Anti-Terrorism Council (ATC) has the power to designate an individual, group of persons, association, or organization, upon a finding of probable cause, that they committed, attempted to commit, or conspired to commit the acts laid down in Sections 4 to 12. Additionally, any group found to have committed acts defined and penalized under the law, or who are organized for the purpose of engaging in terrorism, shall upon application of the DOJ before the authorizing division of the CA, with due notice and opportunity to be heard given to the group of persons, organization or association, be declared as a terrorist and outlawed group of persons, organization or association by the CA.

The ATC also has a new composition, with the National Security Adviser as the Vice-Chair of the Council instead of the Secretary of Justice. New council members were added including the Department of Information and Communications Technology Secretary and the Executive Director of the Anti-Money Laundering Council.

It is worth noting that it is now the CA which has the power to declare individuals or groups as terrorists, as opposed to the Regional Trial Court (RTC) in the HSA. Another qualification that was added is that no application for proscription shall be filed without the authority of the ATC upon the recommendation of the National Intelligence Coordinating Agency. The Preliminary Order of Proscription will serve as an expeditious order from the court as it is issued within 72 hours of the filing of the application for proscription.

Detention Without Judicial Warrant of Arrest

The ATC has the power to issue written authorizations to law enforcement agents and military personnel to arrest persons suspected of committing any of the acts defined and penalized under Sections 4 to 12 of the law. Law enforcement authorities have the duty to deliver said suspected persons to the proper judicial authority within 14 days counted from the moment the suspected person was apprehended, arrested or detained. This period may be extended to a maximum of 10 calendar days if further detention is necessary, whereas the repealed HSA law provided for only a period of 3 days.

It should be highlighted, however, that Section 2, Article 3 of the Constitution is clear:

“...xxx no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, particularly describing the place to be searched or the persons or things to be seized.”

The purpose of the mandate of the judge to first determine probable cause for the arrest of the accused is to insulate from the very beginning those falsely charged with crimes from the tribulations, expenses, and anxiety of a public trial. Further, the SC has repeatedly and consistently held that the cold neutrality of an impartial judge is the indispensable imperative of due process. With this, the ATA's critics aver that the ATC will be performing functions which are exclusively judicial in character and therefore in violation of the Constitution. The powers vested by the supreme law of the land cannot be defeated by a mere act of Congress.

According to Senator Lacson, the power of the ATC to issue written authorization to order arrest must be construed as limited to the 3 valid warrantless arrests laid down in Section 5, Rule 113 of the Rules of Court. However, mere suspicion is not one of the instances listed therein. It was held in *People v. Lualhati* that, “The statute or rule which allows exceptions to the requirement of warrants of arrest is strictly construed. Any exception must clearly fall within the situations when securing a warrant would be absurd or is manifestly unnecessary as provided by the Rule. We cannot liberally construe the rule on arrests without warrant or extend its application beyond the cases specifically provided by law. To do so would infringe upon personal liberty and set back a basic right so often violated and so deserving of full protection.” (emphasis supplied)



If an arrest is made without a valid warrant and is not covered by any of the exceptions expressly stated in the Rules of Court, the arrest is therefore illegal and the arresting officer may be held liable. Nonetheless, the SC shall have the final say.

Safeguards Against Abuses

The ATA contains some provisions which allow persons subjected to this law to seek redress over any ill treatment that they may suffer. One of such safeguards is the Rights of a Person under Custodial Investigation, which confers to the arrested or detained person the rights enshrined in Section 12, Article 3 of the Constitution. Additionally, R. A. 7438 provides for the rights of persons detained or arrested under custodial investigation. If an accused cannot afford the services of a competent and independent counsel of his or her choice, law enforcement authorities shall contact the free legal assistance unit of the Integrated Bar of the Philippines (IBP) or the Public Attorneys Office (PAO). Among the rights granted to him or her include the right to communicate with his or her legal counsel at any time without any restriction, to communicate with his or her nearest family freely and privately and to be visited by them, and to avail the services of a physician of his or her choice. If these rights are violated, the law enforcement authority or military personnel liable shall be imprisoned for 10 years, with a penalty of 10 years and 1 day, down from the 12 years imprisonment imposed in the HSA.

The use of torture and other cruel, inhumane and degrading treatment or punishment is now absolutely prohibited, violation of which is punishable under the Anti-Torture Act of 2009. The ATA also punishes any law enforcement agent or military personnel who conducts surveillance activities

without a valid judicial authorization, with a penalty of 10 years imprisonment.

Although there are several provisions in the ATA which provide safe haven to persons detained or arrested under this law, some provisions of the HSA which may further be beneficial to the accused were deleted. For example, the provision in the HSA which provided that the Commission on Human Rights (CHR) shall have the concurrent jurisdiction to prosecute public officials, law enforcers and other persons who may have violated the civil and political rights of persons suspected of, or detained for the crime of terrorism or conspiracy to commit terrorism can no longer be found in the ATA, which now only gives to the CHR the highest priority to the investigation and prosecution of violations of civil and political rights of persons in relation to the implementation of the ATA. The power of the CHR to safeguard future abuses was thereby reduced.

Another omitted provision is the grant of damages for unproven charge of terrorism. Under the repealed law, any person who has been accused of terrorism and eventually acquitted shall be entitled to the payment of damages in the amount of P500,000.00 for every day that he or she has been detained or deprived of liberty or arrested without a warrant. There is no mention of any award for damages for unproven charges under the ATA.

As numerous petitions questioning the rationality of the Anti-Terrorism Act of 2020 are still lodged in the SC, one can only wait for the Court's decision. But it should be remembered that during these challenging times, one must remain vigilant in exercising the moral duty to protect at all costs the fundamental liberties vested by the Constitution.

SENATE SEEKS AUTHORITY VOTE ON VFA

“A petition for declaratory relief and mandamus was filed before the SC, asking for the Senate’s role in terminating the two-decade-old VFA.”

by Alexandra Clarisse S. Sagutin

On 2 March 2020, twelve senators voted for the adoption of Senate Resolution No. 337, which sought the Supreme Court’s opinion on the necessity of Senate concurrence to abrogate the Visiting Forces Agreement with the United States.

The said resolution explicitly stated that the issue was purely a question of law as it seeks to clarify if the power to ratify a treaty is accompanied by the power to concur its abrogation. As such, the Constitution is silent concerning the authority of the Senate to terminate a treaty.

Senate’s Authority to Concur in the Ratification of Treaties

In *Bayan v. Zamora*, the Court held that the President acted within the confines and limits of the powers vested in him by the Constitution when he ratified the VFA and submitted the same to the Senate for concurrence.

The case also discussed two provisions in the Constitution which require the concurrence of the Senate on treaties or international agreements, to wit: Section 21, Article VII and Section 25, Article XVIII. As to the matter of voting, Section 21, Article VII particularly requires that a treaty or international agreement, to be valid and effective, must be concurred in by at least two-thirds (2/3) of all the members of the Senate. On the other hand, Section 25, Article XVIII simply provides that the treaty be duly concurred in by the Senate. In both provisions, the concurrence of the Senate is indispensable to render the treaty or international agreement valid and effective.

Hence, the Constitution accords the Senate with the power to concur with treaties. In its final note, the Court reiterated that “The Constitution thus animates, through this treaty-concurring power of the Senate, a healthy system of checks and balances indispensable toward our nation’s pursuit of political maturity and growth.”

The Supreme Court in *Tañada v. Saguisag* ruled that the power to concur in a treaty or an international agreement is an institutional prerogative granted by the Constitution to the Senate. Thus, any member of the Senate has the locus standi to question before the Court any impairment of this constitutional prerogative.

Senate’s Rationale Behind Resolution No. 337

In Senate President Vicente Sotto III’s speech, He mentioned the following legal concepts: 1) lacuna legis, 2) mirror principle, and 3) act de contraire theory, as bases of the Resolution. Firstly, lacuna legis, a situation where there is no applicable law, is present due to the absence of an explicit provision in the 1987 Constitution as to whether the concurrence of the Senate is necessary for the termination of any treaty earlier concurred by the body. Secondly, the mirror principle must be adhered to, which means that the Senate will have the authority to abrogate and not only to accede to a treaty. Lastly, the act de contraire theory posits that when a Constitution requires parliamentary or legislative approval for treaties subject to ratification, it likewise, by implication, requires the consent of the parliament or the legislature to withdraw from such treaties.

The sole question of whether or not the concurrence of the Senate is necessary in the abrogation of a treaty previously concurred by them “involves an issue of transcendental importance that impacts on the country’s constitutional checks and balances.” It presents a constitutional issue that seriously affects the country’s legal system as well as the country’s relations in the international community.



EDITORIAL



Photos by Joanne Camille Bejarin

TULFO UNDER THE LENS OF ADR

By: Janelle Nuval

The amount of money and time required by court process is oftentimes the main reason why most people opt not to go to court. It has become common knowledge that to achieve justice or a favorable decision, one must have a deep pocket to pay for a lawyer, filing fees, and other expenses related to the case. On top of these, one has to wait for a long period of time due to congested dockets of the courts before even reaching the trial stage. Consequently, some Filipinos have considered other means of achieving justice such as seeking help from television or radio programs to express their grievance against a person, company, or government agency and officials.

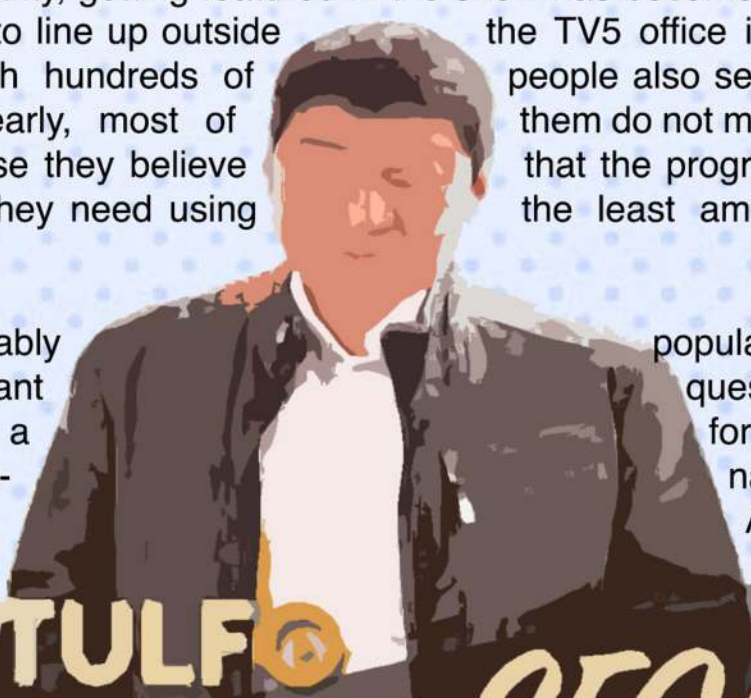
Raffy Tulfo in Action is one of the more famous programs on television and radio that serves as a platform for parties to resolve their issues. The said program is hosted by Rafael "Raffy" Tulfo, a Filipino broadcaster, who provides a "no-holds-barred" commentary on issues involving abuses or injustice committed against the ordinary Filipino. The program is aired on TV5, Aksyon TV, Radio 5, and Youtube.

1. Its popular segment is entitled "Itimbre Mo Kay Tulfo". In this show, any viewer or listener can submit his grievance to Tulfo. In its previous episodes, the complaints vary from infidelity issues, work-related concerns, abuses of power of government officials, usurpations of authority and the like. Some notable and well-known issues raised in the program include the maltreatment of a child by its teacher, the illegal operation of a school, and the long list of marital problems.

With its popularity, getting featured in the show has become a little bit more difficult. One has to line up outside the TV5 office in Mandaluyong City, together with hundreds of people also seeking help from the program. Clearly, most of them do not mind these inconveniences, because they believe that the program can provide them the justice they need using the least amount of money and time.

This undeniably carries an important question: Is Raffy Tulfo in action a form of Mediation under the Alternative Dispute Resolution Act of 2004?

popular trend now question: Is Raffy Tulfo in action a form of Mediation under the Alternative Dispute Resolution Act of 2004?



RAFFY TULFO
IN ACTION **SEGMENT**

The Alternative Dispute Resolution (ADR) Act of 2004 was promulgated by Congress primarily to encourage and actively promote the use of ADR as a means to achieve speedy and impartial justice and declog court dockets. Under this act, the conflicting parties may opt to undergo mediation – a voluntary process in which a mediator, selected by the disputing parties, facilitates communication and negotiation and assists the parties to reach a voluntary agreement regarding a dispute.

1. Taking into consideration the format and methods of the program, it cannot be considered as a form of mediation with the meaning provided by the law for the following reasons. First, in mediation, both parties have the option whether or not to settle their dispute through such process but in the program, the party being complained of has no such option.

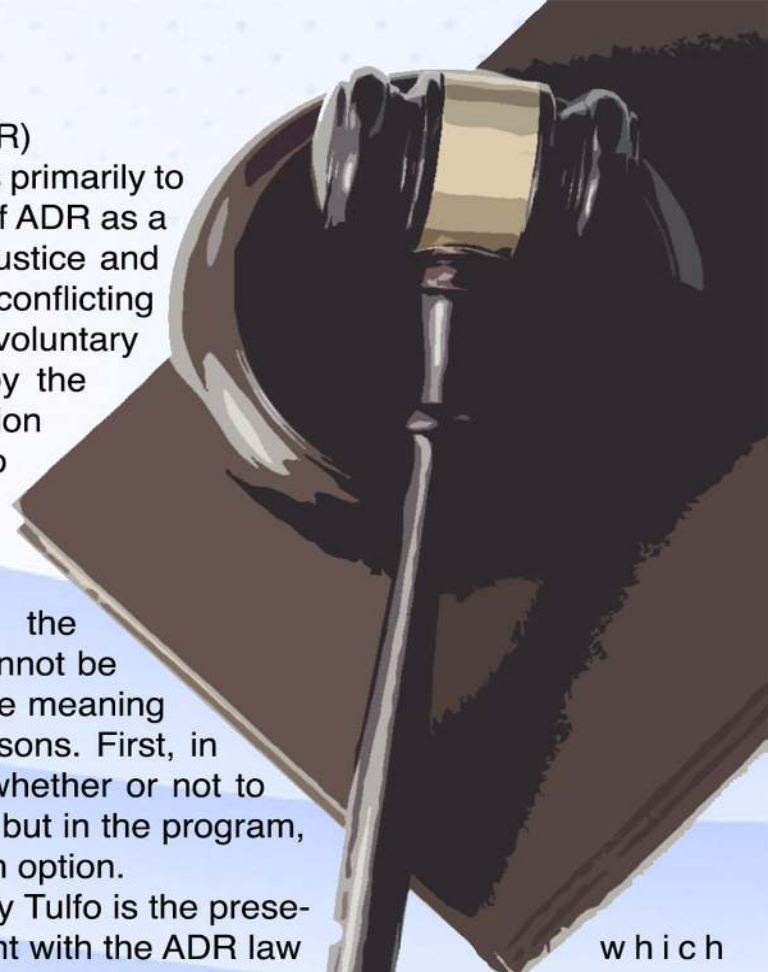
2. Second, in the program, Raffy Tulfo is the pre-selected mediator for the parties, inconsistent with the ADR law which provides that the parties have the freedom to select their mediator. Third, mediation is a voluntary process which means that there should be no pressure on either of the parties to enter it. Although the program can be used as a means for the parties to communicate and negotiate, most times, the parties are compelled by the publicity of the program and its viewers.

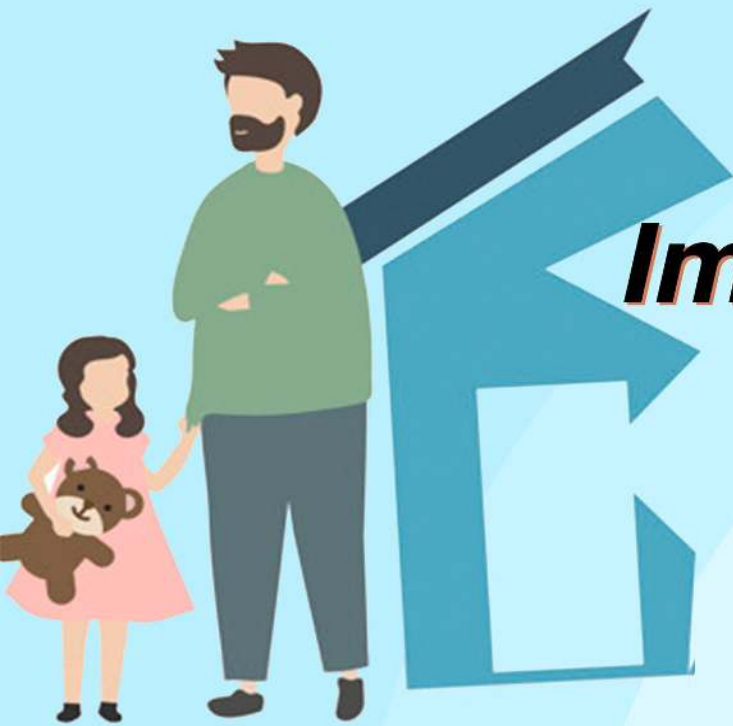
3. Fourth, under the ADR law, the mediator shall maintain impartiality. He should not have personal interest in the outcome of the mediation. This was not mainly observed in the program especially in times wherein Tulfo personally call government officials or employees to complain about the parties. In worse cases, Tulfo would even ask government officials to remove the party from his position/employment or revoke his license or impose penalty/criminal charges without undergoing the proper due process.

Fifth, confidentiality of the proceedings has not been observed, contrary to the duty of the mediator to keep confidential information with utmost confidence. The program is not only broadcasted on television and radio but also uploaded on social media platforms.

Lastly, the mediator has the responsibility to maintain mutual respect between the parties but how can this be achieved if the host himself curses one of the parties?

With all those points stated, it must be concluded that Raffy Tulfo in Action is neither a proper venue for mediation nor a means to obtain justice. Be that as it may, like lottery or noon-time game shows, for as long as one can see an opportunity to get win easily, this popular program will continue its unconventional service.





Legalizing Impermanent Unions

By: Clio Ocampo

“Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life”. The striking and familiar first sentence of the Philippine Family Code may be one of the most popular provisions among law students. Recently, however, the same has been at the center of criticism and a backbone for various issues.

In 2018, a case was filed in the Supreme Court arguing that the line “between a man and a woman”, among others, was violative of the Equal Protection Clause. Although the case was dismissed due to technical matters, it gave light to the possibility of legalizing same-sex marriage. In 2019, the words “permanent union” is placed in the spotlight as legislators from Congress and the Senate took turns in filing a divorce bill.

Talks on the legalization of Divorce in the country is not new but have definitely remained stagnant. In 2019, Senator Risa Hontiveros filed a divorce bill which has remained in the committee-level. To the surprise of many, in February 2020, the Philippine Congress decided to pass on third and final reading and for consolidation House Bill Nos. 100, 838, and 2263 which seek to legalize absolute divorce in the Philippines. To date, some legislators believe it is high time for the country to do the same; while others, especially those representing the religious sector, remain firm in their opposition.

At present, the Philippines and the Vatican are the only states where divorce is prohibited. Other predominantly Catholic countries such as Brazil and Mexico have already adopted their versions of divorce law.

The Family Code only allows legal separation between spouses, and the absolute nullification of marriage. In the first case, the married couple is only separated by bed and board, and the marriage subsists. In the second, the marriage is made invalid from inception due to the absence of an essential requisite. Philippine Courts also recognize divorce obtained by an alien spouse abroad which grants the Filipino spouse the capacity to remarry.

Unlike both cases, divorce dissolves the marriage and allows remarriage without nullifying it. As the author of the Absolute Divorce Bill of 2019 (HB 100), Albay Rep. Edcel Lagman puts it, “divorce will allow grounds that are supervening or during the marriage like marital infidelity, domestic violence, chronic gambling and engagement in illegal drugs and at the same time allow remarriage” .

Rep. Lagman also underscores that the Divorce Bill will impose strict and secure measures to ensure that the right will not be abused. Under the Bill, a prosecutor shall be assigned to determine whether there are valid grounds for divorce, and if there was collusion between the parties. The couple will also undergo a meditation period as a final attempt to reconcile them before filing for divorce. Oppositions, however, reiterate that divorce will encourage polygamy and infidelity, and will greatly affect the children.

During a Senate Committee Hearing, a representative from the Catholic Bishops Conference of the Philippines (CBCP) argued that, rather than divorce, legislators should focus on means to strengthen marriage and family life in the country. In this way, marriage will maintain its permanent and inviolable character.

Meanwhile, for the advocates of Divorce, the bill is seen as a necessity to ensure the protection of women and children. According to Department of Social Welfare and Development Undersecretary Luz Ilagan, “the divorce law helps individuals especially women who are suffering various forms of violence from their spouses” . She added that the same “would help regain the dignity, self-esteem and worth of women as persons”. This statement stems from recent DSWD data which show that one in every four married women has experienced physical, sexual, or emotional violence from their spouses . Additionally, in 2014, annulment cases filed with the Office of the Solicitor General were recorded to be more than 11,000 without consideration to their outcome .

In the end, the primary consideration for and against divorce is the permanence of marriage. Principal Author of the Senate divorce bill, Senator Risa Hontiveros stated that divorce is “ p r o - marriage, pro-family and pro-children”. She amply puts t h a t divorce does not break marriage but rather assumes they have already been broken by infidelity, abuse, or loss of intimacy. It may be a hard pill to swallow but reality has shown that not all marriages are permanent.





The Growing Problem with POGOs

By Aristarchus Lamarck D.C. Luna

Droves of Chinese persons in casual clothing walking to the workplace, rental vans with heavy tints, entire floors and buildings reserved for the Chinese: these are sights all too common to the average Metro Manilan nowadays. During the last two years, there has been a proliferation of POGOs (Philippine Offshore Gaming Operators) in the region, including some key areas in the country. POGOs are establishments which cater to the growing demand for online gambling in China where any form of gambling is illegal.


The Philippine government, through the Philippine Amusement and Gaming Corporation, decided to welcome these POGOs. Thus, the sudden influx of hundreds of thousands of Chinese workers, some undocumented immigrants, seeking to earn the salaries they could not earn in China.

Recently, the crimes and wanton lack of decency shown by some Chinese workers made their way to the news and social media. These acts angered many Filipinos who demanded that the government expel these workers. However, President Rodrigo Duterte shot down hopes of a ban on POGOs by saying that the government needs the taxes these businesses contribute.

POGOs are indeed a source of taxes for our government, with proposals for a five percent (5%) tax to be imposed on their franchises. However, the issue of whether POGOs indeed benefit the country cannot be relegated to the simple aspect of taxes. Certain moral and practical dilemmas arise from the entry and subsequent employment of these foreign nationals.

First, is it proper for the State to allow a gambling enterprise that caters to customers from a country where gambling is illegal? The primary clientele of POGOs are Chinese-speaking persons, the majority of which reside in China. The Philippine Amusement and Gaming Corporation (PAGCOR), as a condition for the grant of POGO licenses as stated in its Offshore Gaming Regulatory License Manual, Regulation 2, Section 3.b states that “the operator shall not allow its gaming website to be accessed within the territory of the Philippines or in territories where online gambling is prohibited.” Thus, technically, POGO websites cannot operate in China. But in a statement made by the Chinese Embassy on 08 August 2019, it said: “The casinos and offshore gaming operators (POGOs) and other forms of gambling entities in the Philippines target Chinese citizens as their primary customers”. Furthermore, it “will also crackdown on ‘underground banks’ and online payment platforms that provide a financial settlement for cross-border gambling”.






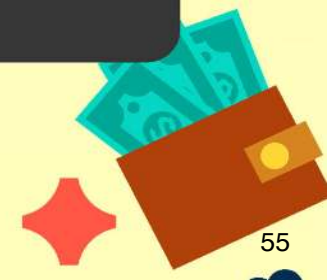
Under the tenets of diplomacy, respect must be afforded to the laws of other states. The same shall be the case when an activity has been deemed illegal in one country because its government has found it to be morally apprehensive and affront to its values. For example, Saudi Arabia currently bans the production and importation of liquor due to the religion of its people. If a group of Saudi nationals decided to legally set up shop in our country to export liquor for Saudi Arabia via illegal channels, would it not make the Government of the Philippines a party to that problem for approving the permits of the establishment, and taking advantage of the trade merely for taxation purposes? Clearly, we Filipinos know better than to cause harm to another society.

Second, do POGOs really bring a lot to the coffers of the Philippines; and if so, are we dependent on their taxes? As they say, numbers never lie. To note, the Bureau of Internal Revenue (BIR) managed to collect P2.17 trillion in 2019. On the other hand, in the same year, the agency only managed to collect P6.42 billion pesos from the POGOs. This is barely 0.30% of the total collection for that year. One may assume that P2.17 billion is a huge amount, but when compared to other items taxed by the Government, it is fairly small. The excise taxes on alcohol and tobacco in 2019 was P269.1 billion as per the Department of Finance (DOF). Surely, the argument of the President is not on four legs with the current figures. We can definitely make up for the losses by improving tax assessment and collection considering that we lose hundreds of billions of pesos to tax evasion each year.

Lastly, do POGOs bring more good than harm to society? The Chinese Embassy in its previously mentioned statement admitted that “in many cases, the employers of Philippine casinos, POGOs and other forms of gambling entities do not apply for the necessary legal work permits for Chinese employees”. It acknowledged that “cross-border money-laundering through underground banking” in the tune of hundreds of millions of Yuan are flown from China to the real-estate markets and other sectors in the Philippines. Not to mention criminal acts such as kidnappings and tortures of Chinese POGO workers, which the Chinese Embassy recognizes to have occurred. One notable instance is the kidnapping and torture of a Taiwanese POGO worker by five (5) Chinese Nationals last 04 January 2020. Prostitution has also become rampant, as the demand for sex workers by POGO employees has gained reputation. These incidents prove that POGOs bring more harm than good to our country.



Taking these issues into consideration, it will be beneficial for both the Philippines and China to abolish POGOs despite the loss of billions of pesos. Even if the proposal to tax an additional five (5) percent franchise tax on these POGOs manage to pass the hurdle of our bureaucracy, the damage has been done, lives have been lost, and reputations have been besmirched. To safeguard our country’s dignity and reputation is priceless compared to the sum these businesses remit and may remit to the country.



On the 6 May 2020, President Rodrigo R. Duterte signed Executive Order No. 114, institutionalizing the Balik Probinsya, Bagong Pag-asa (BP2). The program addresses the upsurge population in Metro Manila through reverse migration and implementation of projects, activities, and programs (PAPs) for socio-economic development in the countryside.

The implementation of BP2 will be organized, implemented, and monitored by the Balik Probinsya, Bagong Pag-Asa Council. It will be chaired by the Executive Secretary together with the Secretary for Socio-Economic Planning and Director General of National Economic and Development Authority (NEDA) as Vice Chairperson. The Council is composed of members from different national government agencies.

PAPs has three categories according to time element: “short-term”, “medium-term”, and “long-term”. Short-term corresponds to existing PAPs which can be executed during the Enhanced Community Quarantine (ECQ). This includes the transportation and relocation of individuals or families, and livelihood and employment packages. Meanwhile, the medium-term category will be implemented once the travel restrictions are lifted. This phase includes livelihood and employment opportunities that are suitable for rural areas. Other PAPs require long period of time, thus are categorized ‘long-term’. Under this category, only the initial steps for their implementation are to be undertaken by the agencies right now.

Last 20 May 2020, the first batch of beneficiaries in Metro Manila departed for the Leyte province. The participants enrolled through an online application platform. These 116 beneficiaries, some with their families in tow, were provided five thousand pesos (P5,000) as travel allowance, a vegetable gardening starter kit, and an individual medical check-up. Upon their return to Leyte, these families will be provided with food packs and will be assessed for possible grant of livelihood assistance amounting to fifteen thousand pesos (P15,000).

The Hows of



Us: BP2 in the Area

With the ECQ being imposed in Metro Manila, offices and business establishments were all forced to close, temporarily prompting some to lose their only source of income. Some families are suffering to survive each day with limited food supply and relief packages from the government. These people may find basic food necessities, support from relatives, and refuge in their host provinces.

At the onset, the whole scheme posts several critical questions. First is the question of necessity and urgency. Although the population within Metro Manila is undeniably high, these individuals create a powerful labor force for the Nation's Capital Region. Congruently, while everyone is encouraged to stay at home due to a highly-infectious disease, under this program, families will be transported.

BP2 in the long run comes with a question of whether its institutionalization can sufficiently address the underlying problems of migration from Metro Manila. It presupposes a notion that BP2 could either be (1) a band-aid solution to immediately relocate families back to the provinces and provide PAPs afterward; or (2) a sustainable action that provides a holistic approach to empower rural areas.

The success of the program is yet to be determined. Hopefully, the upcoming strategies and structure shall not exemplify a distorted assessment of the problems. Such result will only exacerbate conditions. In the meantime, we citizens must be vigilant in the implementation of this program by checking updates through reading news and publications of the government. We must ensure that the program and its funds are properly allocated for the beneficiaries. We must scrutinize its systematic delivery of services to ensure that powers are not arbitrarily flexed. Lastly, we must continuously utter our concerns and recommendations towards the system, and its programs to improve life conditions throughout the nation.



By: Amelien Clariza D. Bacani

TO LOOK BACK IS NOT A SIN

By: Aristarchus Lamarck Luna and Sarah Jane Asis

“*The foundation of justice
is good faith.*”

-- Marcus Tullius Cicero, Roman statesman

On 30 January 2020, the first case of the dreaded COVID-19 virus was confirmed in the Philippines.

As the number of infected persons rose, the National Government and Local Government Units (LGUs) scrambled to impose measures to prevent further spreading of the disease. On 8 March 2020, Proclamation No. 922 declaring a “State of Public Health Emergency” was issued by Pres. Rodrigo Duterte.

On 16 March 2020, “Memorandum from the Executive Secretary on Community Quarantine Over the Entire Luzon and Further Guidelines for the Management of the Coronavirus Disease 2019 (COVID-19) Situation” was issued by the Malacañang. Guideline No. 6 states that: “Mass public transportation shall be suspended”. On the same day, Pasig City Mayor Victor Sotto announced via Facebook post that he was abiding by the guidelines of the said Memorandum, but was allowing the operation of “some” tricycles in the City “in consideration of emergency situations and those transporting essential personnel”. However, Mayor Sotto finally yielded to the request of the Department of Interior and Local Government (DILG) to ban the operation of tricycles in the City, on 19 March 2020.

On 24 March 2020, Republic Act No. 11460 otherwise known as “Bayanihan to Heal as One Act” was signed into law which took effect the following day and imposed mandatory protocols to contain the virus including a temporary ban on public transportation.

On 1 April 2020, the National Bureau of Investigation (NBI) sent a letter to Mayor Sotto, requesting for a written explanation on the “continuous tricycle operation” in Pasig City, which allegedly violates Sec. 6(a) of Republic Act No. 11460. When the news reached the masses, social media lit up in flames, law professors flocked to Mayor Sotto’s defense, and no less than Senators Tito Sotto, Risa Hontiveros, Francis Pangilinan, and Joel Villanueva reminded the NBI on the illegality of its letter.

What does the law say?

To punish or even investigate the act of Mayor Sotto in allowing tricycles to ferry passengers is contrary to the basic tenets of law. These are enshrined in Article III, Section 22 of the 1987 Constitution which states that “No ex post facto law or bill of attainder shall be enacted”. Clearly, a statute like R.A. No. 11460 which includes a penal sanction for those who violate its principles cannot be given retroactive effect. From the time Mayor Sotto sanctioned the operation of tricycles to the time he abated it, the statute has not yet taken effect. Simply put, the violation occurred six (6) days before enactment of the law.

Nullum crimen nullum poena sine lege; there is no crime, when there is no law punishing the act. In *Causing v. COMELEC and Biron* (G.R. No. 199139), the Supreme Court stated that “...no act can be pronounced criminal unless it is clearly made so by statute prior to its commission (nullum crimen, nulla poena, sine lege). So too, no person who is not clearly within the terms of a statute can be brought within them.” Similar to an ex post facto law, there was no crime to speak of. The law was not yet effected when the Mayor allowed the tricycles to operate in his locality.

Lex Prospicit, non respicit; the law looks forward, not backward. Nowhere in the aforementioned law states that it shall apply retroactively; and even if there was such a provision, it will go against the prohibition against ex post facto laws stated in the Constitution and Article 22 of the Revised Penal Code (whose beneficial application includes that of Special Penal Laws as stated in *Villa v. CA*). Thus, no retroactive effect may be attributed to the R.A. No. 11460.

To conclude, the NBI committed a grave error in citing R.A. No. 11460. May this be a reminder to government agencies to double-check letters before they are released. Doing so will save time and possible inconveniences for both the recipient, as well as the government.

Being law students and aspiring lawyers, though it is important that we keep ourselves abreast of legal developments, it is likewise imperative that we do not forget basic legal principles. To forget those is akin to a house missing one of its foundations – destined to eventually fall. Also, as the future leaders and civil servants of this government, we must provide justice to everyone by ensuring that we inspect all documents to be released by our respective offices.

Blurring the Lines of Presumption of Truth and Regularity

By: Daniella Cuaresma

Almost a year into this global pandemic and the country is now threatened by a global recession signaling unemployment with much of the population going into poverty, and a new mutated strain of the coronavirus, among other unfortunate news. Adding to the growing problems of the Filipino people however are the unclear policies implemented and the subsequent conflicting statements of key government officials on these significant national issues. These highlight the current administration's inefficiency and weakness in governance, reflected by the substandard coordination of its agencies.

The conflicting policies and “flip-flopping” statements of some government officials on different issues during this pandemic has been seen on several instances. First, the vague and inconsistent pandemic protocols such as the “house-to-house” search for COVID-19 patients –a patent transgression of the constitutional guarantee against illegal searches and seizures; as well as the Department of Health’s overnight downgrading of identified COVID cases with no scientific basis.

Of course, most notable among these was the manifest unfair application of the law among violators of quarantine protocols as seen in the case of NCRPO Chief Sinas’ mañanita which was already classified as a “closed issue” by the authorities, and Senator Pimentel’s breach of COVID protocols which, until now has received no punishment as opposed to the number of civilians arrested for violating the very same protocols.

To put things into perspective, this “flip-flopping” or “changing of mind” in policies is not an uncommon practice in the present administration. Put accurately, it has become a habit instilled into the system and affects important policy issues. This is evident in the President’s fondness for giving out impulsive statements which are subsequently retracted or cleared by his Spokesperson or his Cabinet members. Examples of which are the contentious abrogation of the VFA where DND Secretary backtracked the Presidential Legal Counsel Panelo’s statement on the President’s instructions to Lorenzana on the said revocation, and the countless flip-flopping on the country’s stance regarding the issue on the West Philippine Sea.

This practice of flip-flopping of the government on important national issues specifically during a global pandemic has resulted to more conflict in interpreting policies, which generates more confusion to the public. Instead of giving clear-cut rules and guidelines, the public is left with the government’s inconsistent statements which blur what they take as presumption of truth and regularity from these officials, as representatives of the government. It stresses the administration’s overall weakness to govern, the lack of proper coordination among government agencies, and the absence of a concrete national plan to address the main problem—COVID-19. Resources are continuously being depleted. Local governments seem to be picking up the slack for the national government’s ineffectiveness. More COVID-19 cases are seen for the foreseeable future, and which will be unlikely to drop. All these will further affect those in the lower classes who are becoming disillusioned with the government’s capability to lead. Department of Health Secretary Duque’s reasoning that “no country is prepared for the pandemic” should not be permitted as an excuse. While other countries especially in the Southeast Asian region are focused on aggressively addressing the main problem, the Philippines is still stuck in its own bubble.



How Cyberclasses May Compromise Privacy

By: Casina Mae Cenit

At the dawn of September 2020, the drastic transition to the new normal has put students' sensitive data open in the cyber space. The transition is comparable to a finger's snap and had little to no security preparation. This situation, where many remain unfamiliar with how the platforms operate, pose great risk to students and make them susceptible to various forms of cybercrimes.

In the Pamantasan ng Lungsod ng Maynila College of Law (PLM-CL), Microsoft Teams, Zoom, and Google Meet are the primary platforms used to hold online classes. Zoom reportedly faced various security issues abroad which even led the Federal Bureau of Investigation (FBI) in the United States of America to issue warnings about the "hijacking" of online classrooms and teleconferences. There were reports of disturbances in the form of threats, use of racist language, and hate messages which were collectively called "Zoombombing".

In response to some of those concerns, the Department of Justice Office of the Cybercrime (DOJ-OOC) officer-in-charge Charito Zamora stated in an advisory that "while video conferencing services open doors to new opportunities that make access to education easy, application of information and communication technology in the conduct of online classes can cause many security risks". The advisory is particularly directed to parents, school administrators, and the general public in order to protect the students from online abuses. The DOJ-OOC further advised the public to immediately report irregularities or unwanted incidents during the conduct of online classes to law enforcement agencies for proper investigation.

It is thus recommended that faculty members and students abide by the following practices to ensure their security when conducting online classes:

1. Privately share the meeting room credentials only with registered students and parents of students;
2. Configure the settings so that each individual will be carefully considered before they are accepted in the virtual room;
3. Require passwords to enter the virtual room;
4. Disable sharing of screen for non-hosts;
5. Provide a standard naming instruction for the participants; and
6. Start the meeting with participants' audio and video off upon entry;

Consequently, participants should also avoid the following practices:

1. Joining the call before the host starts the meeting;
2. Renaming themselves;
3. Accessing file transfers;
4. Sharing their screens when not needed;
5. Sending private messages using the platform;
6. Using annotation tools to add information to shared screens;
7. Sharing whiteboard during the meeting; and
8. Changing the background with any selected image.

The administrators are advised to never leave students alone in virtual classrooms and to keep their applications up to date to the latest version. During this new normal, students and school administrators have the mutual responsibility to protect the integrity and confidentiality of all information shared online. The right to privacy of information is embraced in the Data Privacy Act and any person violating the same may be prosecuted in the proper fora.

In this compromising situation, a system should be developed in regulating the cyberspace. At the moment, we are clinging unto the value of TRUST reposed upon the people within the meeting room.



DO YOU WANT TO BECOME A LAWYER?



YES, SIR?



DO YOU HAVE AN INTERNET CONNECTION?

By: Casina Mae B. Cenit

The COVID-19 pandemic has greatly affected all sectors of the society including the country's educational system. In the course of implementing health protocols, community quarantines, and safety measures, the government decided to suspend classes, cut short the passing school year, adjust school calendars and require classes to be conducted online.

Naturally, this unexpected change ushered doubts and uncertainties. Will the new set-up be as effective as the traditional method for both the teachers and students? Can the new method be made effective without losing so much time and other resources? Above all, will the students be able to learn?

As an initial step to address the challenge, the Pamantasan ng Lungsod ng Maynila (PLM) has adopted the use of an online platform for classes – Zoom. The University's College of Law (PLM CL) pioneered its implementation when classes were conducted through the said platform from 8 June 2020 up to 31 July 2020.

The success of the new method can be measured by the extent of knowledge gained by the students. Being new, it has its advantages and disadvantages which teachers and students will only realize once they start implementing the same.

According to the PLM CL students who have already attended PLM's pioneer online classes, because of the new medium, they were able to save a lot of time which they would have spent travelling under normal circumstances. This also lessened their stress. To ensure that they did not miss lectures due to disconnection, the professors were kind to record the same for easy access.

However, while a click is usually associated with convenience, it is not equally so in this new method of learning for several reasons. First, online classes require the purchase of a necessary gadget with a quality camera and battery that can last throughout the duration of successive classes, as well as mobile data. Second, if not all members of the family are equipped with gadgets and should classes and/or work be conducted at the same time, some of them will be forced not to attend classes or report for work. Third, those without the required space in their residence or those who live in communities that produce unnecessary noise may get easily distracted and lose focus. Fourth, fluctuating electricity, weak internet signals, or crashing applications result in interrupted connection and eventual disconnection from the class. Since reconnection usually takes time, by the time the student gets reconnected, he/she has already missed a certain topic.

Considering that the problems that were discussed above are limited to those shared by the students, how about the professors? A separate article in the next publication will be devoted to discuss their experiences. ALTERNATIVE: These are problems experienced by several students which may have also been experienced by some professors.

While the students of PLM CL understand that the shift is inevitable, they hope that the guidelines to be promulgated and implemented by its officials will be responsive to their circumstances.



FEATURE

Bakit pa?

Ania Lorraine D. Wu

Write It: Editorial Piece Contest Winner

The pursuit of law is challenging enough as it is, and that is apparent because the qualifying Bar examinations that one has to undergo is regarded as one of the most difficult tests in the world. Add that to the present predicament that we are experiencing due to the pandemic, partnered with an administration whose intentions and actions give rise to a multitude of questions. One with a dream might be forced to stop and ponder, “Bakit pa? May magagawa pa ba?”

It is usually with such pride that we, as law students, declare that we entered this field to fight for the oppressed, to make justice accessible for every person who may come from all walks of life, and to correct the injustices of society. We also assure ourselves that we will never compromise our principles for power, nor for money. That is why we cannot help ourselves to pause and re-evaluate if, in the end, we would be the ideal persons we envisioned ourselves to be, or we too, will start our careers as human rights activists and later on evolve into someone who would set aside and abandon his principles, and silently watch the man he fought so hard to set behind bars just walk away, unscathed from his crimes, just to remain in a position of power.

Would all the liters of caffeine, hundreds of sleepless nights, and thousands of pages to read, all be for the cause that we promised to uphold? These doubts will arise, especially when at present, we are always faced with the fact that lawyers are not all honorable and morally upright beings. Nevertheless, for us law students to be able to face every challenging day with perseverance and grit, we must first lock our scopes to the underprivileged who made us begin in the first place.

This brings us back to the question of “May magagawa pa ba?” because if we were to assess the efforts needed in order to make miniscule change in an already decades old system, that thought alone is enough to overwhelm even the strongest and the smartest. Yet, suppose that we dial down our perspective and magnify the everyday struggles of the common person, it may be there where we find our zeal. The zeal to continue studying for the jeepney driver who only wanted to provide for his family, for the market vendor who’s only goal was to survive the day, for those who try to abide the law but fail because the new standards are just too financially demanding, for those who just want to be heard.

It is the determination to impact **BIG** change in the lives of the little people, rather than being completely focused on trouncing the empire, that makes our current predicament a little easier to face. With that, we should first motivate ourselves, and acknowledge the things that we can do. It may only be a small deed for us, and not the revolutionary improvement that we hoped to bring, but for others, that small aid can be the determining factor if a person will spend most of his life deprived of his liberty just because he was not adequately guided through the legal procedure to which he is entitled to.

Reverting to the iconic phrase of Astronaut Neil Armstrong, “That’s one small step for man, one giant leap for mankind.” For us aspirants, and practitioners alike, we can interpret that as, any humble assistance extended by lawyers has the potential to amount to big changes for our entire legal system.

Yes, this administration has questionable principles and priorities; yet, however controversial it may be, I cannot deny that it is part of my motivation as a law student. This present administration has shown what kind of lawyer, and person, I do not want to become. It has somehow completed my perspective and has liberated me to the array of temptations that I may encounter, and the decisions that I have to make, come that fortuitous moment that I become a lawyer.

Looking back at the earlier question, it is quite difficult to achieve a tangible answer. Since we are still on our journey to become practitioners of law, regardless of whose administration is in play, we must use their positive and negative qualities to better ourselves in order to become efficient bearers of justice and peace.

We must not lose sight of our encompassing goal to extend ourselves to those who need our assistance the most, even if current circumstances make us feel that what we are doing has a high possibility to only be futile. Ipagpapatuloy natin ito dahil ang ating tinatahak ngayon ay lagit’t-laging para sa tao, para sa mga patuloy na pinagkakaitan ng oportunidad na marinig, maintindihan, at intindihin ang nangyayari sa sarili nating bayan. May magagawa pa tayo para sakanila, kahit pa ‘yan ay paisa-isa lang.

“How many more sunsets spent alone?”
Photo by: Joanne Camille P. Bejarin

WHAT IS YOUR LEGAL EDGE?

by Julius Ray E. Rentoy

“Am I in the right law school?” asked the incoming freshmen students. This question pounds on every incoming law student. On the other hand, the higher years kept questioning themselves whether they deserve to stay in PLM Law. I understand your frustrations. Nevertheless, to transform those uncertainties to a degree of assurance, let me share with you the reasons why you are worth to be part of the Haribon community. These are your edge:

1. We have some of the brightest legal luminaries.

Our professors in PLM have been among the best in their fields. Within the Faculty roster are BAR top-notchers, authors, reviewers, veteran academicians, judges, commissioners and even some Supreme Court and Court of Appeals justices. Experience is indeed the best teacher. Our professors have been practicing law for years and have learned from both theory and experience. They do not only teach their students the principles of law, they also impart portions of their lives and experiences, which we can never find in any of our books.

2. We have an outstanding academic reputation.

Since 2007, the BAR passing rate of PLM Law has been exceeding the National Passing Rate. From 2007 to 2012, PLM has solidified its position as the fifth (5th) top law school in Metro Manila. PLM Law was recognized by the Legal Education Board for its outstanding performance as the Top Law school nationwide for its perfect passing rate (100%, for first-time examinees) in the 2016 Bar Examinations. In the 2018 BAR Exam, PLM Law has landed the 6th spot among the highest passing rates in the Philippines. PLM Law only proves that quality legal education should not come with an expensive price tag.

3. We pay less.

Studying law in the Philippines is taxing. It requires mental, physical, emotional, and, financial investment. In Metro Manila, the tuition fee per semester generally ranges from P40,000 to P70,000, excluding all other expenses such as buying books, photocopies, and supplies. In PLM Law, we enjoy a certain degree of financial advantage since the Local Government of Manila partially subsidizes our tuition fees. As you would know, qualified Manila-residents pay only around P19,000 per semester while non-residents pay a little higher amount of more or less P 32,000. That is still lower than the average range of law school tuition fee in Metro Manila.

4. We have less number of units for the same quality of education.

In comparison with the curricula of different schools based on the information found over the internet or their respective websites. Analyzing these figures, PLM Law has one of the least numbers of units. Other law schools have around 160-165 units in their curriculum while PLM Law offers 156 units. A small difference in unit load is a big help in law school, you will realize that every minute counts and every hour is precious.

5. We have a workable schedule.

Although I cannot say that the class schedule in PLM Law is the best, it is workable. As a working student, among my primary considerations in choosing a law school was its class schedule. Most classes start at 5 o'clock in the afternoon. If you are a working student, you may arrange to leave your workplace earlier depending on your location and expected travel time. If not possible, you may seek assistance from the College of Law office to evaluate and arrange a feasible class schedule for you. For full-time students, the later the class, the more time to study.

In law school, we all make sacrifices—and one of it is time. you have to embrace your absence in family reunions or excuse yourself from work. It is an advantage if your school helps you to sacrifice less. Fortunately, PLM Law offers a helping hand.

6. We enjoy humble facilities.

One of the biggest challenges for public schools is providing state-of-the-art facilities. With lesser funds than private schools, we cannot enjoy luxurious and top-of-the-line facilities in PLM which may be seen as an advantage instead of a weakness.

With these humble facilities, we strive to work harder with our available resources. We may not have a huge library, but we share spaces with our fellow law students. Despite our limited resources, we unceasingly participate in debates, moot court competitions, and sports festival. We learn the ropes of teamwork and task management. While resources may indeed help law students to step up their games, cultivating resourcefulness is another story. At the end of the day, a reasonable classroom, desks, chairs, books, and a good professor are all you need.

7. We study law in the spirit of public service.

LEX AD BONUM PUBLICUM, translates to “Law for Public Interest,” the principle imprinted to all its students. If there is one thing that sets PLM Law students apart from other law students, it is our heart for public service and studies law with a purpose.

PLM Law inculcates to us the importance of public service through instruction, research, and extension programs which allow us to educate and even solve common legal issues of the people in our communities. In the end, PLM Law does not only prepare us to become lawyers but upright individuals who will devote their lives to public service. This is our strongest legal edge.

Long live the ideals of
LEX AD BONUM PUBLICUM!

Got to Believe in Magic

by Natasha San Pedro

Superstition, what exactly is that anyway? Merriam-Webster calls it the belief or practice resulting from ignorance, fear of the unknown, trust in magic or chance. For most law students, passing the bar examinations and becoming a full-fledged lawyer is all they ask for. Getting that ATTY. promises endless opportunities whether financially, intellectually, and even socially. But to become a lawyer, one must first surpass the Bar Examinations— a grueling 4-week test with less than 50% chance of passing based on previous years.

Let's be real, who isn't scared to take the Bar Exams? Simply taking one's midterm examinations can be terrifying. What more when one has to face this colossal obstacle between the now and his life-long dream? Both psychologists and sociologists have observed that when humans deal with immense fear, some tend to rely on superstitions even when they are aware of their uncertainty. Hence, through years of tradition and culture, several superstitions have been passed on among Bar Examinees.

Atty. Carlo Agulliana and Atty. Donn Abrazaldo, both PLM passers of the 2019 Bar Exams, along with Atty. Improgo, practiced the superstition of kicking their chairs and never looking back after their last exam on the last Sunday of November 2019. According to them, kicking the chairs meant that you were going to 'kill it' and pass the bar. It signified a strong ending—fit for someone who will take the world in a storm in the coming months. They also believed that this act tells the universe that you have given your all and will not have to face both the chair and the examination again.

Atty. Balinquit and Atty. Improgo of the same batch placed their trust on faith as they asked for blessings from the National Shrine of St. Jude Thaddeus to bless their belongings, went on a Visita Iglesia, and even lit candles in Manaoag Church. This goes without saying, whatever you believe in, law students tend to call someone higher for a divine intervention during one's worst recit day and nerve-wracking exams. It is indeed within us to ask for help and seek for guidance from someone who we believe is more powerful and capable than us.

Getting her haircut was also avoided by Atty. Balinquit. She explained that this is connected to the belief that your hair contains all the information and all the things that you reviewed; cutting your hair means cutting your memory of your knowledge and intelligence. Such haircuts are seen by the superstitious as a reason for failures in the bar exams.

Throwing away the supplies used during the exams was also encouraged by the recent bar passers. It was seen to be a step where you leave all the doubt and anguish you felt while taking the exam, and also an implied shunning of the possibility of using the same supplies to retake the exam.

No matter how much we think we are prepared, the bar exam will surely take us by surprise. From its dreadful questions to its soul-fainting time limit. It is, not in any way, a fault or loss of our dignity when we put our faith in something that we are unsure of. This proves that after all, we are humans scared of failing – but will always continue to fight and will never surrender.



THE CALL OF DUTY: FRONTLINES

by Anthea Oarde

Choose your character--the three words hung overhead. White light cast fleeting shadows on your switching garments. Fluorescent bars lined up to your left, stretching back and forth. A distinct clicking sounded as the numbers to your right rose and dropped. But it wasn't very long until it was all brought to a standstill, your clothes ceased shifting, the bars and numbers stopped fluctuating, and the scene played before your eyes like a console intro. You were leaving town. Behind tinted windows, eyes trailed on you. They reflected a myriad--pity, longing, hate, disgust, and fear. But one emotion so overwhelming pushed all else back--confusion--and it was yours.

The arena outside was a concrete wasteland, with brutalist skyscrapers jutting out of heavy skies and flora reclaiming once restless highways. Weeks darted by as minutes in the derelict arena, and along with them the meager supplies in your inventory gradually depleted, with no signs of replenishing. The moment you stepped outside the city, you carried hope to return but also a kernel of doubt on the same.

You were not alone in the arena. Countless others like you traversed the map. Some were strong and some were weak. Some were clad with the best gear from crown to heel; some only had masks. Some devoted their lives to provide for the city. Some researched against the enemy, and some brought this information home. Some worked behind barricades and some scouted the map for answers. Some struggled to heal the inflicted at the expense of their own health. Climbing the ranks was never the point of the game, nor was hoarding wealth. Though you varied in abilities and functions, you all revolved in one chief goal--to survive.

Everyone told you that the enemy is unlike any other. It is a mystery where it dwells; it could be in the shadows, in water, in open areas, in the air, or even among yourselves. It could be in the arena; it could be in the city. It was an enigma that took thousands off guard. Some said that there was no way to fight it, that one could only hide from it. And yet, others still tried to fight all the same, knowingly placing their lives on the line.

People began to question, where should we place our focus? Offense? Defense? Simple upkeep? It was anxiety-inducing. You built your arsenal. You kept your batteries loaded. You left camp in caution. You covered your trails. You put up a fight. Amidst all this, a faint memory of those you left behind clung to the back of your mind. Someone had to do something; someone had to move. The thought that there were countless more to save drove your every step and fueled your resolve. People called you the frontliners, sent outside the walls to keep those you love from the ploys of the enemy. You were loved, celebrated, and dignified. They called you heroes, hoisted you up in pedestals and yet also tossed you into the fray.

And though, as weeks passed by, and that wayward kernel of doubt started to bud, you never expected the enemy to come for you. Wits, strength, skills, and glory--the enemy gave no heed to that when it chose you. Slowly, red dotted the edges of your vision. Frantically glancing to the upper left, your health plunged in blows. You sunk to the concrete with a painful thud. With belabored breaths, your calloused hands shakily searched for the green vial in your pocket. Gone. From the reddened periphery, a human figure, clutching the same vial, bolted away.

As your conscience flittered, you struggled to comprehend a series of questions. Why? Why was I placed in the arena? What was my role? Did I have a choice? Has I been stronger, would I have survived longer? Was this the only ending?

What did I do wrong?

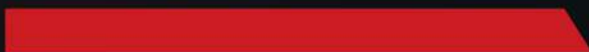
From a stark red, to a deepening garnet, your vision blurred to black. Finally, you thought, if I revive, will I have to go through all of it again?

So you waited. Waited for the choice to continue. But no prompt came.

This wasn't a game.

JUAN DELA CRUZ LVL. 21 ₱ 10,234

HEALTH



XP



GO!

WEAPON/S



mo·ti·BAE·tion/
mōdə'vāe-SH(ə)n/
LAW BEFORE ANYONE ELSE

by Monica Rea Mendoza
Law School Motivation Wallpaper Contest Winner

LEX AD BONUM PUBLICUM SERIES

After more than 30 years of its existence, the PLM College of Law has remained true to its motto: “LEX AD BONUM PUBLICUM”, producing generations of lawyers driven towards public service. As a tribute, The Lex Ad Bonum Publicum Series shall feature esteemed PLM College of Law alumni from different batches who have answered the call to serve the public.

Sailing New Seas: PLM Lawyers enter Philippine Coastguard

Five PLM College of Law alumni made waves when they enlisted as lawyers for the Philippine Coastguard. Atty. Carlo Nico Aguilana, Atty. Donn Joseph Abrazaldo, Atty. Earvin Joelet Arias, Atty. Enzo Perez Toledo and Atty. Jude Ahmed have been classmates and friends since their first year in the PLM College of Law. Together, they successfully hurdled the 2019 Bar Examinations.

On 29 April 2020, all five names were announced as new lawyers. Right after the announcement, an offer from a friend came up. The Philippine Coastguard (PCG) was looking for new lawyers. According to Atty. Abrazaldo, they had a classmate during their first year in law school who worked for the Philippine Coastguard. Although he decided to leave law school, the five remained good friends with him. In the end, upon their enter to the Philippine Bar, the five new lawyers were enjoined by their friend to enlist for the PCG.

The timing could not have been more perfect. Prior to their enlistment, some of them were already employed in private law firms or have recently resigned as part of their Bar Exam preparations. Each one has his own reasons to take on a new career.

The position offered great benefits on top of immeasurable experience both locally and abroad. Above all, the five explained that what enticed them the most was its public service character. As students of the Pamantasan, their choice embodied the College of Law's motto of “Lex Ad Bonum Publicum”. Traditionally, the law profession has been presented as a lucrative profession. Contrary to this, the College of Law hones its students to be lawyers not mainly for compensation but for public service.

According to the new lawyers, they should have begun their proper training as members of the PCG last July 2020. However, the same was postponed due to the COVID-19 Pandemic. For the meantime, they are on a probationary status but are already designated as Lieutenants. When asked about their family's reactions, several of them mentioned how proud their Fathers are of their enlistment while their mothers expressed worried sentiments. Nonetheless, they all see this as an opportunity to serve the Country as part of its Army.

As for their tasks, the five shall be handling the Philippine Coastguard's legal division. They shall represent the PCG in various maritime and environmental protection cases in both local and international courts. As they explained, they shall also be dealing with labor cases within the PCG. Although all five admitted that their knowledge and grasp on maritime laws are not particularly profound, upon application, they decided to study such on their own.

The new lawyers are grateful for this opportunity and for the PLM College of Law for teaching them not just for Bar Exam purposes, but for the service that comes after. They are also thankful for their batchmates and friends who have supported them from day one.

For the younger students of Law, their story is a reminder that this profession is not mere words on papers. As hoped by these new lawyers, the legal profession can be as meaningful as saving lives while offering one's own. Although it is quite too early to tell if they will be staying in the maritime law practice permanently, the five are excited and determined as they embark and set sail to new seas as part of the Philippine Coastguard.

2021 HOROSCOPE

Lahat tayo na-challenge nitong 2020 at lahat din tayo naghahangad ng mas maayos at masayang 2021. Baka naman diba? Kaya tinignan ko ang mga bituwin at ikot ng mga planeta upang makita kung ano nga ba ang mararansan natin ngayong parating na taon.

Disclaimer: Di ko nakita nang maayos yung langit kasi nakaface shield ako nung lumabas. Sorry na agad at God bless kung mali yung basa ko!



Aries

Nice one! Mukhang may parating na promotion or hiring ngayong 2021 ah. Basta maganda kasi makakaahon ka na pero matatabunan ka naman ng trabaho.

Suggestion: Bili ka na ng planner.
Your lucky color is National Bookstore Red.



Taurus

Parang labas yung confidence mo this year. I see 7/10 good recit ratio for this year.

Suggestion: Aral ka mabuti.
Your lucky color is Armchair Grey.



Gemini

Sorry not the year for your love life. Try again next year.

Your lucky color is Zoom Logo Light Blue.



Cancer

Mukhang gaganda extra-curricular mo ah. Labas mo na raw yung talent mo. Suggestion: Start ka na ng youtube channel alam kong madami ka ng song covers dyan. O kaya ipost mo na yung mga artworks mo para naman makita ng iba.

Your luck color is Shopee Orange.



Leo

Alam ko dahil online classes, hindi ka masyadong nawalan ng highlighters. Pero magulo pa rin kwarto mo.

Suggestion: linis-linis din. Tapon mo na yung mga ballpen na walang tinta, 2021 na.
Your lucky color is RPC Red.



Virgo

This year will be the year you perfect your coffee-game! Huwag ka lang mawawalan ng panlasa. Stay safe!

Your lucky color is Kopiko Black.



Libra

Alam ko agit ka na sa lahat ng nangyayari. It's time to take action. Baka trip mo mag-join ng orgs or sumali sa student council. Alam kong kayang kaya mo 'yan.

Your lucky color is Eyebags Grey.



Scorpio

Felt lonely during 2020? Sorry! Ganun pa rin sa 2021, besh. Try mo mag-expand ng network baka magkachance ka na.

Your lucky color is Cattleya Yellowpad Yellow.



Sagittarius

Kating-kati mag-travel? Suggestion: Hintayin mo muna yung vaccine. Wag ka magkakasakit.

Your lucky color is Facemask Blue.



Capricorn

This is it! May magchachat na sayong matagal mo nang hinihintay. Di ko sinasabing lovelife pwede ring yung may utang sayo. Basta good news.

Suggestion: Magcharge ka lagi.
Your lucky color is 100-Peso Purple.



Aquarius

Makakaramdam ka na ng konting freedom this 2021. Yung mga bagay na pumipigil sa'yo last year, medyo mawawala na.

Suggestion: I-take mo na yung mga back-subjects mo! Maipapasa mo sila this year.
Your lucky color is Stabilo Pastel Purple.



Pisces

Awtsu! Unfortunately, yung taong kinakainisan mo di pa rin aalis sa buhay mo. Hanggang 2021, susundan ka nyan.

Suggestion: Mag-TRO ka na pag di mo na kaya.
Your lucky color Sharpie Banana Yellow.



by Stephanie Rey
*Still images from "The Office"



PLM LAW
GAZETTE

2021



Pamantasan ng Lungsod ng Maynila - College of Law
Intramuros, Manila