



Paulinian Law Journal

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SAINT PAUL SCHOOL *of* PROFESSIONAL STUDIES Paulinian Law Journal

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Message from the School President:

The study of law is both an intellectual pursuit and a moral undertaking. As students embark on this rigorous academic journey, they are entrusted with the responsibility to seek truth, uphold justice, and cultivate integrity in both thought and action.

Legal education demands discipline, critical inquiry, and perseverance. Yet beyond technical competence, it calls for the formation of character. The law finds its highest purpose when exercised with wisdom, compassion, and a deep respect for human dignity.

May God grant our law students clarity of mind, strength of spirit, and steadfast faith as they engage in scholarly discourse and legal reasoning. May their formation in this institution prepare them not only to excel in the legal profession but also to serve as principled stewards of justice and the rule of law.

This journal published by the faculty of law is a testament of the scholarly engagement, ethical dedication and intellectual fervor of our students. It demonstrates the academic rigor required of legal scholars as well as the bravery to address difficult legal, social and economic issues with judgement, accountability and a genuine dedication to justice.

It is our hope that this journal will serve as a platform for thoughtful reflection, academic excellence, and meaningful contribution to legal scholarship—grounded in truth, guided by faith, and directed toward the common good.

Eunice T. Tudit-Pagatpat, MBA

President and Chairman of the Board of Trustees
Saint Paul School of Professional Studies



Message from the Dean:

To the Editorial Board, writers, contributors, and advisers of the Paulinian Law Journal,

Warmest congratulations on the timely release of the 2025 publication!

Your tireless efforts have culminated in a remarkable achievement, demonstrating the best of SPSPS Faculty of Law's academic rigor, intellectual curiosity, and passion for legal scholarship. This publication is a testament to your dedication to excellence and commitment to advancing legal knowledge. The 2025 publication is a beacon of inspiration, showcasing rigorous research, insightful analysis, and thought provoking discourse.

The Paulinian Law Journal not only meets the mandates of the Legal Education Board but also reflects the institution's desire to carve a relevant niche in the evolving legal landscape. Your contributions will undoubtedly enrich the legal discourse, inspire future lawyers, and harness SPSPS Faculty of Law's thought leadership in the region and beyond.

Please accept my sincerest appreciation for your outstanding work. May this publication continue to be a source of pride and motivation for all members of SPSPS law community. I look forward to continued excellence and innovation in your future endeavors.

Well done, and congratulations again!

Atty. Felma Freda L. Lopez, MBA

Dean, Faculty of Law

Saint Paul School of Professional Studies



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Editor's Note:

This issue of the Paulinian Law Journal reflects the many ways law is experienced by students at Saint Paul School of Professional Studies, through study, discussion, and the realities of everyday law school life. At its core, this issue is shaped by one word: resilience.

Working on this journal affirmed a realization for me that grows clearer with time: law school is not only about learning the law itself, but about preparing future lawyers who can become catalysts for change. The pieces in this issue reflect that awareness, engaging with the law not just as doctrines, but as something that affects people, institutions, and society at large.

Each article contributed in this journal offers a distinct perspective. Some have examined legal questions through careful analysis, while others capture the experiences and efforts that define student life. Together, they show how legal education extends beyond the classroom and into the formation of judgment, values, and purpose.

I am deeply grateful to all members of the Law Journal who helped in the completion of this journal, and especially our advisers Atty. Barbette Reposar, Atty. Dave Batula, and Atty. Joshua Margate, whose guidance and support made this issue possible.

To our readers, I hope these pages inspire you to think boldly, question deeply, and reflect on your own place within the law. May this issue remind you that your ideas, your voice, and your actions matter and that even as students, you are already part of the work that shapes justice and society. For those who feel compelled to contribute, this journal remains an open space for your insight, curiosity, and creativity.

Thank you for reading, and welcome to this issue of the Paulinian Law Journal.

Adrian Kenneth N. Mallari

Editor-in-Chief, Paulinian Law Journal
Saint Paul School of Professional Studies



Message from the Adviser:

When we envisioned the publication of this year's journal, we shared a common aspiration: to create a platform for meaningful discourse on contemporary issues and developments in law and jurisprudence for our academic staff, students, alumni, and fellow legal scholars.

In a time marked by increasingly complex family, social, and institutional relationships in the Philippines, legal discourse must move beyond rigid rules and formal doctrines. It must engage with conflict resolution, human experience, and ethical leadership. Modern legal scholarship should respond to pressing realities—including family disputes and mediation processes, animal welfare, access to justice, and global human rights—while also drawing inspiration from the lives and legacies of transformative legal figures.

The law should not be confined to courtrooms alone. It must extend to dialogue, mediation, and alternative dispute resolution mechanisms, adapting to evolving social concerns such as debates on divorce and restorative justice. Ultimately, the study of law should be a living narrative where lawyers act not merely as advocates but as storytellers of human struggle and hope while using the law as an instrument for harmony, reform, and nation-building.

I commend the contributors whose works in this volume demonstrate research, critical analysis, and profound understanding of the law.

I also extend my sincere appreciation to the Editorial Board for their unwavering dedication and hard work in bringing this volume to fruition.

This fifth volume stands as a testament to our commitment to intellectual excellence in law and to the pursuit of wisdom and service by the grace of God—*Sapientia et Servitium Gratia Dei*.

May this volume inspire further scholarship, and congratulations to all who made this milestone possible. May the journal continue to grow and flourish in the years ahead.

Atty. Dave Paulo S. Batula

Adviser, Paulinian Law Journal

Saint Paul School of Professional Studies



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The **Saint Paul School of Professional Studies Law Journal** is published once during the academic year by the students of the SPSPS – School of Law, Brgy. Campetic, Palo, Leyte, Philippines.

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Conflict Resolution in Family Dispute

Hesus A. Bucatcat; Karen Faye H. Torrecampo; Melchor D. Lantajo, Jr.; Bismark Oliver L. Calupaz; Debie V. Alve; Sarah Mae O. Romano; Winston Jhon Paul F. Blanco; Val N. De Los Santos

Professor: Atty. Robbin S. Docena

Bridging Theory and Practice: Insights from Mediation and Judicial Dispute Resolution in the Philippines

Dispute resolution is a crucial aspect of the legal system, ensuring that conflicts are addressed fairly and efficiently without resorting to prolonged litigation. In the Philippines, Alternative Dispute Resolution (ADR) mechanisms, such as mediation and Judicial Dispute Resolution (JDR), play a vital role in promoting amicable settlements, reducing court congestion, and offering a more accessible and less adversarial method of resolving disputes. While these concepts are thoroughly explored in legal education, engaging directly with professionals in the field provides a deeper, more practical understanding of how these processes function in real-world settings.

As part of an academic initiative aimed at enhancing practical knowledge of dispute resolution, law students had the opportunity to interview Hon. Mario O. Quinit, a JDR judge, and Atty. Ari Gomez Larrazabal, an accredited mediator at the Philippine Mediation Center (PMC). This experience yielded valuable insights into the complexities and nuances of mediation and JDR, highlighting the differences between theoretical learning and actual practice. Interacting with professionals who actively facilitate dispute resolution allowed students to appreciate the real-world application of ADR principles and underscored the significance of these mechanisms within the legal system.

This paper outlines the key observations and insights gained from the activity. It begins with profiles of both the mediator and the JDR judge, providing an overview of their professional backgrounds and expertise. The subsequent sections discuss the group's observations during mediation and JDR sessions, offering a perspective on how these processes are conducted in practice. Additionally, the paper examines discussions from the interviews with both the mediator and the JDR judge, reflecting on their perspectives, strategies, and challenges in facilitating dispute resolution. The latter sections present key insights drawn from the activity and analyze the broader impact and effectiveness of Court-Annexed Mediation (CAM) and JDR in the Philippine legal system.

Beyond its procedural aspects, dispute resolution is deeply rooted in human dynamics. Mediation and JDR require not only legal proficiency but also the ability to foster communication and cooperation between conflicting parties. The role of a mediator or JDR judge extends beyond merely applying legal doctrines; it involves facilitating dialogue, building trust, and guiding parties toward mutually acceptable solutions. These essential skills—negotiation, patience, and strategic problem-solving—are not always emphasized in traditional legal education, making experiential learning opportunities like this activity invaluable for law students.

Understanding ADR through direct engagement allows students to view the law as a practical tool for conflict resolution rather than just a set of rules to interpret. It highlights the importance of adaptability, empathy, and creative legal thinking in resolving disputes efficiently. As future legal practitioners, this exposure to real-world applications encourages a broader perspective on legal practice—one that values resolution over confrontation and collaboration over adversarial proceedings.

Ultimately, this paper emphasizes the value of experiential learning in shaping competent and well-rounded legal professionals. As the legal landscape continues to evolve, law students must develop not only theoretical knowledge but also the practical skills needed to apply legal principles in real-world contexts. Through direct engagement with mediation and JDR, future lawyers gain a deeper appreciation for the role of ADR in making justice more efficient, accessible, and responsive to societal needs.

PROFILE OF THE MEDIATOR AND THE JDR JUDGE

Atty. Ari Gomez Larrazabal: A Pillar of Justice, Mediation, and Public Service

In the legal and civic landscape of Ormoc City, few names resonate with the same level of respect and dedication as Atty. Ari Gomez Larrazabal. A seasoned and accredited mediator at the Philippine Mediation Center, Atty. Larrazabal has spent decades fostering amicable dispute resolution, advocating for justice, and serving the community with unwavering commitment.

Atty. Larrazabal's journey into the legal profession is one marked by dedication and perseverance. He initially pursued a Bachelor of Science in Biology at Cebu Doctors' University, demonstrating his deep academic curiosity and discipline. However, his true calling lay in law, leading him to earn his Bachelor of Laws from Divine Word University.



Passing the Philippine Bar Examination in 1992, he quickly established himself as a competent and principled lawyer, opening the Larrazabal Law Office in 1993. For over three decades, he has been at the forefront of the legal field, handling a diverse array of cases while championing Alternative Dispute Resolution (ADR) as a means to foster fair and efficient justice.

Beyond traditional litigation, Atty. Larrazabal has been an ardent advocate for mediation, recognizing its power to resolve conflicts efficiently while preserving relationships. His work at the Philippine Mediation Center has been instrumental in reducing court congestion and providing disputing parties with a more collaborative, less adversarial alternative.

His expertise in mediation has made him a trusted figure among peers and the public, reinforcing the importance of ADR in the Philippine legal system.

Atty. Larrazabal's passion for service extends beyond the courtroom. As a long-time resident of Ormoc City, he has remained deeply involved in community affairs, always striving to contribute to the city's development. His desire to effect meaningful change has led him to take on a new challenge: running for Councilor in the 2025 Midterm Elections. With his wealth of legal experience, he aims to bring integrity, fairness, and innovative governance to the local government, advocating for policies that uplift the community.

With a career dedicated to law, mediation, and public service, Atty. Ari Gomez Larrazabal stands as a pillar of justice and civic responsibility. Whether resolving disputes through mediation, defending the rights of his clients, or working toward the betterment of Ormoc City, he remains steadfast in his mission to serve. As he embarks on this new political endeavor, his proven leadership and dedication to fairness make him a formidable force for progress—one who continues to shape a more just and harmonious society.

Judge Mario O. Quinit: A Legacy of Excellence in Law and Public Service

A distinguished legal luminary, Judge Mario O. Quinit hails from Tacloban City and has built an exemplary career spanning over 26 years in public service. His academic foundation is as impressive as his professional journey. He earned his Bachelor of Arts degree from the Leyte Institute of Technology (now Eastern Visayas State University) before obtaining his Juris Doctor, with honors, from Leyte Colleges, where he was a consistent academic scholar. Further demonstrating his commitment to legal scholarship and governance, he holds three master's degrees: a Master of Public Management from the University of the Philippines Tacloban College, a Master in Industrial Relations from the University of the Philippines Diliman, and a Master of Laws from San Beda University, where he is currently pursuing a Doctor of Laws.

Further demonstrating his commitment to legal scholarship and governance, he holds three master's degrees: a Master of Public Management from the University of the Philippines Tacloban College, a Master in Industrial Relations from the University of the Philippines Diliman, and a Master of Laws from San Beda University, where he is currently pursuing a Doctor of Laws.

Throughout his career, Judge Quinit has consistently upheld the principles of justice and excellence, earning widespread recognition for his contributions. As a Public Attorney, he was conferred the Top Performer Award, and during his tenure as an Ombudsman Prosecutor, he was honored with the 2007 Outstanding Ombudsman



Prosecutor Award. His exemplary service as a Regional Trial Court Judge in Palompon and now Ormoc City has earned him the prestigious “Lamrag han Hudikatura Award” twice, bestowed by the Integrated Bar of the Philippines, Leyte Chapter. His commitment to justice has also been acknowledged on an international scale—on July 2, 2022, he was awarded the esteemed “SAARC Regional Peace Award” by the South Asian Association for Regional Cooperation (SAARC) in Male, Maldives.

Beyond his judicial role, Judge Qunit has made significant contributions to legal education and advocacy. He has served multiple times as a judge for moot court competitions sponsored by LAW ASIA, held in Tokyo, Japan; Siem Reap, Cambodia; and Hong Kong. His expertise has also been recognized by the International Criminal Court of Justice in The Hague, where he has thrice served as an evaluator and judge for moot court competitions at Leiden University, The Netherlands. Prior to the pandemic, he played a vital role as a trainer and lecturer on Trial Skills and Advocacy for the Office of the Ombudsman, equipping prosecutors and lawyers with the necessary expertise to navigate complex legal proceedings.

Outside the courtroom, Judge Qunit is an avid traveler and an accomplished international marathoner, having completed full marathons in Kobe, Japan, and Sydney, Australia. His dedication to legal education extends to the academic field, where he previously served as a professor of law at Saint Paul School of Professional Studies, DVOREF, and Leyte Colleges.

With an unwavering commitment to justice, legal excellence, and education, Judge Mario O. Qunit continues to be a formidable force in the Philippine judiciary, leaving a lasting impact on the legal profession both locally and internationally.

DISCUSSION ON THE GROUP’S OBSERVATION OF THE MEDIATION

The group’s observation is limited to the actual simulation made during the conduct of the learning session with Hon. Judge Mario O. Qunit last February 16, 2025 at 1:00PM. The session was organized by the group and was attended by Family Dispute Resolution students of JD 3A and JD 3B. Judge Qunit emphasized that the conduct of mediation is a tool to aid the courts in declogging its dockets and promoting speedy disposition of disputes. The following summarizes the group’s observations:

Structure of Mediation

The group has highlighted the importance of following an interview structure, as it helps both parties to properly understand the rationale of these proceedings. It also helps both parties to navigate their way towards a peaceful settlement, or in cases of non-settlement, the prospect of court action. The group has also noticed how the mediator utilizes time management to avoid rushed outcomes in both parties.

The group noted the emphasis during the simulation that parties should be given equal opportunity to articulate interest in the proceedings. As emphasized during the discussion, the skill of the mediator should be used strategically to break impasses without sidelining any party.

Neutrality and Impartiality

The group noted the pivotal role of neutrality and affirmation of voluntariness in successful mediation proceedings. It is noteworthy that the trust that both parties will be heard in a neutral and impartial manner is paramount in making parties comfortable and willing to settle their disputes.

The simulation and subsequent discussions have also noted that a mediator has to address disparities between parties such as, but not limited to, resource gaps and emotional dominance. The mediator should strike a balance between providing a fair medium for parties to express their sentiments and concerns without compromise to the rights of the other party.

Communication Techniques

The critical area and skill for a mediator to employ during proceedings is the ability to paraphrase and reframe adversarial statements into neutral terms. A skill that was also emphasized during the simulation was the proper management of emotions of parties, such as de-escalating hostile interactions through focusing on facts or scheduled breaks in improving the dynamics of the mediation.

Problem-Solving and Creativity

The simulation emphasized the craftiness and skill entailed in properly navigating through the emotions and conflicting interest of parties. As Judge Qunit has already emphasized during his discussion, a mediator should properly address the underlying needs of the parties and use such needs for parties to explore beyond their positional demands.

In presenting possible scenarios after non-agreement, a mediator help parties evaluate alternatives to agreement, which leads them to informed decision-making, regardless of the outcome.

Legal and Procedural Knowledge

The group has also noted how the simulation of Judge Qunit provided an insight how legal and procedural knowledge is employed in informing both parties of the implications of the dispute should the matter mature to court litigation. Judge Qunit's simulation provided that the mediator, avoid the provision of legal advice but clarified legal and procedural options of the parties.

He also maintained that a mediator should flag any misapplication of the law that could skew party decisions.

Confidentiality

The mediator should affirm parties that confidentiality will be upheld at the outset. This fosters open dialogue between both parties. That in cases where private disclosures are inadvertently revealed, a mediator must reinforce confidentiality rules in order for breaches

not to occur.

Outcome Evaluation

The group was reinforced with the simulation that mediation proceedings are expedient and inexpensive manner of settling disputes. As a mediator, the simulation has been observed by the group to ensuring that settlement is grounded on fairness and feasibility, for both parties to properly comply with its terms.

Judge Qunit further emphasized that if no agreement is reached, a mediator should summarize progress and outline next steps the parties will undertake to resolve the concern.

Voluntariness and Informed Consent

The simulation also illustrated that a mediator should ensure no coercion between parties will be partaken during the proceedings, rather any settlement should be borne out of the earnest motives of parties to resolve the dispute. That, should any agreement be finalized during the proceedings, the mediator would exert his best for parties understand agreement terms fully.

Reducing Litigation Cost and Court Dockets

The symposium and interview discussions provided deeper insights into the impact and effective of CAM and JDR in handling disputes. The discussions emphasized that CAM and JDR are instrumental in declogging court dockets, enabling the judges to focus on more complex cases while disputes that can be resolved without going through litigation be addressed. CAM and JDR reduce financial burden by eliminating the costs of a long process of litigation and all the costs that come with it.

Preservation of Relationship

The interviews underscored how alternative dispute resolutions foster collaboration instead of adversarial litigation. This is particularly in family disputes where preserving parental relationship is important. Mediation in child support and custody cases encourage the parents to prioritize the welfare of the child rather than engaging in hostile litigation.

The Success Metrics in Mediation

The interview with Atty. Ari revealed that success in mediation is not only measured by settling the dispute but also by improving the parties' understanding of resolving conflicts. Even though there are cases where settlement was not reached, a good mediation session would leave the parties more open to negotiation in the future.

DISCUSSION ON THE INTERVIEW CONDUCTED WITH THE MEDIATOR

Bridging Conflicts: An Insightful Conversation with Atty. Ari Gomez Larrazabal on Mediation

Our online interview with Atty. Ari Gomez Larrazabal, a seasoned mediation lawyer at the Philippine Mediation Center in Ormoc, was an enriching and enlightening experience for us as

law students. Originally planned as an in-person session, scheduling constraints necessitated a shift to an online platform. Despite this adjustment, the conversation remained highly engaging, providing us with invaluable insights into the nuances of mediation within the Philippine legal system. Assisting in the session was Ms. Deejae Sunday F. Eamiguel, Mediation Staff Assistant II of the Philippine Mediation Center in Ormoc, who offered additional context and clarification when needed.

The discussion commenced with interviewer Mr. Val N. De los Santos introducing the team to Atty. Larrazabal, setting a relaxed and welcoming tone for the session. With his extensive experience in mediation, Atty. Larrazabal immediately captured our attention, offering a thoughtful and pragmatic perspective on conflict resolution and the role of mediators in fostering amicable settlements.

One of the first questions raised pertained to handling cases where one party dominates the conversation during mediation. Atty. Larrazabal emphasized the importance of maintaining control over the process, explaining that in such situations, he calls for a break and conducts individual sessions with each party. This approach allows him to better understand their perspectives while ensuring that neither party overpowers the discussion. He stressed that a mediator's role is to uphold neutrality and balance, guiding the dialogue in a way that allows both sides to be heard equally.

When asked about the most challenging cases he had mediated, Atty. Larrazabal cited family-related disputes, particularly those involving inheritance and property partition. He noted that such cases are often complicated by emotional tensions and cultural expectations, such as the belief that the eldest child should receive a larger share. To navigate these complexities, he often recommends involving a neutral third party—someone trusted by both sides—to help facilitate discussions. He explained that emotional attachments often cloud logical decision-making, and having an intermediary can encourage a more constructive and objective resolution.

The conversation then turned to legal matters that arise during mediation. Atty. Larrazabal clarified that while mediation provides an avenue for resolving disputes outside of court, certain legal issues require professional legal intervention. In such cases, he advises parties to involve their respective lawyers in the mediation process to ensure their legal rights and interests are safeguarded. By working collaboratively with legal counsel, mediation can proceed without compromising the legal complexities involved.

On the subject of measuring success in mediation, Atty. Larrazabal explained that success is not solely determined by whether a settlement is reached. Rather, he considers mediation successful if the parties leave with a greater understanding of the process and an improved relationship. Even when an agreement is not immediately achieved, mediation can help foster a mindset geared toward resolution, allowing parties to approach conflicts with a more open and constructive perspective in the future.

For those aspiring to pursue mediation as a profession, Atty. Larrazabal offered candid advice. He emphasized that mediation—particularly court-annexed mediation—is driven by conviction rather than financial gain. While the field may not be highly lucrative, it is immensely rewarding for those with a genuine passion for helping others navigate and resolve their disputes. A successful mediator, he explained, must possess patience, empathy, and a strong commitment to conflict resolution.

As the interview neared its conclusion, Atty. Larrazabal reflected on the most fulfilling aspects of being a mediator. He shared that the greatest reward lies not only in helping parties reach settlements but also in knowing that they leave with a better understanding of the mediation process. Even when disputes remain unresolved, the ability to shift perspectives and foster open dialogue is a meaningful outcome in itself.

The session concluded with Mr. De Los Santos expressing gratitude to Atty. Larrazabal for taking the time to engage with us despite his demanding schedule. In turn, Atty. Larrazabal expressed appreciation for the opportunity to share his experiences and insights, acknowledging the team's enthusiasm for learning about mediation.

Although conducted online, the interview proved to be an invaluable learning experience. As aspiring legal professionals, we walked away with a deeper understanding of the vital role mediation plays in the Philippine legal system. Atty. Larrazabal's insights underscored the importance of neutrality, empathy, and effective communication in resolving disputes—fundamental skills that every aspiring mediator must cultivate. His reflections not only deepened our appreciation for mediation but also reinforced its significance as a crucial pillar of alternative dispute resolution, particularly in smaller cities like Ormoc.

DISCUSSION ON THE GROUP'S OBSERVATION OF THE JDR

Judicial Dispute Resolution: A Collaborative Approach to Conflict Resolution

Observations on Judicial Dispute Resolution (JDR)

Judicial Dispute Resolution (JDR) offers an alternative to traditional litigation by incorporating methods such as mediation, arbitration, and conciliation to resolve conflicts. These approaches are generally faster, more cost-effective, and less adversarial than court proceedings, making them an attractive option for many legal disputes. Particularly in sensitive cases, such as family law matters, JDR fosters cooperative problem-solving and allows parties to take a more active role in shaping their resolutions.

One of the primary advantages of JDR is its cost-effectiveness. Legal fees and court expenses in litigation can escalate quickly due to prolonged proceedings, expert witness fees, and other associated costs. In contrast, JDR processes are streamlined, reducing financial burdens on the parties involved.

Beyond financial considerations, JDR promotes collaboration, particularly in family law and commercial disputes. Unlike traditional litigation, which often deepens animosity between parties, JDR emphasizes communication and cooperation. This is particularly valuable in

child custody and support cases, where maintaining a functional relationship between parents is crucial.

JDR also provides parties with greater control over the outcome of their disputes. Instead of a judge imposing a decision, parties can negotiate mutually beneficial terms through mediation or arbitration. This flexibility allows for customized solutions tailored to their unique circumstances—something that rigid court rulings may not always achieve. In contrast, litigation places the final decision in the hands of a judge or jury, leaving little room for compromise or individualized outcomes.

Another significant benefit of JDR is confidentiality. Mediation and arbitration proceedings are private, safeguarding the reputations and personal matters of those involved. Court cases, on the other hand, are public records, exposing sensitive details that could potentially harm the parties, especially in high-profile disputes.

Overall, JDR serves as a flexible, cost-efficient, and collaborative approach to dispute resolution. By allowing parties to maintain control over the process, preserving relationships, and reducing both emotional and financial strain, JDR continues to gain traction as a preferred method for resolving legal conflicts—particularly in family law and commercial disputes.

Symposium on Judicial Dispute Resolution: Insights from Honorable Judge Mario O. Quinit

A symposium and interview on Judicial Dispute Resolution provided invaluable insights into how judges handle complex family law disputes, particularly those involving child support and custody. Presiding over the session was Honorable Judge Mario O. Quinit, a distinguished expert in the field, who shared his perspectives on the evolving role of judges in fostering fair and amicable resolutions.

Judge Quinit emphasized that a judge's role in family law cases extends beyond issuing rulings—it also involves facilitating peaceful agreements that serve the best interests of the child. Through JDR methods such as mediation and arbitration, judges can encourage parents to work together, minimizing hostility and promoting sustainable co-parenting arrangements.

One of the most effective tools in JDR, according to Judge Quinit, is mediation. He highlighted how mediation allows parents to openly discuss their concerns, negotiate terms, and ultimately reach solutions that prioritize their child's well-being. He further explained that parents who actively participate in mediation are more likely to uphold agreements, as they feel a sense of ownership over the outcome rather than having a court-imposed decision.

During the interview, Judge Quinit provided practical advice to parents navigating custody and child support disputes. He stressed the importance of open communication, patience, and a willingness to compromise. By focusing on the child's best interests and approaching the process with cooperation rather than conflict, families can avoid prolonged legal battles that often exacerbate tensions.

Roleplaying Activity: Simulating Child Support and Custody Disputes

An interactive roleplaying activity added a dynamic element to the symposium, allowing participants to engage in simulated child support and custody disputes. The exercise provided a practical understanding of how JDR principles are applied in real-life legal proceedings.

In the roleplay, two parents contested custody arrangements and financial obligations. One sought primary custody, while the other expressed concerns about child support payments. The exercise demonstrated the challenges and emotional complexities involved in such disputes and highlighted how JDR techniques can help de-escalate conflicts and encourage resolution.

Judge Quinit, who observed the roleplaying session, noted that while the exercise was a simulation, the strategies used closely mirrored actual courtroom scenarios. He emphasized that many real-life cases begin with adversarial stances but, through JDR, often lead to amicable settlements before reaching trial.

By engaging in this roleplaying activity, participants gained a deeper appreciation for the effectiveness of JDR in family law disputes. The exercise reinforced the importance of mediation, active listening, and collaboration—key components in achieving fair and lasting resolutions.

Conclusion

The symposium and discussions on Judicial Dispute Resolution provided a profound understanding of its benefits and applications, particularly in child support and custody cases. Under the guidance of Judge Mario Quinit, attendees explored how JDR fosters cooperation, reduces litigation costs, and promotes sustainable agreements.

Through mediation and arbitration, families can resolve disputes more amicably, ensuring that children's best interests remain the focal point. The roleplaying exercise further solidified these concepts, offering participants firsthand experience in applying JDR methods.

Judicial Dispute Resolution continues to reshape the legal landscape by prioritizing fairness, flexibility, and collaboration. As more individuals recognize its advantages, JDR is poised to become an increasingly vital tool in achieving just and equitable outcomes in legal disputes.

DISCUSSION ON THE INTERVIEW CONDUCTED WITH THE JDR JUDGE

The Judicial Dispute Resolution (JDR) is one of the most effective tools in fostering amicable settlements while easing pressure in court dockets. In an interview with Judge Mario O. Quinit, the Presiding Judge of Branch 12 of the Regional Trial Court – Ormoc City, key insights were shared regarding his methodologies, ethical principles, and strategies for handling and facilitating mediations. The succeeding discussions duly highlight Judge Quinit's approach, organized by themes emerging from the discussion.

Impartiality as Core in Building Rapport and Trust

Judge Quinit emphasized the importance of impartiality as the cornerstone of effective

mediation. Judge Quinit underscored the importance of a JDR judge studying case records, applicable laws, and jurisprudence before the conduct of JDR proceedings. His actions ensure decisions remain evidence-based, shielding the process from emotional sway. Trust, another critical element, is cultivated through the judge's reputation for probity and integrity. In his experience, litigants often research a judge's character beforehand, and Judge Quinit's consistent demonstrations of fairness set the stage for rapport. To further ease hesitations, he emphasizes the confidentiality of mediation proceedings, assuring parties that disclosures made during negotiations cannot be weaponized in subsequent court trials.

Ensuring Fair Ground for Dialogue

A structured yet empathetic communication framework is employed by Judge Quinit to make parties feel heard. The JDR mediation proceeding begins with an opening statement explaining the process's benefits, followed by orderly presentations: the plaintiff's claims, the defendant's rebuttal, and subsequent sur-rebuttals. To minimize misunderstandings, Judge Quinit converses in the parties' native dialect or preferred language, fostering comfort and candor.

Power imbalances, particularly in family disputes, are addressed by reinforcing equality before the law. Judge Quinit reminds parties that neither holds superiority and appeals to shared emotional histories—urging them to reflect on past harmonious relationships and extend mutual respect.

Encouraging Collaboration and Problem-Solving

Creative solutions are nurtured by grounding discussions in evidence. Judge Quinit lays out factual and legal parameters, then invites parties to propose realistic and attainable settlements. Judge Quinit posits that the collaborative approach shifts the focus from adversarial assertion of individual interests to joint problem-solving. In sensitive cases, such as custody disputes, the child's best interests are prioritized through strict adherence to legal standards, with exceptions (e.g., the "compelling reason rule") applied only under warranted circumstances.

Navigating Challenges and Impasse

When tensions escalate, Judge Quinit employs recesses to allow parties to cool down, followed by caucuses—separate discussions with each party, always in the presence of counsel—to realign perspectives. Should mediation reach an impasse, he advocates termination rather than prolonging unproductive negotiations, preserving resources and respecting parties' autonomy.

Interestingly, Judge Quinit noted no exceptionally challenging cases to date but emphasized a proactive stance: highlighting mediation's benefits—speed, cost-efficiency, and relationship restoration—to motivate resolution.

Conclusion

Judge Mario O. Quinit's approach reflects a balanced blend of legal rigor, psychological acuity, and commitment to the mediation process. By prioritizing impartiality, structured communication, and adaptive conflict management, he fosters an environment where parties can transcend contention to achieve mutually satisfactory outcomes. This interview not only contextualizes the complexities of JDR but also reaffirms its value as a humane and efficient alternative to traditional litigation.

INSIGHTS LEARNED FROM THIS ACTIVITY

The Power of Alternative Dispute Resolution: Insights Gained from Experience

Alternative Dispute Resolution (ADR) is a transformative approach to conflict resolution, offering a more collaborative, cost-effective, and efficient alternative to litigation. Engaging in ADR activities has provided our group with a profound understanding of its various processes—mediation, arbitration, and negotiation—all of which emphasize amicable settlement over adversarial proceedings. These experiences have not only deepened our knowledge of dispute resolution but have also equipped us with valuable skills that extend far beyond the legal realm.

One of the most crucial insights we gained is the importance of effective communication. Throughout our discussions and activities under the guidance of our ADR professor, Atty. Robin Docena, we discovered that active listening and open dialogue form the foundation of successful dispute resolution. Mediators are trained not just to hear, but to truly listen—acknowledging both the spoken words and the underlying emotions. This empathetic engagement builds trust among parties, making them more receptive to compromise and resolution.

Another significant realization is the value of creativity and flexibility in problem-solving. Unlike rigid court rulings bound by legal precedents, ADR allows disputing parties to explore innovative solutions tailored to their unique circumstances. Mediation, in particular, fosters a problem-solving mindset, encouraging parties to shift from a confrontational stance to a collaborative one. This flexibility often results in more satisfying, long-term resolutions that address the core interests of both sides.

Additionally, ADR underscores the importance of neutrality. A mediator's role is not to take sides but to facilitate constructive dialogue while maintaining impartiality. Our observations of real mediation sessions, including a demonstration by Hon. Judge Mario O. Quinit at the SPSPS Faculty of Law, highlighted how skilled mediators ensure that both parties feel heard and respected. Neutrality is not just about avoiding favoritism; it requires a conscious effort to manage personal biases, creating an environment where trust and cooperation can flourish.

Confidentiality also emerged as a key advantage of ADR. Unlike court trials, which are public and can lead to reputational risks, ADR proceedings remain private, allowing parties to resolve sensitive matters discreetly. Moreover, ADR offers significant time and cost efficiency—litigation can be a lengthy and expensive process, whereas mediation and

arbitration provide quicker, more economical alternatives. The ability to resolve disputes efficiently while preserving relationships is a compelling reason why ADR is increasingly favored in both legal and business settings.

Perhaps the most impactful lesson we gained from our ADR journey was the profound sense of service that defines mediation. In our interview with Atty. Ari Larrazabal, a seasoned mediator, he emphasized that the greatest fulfillment in mediation lies in helping parties understand the essence of dispute resolution. The role of a mediator is not merely to settle conflicts but to educate individuals on the benefits of peaceful negotiation and mutual understanding. This realization reinforced the idea that ADR is more than a legal process—it is a tool for building harmony and fostering human connections.

At its core, mediation embodies the principle that disputes do not always need to end in prolonged legal battles. Finding common ground, rather than focusing on differences, can lead to solutions that benefit both parties. This insight is invaluable not just in legal practice, but in everyday life—whether in professional negotiations, workplace conflicts, or personal relationships.

In conclusion, our engagement in ADR activities has deepened our understanding of communication, neutrality, confidentiality, and creative problem-solving in conflict resolution. These lessons extend beyond the legal sphere, equipping us with skills that are essential in any setting that requires negotiation and cooperation. Ultimately, ADR is not just about settling disputes—it is about fostering peace, preserving relationships, and promoting a more harmonious society.

ANALYSIS ON THE IMPACT AND EFFECTIVENESS OF CAM AND JDR IN DISPUTE RESOLUTION

Strengthening Justice: The Role of Court-Annexed Mediation and Judicial Dispute Resolution in the Philippines

The Philippines has established Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) several enactments, beginning with Republic Act No. 9285 (2004), the Alternative Dispute Resolution Act. This law actively promotes these mechanisms to address the severe backlog that has long burdened the judiciary. To complement the law, the Supreme Court issued additional guidelines, such as A.M. No. 11-1-6-SC-PHILJA (2011), which mandates court-referred mediation for civil, family, and commercial cases, and formalized JDR in 2016, which involves judges directly mediating disputes like fraud and contractual breaches. These reforms have had tangible results, with the Office of the Court Administrator (OCA) reporting that CAM and JDR resolve between 30% and 40% of referred cases. According to the Philippine Judicial Academy (PHILJA), the settlement rate for court-annexed mediations was 55% in 2019. Typically, mediated cases are resolved in 2–3 months, compared to the 3–5 years often needed for traditional litigation. Innovations like the e-Katarungan online platform, launched during the COVID-19 pandemic, have also made the process more accessible, particularly by reducing the travel burden for litigants from rural areas.

In comparative studies, it has shown that other jurisdictions have already successfully integrated alternative dispute resolution mechanisms into their legal framework. Singapore has embedded a court annexed mediation within their judiciary in order to expedite dispute resolution, while in the United States, they have varying practices depending on the state, with many encouraging mediations to lower the costs. Learning from these practices that have been established could help enhance the effectiveness of our alternative dispute resolution system.

Culturally, CAM aligns well with Filipino values such as pakikisama (harmony) and hiya (avoiding shame), which makes it particularly effective in familial conflicts, like inheritance issues, and local disputes at the barangay level, where maintaining relationships is of utmost importance. On the other hand, JDR benefits from the public's respect for judicial authority, motivating parties to follow a judge's guidance. A study by the University of the Philippines (UP) Law School in 2021 revealed that 68% of participants were satisfied with CAM outcomes, highlighting benefits like privacy and relationship preservation. However, JDR has faced skepticism, particularly in commercial disputes, where businesses are concerned about alienating judges whose rulings could influence the outcome of future trials. This concern was magnified by reports of coercion, such as a 2022 case in Cebu, where a judge allegedly pressured a tenant into accepting an unfair settlement.

Despite these successes, there are still significant systemic challenges. Resource and training disparities disproportionately affect rural courts, where mediators and judges trained in JDR are scarce, partly due to PHILJA's training programs being focused mainly in Metro Manila. Many mediators also lack expertise in handling complex cases, like intellectual property disputes, which undermines confidence in the process. Furthermore, the mandatory nature of CAM, required before trial in most civil cases, has received criticism for pressuring parties into accepting unfair settlements, with 25% of litigants in the UP study feeling "forced" to agree to unfavorable terms. Additionally, the Lupong Tagapamayapa, a barangay-level mediation system that resolves 80-90% of community disputes, often overlaps with CAM, leading to redundancy and confusion.

Beyond civil cases, Court-Annexed Mediation and Judicial Dispute Resolution have proven effective in other disputes. However, enforcement of the agreements remains a concern. Some judges view JDR as an additional burden to their already heavy workload while others embrace the opportunity to facilitate resolution.

Access to justice is also uneven, particularly for marginalized communities. Indigenous groups and low-income litigants often lack awareness of CAM and JDR, which is worsened by language barriers for non-Tagalog speakers and limited support from the Public Attorney's Office (PAO), which rarely assists in mediation sessions. Gender dynamics also complicate access, as CAM's informal nature may exacerbate power imbalances in domestic violence cases, prompting advocacy groups to call for exemptions—although this policy has been inconsistently applied across the country.

Financially, mechanisms of alternative dispute resolution significantly reduce the costs for the litigants and the judiciary. Traditional litigation incurs higher expenses due to a prolonged litigation process that entails more attorney fees, court costs. While mediation allows for a faster, more cost-effective resolution. Courts may also reallocate resources to cases that need formal adjudication, enhancing overall efficiency.

Innovative initiatives, such as the JDR courts in Quezon City—where judges are paired with social workers to mediate family disputes—have shown promise, achieving a 70% settlement rate in 2022. Similarly, the e-Katarungan platform, which resolved over 1,200 cases online by 2023, demonstrates the potential of technology in improving access to justice. However, gaps in rural internet access limit the platform’s reach, highlighting the need for hybrid models, such as SMS-based scheduling. The long-term impact of CAM and JDR suggests a gradual shift in societal attitude towards conflict resolution. Businesses, for example, are slowly integrating mediation clauses into their contracts to anticipate the benefits of alternative dispute resolution. To maximize the effectiveness of these mechanisms, reforms should prioritize decentralizing PHILJA’s training programs to provinces, incorporating indigenous dispute resolution practices, and exempting sensitive cases—like those involving gender-based violence—from mandatory CAM. Other measures, such as barring JDR judges from presiding over subsequent trials, assigning PAO lawyers to mediation sessions, and translating CAM materials into regional languages (*e.g.*, *Cebuano*, *Ilocano*), would further promote equity. Expanding ADR mechanisms to include minor criminal and administrative cases could also help decongest judiciary.

In conclusion, while CAM and JDR have significantly alleviated court congestion and align with Filipino cultural values, there remain systemic inequities that could cause these mechanisms to be seen as “second-class justice” options for the poor. Addressing the resource gaps, risks of coercion, and access barriers is crucial to ensuring that ADR strengthens, rather than undermines, the judiciary’s role. By focusing on equity rather than just efficiency, the Philippines has the potential to turn CAM and JDR into foundational elements of a justice system that truly embodies the principle that “justice delayed is justice denied”.



Ormoc City: Group Depicage of the subject “Conflict Resolution in Family Disputes” under Atty. Robbin Docena. This photo taken at the Philippine Mediation Center together with Ms. Deejae Sunday F. Eamiguel, Mediation Staff Assistant II after the online interview with Mediator.

Where the Law found its Home: The Life, Leadership, and Legacy of Pem

A Personality Sketch of Atty. Felma Freda Leonida-Lopez and Her Journey in SPSPS School of Law

By: John Cavin M. Sabonsolin

By day, her office door is always open. By night, the lights of the law school still glow, tracing the silhouette of a woman who has learned to carry an institution on her shoulders without ever losing her softness. To the students at Saint Paul School of Professional Studies, she is more than a dean. She is their *momshie*. To the faculty, she is the quiet force who turns vision into policy and policy into lived experience. To herself, she is simply Pem, the Taclobanon girl who loved books, learned discipline from a teacher-mother, and grew into the lawyer who would one day say, with calm certainty, *“It’s like I’m finally home.”*



Atty. Felma Freda Leonida-Lopez, called Pem by her family, wears her sixty-two years with pride. *“Proud to be sixty-two because I know I have already done a lot. It’s like I have trailblazed something,”* her voice carrying the confidence of a life fully lived. Born and raised in Tacloban City, a “pure-blood Taclobanon,” she grew up in a home where letters bridged distance and discipline shaped destiny. Her father, a seafarer, was often away; her mother, a dedicated teacher, was ever present. From them she learned constancy and commitment, the twin virtues that would later define her leadership.

Unexpected Calling

Long before the law called her name, books did. As a child, Pem devoured stories, from Nancy Drew, the Hardy Boys, mysteries that asked the reader to think, to solve, to stand for what is right. In high school, she found herself drawn to Perry Mason, where justice unfolded in courtroom cadence. *“I just love the law,”* she would later say, without pretense, without cliché, not for the robes or the rhetoric, but for the craft itself.

She entered college through Commerce by her mother’s decision, at a time when Nursing’s promise seemed dim. She then graduated with a degree in Accountancy and Economics. Fate, however, had already begun its quiet work. Her entry into teaching was not something she originally planned. It started through a peaceful arrangement between her mother and the late founding dean of Saint Paul’s, who saw in her a potential she herself had not yet recognized. She agreed to teach out of respect for her mother and underwent a teaching demonstration. To her surprise, students responded positively, and her evaluations were excellent.

“Probably my mother and the late dean saw that possible potential in me, which I did not,” she recalls.

What began as an obligation soon became a calling—and the beginning of a lifelong devotion to the academe.

The Lawyer Who Carried Three Worlds

Pem's law school years were forged in a different age with no laptops, no e-books, and no Clinical Legal Education Program. There were libraries, long nights, shared digests, and the prayer every working student knows by heart: *"Ayaw la anay ako matawag yana."*

She worked by day and studied by night, walking from office to classroom at Divine Word University of Tacloban. At twenty-one, she was already chair of the Economics Department, juggling committees, advisorships, and the unrelenting demands of law.

She married at twenty-eight, in her third year of her fourth year, and welcomed her first child after graduation. After the oath, she taught by choice and practiced by conviction, opening her own solo law office and accepting only the cases she believed in. *"Several—about five at a time,"* she says of her limited practice. She was mindful that excellence requires focus.

Two cases remain etched in her memory to this date. A civil case that turned on a constitutional exception allowing a foreigner to acquire property by succession, which they won through research and resolution. And a murder case that ended in a conviction. They remind her that the law rewards those who read closely and argue courageously.

The School That Grew Around Her

When SPSPS opened its School of Law in June 2009, Atty Lopez was among its pioneering faculty members. She taught Statutory Construction and was appointed College Secretary, while maintaining limited private practice.

Judge Getulio Francisco, the school's first dean and her former professor, placed complete trust in her judgment. Students were often referred to her for academic and administrative concerns. *"Talk to Atty. Lopez"* From the very beginning, she played a central role in building the systems and operations of the law school. Decisions passed through her desk; systems took shape under her care.

Super Typhoon Yolanda struck in December 2013. As the city struggled to catch its breath and rebuild shattered lives, a quiet turning point arrived for Pem. One Sunday in January 2014, as she walked toward Redemptorist, her phone rang with a message that would change her journey. She was being appointed Vice-Dean for Faculty and Administration—the first to hold the title.

In November 2016, she was concurrently appointed Vice President for Academic Affairs of Saint Paul School of Professional Studies. Yet even as she assumed a university-wide leadership role, she refused to leave the law school that she had helped build. She returned to her post as Vice-Dean, continuing to serve the institution that had become her second home.

Then, on November 1, 2024, validation arrived with gratitude. She was formally appointed Dean of the School of Law.

As many of her colleagues would later observe, she had long been performing the work of a dean even before designation.

“It’s like everything was all on my shoulders,” she says with candor.

This time, the title finally matched the duty. Her reaction was neither surprise nor spectacle, only a quiet recognition of a journey fulfilled. *“It’s like I had this coming, It’s like I’m finally home.”*

Leadership with an Open Door

Ask her about leadership, and she answers with one word: hands-on. She delegates, yes, but she shows up for competitions, for classrooms, for the smallest invitations. *“One’s presence can always lend inspiration,”* she believes. Her office is never a pedestal. Students come; she listens. *“Accommodating. Approachable,”* she says of how they might describe her. And they do, calling her *momshie*, a name first coined by a graduate who felt the warmth behind the rigor.

Her vision is movement: a flourishing, vibrant law school that refuses to stand still. She pushes for Level 2 CLEP so students can draft, sign, and appear under supervision. She champions outcomes-based teaching. She guards quality through strict admission and retention. She brought the region’s first Master’s of Legal Studies to Saint Paul, after benchmarking, persuading, and preparing the documents herself, just in time before a moratorium closed the gate.

A Life Beyond the Gavel

Beyond the long corridors of the law school and the steady rhythm of meetings and memoranda, Pem returns to the simple joys that first shaped her: books, travel, and quiet reflection. She remains, at heart, the girl who fell in love with stories long before she fell in love with the law. When time allows, she reads not only legal texts but also thrillers and suspense novels, stories that demand thought, patience, and resolution. She is drawn to narratives in which mysteries unfold, and truth must be pieced together, much like the cases she once argued in court. Romance rarely captures her interest; she prefers the tension of a problem waiting to be solved.

Her advocacy is quiet but constant. She is not active in many outside organizations, not because



she lacks concern, but because her heart is fully anchored in the school. Her causes live within its walls in environmental awareness, in student formation, and in the daily work of shaping future lawyers. For Pem, advocacy is found in every policy that protects academic integrity, in every classroom she enters, and in every student she guides. When she is not in her office, she is with her family. When she is not reading, she is planning her next journey. And when she is not traveling, she is thinking of how to move the law school forward. Life beyond the gavel, for her, is not a retreat from duty, but the quiet space where strength is renewed, and vision is sharpened.

The Legacy She Is Building

Where does she see the law school in five to ten years? On the rise, more names in the Bar's top tier, stronger delivery of knowledge, and possible new programs with the Legal Education Board's blessing. "We have to improve. We have to go up," says the competitive student-leader who once danced, debated, ran councils, and refused to be left behind.

And when the time comes to lay down the mantle? She hopes to leave a fully developed law school with a reputation that precedes it, one that students choose even when closer options exist. "I want that kind of legacy," she says.

For the aspirants who line the halls she keeps lit, her counsel is steady and uncompromising: choose with your heart, commit with your will, and walk with courage. Law is not ordinary. It asks for resilience and passion, and it gives back only what you are brave enough to invest. In the end, the portrait resolves into a single, luminous truth: institutions do not become great by accident. They grow around people who arrive early, stay late, and keep the door open. In Saint Paul's, that person is Atty. Felma Freda Leonida-Lopez, Pem to her family, Dean to her faculty, momshie to her students, who carries the law with a teacher's heart and leads with a mother's care.



Observations on Philippine Animal Welfare Law^[*]

by: Adrian Kenneth N. Mallari^[**]

“He who is cruel to animals becomes hard also in his dealings with men.

We can judge the heart of a man by his treatment of animals.”

- Immanuel Kant, *Philosopher*

I. Introduction

The Philippines is internationally recognized for having some of the most comprehensive environmental laws, such as the Clean Air Act (Republic Act No. 8749), Clean Water Act (Republic Act No. 9275), and the Expanded National Integrated Protected Areas System Act (Republic Act No. 11038). These laws highlight the country's commitment to protecting nature and wildlife. However, despite these strong environmental protections, laws concerning animal rights, particularly those safeguarding domesticated animals such as pets and livestock have seen little to no significant improvement over the years. While the Animal Welfare Act of 1998 and its amendments have provided a legal framework against animal cruelty, the persistent rise of abuse cases suggests that existing measures namely Republic Act No. 8485, as amended by Republic Act No. 10631 remain lacking.

The lack of a specialized enforcement units, weak penalties, and limited awareness in the public consciousness contribute to this growing issue. Animal cruelty remains rampant, protected by laws that are weak on paper and even weaker in practice.

This article argues that the Philippine animal welfare laws are structurally deficient in ways that extend beyond low penalties, reflecting institutional marginalization, conceptual underdevelopment, and a disconnection from criminological evidence and constitutional principles of state responsibility.

II. The Philippines' Environmental Laws vs. Animal Welfare Laws

The Philippines' environmental laws are often seen as strong examples of legal protection and enforcement. For instance, the Wildlife Resources Conservation and Protection Act (Republic Act No. 9147) imposes penalties of up to ₱1,000,000 in fines and up to 12 years of imprisonment for killing or trading endangered species. Likewise, the Ecological Solid Waste Management Act (Republic Act No. 9003) enforces strict waste disposal rules, with fines ranging from ₱300 to ₱1,000,000 and possible jail time for repeat or serious violations.^{[1][2]}

By comparison, the laws protecting domesticated animals, especially pets, are noticeably less strict. The Animal Welfare Act (Republic Act No. 8485, as amended by RA 10631) carries much lighter penalties.

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[1] See REPUBLIC ACT NO. 9147, Available at: https://lawphil.net/statutes/repacts/ra2001/ra_9147_2001.html

[2] See REPUBLIC ACT NO. 9003, Available at: https://lawphil.net/statutes/repacts/ra2001/ra_9003_2001.html

Fines range from ₱30,000 to ₱250,000, with imprisonment of just 6 months to 3 years for acts of cruelty. Environmental cases also tend to have higher conviction rates, helped by specialized enforcement agencies like the Department of Environment and Natural Resources (DENR) and the Environmental Management Bureau. On the other hand, animal welfare cases often suffer from lower conviction rates and inconsistent prosecution.^{[3][4]}

This clear gap in penalties and enforcement shows the need to strengthen animal welfare laws. Domesticated animals deserve legal protection that truly holds offenders accountable and helps prevent cruelty, not just in principle but in practice.

III. Current Philippine Laws on Animal Welfare

A. Republic Act No. 8485 (Animal Welfare Act of 1998)

Republic Act No. 8485, or the Animal Welfare Act of 1998, was the Philippines' first major legislative effort to address animal cruelty and abuse. It mandates the provision of adequate care, shelter, and sustenance to all animals under human custody and penalizes acts of maltreatment or neglect. However, the law initially imposed weak penalties, with fines ranging from ₱1,000 to ₱5,000 and imprisonment of six months to two years, making enforcement largely ineffective. For years, this minimal deterrent allowed abusers to go unpunished, and most cases either stalled or were dismissed during preliminary investigation.

B. Republic Act No. 10631 (Amendments to the Animal Welfare Act)

In 2013, Republic Act No. 10631 amended RA 8485 to strengthen penalties, broaden the definition of cruelty, and extend coverage to more species and situations, including abandonment and organized forms of abuse. The amendment raised penalties up to ₱250,000 and imposed maximum imprisonment terms of three years. It also authorized the Bureau of Animal Industry to enforce regulations and oversee compliance with animal welfare standards.

In practice, the implementation of these provisions relies heavily on local government units. In 2024, the Department of the Interior and Local Government (DILG) issued Memorandum Circular No. 2024-126, which reiterated the duties of LGUs under RA 8485, as amended by RA 10631. The circular directs cities, municipalities, and barangays to designate Animal Welfare Enforcement Officers, establish Animal Welfare Desks within local police stations, and coordinate with the Department of Agriculture, the Philippine National Police, and accredited non-governmental organizations in responding to animal cruelty complaints and enforcing the law.^[5]

Despite these improvements, the amended law remains hindered by a lack of institutional enforcement. Unlike environmental laws that benefit from dedicated agencies and special courts, animal welfare violations are handled by general police units with limited training. While the 2024 conviction of a foreign national in Manila for killing a stray dog suggests incremental progress, such cases remain rare.^[6]

[3] See REPUBLIC ACT NO. 8485, Available at: https://lawphil.net/statutes/repacts/ra1998/ra_8485_1998.html

[4] See REPUBLIC ACT NO. 10631, Available at: https://lawphil.net/statutes/repacts/ra2013/ra_10631_2013.html

[5] See M.C. No. 2024-126 Aug. 29, 2024 https://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/dilg-memocircular-202494_1c1d0e2882.pdf

[6] See Philstar Global, "Korean gets 2 years in prison for killing dog," by: Evelyn Macairan, Available at: <https://www.philstar.com/nation/2024/12/04/2404895/korean-gets-2-years-prison-killing-dog> Accessed: 10/25/2025

IV. Recent Cases of Animal Cruelty

A. The Case of “Erica” the Aspin

In March 2024, a Korean national stabbed an aspin named Erica multiple times inside a restaurant in Malate, Manila, using a kitchen knife. The incident was witnessed by customers and caught on CCTV. The dog died from her injuries. The aggressor, Jung Seongho, claimed self-defense, alleging the dog had attacked him. However, the court found him guilty beyond reasonable doubt under the Animal Welfare Act and sentenced him to two years of imprisonment and a ₱100,000 fine. This was one of the rare instances where a conviction was secured. Despite the outcome, the case illustrates how such acts of cruelty often go unpunished unless backed by undeniable evidence and public scrutiny.^[7]

B. Mall Security Guard Incident

In July 2023, a security guard at a mall in Quezon City was filmed throwing a puppy off a footbridge, killing it instantly. Despite clear video evidence, legal proceedings moved slowly, and the penalties imposed were minimal compared to the severity of the act. This case underscores the leniency of Philippine animal welfare laws and how public visibility does not always lead to meaningful accountability.^[8]

C. The Case of “Killua”

In March 2024, a golden retriever named Killua was beaten to death by a neighbor in Pili, Camarines Sur, in an incident caught on CCTV. Despite footage showing the dog being struck repeatedly, the suspect claimed self-defense, arguing that the animal had become aggressive. The case was dismissed by the provincial prosecutor due to "insufficient evidence," sparking public outrage. This case reveals significant flaws in the prosecution of animal cruelty cases, particularly the ambiguous definition of cruelty under the Animal Welfare Act and the low threshold for invoking self-defense. It also highlights how the burden of proof is often shifted to the complainant, even when video evidence is available, and reflects a troubling pattern of prosecutorial reluctance and weak investigative follow-through. Ultimately, Killua's case illustrates how legal loopholes and discretionary inaction undermine animal welfare protections and perpetuate a culture of impunity.^[9]

D. The Subic Stray “Tiger” Case

In March 2025, a community stray dog known as Tiger was brutally killed by a market vendor in Subic, Zambales. The incident was witnessed by residents and reported by animal welfare organizations, prompting the filing of charges under the Animal Welfare Act. In a rare outcome, the Municipal Trial Court convicted the accused and imposed imprisonment and a monetary fine. While the conviction was celebrated as a breakthrough, the relatively light penalty imposed underscores the limited deterrent effect of existing penalties under the law.

[7] See GMA News, “Korean man sentenced to jail time, P100K fine for killing dog,” March 6, 2024. Available at: <https://www.gmanetwork.com/news/topstories/metro/928990/korean-man-sentenced-to-jail-time-p100k-fine-for-killing-dog/story/> Accessed: 10/26/2025

[8] See Inquirer, “PAWS files criminal complaint vs. mall guard for throwing puppy to death,” by: Tetch Torres-Tupas Available at: <https://newsinfo.inquirer.net/1801874/paws-files-criminal-complaint-vs-mall-guard-for-throwing-puppy-to-death> Accessed: 10/26/2025

[9] See Senate Bill No. 2458 See Rappler, “Killua’s owner sues ‘killer’ of golden retriever,” by: Jairo Bolledo Available at: <https://www.rappler.com/philippines/killua-owner-sues-golden-retriever-killer/> Accessed: 10/28/2025

This case shows that convictions are attainable when evidence and community cooperation are present, yet it also exposes how penalties under the law remain insufficient in addressing the severity of animal cruelty.^[10]

E. Makati Community Cat Killings

In early 2025, a community cat in Makati City's Ayala Triangle Gardens was caught on CCTV being kicked to death by a foreign national, sparking public outrage and calls for legal action under the Animal Welfare Act. The incident occurred on January 4, 2025, and police announced plans to file cruelty charges after reviewing footage showing the cat being kicked, resulting in its death. Despite eyewitnesses and video evidence, witnesses initially declined to file complaints, forcing the Makati City Police to act as nominal complainant. The Bureau of Immigration later arrested the suspect for overstaying his visa, though criminal prosecution under the Animal Welfare Act is still pending. This case demonstrates how even clear visual proof does not always translate into immediate accountability and shows enforcement challenges in holding offenders liable under existing animal protection laws.^[11]

V. Systemic Sources of Abuse: Abuse by Backyard Breeders and the Dog Meat Trade

Backyard breeding, though widespread across urban and peri-urban areas of the Philippines, continues to operate in legal gray zones. These breeders typically lack permits, veterinary oversight, and compliance with basic animal welfare standards. Animals are kept in cramped, unhygienic cages, often exposed to extreme heat, untreated wounds, and unregulated inbreeding. This unprofessional and profit-driven environment leads to a host of welfare issues, including malnutrition, genetic deformities, and the unchecked transmission of diseases such as canine distemper and parvovirus. Numerous animal welfare organizations have reported that puppies produced in these conditions are sold online or in informal markets without vaccinations or proper documentation, resulting in health risks for both the animals and potential owners. Moreover, the unchecked increase in pet populations, driven in part by these operations, contributes directly to the volume of stray animals in cities and provinces, straining government and NGO rescue efforts and increasing cases of abandonment, cruelty, and road-related deaths.^[12]

In parallel, the illegal dog meat trade persists in various regions despite being explicitly prohibited by Republic Act No. 9482 (Anti-Rabies Act of 2007), which bans the slaughter and consumption of dogs except in limited cultural contexts. The law criminalizes the collection, sale, and transport of dogs for meat, but enforcement remains uneven. In provinces such as Benguet, La Union, and parts of the Cordillera Administrative Region, reports continue to

[10] See GMA News, "Dog stabbed to death by vendor in Subic," March 26, 2025. Available at: <https://www.gmanetwork.com/news/topstories/regions/940671/dog-stabbed-to-death-by-vendor-in-subic/story/> Accessed: 10/28/2025

[11] See Manila Bulletin, "Cat dies after being kicked by foreign national in Makati park," by: Patrick Garcia Available at: https://mb.com.ph/2025/3/7/cat-dies-after-being-kicked-by-foreign-national-in-makati-park?fbclid=IwY2xjawOvbc5leHRuA2FlbQIxMABicmlkETFPaXBGcEEyaUhwQ3FnNzIQc3J0YwZhcHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHsDRq_VTTcN6PrDnx-rs6zCao059fuLIH0Oi3_ugpNcAeeJdApStUrbz6BS_aem_vSzLzL0ocXtWgm10-lb_vQ Accessed: 10/28/2025

[12] See PAWS International, Buyer Beware: The Problem with Puppy Mills and Backyard Breeders, Available at: <https://www.paws.org/resources/puppy-mills/#:~:text=Animals%20in%20puppy%20mills%20are,or%20unsanitary%20food%20and%20water>. Accessed: 11/11/2025

surface of stolen dogs being sold for slaughter. Dogs are typically captured using wire snares or forcibly taken from homes and streets, then transported in overcrowded sacks or cages without food, water, or ventilation. They are slaughtered through inhumane methods, often beaten or stabbed in public markets without veterinary supervision. While law enforcement agencies, in partnership with groups such as the Animal Kingdom Foundation and the Philippine National Police, have conducted occasional raids resulting in arrests and rescues, prosecution rates remain low, and penalties imposed have not been consistently deterrent.^{[13][14]}

The persistence of both backyard breeding and dog meat trading shows the systemic gaps in enforcement, public awareness, and clarity in the laws. The current Animal Welfare Act lacks specific provisions regulating small-scale breeders, and RA 9482's exceptions for “customary practices” have been criticized for being overly vague, potentially enabling exploitation of cultural exemptions. The situation is compounded by insufficient training among local law enforcement and prosecutors in handling animal-related offenses, which are often deprioritized in favor of more conventional criminal cases. As such, these unregulated practices not only represent widespread cruelty but also undermine broader public health and safety goals, particularly in relation to rabies control, animal related disease prevention, and humane population management.

VI. Animal Cruelty as a Predictor for Future Violent Behavior

Research has consistently demonstrated that animal cruelty is not an isolated form of deviant behavior, but is frequently correlated with subsequent acts of interpersonal violence, including homicide, physical assault, sexual violence, and domestic abuse.^[15] Studies in criminology and behavioral science indicate that individuals who engage in cruelty toward animals are statistically more likely to escalate to violence against humans, particularly when early acts of abuse go unaddressed. From a legal standpoint, the failure to intervene at this stage represents a missed opportunity for early prevention, allowing patterns of violent behavior to develop with minimal scrutiny or consequence.

Animal cruelty also carries significant secondary harms, particularly for children who witness such acts. Exposure to violence against animals has been shown to produce lasting psychological and behavioral effects, including desensitization to suffering and an increased likelihood of replicating abusive behavior.

[13] See The Cordillera Review, *From Main Ritual to Main Course: Dogs, Dog Meat, and the Igorot Trope*, by: Iö Mones Jularbal “As notions of influence move from colonial to more modern cultural understandings, the ritual sacrifice of dogs has moved also from areas of ceremonial worth to back-alley Igorot eateries, as dog meat found itself being incorporated into the Cordillera highland menu.” Available at: <https://thecordillerareview.upb.edu.ph/wp-content/uploads/2021/12/2-Jularbal-21-De.pdf> Accessed: 12/15/2025

[14] See Animal Welfare Institute, *AWI Investigates Illegal Dog Meat Trade in Philippines and Thailand*, by: Rosalyn Morrison, “Investigators have documented the existence of at least 25 dog meat restaurants and four slaughterhouses in Baguio, seven dog meat traders in Laguna and Batangas provinces, and two slaughterhouses in Pangasinan province. Unfortunately, there are also many more underground entities involved in the industry throughout the northern provinces.” Available at: <https://awionline.org/awi-quarterly/2013-summer/awi-investigates-illegal-dog-meat-trade-philippines-and-thailand> Accessed: 12/15/2025

[15] See Research Gate, Candelaria, Hannah. (2024). *The Ethical Implications of Animal Cruelty: Analyzing Judiciary Measures and Cases in the Philippines*. 10.13140/RG.2.2.10740.97927. Available at: https://www.researchgate.net/publication/380874495_The_Ethical_Implications_of_Animal_Cruelty_Analyzing_Judiciary_Measures_and_Cases_in_the_Philippines Accessed: 12/15/2025

Studies suggest that children who witness animal cruelty, especially when perpetrated by family members or close acquaintances, are significantly more likely to engage in abusive conduct themselves.^[16] This dynamic reinforces the intergenerational transmission of violence and underscores the role of animal cruelty as both a predictor and facilitator of broader social harm.

Viewed through this lens, animal welfare law functions as a preventive tool against escalating violence, and its weak enforcement undermines not only animal protection but also broader interests in crime prevention, child protection, and public safety.

VII. Analysis

Despite the Philippines' reputation for strong environmental legislation, its legal regime concerning animal welfare, particularly for domesticated animals remains fundamentally underdeveloped. This inconsistency exposes a critical legal paradox: while environmental statutes such as the Clean Air Act (RA 8749), Clean Water Act (RA 9275), and Wildlife Resources Conservation and Protection Act (RA 9147) enjoy robust enforcement mechanisms and institutional support, animal welfare laws continue to operate in a fragmented, underfunded, and loosely enforced framework.

At the core of this imbalance lies the Animal Welfare Act of 1998 (RA 8485) and its amendment, RA 10631 (2013). While Republic Act No. 8485, as amended by Republic Act No. 10631, represents the Philippines' primary statutory response to animal cruelty, its doctrinal structure reveals significant weaknesses that continue to undermine effective prosecution. Although RA 10631 expanded the definition of cruelty and increased the range of penalties, the statute remains largely penal in form but underdeveloped in substance.

First, the law does not provide a sufficiently precise or operational definition of "cruelty." While acts such as torture, neglect, and abandonment are generally prohibited, the statute leaves substantial room for interpretation, particularly in cases involving alleged self-defense or claims of animal aggression. This ambiguity has allowed respondents to invoke justification defenses with minimal evidentiary burden, as demonstrated in cases such as *Killua*, where despite CCTV footage, prosecutorial authorities dismissed the complaint for "insufficient evidence." The absence of statutory presumptions such as a rebuttable presumption of cruelty when abuse is captured on video places an onerous burden on complainants and discourages enforcement.

Second, RA 8485 does not clearly provide a provision which requires a mental state for criminal liability, contributing to doctrinal irregularity in its enforcement. As a special penal law, the Animal Welfare Act is characterized as *malum prohibitum*, such that liability generally attaches upon the voluntary commission of the prohibited act.

[16] See *Animals and Society*, "participants who had witnessed animal cruelty were more likely to have abused animals frequently. Further, those who witnessed either a friend or family member hurt or kill an animal, were significantly more likely to engage frequently in animal abuse, in comparison to those who witnessed another individual perpetrate such an act." An Investigation into the Association between the Witnessing of Animal Abuse and Adolescents' Behavior toward Animals, by: Kelly L. Thompson and Eleonora Gullone, pg. 226 Available at: <https://www.animalsandsociety.org/wp-content/uploads/2016/04/thompson.pdf> Accessed: 12/15/2025

Under established Philippine doctrine, criminal intent or *dolo* is not an essential element of offenses of this nature, and good faith or absence of malicious intent does not ordinarily excuse the offender. Notwithstanding this, courts and prosecutors have at times required proof of intent, recklessness, or motive in animal cruelty cases, resulting in dismissals even where the commission of the prohibited act is undisputed. This departure from the regulatory character of the statute weakens its deterrent function and stands in contrast to the more consistent treatment of environmental offenses, which are enforced primarily to prevent harm and protect public welfare rather than to assess subjective culpability.

Third, enforcement architecture remains weak, even after RA 10631 empowered the Bureau of Animal Industry (BAI). The BAI's mandate is primarily focused on livestock and agricultural productivity rather than companion animal welfare. In 2024, the Department of the Interior and Local Government issued Memorandum Circular No. 2024-126, directing local government units to designate Animal Welfare Enforcement Officers, establish Animal Welfare Desks in police stations, and coordinate with the BAI, the PNP, and accredited NGOs in investigating and enforcing animal welfare laws. While this circular clarifies local responsibilities and provides a framework for coordination, its impact is limited by uneven implementation, lack of resources, and minimal training for enforcement officers. As a result, compliance continues to depend heavily on public attention and media coverage, rather than systematic legal mechanisms.

Moreover, criminal penalties remain lenient relative to the harm involved. Although RA 10631 increased the maximum fine to ₱250,000 and imprisonment to three years, most violations result in suspended sentences, plea deals, or outright dismissals, as evidenced in the Killua case. Even when prosecutions succeed, as in the rare conviction of a foreign national for killing a stray in the Case of Erica and the Case of Tiger, these outcomes are exceptions rather than the rule and typically arise only when there are video evidence and public outrage.

In comparison, environmental violations can trigger fines in the millions, imprisonment of up to 12 years, and administrative closures of non-compliant facilities. These sanctions are enforced through Environmental Management Bureaus and Special Environmental Courts. This disparity reveals not only a legal gap but also a hierarchy of protection in which animal welfare and protection is structurally deprioritized.

The situation is further complicated by legal ambiguities and enforcement loopholes. One example is the vague cultural exception in RA 9482 (Anti-Rabies Act), which is often used to justify dog meat trading in Northern Luzon. This tolerance, combined with weak local implementation, enables continued cruelty and undermines national policy objectives on rabies control and animal related disease prevention. Similarly, the absence of regulation over backyard breeding allows unscrupulous breeders to operate without oversight, contributing to animal overpopulation, neglect, and abandonment. These consequences in turn strain limited shelter resources and lead to further acts of cruelty.

From a criminological and constitutional standpoint, the failure to meaningfully penalize animal cruelty also ignores growing empirical evidence that violence against animals is a

reliable predictor of future interpersonal violence as studies have shown that perpetrators of animal abuse often escalate to more serious crimes, including domestic violence, child abuse, and even homicide. According to Thompson and Gullone (2016), adolescents who witness or commit acts of animal cruelty, especially within familial or peer settings, are significantly more likely to exhibit violent tendencies later in life. This suggests that animal welfare law should not only be viewed through the lens of ethics or regulation, but also as a matter of public safety and preventative justice.

The State's failure to meaningfully address animal cruelty also raises constitutional concerns, albeit indirectly. While animals are not recognized as rights-holders under the 1987 Constitution, the persistence of animal cruelty and the State's inconsistent response to it has demonstrable implications for human dignity, public safety, and social welfare.

Article II, Section 11 of the Constitution provides that the State "values the dignity of every human person and guarantees full respect for human rights." Contemporary criminological research has increasingly established a link between animal cruelty and subsequent violence against humans, including domestic abuse, child maltreatment, and other serious offenses. When the State systematically fails to investigate or prosecute animal cruelty, despite clear evidence and foreseeable risks, it may also be neglecting its duty to protect vulnerable human populations from preventable harm.

This argument does not seek to extend constitutional rights to animals, but to recognize animal cruelty as an early indicator of broader patterns of violence, placing animal welfare enforcement within the State's police power to maintain public order and safety. The analogy to *Oposa v. Factoran* ^[17] is instructive, as it underscores the State's duty to address harms whose full consequences manifest over time, a duty undermined when animal cruelty is tolerated or trivialized.

Accordingly, the failure to institutionalize effective animal welfare enforcement may be viewed not merely as legislative oversight, but as a form of constitutional neglect one that permits foreseeable harm to persist under the guise of prosecutorial discretion and administrative inertia.

It is within this context that recent legislative initiatives must be understood. The passage of Senate Bill No. 2458 (2023), later consolidated as SB 2975 (2025), reflects a growing recognition of these structural deficiencies. The bill proposes the creation of an Animal Welfare Bureau with regulatory and enforcement powers, as well as procedural innovations such as Animal Protection Orders and community-level implementation. While this measure represents a significant step forward, its effectiveness will depend on resolving key issues, including the scope of coverage, transitional enforcement mechanisms, regulatory differentiation for grassroots rescuers, and adequate resourcing for local government units and enforcement bodies.

[17] See *Oposa v. Factoran* G.R. No. 101083, 1993, Available at: https://lawphil.net/judjuris/juri1993/jul1993/gr_101083_1993.html

VIII. Conclusion

In summary, the existing animal welfare framework in the Philippines remains inadequately enforced, weakly institutionalized, and insufficiently aligned with prevailing criminological insights and constitutional principles. Reform efforts should not be limited to the enhancement of penal sanctions but must also address the structural and normative deficiencies that impede effective implementation. As the foregoing cases illustrate, animal welfare legislation continues to lag behind the country's more developed environmental protection regime. Sustainable reform therefore requires a reconceptualization of animal welfare as a legitimate concern of justice and public order, coupled with institutional mechanisms that ensure consistent enforcement and meaningful accountability.

IX. Recommendations

These recommendations come from the perspective of a law student and animal welfare advocate, not from someone with deep technical experience in policymaking or law enforcement. They are based on reading cases, following news reports, and observing how animal cruelty complaints are usually handled, rather than on insider knowledge of government processes.

First, there is a clear need for better understanding of animal welfare laws among police officers, prosecutors, and barangay officials. Many cases appear to fail early because the law is unfamiliar or treated as unimportant. Basic training or short orientations, even if simple, could already help prevent cases from being dismissed too quickly.

Second, prosecutors would benefit from clearer direction on how to handle animal cruelty cases. From a student's point of view, it is confusing to see cases dismissed even when there is video or witness evidence, often because intent or self-defense is raised too easily. Clearer guidance could help ensure that evidence is taken seriously.

Third, animal welfare groups should be seen as partners, not outsiders. In many cases, these groups are the first to respond, take photos or videos, and help care for injured animals. Right now, their role depends too much on personal connections or informal arrangements. Better coordination with local authorities would make investigations stronger and more consistent as encouraged in Memorandum Circular No. 2024-126, this would greatly strengthen investigations and improve case outcomes.

Lastly, even small changes could improve enforcement. Assigning specific officers or prosecutors to handle animal welfare cases, even on a part-time basis, could help avoid delays and repeated mistakes. These are modest steps, but they show that animal cruelty cases deserve attention and follow-through.

These recommendations are not exhaustive solutions. Rather, they reflect the urgent need for consistent and effective enforcement so that Philippine animal welfare laws function as intended, ensuring both animal protection and broader public safety.

All Eyes on Iran's Bloody Crackdown

by: Atty. Mikko P. Solis

Death toll by the thousands

As a professor of Public International Law, I have always emphasized to my students that *jus cogens* are peremptory norms. Any law student would easily know that these norms should never be derogated. At least this is what the *Vienna Convention on the Law of Treaties* provides.^[1]

Is it possible that *Ayatollah Ali Khamenei*, the Supreme Leader of Iran, missed this chapter in his international law books? My speculation emanates from the fact that his regime began a crackdown on protesters over the last few weeks, which is estimated to have resulted in 25,000 deaths, according to a report issued by a Norway-based Iran Human Rights organization. However, the organization has documented 3,428 cases as of January 22, 2025.^[2] These numbers are far more alarming compared to the 550 confirmed deaths from the protests arising from the death of *Mahsa Amini*^[3] in 2022.

Nationwide Internet Blackout

The increasing death toll surfaced online despite the internet blackout implemented by the Iranian government in all areas of Iran. Yes, a nationwide internet blackout. Take note, this is different from the incompetence of your local internet service provider; this is a deliberate effort from the Iranian government to deprive internet connection from its citizens of internet connection since January 8, 2026.^[4]

So, let's break this information down. *Iranians protest on the streets. A nationwide internet shutdown. A rising death toll in the cities where the protests took place.*

From an international law point of view, it is imperative that we inquire as to “what compelled the Islamic Republic of Iran to commit these atrocities?”

Now, from a lawyer asking the right questions, such as myself, the more important question is “what compelled the Iranians to risk their lives by participating in protests against the *Ayatollah*?”

The Iranian Rial currency predicament

On January 16, 1979, the political structure of Iran changed drastically. The former Shah of Iran, *Mohammad Reza Pahlavi*, was ousted and left the country during the Islamic Revolution^[5] led by *Ruhollah Khomeini*. From being an Iranian monarchy, Iran shifted to a

[1] Article 53, Vienna Convention on the Law of Treaties, 1969

[2] See: Protests in Iran: Official casualty figures in doubt by: Shabnam von Hein Available at: <https://www.dw.com/en/protests-in-iran-official-casualty-figures-in-doubt/a-75642949>

[3] See: Mahsa Amini's Death: What You Need To Know. by: Erin Pedersen Available at: <https://www.womensvoicesnow.org/mahsa-amini>

[4] See: Iranians struggle as internet shutdown hits livelihoods. by: France 24 Available at: <https://www.womensvoicesnow.org/mahsa-amini>

[5] See: What Led to the 1979 Iranian Revolution? by: Nate Barksdale Available at: <https://www.history.com/articles/1979-iranian-revolution-causes>

form of government run by Shia Islamic clerics and imposed anti-Western policies. The long-lasting effects of these policies paved the way to turning Iran into a global pariah, an outcast in the international community.

This political overhaul led to adverse economic consequences; the most chaotic of these events took place during the *US Embassy Hostage Crisis* in the city of Tehran, the capital of Iran. ^[6] On April 7, 1980, former United States President Carter cut diplomatic ties with Iran and announced economic sanctions.

Several economic sanctions later, the Iranian Rial Currency suffers a sharp decline. One US Dollar amounted to 817,000 Iranian Rials, which leads to hyperinflation in the prices of basic commodities. In effect, the ordinary Iranian with a minimum wage job would be forced to resort to “bread-only meal” diets. Such is the daily struggle of the Iranian people; some are forced to change their diet due to the fluctuation of the Iranian Rial currency.

It must be noted as well that there are those living above minimum wage, who can afford a higher standard of living, and yet they are not immune to the urge of wishing a better economic condition. The tipping point finally arrives when the exchange rate reaches 1.42-1.47 million Iranian Rials for every one US Dollar by late 2025. ^[7]

Protest begins, massacre followed suit

In the last few days of December 2025, the aggrieved merchants started demonstrations in Tehran’s Grand Bazaar. Eventually, the protests soon spread to other major cities, where the people chanted slogans against the Supreme Leader.

The people chanted “Death to Khamenei,” ^[8] a phrase that could have legal ramifications and, oftentimes, a death sentence. This phrase is a call to end the Supreme Leader’s 35-year rule, which was encouraged by Reza Pahlavi, the son of the former Shah, Mohammad Reza Pahlavi, in an attempt to restore the monarchical form of government that once ruled Iran for 2,500 years since Cyrus the Great.

As much as the Iranian protesters wanted to show the world their struggle online, the Iranian government had other plans. On January 8, 2026, the 12th day of the nationwide protests, the internet blackout began. What followed was an alleged military crackdown on protesters, which occurred during the first two days of the internet blackout. And in that short span of time, an estimated 12,000 people have been killed, although the documented cases were more or less 3,000. ^[9] Allegedly, all of these atrocities were carried out on the direct order of the Supreme Leader.

[6] See: Iran Hostage Crisis Fast Facts by: CNN Editorial Research Available at: <https://edition.cnn.com/world/middleeast/iran-hostage-crisis-fast-facts>

[7] See: EXPLAINER - Rising prices, falling currency: Iran’s economy faces rocky road by: Mucahithan Avcioglu Available at: <https://www.aa.com.tr/en/economy/explainer-rising-prices-falling-currency-iran-s-economy-faces-rocky-road/3800027#:~:text=Due%20to%20the%20rial's%20sharp,and%20some%20430%2C000%20in%202022.>

[8] See: “Death to Khamenei”: What we know about Iran’s protests by: Saeid Jafari Available at: <https://www.newstatesman.com/international-politics/2026/01/death-to-khamenei-what-we-know-about-irans-protests>

[9] See: At least 12,000 killed in Iran crackdown during internet blackout Available at: <https://www.iranintl.com/en/202601130145>

Illegal Arrests, enforced disappearances

No less than Amnesty International received reports of Iranian Authorities deployed to impose curfews and to prevent any gatherings.^[10] A heavy military presence aimed at suppressing dissent also led to illegal arrests of individuals conducted inside their homes and enforced disappearances. The victims range from children to university students.

In his YouTube vlog^[11], Arab (Addison Pierre Maalouf), a content creator, was able to record his personal experience in Tabriz, Iran, during the internet blackout. In his video, he was surrounded by 10 members of the Iranian Secret Service while he was vlogging. His phone and cameras were searched for any incriminating photos or videos. He was able to prove that he was not recording any videos of the heavy military presence in Tabriz; all they could find were videos of him eating in restaurants and checking in at his hotel. It was only then that the Iranian Secret Service members released him.

Death toll rises

As of January 25, 2026, Human Rights Activists News Agency (HRANA),^[12] the US-based news agency for Human Rights Activists in Iran, issued a report confirming 4,519 deaths at the beginning of the week; this number does not include the other 9,000 cases under investigation.^[13] If we ask Iran International, it is estimated that more than 36,500 Iranians in 400 cities were killed by security forces during the January 8-9 crackdown on nationwide protests. This data is in accordance with the classified documents reviewed by Iran International's Editorial Board.^[14] Two Iranian health officials provided data from civilian hospitals, which corroborated the reported numbers. While there may be disparities in the death toll reported by various sources, one thing is clear: there is evidence to support the claim that the Iranian Authorities must be held accountable for the deaths of protesters, documented or otherwise.

Crimes against humanity under the Rome Statute

In light of the aforementioned reports of death, illegal arrests, and disappearance of certain individuals, the evidence to support violations under the Rome Statute, particularly Crimes against humanity under Article 7(1) (a)^[15] in committing murder, Article 7 (1) (e) severe deprivation of liberty in violation of international law, Article 7 (1) (h) persecution against any identifiable group on political grounds, Article 7 (1) (i) in facilitating enforced disappearances of persons, as part of a widespread or systematic attack directed against any civilian population is overwhelming.^[16]

[10] See: Iran: Authorities unleash heavily militarized clampdown to hide protest massacres Available at: <https://www.amnesty.org/en/latest/news/2026/01/iran-authorities-unleash-heavily-militarized-clampdown-to-hide-protest-massacres/>

[11] See: I Don't Trust the Western Media, So I Went to Iran by: Arab Available at: <https://www.youtube.com/watch?v=ZljBEyDKQkg>

[12] See: What is HRANA, the US-based group behind Iran's death toll figures? by: Sarah Shamim Available at: <https://www.aljazeera.com/news/2026/1/15/what-is-hrana-the-us-based-group-behind-irans-death-toll-figures>

[13] See: Protests in Iran: Official casualty figures in doubt by: Shabnam von Hein Available at: <https://www.dw.com/en/protests-in-iran-official-casualty-figures-in-doubt/a-75642949>

[14] See: Over 36,500 killed in Iran's deadliest massacre, documents reveal Available at: <https://www.iranintl.com/en/202601255198>

[15] See: Article 7 (1) (a), Rome Statute, International Criminal Court, p. 3

[16] See: Article 7 (1) (e), (h), (i), Rome Statute, International Criminal Court, p. 4

The evidence, gathered from video recordings, reports from human rights organizations, news agencies, and first-hand accounts of victims, supports the allegations that the crimes mentioned above were committed by the Islamic Republic of Iran through its military, as a part of a widespread or systematic attack directed against the protesters, most of whom are part of the civilian population. All of which are carried out upon the behest of the Ayatollah against the protesters, who were targeted solely based on their political identity, particularly by fighting for a change in the political structure of Iran.

Forecast on the change in leadership

Assuming arguendo that the current Supreme Leader will be ousted, or in the unlikely event that he will be summoned to appear in a Nuremberg-like trial, answering charges for crimes against humanity, be it in the International Criminal Court, will this guarantee another political restructuring of Iran?

I came up with several scenarios that are not far from reality.

The first scenario, which leans towards succession, depicts Iran under the rule of *Mojtaba Khamenei*, the second eldest son of the Supreme Leader. Will this be received favorably by the supporters of the Supreme Leader?

Remember that the former Shah of Iran, Mohammad Reza Pahlavi, was ousted and disliked because of the monarchical system, which automatically vested power in him without the participation of the electorate. To mirror this system would defeat the very essence of the Islamic Revolution that was grounded upon removing the Shah. On second thought, there is nothing that could stop the clerics from resorting to means of preserving the theocratic form of government they have today.

The next scenario would be a *de facto military dictatorship*. The Islamic Revolutionary Guard Corps (IRGC) has gained so much economic and military power, as is made apparent in their killing and suppression of protesters on a large-scale. The military takeover of Iran would be swift, once the Supreme Leader has stepped down or is captured.

The last scenario that comes to mind is the United States under the Trump administration finally waging war against the existing regime. Afterwards, the installation of the son of the former Shah, *Reza Pahlavi*, as King of Iran takes place. As to whether the use of nuclear weapons could be a possibility on both sides is something that should not surprise us.

The Handshake Over the Gavel: Re-imagining Access to Justice in the Philippines

by: Leander C. Creer

A common impression among many of us is that our nation's legal system is infamously slow and only benefits the wealthy. The notion that "justice delayed is justice denied" has sadly become common as a result of this reality. When a legal system is unable to provide prompt resolutions, it undermines public confidence and upholds injustice. The State looked for a legislative solution after realizing how overcrowded Philippine courts are. Congress passed the Alternative Dispute Resolution Act of 2004 (R.A. No. 9285) ^[1] on April 2, 2004, to address this crisis.

According to the Alternative Dispute Resolution Act of 2004, alternative dispute resolution (ADR) is any process or procedure used to settle a dispute or controversy other than by the decision of a presiding judge of a court or an officer of a government agency. ADR has been incorporated into a judicial reform as a crucial tactic to reduce ongoing court docket congestion, rather than just being an optional remedy.

The ADR Act changes the way justice is administered by shifting away from purely adversarial litigation and toward cooperative problem-solving. This type of approach helps guarantee that the parties' constitutional right to a prompt and unbiased resolution of cases is both aspirational and practically achievable. ADR is a vital tool for attaining more accessible and efficient justice in the Philippines because it provides important benefits like fostering efficiency, maintaining relationships, and guarantee party control.

Enhancing Judicial Efficiency

The first advantage is the improvement of Judicial Efficiency. An apparent benefit of ADR is its role in reducing clogged court dockets through Court-Annexed Mediation (CAM). After a case is filed and the issues are joined, but before pre-trial, the judge refers the parties to the Philippines Mediation Center (PMC), where an accredited mediator helps them negotiate toward a settlement. Because CAM is more flexible than a full trial and follows a strict timeline, usually 30 days, it often resolves disputes faster and with less stress for everyone involved in the case.

This effect is reflected in PHILJA's 2019 Annual Report ^[2], which recorded 15,882 cases settled through mediation units nationwide, demonstrating that many disputes did not have to escalate and go through lengthy trials. The parties save time, money, and emotional energy, while the judges of our courts get more room to focus on complex cases that truly require careful review. Looking back at this, CAM accelerates the delivery of justice not only by achieving outcomes sooner but also by sometimes making a formal judgement unnecessary.

[1] See: Republic Act No. 9285 "Alternative Dispute Resolution Act of 2004"

[2] See: Philippine Judicial Academy 2019 Annual Report, Alternative Dispute Resolution, Page 22, Available at: https://philja.judiciary.gov.ph/web/viewer.html?file=2019_annual_report.pdf

Promoting Economic Accessibility

Looking further, Alternative Dispute Resolution also tackles a major socioeconomic problem in the Philippine justice system: the high cost that is expected when going to court. For many Filipinos, pursuing a case is not impossible because their claim is weak, but because litigation is simply too expensive and too complicated. Traditional trials often require filing fees, repeated attorney appearances, document and printing costs, and other expenses that pile up over months or even years.

On the bright side of things, mediation and other ADR processes ease this burden by reducing both time and costs. A 2012 study in the *Journal of Global Business* (“*To Litigate or to Settle*”) ^[3] notes that settling through ADR is generally more financially practical than enduring the lengthy and costly nature of litigation, especially since delays can reduce the real value of any potential recovery due to legal fees and inflation. This happens because ADR shifts the process from formal courtroom fighting, where every step demands paid legal paperwork, to guided negotiation and direct communication. In turn, it gives ordinary people, including those without the money for prolonged legal representation, a fairer chance to be heard and to reach a workable resolution without risking financial ruin.

Preservation of Personal Relationships

We cannot deny that an advantage of Alternative Dispute Resolution is its ability to retain relationships between the conflicting parties. Court battles are naturally intense and adversarial, turning relatives into opposing sides and rewarding whoever can cast doubt on the other’s story. On the other hand, Mediation takes a different approach. It looks at the conflict as a shared problem that requires a workable solution, not a fight to “win”, a principle that matters even more when children will still connect the parties long after the case ends.

Mediation also creates space for real communication and allows the parties to freely express their interests. Instead of shutting down emotions as irrelevant, a skilled mediator encourages parties to speak openly and listen actively so both sides feel heard. That release often helps people move from blame and focus on their underlying interests. It also supports fairness in situations of power imbalance, as the mediator helps prevent discussions from becoming intimidating or partial. The outcome is a compromise agreement shaped by the parties themselves, which usually leads to better cooperation and higher compliance than a ruling made by a judge in court.

The Final Thoughts

Alternative Dispute Resolution is an effective method for resolving conflicts between parties and preventing them from escalating to filing an action in court. It offers a win-win solution because it reduces court docket congestion while allowing the parties to resolve conflicts without the heavy financial and emotional burden of going to trial in court. Alternative Dispute Resolution, as provided in our law, is more than just an adjustment in our procedure because it pushes a fundamental shift in the administration of justice.

[3] See: Sarmiento, F. (2012). To Litigate or to Settle: Is Alternative Dispute Resolution (ADR) the Answer? *Journal of Global Business*, 2(1), 185-205.

By embracing ADR, the Philippine justice system recognizes that lasting peace is not imposed by authority but achieved through agreement. As the reformation of our judicial procedure progresses, pushing for the strengthening of ADR remains vital because it helps deliver justice more quickly, more affordably, and with greater healing for everyone involved. Ultimately, the most effective solution is not always a court ruling but a good-faith conversation.

“Beyond Litigation: From Courtroom to Conference Table—A Brief Understanding of Court-Annexed Mediation and Judicial Dispute Resolution in the Philippines”

by: Roland S. Espino

Clogged case court dockets have been a perennial problem in the Philippines. This is brought about by factors such as unfilled vacancies of the positions of judges, misuse of the due process and the abuse of legal technicalities, the intervention of political pressure in court cases, the sheer weight of court litigations arising from development and growth, the dilatory tactics of lawyers, neglect and laxity on the part of judges, and among others. Various initiatives and innovations were introduced by the different branches of our government to remedy this situation. ^[1] One of the most significant developments in this regard is the institution of “Alternative Dispute Resolution (ADR) Act,” which institutionalized the use of an alternative dispute resolution system in the Philippines. This is a process or procedure 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. ^[2] Within this framework is the concept of court diversion of pending court cases through Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR), which aims to put an end to pending litigation through a compromise agreement between the parties and thereby help solve the ever-pressing problem of court docket congestion. It is also intended to empower the parties to resolve their own disputes. Since then, these mechanisms serve as a progressive pathway that strengthens access to justice, promotes efficiency, and facilitates amicable settlement. ^[3]

CAM and JDR are confidential mediation or conciliation processes in civil cases and to civil liability of criminal cases covered by the Rule on Summary Procedure, which are conducted among disputing parties under the supervision of the court after the latter has acquired jurisdiction of the dispute. These are generally conducted during or after the pre-trial or preliminary conference but before the case proceeds to trial. Recently, the Supreme Court issued A.M. No. 19-10-SC or the Guidelines for the Conduct of Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) in Civil Cases in view of the amendments to the Rules of Civil Procedure. This is to encourage the parties to amicably settle their disputes or reach a compromise agreement to avoid protracted and costly litigation. The parties, however, are not compelled to settle their dispute during the mediation or conciliation as such decision is purely voluntary on their part, but they are expected to negotiate in good faith and exert earnest efforts towards settlement. ^[4]

[1] Jalbuena, E. A. (2014). Effectiveness of the court-annexed mediation in the disposal of cases in Iloilo City (Unpublished postgraduate thesis). Central Philippine University, Jaro, Iloilo City.

[2] NEA MEMORANDUM NO. 2011-007 - ALTERNATIVE DISPUTE RESOLUTION (ADR) - Supreme Court E-Library. (n.d.). <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/10/49443>

[3] 2020 Guidelines for the Conduct of the Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) in Civil Cases – Supreme Court of the Philippines. (n.d.). <https://sc.judiciary.gov.ph/2020-guidelines-for-the-conduct-of-the-court-annexed-mediation-cam-and-judicial-dispute-resolution-jdr-in-civil-cases/>

[4] 4 Carlos. (2021, March 2). Supreme Court issues new guidelines for Court-Annexed Mediation and Judicial Dispute Resolution in civil cases - Cruz Marcelo. Cruz Marcelo. <https://cruzmarcelo.com/supreme-court-issues-new-guidelines-for-court-annexed-mediation-and-judicial-dispute-resolution-in-civil-cases/>

Court-Annexed Mediation (CAM) is a mandatory dispute resolution process under court supervision, where an impartial and accredited mediator facilitates communication, negotiation, and settlement among litigants in a pending case. It is distinct from private mediation because it occurs after the filing of a case in court and is guided by specific Supreme Court rules.^[5] It covers cases such as: (1) all ordinary civil cases except those which cannot be the subject of a compromise under Article 2035 of the New Civil Code, (2) all special civil actions, except under Rules 63, 64, 65, 66 and 71 of the Rules of Court, (3) special proceedings cases for settlement of estate where the dispute involves claims against the estate, or the distribution or partition of estate in intestate proceedings, (4) all those cases involving issues under the Family Code and other laws, in relation to support, custody, visitation, property relations, guardianship of minor children, and other issues which can be the subject of a compromise agreement, (5) intellectual property cases, (6) commercial or intra-corporate controversies, (7) environmental cases subject to the provisions in Section 3, Rule 3 of the Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC), and (8) civil cases covered by the Rule on Summary Procedure.^[6] On other hand, both CAM and JDR does not cover the following cases and be a subject of compromise: (a) civil cases which cannot be a subject of compromise such as civil status of a person, validity of a marriage or legal separation, future support, jurisdiction of courts, future legitime, also (b) habeas corpus petitions, (c) special proceedings cases for probate of a will, (d) cases with pending applications for restraining orders or preliminary injunctions. However, in cases covered under paragraphs (a) and (d) where the parties inform the court that they have agreed to undergo mediation on some aspects thereof, e.g., custody of minor children, separation of property, or support pendente lite, the court shall refer them to mediation. Additionally, in all other actions or proceedings where compromise is not prohibited by law, and there is a significant likelihood of settlement, either of both of the parties may, by oral manifestation or written motion after pre-trial/ preliminary conference, or at any stage of the proceedings, request the court to refer their dispute to CAM, provided there are still factual issues to be resolved.^[7]

During CAM, the parties are directed to proceed and personally appear at the Philippine Mediation Center Unit (now Philippine Mediation Division)^[8] for mediation proceedings. During the initial appearance of the counsels and parties on the date set by the PMCU, and after presenting proof that mediation fees were paid, the parties shall select a mutually acceptable mediator among the roster of mediators at the PMCU. If they are unable to jointly

[5] Respicio, H. (2025, January 22). Court-Annexed Mediation (CAM) | Pre-trial (RULE 18) | CIVIL PROCEDURE. RESPICIO & CO. <https://www.respicio.ph/bar/2025/remedial-law-legal-ethics-legal-forms/civil-procedure/pre-trial-rule-18/court-annexed-mediation-cam>

[6] 2020 Guidelines for the Conduct of the Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) in Civil Cases – Supreme Court of the Philippines. (n.d.). <https://sc.judiciary.gov.ph/2020-guidelines-for-the-conduct-of-the-court-annexed-mediation-cam-and-judicial-dispute-resolution-jdr-in-civil-cases/>

[7] 2020 Guidelines for the Conduct of the Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) in Civil Cases – Supreme Court of the Philippines. (n.d.). <https://sc.judiciary.gov.ph/2020-guidelines-for-the-conduct-of-the-court-annexed-mediation-cam-and-judicial-dispute-resolution-jdr-in-civil-cases/>

[8] (2024, February 27). OCA CIRCULAR NO. 72-2024 [Review of OCA CIRCULAR NO. 72-2024]. Office of the Court Administrator. <https://oca.judiciary.gov.ph/wp-content/uploads/OCA-Circular-No.-72-2024.pdf>

select a common mediator, the PMCU shall choose the mediator among its available mediators. The mediation must be completed within thirty (30) calendar days from the date of the order referring the case to CAM without further extension. In the event of successful settlement, the PMCU shall submit to the referring judge a Mediator's Report together with a copy of the compromise agreement. The referring judge shall evaluate the compromise agreement and either approve or disapprove the same, or ask for clarification of any vague, defective, or unenforceable portion of the agreement that must be amended by the parties. If no settlement was reached, the PMCU shall submit a Mediator's Report and the referring judge shall determine, in the hearing set for such purpose, if settlement is still possible and if determined to be so, shall refer the case to the JDR Judge for JDR proceeding.^[9]

In Judicial Dispute Resolution (JDR), the parties and their counsels shall likewise appear on the scheduled date for the JDR, and during the proceeding, the JDR judge shall act as mediator, conciliator, and/or neutral evaluator to actively assist and facilitate negotiations among the parties. It is the JDR judge—who undergone a skill-based training in JDR—is authorized to conduct the JDR proceeding. The JDR proceeding shall be terminated within a non-extendible period of fifteen (15) calendar days from receipt of the referral order. If full settlement is reached by the parties, they shall draft a compromise agreement, which shall be submitted to the JDR Judge for judgment upon compromise and enforceable upon execution. If only partial settlement is reached, the parties shall submit the terms (of the partial settlement) for the approval of the JDR Judge and rendition of judgment upon partial compromise, but the unsettled part of the dispute shall proceed to trial. However, if no settlement was reached in the JDR, the JDR judge shall return the case to the judge for appropriate action. In both CAM and JDR, the parties and their respective counsels shall personally appear before the mediator or JDR Judge, otherwise sanctions may be imposed upon any party who fails to appear before the mediator or JDR Judge. Under the guidelines, the trial court shall impose the following sanctions: (1) dismissal of the case, when there is failure of the plaintiff and counsel to appear without valid cause when so required, (2) ex-parte presentation of plaintiff evidence and dismissal of the defendant's counterclaim when there is failure of the defendant and counsel to appear without valid cause when so required.

^[10] Thus, in the case of *Tuazon v. Fuentes* (G.R. No 241699, August 4, 2021), the Supreme Court recognized the new 2020 Guidelines and that referral to a judicial dispute resolution in case of failed CAM is made only when the judge to whom the case was originally filed is convinced that settlement is still possible.^[11]

At present, the facilities for mediation and JDR process in the Philippines are provided by the Philippine Mediation Division under the direct supervision of the Office of the Court

[9] Carlos. (2021, March 2). Supreme Court issues new guidelines for Court-Annexed Mediation and Judicial Dispute Resolution in civil cases - Cruz Marcelo. Cruz Marcelo. <https://cruzmarcelo.com/supreme-court-issues-new-guidelines-for-court-annexed-mediation-and-judicial-dispute-resolution-in-civil-cases/>

[10] Carlos. (2021, March 2). Supreme Court issues new guidelines for Court-Annexed Mediation and Judicial Dispute Resolution in civil cases - Cruz Marcelo. Cruz Marcelo. <https://cruzmarcelo.com/supreme-court-issues-new-guidelines-for-court-annexed-mediation-and-judicial-dispute-resolution-in-civil-cases/>

[11] GR No. 241699 *Dennis T. Uy Tuazon, World Wiser International, Inc., and Jerzon Manpower and Trading, Inc. vs. Myra v. Fuentes* – Supreme Court of the Philippines. (n.d.). <https://sc.judiciary.gov.ph/241699-dennis-t-uy-tuazon-world-wiser-international-inc-and-jerzon-manpower-and-trading-inc-vs-myra-v-fuentes/>

Administrator (OCA) through the various mediation centers that are being established nationwide. Currently, as of October 2024, there are around 144 mediation centers catering to more than 2,700 trial courts nationwide. ^[12] These data show how mediation and JDR, together with other court management systems, help in decongesting court dockets. But more than disposing pending cases, these mechanisms minimize the expenses of litigants and restore peace among parties to the case. ^[13]

In general, Court-Annexed Mediation and Judicial Dispute Resolution positively hasten the early resolution of cases. As a result, cost associated with litigation are curtailed and courts become more within reach of individuals seeking justice. This is especially crucial for the underprivileged who cannot afford to hire lawyers, skip another day of work to attend court hearings, and spend for expenses related to their cases. Of course, the resulting reduction of cases also gives our judges additional time to resolve more complex cases and allows them to improve their service to the public. ^[14]

[12] Third meeting of the JDRN (28 & 29 October 2024). (2024, October 28). International Judicial Dispute Resolution Network. Retrieved December 8, 2025, from <https://www.int-jdrn.org/third-meeting-of-the-jdrn/>

[13] Inaugural Meeting (18 & 19 May 2022). (n.d.). International Judicial Dispute Resolution Network. Retrieved December 8, 2025, from <https://www.int-jdrn.org/past-meetings/permalink/>

[14] Second meeting of the JDRN (22 & 23 May 2023). (n.d.). International Judicial Dispute Resolution Network. Retrieved December 8, 2025, from <https://www.int-jdrn.org/past-meeting/permalink/>

Mediation for Harmony: The New Rule on Family Mediation (A.M. No. 24-02-06-SC)

by: Alvin Jan B. Campo

The family is often widely regarded as the foundation of society, serving as a fundamental social institution that shapes both individuals and communities. Émile Durkheim in *The Elementary Forms of Religious Life* (1912) identifies the family as a *primary social institution* essential for social cohesion and moral regulation.^[1] This is acknowledged by the 1987 Philippine Constitution, specifically Section 1 of Article XV, which recognizes the Filipino family as the foundation of the nation and mandates the State to strengthen its solidarity and actively promote its total development.^[2] Accordingly, the family influences nearly every aspect of a Filipino's life, from emotional support systems and social norms to broader patterns of economic development.

Philosopher, Fredrich Nietzsche, in *Human, All Too Human: A Book for Free Spirits* (1887), stated that: “In family life, love is the oil that eases friction, the cement that binds closer together, and the music that brings harmony.”^[3] Yet, family life is not always harmonious. Recognizing this reality, the State, through Section 12, Article II of the 1987 Philippine Constitution, commits to protecting and strengthening the family as a basic autonomous social institution.^[4] While Paragraph 4, Section 3, Article XV of the same recognizes that the State shall defend the right of families or family associations to participate in the planning and implementation of policies and programs that affect them.^[5] Thus, to uphold the mandates, Article 151 of the Family Code necessitates earnest efforts be made to reach a compromise before litigation between family members can ensue to avoid the growth of animosity and bitterness that could arise from such litigations otherwise, the suit is dismissible.^[6] To further address the concern, the Supreme Court approved the Rule on Family Mediation in its resolution dated 04 November 2024 under A.M. No. 24-02-06-SC which aims to increase the effectivity of the family courts thus unclogging dockets, introduce innovations in dealing with family cases that includes the promotion of the best interest of the child, and address the emerging need for family mediation.^[7]

Generally, this Rule applies to litigation between or among: (a) husband and wife; (b) parents and children; (c) brothers and sisters; (d) other ascendants and descendants; (e) relatives within the fourth degree of consanguinity or affinity. However, unlike the Earnest Effort Rule born from the Family Code which limited its scope to family members, the Rule on Family Mediation (A.M. No. 24-02-06-SC) expanded its application to include parties in former or current common-law, dating, or sexual relationships, which fall within the jurisdiction of

[1] Durkheim, É, (1995). *The elementary forms of religious life* (K.E. Fields, Trans.), Free Press. (Original work published 1912)

[2] Const. (1987), Art. XV, Sec. 1

[3] Nietzsche, F. (1996). *Human, all too human: A book for free spirits* (R.J. Hollingdale, Trans.). Cambridge University Press. (Original work published 1878)

[4] Const. (1987), Art. II, Sec. 12

[5] Const. (1987), Art. XV, Sec. 3

[6] Supreme Court decision - G.R. No. 217744. July 30, 2018

[7] A.M. No. 24-02-06-SC. Rule on Family Mediation. November 05, 2024 Available at: <https://sc.judiciary.gov.ph/24-02-06-sc-the-rule-on-family-mediation/> (last visited December 7, 2025)

family courts, first and second level courts, and the Court of Appeals.^[8]

The Rule on Family mediation had also included that it shall apply on cases involving child support, custody, property relations, or guardianship to be able to adhere to the principle enshrined in paragraph 1, Article 3 of the Philippine ratified United Nations Convention on the Rights of the Child (UNCRC) which ordains that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be primary consideration.^[9] Hence, a non-adversarial process such as a Family Mediation should include children and give them a chance to share their thoughts on issues that impact them. Thus, the process must focus on what is best for the child and the family.

Under this Rule, courts are enjoined to refer the parties to undergo a mandatory thirty-day family mediation. If a settlement is reached in the process, the parties shall execute a compromise agreement to be submitted to the court for approval. If no settlement is reached, the court may refer the case for Judicial Dispute Resolution if convinced that settlement is still possible. If the parties still do not reach a settlement and a case is filed, the court, after the pre-trial conference and once the issues have been joined, shall direct the parties to undergo mandatory family mediation as final attempt to settle the disputes.^[10]

The Rule on Family Mediation defines family mediation as a process in which a mediator, acting as an impartial third party, facilitates the resolution of family disputes and helps the parties in reaching voluntary agreements. Aside from the actions concerning children, the Rule shall also be applicable to the settlement of intestate estates or other civil cases where mediation is allowed by law.^[11]

To reinforce its effectiveness, the Rule mentioned repercussions of refusal of the parties to undergo family mediation. If both the petitioner and their counsel who shall fail to appear at the mediation, despite due notice and without justifiable reason, the case shall be dismissed. If it is the defendant and their counsel who shall fail to appear, the petitioner shall be allowed to present evidence ex parte.^[12]

This new Rule on Family Mediation introduces mediation to resolve family conflicts without going to court thus it reduces the emotional, financial, and psychological strain associated with protracted litigation especially those that may consume a lengthy period. Support services may even be provided per this rule to parties or minors while undergoing family mediation, including physical or psychological services and counseling.^[13]

In *April Martinez, et. al. vs. Rodolfo G. Martinez, G.R. No. 162084*, June 28, 2005, the Supreme Court noted that: “It is difficult to imagine a sadder and more tragic spectacle than

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] Id.

[13] Id.

a litigation between members of the same family. It is necessary that every effort should be made toward a compromise before a litigation is allowed to breed hate and passion in the family, and it is known that a lawsuit between close relatives generates deeper bitterness than between strangers.”. ^[14] In Christopher Lasch’s book, *Haven in a Heartless World: The Family Besieged* (1997), he stated that: “Family is a haven in a heartless world.”. ^[15] Per Section 12, Article II of the 1987 Philippine Constitution, the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. ^[16] For these reasons, the State continues to implement measures to safeguard the sanctity of the family. Thus, with the adoption of the Rule on Family Mediation, the family, as a social institution, is provided with a better process of resolving family disputes, not just decreasing the economic burden but also emotional costs brought by litigation.

[14] Supreme Court decision - G.R. No. 162084. June 28, 2005

[15] Lasch, C. (1977). *Heaven in a heartless world: The family besieged*.

[16] Const. (1987), Art II, Sec. 12

Why the need to Legalize Divorce in the Philippines**by: A.R.A**

Marriage is traditionally regarded as a sacred and indissoluble union in the Philippines, heavily influenced by religious doctrine and cultural norms. While annulment and legal separation are available, they are often costly, time-consuming, and insufficient to address the realities of broken marriages. The absence of divorce legislation leaves many Filipinos trapped in dysfunctional or abusive relationships, raising urgent questions about individual rights, family welfare, and social justice. This issue is particularly evident in the plight of couples who have been separated in fact for many years yet remain legally bound, creating complex consequences for themselves and their children.

The Family Code of the Philippines (Exec. Order No. 209, 1987) governs marriage and its dissolution. Under Article 55, legal separation may be sought on grounds such as repeated physical violence or drug addiction, but it does not permit remarriage. Article 36 allows annulment on the basis of psychological incapacity, as interpreted in *Santos v. Court of Appeals*, 310 Phil. 21 (1995), and refined in *Republic v. Molina*, 268 SCRA 198 (1997). However, annulment requires stringent proof and is often inaccessible to ordinary citizens due to prohibitive costs.

Thus, while the Constitution (Art. XV, Sec. 2) recognizes marriage as an inviolable social institution, the lack of divorce legislation leaves many Filipinos without effective remedies when marriages irreparably fail.

The right to liberty and security includes freedom from abusive or oppressive relationships. International human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by the Philippines, emphasize the need for legal remedies that protect women and children from violence and exploitation.

Many couples live “separated in fact” for years, sometimes decades, yet remain legally married. This situation prevents them from remarrying and forces them into informal unions. Children born of these common-law unions often suffer legal disadvantages, particularly in matters of legitimacy and inheritance. Under Article 165 of the Family Code, children conceived outside a valid marriage are deemed illegitimate, affecting their rights under Article 887 of the Civil Code on succession. These children may be stigmatized as “illegitimate,” despite being raised in stable households.

Neighboring countries such as Indonesia, Malaysia, and Singapore recognize divorce as a legitimate remedy, balancing religious and cultural values with modern legal needs. These jurisdictions demonstrate that divorce can coexist with strong family values when regulated responsibly. Legalizing divorce does not undermine the sanctity of marriage but acknowledges that some unions irreparably fail. Divorce legislation can be crafted with safeguards, such as mandatory counseling and waiting periods, to prevent abuse of the system while protecting those in genuine need.

Consider spouses who have been separated in fact for ten or more years. Each partner may have moved on, forming new relationships and raising children with their common-law partners. Yet, because they remain legally married, these children are considered illegitimate under Philippine law.

For example, in *Republic v. Court of Appeals and Molina*, the Supreme Court emphasized the strict standards for annulment under Article 36, leaving many couples unable to dissolve their marriages. Consequently, children of subsequent unions are denied full legitimacy, which affects their inheritance rights and social recognition. This perpetuates injustice and undermines the welfare of children who are blameless in the breakdown of their parents' marriage.

The legalization of divorce in the Philippines is not merely a legal reform but a social justice imperative. It recognizes the dignity of individuals, protects vulnerable family members, and aligns the country with international human rights standards. By addressing the plight of couples separated in fact and the children of their subsequent unions, divorce legislation would provide clarity, stability, and fairness in family law. While cultural and religious opposition remains strong, the law must evolve to reflect the realities of modern Filipino families.

The absence of divorce in the Philippines perpetuates inequality, denies fundamental rights, and leaves countless individuals trapped in harmful relationships. Legalizing divorce is necessary to provide humane, accessible, and equitable remedies for broken marriages. A carefully designed divorce law, with appropriate safeguards, would strengthen—not weaken—the institution of marriage by ensuring that it remains a union grounded in mutual respect, love, and dignity. Most importantly, it would protect children from the stigma and disadvantages of illegitimacy, affirming their right to grow up in families recognized and respected by law.

A Lawyer as a Storyteller: The Gravity of a Human Story

by: Krizza Mae N. Mallari

"The shortest distance between a human being and truth is a story."

-The Song of the Bird by Anthony de Mello

As humans, we are evolutionarily anchored to the magic of a story. It is how we bridge the gap between ourselves and the unknown, where the world and our own imagination collide, merging into a single, shared reality. This is never truer than when a lawyer stands before a judge. In a system where they take sterile facts and dress them in colorful pigments of shared human experience, a lawyer must act as the ultimate bridge-builder.

By weaving a narrative, the lawyer ensures that the case is no longer just papers in a folder, it is now the imperative truth where the judge's logic meets the client's lived struggle. A lawyer may cite the most obvious provision of the law, but without human pulse, that citation remains a ghost in the mechanical machinations of a built system. To win is to animate the inanimate, to breathe life into those whereas and wherefores until they take the shape of a person's struggle for dignity and justice.

The law, by design, strips away the messy edges of a life lived until only the material facts remain. Yet, a lawyer knows that a judge cannot truly adjudicate what they cannot feel. As the advocate, they must find the universal in the particular, the exhaustion of the overlooked, or the simple desire of a promise kept. Anchoring legal arguments in recognizable emotions, the lawyer transforms the courtroom from a four wall structure of logic, into a theatre of empathy.

This is the moment of fusion, where the coldness of the courts meets the warmth of the person's name. They create a momentum where the judge feels that to rule against the client is a narrative betrayal in providing the story its rightful ending.

When the judge recognizes their own humanity reflected in front of them, the distance disappears. The sterile bubble of the court is punctured by the realization that these proceedings hold the power to mend a broken life or restore a stolen dignity.

It is here that we find the structural necessity of the craft. In this shared reality, where the judge doesn't just apply the law but resolve a human spectacle, it is in this space where the law defines the boundaries, and the story dictates the stakes.

Because ultimately, the law is the skeleton, but the story is the flesh and blood. Without the story, the law cannot move the heart.

The Law Goes Digital: How New Rules are Reshaping Philippine Commerce

By: JM Capalar

A Nation at a Legal Crossroads

Walk into any café in Manila or in Tacloban today, and you'll see people shopping online, transferring money through apps, or streaming digital services. What most don't realize is that behind these everyday clicks and taps, the Philippine legal system has been racing to catch up.

Between 2023 to 2025, lawmakers and the Supreme Court rolled out sweeping changes in commercial and taxation law- reforms that touch everything from your online shopping cart to the rice on your dinner table.

From Cart to Court: Protecting Online Shoppers

The Internet Transaction Act of 2023 is a game-changer for e-commerce. For the first time, online marketplaces are legally bound to ensure transparency in pricing, warranties, and consumer redress.

Imagine ordering a gadget online that arrives defective. Before, you might have been stuck in a frustrating loop of unanswered emails. Now, platforms are required to step in and ensure consumers aren't left powerless.

Cracking down on digital scams

Financial fraud has exploded in recent years, with scammers using fake accounts and social engineering tricks to siphon money, in which I have been a victim. The Anti-Financial Account Scamming Act targets this shadow economy.

By allowing regulators to pierce traditional bank secrecy rules, the law gives authorities sharper tools to navigate suspicious accounts. For ordinary Filipinos, it means greater protection against the nightmare of waking up to an emptied bank account.

Safeguarding the Food Basket

Food security isn't just about farming—it's also about law enforcement. The Anti-Agricultural Economic Sabotage Act targets smuggling, hoarding, and cartel activities in staples like rice, corn, pork, and sugar.

For farmers in Nueva Ecija or traders in Divisoria, this law is a lifeline. It promises to keep prices fair and supplies steady, protecting both producers and consumers from manipulative middlemen.

Taxing the Digital Age

Streaming movies, buying cloud storage, or running ads online? The Tax Code Amendment on Digital Services now ensures these transactions contribute to government revenue. It's a recognition that the digital economy is no longer a side hustle. It's central to modern life. While exemptions exist for education and banking, most digital services are now part of the Value-Added Tax (VAT).

Why it Matters

These changes aren't abstract. They affect the price of rice, the safety of your bank account, the reliability of your online shopping, and the taxes you pay on digital services.

For businesses, compliance is no longer optional-it's survival. For consumers, the balance of power is shifting in their favor. And for lawyers and law students, these developments mark a new era in doctrine and debate.

The Bigger Picture

The Philippines is rewriting the rules of commerce for the digital age. In doing so, it's sending a clear message: law must evolve as fast as technology and society.

The challenge now is ensuring these reforms don't just exist on paper, but are felt in the daily lives of Filipinos- from the farmer in the field to the student streaming lectures online.

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