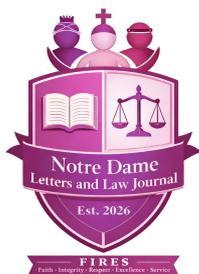


Notre Dame Letters and Law Journal



NOTRE DAME UNIVERSITY
College of Law



The *Notre Dame Letters and Law (NDLL) Journal* is the official publication of Notre Dame University–College of Law. As a student-run publication, the journal is dedicated to fostering meaningful legal research and writing that promotes the rule of law and literature. Guided by the core values of Faith, Integrity, Respect, Excellence, and Service (FIRES), it contributes to the advancement of knowledge within the academic community while supporting social transformation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

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FOREWORD

Veritas non timet quaestionem—truth does not fear questioning.

Law, at its core, is a discipline built upon inquiry. It grows through debate, evolves through scholarship, and finds meaning through the stories and experiences of those who seek justice. It is in this spirit that we proudly present the first-ever publication of *Notre Dame Letters and Law Journal*, the inaugural journal of Notre Dame University–College of Law. This first volume marks an important milestone in the academic life of the College of Law and the broader legal community in Mindanao. More significantly, this publication represents the first journal in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) that intentionally brings together law and literature, recognizing that legal thought is not only shaped through doctrinal analysis but also through narrative, reflection, and creative expression.

The *Notre Dame Letters and Law (NDLL) Journal* is a student-run publication dedicated to fostering meaningful legal research and writing that promotes the rule of law and literature. Guided by the University’s core values of Faith, Integrity, Respect, Excellence, and Service (FIRES), NDLL Journal seeks to cultivate thoughtful scholarship grounded in ethical reflection, intellectual rigor, and social responsibility. Through its publications, the journal contributes to the advancement of legal knowledge within the academic community while supporting the continuing pursuit of social transformation in BARMM.

Guided by this vision, NDLL Journal adopts a dual approach in the dissemination of legal knowledge. First, it independently engages legal issues of local, national, and international significance, highlighting developments and emerging trends in law and governance. Second, it provides an open platform for contributions from the legal academic community through diverse forms of scholarship and creative expression. The journal welcomes submissions that include **legal articles, short stories, and poetry**, recognizing that literature and law together provide a richer framework for showing legal ideas, institutions, and human experiences. Through this synergy, NDLL Journal aspires to serve not only law students and scholars but also the broader public interested in legal discourse.

The **legal articles** in this inaugural volume explore a wide range of contemporary legal issues. In “*Autonomy through Legislation: The Evolution of Regional Lawmaking from ARMM to BARMM*,” **Abdul Wahid I. Tocalo and Benyamen S. H. Salic** examine the transformation of regional autonomy in the Bangsamoro by analyzing the legislative evolution from the Autonomous Region in Muslim Mindanao (ARMM) to the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Through legislative analysis, the article demonstrates how the development of regional lawmaking reflects the maturation of Bangsamoro autonomy.

In “*Artificial Intelligence in Criminal Justice System: A Contemporary Approach to Mitigate Jail Congestion*,” **Michelle A. Mori, Claudine Chelle F. Daquil, and Bradziz M. Suenan** explore the potential of integrating artificial intelligence into the Philippine criminal justice system as a means of addressing the persistent problem of jail congestion. The article highlights how

technological innovation may help streamline judicial processes and improve the administration of justice.

In “*Examining US-Philippine Mutual Defense Treaty Gaps amid Rising Tensions*,” **Wilfredo C. Juntilla, Jr.** analyzes the legal and strategic limitations of the Mutual Defense Treaty between the Philippines and the United States. The study examines how evolving geopolitical dynamics in the region raise important questions about the scope and effectiveness of the treaty’s security commitments.

In “*The 1878 Lease Revisited: Legal Gaps and Historical Sovereignty over Sabah*,” **Sittie Nurjannah S. Datuali and Datu Norhamidin D. Mamasinged** revisit the historical and legal foundations of the Sabah claim, examining the legal ambiguities surrounding the 1878 agreement and its implications for contemporary debates on sovereignty.

In “*Celebrating a Decade of Dialogue: The Expanding Role of UNCLOS and Contemporary Ocean Governance—Reflections from the 10th International Conference on the Law of the Sea*,” **Moh’d. Al-Khaleel A. Bogabong** reflects on the evolving significance of the United Nations Convention on the Law of the Sea (UNCLOS) and its continuing relevance in shaping international maritime governance.

Complementing these scholarly works, the literature section of this journal reflects the human side of legal education and practice. This volume features five **short stories**: “*A Beadle’s Heart*” by **Sahara S. Madem**, “*In the Margins of My Codal: What the Codal Didn’t Teach Me*” by **Sittie Allyzah B. Amer**, “*No Law Student Is an Island*” by **Lady Annia A. Guiamalon**, “*Legally Blunt*” by **Raven**, and “*The Jurors I Carry*” by **Moh’d. Al-Khaleel A. Bogabong**, each capturing reflections on law school life, personal struggles, and the broader human experiences intertwined with the study of law.

This inaugural issue also includes six **poems** that articulate the emotional and reflective dimensions of the legal journey: “*To Be Continued...*” by **Bradiz M. Suenan**, “*What Are You Reading These Days?*” by **Trizza Niña C. Pilapil-Bañas**, “*The Case I Couldn’t Win*” by **Sahara S. Madem**, “*I Thought I Wouldn’t Make It*” by **Aminola A. Tomawis**, “*Echoes Beneath the Doctrines*” by **Sittie Allyzah B. Amer**, and “*Silent Battles*” by **Benjamin A. Abubakar**. Through these literary works, the journal recognizes that law is not only an intellectual discipline but also a deeply human endeavor shaped by perseverance, reflection, and aspiration.

The realization of this journal would not have been possible without the invaluable support of many individuals and institutions. We extend our sincere gratitude to the Notre Dame University (NDU) administration for their continued support for academic initiatives that advance scholarship and intellectual engagement.

We likewise express our appreciation to the NDU–University Research and Publications Center, particularly Ma’am Aileen D. Badoy, for her generous assistance during the early stages of the journal’s development. Her willingness to respond to inquiries and share valuable inputs helped guide the initial process of establishing this publication.

We also extend our sincere thanks to our Dean in the College of Law, Atty. Hamlet M. Pahm, for his encouragement and leadership in fostering a culture of academic excellence and scholarly engagement within the College.

Our gratitude likewise goes to the staff of the College of Law for their assistance and support in facilitating the release of this publication.

We are equally grateful to Atty. Alianna Arnica A. Mambatao, who served as the first faculty adviser of NDLL Journal during its initial stage of planning. Her guidance and support in the early conceptualization of this publication played an important role in laying the foundation for what has now come to fruition.

We also acknowledge the existing law school journals in the country, whose contributions to legal scholarship have helped shape a culture of academic publication in Philippine legal education and have served as an inspiration for this initiative.

Finally, we extend our appreciation to the *Journal of English and Applied Linguistics (JEAL)* under the leadership of its Founding Editor-in-Chief, Dr. Leah E. Gustilo. The success and scholarly impact of JEAL demonstrated the importance of academic publications and provided meaningful inspiration for the creation and eventual fruition of NDLL Journal.

In this age where information proliferates and opinions are often formed without careful reflection, the responsibility to question, verify, and seek truth becomes ever more pivotal. The growing presence of misinformation and disinformation reminds us that scholarship requires intellectual courage to examine claims critically, to resist the pull of unexamined narratives, and to remain guided by evidence, reason, and justice. It is our hope that *Notre Dame Letters and Law Journal* will help cultivate this culture of thoughtful inquiry among its readers, telling us that the pursuit of truth is strengthened, not weakened, when ideas are carefully wrestled with.

As readers engage with the works presented in this inaugural publication, it is our hope that this journal will serve as a space where ideas may be explored with openness, debated with respect, tested through reasoned scholarship, and felt through lived experience. For my part, it has been a privilege to witness the realization of this endeavor in my capacity as the journal's Founding Chair. For in the end, the enduring principle remains: *veritas non timet quaestionem*—truth does not fear questioning.

Abdul Wahid I. Tocalo

Chair

Notre Dame Letters and Law Journal

AUTONOMY THROUGH LEGISLATION: THE EVOLUTION OF REGIONAL LAWMAKING FROM ARMM TO BARMM

Abdul Wahid I. Tocalo

Benyamen S. H. Salic

ABSTRACT

This article examines the evolution of regional lawmaking in the Bangsamoro by comparing the legislative outputs of the Autonomous Region in Muslim Mindanao (ARMM) and the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Anchored on the theoretical proposition that the capacity to produce binding legal norms constitutes a key indicator of political autonomy, the study analyzes the corpus of Muslim Mindanao Autonomy Acts (MMAAs) enacted by the ARMM Regional Legislative Assembly (RLA) and Bangsamoro Autonomy Acts (BAAs) enacted by the Bangsamoro Transition Authority (BTA). Using legislative data and thematic analysis, the article evaluates patterns in legislative productivity, legal stability, and substantive orientation across the two institutional regimes. The findings suggest that ARMM legislation was largely concentrated on administrative and territorial governance, particularly the creation and reorganization of local government units and appropriation measures. In contrast, legislation under BARMM demonstrates a broader thematic scope, including institutional governance frameworks, development policies, and sectoral regulation. This shift reflects structural reforms introduced by the Bangsamoro Organic Law, including expanded legislative powers, fiscal autonomy through the block grant, and the adoption of a parliamentary system that integrates executive and legislative authority. The article argues that these institutional changes have begun to reshape the character of regional lawmaking, enabling the Bangsamoro Parliament to move beyond administrative management toward the construction of a more comprehensive legal framework for regional governance. Ultimately, the ARMM-BARMM transition illustrates how the evolution of legislative practice can serve as a practical indicator of the maturation of autonomy within a unitary constitutional order.

I. INTRODUCTION

A. Historical Context of Bangsamoro Self-Governance

The trajectory of the Bangsamoro struggle for self-determination is not merely a modern political phenomenon born of post-colonial grievances; it is a restoration of a legislative heritage that predates the Philippine nation-state. To understand the institutional transformation from the Autonomous Region in Muslim Mindanao (ARMM) to the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), one must locate the Bangsamoro political identity within its historical continuum of sovereign lawmaking, constitutional recognition, and peace negotiations.

Long before Western colonization, the arrival of Islam in the Sulu Archipelago (c. 1380) established a sophisticated socio-political order (Majul, 1973).¹ The Sultanates of Sulu (c. 1457) and Maguindanao (c. 1515) were recognized sovereign entities capable of promulgating laws. Unlike oral traditions elsewhere, these sultanates produced written legal codes blending Islamic *Shari'ah* with customary *Adat*, such as the Luwaran of Maguindanao and the Diwan Tausug. Similarly, the *Pat a Pangampong sa Ranao* (Confederation of Lanao) operated under a complex legislative framework of *Taritib* (protocol) and *Igma* (consensus). These artifacts demonstrate a "lawmaking capacity" that frames the modern autonomy struggle as a reclamation of the

¹ Majul, C. A. (1973). *Muslims in the Philippines*. University of the Philippines Press

inherent right to produce binding norms (Mastura, 1984).²

This historical distinctiveness was formally acknowledged in the 1987 Philippine Constitution, which mandates the creation of autonomous regions in Muslim Mindanao and the Cordilleras, recognizing their unique historical and cultural heritage within national sovereignty (Art. X, Sections 15-21). As the Supreme Court of the Philippines affirmed in *Disomangcop v. Datumanong*,³ this mandate as an "epoch-making project" aimed at achieving "national unity in diversity". Crucially, the Court distinguished this "regional autonomy" from the mere "administrative decentralization" granted to local government units. Regional autonomy implies a "decentralization of power," where the central government relinquishes political authority to the region to legislate on matters such as administrative organization, ancestral domain, and personal relations.

B. The Peace Agreements

The operationalization of this autonomy evolved through two distinct peace tracks:

1. *The Moro National Liberation Front (MNLF) Track (1976–1996)*. The Office of the Presidential Adviser on the Peace Process (1976)⁴ notes that the 1976 Tripoli Agreement, signed with the MNLF, first introduced the concept of an "autonomous region" for 13 provinces. This track culminated in the 1996 Final Peace Agreement,⁵ which implemented the Tripoli terms and paved the way for MNLF Chairman Nur Misuari to lead the ARMM.
2. *The Moro Islamic Liberation Front (MILF) Track (1997–2014)*. The MILF pursued a separate track, criticizing the ARMM as structurally flawed. UN Peacemaker (2012)⁶ records that this negotiation produced the Framework Agreement on the Bangsamoro (FAB), which declared the status quo "unacceptable," and eventually the 2014 Comprehensive Agreement on the Bangsamoro (CAB).⁷ The CAB consolidated the FAB and its annexes, providing the roadmap for a new BARMM political entity to replace the ARMM.

² Mastura, M. O. (1984). *Muslim Filipino experience: A collection of essays*. Ministry of Muslim Affairs

³ *Disomangcop v. Datumanong* (G.R. No. 149848, 25 November 2004)

⁴ Office of the Presidential Adviser on the Peace Process. (1976, December 23). *The 1976 Tripoli Agreement*. <https://peace.gov.ph/1976/12/1976-tripoli-agreement/>

⁵ Office of the Presidential Adviser on the Peace Process. (1996, September 2). *The final peace agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF)*.

<https://peace.gov.ph/wp-content/uploads/1996/09/The-Final-Peace-Agreement-on-the-Implementation-of-the-1976-Tripoli-Agreement-Between-the-GRP-and-the-MNLF.pdf>

⁶ United Nations Peacemaker. (2012, October 15). *Framework agreement on the Bangsamoro*. <https://peacemaker.un.org/en/node/8932>

⁷ Office of the Presidential Adviser on the Peace Process. (2014, March 31). *Comprehensive agreement on the Bangsamoro*. <https://peace.gov.ph/2014/03/comprehensive-agreement-bangsamoro/>

C. The ARMM Experience and the “Failed Experiment” Narrative

The ARMM, established by Republic Act No. 6734 (1989) and strengthened by Republic Act No. 9054 (2001), was the first legislative attempt to fulfill the constitutional mandate. However, it is frequently epitomized in academic discourse as a “failed experiment”. Timberman and Moner (2025)⁸ highlight that this descriptor was famously used by President Benigno Aquino III in 2011 to justify structural reform.

This narrative is grounded in the reality that the ARMM was an administrative shell without political substance. Co et al. (2013)⁹ report that it suffered from a lack of fiscal autonomy, as its budget was a line item in the national General Appropriations Act, rendering the region dependent on Manila’s “purse strings”. This fiscal incapacity reduced the Regional Legislative Assembly (RLA) to a “mendicant” body that could pass laws but lacked the resources to implement them. Furthermore, Deinla and Engelbrecht (2019)¹⁰ point out that the region was plagued by an “architecture of domination and dependence,” where regional elites maintained power through patronage rather than accountable governance. Ultimately, the ARMM functioned more as a decentralized administrative unit than the politically autonomous entity envisioned in *Disomangcop*.

D. Creation of BARMM Under the Bangsamoro Organic Law

The transition to the BARMM marks a paradigm shift from “delegated authority” to “assertive political autonomy”. Enacted on July 27, 2018, the Congress established Republic Act No. 11054 (Organic Law for the Bangsamoro Region in Muslim Mindanao) in 2018, which translates the political commitments of the CAB into domestic law, curing the defects of the ARMM.

The BARMM introduces fundamental structural innovations:

- *Parliamentary System*. Harding (2020)¹¹ notes that the BARMM adopts a parliamentary form of government, a unique innovation within the Philippines’ presidential system. This fusion of executive and legislative powers is designed to foster programmatic

⁸ Timberman, D. G., & Moner, Y. (2025, July). *The Bangsamoro Transition Authority and the forging of an autonomous regional government in Muslim Mindanao: A review of the six-year BARMM transition*. Institute for Autonomy and Governance.

https://iag.org.ph/images/IAG_REPORT_July_2025_Review_of_BARMM_Transition.pdf

⁹ Co, E. A., Fernan III, R. L., Diola, M. F. L., Rasul, A., Sadain, M. K., Latiph, A. A., Guiam, R. C., Bacani, B. R., & Montes, R. N., Jr. (2013). *State of local democracy in the Autonomous Region in Muslim Mindanao*. International Institute for Democracy and Electoral Assistance. <https://www.idea.int/publications/catalogue/state-local-democracy-autonomous-region-muslim-mindanao>

¹⁰ Deinla, I., & Engelbrecht, G. (2019). A new dawn for Bangsamoro democracy? Political autonomy and inclusive participation in post-conflict Mindanao. *South-East Asia Observatory*, 2018/2019(16), 1–10. <https://hdl.handle.net/1959.11/70944>

¹¹ Harding, A. (2020). *Pluralism and territorial governance: A view from Southeast Asia*.

Edward Elgar Publishing

- governance and stronger political parties.
- *Fiscal Autonomy*. Crucially, the BOL mandates an automatic Block Grant, equivalent to 5% of the net national internal revenue. Timberman and Moner (2025)¹² observes that this fiscal independence frees the region from annual congressional lobbying, providing the material basis for genuine legislative autonomy.
 - *Intergovernmental Relations*. Sandoval (2021)¹³ emphasizes that the BOL establishes an Intergovernmental Relations Body (IGRB) to resolve jurisdictional disputes, elevating the relationship from one of "supervision" to "coordination," consistent with the principle of asymmetrical autonomy.

E. Legislation as a Measure of Autonomy

This article anchors its analysis on the theoretical proposition that legislation constitutes a central metric of political autonomy. In constitutional theory, autonomy is not merely the administrative execution of centrally enacted policies but the authority of a political community to produce binding legal norms within its jurisdiction. Thornhill (2018)¹⁴ conceptualizes autonomy as a form of institutional capacity for norm production, whereby governing authorities exercise the power to generate rules that structure social and political life. From this perspective, the existence and operation of legislative institutions represent a critical expression of self-governance because they enable communities to formulate laws reflecting their particular priorities and conditions.

This understanding of autonomy is consistent with broader theories of decentralization, which distinguish between administrative decentralization and political decentralization. Administrative decentralization involves the delegation of managerial or implementation responsibilities from central authorities to subordinate units. Political decentralization, by contrast, entails the transfer of decision-making authority to representative institutions capable of enacting laws within their jurisdiction. In such frameworks, the presence of a functioning regional legislature is widely regarded as a key indicator of meaningful autonomy because it allows subnational governments to design policies responsive to local circumstances rather than merely implementing centrally determined programs.

The relationship between lawmaking and autonomy is also reflected in theories of self-determination. Cats-Baril (2018)¹⁵ argues that the right to self-determination includes an internal dimension through which peoples may freely determine their political status and pursue

¹² *Id.*, at 8

¹³ Sandoval, M. C. G. C. (2021, July 12). *Participation of the Bangsamoro government in Philippine national government: An interpretation of Article VI, Section 11 of the Bangsamoro Organic Law (Republic Act 11054)*. Washington, D.C.: World Bank Group.

<http://documents.worldbank.org/curated/en/423631626097308650>

¹⁴ Thornhill, C. (2018). On misunderstanding states: The transnational constitution in the national constitution. *International Journal of Constitutional Law*, 16(4), 1186–1198.

<https://doi.org/10.1093/icon/moy095>

¹⁵ Cats-Baril, A. (2018). *Self-determination: Constitution brief*. International Institute for Democracy and Electoral Assistance (International IDEA).

<https://www.idea.int/publications/catalogue/self-determination>

their economic, social, and cultural development through their own institutions. Within this framework, the capacity to legislate becomes a practical manifestation of that internal self-determination. Legislative institutions translate political aspirations into enforceable legal frameworks, thereby enabling autonomous communities to govern themselves within a broader constitutional order.

These theoretical perspectives suggest that lawmaking capacity functions as a proxy for the maturity of political autonomy.¹⁶ A regional government that primarily administers national directives operates within a framework of administrative decentralization. By contrast, a regional government that drafts, enacts, and implements its own legislative codes exercises a more substantive form of political autonomy.¹⁷ Examining the legislative output of regional institutions therefore provides a concrete way of assessing how autonomy is practiced in reality. In the context of the Bangsamoro, the corpus of Muslim Mindanao Autonomy Acts (MMAAs) and Bangsamoro Autonomy Acts (BAAs) offers a practical record through which the evolution of regional lawmaking, and thus the maturation of autonomy can be evaluated.

Noting the analysis of the body of legislation enacted under the Autonomous Region in Muslim Mindanao and the Bangsamoro Autonomous Region in Muslim Mindanao, this article analyzes how regional lawmaking has evolved across these two institutional regimes. Because the capacity to produce binding norms represents a core expression of political autonomy, the legislative record of Muslim Mindanao Autonomy Acts (MMAAs) and Bangsamoro Autonomy Acts (BAAs) provides an empirical basis for assessing how autonomy has been exercised in practice. Accordingly, this study asks: *How has the evolution from ARMM to BARMM transformed the structure, scope, and character of regional lawmaking? What does this reveal about the maturation of autonomy in the Bangsamoro?*

II. LEGAL FOUNDATIONS OF AUTONOMY

The transformation from the ARMM to the BARMM is not merely a change in nomenclature or a bureaucratic reshuffle; it represents a fundamental restructuring of the legal architecture governing the relationship between the Philippine state and its Muslim minority. While both entities operate within the same constitutional universe, their enabling statutes operationalize autonomy in radically different ways. This chapter analyzes the constitutional mandates, statutory frameworks, and institutional designs that define the contours of this autonomy, tracing the shift from a regime of *delegated administrative authority* to one of *enhanced asymmetrical political autonomy*.

A. Constitutional Framework

The legal genesis of regional autonomy in the Southern Philippines is anchored in the 1987 Constitution. Article X, Sections 15 to 21, explicitly mandate the creation of autonomous regions in Muslim Mindanao and the Cordilleras. This constitutional provision was a direct response to the "epoch-making project" of reconciling the unitary state with the diverse

¹⁶ Jennings, R. Y. (1967). *General course on principles of international law (Volume 121)*. In The Hague Academy Collected Courses Online / Recueil des cours de l'Académie de La Haye en ligne. Brill | Nijhoff. https://doi.org/10.1163/1875-8096_pp1rdc_A9789028615823_04

¹⁷ *Id.*, at 3

historical and cultural identities of the Bangsamoro people. However, the realization of this autonomy has been a constant jurisprudential struggle to define the permissible limits of self-governance within an indivisible sovereignty.

1. *The Nature of Autonomous Regions in a Unitary State*

The Philippines adheres to a unitary system of government, where sovereignty is indivisible and resides in the national state. However, the 1987 Constitution introduced a critical nuance by distinguishing between two forms of decentralization, a distinction clarified by the Supreme Court in the landmark case of *Disomangcop*.

- *Decentralization of Administration (Local Autonomy)*. This applies to standard Local Government Units (LGUs) like provinces, cities, and municipalities. It involves the delegation of administrative functions from the central government to local units to improve efficiency. In this model, the central government retains the "head" while the local units act as the "limbs." The President exercises "general supervision" to ensure laws are faithfully executed, but the locus of power remains at the center.
- *Decentralization of Power (Regional Autonomy)*. This form, applicable exclusively to the Autonomous Regions, involves a "relinquishment" or "abdication" of political power by the central government in favor of the autonomous region. The Supreme Court noted that this amounts to a form of "self-immolation" where the state allows the region to chart its own destiny with minimal intervention. In this model, the autonomous government is accountable not just to the central authority, but primarily to its own constituency.

This distinction is foundational. It establishes that the autonomy granted to the Bangsamoro is political in nature, not merely administrative. It implies the power to legislate, not just to implement. As the Court articulated in *Disomangcop*, the objective is to permit determined groups with shared historical and cultural characteristics to "develop freely their ways of life and heritage, exercise their rights, and be in charge of their own business."

2. *Doctrine of National Supremacy and Limits of Delegated Authority*

Despite the "abdication" of power described in jurisprudence, the doctrine of National Supremacy remains the controlling legal principle. Article X, Section 15 of the Constitution stipulates that autonomous regions must be created "within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines."

The limits of this delegated authority have been tested in several high-profile cases:

- *Legislative Limitations*. In *Sema v. COMELEC*,¹⁸ the Supreme Court struck down the power of the ARMM Regional Assembly to create the province of Shariff Kabunsuan. The Court ruled that the power to create legislative districts, a requisite for creating a province, is textually committed to the National Congress and cannot be delegated to a regional assembly. This decision highlighted a critical limitation: the autonomous region possesses only those powers explicitly delegated by Congress through the Organic Act. It

¹⁸ *Sema v. COMELEC* (G.R. No. 177597, 16 July 2008)

does not possess inherent sovereign powers comparable to states in a federal system.

- *Electoral Control.* In *Kida v. Senate*,¹⁹ the Court upheld the power of the National Congress to synchronize ARMM elections with national elections, rejecting the argument that such interference violated regional autonomy. The ruling affirmed that the autonomy granted to the region cannot be used to exempt it from national policies mandated by the Constitution, such as the synchronization of elections.

Thus, the legislative capacity of the region is constantly in tension with the plenary powers of the National Legislature. The constitutional framework creates a protective shield around the region's devolved powers, but it is a shield that can be pierced by the National Congress if the organic act is deemed inconsistent with the national constitution or if the matter involves national interest.

B. Statutory Architecture

The statutory evolution from RA 6734/9054 (ARMM) to RA 11054 (BARMM) reveals a progressive journey toward substantive power-sharing. The organic acts serve as the "mini-constitutions" of the region, defining the scope of what is legislatively possible and establishing the legal relationship between the center and the periphery.

1. ARMM Organic Acts (RA 6734 & RA 9054)

Republic Act No. 6734 and its amendatory law, Republic Act No. 9054, established the legal framework for the ARMM. While these laws ostensibly granted legislative power to the RLA, they were riddled with structural defects that diluted regional authority.

- *Enumerated Powers and the Residual Clause.* The ARMM charter enumerated specific powers to the region but contained a "residual power" clause. Under this doctrine, any power not explicitly granted to the region remained with the National Government.¹ This created a presumption *against* autonomy; in any ambiguity regarding jurisdiction, the legal bias favored the center. This forced the ARMM government to constantly seek permission or clarification from Manila, hindering responsive legislation.
- *Legislative Subservience.* The laws passed by the RLA were often treated as subordinate to national statutes. Even in devolved areas like education or public works, national agencies frequently bypassed the regional government, implementing projects directly and undermining the RLA's oversight functions. The lack of an effective intergovernmental mechanism meant that conflicts were often resolved by national fiat or unilateral executive orders.²⁰
- *Structural Weaknesses (Fiscal Dependency).* Perhaps the most crippling flaw was the absence of true fiscal autonomy. The ARMM budget was a line item in the General Appropriations Act (GAA), subjecting regional projects to the scrutiny, delay, and patronage politics of national legislators. The RLA could pass appropriation acts, but without the power of the purse to generate or automatically receive funds, these acts were

¹⁹ *Kida v. Senate* (G.R. No. 196271, 28 February 2012)

²⁰ *Id.*, at 10

often aspirational. This reduced the regional government to a state of mendicancy, where regional officials had to lobby Malacañang for the release of funds.²¹

2. BARMM Organic Law (RA 11054)

The enactment of the Bangsamoro Organic Law (BOL) in 2018 introduced structural innovations designed to cure the deficiencies of the ARMM and fulfill the "comprehensive" nature of the peace agreement.

- *Asymmetrical Autonomy.* The BOL explicitly recognizes an "asymmetric" relationship between the Central Government and the Bangsamoro. This legal doctrine acknowledges that the BARMM is distinct from other local government units, possessing unique powers rooted in the Bangsamoro people's right to self-determination. This asymmetry allows for a deviation from the standard uniformity of local governance, permitting the Bangsamoro to have a parliamentary form of government within a presidential national system.
- *Power Sharing Framework.* Unlike the ARMM's residual model, the BOL categorizes powers into three distinct tiers to reduce ambiguity:
 1. *Reserved Powers.* Powers retained by the National Government (e.g., defense, foreign affairs, coinage).
 2. *Concurrent Powers:* Powers shared between the National and Bangsamoro Governments (e.g., social security, auditing, pollution control).
 3. *Exclusive Powers.* Powers granted fully to the Bangsamoro Government (e.g., budgeting, justice system administration, ancestral domain management, creation of sources of revenue).

This clear delineation, particularly the expansion of *exclusive powers*, significantly broadens the legislative domain of the Bangsamoro Parliament and protects it from national encroachment.

- *Fiscal Architecture (Block Grant).* The most transformative provision is the automatic appropriation of the Annual Block Grant, equivalent to 5% of the net national internal revenue collection. This fiscal independence is the material basis for legislative autonomy. It allows the Parliament to appropriate funds according to regional priorities without seeking annual congressional approval, effectively breaking the "mendicant" status that plagued the ARMM.

C. Institutional Design and Legislative Capacity

The shift in institutional design from ARMM to BARMM is the most visible manifestation of the transition. The BOL replaces the unitary-presidential hybrid of the ARMM with a parliamentary system, a "one-of-a-kind innovation" within the Philippines. This section argues that this *institutional design* directly shapes *legislative behavior* and capacity.

²¹ *Id.*, at 9

Table 1. Comparative Institutional Matrix

<i>Feature</i>	<i>ARMM (RA 9054)</i>	<i>BARMM (RA 11054)</i>	<i>Legislative Implication</i>
Legislative Body	Regional Legislative Assembly	Bangsamoro Parliament	The Parliament is larger (80 members) and more representative, including reserved seats for non-Moro IPs and settler communities, broadening the legislative discourse.
Form of Government	Presidential	Parliamentary	BARMM integrates policy-making (Legislature) with implementation (Executive), theoretically reducing the gridlock observed in the ARMM.
Executive-Legislative Relation	Executive-dominant (Separation of Powers)	Fusion of Powers	The Chief Minister is elected by the Parliament and is directly accountable to it. This fusion incentivizes the executive to maintain legislative confidence, fostering a more cohesive agenda.
Party System	Weak / Personality-driven	Proportional Representation (Party System)	50% of seats are Party Representatives, incentivizing the formation of principled political

			parties over clan alliances.
Lawmaking Incentives	Administrative / Patronage	Programmatic / State-building	The Block Grant and Fusion of Powers encourage the passage of substantive codes (e.g., Administrative Code) rather than mere resolutions.

1. Institutional Design Shapes Legislative Behavior

The institutional design of the ARMM mimicked the national presidential system, creating a "separation of powers" without the necessary checks and balances. The Regional Governor, often backed by national elites, dominated the RLA. Legislators, lacking control over the budget and dependent on the Governor for project implementation, were incentivized to focus on patronage and minor administrative resolutions rather than substantive policy-making.²² The separation of powers frequently led to bureaucratic schizophrenia, where regional agencies reported to both the Regional Governor and their national counterparts, diluting accountability.²³

2. The Promise of Fusion in BARMM

In contrast, the BARMM's parliamentary design is intended to foster "legislative capacity"—the institutional ability to formulate and enact complex policies. The fusion of the executive and legislative branches ensures that the Chief Minister commands a majority in Parliament, facilitating the passage of priority legislation such as the Bangsamoro Administrative Code and the Civil Service Code. This structure theoretically reduces the "veto players" that stall legislation in presidential systems.

Furthermore, the introduction of proportional representation (50% of seats) aims to dilute the power of dynastic clans by encouraging the growth of political parties with distinct platforms. By tying political survival to party performance rather than individual patronage, the BOL attempts to shift legislative behavior from "rent-seeking" to "programmatic governance." The Parliament is not just a lawmaking body; it is the source of the Executive, making the legislature the *primus inter pares* of regional government.

The transition from ARMM to BARMM therefore represents more than a statutory amendment; it reflects a reconfiguration of the institutional environment within which regional lawmaking operates. The expansion of exclusive powers, the introduction of fiscal autonomy through the block grant, and the adoption of a parliamentary system collectively altered the incentives and capacities of the regional legislature. The next section evaluates how these

²² *Id.*, at 10

²³ *Id.*, at 9

institutional changes are reflected in practice by examining the legislative outputs produced under the two regimes.

III. COMPARATIVE LEGISLATIVE EVOLUTION

This section analyzes the legislative record of the MMAAs enacted by the ARMM RLA and the BAAs enacted by the Bangsamoro Transition Authority (BTA). The analysis proceeds through three analytical layers. First, it examines legislative productivity and stability, focusing on the volume of laws enacted, their legal status, and the temporal patterns of their enactment. Second, it explores the substantive evolution of lawmaking, identifying the thematic areas in which regional legislation has developed over time. Finally, the discussion considers whether these legislative patterns reflect a broader transformation in the nature of regional autonomy, from an administrative framework largely concerned with bureaucratic management to a more institutionalized form of political autonomy expressed through comprehensive legislative codification.

It should be noted that the BAAs examined in this study consist only of those enacted to date by the BTA acting as the interim Bangsamoro Parliament. As the Bangsamoro political transition remains ongoing and a regular elected Parliament is yet to be established, additional legislation is expected to emerge. Accordingly, the legislative patterns identified here reflect the evolving trajectory of Bangsamoro lawmaking rather than its final institutional form.

A. Legislative Productivity and Stability

1. Volume of Legislation

One of the most direct indicators of legislative capacity is the volume of laws enacted within a given institutional framework. Between 1990 and the abolition of the ARMM in 2019, the RLA enacted a total of 335 MMAAs across nine assemblies over a period of approximately twenty-nine years. By contrast, the BTA, acting as the interim Bangsamoro Parliament, has enacted 89 BAAs from March 2019 to the present, covering a period of nearly seven years.

Table 2. Legislative Output of ARMM and BARMM

<i>Institutional Regime</i>	<i>Period</i>	<i>Total Laws Enacted</i>
ARMM	1990–2019	335 MMAAs
BARMM	2019–Present	89 BAAs

A closer examination of ARMM legislative output reveals considerable variation across assemblies.

Table 3. Legislative Output per ARMM Assembly

<i>Assembly</i>	<i>Period</i>	<i>Laws Enacted</i>
1st	1990–1993	20
2nd	1993–1996	32
3rd	1996–2001	82
4th	2002–2005	52
5th	2005–2008	63
6th	2008–2012	38
7th	2012–2013	18
8th	2013–2016	22
9th	2016–2019	8

The data indicates that legislative productivity under ARMM fluctuated significantly across different assemblies. The third assembly produced the largest volume of legislation, while the final assembly enacted only eight laws prior to the institutional transition to BARMM. These fluctuations illustrate the uneven pace of legislative activity within the ARMM framework.

Under BARMM, legislative activity has been distributed across the two phases of the BTA.

Table 4. Legislative Output under the Bangsamoro Transition Authority

<i>Transition Authority</i>	<i>Period</i>	<i>Laws Enacted</i>
1st	March 2019 – Sept 2022	31
2nd	Sept 2022 – Present	58

Although BARMM has existed for a shorter period, the BTA has maintained a relatively consistent pace of lawmaking throughout the transition period. In proportional terms, the average number of laws enacted per year under BARMM is comparable to, and in some periods slightly higher than, the average annual legislative output under ARMM.

2. Legal Status of Laws

Beyond the quantity of legislation, the legal status of enacted laws provides insight into the stability and durability of the regional legal framework. Legislative stability may be assessed by

examining the extent to which enacted laws remain effective, are subsequently amended or repealed, or exist only as temporary measures.

An examination of the status of Muslim Mindanao Autonomy Acts reveals the following distribution.

Table 5. Status of Muslim Mindanao Autonomy Acts

<i>Status</i>	<i>Number of Laws</i>
Effective	198
Amended	21
Repealed	40
Temporary	65
Void / Unconstitutional	2
Missing File	9
Total	335

The majority of MMAAs remain effective, representing approximately sixty percent of the legislative corpus. However, a significant portion of the laws consists of temporary or subsequently repealed measures. Temporary acts, which number sixty-five, often addressed short-term administrative or fiscal matters. Additionally, forty acts were later repealed, reflecting legislative adjustments over time.

Two BAAs, BAA No. 58 and BAA No. 77, were subsequently declared unconstitutional by the Supreme Court. Both laws involved the creation of parliamentary districts, which the Court invalidated due to constitutional concerns relating to district formation, including issues associated with gerrymandering and the proper allocation of legislative representation. The rulings reaffirmed that while the BTA possesses broad legislative authority under the BOL, the delineation of electoral districts remains subject to constitutional limitations and judicial review.

Another notable feature of the ARMM legislative record is the presence of nine acts whose official files are no longer available in public archives or online repositories. The absence of these records appears to stem from administrative documentation issues during earlier periods of the ARMM government.

The legislative status profile of BAAs presents a somewhat different pattern.

Table 6. Status of Bangsamoro Autonomy Acts

<i>Status</i>	<i>Number of Laws</i>
Effective	63
Amended	5
Temporary	19
Void / Unconstitutional	2
Total	89

The majority of BAAs remain effective, with relatively few amendments and no recorded repeals to date. Two BAAs were declared unconstitutional after attempting to create parliamentary districts, a matter similarly determined to fall within the authority of the national legislature.

These patterns invite an important analytical question: does legislative instability reflect weak institutional consolidation? The presence of repealed laws, temporary measures, and missing records in the ARMM legislative corpus may reflect the institutional and administrative constraints under which the regional legislature operated. In contrast, the more consolidated status profile of BARMM legislation, while partly attributable to its more recent enactment, suggests a legislative strategy oriented toward establishing enduring institutional frameworks.

3. Temporal Analysis: Speed and Patterns of Enactment

The timing and distribution of legislative enactments provide further insight into the dynamics of regional lawmaking. Legislative activity under ARMM often displayed periods of clustering, where large numbers of laws were enacted during particular assemblies followed by periods of relatively limited legislative output. This uneven pattern indicates that lawmaking activity was strongly influenced by political cycles and institutional changes within the regional government.

In contrast, legislative activity under BARMM appears to follow a more gradual and cumulative trajectory. During the early years of the BTA, legislative efforts were largely directed toward establishing the legal foundations of the new autonomous government. As institutional structures became operational, legislative activity increased, resulting in a steady expansion of the Bangsamoro legislative corpus.

This temporal pattern may be understood as a transition surge, in which early legislation focuses on foundational governance measures required for the operation of a newly constituted political entity. The enactment of foundational statutes during the transition period illustrates a legislative approach oriented toward codification and institutional consolidation.

Thus, while the ARMM legislative record reflects periods of fluctuating activity, the emerging trajectory of BARMM legislation suggests a more deliberate process of constructing the legal framework of regional autonomy.

B. Substantive Evolution of Lawmaking

While the preceding subsection examined the quantitative patterns of legislative productivity and stability, a fuller understanding of the evolution of Bangsamoro autonomy requires examining the substantive orientation of regional legislation. If autonomy is expressed through the ability of regional institutions to produce binding norms reflecting regional priorities, then the thematic distribution of enacted laws provides an important indicator of how legislative authority has been exercised in practice.

An examination of the MMAAs enacted by the ARMM RLA and the BAAs enacted by the BTA reveals notable shifts in the substantive focus of regional lawmaking. Using the thematic classifications derived from the legislative dataset, the laws enacted under both regimes may be grouped into several functional categories including territorial and administrative reorganization, fiscal and appropriation legislation, institutional governance, social services and development legislation, and cultural or political affirmation measures.

Table 7 provides a synthesis of the dominant legislative themes identified in the dataset.

Table 7. Comparative Thematic Distribution of ARMM and BARMM Legislation

<i>Major Legislative Theme</i>	<i>ARMM (MMAAs)</i>	<i>BARMM (BAAs)</i>
Territorial and administrative reorganization	Dominant category	Present
Fiscal and appropriation legislation	Significant	Significant
Institutional governance and creation of offices	Moderate	Moderate
Social services and sectoral governance	Limited–Moderate	Expanded
Cultural and political affirmation	Present	Present

The distribution suggests that ARMM legislation was heavily concentrated on administrative and territorial organization, whereas the legislative record under BARMM reflects a somewhat broader thematic orientation involving governance frameworks, development legislation, and institutional consolidation. Examining these themes in greater detail illustrates how the character of regional legislation evolved alongside the institutional transformation of Bangsamoro autonomy.

1. Territorial and Administrative Reorganization

A substantial portion of ARMM legislation concerned territorial and administrative reorganization, particularly the creation or modification of barangays and municipalities within the region. These legislative measures were necessary for structuring local governance within the autonomous region and for adjusting administrative boundaries as communities evolved.

Table 8. Territorial and Administrative Legislation in ARMM

<i>Theme</i>	<i>Number of MMAAs</i>
Creation of Barangay	114
Creation of Municipality	38
Division of Barangay	5
Transfer of Barangay	1
Renaming Barangay	7
Renaming Municipality	10
Other Renaming Acts	5

These figures indicate that a considerable portion of the ARMM legislative corpus was devoted to territorial administration and local governmental organization. The RLA therefore played a key role in structuring the administrative geography of the autonomous region.

Under BARMM, legislation concerning territorial organization appears in somewhat different forms.

Table 9. Territorial Legislation in BARMM

<i>Theme</i>	<i>Number of BAAs</i>
Creation of Municipality	13
Creation of Parliamentary District	3

The creation of parliamentary districts was intended to define representation in the Bangsamoro Parliament. However, two of these laws, BAA No. 58 and BAA No. 77, were subsequently declared unconstitutional by the Supreme Court due to constitutional concerns relating to district delineation, including issues associated with gerrymandering and the proper allocation of legislative representation.

2. Fiscal and Appropriation Legislation

Fiscal legislation forms another major component of regional lawmaking under both regimes. Appropriation measures authorize public expenditures and therefore constitute an essential legislative function in sustaining regional governance.

Table 10. Fiscal and Appropriation Legislation in ARMM

<i>Theme</i>	<i>Number of MMAAs</i>
Annual Appropriations Act	26
Annual Regional Public Works Act	32
Other Appropriation Acts	4

Appropriation legislation was a recurring feature of ARMM lawmaking, reflecting the financial requirements of the regional government and its development programs.

Under BARMM, fiscal legislation continues to play an important role but also reflects the evolving fiscal structure of the Bangsamoro Government.

Table 11. Fiscal and Appropriation Legislation in BARMM

<i>Theme</i>	<i>Number of BAAs</i>
Bangsamoro Appropriation Act	11
Special Development Fund	3
Other Appropriation Acts	5

These measures demonstrate the Bangsamoro Parliament’s legislative role in allocating public resources and financing development programs within the region.

3. Institutional Governance and Administrative Development

Another category of legislation addresses institutional governance and administrative development, including the creation of offices and governance structures within the regional government.

Table 12. Institutional Governance Legislation

<i>Theme</i>	<i>MMAAs</i>	<i>BAAs</i>
Creation of Office	27	10

Other Governance / Public Administration Acts	6	2
Institutional Development and Capacity Building	—	1

Under ARMM, many legislative measures focused on establishing specific administrative offices and government bodies. These laws contributed to the operational structure of the regional government but often addressed discrete organizational concerns.

Under BARMM, institutional legislation includes measures aimed at capacity building and governance consolidation, indicating an effort to strengthen the administrative foundations of the Bangsamoro Government.

4. Social Services and Sectoral Governance

Regional legislation also addressed various social services and sectoral policy areas including health, education, labor governance, and social protection.

Table 13. Social Services and Development Legislation

<i>Theme</i>	<i>MMAAs</i>	<i>BAAs</i>
Creation of Hospital	3	6
Conversion / Upgrading of Hospital	2	10
Creation of Educational Institution	—	3
Labor and Employment Governance	—	4
Public Health and Social Welfare	6	—
Human Rights and Social Protection	—	1

These measures demonstrate the involvement of regional legislatures in shaping public service institutions and sectoral policies within the autonomous region.

5. Cultural and Political Affirmation

Finally, both legislative regimes include laws reflecting cultural and political identity, categorized in the dataset as cultural and political affirmation.

Table 14. Cultural and Political Affirmation Legislation

<i>Theme</i>	<i>MMAAs</i>	<i>BAAs</i>
Cultural and Political Affirmation	10	9

These laws typically recognize historical events, cultural traditions, or symbolic institutions associated with the Bangsamoro people and therefore reflect the role of legislation in expressing regional identity within the Philippine constitutional framework.

C. From Administrative Autonomy to Political Autonomy

By and large, the thematic distribution of MMAAs and BAAs reveals a gradual transformation in the character of regional lawmaking. Under the ARMM framework, legislative activity was heavily concentrated on territorial administration, appropriation measures, and the creation of government offices. These laws played an important role in organizing the administrative structure of the region and sustaining its governmental operations. However, much of this legislation addressed the management of administrative units and localized governance concerns.

In contrast, while the BTA continues to enact legislation related to administrative organization and public expenditure, the thematic distribution of BAAs reflects a broader engagement with institutional governance, development policy, and sectoral regulation. Legislative measures concerning institutional development, labor governance, social protection, and development financing illustrate a more diversified exercise of regional legislative authority.

Table 15. Comparative Orientation of Regional Legislation

<i>Legislative Orientation</i>	<i>ARMM (MMAAs)</i>	<i>BARMM (BAAs)</i>
Territorial reorganization	Dominant	Present
Fiscal and appropriation legislation	Significant	Significant
Institutional governance frameworks	Limited	Expanded
Social services and sectoral policy	Moderate	Expanded
Cultural and political affirmation	Present	Present

From the perspective of legislative development, these patterns suggest a broader shift in the character of Bangsamoro autonomy. Whereas ARMM legislation frequently addressed the administrative organization of the region and its local government units, legislation under BARMM increasingly reflects efforts to define institutional frameworks and policy directions for the Bangsamoro Government itself.

In this sense, the evolution of regional legislation illustrates a transition from administrative autonomy toward a more institutionalized form of political autonomy. The BTA is not merely administering devolved functions but is increasingly using legislation to construct the legal architecture of governance within the autonomous region. Through this process of norm production, the Bangsamoro Government exercises its authority not only to manage

administrative structures but also to shape the broader institutional and policy framework of regional self-governance.

IV. INTERPRETATION AND POLICY IMPLICATIONS

The comparative examination of MMAAs and BAAs provides an empirical lens through which the maturation of Bangsamoro autonomy can be assessed. As argued in the earlier sections of this article, autonomy is not merely a constitutional declaration but is manifested through the capacity of regional institutions to generate binding norms. In this sense, the legislative record of the ARMM and BARMM offers a concrete measure of how regional autonomy has evolved in practice.

The legislative patterns identified above suggest that the transformation from ARMM to BARMM altered the institutional environment of regional lawmaking. The shift from a fiscally dependent and executive-dominated regional structure to a more autonomous parliamentary framework created new conditions for legislative development. Interpreting these patterns requires examining both the constraints that shaped ARMM legislation and the institutional reforms introduced under the BOL.

A. Why Was ARMM Legislatively Constrained?

The legislative orientation of the ARMM cannot be understood without considering the structural limitations embedded within its institutional design. While the ARMM was established pursuant to the constitutional mandate for regional autonomy under Article X of the 1987 Constitution, scholars have long observed that its legal framework constrained the effective exercise of autonomous governance.

One major constraint was structural fiscal dependency. As documented by Co et al. (2013)²⁴, the regional government's budget was largely dependent on national appropriations. This financial arrangement limited the capacity of the RLA to enact ambitious legislative programs because the implementation of many laws ultimately depended on funding decisions made by the national government. Consequently, ARMM legislation frequently focused on administrative matters and localized governance adjustments rather than comprehensive policy frameworks.

A second constraint involved institutional fragmentation between regional and national authorities. National government agencies continued to operate extensively within the region, often implementing programs independently of the regional government. Deinla and Engelbrecht (2019)²⁵ describe this arrangement as an "architecture of domination and dependence," where regional institutions operated alongside national administrative structures without clear policy coordination. Under such conditions, regional legislation struggled to establish independent regulatory regimes because policy authority remained dispersed across multiple institutional actors.

²⁴ *Id.*, at 9

²⁵ *Id.*, at 10

Third, the presidential structure of the ARMM government contributed to executive dominance over the legislative process. The Regional Governor exercised considerable agenda-setting power, while the RLA possessed limited institutional capacity to develop comprehensive legislative initiatives. As a result, many MMAAs addressed administrative organization, territorial adjustments, or appropriation measures rather than broader governance reforms.

These institutional conditions help explain why ARMM legislation was heavily concentrated on administrative management and territorial organization. While such laws were necessary for the functioning of the regional government, they rarely generated the comprehensive legislative frameworks associated with more mature forms of regional autonomy.

B. Has BARMM Addressed These Constraints?

The creation of the Bangsamoro Autonomous Region in Muslim Mindanao through Republic Act No. 11054 sought to address many of the institutional limitations observed under the ARMM framework. The legislative trends emerging from the Bangsamoro Autonomy Acts suggest that several of these structural constraints have begun to change.

One important reform concerns the establishment of a more stable fiscal foundation for regional legislation. The BOL introduced an automatic block grant equivalent to five percent of national internal revenue collections. As Timberman and Moner (2025)²⁶ observe, this fiscal mechanism provides the Bangsamoro Government with a predictable stream of resources that reduces its dependence on annual congressional appropriations. This fiscal stability enables the BTA to enact legislation linked to longer-term development and governance objectives.

Another institutional innovation is the parliamentary system adopted by the Bangsamoro Government. Harding (2020)²⁷ notes that this parliamentary arrangement integrates executive and legislative authority, allowing the Chief Minister and cabinet to emerge from the BTA itself. This fusion of powers may facilitate more coherent legislative agendas because the executive leadership depends on parliamentary confidence to remain in office.

The statutory framework of the BOL also expands the legislative domain of the regional government. Through its system of reserved, concurrent, and exclusive powers, the law provides clearer delineation of authority between the national and Bangsamoro governments. Sandoval (2021)²⁸ notes that this framework is intended to reduce jurisdictional ambiguity and strengthen the institutional basis for Bangsamoro self-governance.

These institutional reforms are reflected in the thematic evolution of Bangsamoro legislation observed in the analysis of this paper. While appropriation laws and administrative measures remain present, the BTA has increasingly enacted legislation addressing institutional governance, sectoral policy frameworks, and development-oriented programs. This broader

²⁶ *Id.*, at 8

²⁷ *Id.*, at 11

²⁸ *Id.*, at 13

legislative scope suggests that the BARMM framework has begun to expand the substantive domain of regional lawmaking.

C. Continuing Challenges

Despite the institutional reforms introduced by the BOL and the emerging diversification of Bangsamoro legislation, the maturation of autonomy in the region remains an ongoing process. Several structural and political challenges continue to shape the environment within which Bangsamoro institutions operate, and these conditions may influence the future trajectory of regional lawmaking.

One challenge concerns the legitimacy of the transitional governmental framework under which the BTA currently operates. The BTA was established as an interim governing body tasked with laying the institutional foundations of the new autonomous region. While this arrangement was necessary to facilitate the transition from ARMM to BARMM, the Parliament presently consists of appointed members rather than representatives elected through the parliamentary electoral system envisioned under the BOL. As a result, the long-term legitimacy of the Bangsamoro legislative system will ultimately depend on the successful transition toward a fully elected parliament capable of exercising democratic legislative authority.

A second challenge arises from the continuing tension between regional autonomy and national oversight. Although the BTA possesses expanded legislative powers compared with its ARMM predecessor, these powers remain situated within the constitutional framework of a unitary state. The national government retains supervisory authority, and national laws continue to operate within the autonomous region. Consequently, Bangsamoro legislation must constantly navigate the boundaries between regional policy innovation and national legal supremacy. This dynamic creates an environment in which the scope of regional lawmaking may be shaped not only by institutional design but also by the evolving practice of intergovernmental relations.

A third challenge concerns institutional capacity for legislative development. The enactment of governance codes, regulatory frameworks, and development legislation requires technical expertise in legislative drafting, policy analysis, and institutional coordination. While the Bangsamoro Parliament has demonstrated increasing legislative productivity, sustaining this momentum will depend on continued capacity-building within regional institutions. Decentralization scholarship consistently highlights that effective subnational governance requires both legal authority and institutional capacity to exercise that authority (Faguet, 2014).²⁹

Finally, the evolving scope of Bangsamoro legislative authority introduces uncertainties arising from judicial review. As demonstrated by the Supreme Court's invalidation of certain district-creation laws, the boundaries of Bangsamoro legislative power will likely continue to evolve through constitutional adjudication. Judicial review plays an essential role in maintaining constitutional boundaries within a unitary state, but it also highlights the ongoing process through which the limits of Bangsamoro legislative authority are clarified. As the BTA

²⁹ Faguet, J.-P. (2014). Decentralization and governance. *World Development*, 53, 2–13.
<https://doi.org/10.1016/j.worlddev.2013.01.002>

continues to enact new laws, further judicial interpretation may shape the contours of regional legislative power.

These challenges illustrate that the institutional transformation from ARMM to BARMM represents not the culmination of the Bangsamoro autonomy project but rather a continuing process of constitutional and institutional development. The future trajectory of Bangsamoro autonomy will therefore depend not only on the laws enacted by the BTA but also on how these broader political, institutional, and legal dynamics unfold in the years ahead.

D. Broader Implications for Philippine Decentralization

Beyond the Bangsamoro region itself, the legislative transformation from ARMM to BARMM offers important insights into the broader dynamics of decentralization within the Philippine constitutional system. The Bangsamoro autonomy framework represents a form of asymmetrical decentralization, in which specific regions exercise greater legislative authority than ordinary local government units while remaining within a unitary state structure.

Scholars of constitutional design have observed that asymmetrical autonomy arrangements can serve as mechanisms for accommodating historically distinct regions within unified political systems (McGarry & O'Leary, 2009).³⁰ The Bangsamoro experience demonstrates how such arrangements may be operationalized through regional legislative institutions that possess the authority to enact laws reflecting regional priorities.

Viewed from this perspective, the ARMM–BARMM transition provides a valuable case study in how institutional design influences subnational lawmaking capacity. The comparative legislative record examined in this article shows that the evolution of regional autonomy is not determined solely by constitutional declarations of autonomy but also by the institutional conditions that shape legislative practice.

In this sense, the Bangsamoro experience illustrates an important principle of decentralization theory: autonomy matures not simply through formal legal recognition but through the sustained exercise of lawmaking authority. The examination of the evolution of MMAAs and BAAs furthers how the character of regional legislation can serve as a practical indicator of the maturation of autonomous governance within the Philippine constitutional order.

IV. CONCLUSION

This article set out to examine how the evolution from ARMM to BARMM has transformed the structure, scope, and character of regional lawmaking. By analyzing the legislative record of MMAAs and BAAs, the study used legislation as a practical metric for evaluating the maturation of regional autonomy.

The findings reveal a clear transformation in the orientation of regional lawmaking. Under the ARMM framework, legislative activity was largely concentrated on administrative governance,

³⁰ McGarry, J., & O'Leary, B. (2009). Must pluri-national federations fail? *Ethnopolitics*, 8(1), 5–25. <https://doi.org/10.1080/17449050902738838>

including territorial reorganization, appropriation measures, and the creation of offices. These laws played an important role in organizing the regional bureaucracy but reflected the structural limitations of an autonomous region operating under fiscal dependency and institutional fragmentation.

By contrast, the emerging legislative corpus of the BTA demonstrates a broader thematic orientation that includes institutional governance frameworks, sectoral policy legislation, and development-oriented programs. This shift reflects the institutional reforms introduced by the BOL, particularly the establishment of fiscal autonomy through the block grant and the adoption of a parliamentary system designed to strengthen legislative coordination.

These developments suggest that the transformation from ARMM to BARMM represents not merely an institutional rebranding but an evolving process of legislative maturation within the Bangsamoro autonomous region. The growing diversification of Bangsamoro legislation indicates that the regional government is increasingly using lawmaking as a mechanism for shaping governance structures and policy frameworks.

Ultimately, the experience of Bangsamoro autonomy illustrates a broader principle of constitutional governance: autonomy is realized not only through constitutional provisions but through the sustained practice of lawmaking itself. As the BTA continues to expand its legislative corpus, the evolution of regional legislation will remain a key indicator of how autonomy develops within the Philippine constitutional order.

ARTIFICIAL INTELLIGENCE IN CRIMINAL JUSTICE SYSTEM: A CONTEMPORARY APPROACH TO MITIGATE JAIL CONGESTION

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ABSTRACT

Despite constitutional protections ensuring due process, many detainees remain imprisoned for extended periods without conviction because of delays in the criminal justice system, resulting in jail congestion—an inevitable issue that the Philippines is facing and will continue to face in the future. The Philippine Government has adopted traditional ways of resolving this issue through the years, focusing on time allowance programs and additional facilities for the expansion of jails. Yet, the number of inmates staying in jail facilities has remained beyond maximum limits. However, one modernized and contemporary solution to this crisis is the digitalization of criminal court systems, which can be achieved through the integration of Artificial Intelligence (AI) in judicial processes. AI presents an opportunity to improve judicial efficiency by streamlining legal proceedings and optimizing court schedules, automating the tracking of pending cases, prioritizing urgent matters, and ensuring that pre-trial detainees are not held beyond legally permissible limits through efficient tracking and monitoring systems. This legal research looks into the integration of AI to improve the criminal justice system of the Philippines as a necessary step to mitigate jail congestion and injustices created by delay.

I. INTRODUCTION

The issue of jail congestion has been a long-standing problem in the Philippines, with efforts to mitigate and alleviate this congestion yielding minimal results. Inmates continue to cram inside detention cells, with six persons sharing a single bed, making each other their makeshift pillows, and lining up in such uncomfortable ways just to get adequate rest.

In some institutions, inmates have contracted infectious diseases due to inadequate infrastructure, poor hygiene, and overall inhumane conditions of jail facilities. In 2020, during the height of the COVID-19 pandemic, 716 city jail inmates across the country tested positive for the COVID-19 virus, and a total of 140 inmates tested positive in New Bilibid Prison, with 12 inmates succumbing to the disease. In 2021, there were a total of 1,166 deaths in jail facilities with illnesses being one of the major causes.¹

Because of the gravity of this issue, representatives from all three branches of government convened during the National Decongestion Summit in 2023 to provide solutions to the problem of decongestion, highlighting the importance of coordination and collaboration among the different branches to finally resolve this issue. The Supreme Court through Chief Justice Alexander G. Gesmundo emphasized the need for the interrelationship of the five pillars

¹ Cordero, D. A. (2024). Persons deprived of liberty in the Philippines: A call to health equality. *The Journal of Infectious Diseases* 230(2), 522-523.
<https://doi.org/10.1093/infdis/jiae119>

of the criminal justice system—law enforcement, prosecution, the courts, corrections, and the community—in order to attain better jail management and ensure speedy delivery of justice.²

By 2024, the Bureau of Jail Management and Penology reported a reduction in the congestion rate to 322%, depicting an evident improvement from the 365% congestion rate recorded in 2023. While this data is commendable, jail facilities across the country still remain significantly congested, thus giving rise to the need for sustained and more effective interventions.³

In response to these challenges, leveraging a smart judicial system can be a step toward real change. The integration of Artificial Intelligence (AI) can potentially transform the criminal justice system by streamlining case management and analyzing large amounts of data to quickly review rulings and other relevant legal documents. AI systems can alleviate court backlogs by fully automating repetitive tasks such as scheduling and managing case files. This system allows judges to provide speedy and well-informed dispositions. By automating court processes, AI could significantly clear court backlogs and help relieve overcrowded jail facilities.

II. THE CRIMINAL JUSTICE SYSTEM

Peace and order have always been the goals of sovereign states across the world; yet, these are also considered the hardest to achieve. In order to attain this, organized systems are therefore established in order to ensure peace and order is attained harmoniously.

The Philippines has adopted a criminal justice system to prevent crimes, enforce various laws, and ensure that offenders are brought to justice. This system provides for the interrelationship and coordination among the five pillars—law enforcement, prosecution, the courts, corrections, and the community. Each of these pillars is crucial in ensuring that justice is served, and inefficiency in one would greatly affect the others.

The first pillar, law enforcement, is tasked with bringing offenders into the system through valid arrests. The next pillar is the prosecution, which determines whether the person arrested should be prosecuted. The third pillar, the courts, is considered the cornerstone of the criminal justice system as it is the one that determines whether an accused is guilty or not and is also the same one that provides for the penalties for each criminal act. The corrections, most commonly known as jails or penal institutions, are tasked with safekeeping the inmates while they serve their sentences. Lastly, the community is necessary in order to fully rehabilitate previous offenders and ensure their safe integration into the community again.

Of these pillars, corrections and the courts play a vital role in ensuring the effective management of inmates in various institutions. The corrections and the availability of jail facilities to both

² Supreme Court of the Philippines. (2023, December 3). *National decongestion summit: All three gov't branches unite to find solutions to jail and prison overcrowding.*

<https://sc.judiciary.gov.ph/national-decongestion-summit-all-three-govt-branches-unite-to-find-solutions-to-jail-and-prison-overcrowding/>

³ Reyes, B. (2024, June 21). *BJMP: Jail congestion eases to 322%, remains high.*

<https://www.gmanetwork.com/news/topstories/nation/910798/bjmp-jail-congestion-eases-to-322-remains-high/story/>

prisoners and detainees directly affect the congestion inside these facilities. The number of pending cases in different levels of courts also aids in escalating the increase in congestion rate in jails and other penal facilities.

III. JAIL MANAGEMENT IN THE PHILIPPINES

In the Philippines, two main bureaus are tasked with the management of jails—the Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections (BUCOR). These two agencies facilitate the safekeeping and reformation of inmates from city jails to national penitentiaries from detention to incarceration up until the release of inmates from their facilities.

As provided under Republic Act No. 10575, or the Act Strengthening the Bureau of Corrections and Providing Funds Therefor, the BUCOR under the Department of Justice is in charge of managing and supervising national jails and penal farms in the country, where inmates sentenced to more than three (3) years are kept and safeguarded. BUCOR is in charge of the safekeeping and management of provision for accommodation, food, water, and clothing for the inmates. It is also tasked with implementing various reformation programs, including moral and spiritual programs, education and training programs, and behavior modification programs, among others.

The BJMP on the other hand was established through the enactment of Republic Act No. 6975 (the Department of the Interior and Local Government Act of 1990) as an attached agency under the Department of Justice and is tasked with exercising supervision, control, and overall jurisdiction over all provincial, district, city, and municipal jails with one of its main functions being to provide the basic needs of inmates across the country. It is tasked with ensuring the security and safety of inmates by providing clean and adequate jail facilities following the standards outlined in the BJMP Manual on Habitat, Water, Sanitation, and Kitchen in Jails.⁴

IV. CONGESTION RATE AND LOCAL AND NATIONAL PENAL INSTITUTIONS

Under Rule 13 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, “All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating, and ventilation.”⁵ These standards are set to maintain the health and wellness of all inmates across the globe and ensure that they are not stripped of their rights anywhere in the world. However,

⁴ Bureau of Jail Management and Penology. (2018). *Minimum standards for the design of BJMP jails (Version 1.0)*. <https://r9.bjmp.gov.ph/wp-content/uploads/2024/12/BJMP-Minimum-Standards.pdf>

⁵ United Nations Office on Drugs and Crime. (2016). *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-book.pdf

these standards are nowhere to be found in the Philippines, as the country’s jails remain one of the most congested jail facilities in the world.⁶

In 2024, the BUCOR reported that its prison and penal farms with a capacity of 15,732 persons deprived of liberty are occupied by 52,760 inmates which is equivalent to a 335% occupancy rate or a whopping 235% congestion rate.⁷

Table 1. Profile of Prison Facilities per Bureau of Corrections

<i>Prison Facilities</i>	<i>Capacity</i>	<i>Actual Population</i>	<i>Occupancy Rate</i>	<i>Congestion Rate</i>
New Bilibid Prison	9,885	25,463	258%	158%
CIW - Mandaluyong	1,008	3,111	309%	209%
Iwahig Prison and Penal Farm	689	4,521	656%	556%
Davao Prison and Penal Farm	1,577	9,307	590%	490%
San Ramon Prison and Penal Farm	711	3,721	523%	423%
Sablayan Prison and Penal Farm	1,175	3,335	284%	184%
Leyte Regional Prison	687	3,302	481%	381%
Actual PDL Population and Congestion	15,732	52,760	335%	235%

These figures clearly indicate that all national prisons and penal farms are heavily overcrowded with the Iwahig Prison and Penal Farm having the worst occupancy rate as well as congestion rate. The 656% occupancy rate or a congestion rate of 556% of the said facility translates to a single bed intended for one person being shared by five more persons. Such a setup is clearly in

⁶ United Nations. (2023, April 12). *UNODC’s “Read Your Way Out” Project supports government in decongesting jails through reading*. UNODC Regional Office for Southeast Asia and the Pacific. <https://www.unodc.org/roseap/philippines/2023/04/read-your-way-out/story.html>

⁷ Bureau of Corrections. (2024, May 31). *Prison congestion statistics as of May 31, 2024*. <https://bucor.gov.ph/wp-content/uploads/2024/06/Prison-Congestion-06142024.pdf>

violation of the United Nations Standard with respect to the provision for accommodation of the inmates.⁸

In the Commission on Audit’s 2022 Consolidated Annual Audit Report issued in 2023, 323 of the 478 jail facilities nationwide experienced overcrowding, with facilities designed to accommodate a maximum of 46,702 inmates instead housed a total population of 127,031 persons deprived of liberty. These 323 facilities are considered heavily congested facilities with some facilities reaching a 2,639% congestion rate.⁹

Table 2. Profile of Prison Congestion across the Country

Office	Number of Congested Jails	Capacity	Actual Population	Congestion Rate	
				Min	Max
National Capital Region	36	5,190	29,518	16	2,266
CARAGA Administrative Region	10	472	948	18	313
Region I	10	422	1,577	18	477
Region II	20	1,213	1,721	3	211
Region III	29	2,165	7,742	1	1,585
Region IV A	60	5,237	24,801	18	2,639
Region IV B	14	805	1,735	4	2,109
Region V	16	1,659	2,908	6	584
Region VI	31	2,552	6,794	8	795
Region VII	36	5,039	19,126	9	1,623
Region VIII	12	477	1,130	9	324
Region IX	10	709	3,487	34	1,461
Region X	15	2,106	5,432	13	313

⁸ *Ibid.*

⁹ Commission on Audit. (2022). *Consolidated annual audit report: Bureau of Jail Management and Penology*. https://www.coa.gov.ph/wpfd_file/bureau-of-jail-management-and-penology-consolidated-annual-audit-report-2022/

Region XI	6	1,496	6,012	40	523
Region XII	12	769	2,947	8	907
Region XIII	9	850	1,708	3	404
Bangsamoro Administrative Region in Muslim Mindanao	7	155	448	18	455
Total	323	31,316	118,034		

Region IV-A, comprising Cavite, Laguna, Batangas, Rizal, and Quezon, has the worst congestion rate. Dasmariñas City Jail's female dormitory is the most congested, followed by the Muntinlupa City Jail's male dormitory. This ballooning congestion rate has resulted in inhabitable and unhealthy living conditions inside the facilities for persons deprived of liberty.¹⁰

V. DETAINEES AND HOW PENDING CASES CONGEST JAIL FACILITIES

Under the BJMP 2015 Comprehensive Operations Manual,¹¹ inmates would fall under two general classifications—prisoners and detainees. Prisoners are those who have been convicted by final judgment, while detainees are those awaiting to be investigated or tried or awaiting the proclamation of the judgment in their case.

Records from the BJMP indicate that, of the 127,031 individuals held in BJMP-managed facilities, only 13,345 have undergone trial and have been given their judgment, while 113,686 or approximately 89% of the total population of inmates across the country are still either awaiting their trial, undergoing trial, or awaiting their judgment.¹²

Table 3. Number of Prisoners and Detainees

<i>Classification</i>	<i>Population</i>
Prisoners	13,345
Detainees	113,686
Total	127,031

¹⁰ *Ibid.*

¹¹ Bureau of Jail Management and Penology. (2015). *Comprehensive operations manual (2015 edition)*. <https://car.bjmp.gov.ph/wp-content/uploads/2024/11/BJMP-Comprehensive-Operations-Manual-2015-Edition.pdf>

¹² *Id.*, at 10

This means that the great population of inmates congesting the facilities of BJMP have not yet been given their judgments, or worse, have not yet stood trial for the offenses charged against them indicating inefficiency in trial proceedings.

The increase in inmates provisionally detained has worsened the living conditions inside BJMP-managed facilities in the country. More and more individuals are thrown into jail without having undergone any trial or court process, thereby accumulating more space and making the tiny cell a little smaller for those already living inside.

VI. CAUSES OF JAIL OVERCROWDING

Throughout the years, the BJMP congestion rate has been consistently high. Various agencies set out to address this issue, yet it remains unaddressed. Factors causing such overcrowding in jail facilities include insufficient budget for the creation of additional facilities to cater to additional inmates, inadequate courts and judges to try and decide cases causing clogged dockets and inefficient court processes, lack of facilities within the local government unit to house delinquents and children in conflict with the law and weak crime prevention program.

The previous administration's War on Drugs also played a role in congesting jail facilities as more than 220,000 people were arrested for alleged violation of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.¹³

The overstaying of detainees is also another reason for overcrowded jails. Inmates who were supposed to only serve a maximum of six months are being held for more than a year, some even reached ten years, without undergoing trial. Prolonged detention has become a norm in the Philippine setting, with detainees already serving the whole of their sentence ending up being acquitted.¹⁴

VII. HOW THE GOVERNMENT IS ADDRESSING JAIL CONGESTION

The Philippine Government and other agencies and organizations have remained steadfast in looking for ways to decongest jail facilities across the country with programs intended to allow early release of inmates. Such programs include the Read Your Way Out and Good Time Allowance Calculator, supported by the United Nations Office on Drugs and Crime in partnership with the BJMP.¹⁵ The Read Your Way Out Program allows prisoners who engage in reading activities, join book clubs, and participate in group discussions to earn time

¹³ *Id.*, at 1

¹⁴ Narag, R. (2017). Understanding factors related to prolonged trial of detained defendants in the Philippines. *International Journal of Offender Therapy and Comparative Criminology*, 62(8), 2461-2487. <https://doi.org/10.1177/0306624X17736041>

¹⁵ United Nations. (2025, January 21). *New beginnings in the Philippines for prisoners released early through UNODC reading programme*. Office on Drugs and Crime. <https://www.unodc.org/unodc/en/frontpage/2025/January/new-beginnings-in-the-philippines-for-prisoners-released-early-through-unodc-reading-program.html>

allowances that they can use to facilitate their early release. In addition, provision for additional facilities has long since been lobbied to expand jail facilities and cater to more inmates.¹⁶

However, these efforts remain band-aid solutions to the still consistently high congestion rates in all jails in the country. While the principle of restorative justice is adopted by the Philippines, where offenders are penalized and rehabilitated in order to correct their mistakes and become productive citizens of the community upon their release, the facilities needed for this rehabilitation and reformation remain unfit to actually provide relevant results as more and more detainees are checked inside different jail facilities while waiting for their cases to proceed.

VIII. PHILIPPINE COURTS AND ITS CLOGGED DOCKET'S

The Philippine Judiciary suffers from a severe backlog of cases, resulting in undue delays in court proceedings from lower courts up to the Supreme Court. As of 2023, thousands of cases remain pending¹⁷ due to a lack of available judges to decide on cases and inefficiencies in case management where files can no longer be found. Court officials, admittedly, continue to rely on manual record-keeping and outdated scheduling practices, further causing delays, especially in provincial areas.

In addition to the procedural inefficiencies that worsen the number of pending cases, another critical concern in the Philippine judicial system is the issue of prolonged pre-trial detention. Under Article III, Section 16, of 1987 Philippine Constitution, every accused person has the right to a speedy trial. The constitutional right to a speedy trial, as emphasized by the Supreme Court in *People v. Maniego*,¹⁸ is of paramount importance. In addition, the delays in the prosecution of a criminal case must be justified and absent such justification, administrative sanctions must be given.

The great population of inmates in BJMP-managed facilities being pre-trial detainees and those awaiting judgment for their cases, it is therefore imperative to make reformations in the criminal justice system through efficient disposition of cases. Allowing for a more effective and efficient disposition of cases and granting a speedy trial to each detainee would ensure that jail capacity is kept to a minimum or at least within allowable limits.

To streamline the court processes and improve the whole criminal justice system in the country, the government must tap into the emerging trend of using AI

IX. UNDERSTANDING ARTIFICIAL INTELLIGENCE

AI is a part of the data processing system that simulates human intelligence and human conditions. Human intelligence comprises the ability to learn concepts, analyze data, and solve existing problems. The goal of creating this technology is to outperform humans in terms of

¹⁶ *Id.*, at 7

¹⁷ Supreme Court of the Philippines. (2023). *Annual report on judicial case backlog*. <https://sc.judiciary.gov.ph/3d-flip-book/2023-judiciary-annual-report/>

¹⁸ *People v. Maniego* (G.R. No. 207018, 15 February 2017)

efficiency and effectiveness. According to Ang and Feinholz (2025),¹⁹ AI can be classified into two: Narrow AI (Weak AI) and General AI (Strong AI).

Narrow AI is created to accomplish specific tasks and can run through a preprogrammed set of code however, it does not possess the ability to perform tasks beyond its intended code. Under this classification are assistive chatbots, facial recognition software, and other automation of time-consuming tasks. In contrast, General AI can accomplish the full range of human cognitive abilities and is intended to be capable of performing any intellectual task a human can do. Currently, General AI does not exist, as all AI systems today are specialized for specific purposes.²⁰

AI is further categorized into two subsets: Machine Learning (ML) and Natural Language Processing (NLP). Dev (2023)²¹ explains that ML enables computers to autonomously learn and improve without explicit programming which is done through creating continuous and consistent algorithms on data to make predictions or decisions. NLP, on the other hand, allows computer systems to understand and generate human language to analyze text, interact with users, and carry out tasks like language translation, sentiment analysis, and question answering.

X. AI EXPANSION ACROSS INDUSTRIES

AI is advancing across various industries and is widely adopted by different sectors worldwide. Statistics show that 77% of devices being used have a form of AI and the global AI market is projected to grow 33% every year based on 2024 reports.²² AI has penetrated industries and successfully tapped the finance, healthcare, automotive, and customer service sectors.

In finance, AI is fundamental in fraud detection. It analyzes data to identify problems or patterns showing fraudulent activity and allows real-time detection and response.²³ In healthcare, AI assists in diagnostic accuracy and efficiency by analyzing medical data. To find anomalies that could indicate cancer, AI technology can compare a breast scan to a database of thousands of prior scans.²⁴ AI is also fundamental to automated vehicles, processing data from sensors and cameras to detect and respond to various driving conditions, traffic signals, and obstacles, ultimately contributing to improved road safety and efficiency. Finally, AI-powered

¹⁹ Ang, T. W., & Feinholz, D. (2025). *Working for, not against humanity*. UNESCO Courier. <https://courier.unesco.org/en/articles/working-not-against-humanity>

²⁰ *Ibid.*

²¹ Dev, D. K. V. (2023). Streamlining criminal justice: Using AI for effective case backlog management, *International Journal of Science and Research (IJSR)*, 13(7), 1557-1561. <https://dx.doi.org/10.21275/SR24728223118>

²² Prestianni, T. (2025, March 4). *131 AI statistics and trends for 2026*. National University. <https://www.nu.edu/blog/ai-statistics-trends/>

²³ Infosys BPM. (2025). *Fraud Detection with AI in the Banking Sector*. https://www.infosysbpm.com/blogs/bpm-analytics/fraud-detection-with-ai-in-banking-sector.html?utm_source=chatgpt.com

²⁴ Blanchard, S. (2025). *Artificial intelligence NHS trial for breast cancer screening*. The Scottish Sun. <https://www.thescottishsun.co.uk/health/14275629/artificial-intelligence-ai-nhs-trial-breast-cancer-screening/>

chatbots are transforming customer service by providing instant, 24/7 support, handling a range of inquiries from simple FAQs to complex issues, and enhancing customer satisfaction and operational efficiency.

XI. AI IN THE LEGAL PROFESSION

The United Nations Educational, Scientific and Cultural Organization (UNESCO) recognizes the role of AI in the field of law and justice. In 2021, UNESCO launched an online course aimed at helping judges better understand AI technologies and their possible impact on the legal system as part of their initiative to offer digital solutions.²⁵ The course focuses on equipping judges with the knowledge needed to address AI-related situations, especially those involving sentencing, criminal investigations, or issues around data privacy. This initiative ensures that legal professionals not only grasp the benefits and limitations of AI but also comprehend various concerns surrounding its use in the justice system.

Moreover, the course can fill this knowledge gap, enabling judges to critically assess AI tools, use them responsibly, and address risks linked to AI-driven decisions. For instance, the course emphasizes the need for transparency in AI algorithms to avoid reinforcing racial or socioeconomic biases, a concern raised by AI-driven sentencing tools.

This initiative is particularly relevant to the Philippines, where judges could benefit from training on AI to tackle challenges like heavily clogged court dockets and jail overcrowding. With AI's potential to streamline case management and risk assessments, the judiciary must be well-prepared to understand both the potential and the limitations of these technologies to ensure fairness in the criminal justice system.

XII. AI IN THE PHILIPPINE CRIMINAL JUSTICE SYSTEM

The future of AI in the Philippine criminal justice system depends on how well it is integrated and regulated. In addition to its current uses in case management, predictive analytics, and rehabilitation programs, AI has the potential to transform legal research, forensic investigations, and alternative dispute resolution (ADR). Advanced forensic tools powered by AI can more accurately analyze DNA evidence, facial recognition data, and digital footprints, aiding in criminal investigations and guaranteeing the reliability of forensic conclusions.

AI-powered legal research platforms can drastically cut down on research time by giving judges, prosecutors, and defense lawyers quicker access to pertinent statutes, case laws, and precedents. AI can also support alternative dispute resolution mechanisms by facilitating the mediation and arbitration processes.

The incorporation of AI can substantially enhance the criminal justice system, especially in terms of case management, and digital evidence processing. AI can be utilized in criminal justice

²⁵ UNESCO. (2023). *Artificial Intelligence and the Rule of Law MOOC for Judges*.
<https://www.unesco.org/en/artificial-intelligence/rule-law/mooc-judges>

prediction to examine past crime data and spot trends, assisting law enforcement in allocating resources effectively.

AI-driven risk assessment tools can also help judges make decisions about bail and sentencing by giving them data-driven insights into the possibility of jumping bail as well as escaping the country to avoid prosecution. AI-powered forensics software will help law enforcers examine massive volumes of digital evidence, including emails and social media posts, to find important details in criminal cases thereby reducing the time spent on manually analyzing data and providing for a more speedy disposition of cases.

XIII. LIMITATIONS OF AI

Despite the potential advantages, concerns have been raised about the limitations on the use of AI in the criminal justice system. Replicating the trial process is challenging, particularly since advanced AI software is still not widely available; hence, the need for a more refined version of artificial intelligence is needed. In addition, many trial decisions and judgments are based on the judge's experience, and some require discretion, which is difficult to integrate into AI systems that rely on algorithms, especially in complex social situations. As a result, AI can only make decisions based on available data.²⁶

XIV. CONCLUSION

The constantly high occupancy and congestion rate in jail and penal facilities has always been overlooked in the country. Different groups and organizations have lobbied for the government to take action to ensure that inmates are provided with adequate, humane, and habitable accommodations while they are undergoing reformation and rehabilitation yet these remain unresolved. Programs intended for the early release of inmates have been implemented for years yet the congestion rate remains above the allowable limits. The Philippine Government therefore must look for other ways to resolve this issue beyond the traditional solutions they have been implementing.

The use of AI across the criminal justice system is a great way to address the ballooning congestion rate in the country. Streamlining the processes across the five pillars will provide for speedier and more efficient facilitation of cases and allow detainees to resolve their cases more efficiently. This will ensure that the number of inmates in the country is kept below their maximum allowable limits and uphold the rights of these individuals to a speedy disposition of their cases.

²⁶ Mingsung, C. & Shuling, L. (2020). Research on the application of Artificial Intelligence Technology in the field of justice. *J. Phys.: Conf. Ser.* 1570, 012047. <http://doi.10.1088/1742-6596/1570/1/012047>

EXAMINING US-PHILIPPINE MUTUAL DEFENSE TREATY GAPS AMID RISING TENSIONS

Wilfredo C. Juntilla, Jr.

ABSTRACT

This writing delves into the US-Philippine Mutual Defense Treaty, aiming to unveil potential gaps and assess its efficacy in safeguarding the security of the Philippine nation. It begins by first acknowledging the insufficiency of the language and purpose of the treaty in the current political status and begins inquiring into the favored circumstance of the United States. Through political analysis and scrutiny of historical instances, it unveils not just how the treaty may fall short in addressing evolving security challenges but also attempts to petrify what truly is the extent of security the Philippines has in its treaty relations with the United States.

I. INTRODUCTION

The Mutual Defense Treaty (MDT) is one that was made in 1951. It was constituted more than seventy years ago—a different time, with different circumstances and different threats. The original purpose was mostly to guard against a rearmed Japan, though the Soviet Union constituted a secondary threat,¹ both of which are now gone. As a long-standing commitment between the United States and the Philippines, will this treaty continually remain true to its teleological goal, which is national security between nations, particularly the national security of the Philippine state?

Conventional political opinion embraces the view on the insufficiency of the MDT in securing the national security of the Philippines based on the following reasons: (a) The MDT does not provide a specific course of action to be taken when an attack against the Philippines happens; (b) Current territorial disputes have raised the issue of the MDT's applicability to situations of territorial dispute, raising the question of whether an attack of one party involving territorial dispute would extend the applicability of the MDT; and (c) The MDT was constituted during the Cold War era and the nature of security threats does not cover modern challenges, like cybersecurity threats or hybrid warfare, leaving gaps in mutual obligations.

As these criticisms of the MDT remain true and plausible, I would like to engage in a different perspective—one that takes the viewpoint of the United States. Despite ambiguities in the MDT, the United States may invoke its stipulations according to its intention and interest.² Just

¹ Bandow, D. (2019, April 9). *The Philippines "Mutual" Defense Treaty isn't really mutual at all*. Cato Institute. <https://www.cato.org/commentary/philippines-mutual-defense-treaty-isnt-really-mutual-all>

² Amer, R., & Jianwei, L. (2019, March 14). *The Philippines' reaction to Pompeo's interpretation of the US-Philippines Mutual Defense Treaty*. China-US Focus. <https://www.chinausfocus.com/peace-security/the-philippines-reaction-to-pompeos-interpretation-of-us-philippines-mutual-defense-treaty>

as *pacta sunt servanda* is a generally accepted principle of international law, the interpretation and application as to the content of the matter may vary among international actors.³

The goal of this paper, therefore, is to critically examine the stand of the United States on the MDT and identify the gaps in the performance of their obligations as generally stipulated in the treaty in consideration of their political status and standing with other sovereign states. The MDT does serve as an international agreement protecting the national security between these two nations, but given that its ambiguities and outdated rationale are well-established ideas, the best resolution for Philippine national security, therefore, is to inquire into the political consequences on the part of the United States when there is performance or non-performance of their obligations under such treaty. Only then can the Philippine state, as a state inferior economically and militarily, know its status of national security under this MDT.

II. THE MUTUAL DEFENSE TREATY AS NOT MUTUAL

The MDT is an international agreement between the United States and the Philippines “declaring publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area.”⁴ However, what appears to be a mutual promise, in reality, is a unilateral promise due to the power imbalance.⁵ This is mostly associated with the theory of Realism. Under this theory, state decision-makers are rational actors primarily motivated by national interest in a competitive environment.⁶ This theory is embraced in every state such as the Philippines⁷ and the United States.⁸ In a situation where there is an asymmetry of power between states, the stronger state is likely to dominate the relations and dictate the terms, and in such a case will not be relatively bound on the stipulations of agreement depending on its national interest,⁹ particularly if the nature of obligation is not clear.

³ Seo, Y. (2024). Power shift, the South China Sea dispute, and the role of international law, *Michigan Journal of International Law*, 45(1), 93-152.

<https://doi.org/10.36642/mjil.45.1.power>

⁴ Mutual Defense Treaty between the United States and the Republic of the Philippines. Signed at Washington, August 30, 1951

⁵ *Id.*, at 1

⁶ Antunes, S., & Camisã, I. (2018, February 27). *Introducing realism in international relations theory*. E-International Relations. <https://www.e-ir.info/pdf/72860>

⁷ Administrative Code of 1987, Sec. 1: In its relations with other states that paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.

⁸ The National Security Act of 1947 reorganized U.S. defense and intelligence institutions, explicitly linking foreign policy to the security and defense of the nation

⁹ Efremova, K. A. (2019). Small states in great power politics. Understanding the “Buffer Effect”. *Central European Journal of International and Security Studies* 13(1), 100–121. <https://doi.org/10.51870/CEJISS.A130102>

However, the theory and its premises mentioned are not intended to identify the United States as one of those superpowers driven solely by national interest without regard to other states, but rather to imply that without a doubt the United States can and has the possibility of acting solely for its national interest, especially if circumstances dictate. The ‘great powers’ form and transform the international system, while ‘small states’ support and sustain the resulting international order.¹⁰ Preference comes with the gravity of a state’s power equation.

This idea was made evident when the United States was vocal in its stand regarding the interference of China in Philippine territory, but after Pompeo’s remark on Article 4 of the MDT, “no US high-ranking official has ever openly claimed that the MDT covers the South China Sea.”¹¹ After all, the United States would not be held as breaching the treaty since land disputes were not covered. Construing the treaty based on the circumstances at the time, it was never intended to address disputes over the true ownership of some islands, but rather war. Land disputes do not threaten the very existence of the Philippine state, but any act of the United States without a clear obligation will, in return, be inimical to their national interest.

Atty. Lorenzano, in his review of the MDT, said, “there was a clash between China and the Philippines over Meiji Reef (Mischief Reef) in 1995 and that the United States did not join the Philippines to stop China.” He made this an example to prove his point that the ambiguities in the MDT will not serve as a deterrent to foreign attack and that the lack of specificity invites evasion of obligation. It rather reveals the stand of the United States when the Philippine state would be placed in another peril. Though the United States had consistently criticized the People’s Republic of China, it still distanced itself since it had no direct stake in the outcome of the Philippine-China territorial contestation.¹²

Furthermore, the MDT in reality appears as a unilateral declaration on the part of the United States since it is clear that the Philippine state cannot reciprocate in equal terms what the United States can. From the words of the treaty itself, “that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area,” does not actually apply to the superpower nation of the United States, given its military might and that it has already concluded a number of MDTs with other sovereign states. Unlike the Philippines, it has only one MDT and some defense agreements pertaining only to military equipment and training. In other words, the Philippines gains much greater benefits in this treaty compared to the United States. In turn, the military inferiority of the Philippines lends itself to becoming hostage to the United States through its repetitive pattern of dependence.

This idea is precisely the greatest danger of Philippine’s national security—(a) when it has no clue that the very structure it relies for security is a mere appearance compared to what truly is a national security, and (b) when it has, there is no real possibility of escaping from the structure due to its habit of reliance on such security.

¹⁰ *Ibid*

¹¹ *Id.*, at 2

¹² *Id.*, at 1

III. POLITICAL CONSTRUCTION OF THE MUTUAL DEFENSE TREATY

The Philippines and the United States are almost similar in their legal systems. The President, as the head of the state, has the deciding power representing the decision of their respective sovereign state. They represent the state in entering, applying, construing, amending, or revoking the treaty.¹³ Consequently, differences in administrations vary in the construction and implementation of the treaty. For instance, former President Rodrigo Duterte made a critical move against his predecessors by seeking an Independent Foreign Policy, establishing ties with other countries including China, with whom the Philippines has a land dispute, and Russia. He even expressed his skepticism regarding military alliances with the United States. Compared to the administration before Duterte and the current administration of President Ferdinand Marcos, Jr., the relevance of the MDT for national security had been embraced and made the starting point for any form of development in international relations with the United States.

This variability in interpretation is not merely political but also judicially recognized. The Supreme Court affirmed that the power to represent the State in foreign relations, including the negotiation and application of treaties, “inheres in the person of the President.”¹⁴ However, this is not absolute. The Senate has a role in ensuring that treaties or international agreements the President enters into obtain the approval of two-thirds of its members.¹⁵ This point demonstrates that while the President leads foreign policy, the construction and implementation of treaties like the MDT are subject to both political discretion and constitutional checks.

Furthermore, the Court recognized the political nature of treaty construction: “Mere fears, however, cannot curtail the exercise by the President of his Constitutional prerogatives in respect of foreign affairs. They cannot cripple him when he deems that additional security measures are made necessary by the times.”¹⁶ This notion underscores how the MDT’s scope and practical effect can shift with each administration, influenced by prevailing political contexts and national interests.

Jurisprudence also resonates with Vienna Convention principles of treaty interpretation. As the Court noted in upholding the Enhanced Defense Cooperation Agreement (EDCA): “The EDCA embodies this very purpose. It puts into greater effect a treaty entered into more than 50 years ago in order to safeguard the sovereignty of the Philippines, and cement the military friendship of the U.S. and Philippines that has thrived for decades through multiple presidents and multiple treaties.”¹⁷ This aligns with the Vienna Convention’s recognition that subsequent agreements and practices inform treaty meaning, allowing the MDT to evolve alongside shifting geopolitical realities.

¹³ Bernas, J. G. (2009). *The 1987 Philippine Constitution: A commentary* (2009 ed.). Rex Bookstore Inc.

¹⁴ *Saguisag v. Executive Secretary Ochoa* (G.R. No. 212426, 12 January 2016)

¹⁵ Article VII, Section 21 of the 1987 Constitution

¹⁶ *Id.*, at 14

¹⁷ *Ibid*

Despite differences of view among different Philippine administrations, it is rather the differences of view and implementation of the United States regarding the MDT that hold critical value, for after all it is their promise of security that we hold as a card against the threat of other nations. For instance, the Obama administration exclaimed the unnecessary sending of ships and threatening other nations, while the Biden administration embraced an ‘ironclad commitment’ as a defense of the Philippines in its territorial dispute.

If we look into Article 31 of the Vienna Convention on the Law of Treaties, it provides a means of construing a treaty. Accordingly, a treaty shall be interpreted in good faith in accordance with its ordinary meaning, and the context for the purpose of its interpretation shall comprise any agreement and instrument made.¹⁸ There seems to be no problem, if such context of its constitution pertains to the same circumstances that the Philippines is now having. Furthermore, the same article provides that any subsequent agreements or subsequent practices between the states shall form part of the interpretation of the MDT. If the United States relation with the Philippines was consistent and made clear, it would not have been a problem. However, due to inconsistencies of the past, the MDT pertaining to Philippine national security becomes an unrealized attempt at national security—a long-known strawman that provides no real protection. No actual security can be had from a piece of paper since it no longer recognizes the powerful factors and forces that govern the national interest of each state. In other words, there can be no real security from inconsistent practice.

This reality is something dangerous. If we place the relationship of the Philippines and the bigger consequences of the act of the United States on a weighing scale, any rational person would tilt the scale for the greater benefit, which is avoiding conflict between super power nations. In other words, the Philippines as an extension of military bases becomes a necessary sacrifice when circumstances provide. Even the principle of equity in international law would even allow China to take some islands if it means avoiding a greater war, since after all, according to some authors, the taking of some islands does not endanger the existence of a state nor the welfare of the Filipino people.¹⁹

IV. CONCLUSION

The theory of security is only a theory of those capable of giving security. As this paper acknowledges the inadequacies of the MDT, it hopes to salvage its purpose by looking at the political stand of the United States. However, due to the imbalance in the asymmetry of power, this analysis casts doubt on the mutuality of the treaty, suggesting that the United States may construe the MDT in favor of the Philippines, or it may construe it, when circumstances permit, by tilting the scale toward greater global interest and sacrificing the national interest of the Philippines. The risk factor shown in this treaty is further perpetuated by realizing that the Philippines, due to its inferiority in various state aspects, risks becoming hostage to its own habit of dependence on the United States, further exposing vulnerability in its national security strategy.

¹⁸ *Id.*, at 13

¹⁹ *Id.*, at 1

Furthermore, the political construction and interpretation of the treaty differ among Philippine administrations and especially among the United States administrations. The inconsistent United States stance, exemplified by shifts from Obama's reluctance to be involved in territorial disputes to Biden's ironclad commitment, further complicates the treaty's effectiveness. The paper argues that the MDT's unrealized potential as a safeguard for Philippine national security stems from inconsistent practices and a failure to adapt to evolving circumstances, leaving the nation exposed and potentially sacrificing its interests for the broader goal of avoiding conflict between superpower nations.

THE 1878 LEASE REVISITED: LEGAL GAPS AND HISTORICAL SOVEREIGNTY OVER SABAH

Sittie Nurjannah S. Datuali
Datu Norhamidin D. Mamasainged

ABSTRACT

The longstanding territorial dispute over North Borneo, or Sabah, between Malaysia and the Philippines traces back to the 1878 lease agreement between the Sultan of Sulu and the British North Borneo Company. Historically, the territory was gifted to the Sultan of Sulu by the Sultan of Brunei in 1858, but subsequent events, including the area's transition to a British Crown Colony during World War II, complicated its sovereignty. The Sultan of Sulu ceded rights to the Philippines in 1962, yet Sabah joined the Federation of Malaysia following a 1963 vote.

The Philippines maintains its claim, arguing that sovereignty over Sabah remains vested in the Sultanate, and the lease agreement represents administrative occupation rather than the transfer of sovereignty. Constitutional and international legal contexts challenge the legitimacy of this lease, with provisions emphasizing national sovereignty and territorial integrity. Ongoing claims have led to notable social issues, including discrimination against Filipinos in Sabah and historical events like the Jabitah Massacre, which fueled unrest and the emergence of separatist movements. Recent rulings by foreign courts highlighting Malaysia's breach of treaty obligations further complicate the situation.

The Philippines continues to advocate for international arbitration, although Malaysia contests jurisdiction. In order to move forward, it is only appropriate, like the recommendation of Senator Tolentino, to form a committee under the Department of Foreign Affairs that would supervise and dig further into the possible strategy or study that would help the Philippine government in formulating or brainstorming the next step toward the goal of reclaiming what is rightfully due to the Filipino people, especially to the Bangsamoro. A proposal for a diplomatic committee to pursue peaceful resolutions shall be put forward, emphasizing the need for a comprehensive strategy to address not only the legal claims but also the socio-political ramifications of the territorial disagreement, reflecting the challenges of maintaining bilateral relations amidst historical grievances and ongoing tensions.

I. INTRODUCTION

The dispute over North Borneo, or what people call today Sabah, has long been an issue since 1878 between Malaysia and the Philippines and has even affected the bilateral relations between the said countries. Sabah is a gift from the Sultan of Brunei after the Sultan of Sulu helped the latter in 1658. In 1878, a contract or treaty between the Sultan of Sulu Mahomet Jamal Al and the British North Borneo Company was entered into, wherein the former would let the latter occupy Sabah as long as the British would pay 5,000 dollars every year.¹ From a Public International Law perspective, once a contract of lease is entered into by two states, sovereignty over the leased territory remains with the lessor and is divorced from its jurisdiction, which is granted to the lessee state.

When World War II occurred, the territory was handed over by the British company to the British government, and it became a British Crown Colony. On September 12, 1962, during the administration of former President Diosdado Macapagal, the reigning Sultan of Sulu, Sultan

¹ Saraswat, A. (2020, July 30). *What is the dispute over Sabah? Philippines renews claim for Malaysian province*. International Business Times. <https://www.ibtimes.sg/what-dispute-over-sabah-philippines-renews-claim-malaysian-province>

Muhammad Esmail Enang Kiram, gave the Philippine Government the right to pursue its claim over Sabah when he ceded the territory of North Borneo, its full sovereignty, title, and dominion to the Republic of the Philippines. In 1963, Sabah gained independence when its people overwhelmingly voted in favor of joining the Federation of Malaysia.²

II. PHILIPPINES' CURRENT TAKE ON THE DISPUTED AREA

In today's setting, the Philippines is still fighting for its claim over the disputed territory, contending that sovereignty over the territory has remained vested in the Sultanate of Sulu and that the occupation of the territory by the British North Borneo Company has been occupation by a lessee or administrator, not occupation by an owner or sovereign. The Philippines further contends that, based on historical accounts, Sabah is a gift from the Sultan of Brunei to the Sultan of Sulu after the latter helped the former with its problem of local rebellion.³ Meanwhile, despite being signed by the parties and being centuries old, it has still formed a gap with the laws of our country, particularly the Constitution and the Vienna Convention on the Law of Treaties.

The contract between the British and the Sultanate of Sulu, despite being a contract of lease, is still considered a treaty and can be declared unconstitutional in the domestic sphere. The 1987 Philippine Constitution puts paramount consideration on national sovereignty, territorial integrity, national interest, and the right to self-determination as provided in Article II, Section 7 therein. The unconstitutionality of the contract of lease rests on the idea that it does not maintain the territorial integrity of the Philippines, for it allows foreign individuals to occupy the territory. However, it is a well-settled rule that if a treaty is declared unconstitutional, it still does not come under the exception; the treaty can be ignored domestically but only at the risk of international repercussions before an international court.

Aside from the violation of the said constitutional provision, Villareal II (2017)⁴ said that the declaration of our national territory has not included those we claim "by historic right or legal title," yet it should not be construed as an abandonment of such claim. Accordingly, the island of Sabah was acquired by the Sultanate of Sulu in a form of cession, which is one of the modes of acquiring territory, including prescription, accretion, and conquest. With this, the historic right of the Philippines, as well as legal title, strengthens its claim over Sabah.

Adding to this, Malindog-Uy (2020)⁵ stated in another article that based on the Manila Accord of 31 July 1963, entered into by the Philippines, Indonesia, and Malaya, the Philippines has the right to pursue its claim according to the methods of peaceful settlement of disputes as established under international law. Based on the said agreement, the Philippines has the right

² Malindog-Uy, A. (2020, October 8). *Sabah: Malaysia's or Philippines'?* The ASEAN Post. <https://theaseanpost.com/article/sabah-malaysias-or-philippines>

³ *Id.*, at 2

⁴ Villareal II, E. M. (2017). *Political and constitutional law for students, barristers and lawyers*. Rex Book Store

⁵ Malindog-Uy, A. (2020, November 25). *Sabah: A dispute that refuses to go away*. *The ASEAN Post*. <https://theaseanpost.com/article/sabah-dispute-refuses-go-away>

to resort to methods such as the aforementioned in the settlement of its claim to North Borneo. This is the reason in an effort to win over the territory, the Philippines tried so many ways to settle the dispute including resorting to diplomatic negotiation and also proposing for a judicial settlement through the International Court of Justice (ICJ) as a way forward toward the resolution of its claims to Sabah. However, Great Britain and the Federation of Malaysia have not agreed to the proposal of the Philippines to refer the matter concerning Sabah to the ICJ. This is valid due to the principle in Public International Law that States have no legal obligation or cannot be compelled to submit to international tribunals, except when they consent to do so.

III. IN THE EYES OF INTERNATIONAL LAW

Despite the well-settled principle that states have equal footing in the international arena and that Public International Law is persuasive at best, the French Court, through Arbitrator Gonzalo Stampa, ruled in the year 2021 that Malaysia violated the treaty and ordered the Federation to pay at least 14.92 billion U.S. dollars to the descendants of the Sultan of Sulu.⁶ This was after the descendants of the Sultan of Sulu filed a case against Malaysia claiming over 32 billion dollars in unpaid cession money, as well as what they believe they are owed for the oil and gas found in Sabah. After all, the principle of *pacta sunt servanda* was not honored by the other party to the treaty, for they have not fulfilled their obligation under the contract of lease.

However, Malaysia remains unfazed. Malaysia contends that the French Court is not the proper venue to hear and decide the case; it should be in Malaysia instead. Malaysian Court Judge Datuk Martin Indang ruled that the French Court did not acquire jurisdiction over Malaysia, for there was no binding agreement between the Malaysian Government and the Sultan's heirs that compelled either party to submit to arbitration in the event of a dispute.⁷ Senator Tolentino also proposed anew to the Department of Foreign Affairs (DFA) to form a group that will handle international and commercial arbitrations to focus on the Philippines' claim to Sabah.⁸

Despite Malaysia's contention on lack of jurisdiction by the French Court, the Congress still stands firmly with our claim in the territory. Right after the French Court ruling, the DFA Secretary Enrique Manalo conducted a cluster meeting in order to study the legal implications of the said ruling.⁹ Senator Tolentino, during the committee hearing of the Committee of Appointments (CA), said that the government should seize the opportunity for the reason that 750,000 Filipinos live in Sabah stateless, without social security benefits, health benefits, not allowed to vote and just crossing Tawi-Tawi and Sabah.¹⁰

⁶ The Star/Asia News Network. (2022, March 2). *French court rules Malaysia owes \$14.92 billion to sultan of Sulu's heirs*. <https://globalnation.inquirer.net/202757/french-court-rules-malaysia-owes-14-92-billion-to-sultan-of-sulus-heirs>

⁷ *Ibid.*

⁸ Garner, J. (2022, September 29). *Sabah arbitral ruling tackled anew*. Daily Express. <https://www.dailyexpress.com.my/news/200301/sabah-arbitral-ruling-tackled-anew/>

⁹ *Ibid.*

¹⁰ Villaruel, J. E. (2022, September 28). *'We own Sabah': DFA told to 'seize opportunity' after court ruling vs Malaysia*. ABS-CBN News. <https://news.abs-cbn.com/news/09/28/22/we-own-sabah-dfa-told-to-seize-opportunity>

Moreover, the treaty is also not in conformity with the provision of the Vienna Convention on the Law of Treaties on who has the authority to represent the State and enter into treaties. Article 7 of the said convention provides that in virtue of their functions and without having to produce full powers, the following are considered as representing their State: (a) Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a treaty; (b) Heads of diplomatic missions, for the purpose of adopting the text of a treaty between the accrediting State and the State to which they are accredited; (c) Reaccredited by States to an international conference or to an international organization or one of its organs, for the purpose of adopting the text of a treaty in that conference, organization or organ.

Article 7 of the Convention does not include or even give authority to the Sultanates to represent a State in concluding a treaty. Therefore, the act relating to the conclusion of a treaty by one who has no proper authorization has no legal effect unless confirmed by his state. In this case, the Philippines has never confirmed the said treaty. As a matter of fact, in 1961, former Philippine President Diosdado Macapagal initiated a filing of the Philippines' claim over Sabah after talks of including Sabah in the Federation of Malaysia,¹¹ and in 2018, member of the Charter Change Consultative Committee, Aquilino Pimentel, included Sabah as part of Philippine territory in his proposals and urged the Filipino government to assert the country's claim to Sabah.¹²

IV. FRUITION OF DECADES-LONG CLAIM OVER SABAH

The agreement between the Sultanate of Sulu and the British North Borneo Company produced various social issues. One of its resulting issues in the community, specifically in the Bangsamoro, is the separation of some of our Tausug brothers residing in Sabah to the rest of the Bangsamoro people. The said separation even was the root of the Operation Merdeka in the year 1968, during the Marcos Administration, which contributed to one of the horrendous events in the Bangsa—the Jabidah Massacre.¹³

The Operation Merdeka recruited young Tausog and Sama men, without the knowledge that the Operation aims to invade and reclaim the disputed territory from Malaysia. The recruits were promised an allowance of 50 pesos per month and issuance of high caliber arms. During their training in Corregidor, the recruits began to question the real intent of the training, and upon learning the objective of Operation Merdeka, the recruits wrote a petition addressed to the former President Ferdinand Marcos. However, the said petition never reached the latter. The said petition triggered the Filipino troops to act on themselves and decided to mercilessly murder the young men.

¹¹ Santiago, M. D. (2013, March 23). *Sabah issue in international law*. *Philippine Daily Inquirer*. <https://opinion.inquirer.net/49361/sabah-issue-in-international-law>

¹² ABS-CBN News. (2018, January 30). *Sabah included in PH territory in proposed federal gov't model*. <https://www.abs-cbn.com/news/01/30/18/sabah-included-in-ph-territory-in-proposed-federal-govt-model>

¹³ *Id.*, at 1

Due to the said event, another social issue was born. The Jabidah Massacre sparked the Moro rebellion during the Marcos regime when the lone survivor, Jibin Arula, revealed the story of the recruits, after he swam to Cavite where a group of fishermen rescued him and brought him to the then Governor Delfin Montano. The Jabidah Massacre was revealed to the Filipino people through the late Senator Benigno Aquino, Jr. This incident led to the birth of the Moro National Liberation Front (MNLF), led by Professor Nur Misuari, and Moro Islamic Liberation Front (MILF) in the following years. Allegedly, these groups of Mujahideens were supported by Malaysia, by providing financial assistance and weapons, in order to distract the Philippine Government from its claim over Sabah.¹⁴

Until this day and age, the tension between the two governments is still evident. As a matter of fact, a standoff between followers of the late Sultan Jamalul Kiram III, descendant of Sulu Sultan Mohamet Jamal Al Alam, and Malaysian Troops in Tandua Village, Lahad Batu.¹⁵ Another standoff encounter also happened in Simunul Village in Semporna, which spread fear in North Borneo.

Aside from tension, discrimination is also being experienced by Filipinos residing in Sabah. Some Malaysians claim that Filipinos take over their social services programs, job opportunities, and generally pose a threat. Despite being born and raised in Sabah, our Bangsamoro brothers and sisters are being considered stateless and their local status stays unidentified. Other than experiencing various forms of discrimination, there are also human rights violations against the Filipinos residing in Sabah, which, fortunately, Malaysia has admitted to be a result of their wrongdoings and has assumed State responsibility. All of these are the long-term effect of the contract of lease between the Philippines and UK North Borneo Company.

In order to put an end on the disputed territory that resulted from a treaty, the Philippines must stand firm on its efforts to close the gap caused by the agreement and reclaim the territory that is rightfully to the Filipinos based on historical and legal rights, just like how we legally stand firm on our rights on the West Philippine Sea. To resolve this issue, we must be aggressive in taking the dispute to an arbitration even though they refuse to conform with the idea.

V. PHILIPPINE GOVERNMENT RECALIBRATES MOVES OVER CONTESTED SABAH CLAIM

Now that Philippine politics grows more controversial than ever, there seems to be a lack of focus on resolving the long overdue dispute and it is instead being tampered with various political issues. It is only appropriate, like the recommendation of Senator Tolentino, to form a committee under the DFA that would supervise and dig further into the possible strategy or study that would help the Philippine government in formulating or brainstorming the next step toward the goal of reclaiming what is rightfully to the Filipino people, to the Bangsamoro especially. This committee shall be responsible for creating a policy that would facilitate and

¹⁴ Romanov, V. (2019, June 10). *Sabah dispute and numerous problems in southern Philippines*. New Eastern Outlook. <https://journal-neo.org/2019/06/10/sabah-dispute-and-numerous-problems-in-southern-philippines/>

¹⁵ *Id.*, at 1

regulate the steps or efforts of the Philippines in its claim. It shall also be responsible for maintaining a peaceful negotiation with the Malaysian Federation and the United Kingdom Government, and persuade both states to undergo arbitration in the ICJ but still maintain the economic relationship between Malaysia and Philippines, as well as put the welfare of the Overseas Filipino Workers into primary consideration. During these discussions, it is essential to include various stakeholders, particularly representatives from the people of Sabah, who have their own unique ethnic, cultural, and political concerns. This will ensure that any resolution takes into account the desires and needs of those most directly affected by the dispute.

Provided that Malaysia would still not agree to an arbitration with international courts, the Philippines may still seek intervention from the UN members. In an event that the intervention of the UN would be in favor of the Philippines and Malaysia would still not abide by the ruling, given that it is only persuasive, the UN may resort to economic sanction whereas the organization members may stop existing trades with Malaysia, thus may result in economic paralysis. The only dilemma would be if Malaysia is self-sufficient in its resources.

Between the States in dispute, no one seems to have considered the principle of *Effectivités*, a French concept which looks into the acts undertaken by a state in maintaining authority, and its manifestation of its intent to act as sovereign over a territory. According to international law, the presence of a population in a territory does not by itself establish which state has the right to that territory's sovereignty. But in short, the legal value of *Effectivités* in a territorial dispute is to be determined by the existence or absence of legal title.

The Malaysian government's *Effectivités* does not result in a territorial title, for Sabah is not under Malaysia's sovereignty. Philippines' title has precedence over Malaysia's contradicting *Effectivités* since the Philippines holds the title of sovereignty over Sabah. Malaysia's *Effectivités* is illegal and cannot by themselves confer a title of sovereignty. When we analyze territorial disputes, we take into account the actions of the rival states. This is because the Philippines still claims Sabah, even if it no longer has control over the territory. For example, the Philippines has protested and enacted legislation to show its commitment to retaining sovereignty over Sabah.

The complexity of this dispute, as it has evolved through the time and produced so much social issues other than the provided ones in the preceding paragraphs, requires not just a one-shot solution but an in-depth look into the facts and circumstances that led into the territorial dispute and resulted to the displacement of our Sama and Tausug brothers and sisters from North Borneo.

VI. RECENT DEVELOPMENTS OF ARBITRATION RULING IN PARIS

Following the French Arbitration Court's ruling last 2022 in favor of the Filipino heirs of the last Sultan of Sulu, the Malaysian Government challenged the same after being instructed to pay 14.92 billion U.S. dollars.¹⁶ In an article in Reuters (2024), the Paris court later upheld the Malaysian government's challenge against enforcing a partial award. The Cour de Cassation

¹⁶ Reuters. (2024, November 13). *Malaysia challenges late sultan's heirs to try to lease part of the country*. <https://www.reuters.com/world/asia-pacific/malaysia-challenges-late-sultans-heirs-try-lease-part-country-2024-11-13/>

confirmed the decision, ruling that the award was inapplicable and void.¹⁷ The ruling was a ‘historic victory’ described by Malaysia’s law minister, while it made ‘no sense’ according to the heirs of the Sultanate of Sulu.

As both parties stand their ground about the claim over the disputed Sabah, what is clear at this moment is that all these legal issues were deeply rooted in the interpretation and application of the 1878 deal signed between the European colonizers and the Sultan of Sulu.

VII. LEASE OR CESSION?

As a matter of law, the Paris arbitration depicts the 1878 agreement as a permanent lease instead of a cession.

By definition, according to Black’s Law Dictionary, *lease* refers to an agreement that gives rise to the relationship of landlord and tenant (real property) or lessor and lessee (real or personal property), a conveyance usually in consideration of rent or other recompense, for life, years, or at will. *Cession*, on the other hand, pertains to the act of ceding; yielding or giving up; surrender or relinquishment of property or rights. What can be inferred from this is that the original Malay-language contract entered into by the parties involved had English and Spanish translations that clash on this matter.

In an article by Mohamad (2023),¹⁸ the contract used the Malay word ‘padjak’ which could mean either lease or cession. She stated that the Spanish translation (made in 1878) specifies lease; the English version uses cession. The arbitrator decided that the Spanish translation prevails, as it was made in the same year as the original. If the agreement is treated as a lease, the legal definition implies that sovereignty was retained by the Sultan of Sulu, which means that only usage rights were granted. On the contrary, if it is considered a cession, the Sultan permanently transferred or surrendered sovereignty over the disputed territory in Sabah, previously known as North Borneo.

In a legal and historical approach, we submit that the distinction between the two would help determine the legitimate owner of the disputed land, as well as resolve the financial obligations incurred by the party at fault for violating the 1878 agreement.

VIII. ROLE OF THE BANGSAMORO GOVERNMENT IN THE SABAH CLAIM

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) does not possess the legal capacity to engage in foreign relations, as Article II, Section 7 of the 1987 Philippine Constitution explicitly places the conduct of foreign affairs, including territorial claims, under the exclusive purview of the national government. However, this limitation does not preclude the BARMM from potentially contributing to the Sabah claim in a supporting capacity.

¹⁷ Reuters. (2024, November 7). *Late sultan’s heirs fail in bid to challenge French ruling on Malaysia dispute*. <https://www.reuters.com/world/asia-pacific/late-sultans-heirs-fail-bid-challenge-french-ruling-malaysia-dispute-2024-11-06/>

¹⁸ Mohamad, A. (2023, March 6). *Malaysia’s Sulu problem: Logical flaws in the arbitration process*. ISEAS – Yusof Ishak Institute. <https://fulcrum.sg/malysias-sulu-problem-logical-flaws-in-the-arbitration-process/>

BARMM can act as an advisory body by providing valuable insights into how the Sabah claim is shaped by historical, socio-political, and economic factors. Under Article II, Section 1 of Republic Act No. 11054 (Bangsamoro Organic Law), the Bangsamoro identity and history are explicitly recognized, enabling the BARMM to advocate for the cultural and historical ties of the Moro people to Sabah. Such advocacy, however, must remain within the bounds of a consultative or advisory capacity, respecting the constitutional delineation of authority.

While BARMM cannot officially engage in diplomatic negotiations, its contribution of cultural and historical insights could enhance the national government's position on the Sabah claim. The perspectives of Moro leaders and communities are also integral to the discourse, as their views reflect the diverse sentiments of those most historically connected to the territory. Although some Moro leaders emphasize historical sovereignty, others prioritize peace and stability, mindful of the potential diplomatic repercussions.

However, currently, BARMM government has maintained its position not to meddle with the Sabah claim, primarily due to the region's delicate relationship with Malaysia, a country that has played a pivotal role in the Bangsamoro peace process, particularly as mediator in the negotiations which led to the birth of the Comprehensive Agreement on the Bangsamoro (CAB) and the eventual establishment of the BARMM. This collaboration emphasizes mutual respect and strategic partnership that has significantly contributed to the stability of the region. Intervening in the Sabah claim could strain this relationship, potentially jeopardizing Malaysia's role as a partner in regional peace and development. The BARMM government's position in this matter also reflects its priorities, that is, immediate regional stability and the consolidation of its autonomy over potential international disputes. Additionally, this approach recognizes broader geopolitical implications, as the Sabah claim involves not only the Philippines and Malaysia but also regional dynamics within ASEAN.

In conclusion, BARMM currently holds only a potential role in the Sabah claim. Any future involvement would remain limited and consultative. However, though limited, it could be crucial in enriching the national government's strategy. By contributing its unique perspective, the BARMM underscores the shared goal of asserting the Philippines' legitimate claim while fostering peace and mutual understanding in the region.

**CELEBRATING A DECADE OF DIALOGUE: THE EXPANDING
ROLE OF UNCLOS AND CONTEMPORARY OCEAN
GOVERNANCE – REFLECTIONS FROM THE 10TH
INTERNATIONAL CONFERENCE ON THE LAW OF THE SEA**

Moh'd. Al-Khaleel A. Bogabong

ABSTRACT

The 10th International Conference on the Law of the Sea (ICLS), commemorating a decade of sustained dialogue on ocean governance, convened jurists, diplomats, academics, and practitioners to reassess the evolving role of the United Nations Convention on the Law of the Sea (UNCLOS) and its associated institutions. Against the backdrop of accelerating climate change, emerging maritime technologies, biodiversity loss, and intensifying geopolitical tensions, the Conference underscored the resilience and adaptability of UNCLOS as the primary legal framework governing ocean space. This article examines the Conference's principal themes, climate change as marine pollution, judicial dialogue between international tribunals, maritime security ambiguities, governance of the global ocean commons, and institutional fragmentation, and evaluates their doctrinal and policy significance. Particular attention is given to the implications for archipelagic and climate-vulnerable States, including the Philippines.

More than four decades after its adoption, the UNCLOS remains the central normative framework governing ocean space. Adopted in 1982 and entering into force in 1994, UNCLOS codified maritime zones, established environmental obligations, and created a compulsory dispute-settlement mechanism under Part XV.

Frequently described as the “constitution for the oceans,” the Convention is increasingly tested by contemporary pressures: accelerating sea-level rise, climate-induced displacement, deep-sea mineral exploitation, biodiversity loss beyond national jurisdiction, and evolving maritime security concerns.

The 10th ICLS provided a timely forum to evaluate how UNCLOS and its institutions, particularly the International Tribunal for the Law of the Sea (ITLOS), the International Court of Justice (ICJ), and arbitral tribunals, are adapting through interpretation and institutional practice.

I. INTRODUCTION

Adopted in 1982, the United Nations Convention on the Law of the Sea (UNCLOS) has long been described as the “constitution for the oceans.”¹ Four decades later, that description is being tested by circumstances unforeseen at the time of its drafting: existential sea-level rise, deep-sea mineral exploitation, marine genetic resource governance, and complex security dynamics involving both State and non-State actors.

The 10th International Conference on the Law of the Sea (ICLS) was convened under the theme “Celebrating a Decade of Dialogue: The Expanding Role of UNCLOS and the Law of the Sea Institutions.” The Conference provided a structured forum for reflection on how UNCLOS and its institutional mechanisms—particularly the International Tribunal for the Law of the Sea (ITLOS), the International Seabed Authority (ISA), and related bodies—are

¹ Koh, T. T. B. (1982, December 11). *A constitution for the oceans: Remarks at the final session of the Third United Nations Conference on the Law of the Sea*. United Nations. https://www.un.org/depts/los/convention_agreements/texts/koh_english.pdf

adapting to contemporary pressures.

This article proceeds in five parts. Part II examines the reaffirmation of UNCLOS as a living constitutional framework. Part III analyzes the emerging jurisprudence linking climate change to obligations under the law of the sea. Part IV considers maritime security and definitional challenges. Part V addresses governance of the global ocean commons and institutional coordination. Finally, part VI evaluates the implications for archipelagic and climate-vulnerable States, particularly the Philippines.

II. UNCLOS AS A DYNAMIC CONSTITUTIONAL FRAMEWORK

A. Institutional Consolidation and Customary Influence

A recurring theme during the Conference was the consolidation of UNCLOS as the central normative and institutional framework for maritime governance. Even for States not formally party to the Convention, many of its substantive provisions, particularly those governing the territorial sea, exclusive economic zone (EEZ), and status of islands, are widely regarded as reflective of customary international law.

The maturation of Part XV dispute-settlement mechanisms has further entrenched UNCLOS as an operational system rather than a merely declaratory instrument. ITLOS, the International Court of Justice (ICJ), and arbitral tribunals have clarified maritime delimitation principles, resource rights, and environmental obligations in contentious proceedings, reinforcing the Convention's interpretative authority.

UNCLOS has evolved from a codificatory treaty into an operational legal system through sustained judicial interpretation. The jurisprudence of ITLOS and arbitral tribunals has clarified maritime entitlements, due diligence standards, and environmental obligations.

In *M/V "Saiga" (No. 2)*, ITLOS emphasized the primacy of the Convention in determining coastal State enforcement jurisdiction within the EEZ.² This early decision reinforced UNCLOS as the controlling legal framework for maritime enforcement disputes.

Similarly, in *Bangladesh/Myanmar*, ITLOS articulated principles governing delimitation of the territorial sea, EEZ, and continental shelf, including beyond 200 nautical miles.³ The Tribunal confirmed that Articles 74 and 83 of UNCLOS require equitable solutions grounded in

² International Tribunal for the Law of the Sea. (1999, July 1). *M/V "Saiga" (No. 2) (St. Vincent and the Grenadines v. Guinea), Case No. 2: Judgment*. ITLOS Reports 1999, 10. https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_2/published/C2-J-1_Jul_99.pdf

³ International Tribunal for the Law of the Sea. (2012, March 14). *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar), Case No. 16: Judgment*. ITLOS Reports 2012, 4. https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_16/published/C16-J-14_mar_12.pdf

international law.

Arbitral practice has likewise strengthened UNCLOS. The South China Sea Arbitration (Philippines v. China) affirmed the Convention's comprehensive nature and clarified the legal status of maritime features under Article 121.⁴ The Tribunal rejected expansive historic-rights claims inconsistent with the Convention's structure.

These cases demonstrate that UNCLOS functions not merely as a treaty, but as an integrated adjudicatory system shaping State conduct.

B. Judicial Dialogue and Systemic Integration

The Conference's exploration of "judicial dialogue" between ITLOS and the ICJ illustrates an important feature of contemporary international adjudication: cross-referential reasoning fosters coherence in a decentralized legal order. The integration of climate science, due-diligence standards, and environmental risk assessments into judicial reasoning demonstrates that UNCLOS is interpreted not in isolation, but within a broader matrix of international environmental law and human rights principles.

The interaction between ITLOS and the ICJ illustrates a growing phenomenon of judicial dialogue. In *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, the ICJ refined the three-stage delimitation methodology that has influenced subsequent maritime jurisprudence.⁵ ITLOS and arbitral tribunals have adopted similar approaches, reflecting convergence in interpretative technique.

Such dialogue promotes coherence in a decentralized legal order. The absence of hierarchical judicial review at the international level makes cross-referential reasoning essential for consistency and predictability. Moreover, such systemic integration mitigates fragmentation and strengthens legal predictability, an essential attribute in maritime disputes with high economic and security stakes.

III. CLIMATE CHANGE AND MARINE ENVIRONMENTAL OBLIGATIONS

A. Greenhouse Gas Emissions as Marine Pollution

One of the most consequential discussions concerned the characterization of greenhouse gas (GHG) emissions as "pollution of the marine environment" within the meaning of UNCLOS. If accepted, this interpretation activates obligations under Part XII of the Convention,

⁴ Annex VII Arbitral Tribunal. (2016, July 12). *Award: The South China Sea arbitration (The Republic of the Philippines v. The People's Republic of China)*, PCA Case No. 2013-19.

Permanent Court of Arbitration. <https://docs.pca-cpa.org/2016/07/PH-CN-20160712-Award.pdf>

⁵ International Court of Justice. (2009, February 3). *Maritime delimitation in the Black Sea (Romania v. Ukraine)*, Judgment, 2009 I.C.J. 61.

https://www.worldcourts.com/icj/eng/decisions/2009.02.03_black_sea.htm

including duties to prevent, reduce, and control pollution.

In its 2011 Advisory Opinion on Responsibilities and Obligations of States Sponsoring Persons and Entities with Respect to Activities in the Area, ITLOS underscored that environmental due diligence constitutes a general obligation under the Convention.⁶ The Tribunal emphasized that States must adopt and enforce measures necessary to prevent significant harm.

This development marks a doctrinal evolution. Climate change is no longer treated exclusively within the confines of the United Nations Framework Convention on Climate Change (UNFCCC) regime; it intersects directly with law-of-the-sea obligations. Due diligence standards, environmental impact assessments, and cooperative duties gain renewed salience. For small-island States facing existential threats, this doctrinal shift provides a potential legal basis for accountability claims grounded in marine environmental protection.

B. Sea-Level Rise and the Stability of Maritime Zones

The Conference further addressed the contentious question of whether baselines are ambulatory or capable of stabilization in the face of sea-level rise. The legal consequences are profound: shifting baselines may alter EEZs and continental shelf entitlements, thereby affecting sovereign rights and resource jurisdiction.

While international courts have not definitively resolved the question of fixed versus ambulatory baselines in the climate context, jurisprudence such as *Nicaragua v. Colombia* confirms that maritime delimitation must reflect applicable international law while preserving legal stability.⁷

For archipelagic States, whose maritime zones vastly exceed their land territory, baseline stability is not a theoretical concern but a matter of national security and economic survival.

IV. MARITIME SECURITY AND NORMATIVE AMBIGUITY

The concept of “maritime security” emerged as an area of definitional uncertainty. While security threats at sea, ranging from piracy to non-State armed violence, require regulatory responses, the absence of a universally accepted definition invites expansive interpretations.

Overbroad security claims may undermine navigational freedoms or humanitarian protections.

⁶ International Tribunal for the Law of the Sea. (2011, February 1). *Advisory opinion on the responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area*.

https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_17/17_adv_op_010211_en.pdf

⁷ International Court of Justice. (2012, November 19). *Territorial and maritime dispute (Nicaragua v. Colombia)*, Judgment, 2012 I.C.J. 624.

https://icsid.worldbank.org/sites/default/files/parties_publications/C8394/Claimants%27%20documents/CL%20-%20Exhibits/CL-0193.pdf

The Conference underscored the importance of maintaining fidelity to established legal categories under UNCLOS and related conventions to prevent normative overreach.

In geopolitically sensitive regions, including Southeast Asia, the integrity of maritime security discourse directly affects the credibility of rules-based order.

V. GOVERNANCE OF THE GLOBAL OCEAN COMMONS

A. The BBNJ Agreement and Institutional Coordination

The Biodiversity Beyond National Jurisdiction (BBNJ) Agreement represents a major development in ocean governance. Conference discussions emphasized the need for coordination between BBNJ institutions, the ISA, regional fisheries bodies, and other sectoral mechanisms. Fragmentation poses risks of regulatory overlap or inconsistency. This institutional density generates both opportunity and risk. On one hand, it allows specialization and technical expertise. On the other hand, it creates fragmentation: overlapping mandates, inconsistent standards, regulatory gaps, or even jurisdictional competition. For example, marine protected areas designated under BBNJ may spatially intersect with fishing zones managed by Regional Fisheries Management Organizations (RFMOs) or areas subject to seabed exploration contracts issued by the ISA. Without coordination, measures adopted by one body could undermine or contradict those of another.

Effective governance requires “nested” and “networked” institutional arrangements that balance global coherence with regional specificity. Nested governance refers to vertical integration, global frameworks setting overarching principles and minimum standards, while regional or sectoral bodies adapt and operationalize those standards in context-specific ways. The BBNJ Conference of the Parties (COP) may establish global objectives for conservation, but implementation will depend on alignment with regional institutions. Networked governance, on the other hand, emphasizes horizontal coordination, information-sharing, joint scientific assessments, mutual recognition of measures, and procedural cooperation among institutions. Mechanisms such as clearing-house platforms, scientific and technical bodies, and cross-institutional observer status become essential tools.

B. Deep-Sea Mining and Accountability Mechanisms

The governance of “the Area”, the seabed beyond national jurisdiction, raises complex questions regarding environmental protection, technological asymmetry, and equitable benefit-sharing. Discussions highlighted the importance of real-time monitoring systems, robust environmental baselines, and transparent data stewardship.

For developing States, participation in regulatory processes is essential to ensure that economic opportunity does not translate into environmental externalization borne by vulnerable communities.

VI. IMPLICATIONS FOR THE PHILIPPINES AND CLIMATE-VULNERABLE REGIONS

As an archipelagic and climate-exposed State, the Philippines stands at the intersection of these doctrinal developments.

First, the evolving interpretation of greenhouse gas emissions as marine pollution reinforces the Philippines' advocacy for climate accountability. This doctrinal shift is no longer theoretical. Filipino survivors of Super Typhoon Odette (Rai), supported by Greenpeace Philippines and Greenpeace UK, have reportedly filed a climate damages case before the courts in England against Shell, alleging that the company's historical greenhouse gas emissions contributed to the severity of climate-related harms experienced in the Philippines. This development illustrates the increasing convergence of climate attribution science, transnational litigation, and corporate accountability. It likewise demonstrates how vulnerable States and affected communities are beginning to operationalize evolving interpretations of environmental obligations through judicial mechanisms in foreign jurisdictions.⁸

Second, baseline stability debates directly affect maritime entitlements under the archipelagic regime. As sea levels rise, legal disputes over whether baselines remain fixed or ambulatory may directly influence the Philippines' territorial sea, EEZ, and continental shelf, implicating fisheries jurisdiction, natural resource control, and maritime security.

Third, participation in the BBNJ framework and regulatory processes within the ISA influence long-term access to marine genetic resources and environmental safeguards. Active engagement ensures that biodiversity protection, benefit-sharing mechanisms, and precautionary environmental standards reflect the interests of developing archipelagic States.

Finally, the Conference's emphasis on capacity-building underscores the need to strengthen maritime legal education, climate litigation expertise, and policy translation at both national and sub-national levels. For climate-vulnerable regions, legal preparedness is no longer optional; it is integral to safeguarding sovereignty, environmental integrity, and intergenerational equity.

VII. CONCLUSION

The 10th ICLS affirmed that UNCLOS remains the foundational legal framework for ocean governance while simultaneously demonstrating its capacity for adaptive interpretation. Climate change, technological innovation, biodiversity conservation, and evolving security paradigms do not render the Convention obsolete; rather, they demand principled, coherent, and scientifically informed interpretation.

The significance of the Conference lies not only in its scholarly exchanges but in its articulation

⁸ Greenpeace Philippines. (2025, December 11). *Filipino Odette survivors file landmark climate damages case against Shell in UK*.

<https://www.greenpeace.org/philippines/press/68783/filipino-super-typhoon-odette-survivors-file-landmark-climate-damages-case-against-shell-in-uk/>

of a forward-looking vision: ocean governance must integrate environmental stewardship, institutional coordination, equity, and intergenerational responsibility.

For maritime and climate-vulnerable States, the stakes are existential. The law of the sea is no longer confined to delimitation disputes and navigational freedoms. It has become a central arena for environmental justice, sustainable development, and the preservation of territorial integrity in an era of planetary change.

A BEADLE'S HEART

Sahara S. Madem

"Wow, you aced the entrance exam in law school."

"Wow, you graduated with Latin honors and passed the board exam on your first take."

"Wow, you landed your first job as a teacher in a prestigious university."

But I was welcomed by silence when, in the first week of law school, I quit. It was a deafening silence that no one had expected. No one would think that a student leader and an achiever would not continue her lifelong dream. It was the first-ever decision where I chose work over law school even when my parents wanted me to choose law school. I took the courage to explore my profession, reminding myself that I am still 23 years old and that it's fine. I'll come back when the time is right and when I am ready.

So, for the second time, I enrolled in law school with a burning passion to conquer all my fears. It was the first day of class when we were welcomed by our professors. We were asked to introduce ourselves and share why we wanted to become a lawyer. For the next week, we were bombarded with cases to digest and recitations to face. For the second time, I was elected as the class president and beadle of our class. Never had I imagined directly communicating with our professors in law school. They were prosecutors and respected lawyers. If intimidation could kill, then I'd be dead already.

The biggest highlight of my law school journey is adjusting to my classmates, who are totally different from me. Let's talk about different courses, work, age, and personalities. But as the class president, I took the courage to speak. Since we shared the same goal and that is to become lawyers then we should try to help one another. We started by being humble in class, being obedient to our teachers, and being respectful of our differences. It was a roller coaster of emotions because you will encounter moments when grades will demotivate you. It is true that getting a 3 or 75 in law school is already a success. We cannot underestimate the sacrifices and effort just to show up in class.

I made a motto: "to show up." There will be moments when you will have anxiety like:

"What if I'll be called for a case I wasn't able to read?"

"What if my professor won't be pleased with my answer?"

"What if I end up remaining standing in class?"

Those are the things that I must conquer before showing up in class.

To my surprise, I never had an absence in all of our classes. Just showing up with a brave heart is already an accomplishment.

In the process of studying law, I met a lot of different people. I'm learning from their stories, and some tried to win my heart. Some gave me chocolates, coffee, or asked me out. But as a goal-driven person, I tried not to be swayed by those things. But as Blaise Pascal said, "The heart has its reasons which reason knows nothing of."

Not until our examination came when I got my first ever heartbreak. It was as if my body couldn't move, my brain couldn't function. I had to call my dad and tell him—for the second time—I wanted to quit law school. How ironic that my reasons were not related to subjects nor grades, but to unexpected circumstances. This time, it was heartbreak. For someone who never experienced it, it felt like a downfall I couldn't imagine. For the first time, I fell in love with a person who is totally different from me. In the process of studying law, he tried to access my emotions and pursued me amidst rejections. When he totally won my heart, he ghosted me and left me with devastating emotions. I remember writing this poetry in the middle of our finals while I am trying to study. Perhaps, these are my overflowing thoughts of him.

"You studied every single detail about me,
You consistently chased me,
You found me in every corner of sanctuary of books,
You rejected all my rejections,
You showed me your vulnerability,
You unfolded my personality,
You persistently entered my world.

Just like that—
You denied me, after promising to never deny a woman like me.
You pushed me, as if I were the one who barged into your world.
You cruelly left without a word.

And now,
I carry your silence like a wound that never stops bleeding—
Still loving a ghost
Who taught me how to be seen
Then vanished
When I finally believed I was worth looking at."

What is more painful to face for a law student? It's when you hurt us during our examination. It's like invading my emotions while I'm battling to study. But to my surprise, my classmate—who's from the ER—went to my place. She printed my cases, which were

supposed to be submitted that day. She told me that everything would be alright. She said I must not leave that I had been a gem in our class. That I was one of the reasons some of my classmates continued their law school journey. That I accompanied them when they needed to take their summer class. That I cried with them when things were heavy. That I voiced out the concerns of our class in a respectful manner. That I made a significant difference in the people around me. That love should not be the reason why I throw away my dream. That I should not run away.

That's when I realized that the most challenging battle in law school is your mental health—how strong your mind is to choose to stay, and how determined your heart is to still stay. I was sobbing while saying, "Studying is the only thing I'm good at." I was not engaged in other works all throughout my life, and it is true that I am only good in the academe. Other than that, it is uncertain. It's like a curse and a gift at the same time. Due to this, I had the courage to keep holding and took all my examinations even with a heavy heart and bothered thoughts. And despite everything—the tears, the doubts, the heartbreak—I still managed to ace my exams.

Not because I was the smartest in class, but because I chose to stay, to fight, and to show up every single day, even when my heart was heavy and my mind was tired. I learned to let go of people who never truly saw my worth. I realized that peace is more valuable than attention, and growth is louder in silence.

I learned to choose my battles, and more importantly, to walk away from those that are not mine to fight. I've learned the biggest lessons of my life:

In law school, you'll realize, the people you meet along the way, they are not accidents. Some are lessons, some are blessings, and some are reminders of the kind of person you are becoming.

Thank you for breaking Beadle's heart.

Only now do I understand the quiet weight of humility,

the truth that you can't hold everything in your hands at once.

Some nights, my chest still tightens with the ache of what could have been.

Between the law and love,

I chose the law.

But love...

Love is the case I'll never win.

IN THE MARGINS OF MY CODAL

What the Codal Didn't Teach Me

Sittie Allyzah B. Amer

There are stories that never make it to the front page of any law journal. These stories are not written in bold legal citations, but in the margins of a well worn codal. This is one of them.

I did not know what to expect when I first stepped into the gates of law school. I was armed with freshly highlighted textbooks and enough anxiety to rival any constitutional crisis. I had heard the stories, but nothing could prepare me for the pressure of being called during recitations—the pounding heart, the dry throat, the sudden vanishing of everything I had read the night before.

On my very first day of class, I was the third student to be called. The professor asked a portion from the assigned reading in Constitutional Law. I froze. I had not read that part. My mind went blank. With my voice shaking, I said, "Sorry, Atty. M. I haven't read that part. And I am very nervous and confused right now." That moment has never left me. It was humbling. It was terrifying. It was the beginning.

Every day after that brought a new kind of fear—the kind only law students understand. There was the infamous, sharp "Are you sure?" that professors asked just when you thought you gave a good answer. And there was that one haunting word during Criminal Procedure with Atty. A: "Suppose..." That single word meant a follow-up. A new layer. A deeper trap. And I would think, Please, no more hypotheticals. I'm already barely breathing.

Yet somehow, I survived. Not alone—but because of the people who stood beside me through it all.

Sahara, our class beadle, worked tirelessly to keep us updated on everything we needed for our classes. From schedules to sudden changes and endless announcements, she handled them with calm and care. She belonged to our small circle of six. Her silent strength held our group together, even on the most chaotic days.

Then there were Jannah, Jembrah, Annia, and Reza. They were the ones who gave advice when I doubted myself, grounded me when I panicked, and listened to my rants like it was part of their review routine. They asked the questions we all feared but needed to hear: "Natapos niyo bang basahin ang cases?" or "Nakapagbasa kayo?" Those simple lines meant more than just curiosity. They were check-ins. They were gentle nudges that said, We're in this together.

They were the ones who anchored me. They inspired me to keep going. They reminded me why I stayed.

Law school is a daily battle—not just with the law but with yourself. It is the weight of unread pages, the fear of recitation, the exhaustion of pretending to understand something you're still trying to grasp. But within that struggle, I found something greater than any doctrine or landmark case.

I found sisterhood.

Together, we shared reviewers, caffeine, silence, and tears. We laughed over missed codal provisions and celebrated even the smallest wins—like answering one follow-up question correctly or finishing a case digest before midnight. We lifted each other up when the burden became too heavy to carry alone.

Law school never became easy. But with them, it became meaningful. And somehow, it even became beautiful.

As we now stand on the edge of our law school journey, I look back not just on the articles I memorized or the principles I debated, but on the courage it took to speak up, the grace it took to admit I was confused, and the love that carried me through it all.

This is my story.

These are my friends.

This is my sisterhood.

This is my circle of six.

NO LAW STUDENT IS AN ISLAND

Lady Annia A. Guámalon

In every journey, there come moments that make you question whether you're truly on the right path, questions that keep you awake at night, swirling in your mind like a storm, reminding you that you should be someone—someone others can be proud of.

I believed adults had too many ideas about who I was or who I should be so I followed that path. An intentional coercion I willingly accepted. After graduating college as an academic achiever, I felt I had to keep striving to become someone at a young age. I stepped into an unfamiliar world full of adults, working myself to exhaustion, still convinced I needed to be that person society expected me to be.

And then, a single thought emerged from the countless possibilities of who I wanted to become as an adult: I want to be a lawyer. A childhood dream. A prosecutor? A defender of those who cannot defend themselves. The idea was compelling, urging me to turn it into reality, indispensable.

Finally, I entered law school confident. They said I had the advantage because I was only 22. My mind was fresh, and I believed I could easily survive this new challenge. My books and highlighters were ready, and my room was adorned with aesthetic schedules and study routines, a sign I was prepared.

What a fraudulent misrepresentation that was.

I fumbled my very first recitation, the Lawyer's Oath. I had an embarrassing moment with my Criminal Procedure professor when he asked, "Do you hear yourself?"—implying I wasn't making sense—yet I absentmindedly answered, "Yes." His disappointed look still lingers in my mind.

Low scores followed on multiple quizzes because I failed to follow the ALAC method. I used literary words where legal terms were expected. Then came the failing mark, a first in my life. The path I had always envisioned began to blur, fade, and deteriorate along with my health. It crushed my heart and body, awakening a bitter truth: I was never the person they thought I was. It was all a façade, even though I had believed in it. Such puffery, an illusion born from excessive optimism, never meant to be taken as fact.

For years, I lived in an illusory state, fooled not by others but by myself. I existed in a kaleidoscope of fallacies, unknowingly waiving my right to escape the trap I had set. It was grueling. A dark, soul-crushing chapter, made heavier by untold stories beneath the surface. I should have reminded myself: law school is a battlefield where your greatest opponent isn't the subject matter, but your own mind.

Yet, when things go awry, there is always someone who offers a hand to pull you from the depths. My law school friends appeared, often unannounced—at my door, urging me to attend class, refusing to let me drown alone. They sat with me in silence during moments of sadness, never rushing me to speak, never demanding explanations. They simply were there. Sometimes, that quiet presence was more than enough, it gave me the strength to keep holding on.

I tried to move forward with an injured heart, but I didn't have to do it alone.

Law school friends aren't just classmates, they become your co-defendants in survival, your co-counsel in life, and sometimes your emotional first aid during breakdowns between recitations, readings, and reality.

That was what I had been missing all along, friends who are sisters by heart, who support you without conditions.

I was too obsessed with becoming that someone—strong, isolated, self-sufficient in loneliness—instead of seeing what was right in front of me: a version of myself who becomes a lawyer with friends.

For so long, I believed success meant standing alone, carrying every burden without help. I thought vulnerability was weakness, and asking for support would expose my cracks. But law school taught me otherwise.

It showed me that true strength lies not in solitude, but in connection. My friends became my anchors when the waves were high, my light when darkness crept in. They reminded me I don't have to walk this path alone and that shared struggles forge the strongest bonds.

Together, we faced late-night study sessions, tough recitations, and moments of doubt. Together, we celebrated small victories and comforted each other through setbacks. They challenged me to grow, held me accountable, and never let me forget why I started.

Now, I see the journey to becoming a lawyer is not just about mastering the law, it's about embracing those who journey alongside you. It's about building a community that lifts you up, not just a title you carry alone.

And with that realization, I am no longer afraid of the road ahead—because I'm not walking it alone.

LEGALLY BLUNT

Raven

Headstrong, relentless, unyielding. Ma had these to say about her firstborn, in varying degrees and different wording but the intent remained consistent. I proved to be a divergence from what is, to her, familiar feminine attitude (herself having three sisters). Although taught to be softly pliant as a youngster, I had the habit of contradicting grown-ups on matters that left our elementary school principal asking, "Whose child is this?"

It was never ill-mannered or deliberately discourteous. I simply found myself loudly disagreeing when he said, "It wouldn't hurt," while the school hosted immunization programs for kindergarteners. Because I knew it did (as evidenced by the countless screaming kids by the end of the day). The principal looked at me with amusement and signed out his quiet touché.

Primary and intermediate years involved pupil government dabbles, competitions, and extra curricular activities—even qualifying for national reading contests and press conferences. I was loud and noticeably opinionated. However, financial constraints were evident and understood. Provincial life yielded quite a reality slap. My consciousness fathomed the scarcity of opportunities, that we may be resorting to personally pave roads with the barest of skin.

Headstrong, relentless, unyielding.

At least I thought I was...

The bubble of tough confidence burst into oblivion by the sudden shift of expected futures. The plan was to continue my high school education within our textbook small town, scavenging for chances, and go to university eventually (hopefully). The blueprints were within an innocent infancy.

My parents abruptly decided that we would attend the institution in the city where Ma teaches to avail ourselves of a full scholarship offer. For the first time, opportunity **frightened** me.

Disarming—the shift from provincial to metropolitan. Intentional actions stemming from culture shock evolved into strange habits: head hung, posture down, a civil quiet voice, spooked of unfamiliar figures. I was a chip off the old block expected to exist in a marble museum. My schoolmates were heirs and ballet figurines, sons of Sir Worth-A-Lot and daughters of

porcelain people who can show up to nationals without financial impediments. To be among them, whose wealth I thought only existed in exaggerated novellas, was unnerving.

It was never an issue of lifestyle or being unappreciative. The wave that crashed was the colossal contrast of opportunities by the difference of twenty kilometers. The blast that whipped me senseless was the chasm between social classes. During the day, what surrounded me were seatmates with perfect teeth, who ate apples for recess, considered fast food as casual, and never batted an eye on contributions that stepped into the thousands. At dusk, we traveled home; houses got progressively smaller, less concrete and more wood. We walked the rest of the way from the drop-off toward home, shoes sticky with mud, past households with loud dinner tables but darkened by the rotational power outages.

I was grateful to *see* society, examining it like pennies—the distinctions and flaws. Be it scuffed and used or shiny and polished, the value holds equal. One's standing does not guarantee success, nor does one's poverty decide blighted outcomes. There was no shame in where I stood.

Headstrong, relentless, unyielding.

Outwardly quiet I may be, or seemingly pliant, I have found that it is not merely the loudness that makes a law student of value. My journey towards getting that JD is safely rooted in the loud six-year-old who eventually discovered when and where it is proper to speak.

Sleepless nights are evident, clashing characters can be disquieting, and strict lecturers cannot be avoided. In the raucous events, I remember that this girl knew of families that worried about rice daily and those that treated trips abroad as a typical summer. She saw dusty footpaths lighted only by moonlight, walked on by calloused feet who trusted the familiarity of its route. In contrast, she witnessed the shiny paved roads crossed by shoes which are never dirty, or brand spanking new cars chauffeured. I saw firsthand the disparity and yet I am comforted by the fact that all is of equal standing in the eyes of the law. This is the light that we pursue.

The legal system needs more women too, not for the insinuation that there is a prevailing patriarchy but because of plain want of equity. This path extends to a shot of viewing the world anew, and the possible (and hopeful) application of things I live by—to know the distinction between speaking plainly and speaking without thought, to never mistake quiet observance as a mental vacancy, and to be legally blunt but not humanly reckless.

THE JURORS I CARRY

Moh'd. Al-Khaleel A. Bogabong

It All Started with 12 Angry Men

Not in a courtroom, nor in the sterile halls of Notre Dame University's law school, but in the backseat of an old car, idling beside the wet market of Zamboanga. I was only ten years old then, far too young to understand the weight of justice but old enough to witness the quiet dignity in struggle.

My father was behind the wheel of our sea-green multicab. Its small engine was humming steadily as it idled by the roadside. The vinyl seats were warm from the afternoon heat, and the faint scent of gasoline lingered in the cramped space. My father was behind the wheel, waiting patiently while my mother navigated the chaos of the marketplace to find something to cook for dinner. That's when he pointed, a man hunched over a heap of garbage, sifting through remnants of other people's lives.

"You see that man?" my father said quietly. "You respect him as you respect me."

It was a strange thing to hear. Almost absurd. How can you respect someone who seems to have nothing? No title, no power, not even a proper meal? At that age, I didn't have the words for it, but that moment planted a seed. The idea that respect should not be earned through prestige or position, but simply by being human, was foreign to me. Yet it lingered.

That moment, small and almost forgettable, became the foundation of a long and complicated dialogue with justice. Years later, that seed would grow, nourished by questions about justice, fairness, and the painful disparities I saw in the world around me. Disparities that did not scream, but whispered through everyday scenes like that one in the market.

That's when I came across a film that mirrored these questions with uncanny precision: *12 Angry Men*.

A 1957 courtroom drama set almost entirely inside a jury room. Twelve jurors are tasked with deciding the fate of a boy accused of murdering his father. Eleven are certain of his guilt. Only one, Juror #8, refuses to rush toward a verdict. He does not declare the boy innocent. He simply says he is not sure.

And that uncertainty changes everything.

He does not demand agreement; he demands conversation. He does not raise his voice; he raises questions. Slowly, patiently, he peels back assumptions layered with pride, prejudice, impatience, and personal pain. One voice against many, choosing reason over rush, doubt over dogma, empathy over convenience.

It was not just a film about a verdict. It was a study of human frailty.

And it felt familiar.

That film didn't just challenge my understanding of justice, it mirrored my law school experience. Law school did not feel like entering a grand courtroom. It felt like walking into that jury room, anxious, tense, crowded with opinions. It was a battleground of intellect and insecurity, of principle and ego. Every case digested, every doctrine memorized, every recitation survived felt like another round of deliberation.

I began to see my journey not as a straight line toward becoming a lawyer, but as a series of encounters with those twelve jurors, not as characters on a screen, but as internal voices, trials, and milestones I encountered along the way. Law school, like that jury room, was a battleground of ideas, identities, and reckonings. And each juror embodied a fear, a virtue, a temptation, or a lesson. Some were loud. Some barely spoke. But all of them shaped me.

These are the jurors I have met so far:

Juror #1 – Structure and Hierarchy

Juror #1 appeared first. It stood tall, not necessarily out of conviction, but because he was expected to. He was the enforcer of order, the representative of a system that values procedure over nuance. In law school, I often felt his presence in syllabi, deadlines, and the unspoken rules of who gets to speak and who must listen. He reminded me that legal education, for all its promise of liberation, can also be stiflingly rigid. Yet I learned from him, not how to obey, but how to choose when obedience serves justice, and when it becomes an obstacle to it. Juror #1 taught me that structure isn't the enemy, but it must always be tempered by humanity.

Juror #2 – Self-Doubt and Uncertainty

Juror #2 lived in my countless hesitations during my first two years in law school. Survive the first two years of law school they say, but it's easier said than done not when it is further subjected to hesitations and anxiety. Juror #2 was ubiquitous. It never shouted, never asserted

himself. He looked around the room hoping someone else would lead. I knew him well, he lived in my chest during my first two years of law school. He was in every hesitant hand I raised, every answer I doubted before speaking, every quiet exit I made after class, wondering if I really belonged there. But Juror #2 also taught me something precious: that humility, though mistaken for weakness, is the first step toward growth. With time, I spoke more, doubted less, and learned that every confident lawyer once whispered like Juror #2.

Juror #3 - Inner Conflict and Fear of Failure

Juror #3 surfaced in my ambition and my fear of failure. He was loud, angry, and emotionally volatile. His battles weren't with the facts—they were with himself. I met him when I found myself at odds with my own ambition, haunted by past mistakes and afraid of not being enough. He reminded me of every moment I overcompensated, working too hard, defending too aggressively, saying "yes" to everything because I feared saying "no" might reveal inadequacy. Juror #3 didn't need to be defeated. He needed to be heard, acknowledged, and healed. And slowly, I learned to silence the bitterness by replacing it with clarity and compassion for myself.

Juror #5 - My Humble Origins

Juror #5 was soft-spoken, often dismissed, but deeply perceptive. He didn't speak from theory; he spoke from lived experience. When he opened up, he shattered assumptions. That was me: the boy raised far from the legal corridors of power, yet carrying insights forged in real struggle. In every classroom discussion, I brought not just jurisprudence, but stories: stories of poverty, conflict, and resilience. Juror #5 reminded me that I did not have to become someone else to succeed in law. I only had to bring my full self, voice, history, and all into spaces that had never known me before.

Juror #8 - Moral Compass and Quiet Courage

Juror #8 remained as my anchor and my compass. It didn't raise his voice; he raised the standard. He was the kind of person who questioned not because he distrusted, but because he cared. His patience, his empathy, his unwavering resolve to get it right before moving on. These were traits I clung to during my most uncertain moments. In moot court, in debates, in policy discussions, I tried to channel his spirit. Juror #8 didn't need to win every argument; he only needed to know he had listened deeply and acted justly. He modeled a kind of courage that is often misunderstood; the courage to say, "I am not convinced," when everyone else already is. The courage to endure discomfort for the sake of principle. The courage to remain calm while others unravel. And yes, perhaps that is why I gravitate toward the number eight, on forms,

in seat assignments, even in quiz teams. It is a small, almost trivial habit. But to me, it is symbolic. A quiet tribute to the kind of advocate I aspire to become: one who values truth over triumph, deliberation over dominance, and conscience over convenience

Juror #9 - Wisdom Through Observation

Juror #9, the quiet observer, taught me the value of listening. Juror #9 was the elder, watching, listening, withholding judgment until it mattered most. He wasn't always the first to speak, but when he did, he shifted the room. I met Juror #9 in the form of mentors, professors, senior colleagues, and old friends whose guidance came not in lectures, but in gentle nudges. They taught me how to see what others missed, to read silence as deeply as speech. In law school, I often wanted fast answers, but Juror #9 taught me that wisdom arrives slowly, that the most powerful insight often comes after careful observation. And for that, I am endlessly grateful.

Each juror left a mark, taught a lesson, and shifted my path.

But the battle is far from over.

Right now, I find myself locked in a tough negotiation with **Juror #7**: impatient, indifferent, and ready to walk out the door. He represents **burnout**, the days when my idealism fades under the weight of exhaustion, deadlines, and the quiet, nagging question: "Does this even matter?" Juror #7 wants the verdict now: quick, clean, done. He doesn't care much for nuance or the long road of principle. Burnout is persuasive.

It disguises itself as practicality.

"Be realistic," he says.

"Choose the easier path. No one will notice."

He just wants out. And I, despite my principles, my promises, sometimes want that too.

The real struggle is not dismantling his argument in a single triumphant moment. It is choosing, every day, to remain seated at the table.

And as I hold my ground with **Juror #7**, another voice is starting to speak, **Juror #10**, loud and prejudiced. He symbolizes **the societal bias I face**: the whispered doubts about my being, my background, the occasional dismissal of the causes I believe in. Our dialogue has only just begun, but I can already feel the pressure rising. Juror #10 doesn't debate; he asserts. He doesn't

ask: he assumes. He is not easily reasoned with, but I know he must be faced. Because the deliberation continues.

But I have learned something from **Juror #8**, you do not silence prejudice by shouting louder. You let it speak until it reveals its own emptiness. And then, calmly, you stand.

Then there is **Juror #6: the quiet defender of dignity.**

He is not eloquent. He does not quote doctrine. But when someone crosses a line, when mockery replaces discourse, he stands. Calmly. Firmly. Without spectacle. I have met him in moments when speaking up felt inconvenient when silence would have been easier, when neutrality would have been safer.

He reminds me that integrity rarely announces itself. It reveals itself in small refusals: refusing to laugh at prejudice, refusing to ignore exclusion, refusing to treat injustice as normal. Juror #6 does not crave recognition. He simply insists on decency. And sometimes, that insistence is enough to steady the entire room.

In the film's final moments, after hours of tension, the jurors reach a unanimous verdict:

NOT GUILTY!

But what moved me most was not the decision itself. It was what followed. There was no celebration. No triumphant embrace. They simply gathered their coats and left the room. The intensity dissolved into the ordinary rhythm of the city. Juror #8 and Juror #9 paused on the courthouse steps and exchanged names, Davis and McCardle, before parting ways.

After everything they shared, they had not even known each other's names until the end. Justice, it seemed, does not always end in applause. Sometimes it ends quietly.

I see myself in that ending.

There were semesters that felt like jury deliberations, long, suffocating, transformative. When clarity finally came, it did not announce itself. I would close my laptop, pack my bag, and step outside. No music. No victory speech. Just a quiet awareness that something inside me had shifted.

Like those jurors, I did not leave the room unchanged.

And perhaps the most profound lesson is this: the verdict was not a declaration of certainty. It was an acknowledgment of doubt. They did not prove innocence. They refused premature certainty.

In my life, I have learned to revisit my own verdicts, about others, about institutions, about myself. To allow doubt not to paralyze me, but to refine me.

Law school, it turns out, wasn't the conclusion of my case. It was just the opening statement. And each juror I encounter reminds me that the fight for justice isn't a single moment of triumph. It's a lifetime of quiet arguments, of steady questions, of choosing to stay at the table when you'd rather walk away. It unfolds in policy rooms and community halls, in legislative drafts and quiet conversations, in moments when no one is watching and in moments when everyone is. It is there that justice ceases to be theoretical and becomes personal.

I think back often to that afternoon in the car. To my father's voice. To the man in the garbage heap. To the seed that was planted before I knew its name.

Respect is not conditional.

Justice is not convenient.

Deliberation is not a weakness.

So here I remain, still seated, still listening, still speaking. Not always certain. Not always composed. But present.

The verdict? It's not in yet. And perhaps it never fully will be.

Because this is not a case with a single decision.

It is a lifelong trial of character.

And as long as there is one voice, steady, patient, unwilling to abandon the search for what is right, I will stay in the room.

I'm not done deliberating.

TO BE CONTINUED...

Bradiz M. Suenan

*I opted to be
Somebody that is not me.
How hard can it be
To be someone people see?*

*I started slow and anxious,
Startled by furious mentors,
Continuing strong and cautious,
Sometimes wept like actors.*

*At times, I get to question myself:
Why I still haven't adjusted,
Vehemently reminding myself
Why I even started.*

*This battle cry of mine
Has constantly roared in my thinking.
Our profs said, "You will be fine.
Continue reading and keep on fighting."*

WHAT ARE YOU READING THESE DAYS?

Trizza Niña C. Pilapil-Bañas

*"IT" was about a clown, written by Stephen King;
It was about a river in Piedra where I sat down and wept, yes...
it was Paulo Coelho's.
It was about friendship, Goodbye, Tsugumi by Haruki Murakami;
It was a murder, in the Orient Express, yes...
it was Agatha Christie's.*

*It was easy then; she could answer promptly.
It became an operose question when she entered the halls of ivy.*

*"What are you reading these days?"
It dug a hole in her subcranial before she could answer it.
Her mind became the plains of pampas, vast... but with the way law permeates
her life, she answered:*

*It is about life and the law;
It is a thick book, with a myriad of pages that should not be skipped, for every
word is the in-depth verity of life.
"How about you? What are you reading these days?"*

THE CASE I COULDN'T WIN

Sahara S. Madem

*One asked to buy me coffee,
One showered me with chocolates,
The other one promised me marriage.*

*It all happened when I entered law school.
I thought the plot twist would be how surprisingly difficult the subjects are,
Or how nerve-racking class recitations can be,
Or even the professors' unique ways of teaching.
But to a "no boyfriend since birth" and "academically-centered" girl like me,
It was like a roller coaster of emotions.*

*Never had I imagined receiving a love confession during a class dinner,
Never had I imagined being persistently offered coffee by someone I barely
knew.
Never had I imagined being admired so deeply that someone would readily ask
for my hand in marriage.*

*I thought I would be bearing the pressure of not being the only one who
graduated with Latin honors,
Or the pressure of meeting classmates from different academic backgrounds,
Or even the pressure of not being treated equally because of our age.*

*But I was wrong.
Regardless of age, academic standing, or work,
We are all equal in the classroom.
We are all bound to stand when our name is called.
When professors are not satisfied with our answers,*

We must remain standing.

However, my biggest heartbreak in law school isn't a bad recitation,

Nor a failing grade in midterms.

It's when, in the middle of law school,

You fall in love with someone you will never have.

That's when I realized—one must choose her battles.

You're either inspired to study,

Or too distracted to even try.

Because sometimes, you can't have it all—

You might shine in class but remain unnoticed in love.

You might win awards yet lose the one you quietly hoped for.

But between fleeting hearts and a lasting dream,

*I choose the latter—though some nights, my heart aches for what might have
been.*

Because between the law and love,

Love is the case I couldn't win.

I THOUGHT I WOULDN'T MAKE IT

Aminola A. Tomawis

*No, I didn't make it the first time.
The nights stretched long, the readings never ceased.
Latin danced on pages like taunts in ancient ink.
My will wore thin, and confidence decreased.*

*Professors' questions pierced like blades unsheathed.
Case digests blurred, my voice lost in recitation.
Sanity flickered in the flicker of fluorescent lights.
Each exam a storm, each ruling made devastation.*

*I thought I wouldn't make it.
When my hands shook giving index cards so thin,
When I drowned in codals and caffeine,
When I questioned if justice was more than a fog,
I wept behind outlines and silenced sighs.*

*Fell asleep with dissenting opinions in hand,
Forgot my name, remembered the law,
Fought through doubt I barely could withstand.
But still, I wrote, I rose, and I ran.*

*Climbed black-letter cliffs with blistered pride,
Found my breath in cross-examinations,
Learned to stand when I could have just cried.
Until one day, I passed—but not with ease.*

*But with fire forged from failure's kiss,
And now I walk the halls once feared,*

*A bar passer born from the abyss.
I'm anxious, the situation's obnoxious.*

I thought I would make it.

ECHOES BENEATH THE DOCTRINES

Sittie Allyzah B. Amer

*There was a time the law felt far,
A distant flame, no guiding star.
The weight of cases, codes, and creeds
Couldn't quiet my unmet needs.*

*Each doctrine read, each rule reviewed,
Felt hollow, heavy, misconstrued.
My heart, once firm in purpose bold,
Grew tired, uncertain, quietly cold.*

*But then you came—not planned, not loud,
Not in the way life's timing's proud.
You walked into my fading days,
And in your calm, I found new ways.*

*In laughter shared, in quiet grace,
You grounded me back in this place.
Reminding me what law can mean—
Not just prestige, but something seen:*

*The power to serve, to heal, defend,
To stand for truth, and not just end.
You sparked again what had grown dim,
And filled the silence, soft, not grim.*

*You didn't hand me legal tools,
But taught me more than all the rules:
To hope again, to dare, to try,*

To chase the “why,” not just the “why?”

*Now when I study, read, and write,
I think of you—that source of light.
Not as distraction, but as flame,
The quiet fire that gently came.*

*And though the journey’s far from done,
The law still heavy, battles won—
You are the reason I held tight,
And found again my will to fight.*

*So thank you, stranger turned to guide,
For walking with me, side by side.
You showed me dreams I almost lost—
And now, I chase them, at all costs.*

SILENT BATTLES

Benjamin A. Abubakar

*I walk this road with silent battles,
borrowed courage in my quiet breath,
an iPad flickering at twenty-five percent,
up the stairs and into another room
where names are called and time feels tight.*

*I carry questions no one hears,
tucked carefully behind practiced calm.*

*Some evenings I arrive as a student,
other days as someone simply trying.
I study laws by daylight and wrestle doubt by night,
discovering that strength is not loud,
it lives quietly in persistence.*

*I stopped once,
a whole year between chapters.
Not from weakness,
but from needing to breathe.
And when I returned, I walked back in gently,
carrying scars I do not explain.
Along the way, I found a few CONSTANTS—
not to fight my battles,
just to remind me I was not alone.*

*Now I enter each room differently,
more aware of what it costs to stay.
Law school did not make me fearless, but it made me faithful.*

*And someday, when I look back,
I will remember these silent battles
and how choosing to return changed me.*

