


LAW IN A CHANGING WORLD

XVI WORLD LAW



PAX ORBIS EX JURE

CONFERENCE
24-29 OCTOBER 1993
MANILA, PHILIPPINES



PAX ORBIS EX JURE

WORLD JURIST
ASSOCIATION



INTEGRATED BAR
OF THE PHILIPPINES



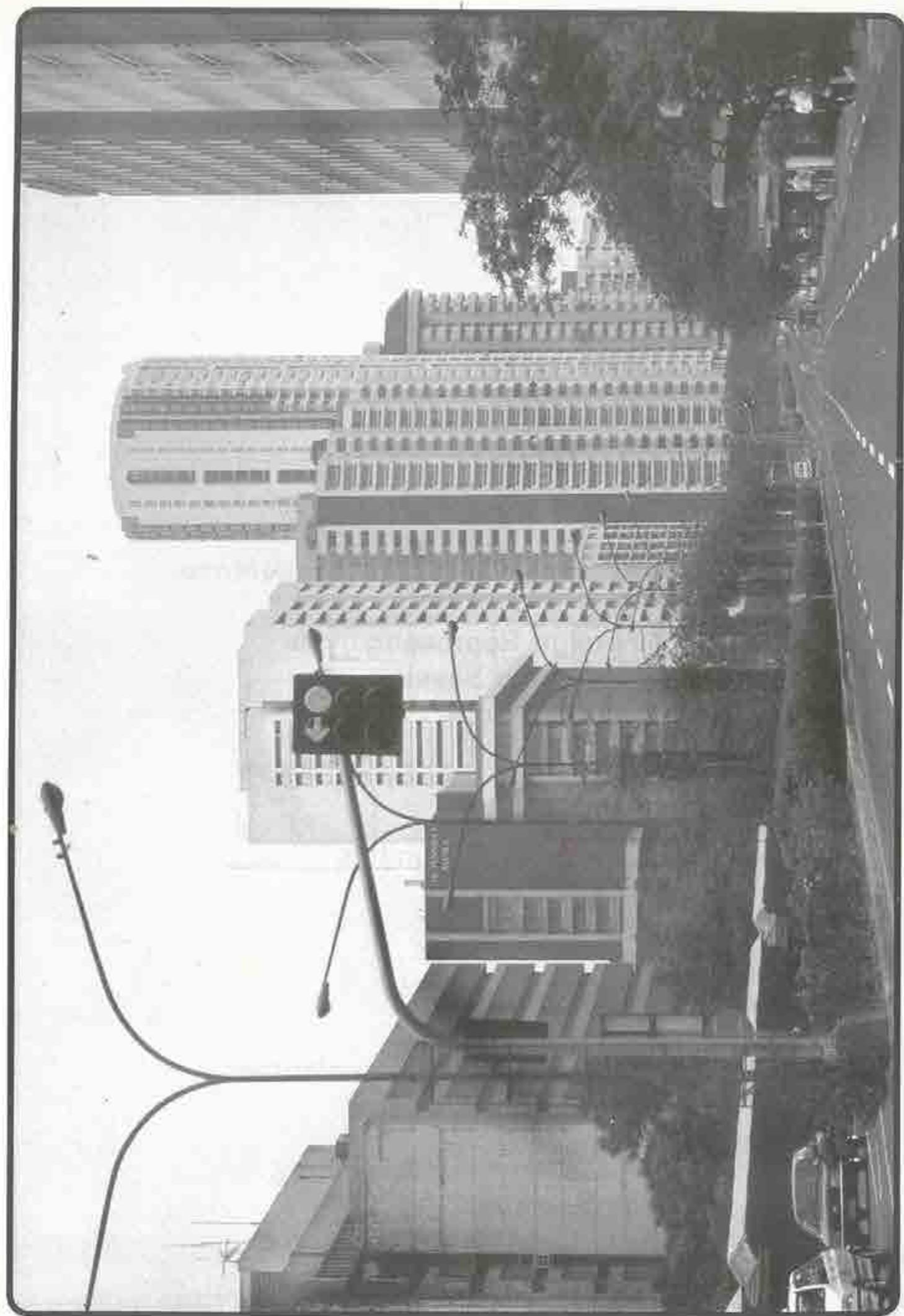
DEPARTMENT
OF TOURISM



PHILIPPINE CONVENTION
AND VISITORS CORPORATION

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FOREWORD

For two-time host Philippines, the staging of the Sixteenth Biennial World Law Conference (October 24-29, 1993) in Metro Manila's PICC is a doubly significant event. Its historically transcendental importance is assured by two factors in this unique forum - the international cast of the conferees and the major global issues to be tackled or addressed.

As in past WJA-sponsored conferences, this year's congregation will be participated in by the world's leading lawyers and other legal luminaries. These include several Supreme Court Justices, Ministers of Justice, eminent jurists, and hundreds of law professors and scholars from all over.

Once more, respected legal authorities coming from some 140 countries from the four corners of the globe will be brought together to bear their collective minds and wills upon certain liberty-or-death problems and challenges of our times. Aside from striving for the attainment of world peace and progress through law, the forum's agenda will include such worldly threats as pollution and other ecological ills endangering the very existence of Mother Earth.

Philippine officialdom along with the bench and bar, therefore, hail and await the presentation and discussion of urgent issues -world's children and human rights, illegal drugs and arms control, international environmental and space laws, etc. And like other Conference participants and observers, we all look forward to the fruitful exchange of ideas and insights even as we hope that all the panel and plenary exercises will lead to eventual relief or resolution.

Optimistically mindful of the outcome of this six-day forum, the officers and members of the Philippine Host Committee have devoted a great deal of time and effort in the preparation and implementation of the myriad tasks and activities called for by an international convention such as this.

As a token of our appreciation and grateful recognition for all those who have lent a hand and in one way or another offered their contributions to bring this globally historic event to fruition, we have come up with this special commemorative brochure. Like all souvenir issues, it contains a plethora of information and data which, we hope, the Conference participants and observers will find informative and worthwhile. May it also serve as a fitting and lasting memento of a global get-together of lawyers and others who went out of their way to come and be counted.



CASIANO O. FLORES

Messages



MALACAÑAN PALACE
Manila

It is with great pleasure than I welcome the delegates to the 16th Law of the World Conference to Manila. I share the pride and honor of the members of the Philippine law profession, in particular, and the Filipino people, in general, in hosting once again this prestigious gathering, which carries the apt and timely theme, "Law in a Changing World". You will find that the Philippines

and Filipinos uphold the principle of the rule of law throughout our vast archipelago.

Indeed, as Aeschylus said, "The laws of a State change with the changing times". As we witness vital changes in our country and in the world, it is most reassuring to know that this distinguished assembly of jurists, legislators, lawyers, barristers and professors intend to take up the challenges and demands wrought by these changes.

It is my earnest hope therefore that this conference will enlighten and resolve grave doubts about some of the pressing problems of our times, especially those which beset developing countries. I also hope that this gathering will be able to formulate legal postulates that would provide just and enduring solutions to these difficulties.

I have always held an utmost respect for the law profession and the role it plays as a trustee of the community conscience. As such, lawyers should perform, particularly during critical times, an active role not only to help guide the direction of the changes taking place around us but also to support changes that redound to the public good.

Again, I extend to all of you our people's warm welcome and hopes for a successful and fulfilling conference.

MABUHAY AND BEST WISHES!

Manila
October 24, 1993

FIDEL V. RAMOS

PRESIDENT
Republic of the Philippines



It is indeed a privilege that I exercise with much pleasure, on behalf of the World Jurist Association of the World Peace Through Law Center, to extend warmest salutations to friends and guests on this occasion, the WJA's XVI Biennial Conference, whose theme is "Law in a Changing World." I likewise

wish to express my gratitude to His Excellency Fidel V. Ramos, President of the Republic of the Philippines, for his untiring labor for the world peace and reconciliation in his country and for his support of the Association's stated mission of Pax Orbis Ex Jure (World Peace Through the Rule of Law) in his capacity as a host leader of this Conference.

I am confident that the coordinated labor of our hosts, the Philippine Host Committee (PHC), composed of the Department of Tourism/Philippine Convention and Visitors Corporation (PCVC) and the Integrated Bar of the Philippines (IBP), the panelists, special invited guests and participants from more than 100 countries, brilliantly molded by our friend, Honorable Raul I. Goco, Solicitor General of the Philippines with the capable assistance of so many, shall result in one of the most dynamic gatherings of international jurists the world has yet to witness.

The theme "Law in a Changing World" was selected due to our Association's interest in fighting for justice through the Supremacy of Law as the governing agent of the current profound changes affecting the global community. We remain ever committed to the recognition of the importance of the State of Law and the respect for the International Law regulations for the preservation of world peace and development.

(Sgd.) **FRANKLIN HOET-LINARES**

President

World Jurist Association



It is often said that we live in exciting times, an observation, no doubt, reflective of the quickened pace of modern life and the ephemeral context within which long held values are constantly tested. The advances of technology have bridged what once were the forbidding barriers of time and space that kept the peoples of the world not only apart in ways physical, but from sharing ideas, ideals and aspirations common to the human condition.

In light of the heightened contact between countries and the many regional disputes and inter-racial conflicts to which we are witness, it becomes increasingly necessary for the community of nations to adopt a legal regime that will foster prolonged peace and order, despite the many changes taking place in the world today. We should strive not only for the strengthening and refinement of international law, but also for the attainment of a global justice system, in order that every member of the community can rightfully demand consistency and equality in the application and enforcement of the rule of law, particularly on the transnational plane. In fine, it is my hope that this, and the other international conferences of this nature, will encourage the community of nations to overcome the limitations of national, ethnic, cultural and racial boundaries and bring its members to a new plateau of understanding and cooperation in attaining a true world legal order. The timeliness of the theme of this Convention, "Law in a Changing World," is beyond question.

I extend my warmest welcome and felicitations to the organizers and participants of the World Law Conference in Manila, from the 24th to the 29th of October 1993, and therewith, every good wish for the realization of the various goals and objectives sought to be accomplished.

October 24, 1993.

A handwritten signature in dark ink, appearing to read "Andres R. Narvasa". The signature is fluid and cursive, with a long, sweeping horizontal line extending to the right.

ANDRES R. NARVASA
Chief Justice
Supreme Court of the Philippines



On behalf of the Philippine Host Committee, allow me to bid you all WELCOME to this historic XVIth World Law Conference of which my country, the Philippines, is again privileged, proud and honored to host. It is my hope that we can approximate or even surpass the success(es) that characterized past conferences sponsored by the World Jurist Association. My fondest wish is that your stay with us no matter how brief will be most pleasant and rewarding.

Also my appreciation to all those who gave their helping hand in the preparation of this Conference.

MABUHAY!

A handwritten signature in dark ink, appearing to read "Raul I. Goco". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

RAUL I. GOCO
OVER-all CHAIRMAN
Philippine Host Committee



I am delighted to greet the officers and members of the world Jurist Association and the delegates to the 16th Conference on the Law of the World on October 24-29, 1993 at the Philippine International Convention Center.

The Department of Tourism is presently promoting the Philippines as a business and meetings destination. Modern conference facilities and the entry of new hotels in Metropolitan Manila and other major cities in the country have boosted the competitive edge of the Philippines as an attractive destination for international events and conventions.

The holding of this event is a clear manifestation of the confidence of international organizations in the country and bolsters the image of the Philippines as a premier convention destination in Asia as well.

I extend a very warm welcome to all our guests and I congratulate everyone in making this very significant event a success. I wish you all MABUHAY!

A stylized, handwritten signature in dark ink, appearing to read 'Vicente J. Carlos'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

VICENTE J. CARLOS

SECRETARY
DEPARTMENT OF TOURISM



In behalf of the Integrated Bar of the Philippines, I am pleased to welcome to Manila the delegates to the 16th Biennial Conference of the World Jurist Association on the Law of the World. This international conference promises to be one of the biggest to be held in the Philippines this year. In addition to some 2,000 delegates from over 120 countries, an equal number of Philippine jurists, legal scholars, government lawyers and law practitioners will join their foreign counterparts to discuss the conference theme: Law in a Changing World.

The importance we attach to law which this large gathering of legal luminaries implies is only appropriate. For we meet at a specially critical time for the rule of law. Tremendous adjustments worldwide have to be made in response to radically changed political and economic conditions.


Although the threat of a world war has receded with the passing of the Cold War era, conflicts arising from the resurgence of ethnic rivalries and the rise of nationalism in Europe and Asia have resulted in localized disorders capable of involving enough other countries to precipitate major wars. There is as well the residual threat arising from the decentralization of authority over huge stockpiles of the world's nuclear weapons, and the pronounced threat of their proliferation.

Even as these adjustments and problems continue, the emerging world order must also confront the economic hardships in those countries where they used to be minimal, even as the specter of poverty continues to haunt much of the world's population.

Thus, the countries of the Third World are understandably eager to see the law operating as a means towards the prosperity of their peoples. Many, as we would in the Philippines, wish to see the law no longer as an instrument solely of the politically, militarily and economically powerful, but also as a means through which those countries which have less may be assured of a fair share of the world's resources under a regime of lasting peace and justice.

Additionally, the Integrated Bar of the Philippines hopes that this conference will not only be an occasion for sharing of knowledge and experience in law, but also an opportunity for mutual understanding, especially of each other's problems and viewpoints.

Once again, our best wishes and hopes for a truly fruitful conference.


MERVYN G. ENCANTO

PRESIDENT

INTEGRATED BAR OF THE PHILIPPINES



I am delighted to return to Manila, the site of the WJA's memorable 1977 World Law Conference. The hospitality of the Filipino people is truly without equal, and I am indeed excited about the program we have prepared together. I am confident that participants and attendees of the WJA's 16th World Law Conference, hosted here in the wondrous beauty of the Philippines, will be treated indeed to a most unforgettable experience.


MARGARET HENNEBERRY
WJA EXECUTIVE VICE-PRESIDENT



Our heartiest greetings and welcome to the delegates to the XVI World Law Conference. At the same time, we would like to express our deepfelt gratitude to the organizers and officials of this conference for choosing Metro Manila as the site of this year's World Law forum which has for its theme, "Law in a Changing World."

With the fast on-going technological, political and social global changes, deliberations on the various aspects of the theme by the world's top jurists is very apt and timely. The laws of each nation must have the genius to absorb the impact of change and direct this change to peaceful channels. Then as now, every nation of the world should imbibe in its legal system the promotion of world peace and justice with the laws as catalysts for cooperation and international understanding.

Our best wishes for a highly successful 16th World Law Conference.


ISMAEL A. MATHAY, JR.

CHAIRMAN
METROPOLITAN MANILA AUTHORITY



It is with a deep feeling of appreciation that we, in the City of Manila, welcome the participants, delegates and guests on the occasion of the 16th Biennial Conference on the Law of the World.

In behalf of the residents of Manila, I wish to convey to the World Jurist Association our gratitude for their selection of our historic city as the venue for staging one of the biggest and most important assemblage of publicists, legal luminaries and law practitioners all over the globe.

As a man of the law, I am aware that the positive changes taking place in the Noble and Ever Loyal City is a mirror of the larger changes transpiring all over the world. It is in this context of international interdependence that the conference gains added significance. For I am certain that the discussions in Manila regarding the Law of Nations will have a profound effect on the whole of humanity.

It is therefore my fervent hope and prayer that all those who have come for the conference will have a pleasant and memorable stay.

MALIGAYANG PAGDATING AT MABUHAY!


ALFREDO S. LIM
City Mayor, Manila
Philippines

Tengo el agrado de hacer llegar mis saludos y mejores deseos de éxito a la decimosexta conferencia sobre el derecho mundial de la Asociación Mundial de Juristas, encuentro que constituye una importante oportunidad para que juristas de todo el mundo aporten reflexiones e iniciativas para promover la aceptación y el respeto de los principios del derecho internacional.

Objetivos que son prioritarios a nuestro entender, pues consideramos que el nuevo orden internacional requiere poner especial énfasis en el imperio del derecho en las relaciones internacionales, lo que incluye la abstención del uso unilateral e indebido de la fuerza y el arreglo pacífico de las disputas. Por estas razones realizamos importantes esfuerzos para incrementar nuestra participación en las operaciones para el mantenimiento de la paz dispuestas por las Naciones Unidas.

Asimismo consideramos sumamente importante impulsar y fortalecer la utilización de instancias jurisdiccionales o arbitrales para dirimir las controversias entre los estados o para asegurar el respeto de los derechos humanos. Hemos apoyado, en particular, la creación por el Consejo de Seguridad de un tribunal penal internacional para el enjuiciamiento de los presuntos responsables de las gravísimas violaciones al derecho internacional humanitario cometidas en el territorio de la ex Yugoslavia desde 1991.

PRESIDENT
ARGENTINA

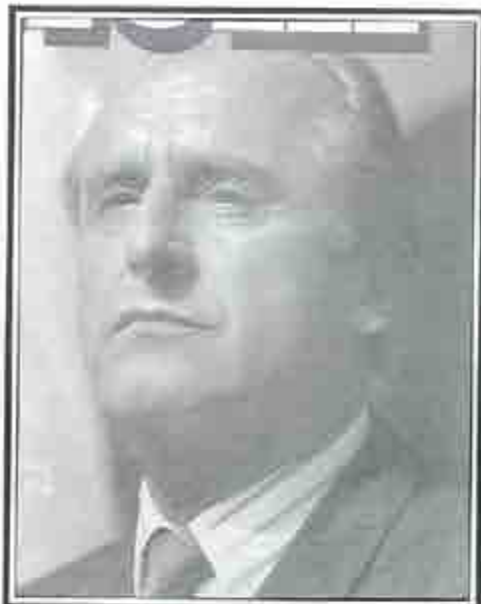
It is with pleasure that I send greetings to all guests and delegates attending the Sixteenth Biennial Conference on the Law of the World.

The theme of your Conference - "Law in a Changing World" - draws attention to the need for an appropriate legal framework to meet the needs of an ever more interdependent world. Australia, as a medium sized power on the edge of the Pacific Rim and a strong supporter of the United Nations, has long seen it as vital to international peace and security that there should exist such a body of law based on the recognition of that interdependence.

I believe that the conference can make a valuable contribution towards the goal of heightened international recognition of our mutual interdependence as nations and accordingly of the need for international relations to be underpinned by internationally agreed norms and procedures. In so emphasizing the role of law in dealing with the emerging problems facing all nations, the Conference can in my view make a significant contribution to international peace and security.



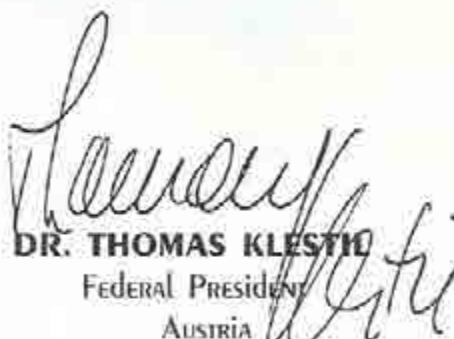
PAUL KEATING
PRIME MINISTER
AUSTRALIA



I am very pleased to extend my best wishes to the delegates assembled in Manila on the occasion of the Sixteenth Biennial Conference on the Law of the World.

The changing world we are living in provides new challenges and hopes for lawyers and politicians striving to achieve world peace through the rule of law. This noble goal can only be achieved if the fundamental rights and duties of States are respected. It will prevail only in a system of cooperative international relations.

It is gratifying to know of your many efforts to achieve these aims. May a successful outcome of the Manila Conference be further proof of your effective and truly universal activities.


DR. THOMAS KLESTIL
Federal President
AUSTRIA



I am delighted to convey my warmest greetings to everyone gathered in Manila, Philippines, for the Sixteenth Biennial Conference on the Law of the World.

This year's conference theme, "Law in a Changing World", underscores the importance to the legal community of preparing for future challenges. By presenting an interesting variety of events and insights, this conference will once again offer participants an opportunity to exchange insights and review approaches with their peers.

Please accept my best wishes for a most productive and enjoyable conference.


THE RIGHT HONOURABLE, KIM CAMPBELL
PRIME MINISTER
CANADA

As Governor General of Canada, I am pleased to extend my greetings to the delegates and organizers of the Sixteenth Biennial Conference on the Law of the World.

In many ways, the law represents the basic precepts which enable a country to function in a just and effective manner and is a reflection of the fundamental values of society. However, the law is not outside or separate from society and, if the legal system is to continue to engender our confidence, it must evolve to keep abreast of technological, social and economic developments. In the years which have passed since the birth of modern international law in the 16th century, the world has undergone profound changes and this body of rules has developed to reflect the new areas of concern such as the theft of telecommunications, hijacking or regulating conduct in space. Still, we see that the debates in which the family of nations engage, such as those surrounding the international protection of human rights or the ongoing struggle to codify a method by which disputes between states may be resolved peacefully, will continue to have a dynamic impact on international law.

In this context, the theme of this year's conference "Law in a Changing World" could not have been more appropriately chosen. My country, like the 160 other countries which are considered to be bound by the principles, customs and standards of international law, has benefitted immensely from an internationally recognized system of rules which safeguards shared interests and seeks to achieve the common objectives of states. As the number of national and international issues with which the international community must grapple increases in complexity, forums such as this are a vital part of the continuing effort to resolve these questions within the changing parameters of international law.

The Sixteenth Biennial Conference on the Law of the World is an opportunity for legal practitioners and scholars to discuss ideas and to examine the extensive scope of international law. I am honoured to offer to all those attending this conference my very best wishes as they work towards the realization of their noble goals.



RAMON JOHN HNATYSHYN
GOVERNOR GENERAL
Canada



Le agradezco la oportunidad de enviar un saludo a los participantes en la XVI Conferencia Bienal sobre la Ley en el Mundo. No puedo ocultarles que para mí es motivo de gran satisfacción dar a quienes asisten un fraternal saludo, no sólo como Presidente de la República de Chile, sino también como colega vuestro.

Me siento, por consiguiente, vinculado a los afanes, inquietudes, aspiraciones y problemas que a todos ustedes han de preocupar o motivan. Mi vocación es la justicia, y entiendo que el camino para conseguirla es el derecho. Y es precisamente la lucha por la justicia, vinculada al concepto del derecho, lo que en alguna etapa de mi vida me comprometió en la acción política, entendiendo que ésta tiene por objeto obtener el bien común de los pueblos, que se basa, esencialmente, en la vigencia del derecho para el logro de la justicia.

El derecho se funda en el respeto a las personas y, por consiguiente, exige reconocer como valor fundamental los derechos naturales de la persona humana, los hoy día llamados derechos humanos, y exige de todos actuar en la vida sobre la base del principio de la buena fe.

La convicción de que el débil puede tener razón frente al fuerte, que el humilde puede tenerla frente al poderoso, que el ciudadano privado puede tenerla frente al poder del Estado, es una base fundamental en el quehacer de la abogacía.

Yo confío en que vuestras deliberaciones sean útiles no sólo para un conocimiento recíproco, para enriquecer el acervo de cada cual con la experiencia de los otros, sino también para avanzar en el proceso de integración de los pueblos, integración que supone, en alguna medida importante, no sólo la apertura de las fronteras, no sólo los intercambios comerciales, sino también un mayor acercamiento cultural y una complementación jurídica.

Señores delegados, cordialmente les deseo el mayor de los éxitos en esta Conferencia, que se traduzca en un enriquecimiento de vuestra vocación de abogados y coadyuve a la consolidación de la paz y la democracia en toda la tierra.


PATRICIO AYLWIN AZOCAR
PRESIDENT OF CHILE

The theme of your Conference, "Law in a Changing World", is most timely, coming as it does when the international community grapples with the evolution of Inter-State relations. At the close of this century, for any "new world order" to be legitimate, it must be based squarely on internationally accepted norms and rules. There are three defining characteristics - one, **certainty**, which law connotes; two, **adaptability**, which is essential in changing circumstances; and three, **universality**, encompassing both national and international behaviour.

The global balance of power has shifted dramatically in favour of those States committed to democracy and the rule of law. This has reinvigorated the United Nations and given greater scope for resolution of disputes through negotiations. Nevertheless, this has not brought the peace and security anticipated at the turn of this decade.

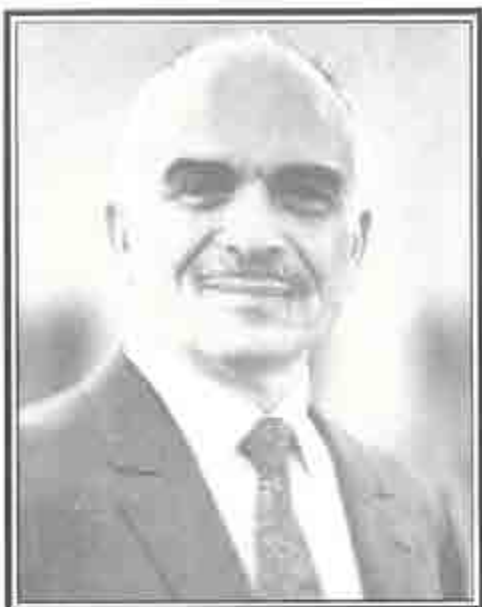
There is still so much that remains to be done to bridge the political and economic divisions that separate the rich and the poor.

The World Jurist Association provides a timely opportunity for reflection on the Conference Theme. I am sure that your deliberations will be fruitful and will be of benefit not only to delegates but to the wider international community.

I extend my very best wishes for the success of the Conference.



P. J. PATTERSON
PRIME MINISTER
JAMAICA



On behalf of the people and government of Jordan, it is a great pleasure for me to extend my warmest greetings and best wishes to all distinguished participants to the World Jurist Association's 16th Biennial Conference on the Law of the World, being convened in Manila, the Philippines.

The world community is facing tremendous challenges and tasks in the aftermath of the end of the Cold War. Humanity is at crossroads, and we are at a very vulnerable moment in history. There is no substitute for the rule of law and respect for universal legal principles and norms, and that is why international law is, more than ever before, the focus of world attention. We, nations, peoples and individuals of this globe are looking for the faithful and indiscriminate application of law so that peace and understanding among all nations can prevail.

The theme you have chosen for your conference this year "Law in a Changing World" is very timely. A peaceful world can only be achieved through the respect and the application of the universally accepted norms and axioms in much the same way that the law applies within a nation. The role of various international and regional forums should be strengthened to enable these institutions to act promptly and fairly in the settlements of disputes, and should be provided within the means to apply such settlements. Jordan believes that this should constitute the backbone of the emerging new world order.

I am sure the results of your discussions and deliberations will further contribute to the, hopefully, ever growing edifice of the universal body of law.

In conclusion, I am happy to have this opportunity to wish the World Jurist Association, as well as the Conference, continued success.


THE KING OF JORDAN



I would like to take this opportunity to send my greetings and best wishes to all the delegates of The Sixteenth Biennial Conference on the Law of the World. The theme for this Conference 'Law in a Changing World' is most apt and timely. In this context I call upon the international legal fraternity to take note of the varying political, economic, social, religious and cultural diversities and the radical changes which have taken place lately. Legal principles and policies cannot ignore this diversity and these changes.

The existing international legal instruments, by and large have been enacted based on western political values and practices. Whether these are the most perfect and the only acceptable system is something that needs to be examined. Events following the demise of the totalitarian communist states have shown that the mere switch to Western legal principles and concepts has not brought about a just and fair society. Indeed, hundreds of thousands are being killed, raped and incarcerated in the Eastern bloc countries as a direct result. These realities must be acknowledged if the law is to serve society and not society serve the law. More than anyone else, the jurists will have to consider these realities. Your deliberations can hopefully lead to a better world order.

I wish you a stimulating and fruitful conference.

A handwritten signature in dark ink, consisting of several fluid, connected strokes, positioned above the printed name.

DR. MAHATHIR BIN MOHAMAD

PRIME MINISTER
Malaysia

If persons, communities, nations and ethnic groups are to live together in peace and mutual solidarity they must live within parameters of law and order enforceable by appropriate authorities. The rule of law is the only guarantee for individual and collective freedom, justice and human rights, periodical meetings of international associations of Jurists serve world peace and peaceful co-habitation on this crowded planet of ours by the exchange of ideas, proposals and hopefully by laying the foundations for future conventions and charters.

May the Manila World Jurist Conference be another milestone in the solid foundations of peace and international understanding.



CENSU TABONE
President of Malta

I warmly greet the distinguished participants in the 16th Biennial Conference of the World Jurist Association and wish success to their deliberations.

Experienced and tempered, humanity has arrived at the threshold of the 21st century which promises to become an era of an ever dynamic development of all spheres of human activities and societal life. Hence, it is extremely important to legitimize humane and ethical norms of co-habitation of the nations of the world in accordance with the new conditions of international relations.

The declaration by the United Nations Organization of the period of 1990-1999 a Decade of International Law offers an opportunity to fulfill this noble task by pulling together and coordinating the efforts of the world community, and this opportunity should be used to its fullest.

I am pleased to use this chance to reiterate my confidence that your Association which unites in its ranks distinguished legal professionals from dozens of countries, will continue to cooperate with the UN and other international bodies as well as states and make tangible contribution to bringing about world peace and perfecting the system of legal regulation of international relations.

Please accept my wishes of fresh accomplishments in your professional activities.



P.O. OCHIRBAT
PRESIDENT of Mongolia



With much pleasure I convey this message of goodwill to the delegates and guests of the Manila World Law Conference.

"Law in a Changing World" is a very relevant theme for this Conference. The post Cold War era in particular is challenging the world community to find new legal solutions.

Right now, we in New Zealand are gravely concerned that current international law does not offer adequate protection to UN peacekeepers. During our present tenure on the United Nations Security Council we are taking an initiative to improve the safety of UN personnel serving in peacekeeping and humanitarian operations. We have succeeded in focussing attention on this issue and the United Nations Secretary-General has now been asked to recommend ways of improving safety measures.

As to the pressing issues on your agenda, we lend support to the further development of international environmental law and of measures to enhance human rights, in particular those relating to the protection of women and children.

May your deliberations in Manila make a significant contribution to these challenges. I, along with the rest of my Government, wish the Conference every success.


RT HON J B BOLGER
PRIME MINISTER
New Zealand

Com grande satisfação solicito a Vossa Excelência a amabilidade de transmitir aos participantes da XVI Conferência Bienal sobre o Direito mundial que, com o patrocínio dessa honorável Associação, realizar-se-á em Manila, Filipinas, nos dias 24 a 29 de outubro próximo, votos de pleno êxito nos esforços que dedicarão ao exame do tema "O Direito num Mundo em Transformação", de excepcional atualidade.

Estou persuadido de que, dos debates a se efetuarem nessa ocasião, proveitosos resultados serão colhidos em prol do aprimoramento da ordem jurídica, com vistas ao melhor relacionamento entre os indivíduos e as nações, em benefício da paz e da harmonia no seio da comunidade internacional, objetivos a que o Governo e o povo brasileiros atribuem transcendental relevância e consagram o melhor de seus empenhos.

Aproveito a oportunidade para apresentar a garantia da minha mais alta consideração.



ITAMAR FRANCO
PRESIDENTE da República Federativa do Brasil

Como Presidente de la República de Colombia, es un gran placer para mí saludar y extender mis mejores deseos a todos los participantes en la Decimosexta Conferencia sobre el Derecho Mundial, a celebrarse en Filipinas.

Estamos presenciando el surgimiento de un nuevo escenario internacional caracterizado principalmente por la desaparición del conflicto Este-Oeste, la conformación y consolidación de megabloques económicos y la persistencia de las tensiones Norte-Sur. Se han producido cambios profundos en las relaciones internacionales, donde el medio ambiente, el narcotráfico, las migraciones y toda una serie de temas y fenómenos sin fronteras, han cobrado especial relevancia en el nuevo escenario internacional.

Enfrentamos ahora el desafío de readecuar las instituciones, normas e instrumentos jurídicos que rigen las relaciones internacionales, a las nuevas necesidades que imponen estos cambios.

Colombia tiene como pilar de su política exterior, la vigencia del derecho internacional, el principio de la libre determinación de los pueblos, la solución pacífica de los conflictos y la cooperación internacional para resolver los problemas que aquejan a la humanidad.

El derecho internacional deberá desempeñar un importante papel en el nuevo orden mundial y adaptarse a las circunstancias actuales para hacer más posible la paz y el desarrollo armónico de todos los pueblos. Mucho se ha conseguido en el pasado por medio de este instrumento. Hoy, su vigencia solo podrá ser garantizada a través del consenso de la comunidad internacional sobre la importancia de fortalecer este orden jurídico.

En el amanecer de una nueva década, cuando por doquier en el mundo se derrumban muros y se abren las alamedas de la democracia y de la libertad, estamos obligados a encaminar todos nuestros esfuerzos hacia la consecución y mantenimiento de la paz, la consolidación de los procesos democráticos y la lucha por el pleno respeto de los derechos humanos.

Si todos actuamos con ánimo constructivo, y dentro de los parámetros del derecho internacional y los principios fundamentales, tenemos la oportunidad única de dejar atrás y para siempre los capítulos amargos de conflictos que en estos últimos años han marcado la historia de nuestros pueblos.

En nombre del Gobierno de la República de Colombia y mío propio, expreso el deseo de los mayores éxitos en esta Conferencia en beneficio de la libertad y la paz del mundo entero.



CESAR GAVIRIA TRUJILLO
Presidente de la República de Colombia

On the occasion of the Sixteenth Biennial Conference on the Law of the World I have the pleasure to extend my greetings to the World Jurist Association and the delegates assembled in Manila on October 24 - 29, 1993.

The transformations of the past years in the international political scene have given impetus to wide-reaching changes also in many national societies. The importance of law in the administration of domestic society has become widely recognized. The promotion of human rights has become an increasingly central occupation of authorities worldwide. Carrying out these tasks requires intensive international cooperation between national authorities and particularly between jurists occupied with domestic as well as international reform.

At the same time, however, we cannot fail to acknowledge the persistence and sometimes even increase of social problems, including armed conflict between populations separated by different ethnic or religious attachments. Political persecution has not been eradicated. The situation of minorities continues to claim our attention.

The Conference is one of the means through which the international community can seek to control conflict and to pave the way towards the widening acceptance of the principles of peaceful settlement and the rule of law. I have no doubt that the Conference will provide an excellent forum for the further development of international and domestic law in this sense. I wish the Conference all success.



MAUNO KOIVISTO
President of the Republic of Finland

On the occasion of the Sixteenth Biennial Conference on the Law of the World, it again gives me pleasure on behalf of the people and Government of Ghana to convey my best wishes to the eminent delegates assembled in Manila.

This is indeed an auspicious time to hold this Conference as we approach the middle of the United Nations Decade of International Law when most nations, confronted by current legal problems relating to the environment, drug trafficking, terrorism, human rights, and armed conflicts as well as the under-development of the South, are striving for urgent solutions to these problems.

As you are aware, despite the formal end of the cold war, peace remains elusive to the world as exemplified by the conflicts in Liberia, Angola, Somalia, Bosnia-Herzegovina, the Middle East and the former Soviet Republics. These unhappy developments in the contemporary world pose a major challenge to you, distinguished jurists, to rededicate yourselves to the quest for a just international legal framework for the attainment of peace, social justice and equitable development for all.

It is gratifying to note that with the collapse of the bi-polar system the United Nations is gradually regaining the centre-stage in the transformation of the existing world order. However, there is the need to critically examine ways of reforming it to play a more effective role in the promotion of international law, peace, security and development and also to ensure that it is not manipulated by a few member-states to serve their own narrow interests.

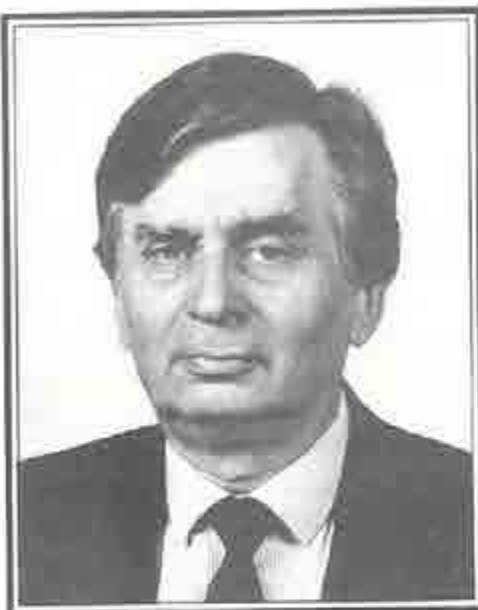
I also see the need for a reassessment of the concepts of sovereignty and non-intervention in the light of the recent experience of the armed humanitarian intervention in Liberia, Somalia, Bosnia-Herzegovina and Iraq as well as the ever growing concern for human rights. On the other hand we must not create conditions that will undermine the integrity of weak states.

As the observance of political and civil rights becomes increasingly linked to economic aid it is equally imperative to reiterate the call for an international legal regime which will ensure fair terms of trade for developing countries to enhance their capacity to guarantee the social and economic rights of their citizens. Perhaps, given the yawning gap between the North and South against the backdrop of a crisis of morality in international relations, it might also not be out of place for this August conference to discuss the question of compensating countries which have been victims of colonialism and the slave trade.

May I add that to achieve the objective of promoting the acceptance and respect for the norms of international behaviour as envisaged by the United Nations Decade of International Law, it behoves all states to endeavour to resist any tendency towards the selective or discriminatory application of these norms if confidence in international dispute settlement mechanisms is to be enhanced among the comity of nations.

On behalf of the people and Government of Ghana I wish you fruitful deliberations in your noble pursuit of World Peace Through Law.


FLT. LT. JERRY JOHN RAWLINGS
President
Republic of Ghana



It is my pleasure to once again have the opportunity, as Prime Minister of the Republic of Hungary, to express my best wishes on the occasion of the Sixteenth Biennial Conference held in Manila.

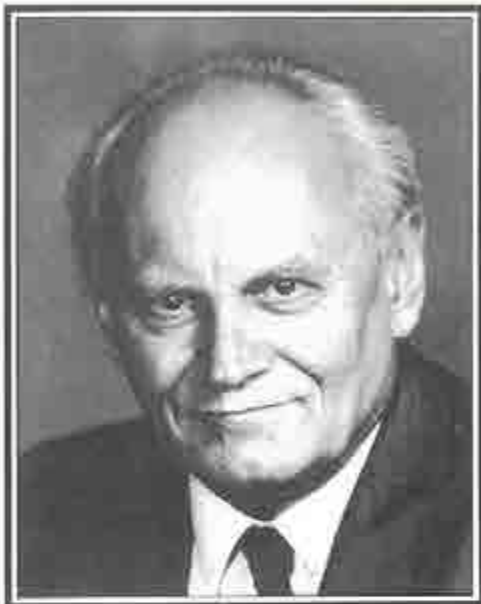
Since your last conference two years ago in Barcelona, dramatic changes have taken place in several regions of Europe and Asia. Scholars of different professions as well as all of humanity have to face new challenges not only in the field of policy but across diverse disciplines - including the legal sciences. I refer specifically here to the observance of human rights and that indivisible part of it, minority rights; the need for constitutional guarantees to these rights, the rising tendency of controversies related to these issues, and the tensions concerning the treatment of the refugee problem.

Of course, besides the changes in world policy the legal science may be confronted with many unsolved questions of technical-technological developments and the "intellectual boom". It should not be specifically described what the exploration of space, the revolution in informational sciences and telecommunication, and the inevitable requirement to protect the global environment for the sake of future generations mean for the legal profession.

Since the free elections of 1990, the Republic of Hungary irreversibly created the legal and institutional basis of constitutional democracy and the modern social market economy. From this basis, integrating into the community of nations and international organizations of democracies, Hungary wishes to participate in the settlement of the world's burning problems in which the honorable lawyers of the World Jurist Association's conference in Manila have a significant role.

Expressing my gratitude to the organizers, I wish all participants patience, fresh thoughts, and much success.


JOZSEF ANTALL
PRIME MINISTER
Republic of Hungary



I am pleased to send my greetings and best wishes to the distinguished participants of the 16th Biennial Conference on the Law of the World assembling this time in Manila.

I remember having congratulated you on the choice of your topics at the time of your last conference in Barcelona in 1991 and I can only reconfirm now what I said then if I look at the themes of the sessions in Manila.

Back in 1991, the rule of law, domestic and international, was a key notion and a symbol of transition to democracy in many countries, including Hungary. Today, law is again, or still, a key word, this time as a tool of solving conflicts some of us hoped would be solved by themselves with the passing of dictatorial rule, and also as a tool of reintegrating new democracies into the world politically and economically.

I am longing to see the day when, as a sign and evidence of our full integration, we will see more Hungarians than Americans among the speakers of your conferences. Till then, I wish you good luck and may I also congratulate you on your 30th "birthday".

Arpad Goncz
ARPAD GONCZ
President of the
Republic of Hungary

On behalf of the Government and people of Republic of Korea, I extend my hearty congratulations to the members of the international legal community on the occasion of the 16th Conference on the Law of the World.

I think it very significant that this convention is being held in Manila, the Capital of the Philippines which is now determinedly pursuing greater democratic and economic development.

With the end of the Cold War which overshadowed the world for a major part of the 20th century, we are now faced with a host of new and difficult international challenges that need to be overcome during our own generation.

Our urgent common tasks include the prevention of local and regional conflicts, the strengthening of the free trade system, the protection of the environment, the eradication of drug abuse and the upholding of human rights throughout the world.

Resolving these pressing global issues requires ever closer international cooperation—which, indeed, is the only way to world peace, security and prosperity.

The legal profession has a key role to play in this. This is because the kind of abilities that lawyers bring to bear on resolving or mediating disputes and conflicts and their sense of justice and law-abiding spirit are essential to solving international issues also.

I sincerely hope and expect that lawyers everywhere will continue to actively take part in the endeavors to shape a free, peaceful and just world and leave it to our posterity. This Manila convention, I believe, will give an added impetus to the efforts to realize the dreams of all mankind—universal peace, justice and well-being.

Once more I pay tribute to you, the lawyers around the world, for your dedication and contribution to the cause of peace and justice, and I wish the Manila convention a resounding success.

A handwritten signature in black ink, reading "Kim Young Sam". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

KING YOUNG SAM
President of the Republic of Korea

I have great pleasure in sending my greetings and warmest good wishes to the Sixteenth Biennial Conference on the Law of the World which is being held from October 24th-29th, 1993 in Manila, Philippines.

The theme of the Conference, "Law in a Changing World" is an apt and opportune one and I am certain that the discussions that will be held and the ideas that will emanate from them, will serve as guiding principles to those countries that will be participating in them as well as to others.

It is perhaps a truism to say that it is the maintenance of the Rule of Law that makes life worth while in a society. If every nation & community maintains it then national and international peace can become a reality.

Sri Lanka is a small, developing country but we have steadfastly, maintained the Rule of Law and the democratic way of life in our country against great odds. Of late there were assaults upon it by the forces of terrorism but these have been opposed and are gradually being overcome. Terrorism is a national, regional and international menace and I hope that it too would be a subject for discussion at your deliberations.

I wish the Conference all success.


HON. D. B. WIJETUNGA
PRIME MINISTER
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

I congratulate the World Jurist Association on the occasion of its Sixteenth Biennial Conference on the Law of the World which is scheduled to be held in the Philippines in October 1993. The theme of the Conference - Law in a Changing World - is extremely topical and meaningful.

We live in an era when many countries around the globe are facing issues of a confrontational nature. Governments are compelled to address themselves to the peaceful resolution of these complex issues. In this context, dedicated efforts of Non-Governmental Organisations such as yours make the tasks of the State easier and less burdensome.

The law has an important role to play in every sphere of day to day life. It is imperative therefore that the Law must be utilised as an instrument to bring about equity and social justice. Interaction amongst fellow Professionals necessarily promotes co-operation and better understanding. This leads to the creation of an atmosphere of mutual trust and confidence. These are essential attributes of a peaceful, orderly and disciplined society.

The Sixteenth Conference on the Law of the World is an impressive assembly of professionals from around the globe. It constitutes an ideal forum for the achievement of your noble ideals.

I wish the Sixteenth Law of the World Conference all success.


PRESIDENT
SRI LANKA

On behalf of the President of the Russian Federation, I am extending my cordial greetings to the delegates and the guests of the XVIth Conference on the Law of the World in Manila dedicated to the issues of law in a changing world.

I am confident that the forthcoming discussions and decisions to be taken at the Conference, covering various fields of both inter- and intra-national law, will help its development which is needed so much by our changing world on the threshold of the 3rd millennium.

Allow me, on behalf of the President of the Russian Federation and on my own behalf, to wish you successful and productive work.

(Sgd.) **ANDREI V. KOZYREV**
Ministry of Foreign Affairs of
the Russian Federation



It is an honor and a pleasure for me to address the World Jurist Association's 16th Biennial Conference on the Law of the World. The purpose of your organization, the promotion of world peace, is very noble indeed, and your continuous efforts to increase the awareness of the legal principles governing international relations are of great value to the international community.

Reflecting upon the theme of this year's Conference, "Law in a Changing World", I cannot help but notice that, for all the positive changes we have experienced since the end of the Cold War, there is at least one area of international law that, in various parts of the world, has been and continues to be deplorably flouted on a regular basis and to a degree we have rarely witnessed in the last half century.

I am referring to the rules and principles of international humanitarian law which is, of course, particularly close to the heart of the Swiss Government as the depositary of the 1949 Geneva Conventions and their Additional Protocols. Almost daily we are confronted with new pictures and reports of grave violations of even the most basic tenets of the law of armed conflicts in wars near and far. Civilian populations and other protected persons, instead of being spared, are often made the principal target of hostilities. Wounded are being killed, children massacred, women raped, prisoners tortured and whole countrysides left in ruins.

In the face of these atrocities, the world community should make every effort to put an end to the constant deterioration in today's armed conflicts of compliance with the rules protecting the victims of war and ascertain that war criminals do not go unpunished.

I firmly believe that strict adherence to the rules and principles of international humanitarian law in armed conflicts is an essential element on the road to reconciliation and the restoration of peace.

ADOLF OGI

PRESIDENT OF THE SWISS CONFEDERATION

On behalf of His Majesty's Government and the people of Thailand, I am very pleased to send a message of greetings to the Distinguished Participants of the Sixteenth Biennial Conference on the Law of the World to be held in Manila from 24 to 29 October, 1993.

The convening of the Sixteenth Biennial Conference on the Law of the World is, indeed, timely as there is an urgent need for the rule of law to be respected at the domestic and international levels. The gathering of prominent legal scholars and practitioners all over the world will not only facilitate the pooling of ideas but also promote friendship and mutual understanding. I believe that the common desire to promote the rule of law will create the dynamic atmosphere conducive to the pronouncement of constructive views and comments.

It is gratifying to learn that the subject of human right will also be one of the focal points of the Conference. Peace and prosperity could be universally achieved only if fundamental human rights are respected and adhered to, allowing the dignity of mankind and the nobility of human spirit to freely manifest themselves.

I wish the Conference every success in its endeavours.


(CHUAN LEEKPAI)
PRIME MINISTER
Thailand

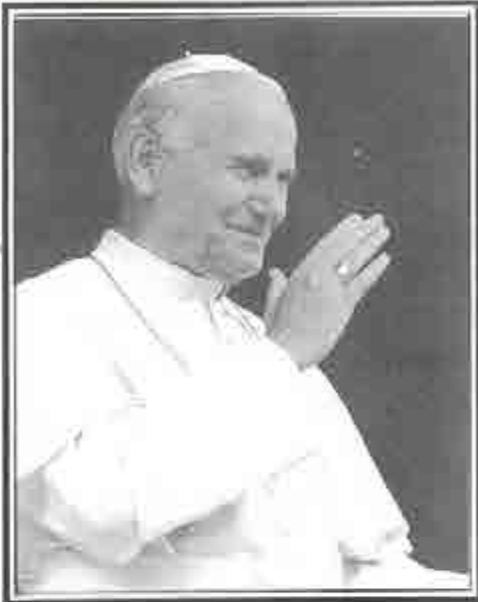
Muy acertado el tema escogido por la Asociación Mundial de Juristas para la Décima Sexta Conferencia que se celebrará en Manila en el mes de Octubre, a saber: el Derecho en un mundo en transformación.

Los cambios que han ocurrido en las últimas décadas han sido de una amplitud y de una profundidad impresionantes. La caída del Muro de Berlín, la desintegración de la Unión Soviética, la sustitución del régimen del socialismo real por un sistema que proclama las libertades públicas y el respeto a los derechos humanos en la Europa del Este, la instalación de gobiernos popularmente electos en América Latina, los adelantos del proceso de integración de la Comunidad Europea, pero además la Revolución Tecnológica, cuyos efectos se estima excederán en el aspecto social a los que ocasionó la Revolución Industrial, todo ello reclama que las normas del Derecho, inspiradas siempre por la idea eterna de justicia, se transformen al calor de nuevas aspiraciones para regular situaciones novedosas planteadas entre los hombres, entre las comunidades y entre los pueblos.

Se ha dicho reiteradamente que la velocidad del cambio en las instituciones jurídicas no alcanza el ritmo de los cambios sociales, políticos, culturales, y económicos. Es deber de los juristas impulsar estos cambios y plantear una mayor armonía entre todos los seres humanos y una mayor solidaridad entre todas las naciones.

Estoy seguro de que en esta nueva Jornada, la Asociación Mundial de Juristas contribuirá eficazmente a reclamar el objetivo planteado. Con este convencimiento envío a sus integrantes mis cordiales saludos y mis mejores votos por el pleno éxito de la Conferencia.


RAFAEL CALDERA
Ex-Presidente de Venezuela



HIS HOLINESS POPE JOHN PAUL II WAS PLEASED TO LEARN THAT THE SIXTEENTH CONFERENCE ON THE LAW OF THE WORLD WILL TAKE PLACE IN MANILA IN OCTOBER 1993. HE SENDS CORDIAL GREETINGS TO THE PARTICIPANTS AND ENCOURAGES THEM IN THEIR DEDICATED EFFORTS TO PROMOTE ORDER, JUSTICE AND PEACE THROUGH GREATER APPRECIATION OF THE ROLE OF LAW WITHIN COUNTRIES AND INTERNATIONALLY. HE COMMENDS THE WORK OF THE CONFERENCE TO GOD'S LOVING PROVIDENCE OVER HUMAN HISTORY, INVOKING UPON THOSE TAKING PART THE DIVINE GIFTS OF PRUDENCE AND WISDOM.

(Sgd.) **CARDINAL ANGELO SODANO**
SECRETARY OF STATE



With joy in my heart, I invoke God's grace and blessings to the organizers and participants of the 16th Conference on the Law of the World on October 24-29, 1993.

I believe that this gathering can serve as a forum for all of you to realize the value of a democratic system of government. A system ruled by law and fortified by structures of participation and shared responsibility.

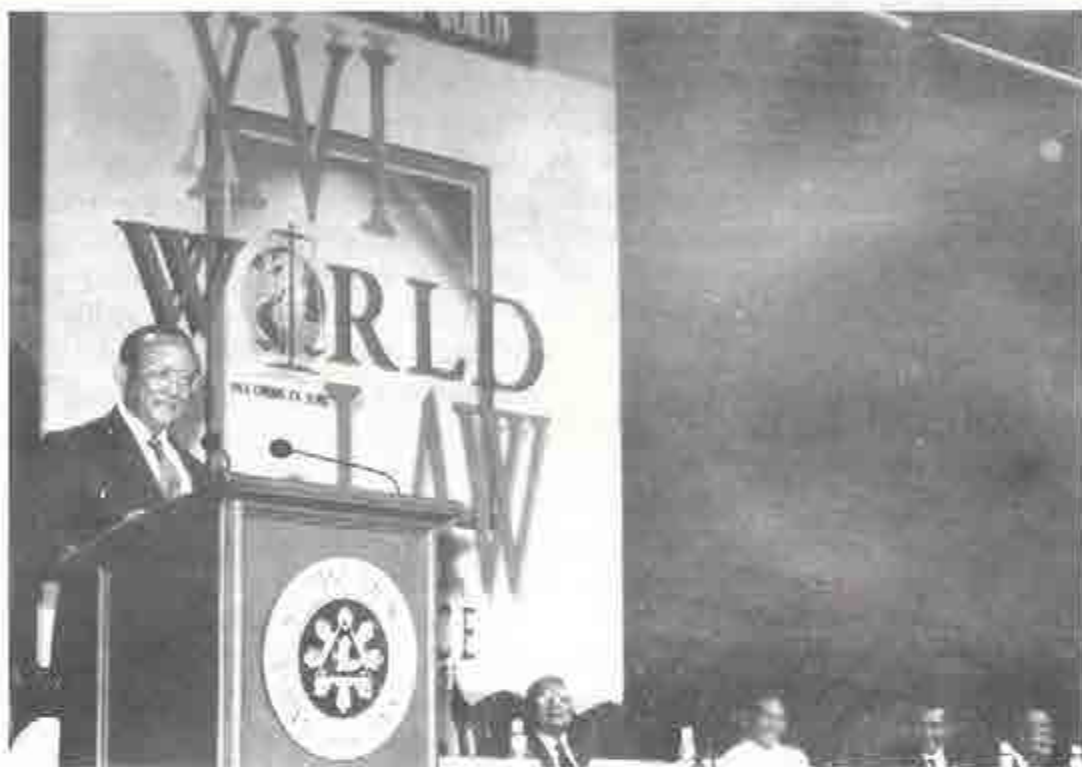
May God in His love and mercy inspire and move you to commit yourselves to the exercise of authentic democracy.

God bless all of you!

With every best wish, I remain

Devotedly in Christ,

+ Jaime Cardinal Sin
+ JAIME L. CARDINAL SIN
Archbishop of Manila



Philippine President FIDEL V. RAMOS delivering the Keynote Address.



Participants at the Inaugural Ceremony.

WORLD LAW CONFERENCE: THE PHILIPPINES IS HOST AGAIN

The Republic of the Philippines (RP) is hosting the Sixteenth Biennial Conference on the Law of the World this October 24 to 29. It had earlier played host to the same international congregation during its Eight Biennial Meet (August 21-26 in 1977). This is unprecedented - a rare distinction, indeed - in the 30 years history of this international organization that is composed of jurists, lawyers, law professors and law students from over 150 countries.

The World Jurist Association, sponsor of the biennial meet, has its reasons for choosing this country as venue for its conference the second time around. For one thing, the first (1977) conference held in Manila attracted the most number of delegates, consisting of over 7,600 participants, from the four corners of the globe. Secondly, the Philippines has since then regained its political stature as a democracy following the epic "EDSA Revolution" that ended the over-a-decade-old authoritarian rule. Under the new democratic dispensation, the Conference can be expected to draw in more participants and observers from all over.

To be sure, members of the Philippine Bench and Bar welcome this second historic forum for obvious reasons. Principally, this conference again gives them the opportunity to be exposed to the various legal systems and institutions from all over the world. They will have the chance to compare notes, as it were, about the various legal issues and problems of interest to them.

The preparation for the holding of the 16th Conference is being undertaken jointly by the Department of Tourism/Philippine Convention and Visitors Corporation and the Integrated Bar of the Philippines with the cooperation of independent lawyers' organizations.

As its former name - "The World Peace Through Law Center" - indicates, the Conference aims to help bring about global harmony through the rule of law. The Center's conferences that gather the eminent members of the legal profession from different areas of the globe can contribute their bit toward this end. By exchanging views and discussing workable solutions to problems and issues of mutual interest to all concerned, they can contribute their share towards the attainment of the organizations' objectives.

According to the officers of the World Jurist Association, this year's Conference, which will take place in Manila's Philippine International Convention Center (PICC), continues the Association's objective of bringing together distinguished leaders of the world's legal systems and thereby address the major current issues of the world community.

The theme of the Conference - "Law in a Changing World" - is as apt as it is timely. As pointed out, the subject is implicitly the main interest of humanity in the face of ever-shifting political economic and cultural forces that require a stable law foundation. Thus, this Conference affords today's legal authorities the opportunity to direct their minds and energies on the various topics that will be discussed in plenary and panel sessions.

Some of the subjects that will be discussed are:

- Human Rights
- International Economic Structures/Law
- International Environmental Law
- The World's Children
- ADR in the International Arena
- International Trade

Aviation and Space Law
Drugs: International/Domestic
Responses
Globalization and Fragmentation
International Economic Coercion as an
Enforcement Mechanism
Judiciary
Intellectual Property Rights
Legal Education
Media: Free Speech, Free Press
NGO's Role in Changing the Law
Litigation

As in the past, as legal professionals journey to the Conference venue for several days sessions, they are expected to join in the sharing of ideas, impressions and insights. The Chief Justices of many nations will attend and participate in the deliberations and discussions.

His Excellency Fidel V. Ramos, President of the Republic of the Philippines, as the Honorary Chairman of the Conference, will address the delegates at the opening ceremonies to kick off the historic international conference.

In the afternoon of October 24, the day before the formal opening session, the World Jurist Association will celebrate its 30th Anniversary with a World Law Day Prayer participated in by five (5) major Religious Leaders and an address by Prof. Dr. Roman Herzog, President of the Federal Constitutional Court of Germany. It will be followed by a Philippine Night featuring the Repertory Philippines.

The World Jurist Association is hopeful that its friends and members who attended its earlier Conferences such as that in Athens (1963) will be on hand to join in this year's gathering of the legal profession's cream of the crop, so to speak. Many of these members have continued participating in the various WJA seminars and the world conferences in different parts of the world. They are awaited to come and to go on in actively supporting the World Jurist

Association, which encourages all members and friends to get in touch and join the Conference. Many of them will return to the site of the extraordinary 1977 World Conference to meet with other international jurists to swap and share their ideas on some of the critical problems of our time. They are expected to join and participate in working towards a world of peace through the rule of law at the Sixteenth Biennial Conference on the Law of the World.

Thus, in this year's "agenda" is a special reunion of all those who participated in our 1977 Manila Conference, which was such a tremendous success. Also expected to come are those who participated in any of the other biennial confabs from Washington, D.C. to Barcelona to Beijing, China. They can look forward to learning and sharing in more from this "milestone event" in the Philippines.

A BIT OF WJA HISTORY

The World Jurist Association (WJA), formerly the World Peace Through Law Center (Association Mondiale de Juristes or Association Mundial de Juristas) was originally launched, as it were, in 1957, as a Special Committee of the American Bar Association. In that year, Charles S. Rhyne had become the President of the American Bar Association. At the Guildhall Dinner given by the English to honor the American Bar Association, and with Sir Winston Churchill as Chief Speaker, President Rhyne announced the appointment of the Honorable Thomas E. Dewey as Chairman of the Committee. Sir Winston praised (New York State) Governor Dewey and the Program that the Committee was to undertake to strengthen international law and its institutions which Sir Winston characterized then as "weak as water."

The ABA Committee recommended conducting Continental Conferences in San Jose, Costa Rica, for the law leaders of the Americas, Tokyo, Japan for Asia, Lagos,

Nigeria for Africa and Rome, Italy for Europe. Those Conferences agreed upon the need for a worldwide effort by the legal profession to gradually help governments build a world legal system to strengthen the rule of law and its institutions internationally so that in the end, the rule of law would replace force as the controlling factor in transnational relations between peoples and nations.

In 1963, the Special Committee within the ABA was given an independent international status. At an ABA-sponsored meeting held June 28 to July 6, 1963 in Athens, Greece, the World Jurist Association was established. Mr. Rhyne was elected World President, an office he continued to hold until the election of the new President, Dr. Franklin Hoet-Linares at the XV Biennial Conference in Barcelona (Spain) in October 1991. The long time Executive Vice President is Mrs. Margaret M. Henneberry. The World Jurist Association is a non-political and non-profit institution. Its participants speak as individuals rather than as representatives of a particular country, association, or ideology.

BASIC VIEWPOINT AND GOALS

Considering the ever increasing arms build-up and the possible use of nuclear power with all of its calamitous consequences for making, an overwhelming desire for peace has grown among the peoples of the World "to offset the threats of war between nations." This desire for world peace, and the universal clamor against war, is probably stronger now than at any time in all history. It is based on the fact, stated by President Eisenhower in praising the creation of the World Jurist Association Committee in 1957, that: "The world no longer has a choice between force and law; if civilization is to survive it must choose the rule of law."

The necessity of this choice has resulted in a notable rise of hopeful interest in the subject of world peace through a united worldwide effort to strengthen international law and to expand its institutions. President John F. Kennedy, in his Inaugural Address, pledged to help create what he called "a new world of law where the strong are just, and the weak secure, and peace preserved forever." Many heads of nations since then have uttered similar support for a world rule of law.

The Association and its causes have been given cordial support by American Presidents of both parties, beginning with Dwight D. Eisenhower and John F. Kennedy and continuing thereafter. Chief Justices of the U.S. Supreme Court have been associated with the Association by attendance at its world Conferences, as have Chief Justices of Supreme Courts of more than 100 nations. Support has also come in messages to the Association's World Conferences from the Chiefs of State of most of the countries of the world. The Vatican has sent a representative to each of the biennial Conferences that the Association has held in various countries over the years, and the relationship with the Vatican has been cordial and continuous. His Holiness Pope John Paul II placed himself firmly behind the Association's program in his Homily to special audiences in 1979, 1985 and 1992. These were attended by judges and lawyers from throughout the world after the Association's Madrid and Berlin Conferences. All Heads of State of the countries where the Association's fifteen Conferences have been held have acted as Honorary Chairmen of these conferences and have given the inaugural address. These include His Majesty King Paul of Greece (1963, Athens), President Lyndon B. Johnson, USA (1965, Washington), President of the Swiss Confederation Roger Bonvin (1967, Geneva), His Majesty King Bhumibol Adulyadej of Thailand (1969, Bangkok), President Josip Broz Tito of Yugoslavia (1971, Belgrade), President Felix

Houphouet-Boigny of the Ivory Coast (1973, Abidjan), President Gerald R. Ford, USA (1975, Washington), President Ferdinand E. Marcos of the Philippines (1977, Manila), His Majesty King Juan Carlos I of Spain (1979, Madrid), President Joao Figueiredo of Brazil (1981, Sao Paulo), President Honi Mubarak of the Arab Republic of Egypt (1973, Cairo), President Richard von Weizsacker of the Federal Republic of Germany (1985, Berlin), President Chun Doo Hwan of the Republic of Korea (1987, Seoul), Premier Li Peng of the People's Republic of China (1990, Beijing), and His Majesty King Juan Carlos I of Spain (1991, Barcelona).

AFFILIATED ORGANIZATIONS AND MEMBERSHIPS

Several affiliated organizations have been created after the Association was founded 30 years ago to meet the needs of the cooperative efforts of all branches of the legal profession of the World and its estimated 2,000,000 members. These are

the World Association of Judges, World Association of Lawyers, World Association of Law Professors, and World Association of Center Associates. Membership in these Associations includes membership in the World Jurist Association. The Associations have established a number of Sections and Committees dealing with a great variety of issues of international legal concern, such as the Section on Human Rights, Section on Family Law, The Committee on Criminal Justice, Processes, and Procedures, the Committee on International Terrorism and many others.

Membership is comprised of Attorneys-General, Ministers of Justice, Supreme Court Justices, professors of law, attorneys, law students, and a number of law persons who belong to the World Association of Center Associates, including medical doctors and other non-legal professionals and lay leaders from all over the world who are interested in international peace. The Association, its national branches, and its affiliated Associations are operating in more than 150 countries.

DAILY SCHEDULE FOR THE MANILA CONFERENCE

SUNDAY, OCTOBER 24

MORNING

- 8:00 Registration
Venue: PICC Delegation Building
- 09:00 Nayong Pilipino Tour
(Complimentary)
- 12:00 Half-day tour of Manila and surrounding points of interests

AFTERNOON

- 05:00-07:00 Ecumenical Service World Law Day Address
Speaker: **Prof. Dr. Roman Hersog**
President of the Federal
Constitutional Court, Germany
Venue: Baluarte de San Andres, Intramuros

EVENING

- 07:30-10:00 PHILIPPINE NIGHT
Venue: Puerta Real Gardens, Intramuros

MONDAY, OCTOBER 25

MORNING

- 10:00 INAUGURAL CEREMONY
Venue: PICC Plenary Hall
- Keynote Speaker: **His Excellency Fidel Valdez Ramos**
President, Republic of the Philippines
- Message: **The Hon. Vyacheslav M. Lebedev**
Chief Justice of the Supreme Court, Russia

NOON

- 12:30 Lunch
- Hosted by: **Hon. Jose de Venecia**
Speaker of the House of Representatives
- Venue: PICC Reception Hall

AFTERNOON

PLENARY SESSION:

- 03:00-06:00 The World's Children
Venue: PICC Meeting Room 1
- 07:00 DINNER HOSTED BY
HIS EXCELLENCY PRESIDENT FIDEL V. RAMOS
Venue: Ceremonial Hall,
Malacañang Palace
(By Invitation Only)

TUESDAY, OCTOBER 26

PLENARY SESSION:

MORNING

- 09:00-12:00 International Economic Structure/Law
Venue: PICC Meeting Room 1

NOON

- 12:30 Lunch Pax Orbis Ex Jure Award

AFTERNOON

PANEL SESSIONS:

- 02:00-05:00 1. ADR in the International Arena
Venue: PICC Meeting Room 5
- 02:00-04:00 2. International Economic Coercion as an Enforcement Mechanism
Venue: PICC Meeting Room 4
- 04:00-06:00 1. Intellectual Property Rights
Venue: PICC Meeting Room 4
- 05:00-07:00 2. NGOs Role in Changing the Law
Venue: PICC Meeting Room 5

EVENING

- 08:30-08:00 GALA PREMIER FASHION AND CULTURAL SHOW
"Pina, Abel Atbp."
Venue: The WestIn Philippine Plaza Hotel Ballroom
(Admission By Ticket)
- 06:30 PREVIEW OF DISC NO. 2
By Philjuris
Venue: PICC Meeting Room 2 & 3
(Open To All Delegates)
- EMBASSY RECEPTIONS
Hosted by various Foreign Embassies in Manila
(By Invitation Only)

WEDNESDAY, OCTOBER 27

MORNING

PLENARY SESSION:

09:00-12:00 Human Rights
Venue: PICC Meeting Room 1

NOON

12:00 Lunch

Special lunch for all members of LAWASIA
Venue: PICC Banquet Hall

AFTERNOON

PANEL SESSIONS:

02:00-04:00 1. International Trade
Venue: PICC Meeting Room 4

02:00-04:00 2. Legal Education
Venue: PICC Meeting Room 5

04:00-06:00 1. Free Speech, Free Press
Venue: PICC Meeting Room 4

2. Drugs Intl./Domestic Responses
Venue: PICC Meeting Room 5

EVENING

06:00-06:30 BOOK LAUNCHING of "A Guide To Philippine Legal Materials"
By Fortunato Gupit, Jr. and Daniel T. Martinez
Venue: PICC Mezzanine Hall

06:30 DINNER

07:30-10:30 DEMONSTRATION TRIAL
Venue: PICC Plenary Hall
Presiding Justice: Chief Justice Andres R. Narvasa

THURSDAY, OCTOBER 28

MORNING

PLENARY SESSION:

09:00-12:00 International Environmental Law
Venue: PICC Meeting Room 1

NOON

12:30 Lunch Time

AFTERNOON

PANEL SESSIONS:

- | | |
|-------------|------------------------------------------------------------------|
| 02:00-04:00 | 1. Law, Science, and Technology
Venue: PICC Meeting Room 4 |
| | 2. Arms Control
Venue: PICC Meeting Room 5 |
| 04:00-06:00 | 1. Globalization and Fragmentation
Venue: PICC Meeting Room 4 |
| | 2. Aviation and Space Law
Venue: PICC Meeting Room 5 |

EVENING

07:30-11:00 FAREWELL BANQUET
Venue: PICC Reception Hall
Theme: "Sampaguita"

Speaker: The Hon. Edgardo J. Angara
Senate President
Republic of the Philippines

FRIDAY, OCTOBER 29

MORNING

PANEL SESSION:

- | | |
|-------------|---------------------------------------------|
| 08:30-10:00 | Litigation
Venue: PICC Meeting Room 1 |
| 10:30-11:30 | The Judiciary
Venue: PICC Meeting Room 1 |

NOON

12:00 CLOSING
PLENARY SESSION

EVENING

08:00 Special Dinner hosted by Ma. Fe Panlilio
(By Invitation Only)

LOCAL AND FOREIGN REPRESENTATIVES TO THE PLENARY/PANEL SESSIONS AND DEMONSTRATION TRIAL

TOPICS	CHAIRMEN
PLENARY	
Human Rights	JUSTICE MARCELO B. FERNAN (PHILIPPINES)
International Economic Structures/Law	JOHN J.P. HOWLEY (USA)
International Environmental Law	PROF. VED P. NANDA (USA)
The World's Children	DR. MARGARET SOMERVILLE (CANADA)
PANEL	
Globalization and Fragmentation <i>"New Institutions for Europe and North America"</i>	AMB. SEDEFREY A. ORDOÑEZ (PHILIPPINES)
Legal Education <i>"Mingling Asia and the West in Liberal Legal Education"</i>	JUSTICE SERAFIN V.C. GUINGONA (PHILIPPINES)
NGO's Role in Changing the Law	DR. MARIETTA PRIMICIAS-GOCO (PHILIPPINES)
ADR in the International Arena	RONALD M. GREENBERG (USA)
Aviation and Space Law	DOO-HWAN KIM (REP. OF KOREA)
Drugs, International/Domestic Responses	PAULO ASCANI (ITALY)
Intellectual Property Rights	DR. FRANKLIN HOET-LINARES (VENEZUELA)
International Economic Coercion as an Enforcement Mechanism	MEIR GABAY (ISRAEL)
Judiciary	HON. DEON VAN ZYL (SOUTH AFRICA)
Media: Free Speech, Free Press <i>"Constitutional Rights and Freedom of the Media"</i>	AMOS-SHAPIRA (ISRAEL)
Arms Control <i>"The Most Lethal Modern Plague, Nuclear Proliferation"</i>	AMB. ROBBIE SABEL (ISRAEL)
Law, Science and Technology	ASHRAF NADOURY (EGYPT)
International Trade and Investment <i>"North American Free Trade Agreement European Economic Community and the Maastricht Treaty"</i>	JOHN GRAHAM (USA)
Litigation <i>"International Criminal Tribunals"</i>	STEVEN WALTHER (USA)

TOPICS

PANELISTS

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H.E. MONS. ERNESTO GALLINA (HOLY SEE)
TAMIZUL HAQUE (BANGLADESH)
PROF. HUANG JIAHUA (PEOPLE'S REP. OF CHINA)
DR. NIHAL JAYAWICKRAMA (HONGKONG)
Rapporteur: CARLOS MEDINA (PHILIPPINES)
ITZHAK E. NENER (ISRAEL)
O. YEROKUN (NIGERIA)

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AVV. FRANCESCO CARBONETTI (ITALY)
PROF. RAPHAEL PERPETUO M. LOTILLA
(PHILIPPINES)
ABDUR RAZZAQ (BANGLADESH)
Rapporteur: AARON YORAN (ISRAEL)

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ANDI HAMZAH (INDONESIA)
PROF. JOSE LAPUZ (PHILIPPINES)
DR. RODA MUSHKAT (HONGKONG)
SANG KYU RHI (REP. OF KOREA)
LIC. EDUARDO J. VIESCA DE LA GARZA
(MEXICO)

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PETER DALGLISH (CANADA)
BRIGITTE MABANDLA (SOUTH AFRICA)
PROF. VITIT MUNTARBHORN (THAILAND)
AMB. SEDFREY ORDOÑEZ (PHILIPPINES)
JUDGE EILEEN PETERSEN (US VIRGIN ISLANDS)
ETHIA SIMHA (ISRAEL)
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Globalization and Fragmentation

SERGEI A. BELIAEV (RUSSIA)
SRA. BLANCA VILA DE COSTA (SPAIN)
JOCELYN GARCIA (PHILIPPINES)

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Rapporteur: JUSTICE JAINAL RASUL (PHILIPPINES)

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SHERRY TEACHNOR (USA)
J.J. SARKIN (SOUTH AFRICA)

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Intellectual Property Rights	LLEWELLYN L. LLANILLO (PHILIPPINES) PAU MISERACHS I SALA (SPAIN) SEOK-JOH HONG (REP. OF KOREA) R.M. SURACHMAN (INDONESIA)
International Economic Coercion As An Enforcement Mechanism	SUBHASH CHANDRA BIRLA (INDIA) DR. ROMAN DUQUE CORREDOR (VENEZUELA) PROF. MERLIN M. MAGALLONA (PHILIPPINES) PROF. SANG-MYON RHEE (REP. OF KOREA)
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DEMONSTRATION TRIAL

THEME:

"Mass Expulsion of Unwanted
Minority Group By Means of
Forced Deportation and the
Rights and Obligations Owed by
Adjoining States to the Refugees."

THE COURT:

HON. ANDRES R. NARVASA (PHILIPPINES)
Chief Justice

HON. MOHAMMED BELLO (NIGERIA)
Justice

HON. SIR GEORGE BROWN (BELIZE)
Justice

HON. S.M.F. KUTUBU (SIERRA LEONE)
Justice

HON. DR. MARIO F.B. MANGAZE (MOZAMBIQUE)
Justice

HON. MEIR SHAMGAR (ISRAEL)
Justice

KLAUS FINKELNBURG (GERMANY)
Justice

WORKPAPERS

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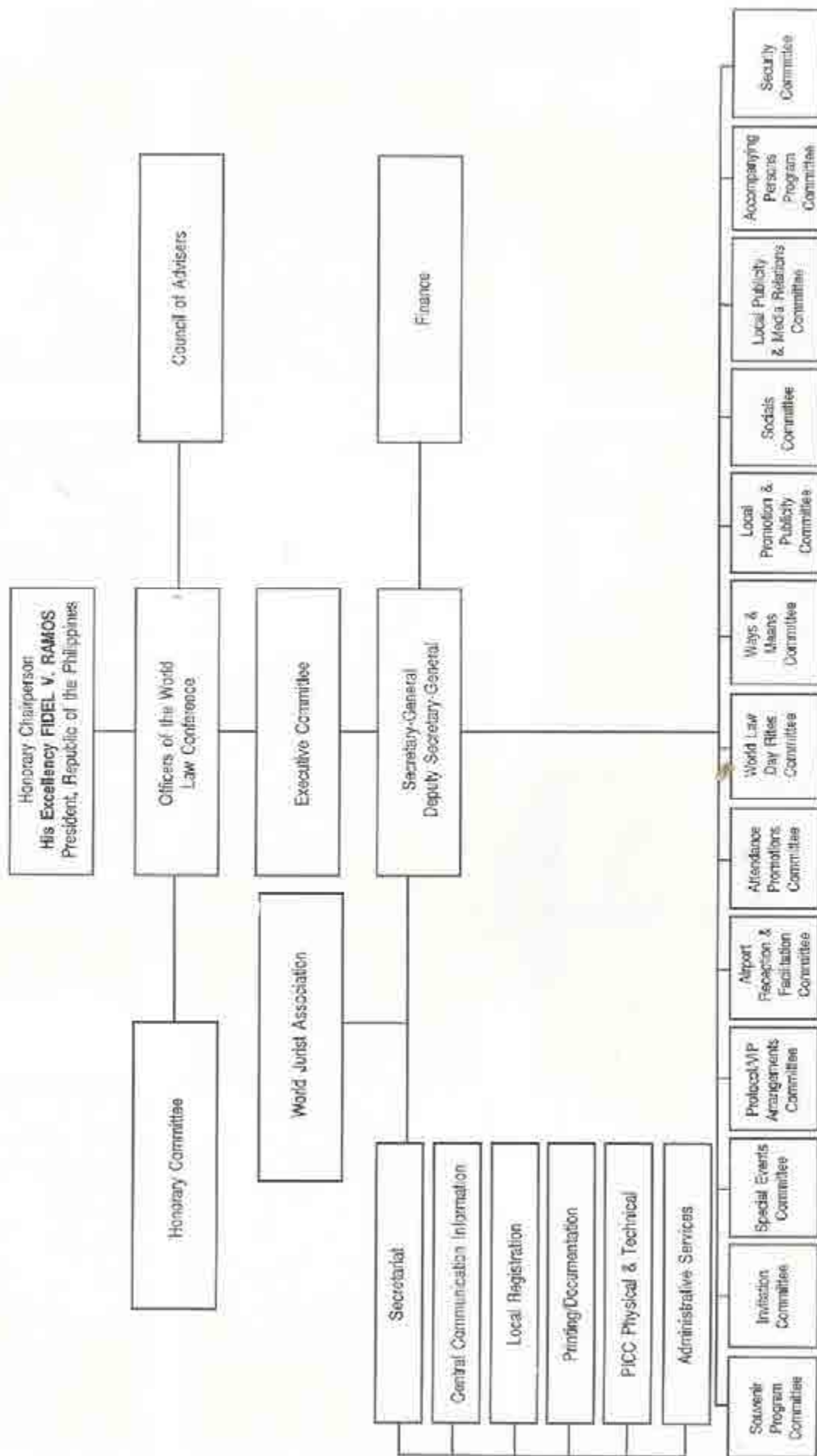
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16th CONFERENCE ON THE LAW OF THE WORLD

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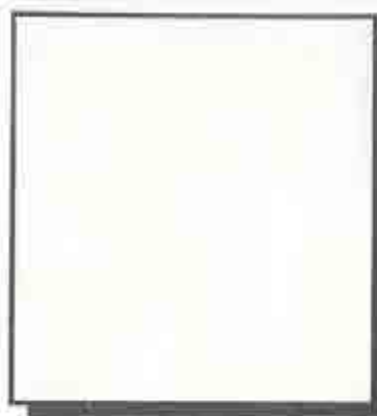
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Chief Justice ENRIQUE M. FERNANDO

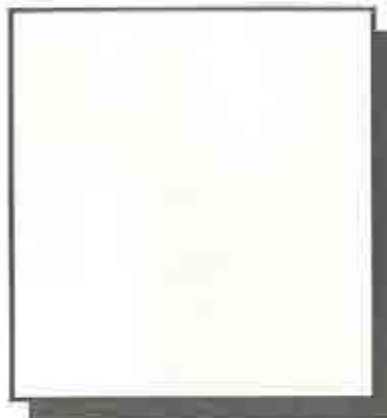


Justice CECILIA MUÑOZ PALMA

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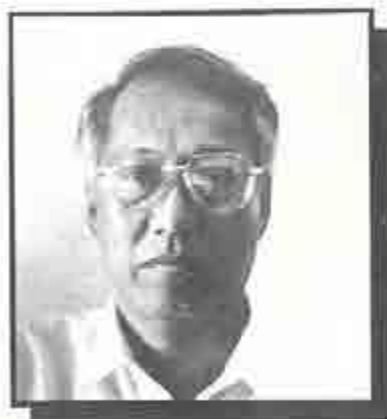
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CHRISTIAN S. MONSOD, Esq.

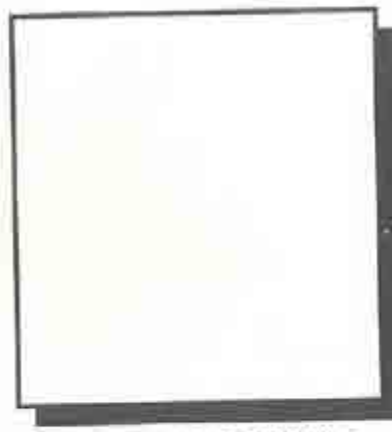
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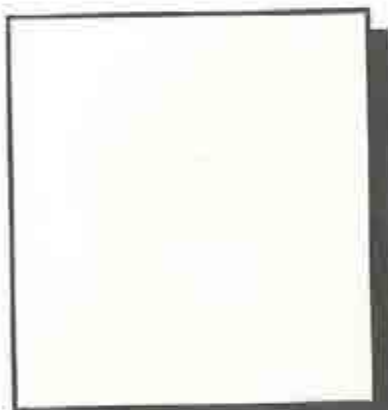
Mr. EDUARDO T. JOAQUIN



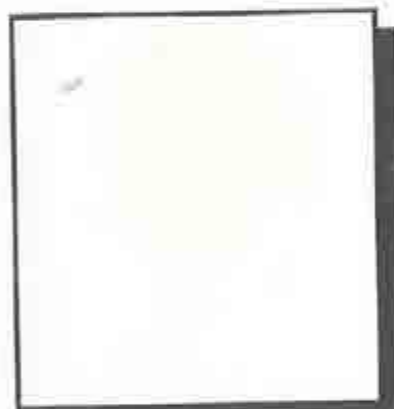
Mr. BENJAMIN S. LIM



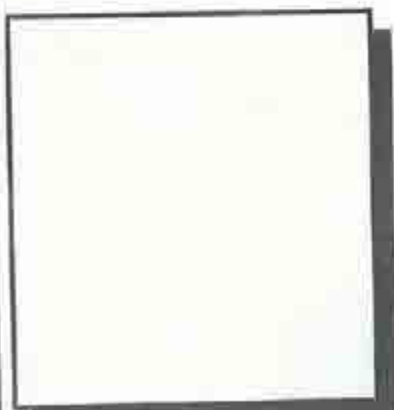
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SIXTO C. MARELLA, JR., Esq.



Mrs. JANINA Y. NARVASA



Mr. RENE S. OCAMPO

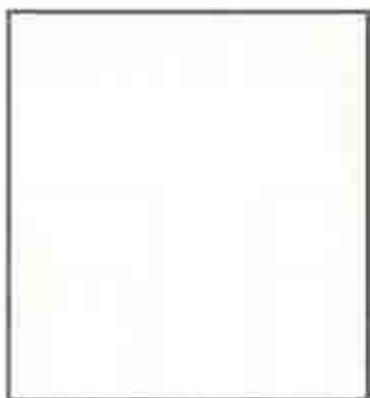


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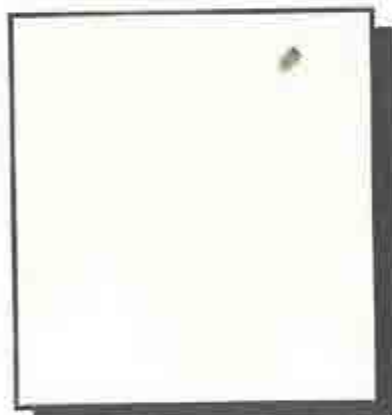


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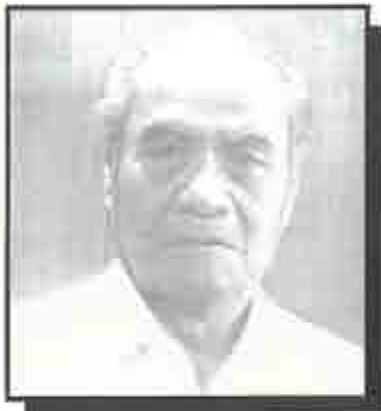
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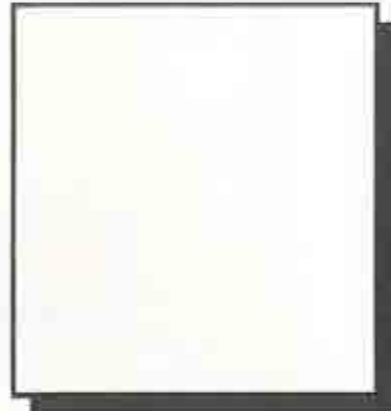
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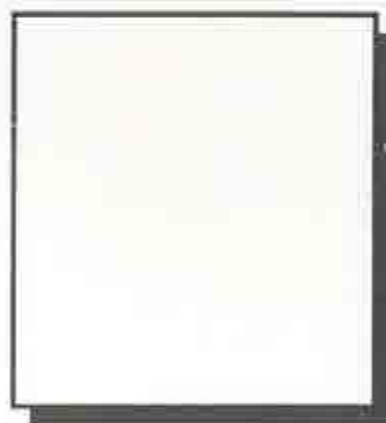
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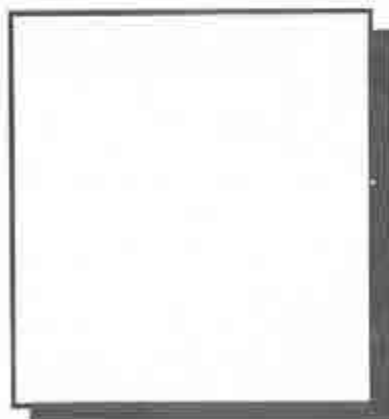
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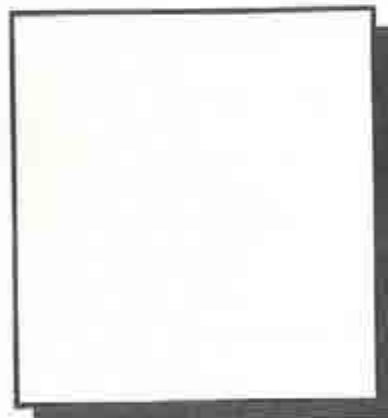
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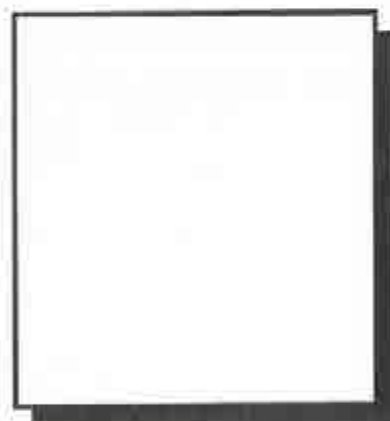
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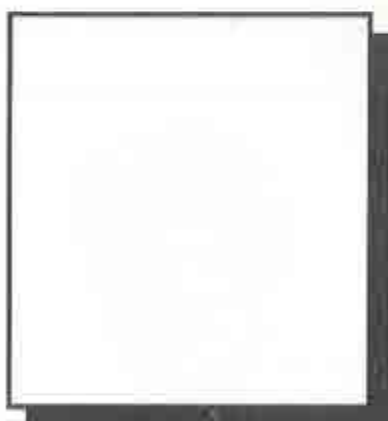
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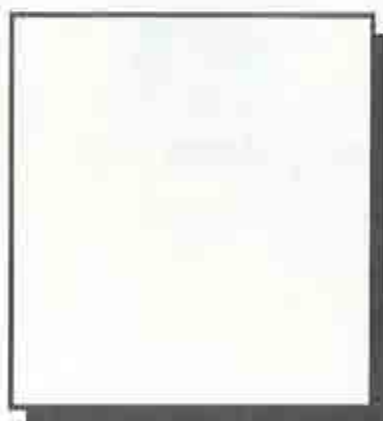
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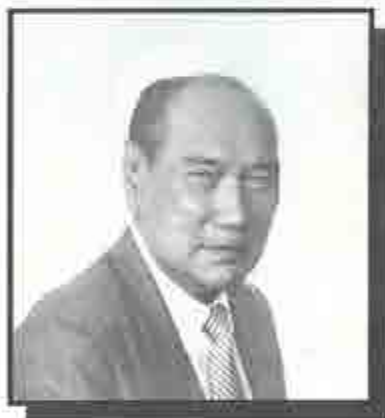


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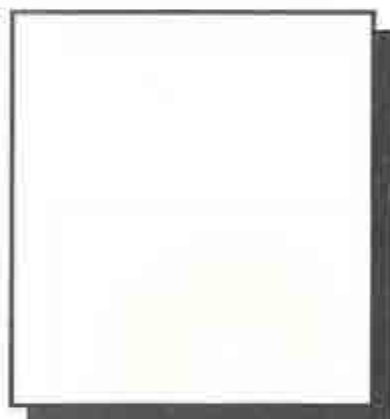
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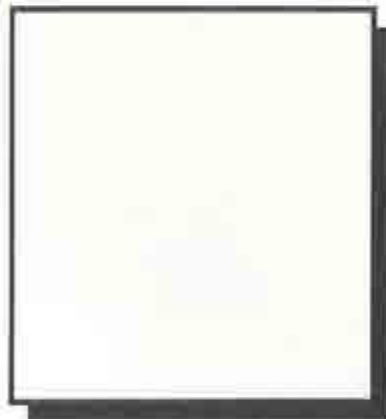
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*The
Philippine
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THE PHILIPPINE JUDICIARY

By: HON. ERNANI CRUZ PAÑO
Court Administrator

HISTORICAL BACKGROUND

The Philippines was a colony first of Spain for 400 years - from 1898 and then of the United States of America - from 1898 to 1946. There was also a brief period of occupation by Japan from 1941 to 1945.

The western structure of justice adjudication was introduced by Spain with the establishment of the Royal Audiencia on May 5, 1583 and the establishment of various lower courts during the period of Spanish regime. Final appeal at that time was to the King of Spain.

With the establishment of American sovereignty, the Royal Audiencia of Manila was re-established on May 29, 1895 and then by Act No. 136, the Philippine Commission established the network of courts consisting of the Supreme Court, Courts of First Instance, and Justice of the Peace Courts.

Even before the Spanish colonization, however, the pre-Spanish Filipinos had their own system of conflict resolution by custom laws. Justice was administered by the tribal leaders.

THE JUDICIARY TODAY

The Constitution allocates the powers of government among three (3) great departments - the Judiciary, the Executive and the Legislative.

Judicial power is vested in one Supreme Court and in such lower courts as may be established by law (Sec. 1, Art. VIII, Philippine Constitution).

Judicial power is defined by the Constitution as the "duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the

part of any branch or instrumentality of the Government" (Sec. 1, par. 2, Art. VIII, Philippine Constitution).

THE SUPREME COURT

The Supreme Court, at the apex of the judicial hierarchy, is composed of a Chief Justice and fourteen (14) Associate justices. The Court presently sits both en banc and in three (3) divisions of five (5) members each.

One hundred twenty seven (127) men and five (5) women have sat in the Supreme Court from 1901 to 1993. The Court has had twenty (20) Chief Justices. The present Chief Justice is Hon. Andres R. Narvasa, an eminent law professor and advocate before his appointment to the bench. The Associate Justices are:

1. Hon. Isagani A. Cruz
2. Hon. Florentino P. Feliciano
3. Hon. Teodoro R. Padilla
4. Hon. Abdulwahid A. Bidin
5. Hon. Carolina Grino-Aquino
6. Hon. Florenz D. Regalado
7. Hon. Hilario G. Davide, Jr.
8. Hon. Florida Ruth P. Romero
9. Hon. Rodolfo A. Nocon
10. Hon. Josue N. Bellosillo
11. Hon. Jose R. Melo
12. Hon. Camilo D. Quiason
13. Hon. Reynato S. Puno
14. Hon. Jose C. Vitug

LOWER COURTS AND QUASI-JUDICIAL AGENCIES

Aside from the Supreme Court and with it comprising what may be called the principal or integrated judicial systems are the following regular courts established by law: the COURT OF APPEALS which has fifty-one (51) members and is headed by a Presiding Justice, exercises primarily appellate jurisdiction; The REGIONAL TRIAL COURTS

with branches distributed in thirteen (13) regions; the METROPOLITAN TRIAL COURTS in chartered cities; the MUNICIPAL TRIAL COURTS IN CITIES in other cities; and the MUNICIPAL TRIAL COURTS IN MUNICIPALITIES. There is, too, a special or ancillary system of tribunals made up of special courts and quasi-judicial bodies or agencies (or quasi-courts). The special courts are the SANDIGANBAYAN with nine (9) members sitting in three (3) divisions, which has jurisdiction over graft and corruption cases, including crimes committed by public officials in the performance of their duties; the COURTS OF TAX APPEALS with three (3) judges, which handles all appeals from adjudications of tax agencies; and the SHARI'A COURTS.

The quasi-courts include the SECURITIES AND EXCHANGE COMMISSION (SEC), the CIVIL SERVICE COMMISSION (CSC), the NATIONAL LABOR RELATIONS COMMISSION (NLRC), the COMMISSION ON ELECTIONS (COMELEC), the COMMISSION ON AUDIT (COA), the EMPLOYEES' COMPENSATION COMMISSION (ECC) and the NATIONAL TELECOMMUNICATION COMMISSION (NTC). The judgments or orders of these special quasi-judicial bodies may be reviewed by the Court of Appeals and the Supreme Court in the manner prescribed by law.

APPOINTMENTS AND QUALIFICATIONS

As of July 15, 1993, there were a total of 2,101 judicial positions for organized courts of the Philippines including 233 newly created positions for the Regional Trial Courts under Republic Act No. 7156 and Republic Act No. 7472. The total number of authorized positions in the entire Judiciary as of July 31, 1993 was 27,463, including 3,623 new positions for the newly-created Regional Trial Courts and Library Units. Twenty-one thousand eight hundred seventy-two (21,872) of those positions are already filled.

Under the Philippine Constitution, a justice of the Supreme Court must be a natural born citizen, 40 years of age, with at least 15 years of experience as a judge of a lower

court, or practice of law in the Philippines, and a person of proven competence, integrity, probity and independence.

The Congress shall provide qualifications for judges of lower courts, but no person may be appointed judge thereof unless he is a citizen of the Philippines and a member of the Philippine Bar.

The Presiding Appellate Justice and the Associate Appellate Justices shall have the same qualifications as those provided in the Constitution for Justices of the Supreme Court.

No person shall be appointed Regional Trial Judge unless he is a natural-born citizen of the Philippines, at least thirty-five years of age, and for at least ten years, has been engaged in the practice of law in the Philippines or has held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite.

No person shall be appointed judge of a Metropolitan Trial Court, Municipal Trial Court, or Municipal Circuit Trial Court unless he is a natural-born citizen of the Philippines, at least 30 years of age, and for at least five years has been engaged in the practice of law in the Philippines, or has held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite.

No person shall be appointed Shari'a District Judge unless, in addition to the qualifications for judges of Regional Trial Court fixed in the Judiciary Law, he is learned in Islamic law and jurisprudence.

No person shall be appointed judge of the Shari'a circuit Court unless he is a natural born citizen of the Philippines, at least twenty-five years of age, and has passed an examination in the Shari'a and Islamic jurisprudence (fish) to be given by the Supreme Court for admission to special membership in the Philippine Bar to practice in the Shari'a Courts.

A member of the judiciary must be a person of proven competence, integrity, probity and independence.

THE JURISDICTION OF THE COURTS

The jurisdiction of the court is defined by the Constitution and the Statutes.

The jurisdiction of the SUPREME COURT under the Constitution is as follows:

1) Exercise original jurisdiction over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus.

2) Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and others of lower courts in:

a) All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.

b) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

c) All cases in which the jurisdiction of any lower court is in issue.

d) All criminal cases in which the penalty imposed is reclusion perpetua or higher.

e) All cases in which only an error or question of law is involved.

3) Assign temporarily judges of lower courts to other stations as public interest may require. Such temporary assignments shall not exceed six months without the consent of the judge concerned.

4) Order of change of venue or place of trial to avoid a miscarriage of justice.

5) Promulgate rules concerning the protection and enforcement of constitutional

rights, pleading, practice, and procedure in all courts, the admissions to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

6) Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law.

The Court of Appeals shall exercise:

1) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;

2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts; and

3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders, or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitutions, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the third paragraph of Section 17 of the Judiciary Act of 1946.

The Court of Appeals shall have the power to try cases and conduct hearings, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings.

These provisions shall not apply to decisions and interlocutory orders issued under the Labor Code of the Philippines and by the Central Board of Assessment Appeals.

Regional Trial Courts shall exercise original jurisdiction:

1) In the issuance of writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction which may be enforced in any part of their respective regions; and

2) In actions affecting ambassadors and other public ministers and counsels.

Regional Trial Courts shall exercise appellate jurisdiction over all cases decided by Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in their respective territorial jurisdictions. Such cases shall be decided on the basis of the entire record of the proceedings had in the court of origin and such memoranda and/or briefs as may be submitted by the parties or required by the Regional Trial Courts. The decision of the Regional Trial Courts in such cases shall be appealable by petition for review to the Intermediate Appellate Court which may give it due course only when the petition shows prima facie that the lower court has committed an error of fact or law that will warrant a reversal or modification of the decision or judgment sought to be reviewed.

Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases:

Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

1) Exclusive original jurisdiction over all violations of city or municipal ordinances committed within their respective territorial jurisdiction; and

2) Exclusive original jurisdiction over all offenses punishable with imprisonment of not exceeding four years and two months, or a fine of not more than four thousand pesos, or both such fine and imprisonment, regardless of other impossible accessory or other penalties, including the civil liability arising from

such offenses or predicated thereon, irrespective of kind, nature, value, or amount thereof: Provided however, That in offenses involving damage to property through criminal negligence they shall have exclusive original jurisdiction where the imposable fine does not exceed twenty thousand pesos.

Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases:

Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

1) Exclusive original jurisdiction over civil actions and probate proceedings, estate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate, or amount of the demand does not exceed twenty thousand pesos exclusive of interest and costs but inclusive of damages of whatever kind, the amount of which must be specifically alleged: Provided, that where there are several claims or causes of action between the same or different parties, embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions; and

2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, that when, in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.

Delegated jurisdiction in cadastral and land registration cases:

Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts may be assigned by the Supreme Court to hear

and determine cadastral or land registration cases covering lots where there is no controversy or opposition, or contested lots the value of which does not exceed twenty thousand pesos, such value to be ascertained by the affidavit of the claimant or by agreement of the respective claimants if there are more than one, or from the corresponding tax declaration of the real property. Their decisions in these cases shall be appealable in the same manner as decisions of the Regional Trial Courts.

Special jurisdiction in certain cases:

In the absence of all the Regional Trial Judges in a province or city, any Metropolitan Trial Judge in a province or city, and Metropolitan Trial Judge, Municipal Trial Judge, Municipal Circuit Trial Judge may head and decide petitions for a writ of habeas corpus or applications for bail in criminal cases in the province or city where the absent Regional Trial Judges sit.

Jurisdiction of the Shari'a Courts:

The **Shari'a District Court** shall have exclusive original jurisdiction over:

- 1) All cases involving custody, guardianship, legitimacy, paternity and filiation arising under this Code;
- 2) All cases involving dispositions, distribution and settlement of the estate of deceased Muslims, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or the aggregate value of the property;
- 3) Petitions for the declaration of absence and death and for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of this Code;
- 4) All actions arising from customary contracts in which the parties are Muslims, if they have not specified which law shall govern their relations; and
- 5) All petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and

all other auxiliary writs and processes in aid of the appellate jurisdiction.

Concurrently with existing civil courts, the **Shari'a District Court** shall have original jurisdiction over:

- 1) Petitions by Muslim for the constitution of a family home, change of name and commitment of an insane person to an asylum;
- 2) All other personal and real actions not mentioned in paragraph 1 (d) wherein the parties involved are Muslims except those for forcible entry and unlawful detainer, which, shall fall under the exclusive original jurisdiction of the Municipal Courts; and
- 3) All special civil actions for interpleader or declaratory relief wherein the parties are Muslims or the property involved belongs exclusively to Muslims.

The **Shari'a Circuit Courts** shall have exclusive original jurisdiction over:

- 1) All cases involving offenses defined and punished under this Code;
- 2) All civil actions and proceedings between parties who are Muslims or have been married in accordance with Art. 13 involving disputes relating to:
 - a) Marriage;
 - b) Divorce recognized under this Code;
 - c) Betrothal or breach of contract to marry;
 - d) Customary dower (mahr);
 - e) Disposition and distribution of property upon divorce;
 - f) Maintenance and support, and consolatory gifts (mu'a); and
 - g) Restitution of marital rights.
- 3) All cases involving disputes relative to communal properties.

SUPERVISION OF THE COURTS

The Supreme Court exercises administrative supervision over all courts from the Court of Appeals down to the lowest courts and the personnel thereof. This is by virtue of Section 5, Article VIII of the 1987 Constitution. This is one of the fundamental changes

introduced to the judicial system by the 1973 Constitution. Under the law then in force, the Department of Justice, a department under the Executive Branch, exercised supervision over lower courts; the 1987 constitutional mandate bars possible executive intervention in the court's affairs.

The primary office through which the Supreme Court performs its court supervisory functions is that of the Office of the Court Administrator (OCAD) which was created by Presidential Decree No. 842 on December 12, 1975. Prior to the creation of the OCAD, the Supreme Court as a whole administratively supervises all lower courts, with the Chief Justice discharging the principal role.

Under Presidential Decree No. 828, as amended, the Court Administrator enjoys the rank, salary and privileges of the presiding Judge of the Court of Appeals. The Deputy Court Administrators have the salary, rank and privileges of an Associate Justice of the Court of Appeals.

PERFORMANCE AND PROGRAMS

From June, 1992 to July, 1993, the Supreme Court received 5,408 cases in its docket and disposed of 4,916 cases.

The lower courts, from the Court of Appeals down to the Shari'a courts received 356,286 cases and total case disposition is 238,280 cases.

This performance must be considered from a backdrop of a population of 65 million people and with a bar of 36,000 lawyers.

As administrator of the judicial system, the Supreme Court continues to undertake programs to bring about a speedy and effective administration of justice. Among the programs being undertaken are:

- 1) Continuous review and revision of the rules and procedures by the Committee on the Revision of the Rules of Court.
- 2) The Supreme Court promulgates the Code of Professional Responsibility and a Code of Judicial Conduct.
- 3) There is an on-going Judicial Education Program for newly appointed judges and a development program for senior judges.

4) Plans are being finalized for the establishment of a judicial academy.

5) There are also committees undertaking a revision of the Mandatory Continuous Trial instituted under Adm. Order No. 88-92.

6) There is also a continuous monitoring of the performance of trial judges.

7) The Court has also introduced computer technology in the court system. There is now in place in the Supreme Court a computerized case monitoring and tracking system through which the status of any given case at any time in its history can be ascertained in a matter of minutes, even seconds.

There has also been installed a digitized (or computerized) collation of decisions reported in the Supreme Court Reports Annotated (SCRA). At this time, it includes only the case reported from 1970 to December, 1992. Eventually it will incorporate the full texts of all Supreme Court decisions dating back to Vol. I (Circa 1901). This collation will offer near-instant access to any specific decision or doctrine for study or for copying desired portions thereof into drafts of decisions or orders. Units of this digitized system have been installed in the offices of the executive judges of the Regional Trial Courts of Manila, Quezon City, Caloocan, Makati and Pasig, and Cebu City.

CONCLUSION

The Philippines is the first nation in Asia which waged a war of independence against colonial powers (Spain and later against the United States of America); the latter granted independence to the Philippines on July 4, 1946. It also prides itself in being the first nation in Asia to have established a judicial system which recognizes the primacy of human rights and due process. At the same time, it has incorporated in the judicial system the Barangay Conciliation process which involves non-lawyers in the adjudication of conflicts. The Philippine legal system is in fact a blend of the Roman and Anglo-Saxon legal system. It is for these reasons that Filipino lawyers and jurists feel at home in many international organizations encompassing various cultures and legal traditions.

CHANGE, REFORM AND LAW

by JESUS C. SISON
Press Secretary

The Philippines is honored once more with the opportunity to host the 16th World Law Conference. I share the vision of the organizers and planners of the Conference whose common devotion to the rule of law and their concern for justice will definitely contribute to the stability and progress not only of its member-countries but also the modern world itself.

In the Philippines, the law is an integral part of our open and democratic society. Our storied struggles for nationhood and political independence, as well as our current efforts at national reconciliation, economic recovery and at attaining the status of a Newly Industrialized Country (NIC) by the year 2000, continue to be waged by our various sectors, among them the legal practitioner and law advocate.

Every age, every society, creates its own milieu. The adherence to the rule of law, the protection of human rights and the efficient and impartial administration of justice are elements of this milieu. Human progress and dignity cannot flourish in an atmosphere of lawlessness. Law and order are the matrix upon which human civilization takes shape and evolves.

But in a world of constant change and flux, the law is neither immutable nor immune from the vicissitudes of history. The law may dwell on the timeless truths but it is subject to the demands of growth and development.

At no other instance than now must the law prove itself dynamic enough to keep pace with the changing times. It must have the genius to direct the change to legal, constitutional and peaceful means.

Change, Reform, Progress

Presidential Fidel V. Ramos is a staunch advocate of the rule of law, for which change and reform are their natural consequence. He

earned his MBA at the prestigious Ateneo Graduate School. He had an opportunity to put all the management theories he picked up from textbooks into practice when he became Armed Forces Chief of Staff and, later, Secretary of National Defense.

As President of the Republic, he displays a hands-on management style that seems to sit well with most Filipinos. After the election last May 1992, he began to heal the wounds of the campaign by reaching out to all his opponents. He immediately granted amnesty to political prisoners, implemented a program of negotiated peace with all ideological, military and secessionist forces in the underground, and laid the groundwork for a medium-term development plan which he calls "PHILIPPINES 2000."

True to his hands-on management style, he sought consensus and collaboration with all sectors of society. He also made it a practice to visit the countryside regularly to hold sectoral consultations, feel the people's pulse and draw inspiration from them. He opened the doors of the Presidential Palace to the ordinary people in what is billed as "People's Day."

To win positive collaboration with Congress and avoid a paralysis of governance that plagued previous administrations, he conducted regular dialogues and meetings, set up a system of Executive-Legislative liaison, gave legislators membership in policy advisory and planning bodies and sought other avenues of consultations with Congress, especially on critical issues, like the foreign debt and the power crisis.

A multi-pronged agenda for peace and order has thus far served to abate threats from left and right forces, while providing an environment favorable to economic and development efforts. Legislation led the way for the breakthroughs already achieved. Among these measures were: (a) the Anti-

Subversion law by which Communism as an ideology, bereft of its armed element, was legitimized (b) an amnesty program, ceasefire and release of political prisoners (c) setting up of the National Unification Commission to provide the parameters for peace negotiations with all rebel groups (d) the creation of the Presidential Anti-Crime Commission to effect a unified front against criminality.

A subsequent peace and order campaign resulted in the neutralization of kidnap-for-ransom groups and apprehension of carnap and drug syndicates. An improved administration of justice ushered in the expansion of the membership of the Commission on Human Rights and the creation of the Presidential Ad-Hoc Fact Finding Committee on Behest Loans to investigate the loan accounts of firms which may have embezzled government of funds in previous administrations.

A New Climate for Business and Industry

With equal vigor, the Ramos administration pursued measures to counter perceived economic difficulties and uncertainties, generate resources for growth, and address production and structural bottlenecks.

By the third quarter of this year, the GNP posted a growth of 1.6%, a reversal from the 1.4% negative growth recorded previously. Other signs of positive economic performance are (a) a single digit average inflation rate of 8.9% (b) reduced interest rate from an average of 21.3% last year to about 16% this year, within the range considered attractive rates by the Philippine Chamber of Commerce and Industry (c) a stable and market-oriented foreign exchange rate at a year-end expected average of P29.00 to a US\$1.00.

At the same time, the national and various sectoral frameworks for sustained growth and development have been completed, inclusive of: the Medium-Term Philippine Development Plan, the National Physical Framework Plan, Export Development Plan, Employment Plan, Housing Plan, Energy Sector Action Plan, Agricultural and Dairy Development Plan, the Environmental Plan, and the National Health Plan.

Bold initiatives were also taken to promote and expand trade and industrial activities and encourage the inflow of investments. Among the investment promotion activities which have opened the domestic market are deregulation, creation of industrial areas for investments, investment marketing abroad, decentralization of investment processing functions to regional offices, the merger of the Manila and Makati Stock Exchanges into the Philippine Stock Exchange, and the transformation of Philippine-made goods into world competitive products through quality assurance programs, modernized production facilities and liberalization of imports in greater competition.

People Empowerment and Social Justice

The true end of the law is social justice and progress. A legal system, no matter how well-crafted and well-intentioned it may be, that negates the social dimension and does not confer a richer quality to everyday life or enhance human rights, defeats the essence of the law.

Viewed thus, President Ramos' people empowerment program substantiates the law as a force for social justice and opens the door for the participation of the people in the social, economic, cultural and political life.

In a developing country, the temptation to pursue rapid economic development at the expense of individual freedom can arise because of the demands for immediate national growth. Too much democracy, it is said, and too little of discipline, stunt growth.

To his credit, President Ramos has rejected his demand. Our experience with the Marcos regime has shown that the neglect of the human factor in favor of authoritarian rule and economic technology could only result in social instabilities and political discontinuities.

The greater need is how to harmonize the law with national growth, integrate national development goals with the true ends of justice.

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and the
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LAW IN A CHANGING WORLD



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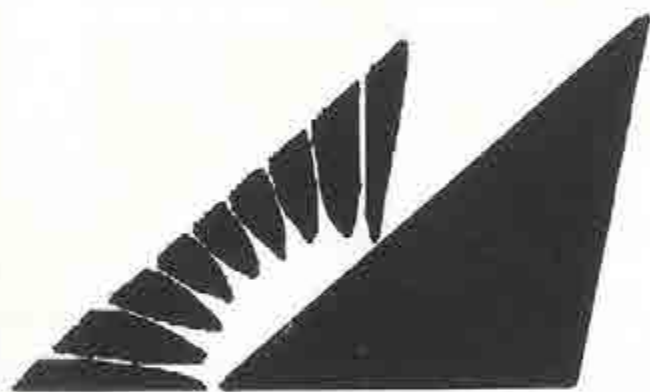
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ROBERT C. NACIANCENO

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Metropolitan Manila Authority

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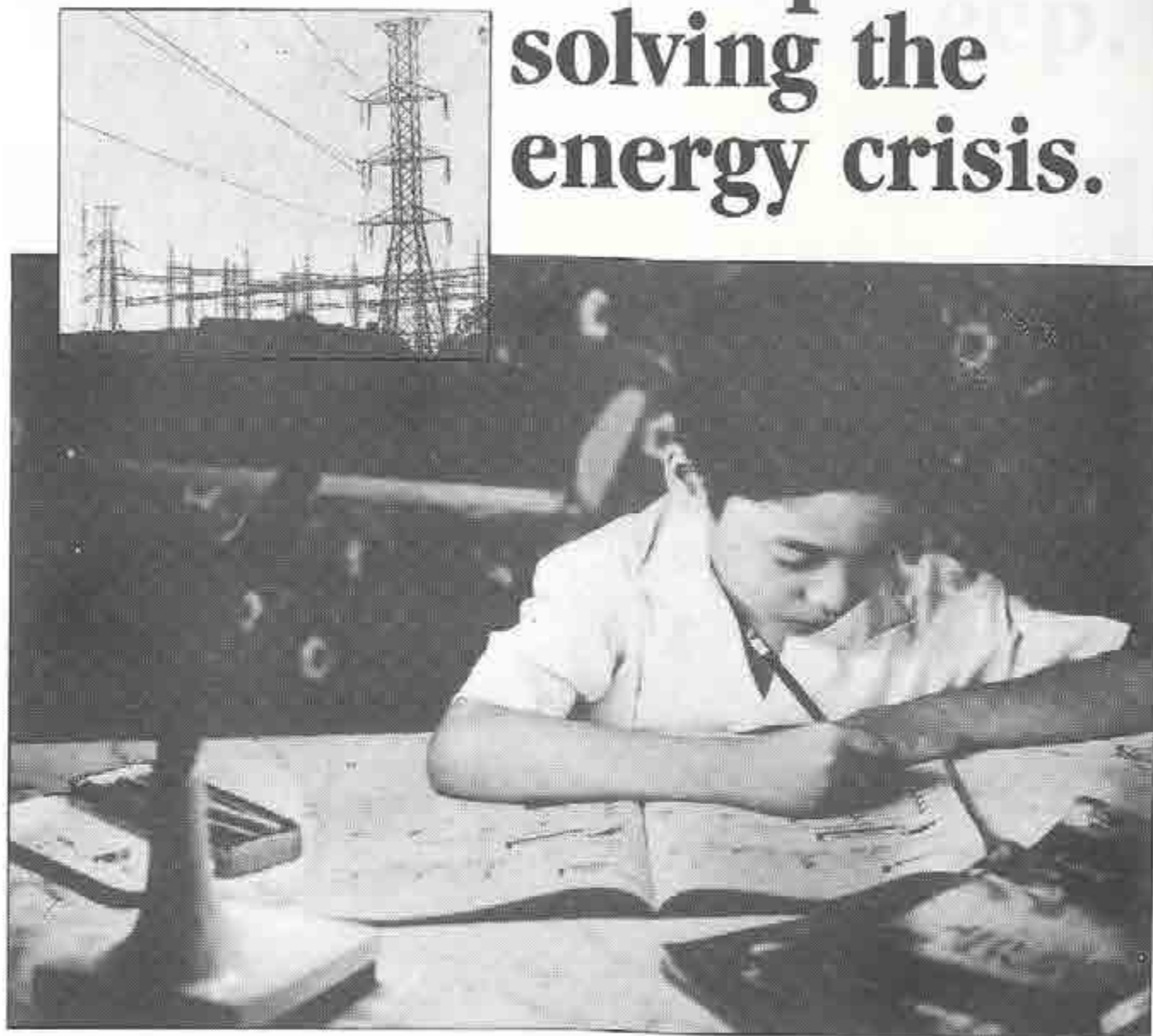
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More than just casinos
**PAGCOR helps in
solving the
energy crisis.**



There is more to the Philippine Amusement and Gaming Corporation than just casinos, than just affording gaming and leisure activities. Among the many roles it plays and the many tasks it performs, PAGCOR helps find lasting solutions to the energy crisis that grips Luzon and Metro Manila.

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will be turned over by PAGCOR as subsidy to the National Power Corporation for the construction of more power plants and the repair of existing facilities. With PAGCOR's help, the nation will soon find an end to the brownouts that have cast difficulties to everyone and cost billions of pesos in lost economic opportunities.

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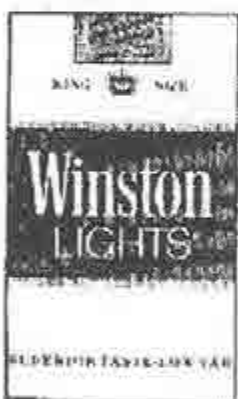
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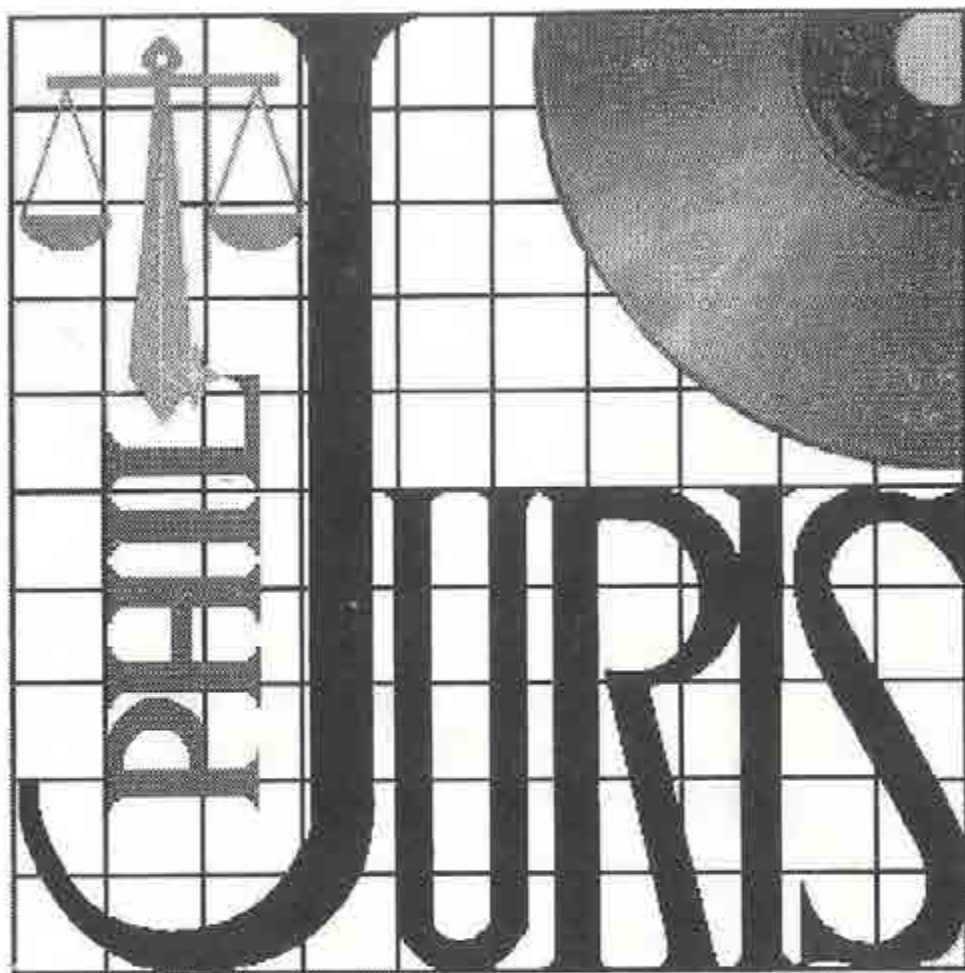
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