



# THE FAR EASTERN LAW REVIEW

The Annual Publication of the Institute of Law

**VOLUME L • 2020**

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Prior Statements under the 2020 Rules of Evidence

*Atty. Manuel R. Riguera*



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Afforded to Them by Law

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A Critique on the De Leon v. Duterte Decision


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## MESSAGE



I wish to congratulate the Far Eastern Law Review on this publication. This edition is especially significant because it is its 50th volume. That the Law Review has stood the test of time, consistently contributing articles of legal significance over several decades is a feat in itself. This particular volume is unique in the sense that it is being released under exceptional circumstances, amid a global pandemic.

Over the years, the Far Eastern Law Review's scholarship, writing style, analysis, choice of topic and, in a number of cases, its novelty, have made an impact upon the legal landscape of our country, and continues to do so with this edition.

To the editors, contributors, and everybody involved -- this year and all the previous years -- who have been responsible for keeping the FEU Law Review spirit alive, the Institute is immensely proud of all of you. Keep it up.

MELENCIO S. STA. MARIA, JR.  
*Dean*

## MESSAGE

The publication of this 50th volume of the Far Eastern Law Review is a manifestation that even in dreadfully changing times brought about by the pandemic, life moves forward, law is in the middle of the people's intersecting lives, and the citizen's tenacity is an essential moving force in this dynamic.

This collective work of the Far Eastern Law Review editorial board, "The Legal Landscape in a Post-COVID19 Society" shows that even a pandemic can be a springboard for positive change where new methods for societal interaction, philosophies, and protection of rights are developed.

This work shows that with our unique circumstances, Far Eastern University aspires to be a moving force in society.

JOSE MARLON PABITON  
*Associate Dean*

# MESSAGE



Editor-in-Chief

More than a year has passed since the pandemic started and tormented the entire world. It has brought a lot of change, not only to our surroundings, but even in our day-to-day lives. This sudden event did not only force us to break away from our norm, but it has made us accept the reality that it is here to stay. Unsurprisingly, the pandemic has extended its reach towards the legal landscape in our society.

Changes in our laws and legal system were imposed to ensure that life goes on and justice is continuously sustained, despite the pandemic. From the creation of new laws to the passage of rulings and other measures, there has been an earnest effort to help our State and its citizens from the challenges and setbacks that were felt and experienced in the past year. Yet, the reality strikes that some of these measures border on the violation of our Constitutional rights. Fortunately, there were also changes that show a glimmer of hope amidst all the darkness around us.

This year, the *Far Eastern Law Review* publishes its 50<sup>th</sup> volume. It is a coincidence that there exists a pandemic that has deeply affected our lives from the previous year up until the present. After all, what else would be a better theme to write about other than the lasting changes in our legal landscape brought about by this terrifying pandemic?

Every article in this volume expounded on a particular change in our legal system and its expected effects and consequences to our society. Every contributor wrote unwavering legal opinions to form and further intellectual discourse on controversial issues today. The articles were meticulously chosen to reflect the values imbued on every generation of the *Review's* Editorial Team since 1953. I say with pride that Vol. 50 showcases the tradition of fortitude, excellence, and uprightness that the *Review* has exhibited on each of the previous 49 volumes it has published in the past.

I would like to thank Dean Melencio Sta. Maria and Associate Dean Jose Marlon Pabiton, for their steadfast support to the *Review*. To Associate Justice Alfredo Benjamin Caguioa, for taking the time to write a very meaningful Foreword for our 50<sup>th</sup> volume. To our adviser, Atty. Emmanuelle Nicole Valencia, for having our backs during the entire production process. Last but certainly not the least, to the entire Vol. 50 Editorial Board and Staff for their grit, effort, and support to ensure the publication of this volume, despite all the challenges we have experienced. I have nothing but gratitude to the entire Team and most especially to my Co-Editor-in-Chief, Joselle Mariano.

JEZREEL Y. CHAN  
*Co-Editor-in-Chief*

# MESSAGE



Editor-in-Chief

The COVID-19 Pandemic has been an eye-opener to the many lapses in the Philippine legal system. It has shown how much needs to be changed to achieve justice and fairness while people try to live and survive under the “new normal.” We could only hope that the Pandemic ends with a better future ahead of us, where there are no more lapses that would bring out injustice and inequity.

In keeping with the times, this edition is about the “Legal Landscape in a Post-COVID-19 Society.” It aims to open the minds of the readers to what changes await the Philippine legal system. More importantly, this edition seeks to make the readers ask themselves, “What else can be done?”

With so many things going on globally, we could only hope for the best in the Philippines. That it comes out of this experience with more than enough knowledge to provide a better place to live in. A place where justice and fairness rule, instead of having fools run this place.

It has been a great pleasure to serve and be part of the Far Eastern Law Review. I only have good memories of the publication, and for that, I am very grateful. I would like to thank the whole Editorial Board for their service and commitment to making this issue happen. Despite having to work far and remotely from each other, everyone did their best.

Finally, I would like to thank my Co-Editor-in-Chief for being one of the best editors this publication had. She showed her unwavering patience, hard work, and commitment, and I couldn’t have asked for a better partner to work with.

JOSELLE MARIANO  
*Co-Editor-in-Chief*



Republic of the Philippines

Supreme Court

Manila

FROM THE CHAMBERS OF:

*Alfredo Benjamin S. Caguioa*

ASSOCIATE JUSTICE

### FOREWORD

It is quite fortuitous that the Far Eastern Law Review's (FELR) 50<sup>th</sup> Volume coincides with the greatest public health crisis the world has faced in recent years.

The COVID-19 pandemic forced the Philippines to respond as best it can to the challenges the pandemic has presented and still presents. Beyond the altruism of frontline health and service workers and the resilience of the Filipino, the past year has afforded the people who bear the brunt of the pandemic a unique opportunity to observe their government at work.

The government response to the pandemic has led citizens to take a long hard look at our healthcare system, law enforcement, and the government at large and make their determination whether our institutions are equipped to safeguard their life, health, and livelihood. The pandemic has imposed upon our institutions and our people the choice to either reaffirm or recalibrate what truly is important.

For the legal community, it has witnessed the Judiciary refining and supplementing its processes to ensure that access to justice remains during the pandemic and is increased moving forward. Several notable decisions were also promulgated during the period, an interesting survey that shows how decision-making that bear on fundamental rights and constitutional powers of government evolves in the backdrop of a public health emergency. The balance between individual rights and limitations thereof in the interest of protecting public health is being tested and is becoming more defined.

Unlike other national emergencies where only segments of society are directly affected, the pandemic thrust the whole population into a new set of




constraints. The impact of this pandemic on the manner by which people can conduct their daily lives has inevitably made the past year an opinion-forming exercise for the normal Filipino.

Law journals offer an invaluable venue for complementary legal discourse that aids intelligent opinion formation for the wider audience.

With this issue focusing on the legal landscape in a post-COVID19 society, the FELR stays the course in its commitment to educate and update the legal community on recent developments in law and society since its inception in 1953. It also offers opinions on broader issues that have been brought to fore by current events, including insights on legal issues including those which the Court decided upon during the pandemic.

I congratulate FELR for its 50<sup>th</sup> issue and hope that it continues to be the robust marketplace of ideas that it has become.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Supreme Court of the Philippines