

# Testing Constitutional Waters II: Social and Political Implications on Judicial Decision Making

Sedfrey M. Candelaria

Maria Eloisa Imelda S. Singzon

Amidst public speculation undermining the institutional legitimacy of the Judiciary under the Puno Court, this Article proposes that the Judiciary has remained an independent collegial body, faithful to its Constitutional mandate.

Starting from an American standard developed by Robert Fallon (proposing that Judicial legitimacy is measured by Legal Legitimacy, Sociological Legitimacy, and Moral Legitimacy), the Article develops a Filipino standard — that is, the implications of a decision must be *katanggap-tanggap* or acceptable to the public (sociological legitimacy). This Filipino standard is applied to four controversial decisions rendered by the Puno Court to determine if the Court, in judicial decision-making, takes into consideration the sociological legitimacy of its decision.

The study finds that the Court relies on both sociological legitimacy and substantive law in judicial decision-making. This notwithstanding, the Article suggests that judicial independence and the Court's institutional legitimacy are not compromised under the doctrine of judicial activism. This is because the expanded judicial review power of the Judiciary calls upon the Court to practice judicial activism.