

The Supreme Court and Public International Law

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SUBJECT(S): JUDICIARY, PUBLIC INTERNATIONAL LAW, CRIMINAL LAW

CONCEPT(S): SUPREME COURT, INTERNATIONAL OBLIGATIONS

The Article employs a chronological approach in discussing major developments in Public International Law affecting the Philippines during the 1940's, 1950's, 1960's 1970's, 1980's, until the end of the 1990's and early 2000's.

The Author observes that the Supreme Court, through a survey of leading cases, applies a situational approach according to a changing factual environment and emphasizes the primacy of the Constitution.

The majority of the cases discussed by the Article involve commercial transactions and military affairs under international obligations. Special attention is also given by the Supreme Court to human rights cases which call for the application of general accepted principles of international law. The Court also pays special attention to the hierarchy of laws, as regards treaties and domestic law, to avoid conflict and fulfill international obligations.

Finally, the Author discusses peculiar cases involving diplomatic immunities and extradition agreements, contributing to the field of Criminal Law.