

## The Supreme Court and Judicial Policy-Making

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The conventional belief that the Supreme Court is an apolitical branch of the Philippine government had been widely accepted, further reinforcing its status as a purely legal institution. This persists regardless of the fact that the highest court in the land is composed of Justices with human biases and varying political inclinations. While it may be conceded that it is not a “political” institution in the literal sense, neither can it be described as a completely legal one. Thus, the Supreme Court should be perceived as a hybrid institution, with law and politics at the core of its decision-making.

A review of Supreme Court decisions will reveal, however, that the Supreme Court had been involved in policy making. It had, for example, consistently taken a nationalist stance in the issues of national patrimony and economy. It had instituted a bias in favor of labor and a trend towards social justice. It had also upheld the constitutionality of the State’s exercise of police power. At present, it is expected that more decisions of this nature will be decided in the same vein.

Thus, further studies are recommended with respect to the viability of sectoral organizations influencing national policies through the Supreme Court. The Supreme Court, whose decisions form part of the laws of the land, can engage in judicial policy-making, since most of these decisions are directed at government agencies, entities, or instrumentalities.