

The Prospectivity Principle as Applied to Judicial Decisions

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SUBJECT(S): CONSTITUTIONAL LAW, REMEDIAL LAW

*KEYWORD(S): PROSPECTIVITY PRINCIPLE, RETROACTIVE
APPLICATION*

This Article won Second Best Thesis for the Class of '96. The Author observes first that Supreme Court decisions form part of the law of the land. Couple this with the fact that the Supreme Court also has the inherent power to change existing legal doctrines or veer away from past precedents. Great injustice will occur if it will not be allowed to do so. However, the Author notes that this power has great effect on already completed transactions or consummated acts. When the Supreme Court abandons, reverses, or modifies a past doctrine, does the new doctrine extend to acts which were done in reliance to such past doctrine? This question is sought to be answered by the Article.