

Watching the Watchers: A Look into the Drafting of the Writ of Amparo

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“What is the Writ of Amparo?” What started as a pernicious question boggling the minds of bar takers during the 1991 bar examinations has blossomed into a full-fledged rule striking fear in the hearts of perpetrators of extra-legal killings and enforced disappearances. But how exactly did this rule come about? What provided the impetus for its enactment? What were taken up during the deliberations of the Supreme Court Committee on the Revision of Rules?

This Article traces the development of the Philippine Writ of Amparo, as promulgated by the Supreme Court, and critically examines it as a measure to enforce constitutional rights. It explores the Rule on the Writ of Amparo from behind the scenes and explains the intent of the framers who drafted the Rule.

A peek into the discussions of the Justices present would show the comprehensive deliberations and the self-censorship and editing undertaken to create a holistically sound and constitutionally firm Rule that prods, but does not break, the separation of powers.