

New Frontiers in Application of the Writ of Amparo

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55 ATENEO L.J. 1022 (2011)

SUBJECT(S): REMEDIAL LAW, SPECIAL PROCEDURES

KEYWORD(S): WRIT OF AMPARO

The Writ of Amparo was introduced in the Philippines through the efforts of Justice Adolfo S. Azcuna. It was originally intended to fill in any of the deficiencies of the other available writs and was heralded for its higher requirements of State action. In its application, however, it has been criticized for its inefficiency and inconsistencies. The lack of particular reliefs granted by the writ has created confusion as to what petitioners may expect from the resulting court approval.

These problems are scrutinized as the Author examines the evolution of its application in the Philippines. Various cases from the Court of Appeals and Supreme Court are used to illustrate the divergence of opinions as to which circumstances necessitate a Writ of Amparo. The Discussion ends with the Author exploring the possible developments in its use to better protect the rights of every person by examining the experiences of countries that have had the Writ available to them for several decades.