

A Note on Incorporation: Creating Municipal Jurisprudence from International Law

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SUBJECT(S): INTERNATIONAL LAW, MUNICIPAL LAW

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By the doctrine of incorporation, generally accepted principles of international law and customary international law form part of the law of the land. The leading case is *Agustin v. Edu* (88 SCRA 195 (1979)) which incorporated the 1968 Vienna Convention on Road Signs and Signals as having the character of generally accepted principles of international law.

The Author observes that there is a great deal of latitude and discretion on applying this doctrine. The Supreme Court sometimes makes no attempt to verify the status of a customary rule, instead relying more on the principle of *stare decisis*. This is brought about by the fact that the municipal limitation of the Supreme Court renders it inadequate to verify the validity of a customary rule. Judicial uniformity and consistency is attained at the expense of the latter.

Though, the Supreme Court has displayed openness and deference in deciding matters of foreign affairs, the role of the Court in applying these generally accepted principles of international law to the domestic setting has remained largely unchecked.