

“The Generally Accepted Principles of International Law” as Philippine Law: *Towards a Structurally Consistent Use of Customary International Law In Philippine Courts*

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In this Article, the Author notes that Contemporary International Law, while once seen as irrelevant to the lives of individuals, has evolved from merely regulating the external conduct of states to regulating a myriad of human affairs, from human rights, to commerce, and even to the environment. Despite this, however, the Author notes that international law continues to be hounded by the lack of an effective central coercive mechanism to enforce its tenets. The responsibility and burden of bringing universal norms of law and justice to effect is placed under National Courts, and the municipal judge, a role that they are not always competent or authorized by law to assume. Indeed, the Philippines is among those countries struggling with these uncertainties.

While the Constitution, by virtue of the Incorporation Clause, provides that customary international law automatically becomes part of Philippine internal law, and is a direct source of rights and obligations with no need for statutory confirmation, such a concept seems to remain within the realm of theory. This Article shall show how the Philippine Supreme Court, in the majority of cases it has promulgated concerning international law, has, as the Author argues, displayed an episodic, arbitrary and disinterested manner of engaging international law, displaying either hostility or a lack of competence in the field.

Through an exploration of the different legal theories underlying the interplay between international and municipal law, and an analysis of significant Supreme Court cases that have dealt with Public International law, this Article will arrive at a singular theory concerning the jurisprudential attitude Philippine Courts display towards international law, and the proper manner through which international law should be approached, consistent with the Philippines' Constitutional architecture. This will, in turn, provide the legal tools necessary to propose a framework through which customary

international law may systematically and consistently be applied before Philippine Courts.