

The Doctrine of Stare Decisis and the Philosophy of Law in a Changing World

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The application of the doctrine of stare decisis, et non quita movere in law is examined in this Note. Stare decisis, simply put, is the adherence by courts and lawyers to judicial precedents in resolving legal controversies. While the doctrine ensures stability in judicial interpretations, it must be recognized that blind adherence to precedents disregards the changing circumstances of life. Law and life are dynamic; the former must evolve together with changes in society's opinions and circumstances.

The Author examines the application of the doctrine in American and Philippine law and concludes that both jurisdictions have adopted a flexible adherence to stare decisis. Whenever a controversy falls within the application of established precedents, courts will stand by them. However, when the circumstances require a reexamination of a precedent, the courts, exercising equity, may abandon or reconfirm it. Such an attitude of flexible adherence is asked not only of the Members of the High Court but is asked of judges of inferior courts and lawyers themselves.