



UST LAW REVIEW

VOLUME LXVI - MAY 2022

UNIVERSITY OF SANTO TOMAS
FACULTY OF CIVIL LAW
MANILA

ISSN 0047-5734

UST LAW REVIEW
Faculty of Civil Law
University of Santo Tomas
España, Manila

No part of this publication may be copied, reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the individual authors as coursed through the UST LAW REVIEW, except for brief passages in books, articles, reviews, legal papers, and judicial or other official proceedings with proper citation. Users may download and print articles for individual, non-commercial use only.

The UST LAW REVIEW is an annual publication of the Faculty of Civil Law of the University of Santo Tomas. Opinions expressed herein are not necessarily those of the UST LAW REVIEW, its editors and staff, or the University of Santo Tomas. Communications regarding articles, notes, comments, book reviews, and editorial policy should be addressed to the Editor.

ADDRESS:

UST LAW REVIEW Office, Mezzanine Floor,
Faculty of Civil Law, Main Building, University
of Santo Tomas, España, Manila.

WEBSITE:

<http://lawreview.ust.edu.ph/>

E-MAIL:

ustlawreviewofficial@gmail.com

FACEBOOK:

<https://www.facebook.com/ustlawrev>

UST LAW REVIEW

The UST LAW REVIEW Editorial Board Vol. 66 | 2021-2022

Editor-in-Chief

LOUIS-MARI R. OPINA

Managing Editor

BETTINA ANGELICA G. SESE

Executive Editor

JOHN KRISTOFFER P. PEREDA

Associate Managing Editor

DIANNE NICOLE L. RAMOS

Associate Executive Editor

BRYAN JAY L. SANTOS

Articles Editor

JONATHAN VINCENT U. YUSI

Jurisprudence Editor

PIO VINCENT R. BUENCAMINO

Research Editor

ASHLEY FAYE S. CRUZ

Associate Articles Editor

CASSANDRA MARIE MENDOZA
RAPHAEL U. RAYCO
RISTEL MAE B. TAGUDANDO

Associate Jurisprudence Editor

MA. ARCHE I. DE LOS SANTOS
WYNELAINE P. SY
GABRIELLE B. ALLABO

Associate Research Editor

MARIA JOSEFA JILLIAN N. TAN
KARL STEVENT S. CABARLES
ORLHEE MAR S. MEGARBIO

Liaison Officer

CHERMARY I. PANGA

Circulations Officer

GERIE ROSE L. MANZANO
ELLAIN DENICE H. MARALLAG

Website Manager

EDIELLE ANNE S. OBNAMIA

Senior Editors

RANI MAE ABERIN
ARELLA NATIMESIA C. DY

KIMBERLY S. GUILLERMO
LOVELY MAE T. MACARAEG

JESUSA JENLA L. RAS
ISHNAYAH M. PANGANDAMAN

Staff

GEORJHIA CZARINAH Q. MALALUAN
BIANCA MAY L. DORADO
JULIO ANTONIO S. ESTANIEL
IVAN VERNA B. RAMOS
SONIA YU

Understudies

JHAYRONE A. DE ROXAS
RAUL GABRIEL M. MANALO
REYA DALEA V. MARIANO
EDELITO JR. E. MERCENE
DANICA ELLA C. NAGORITE

Understudies

CINDEL JOY S.Y. ONG
JONERIE ANN M. PAJALLA
REEM D. PRUDENCIO
SARAH MAE D. SIM
JOHN ANDREW S. TENECIO

Faculty Advisor

RENE B. GOROSPE

UST FACULTY OF CIVIL LAW

ADMINISTRATIVE OFFICERS

Dean

ATTY. NILO T. DIVINA

Regent

REV. FR. ISIDRO C. ABAÑO, O.P.

Faculty Secretary

ATTY. ARTHUR B. CAPILI

FACULTY MEMBERS

ABAS, SHERIFF M.	ESPALDON, AL CONRAD B.	MENDOZA, ALWYN FAYE B.
ABELLA, EDUARDO JUAN F.	FABELLA, IRVIN JOSEPH M.	MORENO, RONALD B.
AGCAOILI, OSWALDO D.	FEBLE, LOPE E.	NATIVIDAD, JOSE ARTURO R.
AGUILAR, EMMA RUBY J.	FERNANDEZ, GREGORIO GERRY F.	NG, JEDREK C.
AGUILAR-BILGERA, KATLYN ANNE C.	FERNANDEZ, MYRA G.	ORTEGA, NOEL M.
AGUINALDO, PHILIP A.	GALAPATE-LAGUILLES, ZENAIDA T.	OSTREA, NOEL RAYMOND R.
ALEJANDRINO, REY OLIVER S.	GARCIA, VICTORIA C.	PAGADUAN, ARSENIK B.
ASUNCION, ISALAH O., III	GARGANTIEL, KRIST'JAN VICENTE T.	PAGUIRIGAN, VIVIANA M.
BALANE, RUBEN F.	GAYYA, LORENZO LUIGI T.	PAR, BENIGNO G., JR.
BECINA-MACALINO, FE T.	GEPTY, ALLAN B.	PARAS-LEYNES, MERCY JANE B.
BELLOSILLO, EDGARDO B.	GITO, GENER M.	PASCUAL, RIGOR R.
BONSOL, NINNA	GONZALES, ALDEN FRANCIS C.	PEREZ, ELGIN MICHAEL C.
CABOTAJE-TANG, AMPARO M.	GOROSPE, RENE B.	PIMENTEL, CHRISTIAN EMMANUEL G.
CACHO, ARNOLD E.	GRANADO, GEZZEZ GIEZI G.	PIMENTEL, OSCAR B.
CALPATURA, CARLITO B.	GRIMARES, LEILANI MARIE D.	POQUIZ, SALVADOR A.
CAPILI, ARTHUR B.	HERRERA, OSCAR C., JR.	QUIAMBAO, MYRA B.
CHUA, RONALD C.	HIDALGO, GEORGINA D.	RAGADIO, TEOFILO R.
CO-PUA, MARIAN JOANNE K.	IGNACIO, LEONARD VINZ O.	REBOSA, ANTONIO ALEJANDRO D.
CRUZ, CARLO L.	IPAC, JAY-R C.	REYES, MARY ANNE L.
CRUZ, TERESITA L.	KASALA, PRUDENCE ANGELITA A.	ROBENIOL, GABRIEL T.
DABU, PEDRO T., JR.	KATO, BENEDICT G.	SANDOVAL, EDWIN REY R.
DE LEON, IAN JERNY E.	LA VIÑA, ANTONIO GABRIEL M.	SANTAMARIA, CESAR E., JR.
DE LEON, MAGDANGAL M.	LABITAG, EDUARDO A.	SANTAMARIA-SEÑA, CARLA E.
DELA CRUZ, ENRIQUE V.,	LAPUZ-GAUDIANO, JESUSA R.	SEBASTIAN, AVELINO M., JR.
JR. DELA RAMA, JOSE I., JR.	LEGARDA, MARIA CAROLINA T.	SINGCOL, ANNA KATRINA T.
DELA ROSA, JOSE LORENZO R.	LIM, VIRGINIA JEANNIE P.	STA. MARIA, MELENCIO S., JR.
DECHAVEZ, JOSEPH FERDINAND M.	LOANZON, VICTORIA V.	TAN, FERDINAND A.
DIAZ, NOLI C.	LOGRONIO, NELSON U.	TATON, RODEL A.
DIMAAMPAO, JAPAR B.	LOPEZ-KAW, JACQUELINE O.	TAYAG, AMADO E.
DIVINA, NILO T.	LOPEZ-ROSARIO, MARIA LIZA A.	TECSON, JANNA MAE B.
DU-BALADAD, BENEDICTA A.	LUANSING, GLENN R.	TORRALBA, KLINTON M.
DUMLAO-ESCALANTE, MARIA ELLA	LUMBERA, RIZALINA V.	ULEP, MAURICIO C.
CECILIA D.	MACALINTAL-SAWALI, CHARITO M.	VILLANUEVA-CASTRO, MARIA ZARAH R.
DUQUE, GIDGET ROSE V.	MAGSOMBOL, LEAN JEFF M.	VILLASIS, CHRISTIAN G.
ECHIVERRI, MADONNA C.	MANUEL, KENNETH L.	WEE-CABBAT, EDITH CYNTHIA A
ESGUERRA, RAMON S.	MARQUEZ, ANICIA C.	
	MAWIS, MA. SOLEDAD D.	

UST LAW REVIEW

VOLUME 66

MAY 2022

CONTENTS

TRACING ITS ROOTS: A BRIEF HISTORY OF THE UST LAW REVIEW..... v

FEATURES

A REVIEW OF THE MLAS AND CLAS RULES: ADVANCING LEGAL AID
IN THE PHILIPPINES *Jose Marie Z. Carpio*..... 14

JUDICIAL INDEPENDENCE AND THE SELECTION OF SUPREME COURT
AND CONSTITUTIONAL COURT JUDGES: THE EXPERIENCE IN EAST
AND SOUTHEAST ASIA *Florian Kim P. Dayag*..... 60

PROBLEM AREAS IN POSITIVE IDENTIFICATION, ALIBI AND
EMERGING ROLE OF FORENSIC SCIENCE IN THE APPRECIATION OF
EVIDENCE *Dr. Jose I. dela Rama, Jr.* 93

CUTTING RED TAPE: A LOOK AT THE EMPOWERMENT AND
ENFORCEMENT FUNCTIONS OF THE ANTI-RED TAPE AUTHORITY
Jedrek c. Ng..... 132

ESSAYS

THE HAGUE SERVICE CONVENTION: APPLICATION AND
PROCEDURE IN THE PHILIPPINE COURTS *Judge Myra B. Quiambao*149

THE CURIOUS CASE OF NUNC PRO TUNC *Arnold E. Cacho*.....157

AN ANALYSIS OF RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS (RICO) ACT OF THE UNITED STATES OF AMERICA: A
PROPOSAL FOR A POLICY ON RACKETEERING IN THE PHILIPPINES
Ashley Faye S. Cruz..... 172

ARTICLE

ANG BATAS AT ANG BALAI (THE LAW AND THE HOME):
ESTABLISHING THE RIGHT TO THE CITY AS A PATH TOWARDS
LIBERTY AND SUSTAINABLE PROSPERITY* *Jyrus B. Cimatu*.....211

RECENT JURISPRUDENCE

POLITICAL LAW..... 252

LUIS RAYMUND VILLAFUERTE, JR. *v.* COMMISSION ON AUDIT
G.R. No. 246053, 27 April 2021, *EN BANC*, (Zalameda, J.).....252

DEVELOPMENT BANK OF THE PHILIPPINES VS. COMMISSION ON
AUDIT
G.R. No. 247787, 02 March 2021, *EN BANC*, (M.V. Lopez, J.).....260

EQUITABLE PCI BANK, INC. (NOW BANCO DE ORO UNIBANK, INC.) *v.*
SOUTH RICH ACRES, INC., ET AL
G.R. No. 202384, 04 May 2021, *EN BANC*, (Inting, J.).....264

EFRAIM C. GENUINO *v.* COMMISSION ON AUDIT (COA)
G.R. No. 230818, 15 June 2021, *EN BANC*, (Delos Santos, J.).....268

MORE ELECTRIC AND POWER CORPORATION *v.* PANAY ELECTRIC
COMPANY, INC
G.R. No. 248061, 09 March 2021, *EN BANC RESOLUTION* (Carandang, J.)272

OFFICE OF THE OMBUDSMAN *v.* OSCAR MALAPITAN
G.R. No. 229811, April 28, 2021, THIRD DIVISION (Leonen, J.).....275

PHILIPPINE CHAMBER OF COMMERCE AND INDUSTRY, SAN BEDA
COLLEGE ALABANG INC., ATENEO DE MANILA UNIVERSITY, AND
RIVERBANKS DEVELOPMENT CORPORATION *v.* DEPARTMENT OF
ENERGY, HON. ALFONSO G. CUSI, IN HIS OFFICIAL CAPACITY AS
SECRETARY OF THE DEPARTMENT OF ENERGY, ENERGY
REGULATORY COMMISSION AND HON. JOSE VICENTE B. SALAZAR, IN
HIS OFFICIAL CAPACITY AS CHAIRPERSON OF THE ENERGY
REGULATORY COMMISSION, AND HON. ALFREDO J. NON, HON.
GLORIA VICTORIA C. YAPTARUC, HON. JOSEFINA PATRICIA M. ASIRIT,
AND HON. GERONIMO D. STA. ANA, IN THEIR OFFICIAL CAPACITY AS

INCUMBENT COMMISSIONERS OF THE ENERGY REGULATORY COMMISSION G.R. No. 228588, 229143 & 229453, 02 March 2021, <i>EN BANC</i> , (LEONEN, J.)	278
SECURITIES AND EXCHANGE COMMISSION <i>v.</i> COMMISSION ON AUDIT G.R. No. 252198, 27 April 2021, <i>EN BANC</i> (Lazaro-Javier, J.).....	282
GOVERNOR EDGARDO TALLADO <i>v.</i> COMMISSION ON ELECTIONS, NORBERTO VILLAMIN, and SENANDRO JALGALADO G.R. No. 246679, 2 March 2021, <i>EN BANC</i> , (Gesmundo, J.)	288
LABOR LAW AND SOCIAL LEGISLATION	292
DOLORES GALLEVO RODRIGUEZ, substituting her late husband EDGAR A. RODRIGUEZ <i>v.</i> PHILIPPINE TRANSMARINE CARRIERS, INC., NORWEGIAN CREW MANAGEMENT A/S, AND MR. CARLOS SALINAS G.R. No. 218311, <i>SECOND DIVISION</i> , 11 October 2021, (Hernando, J.).....	292
CIVIL LAW	301
ROSANNA L. TAN-ANDAL <i>v.</i> MARIO VICTOR M. ANDAL G.R. No. 196359, 11 May 2021, <i>EN BANC</i> (Leonen, J.).....	301
SPOUSES FULALIO CUENO and FLORA BONIFACIO CUENO <i>v.</i> SPOUSES EPIFANIO and VERONICA BAUTISTA <i>et al.</i> G.R. No. 246445, 02 March 2021, <i>EN BANC</i> , (Caguioa, J.).....	305
NICXON L. PEREZ, JR. <i>v.</i> AVEGAIL PEREZSENERPIDA, assisted by her husband MR. SENERPIDA G.R. No. 233365, 24 March 2021, <i>FIRST DIVISION</i> , (Caguioa, J.)	309
TAXATION LAW	319
GLOBAL MEDICAL CENTER OF LAGUNA, INC. <i>v.</i> ROSS SYSTEMS INTERNATIONAL, INC. GR No. 230112, 11 May 2021, <i>EN BANC</i> , (Caguioa, J.)	319
COMMERCIAL LAW	325

KOLIN ELECTRONICS CO., INC. <i>v.</i> KOLIN PHILIPPINES INTERNATIONAL, INC. G.R. No. 228165, 09 February 2021, <i>EN BANC</i> , (Caguioa, J.)	325
BANCO DE ORO UNIBANK, INC. <i>v.</i> INTERNATIONAL COPRA EXPORT CORPORATION, INTERCO MANUFACTURING CORPORATION, ICEC LAND CORPORATION, and KIMEE REALTY CORPORATION G.R. Nos. 218485-86, 218487, 218488-90, 218491, 218493-97, 218498-503, 218504-07, 218508-13, & 218523-29, 28 April 2021, <i>THIRD DIVISION</i> , (Leonen, J.)	335
CRIMINAL LAW	345
LUISITO G. PULIDO <i>v.</i> PEOPLE OF THE PHILIPPINES G.R. No. 220149, 27 July 2021, <i>EN BANC</i> , (Hernando, J.)	345
DANTE LOPEZ y ATANACIO <i>v.</i> PEOPLE OF THE PHILIPPINES G.R. No. 249196, 28 April 2021, <i>FIRST DIVISION</i> , (Zalameda, J.)	348
REMEDIAL LAW	352
UCPB GENERAL INSURANCE CO., INC. <i>v.</i> PASCUAL LINER, INC G.R. No. 242328, 26 April 2021, <i>THIRD DIVISION</i> , (Lopez, J.)	352
VICENTE J. CAMPA, JR. and PERFECTO M. PASCUA <i>v.</i> HON. EUGENE C. PARAS, PRESIDING JUDGE, RTC, BR. 58, MAKATI CITY and PEOPLE OF THE PHILIPPINES G.R. No. 250504, 12 July 2021, <i>SECOND DIVISION</i> (Lazaro-Javier, J.)	360
PEDRITO M. NEPOMUCENO <i>v.</i> PRESIDENT RODRIGO R. DUTERTE, et al. UDK No. 16838, 11 May 2021, <i>EN BANC</i> (Lopez, J.)	363
CYNTHIA A. VILLAR, former member, House of Representatives, Lone District of Las Piñas City <i>v.</i> ALLTECH CONTRACTORS, INC., PHILIPPINE RECLAMATION AUTHORITY, DEPARTMENT OF ENVIRONMENT and NATURAL RESOURCES, ENVIRONMENTAL MANAGEMENT BUREAU, and CITIES OF LAS PINAS, PARANAQUE, AND BACOR G.R. No. 208702, 11 May 2021, <i>EN BANC</i> (Carandang, J.)	369
LEGAL AND JUDICIAL ETHICS	377

SOLEDAD NUNEZ *v.* ATTY. ROMULO L. RICAFORT
A.C. Nos. 5054 & 6484, 02 March 2021, *EN BANC* (Perlas-Bernabe, J.).....377

SUSAN R. ELGAR *v.* JUDGE SOLIMAN M. SANTOS, JR., MUNICIPAL
CIRCUIT TRIAL COURT, NABUA-BATO CAMARIES SUR
A.M. No. MTJ-16-1880 (Formerly OCA IPI No. 13-2565-MJT), 27 April 2021, *EN
BANC RESOLUTION*, (Inting, J.)..... 383

RECENT LEGISLATION

Republic Act No. 11642: AN ACT STRENGTHENING ALTERNATIVE CHILD
CARE BY PROVIDING FOR AN ADMINISTRATIVE PROCESS OF
DOMESTIC ADOPTION, REORGANIZING FOR THE PURPOSE THE
INTER-COUNTRY ADOPTION BOARD (ICAB) INTO THE NATIONAL
AUTHORITY FOR CHILD CARE (NACC), AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 8043, REPUBLIC ACT NO. 11222, AND REPUBLIC ACT
NO. 10165, REPEALING REPUBLIC ACT NO. 8552, AND REPUBLIC ACT
NO. 9523, AND APPROPRIATING FUNDS THEREFOR.....386

Republic Act No. 11596: AN ACT PROHIBITING THE PRACTICE OF CHILD
MARRIAGE AND IMPOSING PENALTIES FOR VIOLATION THEREOF
..... 412

Republic Act No. 11576: AN ACT FURTHER EXPANDING THE
JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL
TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, AND MUNICIPAL
CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS
PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE “JUDICIARY
REORGANIZATION ACT OF 1980,” AS AMENDED417

Republic Act No. 11647: AN ACT PROMOTING FOREIGN INVESTMENTS,
AMENDING THEREBY REPUBLIC ACT NO. 7042, OTHERWISE KNOWN
AS THE “FOREIGN INVESTMENTS ACT OF 1991,” AS AMENDED, AND
FOR OTHER PURPOSES..... 420