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PHILIPPINE PARTICIPATION IN VARIOUS MOOT COURT COMPETITIONS IN 2022

The University of the Philippines-Institute of International Legal Studies hosted the 26th Stetson Annual International Environmental Moot Court competition last January 2022. The online moot court competition was participated by teams from Southeast Asian region with the University of the Philippines-College of Law bagging the Championship round. Mr. Raymond Nhil Shappit was named the best oralist of the final round. They, together with Ateneo de Manila University School of Law and University of Cebu School of Law comprise the Philippine delegation who competed in the international rounds at Gulfport, Florida.

The 2022 National Rounds of the Jessup Moot Court Competition was held on March 2022 with the UP-Law Jessup Team clinched its 5-peat championship and bagged all the competition's special awards for their written submissions¹. Team members Aloysius Francis Bresnan, Czar Matthew Dayday, Berenice Dela Cruz and Adrian Padilla also won best speaker awards in the preliminary rounds. Mr. Bresnan won the championship's best oralist award. Three Philippine teams made it to the international round with University of the Philippines and University of San Carlos competing until the Octafinal round.

The 20th Red Cross International Moot Court held in Hong Kong was also participated by the University of San Agustin (USA) who placed in the Top Eight of the rounds. Prior, the national competition was held in October 2022 with the USA and the UP Law Team competing in the final rounds.

In September 2022, the UP Law Team was proclaimed champions in the 39th Jean-Pictet International Moot Court Competition among 21 competing teams from all over the world.

¹ Gamba, Bino, *UP Law tops national rounds of Jessup*, (2022), <https://upd.edu.ph/up-law-tops-national-rounds-of-jessup/#:~:text=The%20UP%20College%20of%20Law,in%20the%20competition's%20global%20rounds.>

Lastly, the UP Law Price Team were crowned world champions in the International rounds of the Price Media Moot Court Competition with the Asia-Pacific Regional rounds commencing in 2022 where the team reached the semi-final round. Mr. Bryan Thomas Santamaria was awarded as the best oralist in the Final rounds.

APPOINTMENT OF JUDGE RAUL C. PANGALANGAN AS THE HEAD OF THE COMMISSION OF INQUIRY AT THE INTERNATIONAL LABOR ORGANIZATION (ILO)

PYIL Editor-in-Chief and retired International Criminal Court Judge Raul C. Pangalangan was appointed to head a Commission of Inquiry at the International Labor Organization (ILO).

In June 2022, the Director-General of the ILO released in its 344th session report the appointment of Judge Pangalangan together with Judge Dhaya Pillay of South Africa and Dr Faustina Pereira of Bangladesh to serve the Commission of Inquiry arising from a complaint of concerning the non-observance of Myanmar of the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The ILO is the only tripartite agency of the United Nations that sets labour standards, develops policies and devises programmes promoting decent work for women and men. It was created through the Treaty of Versailles. The organization roots its existence on the foundation of social justice.

PHILIPPINES HOSTS HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW (HCCH)

From 18-20 October 2022, the Philippines hosted the Hague Conference on Private International Law (HCCH) Asia Pacific Week with the theme “Enabling Cross-border Cooperation in the Region and Beyond” in partnership with the Department of Foreign Affairs, Supreme Court of the Philippines and the Supreme Court of the Philippines-Philippine Judicial Academy.

The program was officially opened by Hon. Enrique A. Manalo, Secretary of the Department of Foreign Affairs, Hon. Alexander G. Gesmundo, Chief Justice of the Supreme Court of the Philippines, and Dr. Cristophe Bernasconi, Secretary General of the HCCH.

Members of the PYIL Editorial Board served as speakers during the numerous sessions that focused on three main areas of International Family and Child Protection Law, Transnational Litigation and Cooperation, as well as International Commercial, Digital and Financial Law.

Prof. Elizabeth Aguilin-Pangalangan chaired the introductory lecture on The HCCH: Benefits of Memberships of Key Convention with Amb. J. Eduardo Malaya speaking on its Regional perspective. Prof. Aguilin-Pangalangan also provided her insights on the 2007 Child Support Convention. Managing Editor Assistant Professor Michael T. Tiu Jr. chaired the third day of the events on International, Commercial, Digital, and Financial Law & Normative Projects and Future Work. To cap off the three-day event, Dean Sedfrey Candelaria gave a closing plenary and concluding statement to end the three-day conference².

LAUNCH OF THE PHILIPPINE MATERIALS IN INTERNATIONAL LAW PUBLICATION BY JUDGE RAUL C. PANGALANGAN

PYIL Editor-in-Chief, Raul C. Pangalangan launched his publication titled Philippine Materials In International Law Publication. The book is a collection of international law materials relating to the Philippines: excerpts of treaties and declarations; international judicial and arbitral decisions; and Philippine constitutional clauses, statutes and Supreme Court decisions³. It is published in-print and online by Brill-Nijhoff – an esteemed international book publishing company known for producing scholarly publications.

The Philippine Materials in International Law also contains a collection of documents that are rarely seen in the original and are put together as one resource. During the launch, Professor Elizabeth Aguilin-Pangalangan, president

²Schedule of Activities, HCCH Asia Pacific Week Manila 2022, <https://apwmanila2022.law.upd.edu.ph> (last visited January 15, 2024).

³ PHILIPPINE MATERIALS IN INTERNATIONAL LAW: A COLLOQUIUM, <https://brill.com/display/title/60849?language=en> (last visited January 16, 2024).

of the Philippine Society of International Law, highlighted that the publication will be instrumental in providing perspectives that resonate with shared national experiences and in ensuring the development of international law that fits the context and reflects the vantage point of the Philippines⁴.

Several members of the Editorial Board and Professors of the UP College of Law participated in the panel discussion and offered perceptive insights into crucial details and principles discussed in the publication.

Professor Rommel J. Casis, emphasized the necessary distinction between the concept of domestication and the binding effect of international law as well as the overuse of the term “Incorporation Clause” leads to an erroneous application of law where “unratified treaties are made binding domestically qua international custom⁵. Professor Andre Palacios emphasized the book's exploration of the convergence between two legal systems – domestic law and international law – crucial for pinpointing gaps in the domestication of international law. Dr. Jay Batongbacal emphasized the “*battle of note verbales*” in relation to the claim on the Philippine territory. A collection of the said *note verbales* can be found in the report section of this issue. Prof. Dante Gatmaytan gave his insights on the chapter of the book “Human Rights Cases under the Marcos Dictatorship”. Lastly, Asst. Prof. Michael Tiu, Jr. focused on the book's discussion relating to International Criminal Law and its development through doctrine and practice. He also pinpointed misreadings in judicial decisions particularly the incorrectness of the *Pimentel* ruling as to the distinction between signing and ratification as well as *Pangilinan* ruling on mootness and actual case or controversy to which Prof. Casis extensively gave a discussion in the third article of this yearbook.

INTRODUCTION OF THE INTERNATIONAL CRIMINAL LAW BLOG IN PARTNERSHIP WITH ASIAN SOCIETY OF INTERNATIONAL LAW-INTERNATIONAL LAW INTEREST GROUP

In 2022, the Institute of International Legal Studies, International Criminal Law (ICL) launched the International Criminal Law Blog which is a platform for

⁴ PHILIPPINE MATERIALS IN INTERNATIONAL LAW: A COLLOQUIUM, <https://law.upd.edu.ph/philippine-materials-in-international-law-a-colloquium/> (last visited January 16, 2024).

⁵ *Id.*

Filipino legal scholars and lawyers to comment on or discuss developments in international law, particularly those relating to international criminal law matters of relevance to the Philippines. It is also a venue for commentaries and the expression of diverse views of and approaches by ICL scholars all over the world.

The blog comprises four topics, primarily authored by Asst. Prof. Michael T. Tiu Jr., discussing the Philippine situation in the International Criminal Court, the Proposed International Crime of Ecocide, an understanding of *Pangilinan v Cayetano* on the President's Concurrence, Treaty Powers and vested rights and the launch of the Philippine Materials in International Law, A Colloquium.

Points of relevance in the blog include the Philippine situation in the ICC and how it delved how the case initiated by ICC Prosecutor Fatou Bensouda against the Philippines is a test case in many respects. It was outrightly challenged by state agents on the ground of jurisdiction and admissibility considering that the Philippines withdrew from the Rome Statute which took effect on 17 March 2019.

There is also a discussion on the proposed broader definition of the crime "Ecocide" which sought to afford protection in a wider scope and prosecute acts relating to environmental damage despite the absence of an international armed conflict.

The ICL website can be accessed through the Institute of International Studies website at <https://law.upd.edu.ph/IILS/pages/home/>.

ELECTION OF AMBASSADOR J. EDUARDO MALAYA AS HEAD OF PERMANENT COURT OF ARBITRATION GOVERNING COUNCIL

Philippine Ambassador to the Netherlands and PYIL Editorial Board member, Ambassador J. Eduardo Malaya assumed office as the Head of the Permanent Court of Arbitration (PCA) after being elected by 122 PCA member states during its 208th session held in the Peace Palace at the Hague. Upon his election, he became the first Filipino and only the second non-Dutch national to head the Administrative Council.

University of the Philippines President Angelo Jimenez, describes Amb. Malaya's election as an honor for the country to have a Filipino leading the

council. Jimenez praised Malaya's wealth of experience as a diplomat, lawyer, and accomplished writer, recognizing the significant contribution he can make to the PCA and international law.

The Philippines became a member of the PCA in 2010, after the leadership of Amb. Malaya on the Philippines' accession to the Convention for the Pacific Settlement of International Disputes, which paved the way for the country's membership⁶. The PCA, with 122 member states, plays a crucial role as a permanent institution for the resolution of international disputes through arbitration. The Administrative Council, comprising representatives from member states, serves as the governing body, providing guidance on the PCA's work, administration, budget, and shaping its policy in consultation with the Secretary-General.

Amb. Malaya shall serve for the term 2023-2024. As the PCA reaches its 125th milestone in 2024, Ambassador Malaya highlighted the auspicious timing for a comprehensive review and assessment of the organization. In a world grappling with conflicts and global challenges, he stressed the importance of ensuring that the PCA remains dynamic, relevant, and faithful to its original vision.

RECOGNITION OF PROFESSOR ELIZABETH AGUILING-PANGALANGAN BY THE CHILD IDENTITY PROTECTION

The Child Identity Protection (CHIP) is a Geneva-based only international non-profit organization solely advocating for the protection of children's identity rights in family relations. In 2022, CHIP recognized the contribution of UP College of Law Professor and PYIL Editorial Board member, Prof. Elizabeth Aguilung-Pangalangan by citing it in its 2022 signature publication entitled "Preserving 'family relations': an essential feature of the child's right to identity."⁷ that was released in full last 29 June 2022.

⁶ Rocamora, Joyce, PH envoy elected head of PCA governing council, <https://www.pna.gov.ph/articles/1190840>

⁷ GENEVA-BASED NGO TAPS UP IHR DIRECTOR PROF AGUILING-PANGALANGAN, <https://law.upd.edu.ph/geneva-based-ngo-taps-up-ihr-director-professor-elizabeth-aguilung-pangalangan-as-expert/> (last visited Jan 22, 2024).

In the publication, Prof. Aguilung-Pangalangan provided her expertise on the assertion that the right to have one's family relations must be legally established or recognised, as a stand-alone right. This is in support of SDG 16.3 and 16.9 enshrined in the Conventions of the Rights of the Child. In the same year, Prof. Aguilung-Pangalangan appeared as *amicus curae* in the landmark case of *Aquino v Aquino* where the court used the Convention as one of the basis for the re-interpretation of the iron-curtain rule on the rights of an illegitimate child to inherit from the legitimate relatives of his or her parents.

Prof. Aguilung-Pangalangan represented the Philippines as the sole Filipina to be recognized by CHIP⁸. She is recognized alongside other world-renowned child's rights experts such as former UN Special Rapporteur Maud de Boer-Buquicchio, Rio de Janeiro Court of Justice Judge Raquel Santos Pereira Chrispino, international child's rights consultant, Nigel Cantwell, who contributed to the drafting of the CRC and former Hague Conference on Private International Law Secretary-General Hans Van Loon⁹.

The full-publication may be accessed through <https://child-identity.org/images/files/CHIP-Preserving-Family-Relations-EN.pdf>

⁸ *Id.*

⁹ *Id.*