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FOREWORD

It was Lloyd, one of the greatest legal philosophers of all time, who wrote that “*law is planted in the ideologies of the society in which it operates*”. Indeed, currency has steadily been gained by the truism that the law is not a fixed object situated in the middle of a vacuum but a dynamic organism pulsating through the veins of society. Truly, if one seeks to learn the law, one should not expect to be confronted by a majestic entity sealed in a hermetic box; one must instead proceed from the knowledge that the law is embedded in the totality of a society's consciousness and continuing collective experience. It cannot be contained in a single written tome – it is everywhere, and it is in constant flux.

The dynamism of the law is the single most important reason behind the fertility of legal scholarship. Since the various facets of the law are diffused and scattered along the threads that make up the social fabric, there will always be some point of inquiry that will pique the interest of any scholarly mind; some novel problem from which an intellectually gratifying adventure can take off. The rapid advent of developments in the theoretical and practical fronts of law provides even more impetus and justification for the enrichment of the intellectual ferment of legal scholarship. Because of the rise of complex legal questions in unfamiliar fields and the broadening of intellectual horizons into uncharted territories, there arises the need for legal scholars to have a venue for the ventilation of modern thoughts and the testing of new hypotheses in the 21st century marketplace of ideas.

This venue the PHILIPPINE LAW JOURNAL seeks to provide in its Fourth Issue. In dedicating its final issue to “Emerging Paradigms” in the field of modern legal theory and practice, the Journal seeks to open the floor of debate for the analysis of issues revolving around recent legal developments.

For the Fourth Issue, the Journal opens with an article from Justice Vicente V. Mendoza. In *A Note on the Writ of Amparo*, revered scholar V.V. Mendoza discusses how the recently adopted Rule on the Writ of Amparo can be accommodated within the existing legal framework of the country. He discusses the implications of the new rule on the ongoing campaign of the Supreme Court to be a vanguard against the recent spate of enforced disappearances and extra-legal killings in the Philippines. The article is ably supplemented by *Watching the Watchers: A Look into the Drafting of the Writ of*

Amparo. In an article written by Felipe Gozon, Jr. and Theoben Orosa, both law clerks of Chief Justice Reynato Puno, the provisions of the new rule are discussed thoroughly. It also provides the readers with a privileged behind-the-scenes perspective on how the justices of the Supreme Court deliberated prior to the rule's adoption. By these two articles, the legal community can gain a deeper understanding on how *Amparo* can live up to its promise of being a potent tool for the protection of the people's right to life, liberty, and security.

Dean Pacifico Agabin in *Accountability of the President Under the Command Responsibility Doctrine* provides a discussion on a concept that has not received much attention by way of legal scholarship in the Philippines. Dean Agabin's paper is expected to provide the groundwork for future inquiries on how command responsibility can be properly applied and interpreted in the circumscription of the responsibility and accountability of the Chief Executive. Taking on an even more novel and unfamiliar field, Marcelino Veloso III presents the contending views on the emerging debate on ownership over properties in computer-simulated environments. It is expected that Veloso's propositions and recommendations in *Virtual Property Rights: A Modified Usufruct of Intangibles* will shed light on the modern and still-amorphous legal abstraction called virtual property rights.

Lastly, former PHILIPPINE LAW JOURNAL Chair Oscar Tan offers a scholarly treatise that, by its magnitude and depth, is expected to become the country's most authoritative and definitive restatement of privacy rights in the context of constitutional and civil law. Culling from lessons gained from decades of jurisprudential rules and pronouncements, scholarly studies, and modern experience in both the Philippine and American jurisdictions, Tan expertly charts and delineates the contemporary scope and limits of privacy rights in a variety of contexts. Indeed, *Articulating the Complete Philippine Right to Privacy in Constitutional and Civil Law: A Tribute to Chief Justice Fernando and Justice Carpio* provides the much-needed clarity in the contentious and oftentimes confusing field of the law on privacy.

Arguably, emerging paradigms in the field of theoretical and practical law are legion. In much the same way that the law continuously develops by leaps and bounds, so too does legal scholarship continuously transform. It is the PHILIPPINE LAW JOURNAL's commitment to be at the forefront of legal developments, and for such purpose, to venture into even unfamiliar regions of scholarship.