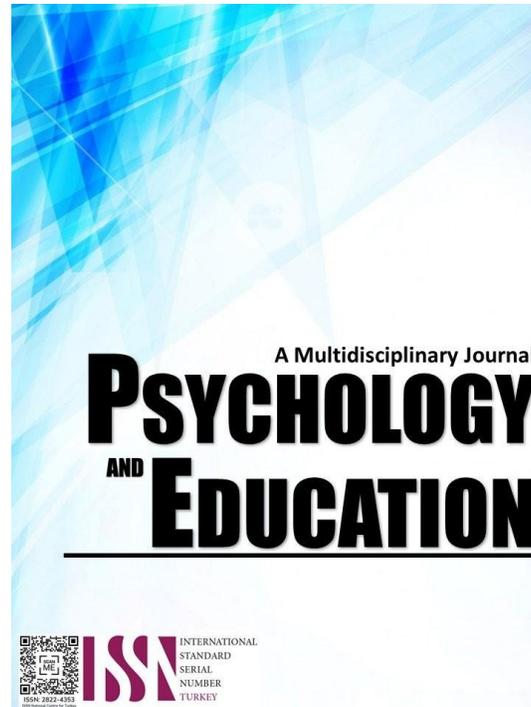


THE PHILIPPINE JUDICIARY AS A POLITICAL INSTITUTION



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The Philippine Judiciary as a Political Institution

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Abstract

The Philippine judiciary stands as a cornerstone of democratic governance, tasked with upholding the rule of law, protecting constitutional rights, and maintaining checks and balances within government. However, its effectiveness has long been shaped by historical legacies, political interference, corruption, budgetary constraints, and evolving public trust. This study employed a systematic literature review of academic works, legal documents, government reports, and news sources to analyze the structure, independence, and challenges of the judiciary through the lenses of Historical, Sociological, and Rational Choice Institutionalism, integrated with Democratic Theory. Findings revealed that judicial independence is central to counterbalancing executive and legislative powers, yet remains vulnerable to politicized appointments and external pressures. The judiciary plays a critical role in protecting rights through judicial review and in shaping governance via rulings on high-profile political and social issues. Nonetheless, corruption, case backlogs, and inefficiencies undermine its credibility. The study concluded that strengthening merit-based appointments, improving transparency, enhancing technological reforms, and fostering public engagement are essential for improving judicial effectiveness. The analysis contributed to institutional and democratic theory by highlighting the judiciary's dual role as both a legal and political actor within Philippine democracy.

Keywords: *checks and balances, democracy theory, institutionalism theories, judicial power, Philippine judiciary, sustainable development goal 16*

Introduction

Imagine a grand fortress standing tall amidst a bustling city, its walls emblazoned with the scales of justice, symbolizing fairness and the rule of law. This fortress is the Philippine judiciary, an institution with a rich history and a vital role in safeguarding democracy.

The Philippine judicial system is a multifaceted institution structured to uphold the rule of law and ensure justice. At its apex is the Supreme Court, which has the power of judicial review, enabling it to declare laws unconstitutional if they violate the Constitution. The Supreme Court is composed of a Chief Justice and fourteen Associate Justices, appointed by the President from a list prepared by the Judicial and Bar Council. (Constitution of the Philippines, 1987)

Below the Supreme Court, the judiciary includes the Court of Appeals, Regional Trial Courts, Municipal Trial Courts, and various specialized courts such as the Sandiganbayan, which handles cases involving public officials, and the Court of Tax Appeals. The judiciary operates under a hierarchical structure where lower courts are bound by the decisions of higher courts, ensuring consistency and coherence in legal interpretations (Pangalangan, 2001).

The judiciary's independence is safeguarded by constitutional provisions that prohibit interference from the executive and legislative branches, ensuring that judges can decide cases free from external pressures (Constitution of the Philippines, 1987). This independence is crucial for maintaining the balance of power within the government and protecting individual rights (Bernas, 2009).

In light of the foregoing, this paper contributes to the academic discourse on judicial systems by providing a detailed analysis of the Philippine judiciary, its functioning, and its challenges. Aligned with the United Nations Sustainable Development Goal No. 16 (Peace, Justice, and Strong Institutions), it enriches the understanding of judicial independence and its impact on democratic governance. For policymakers, this paper offers insights into the reforms needed to enhance the judiciary's effectiveness and independence. It also provides a basis for governance reforms aimed at improving judicial processes and public trust in the judicial system.

Research Questions

This paper explored the structure, functioning, and challenges within the Philippine judiciary. Specifically, it sought answers to the following questions:

1. How does judicial independence contribute to maintaining checks and balances within the Philippine government?
2. What is the role of the judiciary in upholding constitutional rights in the Philippines?
3. How does the judiciary address and resolve key political and social issues in the Philippines?

Literature Review

Human Rights Watch (2020) noted that judicial independence in the Philippines, while constitutionally protected, faces several challenges that undermine its effectiveness. Political interference remains a significant issue, with allegations of influence from powerful political figures and entities attempting to sway judicial decisions. This interference often manifests in the appointment process of judges, where political considerations can overshadow merit-based selections (Teehankee, 2002).

Budget constraints also pose a challenge to judicial independence. The judiciary relies on government funding, which can be manipulated to exert control over judicial activities. Insufficient funding affects the judiciary's operational efficiency, leading to delays in case resolution and a backlog of cases (Diokno, 2018). These delays erode public confidence in the judicial system's ability to deliver timely justice.

Moreover, judicial corruption is a pervasive problem. Reports of bribery and other forms of corruption within the judiciary undermine its credibility and independence (Transparency International, 2021). Efforts to address corruption, such as stricter disciplinary measures and increased transparency in judicial proceedings, are ongoing but have yet to fully restore public trust (Judicial Reform Initiative, 2019).

High-profile cases have a profound impact on public perception of the judiciary. Cases involving prominent political figures or significant social issues draw intense public scrutiny and can either enhance or diminish trust in the judicial system. For instance, the conviction of former President Joseph Estrada on plunder charges in 2007 was seen as a landmark decision demonstrating the judiciary's capability to hold powerful individuals accountable (Philippine Center for Investigative Journalism, 2007).

Conversely, the acquittal of influential figures in corruption cases often leads to public skepticism about the judiciary's impartiality and independence. The dismissal of charges against former President Gloria Macapagal-Arroyo in 2016, despite substantial evidence of corruption, sparked widespread criticism and allegations of judicial bias (Al Jazeera, 2016).

Public trust is also influenced by the judiciary's handling of human rights cases. The slow progress in resolving cases of extrajudicial killings and enforced disappearances, particularly during the Duterte administration's war on drugs, has led to accusations of judicial complicity in human rights abuses (Amnesty International, 2020). These cases highlight the judiciary's role in upholding the rule of law and protecting human rights, and the perceived failure to do so can significantly erode public confidence.

Theoretically, institutional theories provide valuable lenses for analyzing the structure, functioning, and challenges of the Philippine judiciary. In this paper, the author utilized three primary institutional theories: Historical Institutionalism, Sociological Institutionalism, and Rational Choice Institutionalism. Democracy Theory, however, is integrated into the broader analysis to provide context on how the judiciary functions within a democratic framework. Each theory offers distinct insights into understanding the judiciary's role, its independence, and its interaction with other political institutions.

First, Historical Institutionalism emphasizes the importance of historical processes and path dependency in shaping institutions. This approach is particularly relevant for understanding the Philippine judiciary, given its colonial past and the evolution of its legal system. Bernas (2009) mentioned that the Spanish and American colonial periods significantly influenced the Philippine legal system. The adoption of civil law principles during Spanish rule and the introduction of common law elements by the Americans created a hybrid legal system. This historical context is crucial for understanding the current structure and functioning of the judiciary.

Historical Institutionalism highlights how past decisions and institutional practices constrain current choices. For instance, the practice of political patronage in judicial appointments can be traced back to historical precedents, affecting contemporary judicial independence (Teehankee, 2002).

Second, Sociological Institutionalism focuses on the cultural and social dimensions of institutions, emphasizing how norms, values, and identities shape institutional behavior. The culture of the judiciary, including the norms of judicial conduct and professionalism, plays a crucial role in shaping judicial behavior. This theory helps explain how informal norms and professional networks influence decision-making processes and the implementation of judicial reforms (Diokno, 2018).

Sociological Institutionalism also examines how public perceptions and societal values impact the judiciary. High-profile cases and public scrutiny can either enhance or undermine the legitimacy of the judiciary, reflecting the broader societal expectations of justice and fairness (Philippine Center for Investigative Journalism, 2007).

Third, Rational Choice Institutionalism analyzes institutions based on the strategic behavior of individuals within the institution, assuming that actors are rational and seek to maximize their preferences. Judges and other judicial actors make strategic decisions based on incentives and constraints. For example, the appointment process of judges involves strategic considerations by both the appointing authorities and the candidates, affecting the composition and independence of the judiciary (Teehankee, 2002).

Rational Choice Institutionalism helps explain how accountability mechanisms, such as performance evaluations and disciplinary measures, influence judicial behavior. The presence of incentives for efficiency and impartiality can enhance the overall effectiveness of the judiciary (Transparency International, 2021).

Fourth, Democratic Theory, which focuses on the principles and practices that underpin democratic governance, including popular sovereignty, political equality, and citizen participation, can indeed be relevant in the context of analyzing the Philippine judiciary. Democratic Theory emphasizes the importance of mechanisms that hold judges accountable for their decisions, including performance evaluations, disciplinary actions, and public reporting of judicial conduct. Ensuring transparency in court proceedings and judicial decisions enhances public trust and confidence in the judiciary. Democratic Theory supports that court hearings should be open to the public and judicial decisions should be published and accessible. (Diokno, 2018)

Moreover, Democratic Theory underscores the importance of engaging the public in judicial reforms and policy-making processes. Citizen feedback can shape a more responsive judicial system (Transparency International, 2021). Trust in the judiciary is fundamental to the rule of law. Efforts to enhance judicial integrity through anti-corruption measures and ethical training are supported by Democratic Theory (Human Rights Watch, 2020).

The judiciary's role in protecting constitutional rights against state abuses aligns with Democratic Theory, which emphasizes safeguarding civil liberties and human rights (Constitution of the Philippines, 1987). Judicial review is a cornerstone of democratic governance, allowing courts to assess the constitutionality of legislative and executive actions (Teehankee, 2002).

Democratic Theory advocates for an independent judiciary to ensure decisions are based solely on law and facts, preventing political influence (Diokno, 2018). The judiciary's role in interpreting the law and reviewing actions of other branches ensures that no single branch becomes too powerful, maintaining democratic balance (Judicial Reform Initiative, 2019).

Overall, as used in this paper, while institutional theories provide the tools to analyze the internal dynamics and challenges of the judiciary, Democratic Theory offers a broader perspective on how the judiciary supports democratic governance. By combining these theoretical frameworks, the study provides a comprehensive understanding of the Philippine judiciary's role, challenges, and impact within the democratic system. Specifically, this paper contributes to the academic discourse on judicial systems by providing a detailed analysis of the Philippine judiciary, its structure, functioning, and challenges. It enriches the understanding of judicial independence and its impact on democratic governance. For policymakers, this paper offers insights into the reforms needed to enhance the judiciary's effectiveness and independence. It also provides a basis for governance reforms aimed at improving judicial processes and public trust in the judicial system.

Methodology

Research Design

This study employed a systematic literature review (SLR) design to synthesize existing research on the Philippine judiciary. A systematic literature review is a rigorous method that identifies, selects, and critically appraises relevant research to answer a clearly formulated research question (Dewey & Drahotka, 2016). To ensure transparency, replicability, and methodological rigor, the review was conducted in accordance with the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) guidelines.

Following the PRISMA protocol, the review proceeded through four structured stages: identification, screening, eligibility, and inclusion. A comprehensive and predefined search strategy was developed before data collection to minimize selection bias. Searches were conducted across multiple academic databases, grey literature sources, and institutional repositories within clearly defined timeframes.

Source

The population of sources included peer-reviewed journal articles, government publications, legal texts, case law, judicial reform initiatives, and reports from reputable organizations such as Human Rights Watch, Transparency International, and the Philippine Center for Investigative Journalism. The primary setting of the review was the Philippine judicial system, while selected comparative materials from other jurisdictions were included solely to provide contextual and analytical insights.

Instrument

Structured search protocols were applied using keywords such as “Philippine judiciary,” “judicial independence,” “judicial reform,” “human rights,” and “constitutional rights.” Inclusion criteria required sources to be directly relevant to the structure, independence, accountability, or governance role of the judiciary. Sources that were outdated, tangential, or lacking academic or institutional credibility were excluded during the screening and eligibility phases.

Data Analysis

The main analytical variables examined were: (a) judicial structure and functions, (b) independence and accountability, (c) political and social influences, and (d) efficiency and public trust.

Data synthesis was conducted through thematic analysis, guided by institutional theories (Historical, Sociological, and Rational Choice) and Democratic Theory. Sources were systematically coded to identify recurring themes, patterns, and institutional challenges. The synthesized findings were then used to address the research questions and generate theoretically grounded insights into the Philippine judiciary as a political institution.

Ethical Considerations

As the study relied exclusively on secondary data, no human participants were involved, thereby minimizing ethical risks. Nonetheless, strict adherence to academic integrity was observed through proper citation, use of publicly accessible materials, and reliance on credible sources.



Results

The Philippine judiciary operates within a complex political environment characterized by historical legacies, political influences, and evolving democratic practices. The judiciary is tasked with upholding the rule of law, ensuring justice, and maintaining checks and balances within the government. In this study, four major themes regarding the Philippine judiciary have emerged: judicial independence, political influence, efficiency and corruption, and the handling of human rights cases.

First, as shown in Table 1, judicial independence and structure, though firmly enshrined in the 1987 Constitution, remain vulnerable to external pressures (Constitution of the Philippines, 1987; Bernas, 2009). While the Judicial and Bar Council (JBC) was established to promote merit-based judicial appointments, political influence continues to shape selections, raising doubts about impartiality (Teehankee, 2002).

Table 1. *Judicial Independence and Structure*

<i>Theme</i>	<i>Key Findings</i>
Judicial Independence	Judicial independence is constitutionally guaranteed but remains vulnerable to external pressures.
Judicial Appointments	Judicial appointments often involve political considerations, weakening impartiality.
Judicial and Bar Council	The Judicial and Bar Council (JBC) was established to promote merit-based selection, but political influence persists.

Second, Table 2 reveals that political interference persists as a recurring challenge. The impeachment of Chief Justice Maria Lourdes Sereno in 2018 highlighted concerns about executive overreach and the politicization of judicial processes (Buan, 2018; Human Rights Watch, 2020). Similarly, high-profile acquittals of political elites, such as the dismissal of charges against former President Gloria Macapagal-Arroyo, have fueled public skepticism regarding impartiality (Al Jazeera, 2016).

Table 2. *Political Influence on the Judiciary*

<i>Theme</i>	<i>Key Findings</i>
Political Interference	Political interference in high-level appointments undermines independence.
Impeachment	The impeachment of Chief Justice Maria Lourdes Sereno in 2018 raised concerns of executive overreach.
Public Perception	Public perception of bias in politically sensitive cases erodes trust.

Third, efficiency and corruption are pressing concerns, as shown in Table 3. Case backlogs and delays hinder timely justice, while corruption—including bribery—undermines judicial credibility (Transparency International, 2021). Reforms such as the Judicial Reform Initiative (JRI), the introduction of e-Courts, and the continuous trial system have improved efficiency, but implementation remains uneven (Judicial Reform Initiative, 2019; Diokno, 2018).

Table 3. *Efficiency, Corruption, and Reform Efforts*

<i>Theme</i>	<i>Key Findings</i>
Case Backlog and Delays	Case backlog and delays undermine timely justice.
Corruption	Corruption, including bribery, undermines credibility and impartiality.
Reforms	Reforms such as the Judicial Reform Initiative (JRI), e-Courts, and the continuous trial system improved efficiency but remain limited.

Finally, Table 4 shows that the judiciary’s role in human rights protection and high-profile cases demonstrates both potential and limitations. Judicial review has been crucial in balancing executive power, as seen in decisions on martial law in Mindanao and the Anti-Terrorism Act of 2020 (Patag, 2021). The conviction of former President Joseph Estrada on plunder charges in 2007 showed the judiciary’s capacity to hold powerful figures accountable (Philippine Center for Investigative Journalism, 2007). Conversely, its slow response to extrajudicial killings during the drug war has raised concerns of judicial complicity in human rights abuses (Amnesty International, 2020; Human Rights Watch, 2020).

Table 4. *Human Rights and High-Profile Cases*

<i>Theme</i>	<i>Key Findings</i>
Judicial Review	Judicial review plays a vital role in balancing executive power, e.g., rulings on martial law and the Anti-Terrorism Act.
Accountability	The conviction of Joseph Estrada (2007) demonstrated the capacity to hold elites accountable.
Impartiality	Acquittals of Gloria Macapagal-Arroyo (2016) and others fostered skepticism about impartiality.
Human Rights	Courts’ slow response to extrajudicial killings during the drug war raised questions of complicity.

Discussion

The results point to a judiciary that is simultaneously resilient and institutionally fragile. Empirical studies of the Philippine Supreme Court demonstrate measurable alignment between justices’ votes and the preferences of their appointing presidents, a pattern that varies across administrations and which scholars link to incentives created by appointment and career structures (Escresa & Garoupa, 2012; Desierto, 2015). These findings buttress the observation that constitutional safeguards alone (e.g., lifetime tenure until retirement; removal only by impeachment) are insufficient to guarantee decisional independence when appointment processes and political

incentives remain salient.

The Judicial and Bar Council (JBC) was designed as an insulating mechanism to promote meritocratic selection and reduce patronage (Dressel et al., 2024). Yet recent empirical work shows that institutional design has not removed political signaling from the appointment process: nominations, vetoes, and informal bargaining continue to exert influence on candidate selection and on perceptions of impartiality (Dressel et al., 2024; Desierto, 2015). This helps explain why public confidence can fluctuate sharply after politically salient decisions or removal processes (e.g., the Sereno episode), even where formal rules appear protective.

High-profile politicized events—most notably the removal of Chief Justice Maria Lourdes Sereno via quo warranto and the surrounding impeachment dynamics—offer a concrete case of how legal mechanisms can be used in ways perceived as politicized, with knock-on effects for institutional legitimacy (Steelman, 2018; *UST Law Review*, 2021). Scholarship on these episodes treats them as both legal and political phenomena: the move against Sereno has been read as signaling a lower tolerance for judicial dissent and as an example of how executive-legislative dynamics shape judicial tenure in practice (Steelman, 2018).

Concerning efficiency and case management, rigorous impact evaluations of digital reforms (e-Courts/e-Case Management) and related interventions paint a mixed but instructive picture. Large quasi-experimental and randomized evaluations conducted in partnership with the Supreme Court and independent evaluators show that modernization can reduce processing time and improve some disposition measures, but gains are uneven, heavily dependent on implementation capacity, training, and complementary process reforms; in some early instances, e-Court rollouts produced temporary slowdowns as courts adapted (*Innovations for Poverty Action*, 2021). These findings support the observation that reforms such as e-Courts and the continuous trial system have potential but require sustained institutional commitment and resourcing to realize system-wide effects.

Corruption and impunity remain persistent constraints. Country-level corruption indices and anti-corruption helpdesk reviews document continuing bribery, petty graft, and vulnerabilities in legal administration that weaken public trust (*Transparency International*, 2021). Empirical literature linking corruption and judicial outcomes in the Philippines shows that corruption pressures interact with resource constraints and informal networks to shape behavior at multiple levels of the justice system (*Transparency International*, 2021). These dynamics underscore why anti-corruption strategies must combine technical reforms (case-tracking, audit trails, e-payments) with institutional incentives and stronger oversight.

On human rights, multiple human-rights monitoring organizations document systemic shortcomings in accountability, especially in the context of the Duterte-era drug war. Amnesty International and Human Rights Watch report thousands of extrajudicial killings, weak prosecutions, and limited remedial action by domestic institutions — a gap that raises questions about judicial responsiveness and the operational independence of lower courts and prosecutorial bodies (*Amnesty International*, 2017; *Human Rights Watch*, 2020). At the same time, the courts have occasionally functioned as checks (e.g., rulings on martial-law proclamations and constitutional challenges), showing that judicial review can be effective when institutional capacities and political openings align. The pattern, therefore, is uneven: pockets of accountability coexist with broader patterns of impunity in politically sensitive matters.

The theoretical framework used maps well to these empirical patterns. Historical Institutionalism helps explain path dependency: colonial and patronage legacies shaped recruitment, clientelist ties, and organizational norms that remain durable (Bernas, 2009; Desierto, 2015). Sociological Institutionalism explains the symbolic dimension of legitimacy — public belief in judicial impartiality is shaped by narrative and reputation, not only constitutional text; high-visibility reversals or acquittals therefore have outsized reputational effects (Dressel et al., 2024). Rational Choice Institutionalism, supported by empirical work on judicial voting patterns, suggests that individual justices and court actors respond to incentives created by appointment processes, institutional rewards, and external pressures (Escresa & Garoupa, 2012; Desierto, 2015).

Policy implications flow directly from this body of work. First, appointment and accountability mechanisms should be reformed to reduce political signaling—for example, by increasing the transparency of JBC deliberations, publishing candidate evaluations, and strengthening objective, measurable criteria for selection (Dressel et al., 2024). Second, digital modernization should be treated as a multi-year change management process: evidence from impact evaluations suggests pairing e-case systems with capacity building, process redesign, and performance monitoring to avoid adaptation costs and maximize efficiency gains (*Innovations for Poverty Action*, 2021). Third, anti-corruption measures must combine procedural reforms (e.g., e-payments, case audit trails) with independent oversight, whistleblower protections, and stronger disciplinary enforcement measures that international anti-corruption reviews identify as necessary complements to technical fixes (*Transparency International*, 2021).

Finally, restoring public trust requires both institutional reforms and public-facing legitimacy work. Courts should prioritize transparent reasoning in politicized cases, proactively communicate procedural safeguards, and facilitate access to speedy remedies for human-rights violations. At the scholarly level, more granular empirical work—for example, judge-level ideal-point estimation, time-series analysis of disposition rates after reforms, and randomized trials of court procedural changes—will sharpen our understanding of what works in the Philippine context (Dalla Pellegrina et al., 2014; Escresa & Garoupa, 2012). Taken together, the literature indicates that change is possible, but it requires coordinated reform across appointments, case management, accountability, and public engagement.

Conclusions

This study explored the functioning and challenges within the Philippine judiciary guided with the following objectives: (1) understand the structure and function of the Philippine judicial system, (2) analyze the role of judicial independence in maintaining checks and balances within the government, and (3) evaluate the judiciary's role in upholding constitutional rights and resolving key political and social issues.

Based on the findings, several key insights have emerged regarding the structure, functioning, challenges, and impact on governance and public trust of the Philippine judiciary. First, judicial independence is critical for maintaining checks and balances, ensuring that the judiciary can act as a counterbalance to the executive and legislative branches. Political interference and the politicization of judicial appointments undermine this independence, threatening the judiciary's ability to function impartially and effectively. Second, the judiciary plays a pivotal role in upholding constitutional rights and protecting human rights. Through judicial review, the courts can assess the constitutionality of laws and executive actions, safeguarding civil liberties and providing redress for human rights abuses. Third, the judiciary addresses key political and social issues through its rulings on high-profile cases, which can influence public policy and societal norms. However, challenges such as corruption, case backlog, and political pressure hinder its effectiveness in resolving these issues.

Based on the foregoing findings, the following recommendations are proposed to strengthen the Philippine judiciary. These reforms may be understood in terms of short-term and long-term priorities to enhance their practical utility for policymakers and institutional stakeholders.

In the short term, immediate efforts should focus on enhancing transparency, accountability, and efficiency within the judiciary. The enforcement of judicial codes of conduct must be strengthened through the establishment of robust and accessible mechanisms for reporting and addressing corruption. Greater transparency in court proceedings and judicial decisions should be institutionalized to promote public confidence. Regular performance evaluations of judges and court personnel may also be implemented to ensure accountability and improve the quality of judicial services. Moreover, high-profile cases must be handled transparently and impartially, with clear and accessible communication of the rationale behind judicial decisions to foster greater public understanding.

Administrative efficiency should likewise be prioritized. The expansion of technological innovations, such as the e-Courts system, can streamline case management and reduce delays. The implementation of continuous trial systems may further expedite case resolution and address the persistent problem of case backlog. In addition, sustained training and capacity-building programs for judges and court personnel are necessary to improve institutional competence and adaptability to evolving legal and technological demands. Public engagement initiatives, including educational programs and consultations on judicial reforms, should also be strengthened to cultivate a more informed and participatory citizenry, thereby reinforcing trust in judicial institutions.

In the long term, more structural reforms are necessary to secure and institutionalize judicial independence. The role of the Judicial and Bar Council (JBC) should be reinforced to ensure a genuinely merit-based and transparent process of judicial selection. Mechanisms that reduce political influence in judicial appointments must be pursued to safeguard impartiality. Institutional safeguards protecting members of the judiciary from political pressure or retaliation should be clarified and strengthened, including the development of more objective standards for impeachment and disciplinary proceedings.

Sustainable institutional capacity must also be addressed over the long term. This includes increasing and stabilizing budget allocations for the judiciary to address shortages in judges and court personnel and to support long-term modernization initiatives. Finally, further scholarly inquiry is encouraged through comparative studies of judicial systems in other jurisdictions. Such research may identify best practices and institutional innovations that can inform evidence-based reforms tailored to the Philippine context.

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