



## The Sixth Spanish-Filipino Scientific Congress: Modernizing Criminal Law and Private Law EUROASIA VISION 2022



Solomon F. Lumba (UP College of Law), José Manuel de Torres Perea (University of Malaga), Justice Marvic MVF Leonen (Supreme Court), Danilo L. Concepcion (University of the Philippines), Gabriela R. Concepcion (UP Diliman), Fides Cordero-Tan (UP College of Law), Fidel R. Nemenzo (UP Diliman), & Juan José Hinojosa (University of Malaga) (L-R)

## SC JUSTICE MARVIC LEONEN KEYNOTES THE SIXTH SPANISH-FILIPINO SCIENTIFIC CONGRESS

Senior Associate Justice of the Supreme Court Marvic MVF Leonen delivered the keynote address at the "Sixth Spanish-Filipino Congress: Modernizing Criminal Law and Private Law (Euroasia Vision 2022)" held on 11-12 June 2022 at the University of the Philippines College of Law. Speaking before the assembly of delegates that included professors of law from European and Philippine universities, trial court judges from all over the country, students from several law schools, and lawyers from the government and private sectors, Justice Leonen's address tackled the need for the judiciary to put into context the humanity behind the concept of the law. He described laws as imperfect since their nature is imperfect; a human construct produced by politics within a given history. As a consequence, there is a constant need for change and revisions in our laws, such as our Revised Penal Code and Civil Code rooted in our colonial past that is democratically deficit.

Justice Leonen further spoke about the gap between what is just and what is legal. He said "the legal is not necessarily just and the rule of law may not be efficient to achieve the rule of justice." Making reference to an apocryphal conversation in which Justice Learned Hand told Justice Oliver Wendell Holmes "do justice, Justice!," and to which Justice Oliver Wendell Holmes retorted "that is not my job - my job is to apply the law", Justice Leonen observed that the same is true among contemporary lawyers who operate the system to deliver relief as close as possible to what the client needs even if it does not correspond to what is just.

To bring about justice, Justice Leonen encouraged the delegates to be critical as to whether the law as crafted will achieve its purpose, and to understand it not simply as an artifact, a text, or a concept. He stressed that the purpose of every law and the aim of any judicial system is social justice. He reminded everyone to put the law into context, to discern the purpose of every law, and always the aim of any judiciary system, he said is social justice.

After the keynote address, the Congress proper opened with the lectures of two professors from the University of Malaga. Professor José Díez Ripollés delivered a lecture on "Recent Trends in Spanish Criminal Law, while Professor José Becerra Muñoz made a presentation on "The law-

making process as an aspect of Criminal Law policy". UP Professors Theodore O. Te of the College of Law and Filomin C. Gutierrez of the College of Social Sciences and Philosophy served as reactors to the lectures, while Atty. Lee Edson P. Yarcia moderated the discussion.

Weighing in on the topic of modernizing criminal law was former Sen. Leila de Lima whose talk was delivered by Atty. Catherine Sy. She described the Philippine criminal justice system as "broken in spirit and lacking a soul because of its propensity to view the accused as no longer fully human and unworthy of human rights. It moves but never toward anything productive, it moves just for the sake of being able to say that it moves." The Senator therefore concluded that it is "a zombie in the legal world".

The activities of Day 1 of the Congress, including the highlights of the plenary and breakout sessions, were integrated and summarized by Professor Jacqueline F. Espenilla.

Straddling the 2-day seminar is the much applauded Rapid Fire segment in which law students from the University of San Agustin, Ateneo de Zamboanga University, and the University of the Philippines delivered 8-minute presentations on any legal topic of their choice.



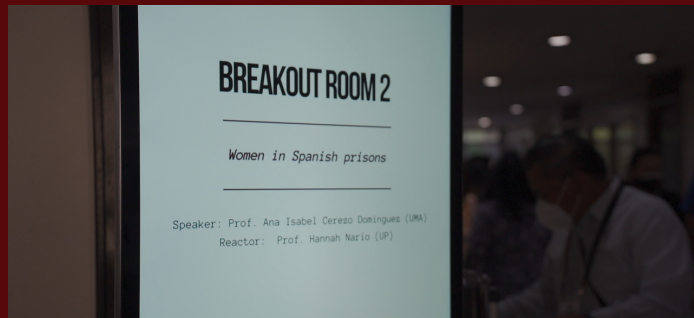


Day 2 of the Congress was devoted to the topic of modernizing private law and opened with a discussion on the challenges in maintaining an efficient market from Commissioner Emerson B. Aquende of the Philippine Competition Commission. According to Commissioner Aquende, it is important to work on the guiding principles of pro-competition, equal access, and reduction and elimination of barriers to entry or expansion, if one is to sustain and create an efficient market system. He noted the relevance of the 2-day Congress in broadening the perspective to better chart the competition regulations, legislations, and policy directions of government agencies amidst recent global market trends.

Professor Eugenio Olmedo Peralta delivered the opening lecture entitled "Regulating digital markets to foster competition: A vision from the EU to the ASEAN." UP Law Professor Jose Jesus M. Disini, Jr. served as reactor, while Atty. Neil Simon S. Silva moderated the discussion.



Atty. Neil S. Simon Silva, Atty. Emerson B. Aquende (PCC), Prof. Eugenio Olmedo Peralta, Prof. Jose Jesus M. Disini Jr. (L-R)



In the afternoon plenary session, Professor Emerson S. Bañez delivered a presentation entitled "Balance on the *reserva troncal*: A computational law walkthrough", a piece introducing the technique of converting legal knowledge into computational form, while at the same time paying tribute to the late Professor Ruben F. Balane, renowned civilist and scholar of the Spanish roots of the Philippine Civil Code.

Over the period of 2 days of the Congress, 9 break-out sessions for criminal law and 10 break-out sessions for private law (19 in total) were conducted, wherein guest professors from European law universities delivered the lecture, and faculty from Philippine universities or other experts on the topic served as reactors and moderators. Various topics were covered in the break-out sessions including, for Day 1, juvenile criminal responsibility system, sex crimes against vulnerable persons, and combating organized crime, and for Day 2, regulating digital markets, antitrust damages claims in the EU, and international data transfers. The full list of the lectures and presenters in the break-out sessions is available at [www.conf.law.upd.edu.ph/calesa](http://www.conf.law.upd.edu.ph/calesa).

The Congress proper was concluded by the lecture of Professor José Manuel de Torres entitled "The recent reform on the capacity of disabled persons in the Spanish Civil Code" and Professor José Antonio Castillo's lecture about "The challenges on civil liability arising from the use of artificial intelligence". Congress organizers issued certificates of attendance to the delegates, and local practitioners were credited with Mandatory Continuing Legal Education units.

# Stay connected

To retrieve the presentation materials, conference booklet, video coverage of all plenary sessions and evening events, same-day edits and audio-visual presentations, list of speakers and profile of delegates, and photos of the Sixth Spanish-Filipino Congress, please visit

[www.conf.law.upd.edu.ph/calesa](http://www.conf.law.upd.edu.ph/calesa)

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# CALESA Explained



Co-funded by the  
Erasmus+ Programme  
of the European Union



The Sixth Spanish-Filipino Congress was co-organized by the University of Malaga, University of the Philippines, and the CALESA Project under the auspices of the Erasmus program of the European Union. CALESA stands for Capacity Building for Legal and Social Advancement in the Philippines.

In his welcome remarks at the Congress, Professor José Manuel de Torres traced the beginnings of the CALESA to his first meeting with Professor Ruben F. Balane, to whom he attributes the concept of conducting international conferences between Spanish and Filipino scholars that eventually gave impetus to the establishment of CALESA. Sharing a desire to enhance the research on the relationship between the Spanish and Philippine civil codes, the two professors would organize the first scientific congress in 2015 at the University of Malaga.

This narrative was presented in more detail in the mini-documentary "CALESA: A *donde vas*" shown during the Congress. It contained the testimonials of Professor de Torres and former Ateneo Law School Dean Sedfrey M. Candelaria on the pioneering days of the CALESA. They narrated the role of Professor Ruben F. Balane and the spirit of friendship and shared scholarship that drove CALESA to develop and institutionalize. A montage of photos rekindling CALESA's past congresses completed the storytelling of Prof. de Torres and Dean Candelaria.

Professor de Torres, and with the assistance of Professor Solomon F. Lumba, would formulate in 2018 an application for funding with the EU's Erasmus Program that would enable the project to expand and pursue more vigorously its outcomes. The expected outcomes are: enhanced research capacity of Philippine law schools, updated and integrated insights on the relationship between Spanish and Philippines law, developed academic expertise through cooperative knowledge sharing

and knowledge transfer on Spanish and EU law (legal and justice systems), encouraged academic debates and valuable experts' contributions to modernize Filipino Law and its effective policy making, including an improved multi-lingual research capacity of HEIs by fomenting their interest in the Spanish language.

In the documentary, Professor de Torres said that the most important by-product of CALESA is the strong personal bonds between the Spanish and Filipino faculties. According to him, "the biggest achievement of CALESA is that it brought people from different continents together, made them close friends and real family. It is the human contact, the human quality of its people."

For his part, Dean Candelaria said that in addition to academic growth, the growth of the project is also cultural and spiritual. One of the greatest benefits of the CALESA, according to Dean Candelaria, is "to rediscover one's identity as a people, rekindle that part of our identity and our history".

***"[T]he biggest achievement of CALESA is that it brought people from different continents together, made them close friends and real family. It is the human contact, the human quality of its people."***

- Professor José Manuel de Torres

Currently, CALESA has 4 institutional partners in Europe, namely the University of Malaga, University College Dublin (UCD), Universidad de Deusto, and Universidade NOVA de Lisboa. In the Philippines, the CALESA partner institutions are the Philippine Judicial Academy, University of San Agustin, Ateneo de Manila University, Ateneo de Zamboanga University, and University of the Philippines.

## UP President's Night

At the end of Day 1 of the Congress, the delegates were hosted by President Danilo L. Concepcion of the University of the Philippines for a fellowship dinner at the Balay ng Alumni at the UP Diliman campus. The evening event showcased the talents of the students and alumni of the UP, including internationally renowned Contra Gapi, UP's ethnic and indigenous music, and dance ensemble by UP students. Emceed by Professor Andrei Palacios, the delegates were treated to musical numbers as they gamely participated in a "Bring Me" contest to liven up the evening.

In his address, President Concepcion stressed that the University of the Philippines is the university of every Filipino, and its students are scholars of the people. He said that the unique and distinct role of the UP as a leader in higher education is both the university's burden and privilege. He challenged the students "to be a game changer in your communities, big or small".

After honoring the memory of Professor Ruben F. Balane, to whom President Concepcion dedicated the Congress, he assured Dean Juan José Hinojosa and José Manuel de Torres that the University of the Philippines will continue to support and participate meaningfully in the CALESA Program.

To acknowledge their crucial contributions to the success of the Congress, President Concepcion awarded Dean Hinojosa, Dean Edgardo Carlo L. Vistan II, and Professor de Torres with plaques of appreciation.





# Dinner and Show: A Cultural Night



To cap the 2-day congress, the Dean of the UP College of Law hosted a farewell dinner and show for the congress delegates.

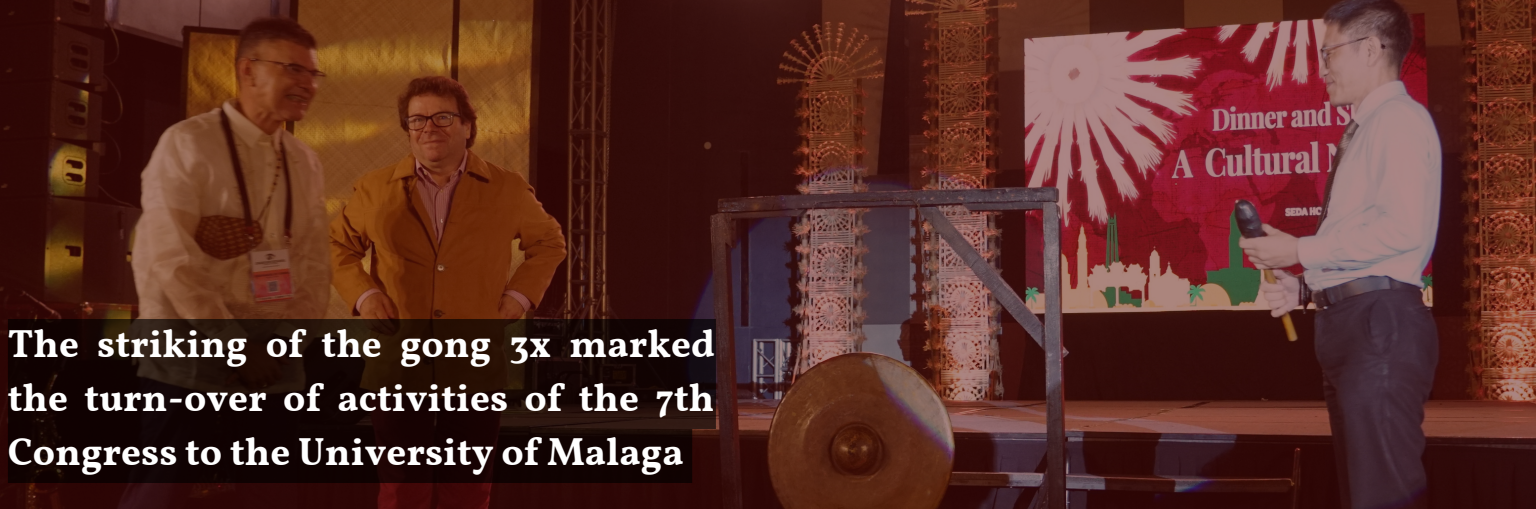
Entitled, "A Cultural Night", the event displayed the different cultures of the countries and the regions represented in the congress through the performances of guests and the delegates themselves. In the segment of the program called, "Brag Time", the women trial court judges presented a *malong* dance, while the faculty from the University of Malaga sang impromptu Spanish songs. The students from the University of San Agustin and Ateneo de Zamboanga showcased their respective cities and institutions through video presentations. The Zamboangueños further held a mini-fashion show of their traditional festive apparel, and distributed to the delegates the delicacies of their province.

Atty. Marwill Lillasos of the UP College of Law emceed the program that included guest performances of flamenco and Filipiniana dances, and song

number of original Filipino and Broadway music. The highlight of the evening was the presentation by internationally acclaimed shadow theater group *El Gamma Penumbra* of two dramatizations, one pertaining to saving the global environment from pollution and wastage, while the other was a narrative of the CALESA program within the context of the Spanish-Filipino cultural relationship.

Farewell messages were delivered by UP President Danilo L. Concepcion, Dean Juan José Hinojosa of the University of Malaga, CALESA Project Coordinator Prof. José de Torres, and UP Law Associate Dean Solomon F. Lumba. The turn-over of the hosting honors of the scientific congress from the UP to the University of Malaga was signaled by the striking of the gong 3x by Dean Hinojosa.

The 7th Spanish-Filipino Scientific Congress will be held at the University of Malaga in 2023.



**The striking of the gong 3x marked the turn-over of activities of the 7th Congress to the University of Malaga**

**To all delegates and guests:**

**Muchas gracias  
Thank you  
Daghan salamat**

***Maraming  
salamat po!***

**Steering Committee**