BENCHBOOK FOR TRIAL COURT JUDGES

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Justice, the Judiciary's raison d'être, ultimately involves the harmonization of two seemingly conflicting values: stability and dynamism. On the one hand, stability of the law is needed to guarantee that the rules are applied in the same way, under a particular set of circumstances, regardless of who is being judged, and who sits in judgement. On the other hand, and just as importantly, constant dynamism is required to avoid the gaping pitfall of stagnation and to ensure continuing responsiveness to newly emergent needs and changing social imperatives.

Put in different terms, for the Courts of the Judiciary to be able to dispense true and meaningful justice, they must have the ability to decide when it is proper to adhere to precedent, and when it would best serve the interests of justice to risk innovation. At the best of times, this is a balancing act that will defy even the most learned of jurists.

Here, then, is the true and lasting value of this Benchbook. By providing a standard reference work that will tirelessly remind our judges of both the immutable fundamentals of the law and the ceaseless evolution of legal thought and jurisprudence, this publication makes it that much easier to strike that golden middle way between stability and dynamism. It is, thus, an indispensable tool for the women and men of the Judiciary.

Thus, I would like to extend my most heartfelt thanks to the Australian Aid for International Development for its generosity, as well as the International Development Law Institute and the Philippine Judicial Academy for their untiring efforts to get this Benchbook completed and finally published. At the same time, I congratulate them for the vision they displayed when they embarked on this very important endeavor. I also applaud those whose dedication to the cause of justice impelled them to take part in this task. In the final analysis, the rule of law is firmer because of those efforts, and those who believe in justice have reason only to welcome this sterling addition to the libraries of law.

Mabuhay tayong lahat!

ALFREDO L. BENIPAYO
Court Administrator

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