First Study Commission

> *1) Do judges in your country utilize artificial intelligence technology ("AI"), and how so?*

At present, artificial intelligence technology is not yet utilized by judges in the Philippines. Section 14, Article VIII of the 1987 Philippine Constitution mandates that no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based. To give full effect to this constitutional mandate, the Rules of Court require that judgments be personally and directly prepared by the judges. Section 1, Rule 120 of the Revised Rules of Criminal Procedure provides:

> **Section 1.** *Judgment definition and form.* — Judgment is the adjudication by the court that the accused is guilty or not guilty of the offense charged and the imposition on him of the proper penalty and civil liability, if any. It must be written in the official language, personally and directly prepared by the judge and signed by him and shall contain clearly and distinctly a statement of the facts and the law upon which it is based.

> Further, Section 1, Rule 36 of the Rules of Civil Procedure reads:

> **Section 1.** *Rendition of judgments and final orders.* — A judgment or final order determining the merits of the case shall be in writing personally and directly prepared by the judge, stating clearly and distinctly the facts and the law on which it is based, signed by him, and filed with the clerk of the court.

The foregoing rules have been reiterated by the Supreme Court in Administrative Circular No. 1 dated January 28, 1988 prompting all judges "to make complete findings of facts in their decisions, and scrutinize closely the legal aspects of the case in the light of the evidence presented. They should avoid the tendency to generalize and form conclusions without detailing the facts from which such conclusions are deduced."[1]

---

[1] *See Brother Mariano "Mike" Z. Velarde v. Social Justice Society,* G.R. No. 159357, 28 April 2004.

Faithful compliance with the constitutional and procedural rules by judges has been considered a paramount component of due process and fair play. Thus, in the drafting of Decisions, resolutions and orders, judges still personally and directly prepare the summary of the facts, proceedings and issues in the case. They determine the weight of testimonial, object and documentary evidence in accordance with the Rules of Evidence and apply law and jurisprudence to the facts and evidence of the case.

a) *If not, have judges in your country considered utilizing AI, and, if so, in what ways?*

In October 2022, the Supreme Court of the Philippines launched the Judiciary's Strategic Plan for Judicial Innovations 2022-27 (SPJI). One of the guiding principles to enhance the efficiency and access to justice is to ensure a technologically adaptive Court system. The Supreme Court recognized that technology must be fully utilized in running basic court system and processes. In line with this, the Supreme Court is exploring of adopting AI-enabled transcription and AI-powered tools for legal research. The AI-enabled transcription will facilitate the translation of English communications to Filipino dialects. This is seen to benefit court stenographers as it will lessen the time needed for transcript. The stenographic notes will be readily available and judges can promptly write their decisions, resolutions, and orders.

The AI-enabled search tool will enhance the research and examination of applicable law and jurisprudence. The Supreme Court envisions the digitalization of judgments rendered to further enhance stability and predictability in the resolution of cases.

b) *Is the use of AI in legal proceedings regulated?*

At present, there is still no regulation in the use of AI in legal proceedings. Judges, practitioners, and litigants are still guided by the existing rules of procedure and code of ethical standards.

c) *Does the use of AI impact the handling of evidence?*

The use of AI does not have any effect in the handling of evidence as there are set of rules which guide judges in the appreciation and admission of evidence.

The introduction, presentation, admission and appreciation of evidence in judicial proceedings is primarily governed by the Revised Rules on Evidence. In case electronic evidence is to be presented, Rules on Electronic Evidence requires that for audio, photographic and video evidence of events, acts or transactions to be admissible, they should be shown, presented or displayed to the court and shall be identified, explained or authenticated by the person who made the recording or by some other person competent to testify on the accuracy thereof.[2] Ephemeral electronic communications, on the other hand, shall be proven by the testimony of a person who was a party to the same or has personal knowledge thereof.[3]

For cyber-related offenses, the Supreme Court promulgated the Rule on Cybercrime Warrants which provides the procedure for the deposit, custody, and destruction of searched, seized, or examined computer data.

2) *What are the pros and cons of having judges utilize AI?*

The use of AI-generated research tool will enhance the adherence to judicial precedents in making decisions. Article 8 of the Civil Code of the Philippines provides that "judicial decisions applying to or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines." The Supreme Court, in *Chinese Young Men's Christian Association of the Philippine Islands v. Remington Steel Corporation*,[4] emphasized the importance of adhering to established decision, thus:

> The doctrine of *stare decisis* is one of policy grounded on the necessity for securing certainty and stability of judicial decisions, thus:
>
> Time and again, the court has held that it is a very desirable and necessary judicial practice that when a court has laid down a principle of law as

---

[2] *See* Section 1, Rule 11, Rules on Electronic Evidence.
[3] *See* Section 2, Rule 11, Rules on Electronic Evidence.
[4] G.R. No. 159422, 28 March 2008.

applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same. *Stare decisis et non quieta movere.* Stand by the decisions and disturb not what is settled. *Stare decisis* simply means that for the sake of certainty, a conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be different. It proceeds from the first principle of justice that, absent any powerful countervailing considerations, like cases ought to be decided alike. Thus, where the same questions relating to the same event have been put forward by the parties similarly situated as in a previous case litigated and decided by a competent court, the rule of *stare decisis* is a bar to any attempt to relitigate the same issue.

Since judges are required to clearly and distinctly state the facts and the law upon which their Decision is based, it will be easier for judges to find relevant laws and jurisprudence. AI-research tools could assist in locating cases where the facts and issues are substantially the same as the pending case. Efficient legal research can cut the time of judges in drafting their decisions. They can focus on other administrative and judicial functions. It will also ensure that decisions, resolution, or orders are rendered within the period required by the rules.

In using AI-research tools, judges should also be cautious in adopting what the tools present. Some cases have their own nuances. Judges must be able to decipher what is relevant or not. Further, there are cases which present complex issues which are novel or unique in themselves. Judges must be reminded that the data presented by these AI-research tools are usually predictive outcomes based on information gathered and processed.

a) What are the possible effects of AI on the administration of justice?

AI can enhance efficiency in Court processes and procedures. A more efficient judicial system will lead to higher case disposal thereby de-clogging the dockets of the Courts. It facilitates consistency, stability and predictability in judicial decisions. The improvements in the judicial system will ultimately lead to a strengthened faith and confidence of the stakeholders.

b) What are the possible effects of AI on judicial independence?

If AI-generated data or information are properly utilized, as presented above, they may strengthen stability and predictability in decision-making. If cases which present equally the same facts and issues are treated and decided alike, there will be less suspicion of corruption in the judicial system. Practitioners and litigants may properly gauge their chances in the case which may facilitate resort to alternative dispute resolution or settlement.

The availability of AI should only help judges in the discharge of their duties. Judges should still ensure that decisions, resolutions, and orders are supported by evidence and are decided on the merits.

3) Should there be limits on the use of AI by judges, and, if so, to what extent?

AI still presents limitations especially in the appreciation of pieces of evidence. Judges should still have a direct hand and participation in assessing the probative weight of the evidence presented especially when it comes to testimonial evidence. The transcripts of stenographic notes do not reflect the emotions and behaviour exhibited in the courtroom. It is the judges who have the best opportunity to observe the demeanor of witnesses and assess their credibility. This aspect is most important in criminal cases where life and liberty of a person is at stake. Thus, even when AI-generated stenographic notes are utilized by the Court, judges should still be mindful of their role to assess the credibility of witnesses. Judges should be more cautious on relying solely on spoken words as there are times that non-verbal communications may speak well of the credibility of the witness.