ABSTRACT

This study identifies possible factors that influence the decision-making process of Supreme Court judges in the Philippines. In particular, it examines the effect of litigant wealth on the success of an appeal. It incorporates two sets of cross-sectional data on 350 public and private law cases reviewed in 2008 into a logistic probability model. The study finds that the ability of a litigant to harness resources does not significantly affect litigation outcomes. The result contradicts previous research showing that Filipino judges favour litigants with less resources in appellate courts. It also shows a tendency for judges to make decisions based solely on the legal merit of individual cases, contrary to public perception.

The study is particularly timely with the calls for a more politically independent and transparent selection process for Philippine Supreme Court judges. It implies that the composition of justices with regards to their personal background and political affiliation has no bearing on their rulings. Additionally, the study uses an original data set which involves creative proxies for wealth and repeat player status.

Introduction

Laws are always useful to those who have
and harmful to those who have nothing.
J.J. Rousseau

There persists in the Philippines a belief that justice serves only those who can afford it. This paper seeks to discover whether judges are indeed influenced by the comparative wealth and power of litigants rather than a strict adherence to the law. In most legal systems, parties with more resources are more likely to win cases. However, a study conducted in the Philippines shows that the Supreme Court systematically favoured the poor during the Marcos era (Haynie 1995). The question is, does the socio-economic status of litigants affect judges’ decision to award an appeal? If this is the case, for what reasons?

Over the past thirty years, academics have used the party capability theory— ‘haves’ are usually repeat players who have greater bargaining credibility—to prove that judges are predisposed to be swayed by the ability of litigants to harness resources. Surveys in Anglo-American countries show that the probability of success in appellate courts increases as litigant resource level increases, while the converse holds true for developing countries (Galanter 1974; McCormick 1993; Haynie et al. 2001). They imply that courts will rule in favour of parties with more wealth and experience upon reaching a certain level of development. Haynie’s analysis of intranational variation, which finds that provincial underdogs are more likely to win during political crises (1995), claims that this trend occurs because judges no longer feel a need to prove their legitimacy.

This study allows a distinction between resource level and repeat player status. It postulates that wealth and legal experience are not mutually exclusive, thus have separate effects on litigation outcomes. It also suggests that judges are active participants who are motivated by personal and economic considerations. They may choose to award an appeal to a litigant for non-meritorious reasons. Previous empirical research assumes that the role of judges is spectatorial and passive. This paper differentiates itself from Haynie’s investigation on resource inequality in the Supreme Court by expanding the sample to
include public and private law cases. It does not restrict itself to cases with non-economic contexts, nor does it disregard cases where an individual is not a petitioner or respondent. In this aspect, this study comprehensively captures the possible effects of party capability on judicial decision-making in the year 2008.

The outcome of this empirical investigation allows people to predict outcomes of public and private law cases better, effectively reducing the occurrence of asymmetric information problems, such as lawyers pushing clients to file cases they can never win. Potential litigants will find it easier to evaluate risks of participating in both lower and higher courts given the greater understanding of the trends in Supreme Court decisions.

This paper is composed of three parts: Section I reviews existing scholarship on trends in judicial decisions and courts, Section II provides a theoretical and empirical framework for the working model and analyses preliminary econometric results, and Section III discusses the outcome in relation to earlier comparative studies.

Literature Review

The Supreme Court of the Philippines

The Supreme Court is the guardian and interpreter of the constitution, determining national policy for applying the law to specific disputes. It is known as the court of last resort because it is the highest judicial body with jurisdiction over the lower courts such as the Court of Appeals and Sandiganbayan. Its decisions on the law and appeals are final and irrevocable, unless repealed by future Supreme Courts. It also has the power of judicial review, which allows it to invalidate legislative and executive action if it contradicts the written constitution. Thus, its panel of judges is expected to be impartial and uphold the spirit of the law. Modelled after the US Supreme Court, the Supreme Court of the Philippines promises to provide Filipinos with equal justice under law. Has it fulfilled its role satisfactorily? Popular opinion says not.

According to Freedom House, forty percent of Filipinos disagree with the statement, "Whether rich or poor, people in courts generally receive equal treatment." (Hutchcroft 2009). The US-based think tank recently questioned the independence of a Supreme Court dominated by appointees of President Gloria Macapagal-Arroyo as well as the integrity of a Lower Court whose officials earn less than one-sixth of incomes earned by peers in the private sector. It provides a rating of 3.00 on a scale where 7.00 represents positive performance for primacy of law in civil and criminal matters, indicating a lack of confidence in the impartiality of courts. Judges are reportedly influenced by social ties and feelings of gratitude toward politicians who supported their appointment. Particularly in the provinces, they are beholden to the local government for communication services and basic operational needs such as computers and electricity (Hutchcroft 2009). Filipinos believe judges do not merely react to the style and content of arguments presented at court, but also interests represented by the litigants. This presumption has yet to be proven empirically.

When citizens cannot trust the courts, they will turn to extrajudicial means to protect their property and welfare. In China, people have been known to create disturbances in order to resolve problems when they lost confidence in the local court (Xinhua 2009). The credibility of the government as a position of authority is thus undermined. An ineffective judicial process also increases the cost of business and decreases investor confidence. The current legal system costs the Philippines 6.00 to 11.00 per cent of total investment annually (Sereno et al. 2007). It is clear that the independence and integrity of the Supreme Court is important because it acts as a signal for a country's economic and political stability.
The Role and Behaviour of Judges

In the United States, most political scientists believe that members of the judiciary must commit to make the law more consistent with national policy. As much as judges should be concerned with the content of the law *per se*, the dominant goal is to achieve a standard national policy rather than an accurate interpretation of the law (Baum 1994). Posner's influential article on a judge's utility maximisation function supports this argument. It states that 'rules of the judicial game require judges to follow precedent rather than decide each future case from the ground up' and every new and unique case establishes a precedent for future guidance (Posner 1993). Precedents are important because they reduce transaction costs and strengthen the constancy of the judicial system. Ackerman, on the other hand, presents that legal considerations or 'the spirit of the law' alone should shape Supreme Court decisions (1991). This view is shared by a majority of Filipinos today.

Stout attempts to further explain judicial behaviour by incorporating altruism as a motivation to 'do the right thing' by deciding cases fairly, impartially, and correctly. The smaller the role of altruism in determining judicial behaviour, the less acceptance and social legitimacy the judiciary is likely to enjoy. He stresses some economic principles affecting these decisions: people will be honest and fair only when the costs of acting altruistically are not high. In this way, Stout also builds on the idea of a judge as a rational actor—a *homo economicus* who is guided by the same spirit of self-interest as any other man—whose individualistic tendency to deviate from precedent (Posner 1993) is constrained by the threat of expulsion from the courts with its subsequent loss of reputation and power to influence society.

Thus, judges often choose to rule in favour of a precedent that may not reflect their individual preferences. This is because judges are under intense public scrutiny that limits their potentially divisive behaviour and forces them to affirm the decision of a majority, a phenomenon known as 'dissent aversion'. The absence of reviews by a higher judicial body and the dangers of breaking precedent also make dissent very costly. Greater dissension within the judicial panels reduces the ability of the Supreme Court to perform tasks efficiently and reduces the consistency and long-run stability of its decisions (Posner 2008).

Trends in Legal Systems

Darwin's concept of 'survival of the fittest' holds true in the court of law as in the islands of Galapagos. Current studies show that judges consider the resources available to litigants when deciding who will win in both trial and appellate courts. The traditional explanation for such a trend is called the party capability theory, which consolidates Galanter's analysis of repeat players in the legal system with research on litigant demographics. It assumes that repeat players are equivalent to high-resource litigants or 'haves' and one-shotters are low-resource litigants or 'have-nots'.

In his seminal work 'Why the Haves Come Out Ahead', Galanter speculates that repeat players who often engage in legal proceedings are more likely to get favourable outcomes than one-shotters who have rare and even involuntary interactions with the courts. The key characteristic of repeat players is that they have a greater stake in precedents set by the court because they will likely participate in similar cases in the future and they possess greater knowledge of how the legal system operates, gained from experience and their ability to hire better lawyers. Thus, trials are influenced by the ability of litigants to exploit legal loopholes and standards. Judges may unconsciously find repeat players to be
more credible because they 'know' them through constant interaction. Galanter stresses the fact that repeat players are not always those with wealth and socio-political influence. They can also be career criminals, alcoholics, or the government representing an ethnic minority. It just so happens that in most courts repeat players are in fact richer and more powerful than one-shotters.

Galanter theorises further that governments tend to do better than businesses and businesses are more successful in litigation than individuals (1974). This trend was soon proven empirically in the US Supreme Court, the English Court of Appeals and the Supreme Court of Canada. For the year 1986, US government agencies were likely to win 45.1 per cent of the time compared to local government (29.9 per cent) and big businesses (5.9 per cent) according to Songer and Sheehan (1992). In the Canadian case, there is also a persistent pattern that shows that 'some classes of litigants enjoy substantial and continuing advantages over others' (McCormick 1993). The study also discovers a tendency to affirm the decisions of lower courts, since cases reaching the Supreme Court have already been given due consideration by the Court of Appeals. Atkins categorises litigants as government, corporate, and individual, then calculates their relative success as respondents and appellants. He finds that the general trend applies for the Law Lords of Great Britain, though variations may be understated due to the less precise groupings (Atkins 1991).

However, the Philippine judicial system was later found not to award more advantageous decisions to parties with more resources. A study on conflict resolution cases between the year 1961-1986 show that 'concerns for stability, legitimacy, and development… lead to biases for those within society who have less' (Haynie 1994). In this case, judges actively choose to favour certain parties in order to forward 'higher ideals and nobler purposes'. It also argues 'have-nots' considerably benefit from court rulings during periods of authoritarian rule, because judges fear accusations of partisanship. Haynie also evaluates trends within the Philippines itself, concluding that judges treat people from Mindanao significantly better than litigants from richer provinces.

In 2001 that a comparative analysis of seven national supreme courts showed that judicial behaviour favouring resource-rich litigants did not consistently hold for all countries (Haynie et al. 2001). While the Tanzanian Court of Appeal follows the Galanter hypothesis with a large gap between success rates of national government and other types of litigants, results from the Australian High Court show no significant spread in net advantages due to initial endowments. Individuals in the Philippines are more likely to win appeals than corporations while local governments succeed more often than national government in India. On the other hand, individual South Africans and the government have almost identical success rates. 'Winners and Losers' postulates that the predictability of litigation outcomes may be better explained by the relationship between the government and the courts, rather than resources of petitioners and respondents. One caveat to the study's findings is that they are achieved using an illustrative test without a formal empirical model.

The party capability theory as an explanation for trends in litigation outcomes is widely accepted in the field of law and economics despite some evidence to the contrary in Australia (Smyth 2000) and Israel where 'haves' only have a net advantage when opponents do not have counsel (Haire, Lindquist, & Hartley 1999). It has been adapted in various forms, such as litigant capability and interest group capability.

Litigant capability provides that lawyers with extensive legal backgrounds and good reputations argue petitions better and possess enough credibility to convince judicial arbiters that the information they provide is more accurate. This has been proven in the United States where prior litigation experience of legal counsel increases chance of winning an appeal, but outcomes from Canada are inconclusive. One study finds a significant, positive relationship between Supreme Court decisions and variables measuring lawyer quality and quantity (Szmer et al. 2007) while another paper concludes that experience and resources of
lawyers have little impact (Flemming & Krutz 1999). A survey of French firms participating in industrial cases reveals that firms with legal departments and/or standing counsel do not gain significant advantage over firms without close collaboration with a legal team (Fréchet & Bertrandias 2009).

Interest group capability, on the other hand, refers to the ability of unions and special interest groups to gain financial and political backing from other institutions. If unions and other 'have-nots' are able to get external support, they will have greater chance of winning cases compared to businesses and government agencies. This is because they have more access to legal advice—thanks to hotshot lawyers who work pro bono or are hired by a third party—or they increase their credibility in the eyes of the court when an amicus curiae brief is filed in their favour. The presence of an amicus curiae, an informal adviser, tends to change the status of a one-shooter 'have-not' to that of a repeat player (Epstein 1994).

**Data & Analysis**

**Theoretical Framework**

We construct an intuitive model that identifies several factors that impact a judge's decision to grant or reject an appeal in the Supreme Court. It approximates a reality where all judges are equally competent, rational actors who seek to maximise their utility functions and all cases have similar and comparable characteristics.

\[
\text{decision} = f(\text{wealth, experience, judicial independence, judicial preference, stability, appeal quality})
\]

where \text{decision} is the judges' choice to grant an appeal

- \text{wealth} is the litigants' ability to harness resources
- \text{experience} is the litigants' status as a repeat player
- \text{judicial independence} is the judges' desire to follow national policy
- \text{judicial preference} is the judges' desire to act in self-interest
- \text{stability} is the political climate at time of trial
- \text{appeal quality} is the merit of past judicial decisions on the case

We begin with several hypotheses. First, we expect that a litigant's access to resources will have little or no significant effect on the success of a case. Haynie's study, which found that judges are biased against the richer litigants, used data from the Marcos regime, which was known for bureaucratic irregularities in government processes. She stated that it was the presence of an authoritarian government that checked the tendency of judges to issue decisions that modified or disagreed with the law. Since the law seeks principally to defend the disenfranchised 'to affect the uneven distribution of the material conditions of existence.' (Haynie 1994), judges often favoured the poor. We believe the implementation of the 1987 constitution caused the legal system to begin moving towards the 'stable' state of appellate courts in Canada and Great Britain, where resource-rich litigants are more likely to win than their poorer counterparts. At its present stage of development, the Philippine Supreme Court should be indifferent to litigant resource level.
We believe that wealth only matters during periods of instability. When governments are unstable, judges are more likely to be threatened with impeachment by politicians seeking to forward certain agendas. With their position in the Supreme Court on the line, they will either rule conservatively—enforcing the inherent pro-poor bias of the law—or rule in favour of litigants that will ensure their political survival. On the other hand, economic instability may increase judges' susceptibility to accept bribes. Alternatively, richer litigants are willing to increase resources spent on litigation because potential gains or losses increase in value, while poorer litigants must make do with cheaper and probably inferior legal assistance.

Second, legal experience of litigants is expected to increase likelihood of winning an appeal. As litigants return to contest similar cases, they learn the rules of the judicial game as well as the skills required to win it. With each new case, they build a history of transactions that helps them determine the odds of winning a case. Thus, litigants with a lot of experience will only participate in trials that they are almost certain to win. Otherwise, they will choose to settle out of court. Galanter suggests that repeat players are also able to create informal relations with members of court. A judge will tend to be more receptive towards an argument made by a person he encounters regularly than an argument from stranger. He is also more likely to be persuaded by a lawyer who has established a reputation in a specialised field over several years (Flemming & Krutz 2002). Parties who participate in courts often can achieve economies of scale, allowing them to retain highly skilled lawyers with low start-up costs per case (Galanter 1974). Compared to a one-shotter with the same level of wealth, a repeat player should be able to litigate longer and more effectively.

Third, litigation outcomes in lower courts is the most likely factor to significantly influence judicial behaviour. Judges tend to uphold decisions made in previous rounds of appeals because they assume cases have undergone sufficiently rigorous arbitration. They are also averse to additional effort (Posner 2008), so it is unlikely they will independently investigate case details unless necessary. If judges rely on old legal briefs, it is likely that their analysis will mirror those of their predecessors. Additionally, if a Supreme Court justice was promoted from within the ranks of the judicial system, he is likely to share the same type of logic as his former peers. A judge who was accustomed to following precedent in lower courts will continue to do so in higher courts (Rasmusen 1994). Research in the United Kingdom suggests that the Supreme Court is likely to reverse decisions made by regional courts but affirm decisions of the Court of Appeal, reasoning that the latter has already corrected for errors due to either legal interpretation or corruption (Atkins 1991). Thus, the Supreme Court will generally rule in favour of the respondent.

Empirical Framework

The Supreme Court of the Philippines processed around 1,000 appeals in the year 2008. From this selection, we generated a random sample of 350 cases that will be the foundation of our empirical investigation. We obtained the case briefs from Lex Libris, a digital library on jurisprudence that supplies statutes and other legal documents. We also used the overall consumer and business outlook from 2007 and 2008 consumer and business expectations surveys of the Bangko Sentral ng Pilipinas.

To control for innate differences, we separate public and private law cases into two sets of cross-sectional data. Public law concerns criminal, constitutional, and administrative disputes while private law involves commercial and civil disputes. We run a logistic probability regression on both sets of data, correcting for functional misspecification and other violations of basic assumptions. After several iterations, we provide the model below.
\[ P(success=1|x) = \Phi(\beta_0 + \beta_1 lglm
erit + \beta_2 separate + \beta_3 confidence + \beta_4 petreslv + \beta_5 resreslv + \]
\[ + \beta_6 petexper + \beta_7 resexper + \beta_8 pnlsize) \]

where \( Y \) is the dependent variable, success, indicating the judges' decision.

\( lglm
erit \) indicates appeal quality

\( separate \) is a proxy for judicial preference

\( pnlsize \) is a proxy for judicial independence

\( confidence \) is a proxy for stability

\( petreslv \) and \( resreslv \) indicate wealth

\( petexper \) and \( resexper \) indicate experience

The dependent variable is the final decision to award an appeal to the petitioner. Success is a binary variable for which 0 is equal to 'petition denied' and 1 is equal to 'petition granted'. A zero value for success means that the judges chose to favour the petitioner. In cases where a motion is partially granted, we consider it as a win for the petitioner (Lindquist, Martinek, & Hettinger 2007). We do not consider modifications in amount of damages awarded as a partial win or loss because essential ruling remains the same.

In most party capability studies, litigants are grouped into classes that reflect their relative wealth and experience. We choose to rank wealth and power available to litigants on a scale of 1 to 5 where 5 denotes the highest resource level. To distinguish between the resource levels of corporations and small-to-medium enterprises, we use Business World's list of top 1000 corporations in the Philippines.

**TABLE I. petreslv & resreslv definitions**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Resource Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>national government institution</td>
</tr>
<tr>
<td>4</td>
<td>top 1000 companies in the Philippines</td>
</tr>
<tr>
<td>3</td>
<td>local government agency and government-run companies</td>
</tr>
<tr>
<td>2</td>
<td>SME, unions, and private schools</td>
</tr>
<tr>
<td>1</td>
<td>individuals and government employees</td>
</tr>
</tbody>
</table>

We use the variables petexper and resexper to reflect the repeat player status of litigants. Based on search results from Lex Libris, we express the number of times each petitioner and respondent has participated in a Supreme Court trial between 1998 and 2008 as a percentage with 100% indicating that the litigant has previously participated in at least 25 cases.
The independent variable *lglmerit* is the percentage of lower court judicial decisions favouring the petitioner in the current Supreme Court case. If Mr X won in the Metropolitan Trial Court and Regional Trial Court but lost in the Court of Appeals, 66 per cent of judges ruled in favour of him. This variable is a proxy for *case quality* or innate legal merits of the case.

We also create the variable *separate* that serve as a proxy for *judicial preference*. It is the percentage of judges on a panel who express different opinions on the outcome of the case. *Pnlsz* refers to the number of judges ruling on the case; an indication of *judicial independence*.

A variable used to control for *stability* is *confidence*, which interacts *overall consumer outlook – the change in overall consumer outlook from 2008 and 2007* and *overall business outlook – the change in overall business outlook from 2008 and 2007*. The latter are financial indicators, reflecting the soundness of financial institutions and their household and business counterparts for the quarter in which the appeal was processed. The interaction variable *confidence* indicates the level of confidence people have in the government since political instability and economic growth are generally considered to be jointly determined (Alesina et al. 2004).

### Regression Results

First, we run a robust-standard OLS regression on the dataset containing private law cases to discover how well our chosen explanatory variables predict the dichotomous variable *success*. Though $R^2$ is low at 0.1150, the Breusch-Pagan test and the White test indicate that the model is not heteroskedastic. With a Ramsey RESET test p-value of 0.8523, the null hypothesis holds, there is no omitted variable bias. Now we can run the logistic probability model provided below.

$$P(success=1|x) = -1.477021 + 3.375805 lglmerit + 0.0955108 separate + 0.0000545 confidence + 0.0782238 petreslvl + -0.0488993 resreslvl + -0.0306909 petexper + 0.0056285 resexper + 0.0809177 pnlsize$$

$$\begin{align*}
&\text{separate} \quad (0.006) \\
&\text{confidence} \quad (0.000) \\
&\text{petreslvl} \quad (0.529) \\
&\text{resreslvl} \quad (0.706) \\
&\text{petexper} \quad (0.798) \\
&\text{resexper} \quad (0.174) \\
&\text{pnlsize} \quad (0.218)
\end{align*}$$

$$\text{n = 243, Pseudo-}R^2 = 0.0871$$

$$LR \ chi^2 (8) = 28.25, \ Prob > \ chi^2 = 0.0004$$

In the unrestricted model, the only significant variable is *lglmerit* – the percentage of a petitioner’s success in the lower courts; but there are some unexpected signs. *Petexper* has a negative coefficient, meaning that as petitioners participate more in the court processes, the likelihood of winning a Supreme Court appeal decreases. This result contradicts our hypothesis that legal experience provides skills and knowledge to win more cases.
We see that resource level and experience are statistically insignificant. However, petitioners with higher resource levels as indicated by wealth are more likely to win than litigants with less wealth, though the increase in predicted probabilities for success is exiguous. For instance, the probability of a successful appeal is 35.52% for an individual petitioner, 41.06% for a corporation, and 42.96% for a national government agency. The difference between predicted probabilities of an individual respondent and a government respondent is only 7%. This outcome may be explained by the self-selective nature of the judicial system. For as a case proceeds from the trial courts to the Court of Appeals, the diverse fees paid to clerks and state prosecutors increase. For example, appeal fees begin at PHP 100.00 and motions for reconsideration have a filing fee of PHP 500.00 (Pulgar). We consider the possibility that litigants with cases in the Supreme Court have relatively similar resource levels, levelling the playing field and making wealth a non-issue.

Legal merit, on the other hand, is statistically significant, with a positive coefficient of 3.38. For every unit increase in \( lgmerit \) or percentage wins in lower courts, the odds of success increase by a factor of 29.25. This indicates that judges are predominantly influenced by the context and content of each case, rather than wealth or experience of litigants. They will often choose to affirm the decisions made by judges in the Regional Trial Courts and Court of Appeals, which are presumably able to adequately filter out trivial lawsuits and errors made by other arbitrators. As discussed earlier in this paper, judges will follow precedent or 'the letter of the law' under normal circumstances. Private law cases are often homogeneous, sharing the same characteristics and requiring by-the-book resolutions, unlike public law cases. There is no room for creative interpretation when it is clearly and explicitly stated how a private law case must be treated. This fact explains why the Supreme Court come to the same conclusions as the lower courts, granting to a petitioner only 63.59 wins per 100 losses.

Second, we run the same preliminary OLS regressions on the dataset composed of public law cases. Once again \( R^2 \) is low at 0.1080; moreover, in comparison with the model with private cases, resource level and experience are highly correlated. With this in mind, we construct a restricted model interacting resource level and experience. A caveat, although the model is not heteroskedastic and the multicollinearity problem has been fixed; the Ramsey RESET value 0.0081 rejects the null that there is no omitted variables.

\[
P(success=1|x) = 0.0365809 + -0.5914251 lgmerit + 4.360057 separate + 0.0002626
\]

<table>
<thead>
<tr>
<th>confidence</th>
<th>separate</th>
<th>separate</th>
<th>separate</th>
</tr>
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<tbody>
<tr>
<td>(0.965)</td>
<td>(0.6010)</td>
<td>(0.027)</td>
<td>(0.685)</td>
</tr>
</tbody>
</table>

\[ + 0.0037813 petresexper + -0.0061316 resresexper + -0.0968936 pnlsize 
\]

<table>
<thead>
<tr>
<th>confidence</th>
<th>separate</th>
<th>separate</th>
</tr>
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<tbody>
<tr>
<td>(0.579)</td>
<td>(0.311)</td>
<td>(0.183)</td>
</tr>
</tbody>
</table>

\[ n = 110, \text{Pseudo-}R^2 = 0.0730 \]

\[ LR \chi^2 (6) = 9.81, \text{Prob} > \chi^2 = 0.1330 \]

In the model above, separate is statistically significant with an odds ratio of 78.26161. This is an interesting result, for as number of judges with separate opinions increases, the probability of the petitioner winning the appeal increases as well. It possibly indicates that Supreme Court judges are debating the legal merits of the case and critiquing the reasoning of judges in the lower courts. Thus, it is likely that a case in which judges have several interpretations will lead to a rejection of precedent. It is possible than when a judge notices
than his many of colleagues are giving their own interpretations, he no longer feels constrained to follow precedent and national policy. Another intuitive explanation for the significance of separate is that writing a dissenting or concurring opinion allows a judge to reveal his individual preferences, fulfilling the self-interest motive. With its high level of citizen interest, public law cases provide the perfect arena for a judge to improve his reputation or forward personal beliefs.

Furthermore, although, statistically insignificant, resresexper has a negative coefficient. In fact, as wealth and experience increase, the probability of winning the case decreases. This is primarily due to the nature of the cases. If we consider that the dataset is composed of public cases, which include criminal cases, we can argue that appeals by repeat criminal offenders will have less credibility in the eyes of judges and, therefore, less chance of success.

For both models – private and public – wealth, power, and experience have statistically insignificant, and in some instances, negative coefficients, contradicting our hypothesis that repeat players will have a greater chance of success in the Supreme Court because of Galanter's party capability theory. The empirical evidence shows that, as the number of times a litigant has participated in the judicial process over a ten-year period increases, the likelihood of a successful appeal for decreases. A possible explanation is that most of the repeat players observed are government agents who do not necessarily have the choice to select which cases they will participate in. For instance, the regional prosecutor must litigate criminal cases in his district as they occur. Thus, the expected advantage to gain from experience in most court systems—the ability to manage risk of losing an appeal—is not maximised in the Philippine setting.

Conclusion

The study finds that neither wealth nor legal experience of litigants influences a Supreme Court judge's decision to award an appeal. The study discovers that the Supreme Court does tend to affirm decisions made in the lower courts, which implies that judges primarily consider the legal merits of a case above any other identifiable social, political, and economic factor. We can conclude that judges in the Supreme Court of the Philippines are essential unbiased.

Withal, this study is working towards the extension of the datasets to include cases from different years, mainly 1978, 1988, and 1998, to capture the differences in political climate, judicial preference and stability, and other factors which may have different effects on different time periods.

As the literature in this area is rather limited, we aim to create an extensive database to provide a snapshot of how the Philippine judiciary – particularly the Supreme Court – has evolved over time. More so, it is imperative to gather a database which captures different time period in order to fully build a model that would enable to render more precise results to predict successes in Supreme Court cases.