



COGITATIONS ON THE YEAR THAT WAS



Pres. Pope Solis delivering his inaugural speech during the PBA Law Day Celebration last September 23, 2011

When I took my oath as PBA President on September 23, 2011, I told the organization that I will seek to introduce to the members an awareness of the new global outlook made possible by the advances in Information and Communication Technology (ICT). As shown in excerpts of my speech, I said that: "the new globalization, where it is no longer just the countries and the multinational companies globalizing, but now the individual just as well, has **flattened the playing field**. Is the Filipino lawyer ready for this new kind of globalization? In this age of the internet, the various software applications and fiber-optics and broadband networks that bring you connected with the rest of the world in real-time, is the Filipino lawyer, as an individual, ready to compete globally? As lawyers, do we exert the effort to understand this paradigm shift and adapt to it to stay relevant and globally competitive? More importantly, as leaders of society, do we take time out to learn what appropriate policy thrusts that government ought or should institute in this information age to ensure that our dynamic ICT infrastructure and services grow constantly and remain globally at par and competitive?"

I said further in my speech, "this disruptive technology (disruptive because it disturbs our traditional way of looking at things or completely changes the traditional way we do things) allows us, for example to shift from our traditional way of getting in touch with our clients; whereas, in the past, we resort to sending letters through the snail mail or make expensive overseas telephone calls, at present we correspond in real-time by email or by a free teleconference via Skype or Yahoo Messenger."

I understand though that many PBA members (and I sure hope we comprise the majority) have stepped forward to face these challenges with the recognition that, "the internet and the vast amount of knowledge, information and networking that it brought about have changed the traditional way of how we do our work as lawyers and how we practice our profession."

Citing the technology author Thomas L. Friedman, I also mentioned, "the problem, however, with this new disruptive and dislocating technology is that it is happening at warp speed and directly or indirectly touching a lot more people on the planet all at once. Those who fail to adapt to the rapid changes do not do so because they are not smart or unaware, but because the speed of change had simply overwhelmed them." As lawyers, we have to be aware that, "the great challenges for our time will be to absorb these changes in ways that do not overwhelm people but also do not leave them behind."



And so I promised, that "in addition to what it has been traditionally doing in its glorious past to constantly uphold the Rule of Law, **I would like to steer the PBA to a meaningful recognition of this new form of globalization. During my watch, I would like to see the members of the PBA engage in sustained and instructive discussion of Information and Communication Technology or ICT and how it propels this new version of globalization. We would hold forums where we would invite the IT experts in a healthy exchange of ideas where law and technology converge. As we plan to provide MCLE programs for our members, we will design modules that bring these technological concepts to the lawyer's level of practical understanding and everyday use. We hope to educate the Filipino lawyer and help him absorb ICT in useful ways in his profession, so that, at the end of the day, technology will not overwhelm him or leave him behind.**"

During the Law Day Celebration in September last year, we chose as Guest of Honor and Speaker, the young and energetic three-term "**Congressman Juan Edgardo Sonny**" **M. Angara**, a worthy son of an equally illustrious namesake. As we expected from him, Sonny Angara, just like his father, Sen. Ed Angara, Chair of the ICT Committee in the Senate, showed his keen interest in the emerging trends and developments in ICT.

To hit the ground running, we welcomed 43 lawyers as new PBA members in the induction ceremonies which happened also during Law Day last year.

In **November 2011**, in keeping with this year's ICT theme, we invited two (2) ICT stalwarts in the House of Representatives, namely the **Honorable Sigfrido R. Tinga and Honorable Roilo S. Golez**, as our Guests of Honor and Speakers during our Monthly Luncheon Meeting at its new venue, the Makati Sports Club. Rep. Tinga is currently the Chairman of the Committee on Information and Communications Technology in the House of Representatives. Rep. Golez is the principal author of the proposed legislation calling for the creation of the Department of ICT (DICT Bill). These two gentlemen wowed us not only for their comprehensive grasp of the policy issues surrounding the development of ICT in the country, but as well as their vast knowledge of computer hardware and software and their many practical uses.

Fast-forward to the present, I continue to wonder why the DICT Bill has not yet passed into law. Over the past half-decade, the ICT industry and IT-experts are one in saying that the time has come to create a specialized governmental agency that must focus on the multifarious concerns of internet commerce. The Philippines is one of the last few remaining countries in South East Asia which has no Department of ICT, and that the clamor of the industry for Congress to act soon and fast can only be described as incessant. In a side huddle during the luncheon, Congressman Tinga confided to me that the Lower House was ready and willing to let the bill pass at once, and the same held true for their Senate counterpart. But that was ten months ago. At present, the DICT Bill remains in limbo. Rumours are abuzz in the industry that politics rear its ugly head once more—there's turf war among the Palace minions and that those opposed to the idea of a DICT for reasons not so altruistic have the ear of the President. Hence, those in the majority in Congress continue to drag their feet.

As PBA President, I join the correct move to create the DICT. I will continue with this advocacy even as I step down from my Presidency.

In **early December 2011**, the Filipinos laid witness to the start of one of the most highly-charged political drama in the history of our nation-- the impeachment of former Chief Justice Renato C. Corona. In fact, as a member of the multi-sectoral Committee tasked to formulate revisions to the Revised Penal Code (representing PBA), I was present when Pres. PNoy Aquino delivered that "in your face" denunciation of CJ Corona during the 1st



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National Criminal Justice Summit at the Manila Hotel. The said event was the signal call for the President's allies in the Lower House who, in record time, impeached CJ Corona and indorsed the same to the Senate for trial. Amidst the discord and the hubbub, the PBA was fittingly expected to give its stand. I reproduce herein the salient parts of the public statement released by the PBA—

"The public exchange between co-equal branches of government may be discounted as part and parcel of a vibrant –if at time raucous – democracy. Nonetheless, it is unfortunate that this had come to pass. Yet, at the end of the day, the Constitution provides mechanisms for the resolution of these disputes under the Rule of Law."

"On this premise, the PBA views the impeachment proceedings commenced against Chief Justice Renato Corona as the constitutionally ordained process which epitomizes the Rule of Law at work. It will allow the issues to be properly ventilated in a sober and orderly proceeding where guilt or innocence is weighed and determined on their true merit and not on the basis of an open competition to win public opinion."

Past President Charlie Platon remarked in an email, "I fully agree with the statement. It is a sober analysis of the impeachment efforts which befits an established and mature organization such as the PBA." In one recent conversation I had with a former IBP National President (and who is now high-placed in the Aquino government), he said, "among the many, the PBA statement stood out as the most accurate and sober reflection on why the need for the impeachment process against CJ Corona should take place. I thought it was carefully and perfectly worded."

A flurry of invitations came from the networks for the officers of the PBA to appear as resource speakers during the TV and radio coverages of the impeachment trial. Among those who appeared in various TV and radio programs were Past President Rolly Vinluan, Trustees Beda Fajardo and Fina dela Cuesta-Tantuico, and yours truly. We tried to explain in a layman's perspective to the TV viewers and radio listeners, the legal intricacies of the trial as it was then happening, while at the same time keeping in line with the PBA's collective official view of the process.

Following time-honored tradition, the PBA family took time out **in mid-December 2011** to celebrate Christmas in each other's warm company. Partying at the new beautifully decorated Zobel Room of the Makati Sports Club, the PBA officers led by the 3 women Past Presidents, namely Tess Cruz Sison, Maritess Sison Go and Rita Jimeno, and of course, the indefatigable Past President Ruben Fruto, put on their dancing shoes and danced the night away!

In January 2012, we started the year by returning to our ICT theme. We invited **Presiding Justice Andres B. Reyes, Jr.** of the Court of Appeals to our Monthly Luncheon Fellowship for January 2012 to speak on the much bruted-about computerization program of the Court of Appeals. The program was launched with technical assistance from the American Bar Association (ABA) and funded by the USAID. It is said that the computerization and tracking system of the CA has immensely contributed to its aim of zero-backlog of cases. I even heard SC Senior Justice Antonio Carpio, Jr., head of the IT Committee of the Supreme Court, during the televised JBC interviews, say that he is favourably indorsing a similar program for the High Court.

Still in fealty to our ICT thrust, we sought the wisdom of **Undersecretary Manuel L. Quezon, III**, of the Presidential Communications Development and Strategic Planning Office, and one



of the President's most trusted speech writer, to explain to us during our Monthly Luncheon Fellowship in **March 2012**, the salient features of Malacanang's own version of the much talked-about Freedom of Information (FOI) Bill. Also, ably serving as reactor, we heard the respected investigative writer **Marites Danguilan-Vitug**, author of the controversial book about the Philippine Supreme Court, "Shadow of Doubt," express her views on the subject.

As we celebrated the 121st Foundation of the PBA in **April 2012**, we chose wisely to invite then newly-minted **Solicitor General Francis H. Jardeleza** as our guest speaker. Truth to tell, Sol. Gen. Jardeleza was reluctant to speak during the PBA occasion about his new office as there was really nothing yet to report. But after having been assured that his audience that evening will include assistant solicitors from the OSG, aside of course from the top-notch lawyers in the crowd, who invariably have to lock horns with him in appellate litigation, he warmed to the occasion. In what appeared to be a well-researched speech, and quoting from respected past attorney-generals of the US, he explained in clear and succinct language what is expected of him, and what he intended to do as his job as the premier lawyer for the government.

As an interesting sidelight of the evening, we saw Past President Lew Llanillo immensely enjoyed the music and the dancing with the several dance instructresses afterwards (this time upstaging Ruben Fruto who had to leave early), until way past midnight!

In **May 2012**, the PBA was momentarily in a quandary, what with the impeachment trial of CJ Corona about to reach a fever-pitch crescendo. The interest of the public on ICT concerns had expectedly waned, much less, the interest of the lawyers. Every afternoon, everyone was glued to their TV sets to watch the most popular telenovela: the televised impeachment trial. The PBA had to shift tack. As the mid-term elections come near, it is now time to invite the "senatoriables." First to accept the PBA call were **former AKBAYAN party-list representative Ana Theresia "Risa" Hontiveros, and ex-General and now Deputy Customs Commissioner Danilo "Danny" Lim**. During the May 23, 2012 Luncheon Fellowship at the Makati Sports Club, although both speakers were coy about their political plans, and mostly spoke about the ongoing impeachment trial, one cannot help but read between the lines and somehow sense from these two astute and dedicated public servants their desire to sit in that august hall located somewhere in Pasay City.

I recall that we had to breeze through the luncheon fellowship that day in a hurried pace as everyone was in a hurry to leave Makati Sports Club to watch the resumption of the trial where CJ Corona was expected to appear and testify for the first time in his defense.

When the impeachment came to a close with a guilty verdict against CJ Corona on May 29, 2012, the PBA lost no time in making another public statement, the salient parts I now quote:

"We applaud the completion of the Constitutional process under the fair and firm leadership of Senate President Juan Ponce Enrile. The verdict is an affirmation of the People's sovereign capacity to inject mechanisms in our basic law to safeguard against misconduct in high public stations."

"We believe that the decision of the Impeachment Court in the case of CJ Corona truly exemplifies the Rule of Law in the very branch of government that interprets it- the Judiciary. As lawyers, we are hopeful that the esteemed values of transparency and accountability in public office highlighted in the Senate decision will now translate into a greater sense of fairness and justice in the instrumentality of government where we essentially practice our profession."



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It was still "election fever" in **June 2012**. We invited as speakers in the month's luncheon fellowship, **Juan "Jack" C. Ponce Enrile, Jr.**, son and namesake of the Senate President who ably steered the impeachment trial, and **ex-Senator Juan Miguel "Migz" F. Zubiri**. Congressman Jack Enrile skilfully avoided his senate election plans and instead proceeded to deliver a post-mortem analysis of the impeachment and valuable lessons to be learned from the political exercise. For his part, Sen. Migz Zubiri while expounding on his favourite topic, the environment, found himself trying to explain away his public tiff with Sen. Koko Pimentel.

On **July 5, 2012**, the men and women of the PBA took a much needed respite from the doldrums of national politics and the concerns of the legal profession. On a clear sunny day, we played golf at the Wack Wack Golf & Country Club, Mandaluyong City for the 7th PBA Golf Cup. It was raining hard the whole week and there were initial apprehensions that the PBA Golf Cup might be rained-out. In fact two days before, some kindred souls from the UP Alumni held a similar tournament at the Wack Wack and they were drenched by heavy rains. When it was PBA's turn on July 5, it was perfect golfing weather! It was Nirvana for the PBA Golfers who haven't played in awhile because of the inclement weather.

This fund-raising event netted the PBA an additional PhP 450,000 plus in its coffers for use in its many socio-civic activities.

In **mid-June 2012**, we continued inviting the "senatoriables" for our monthly luncheon fellowship. This time it was the turn of re-electionist **Senator Antonio "Sonny" Trillanes** to speak before us. It was a welcome revelation that despite his long incarceration during the GMA presidency, Sen. Trillanes still happened to be one of the most prodigious lawmaker in the Senate in terms of the number of bills introduced and authored by him. What came out as a highlight of his speech was a confidential information he shared about what he described as diplomatic bungling by no less than the Secretary of Foreign Affairs relating to the Philippines' territorial dispute with China on the Scarborough Shoals. It provoked a series of questions from the floor during the open forum, which in turn resulted in the longest interpellation ever among our speakers during luncheon fellowships. The secret disclosed by Sen. Trillanes is as mentioned earlier "confidential," and it is best not written or repeated here.

Finally to bring to a close this ICT-centric year for the PBA, we held **the first-ever ICT-oriented MCLE Seminar Series at the Asian Institute of Management (AIM), Makati City, in cooperation with the UP Law Center last Sept 7, 8, 14, & 15, 2012**. As promised, the lawyers who participated in this 36 units full-compliance MCLE program learned the rudiments of how ICT can be useful and practical in their legal profession. Some of the topics of the lectures, were: ethics in the digital world, collecting and handling electronic evidence, evidentiary issues in technology, social networking and internet privacy, resolving disputes involving domain names, ICT for better case management, online legal advocacy, and ICT regulations in the Philippines, among others.

In closing, I would like to thank all the members of the Board of Directors of the PBA, its Council of Advisers, all the Committee Chairs and Co-Chairs for all the invaluable help and support they extended, and the confidence they have reposed in me, as the President of the PBA for 2012-2013. Working with all these dedicated and astute men and women of the PBA is an experience I will forever cherish. As I turn-over the baton of leadership to Atty Charito P. Cruz, I am laden with trust and confidence that the PBA will continue to flourish and keep its long and storied traditions.

Special thanks go to my wife Victoria, and my three beautiful children, Jesse, Mijo and Sam, for their patience and understanding. My warmest gratitude also to my law partners and our law associates for the numerous help they generously extended. Special mention also to that grand old dame of the PBA, Tita Tess Cruz Sison, who promised to attend all the important affairs of the PBA during my term, a promise she indeed pleasantly fulfilled.