

PRESIDENT'S REPORT

Leadership and the Rule of Law

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President, Philippine Bar Association, 2017-2018



PBA @ 127: Connecting the Past, Retelling the Present, Creating a New Ho

All nations are subject to moral law, and should strive to abide by the accepted principles of international law, to develop this law, and to enforce it through common actions.

- J. OSWALD SANDERS

It was an extraordinary experience, as if predestined, that I was thrust into assuming the leadership of the Philippine Bar Association in a way that was flattering and challenging, but not entirely comfortable, at a time when the nation is searching for the treasures of unity and moral cohesiveness under the Rule of Law juxtaposed against the growing public indifference on the quality of national governance. Such a problem continues to add a sense of urgency in searching for

a leadership that spurs change, that is constant in the world, and one that does not lead unchecked in these trying times of national struggle.

Remembrance of things past is a blessing and benediction to those who remember. There is little doubt that the PBA, in more than a century of its glorious and sterling leadership and public service, is a "free pathogen" that continues to infect national conscience as a major force in Philippine jurisprudence and history.

Thus, at the heart of our organization's history, we remember some of the 50 presidents no matter how contemporary their leadership in PBA might be: JUSTICE JOSE ABAD SANTOS (1933-1944) who was executed by the Japanese

for refusing to cooperate with the Japanese Imperial Government during World War II; SENATOR LORENZO TAÑADA, SR. (1948-1952), the longest serving senator in Philippine history and one of the petitioners in the landmark Supreme Court case *Tañada vs. Tuvera*, which declared that unpublished laws, “a characteristic of the Presidential Decrees of Marcos,” are without effect; SENATOR FRANCISO A. DELGADO (1952-1957) who served as resident commissioner to Washington D.C. in 1934, later as Justice of the Court of Appeals from 1936 to 1937 and elected as senator from 1951 to 1957; SENATOR CLARO M. RECTO (1958-1960), leader of the “Filipino-first” movement that attacked U.S. “neo-colonialism” in the Philippines; JUSTICE ROBERTO REGALA (1972-1973) who said, “Equal justice under the law is more than an abstraction. It is a way of life. It is essential on our part to carry or demonstrate this thought to the street so that our people will have a better understanding of the rule of law”. SENATOR EDGARDO J. ANGARA (1975-1976), whose authored laws created the Commission on Higher Education and the Technical Education and Skill Development Authority, the National Health Insurance Act or PHILHEALTH, the Agriculture and Fisheries Modernization Act or AFMA, and the Magna Carta for Public Health Workers, among others; and ATTY. TERESITA CRUZ SISON (1991-1992), PBA first lady president and one of Manila’s five 2018 awardees as Outstanding Women for Social Relief.

As I said during the 126th Foundation Day of PBA honoring former Senate President Edgardo Angara and son, Senator Juan Edgardo Angara, “True leadership defies

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time; it is eternal; it connects the past, the present and the future. It captures a sense of destiny that existed before us and will continue to exist after us. It connects both the past and the future.”

“Leadership is innate and yet learned; it is inherent and yet must be developed. True leadership is truly our past and our destiny. It is the hope of our world and will determine the success or failure of our homes, communities, cities, nations and planet. Leadership is truly our past and our destiny and is the only thing that will fulfill our natural passion for greatness,” opines Dr. Myles Munroe, book author and chairman of the board of the International Third World Leaders Association.

As lawyers, our rites of passage are dictated by our brand of leadership, a leadership that cuts like a great sword straight into the heart of service and fraternal love for humanity. I always believe that leadership in PBA is the engine of organizational effectiveness whose membership represents respected leaders in government, business, and legal profession. Their zeal, there is little doubt, provides a continuum in further developing more leaders beyond the confines of their profession.

Our success in the legal profession and our demonstrable leadership are not only solid foundations upon which to build on,

but the very soul that propels us to move forward; a leadership that is not reactive, but creative; not of solving present crises, but of exploring new avenues of thought that promotes human understanding and social balances - not alienation.

Indeed, an organization like PBA enriches the soul that dwells on many bodies. As Russian novelist and 1970 Nobel Prize winner Alexander Solzhenitsyn said, "The meaning of earthly existence lies not, as we have grown used to thinking, in prospering...but in the development of the soul."

However, the Rule of Law, as I have said time and again, "is an empty postulate unless leadership based on love and selfless service to our fellowmen provides the very environment in which the Rule of Law unfolds itself. The Rule of Law becomes a living postulate only when true love and selfless service reign."

The success of leadership and service lies on fellowship which develops the soul, where an anniversary celebration becomes a place of grace and a terrain for moral contemplation where people step back from the daily grind as to create new memories, establish traditions, help people gravitate to each other and become unity conscious, a renewing of the mind and spirit. As social beings, we derive an abiding satisfaction in such fellowship that allows everyone to achieve the most creative results for ourselves and for others.

"The life we have demands for its completeness intimate, creative, dependable relationships with other

people. Friendship and love, then, are not luxuries, but are basic necessities of life," as one author rightly asserts. And fellowship is PBA's strength and foundation of service.

Some Enchanted Evening: PBA@127

Someone said that "everything that is meant to be will come at a designated time." However, "faith in God includes His timing" The past few days brought rains and floods in the metropolis. But Wednesday, 15 August 2018, at the historic MANILA HOTEL, our co-host, was so timed with pleasant weather as the Philippine Bar Association celebrated its 127th anniversary themed "Some Enchanted Evening" to raise funds for its various socio-civic economic programs such as Legal Aid program, augmenting Civil Rights Fund, support and maintain fellowships and forums to address and discuss burning and relevant issues of the time, and support for the PBA Gawad Kalinga, among others.

The celebration achieved two significant "firsts" in PBA history:

First, the celebration was graced by no less than three Presidents of the Republic of the Philippines – PRESIDENT RODRIGO ROA DUTERTE, former PRESIDENTS JOSEPH EJERCITO ESTRADA and GLORIA MACAPAGAL ARROYO – including Cabinet members led by EXECUTIVE SECRETARY SALVADOR MEDIALDEA and PRESIDENTIAL ASSISTANT BONG GO who likewise graced the occasion.

Second, the first pro bono musical venture of PBA featured no less than luminaries who performed pro bono and expressed their very soul and God-given gift in music. They were Chief

Presidential Counsel SALVADOR "SAL" SAN BUENAVENTURA PANELO, former Senator and Secretary of the Department of Interior and Local Government JOSE LINA, JR., MVP Group of Companies Media Bureau Head ATTY. MICHAEL "MIKE" TOLEDO, President/ Owner of Celebrations DOTCom. Inc., ATTY. DOT GANCAYCO, currently President, Chief Operating Officer and Director at Manila Jockey Club, Inc. and PBA First Vice President ALFONSO VICTORIO G. REYNO III, Immaculate Conception Academy high school teacher ZARINA TANGHAL, the UP CONCERT CHORUS which won the Grand Prix at the 6th International Krakow Choir Festival in Poland and ranked number one in the world for folk choral performance at the 2012 Festival Internacional de Cantonigros in Spain, and the UP CHORUS JURIS, a group of singing lawyers who all graduated from the UP College of Law.

The foundation day also honored ATTY. TERESITA CRUZ SISON, the first lady president of PBA and a 2018 Awardee as Outstanding Manilan for Women and Social Relief.

The presence of our friends and partners in service from the media and celebrities in the movie industry added glitters to the occasion.

My eternal gratitude goes to those who worked closely with me in making the event a huge success, most particularly Chief Presidential Legal Counsel Sal Panelo, Ways and Means Chair Past District Rotary Governor Vince Carlos, and Co-Chair Manila Hotel President Joey Lina, Trustee Atty. Rico Domingo, Atty. Mike Toledo of MVP Group of Companies, PBA member Dot Goncayco,

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PBA Past President, Newsletter Editor-in-Chief and Adviser Tony Velicaria, Concert Director Freddie Santos, Event Organizer Chayong Camus, PBA Secretary Beth Lipana and her assistant Freddie Sinco.

Issues, Challenges and Responses

Several compelling legal issues that confront Philippine society today are federalism, the arrest of three lawyers last 16 August 2018, anti-hazing law, the separation of powers under the Rule of Law, the relevance of fraternities in nation building, charter change, crime and corruption, and extrajudicial killings that raised concerns among governments and civil rights groups here and abroad.

We are a sovereign nation

Philippine Ambassador to the United States and keynote speaker JOSE MANUEL "BABE" ROMUALDEZ underscored the timeliness of the Law Day celebration on 29 September 2017.

Ambassador Romualdez said the theme, "Leadership and the Rule of Law," was timely because of the issues that the country is facing regarding human rights violations and extrajudicial killings.

He stressed the crucial role of PBA "in showing to the world that we are a sovereign nation where the rule of law is observed, that we should not need other governments

or institutions to tell us about upholding the law...the bottom line is every country has its own system of dealing with legal issues, and other nations should at least respect that.”

Lawyers’ arrest alarms PBA

The Philippine Bar Association expressed its deep concern over the arrest of lawyers JAN VINCENT SOLIVEN, LENIE ROCHA and ROMULO ALARCON on 16 August 2018 in Makati City.

Reports indicated that the arrests were made by Philippine National Police (PNP) personnel while implementing a search warrant at the premises of a bar in Makati. The said lawyers were taking notes and videos of the search being conducted. They were apprehended after they allegedly failed to identify their client and supposedly hindered the implementation of the search warrant.

The PBA cited a constitution declaration that “the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable.”

The association maintained that this incident “cannot be viewed in isolation from the violent war on drugs being waged by the government...We cannot help but see this as part of a disturbing continuum where lawyers advocating human rights have been arrested and other lawyers representing those accused of drug crimes ended up dead, victims of unsolved killings.”

The PBA called on the PNP and other law enforcement agencies to conduct a

dialogue with representatives of the legal profession and the judiciary to define and revisit the respective roles of lawyers and law enforcers play in our criminal justice system.

Crime and corruption forum

The Philippine Bar Association addressed the issue on Crime and Corruption under the Rule of Law during its fellowship at the Makati Golf & Country Club on 28 June 2018.

GENERAL OSCAR ALBAYALDE, chief, Philippine National Police; CORY QUIRINO, president, Volunteers Against Crime and Corruption; and ATTY. ALEX LACSON, co-founder and partner, Malcolm Law Firm were featured guests of honor and speakers.

General Albayalde revealed an up-scale thrusts of the National Capital Region Police Office focusing on discipline, reform, internal cleansing, intensified campaign against criminality and illegal drugs, crime prevention and suppression and strengthened public engagement.

Meanwhile, Ms. Quirino, herself a kidnapping crime victim in 1995, said the government must adopt a holistic approach in solving crime and corruption such as providing education for all and poverty alleviation, among other measures.

However, Ms. Quirino advocates death penalty as a VACC policy. She recently told “Get it Straight” UNTV host Daniel Razon during an interview that “criminals have no fear of men and God. Criminality is a disease like physical sickness. Are they licensed to commit crime because of poverty? The best way to eliminate criminals is to arrest them

and prevent them from operating because they are entitled to due process.”

“*Ayusin natin ang* (read: improve) next generation through an alliance with all government agencies,” she said.

On the other hand, Atty. Lacson cited four causes of poverty in the Philippines, namely, corruption at the national and local levels, political dynasties, the unequal distribution of wealth where the economic elite controls businesses, and wrong policies and programs of the government.

“To address corruption in the country, as well as to bring the nation to the path of growth and development,” he said, “We must strengthen our public institutions, both at the national and local levels, by observing the principles of good governance such as integrity, meritocracy, transparency, accountability and excellence in service.”

PBA supports VACC

The PBA signed an agreement declaring its support to the Volunteers Against Crime and Corruption (VACC), a non-government organization and the country’s preeminent watchdog against crime and corruption.

In a declaration of mutual support signed between PBA President ATTY. BENJAMIN T. BACORRO and VACC President CORY QUIRINO on 28 June 2018 at the Manila Golf & Country Club in Makati City, the two organizations declared their mutual cooperation and support for their respective undertakings and advocacies in pursuance of the supremacy of the Rule of Law and prevention and eradication of crime and corruption in the country.

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Upholding separation of power

Supreme Court Chief Justice MARIA LOURDES P.A. SERENO, who was facing impeachment proceedings before the House of Representatives and a petition for quo warranto before the Supreme Court, reviewed the Separation of Powers Under the Rule of Law during a PBA fellowship at the Manila Golf & Country Club in Makati City on 11 April 2018.

In a statement on the Sereno impeachment, the PBA called for sobriety in initiating “a national conversation that transcends the din of politics and upholds the Rule of Law that forms the bedrock of our society.”

“The Rule of Law can only be made real through our democratic institutions, foremost of which is the Supreme Court – an institution engineered to balance governmental powers and protect our rights, ideals and aspirations as a people,” the statement said.

“The Supreme Court must always be the apolitical branch of government – its members owe loyalty to no one but the Constitution...that we, as a people, should stand guard and make sure that the democratic processes enshrined under the Constitution are zealously observed – for the Rule of Law to prevail and for justice to be served. It is only through vigilance that

we can ensure a government that is one of laws and not of men," the PBA statement concluded.

ICC withdrawal

The Philippine withdrawal from the Rome Statute was the subject of a legal forum co-sponsored by the PBA at the University of the Philippines, Bonifacio Global City, Taguig City on 20 March 2018.

The Rome Statute of the United Nations created the International Criminal Court (ICC).

The Philippine withdrawal was spurred by ICC's preliminary examination of the charges against President Rodrigo Duterte in connection with his controversial war on drugs.

Fellowship on Charter Change

REPRESENTATIVE ROGER C. MERCADO of the lone district of Southern Leyte was the guest of honor and former IBP President Roan Libarios and Senator Jose Lina were the reactors at the PBA luncheon fellowship on Charter Change under the Rule of Law at the Manila Golf & Country Club, Forbes Park, Makati City on 22 February 2018.

Various quarters in government have earlier expressed cautions against charter change despite assurances by other parties that there would be no changes in national sovereignty or national territory and that the "good provisions" of the 1987 Constitution will remain under proposed charter reforms.

Calls for revising the 1987 Constitution should be a last resort for Federalism advocates. "All it takes is for the President

to fully use his executive powers provided by the present constitution," according to former SENATOR JOEY LINA.

Speaking at a Workshop on Federalism (Revisions to the 1987 Philippine Constitution) sponsored by the provincial government of Nueva Viscaya and held at the St. Mary's University in Bayombong on 10 March 2018, Senator Lina lamented the lack of adherence and understanding by local government leaders of the principles of local autonomy enshrined in the constitution.

"The effects of a federal system can be put into place merely by fully implementing the provisions of the 1987 Constitution with regards to local autonomy and decentralization. Amending the Local Government Code to enable local government units to realize genuine fiscal autonomy is also needed," he said.

Repairing some loopholes in current laws, instead of resorting to constitutional amendments, would bring about the consequences of federalism. This would give our country a tremendous advantage by enabling Filipinos to witness first hand if federalism would work. On the other hand, if federalism proves unsuitable, the country would be spared from the tedious process of shifting back to a non-federal system if the constitution was changed, Senator Lina explained.

Traditional PBA Christmas Party

The traditional PBA Christmas Party at the Manila Golf & Country Club in Makati City on 6 December 2017 proved the cohesiveness, camaraderie and fellowship among all officers and members of the

association, with almost all past presidents around to enjoy the merriment, the succulent buffet dinner, dancing and song numbers from Past Presidents RUBEN FRUTO, LEW LLANILLO, RICO AGCAOILI, Past Trustee AL ANCHETA, Vice Presidents KING REYNO and RICO DOMINGO.

Christmas is for children

“The children are the greatest in heaven because one can get to heaven if he has the faith of a child,” PBA President BENJAMIN T. BACORRO said during the Gawag Kalinga Village Christmas outreach activity in Pateros, Rizal on 17 December 2017.

PBA Gawad Kalinga Village Association President BERNARDO SEGUL and ROWENA FLORES welcomed Atty. Bacorro and PBA Past President and Adviser Ruben Fruto and Trustee Agnes Tenefrancia and Past Presidents MA. CHARITO CRUZ who gave toys and watches to the children and BOY FERIA who gifted hams to the families. Thanks to ROBERT KWAN of Chowking and Jollibee through Trustee RODELLE BOLANTE for the bountiful food and take home to boot. Gift checks were raffled to the families and cakes and books on leadership and parenting were distributed to them.

Fraternities’ relevance in nation building

CONGRESSWOMAN BERNADETTE HERRERA-DY of Party List Bagong Henerasyon dissected the relevance of fraternities in nation building under the rule of law during a panel discussion at a PBA luncheon fellowship at the Makati Golf & Country Club in Makati City on 29 November 2017.

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The reactors were Chief Presidential Legal Counsel SALVADOR S. PANELO, a member of the Sigma Rho Fraternity and RENE VALDECANTOS, former Lord Chancellor of Alpha Phi Beta chancery.

The hazing and death of 22-year-old freshman law student HORACIO “ATYO” TOMAS CASTILLO III of the University of Santo Tomas in 2017 led to the filing by CONGRESSWOMAN HERRERA-DY, as principal author of House Bill 6395 entitled “An Act Strengthening Republic Act 8049 or the Anti-Hazing Law of 1995, Amending it for that Purpose” during the second regular session of the 17th Congress.

As I look back...

I feel humbled by the plaudits and applause as I finally bang the gavel signifying the end of my one-year term as president of the prestigious, respected and renowned Philippine Bar Association. The PBA will move on, and so will I. But my stint as president of this august body has opened my eyes to several things:

First, the saying that “destiny is not a matter of chance, but a matter of choice” has a profound way of shaping our individuality as professionals and our own brand of leadership in the name of service to our fellowmen and our own families.

Second, the combined wisdom and prisms of the PBA Council of Advisers

provided me with a clear context, not only in organizational management, but also in focusing on legal issues that need to be addressed as they affect our country and the public in general.

Third, when considering problems so enormous that they affect our people, each one of us can make a difference by reassessing our own relationship with our fellowmen at the deepest level of personal integrity, belief and faith.

Fourth, the awe-inspiring, overwhelming and unconditional support of the 2017-2018 PBA trustees, advisers and officers and 10 committee chairmen and co-chairmen working as a team, and contributions by individual members shored up the achievement of our objectives in all its dimensions.

Fifth, and most important, is a story that I would like to share: One night when I was strolling with my eldest daughter who was about four years old, asked me: Dad, what is up there in the sky? Stars? Do they clash at each other?

I said: No, there is Someone up there that puts things in order.

And then she asked, Why does He not come down and help us?

I said, God created man with leadership spirit. He has put His faith in every man to do good things. Indeed, the Lord gives wisdom, knowledge and understanding for the upright; He is a shield to those who walk in integrity, guarding the paths of justice, and He preserves the way of His godly ones. Then you will discern righteousness and

justice and equity and every good course (Proverbs 2:6-9).

Thus, the birth of a child pleases God. Leadership is the single greatest imperative of our time, our eternal response to the greatest problems and issues of our time.

The awards, recognitions and titles bestowed upon me by other organizations in 2017-2018 after I was elected as PBA President, were by themselves a distinct recognition of my affiliation with PBA, a life-nourishing honors: Outstanding Rotarian in the Philippines awarded by the Rotary Club of Parañaque Metro, 21 September 2017; Chairman of the Board of Judges, Search for the Top 3 Most Outstanding Barangays in Parañaque City sponsored by the Rotary Club of Parañaque Metro, 17 May 2018; cover story, *Living a Destiny*, Philippine Rotary Magazine, May 2018 issue; The Mario R. Nery Vocational Service Award (Law) presented by the City Government of Quezon City and Rotary international District 3780 Foundation, Inc., 2018.

Indeed, it is my pride and honor to be an "heir to a glorious past...to blaze the future's path...faithful to our oath...with fervor and honor to the very end."

I thank the good Lord, for the challenging, but beautiful memories I had experienced as President of the Philippine Bar Association. Truly, they will be my source of comfort and solace in my lifetime. ■