

The Term That Was:

A PRESIDENT'S REPORT

By Fina A. De La Cuesta Tantuico (2016-2017)



Three months after President Rodrigo Duterte took his oath as the 16th President of the Republic of the Philippines, I took my oath as the 50th President of PBA, on a rainy September evening in 2016, at the Ballroom of the New World Hotel in Makati, before Law Day's Guest of Honor, then newly-elected **Senate President Aquilino Pimentel**, along with fellow trustees and officers - 1st VP **Jose Luis Agcaoili**, **Secretary Joel Ayson**, 2nd VP **Benjie Bacorro**, VP for Admin and Finance **Rodolfo Gamboa**, **Rodelle Bolante**, **Rico Domingo**, **Issy Fagela**, **Treasurer Mike Orosa**, **Joseph Rebano**, 3rd VP **King Reyno** and Past Presidents **Cha Cruz**, **Rodel Cruz**, **Maritess Sison Go**, **Rico de Guzman** and **Pope Solis**. Among our Council of Advisers present were Past Presidents **Noli Barcelona**, my father **Rolly de la Cuesta**, **Ruben Fruto**, **Llewellyn Llanillo**, and **Tony Velicaria**. We inducted 27 new members during this event which heralded the flurry of activities that spelled our term, intending to keep alive a century-old institution that is the PBA, amidst a volatile political

landscape that, on certain occasions, appears to imperil the Rule of Law.

On 29 November 2016, we held a Fellowship on Federalism with no less than former **Supreme Court Associate Justice and Professor of Constitutional Law, Justice Vicente V. Mendoza** as Guest of Honor. The fellowship was organized by the Committee on Constitutional Law chaired by **Professor John Molo** and co-chaired by **Darwin Angeles**. Justice Mendoza spoke on why the Philippines does not need to change to a federal system of government. According to Justice Mendoza, the contemplated process of changing to a federal system is in the opposite historical direction of the formation of federal states which usually result "either from the agreement of several independent states to form a union or the organization of several territories or colonies into a federal system by a colonial power. In contrast, what is proposed to be done in the case of the Philippines is to establish a federal structure by dividing the country into several states to be organized into a loose

federation." Justice Mendoza believes that instead of a federal system, "the remedy for a highly centralized system is decentralization by delegating to local governments broad discretion in carrying out national policies taking into account differences in local conditions. Decentralization retains the determination of policy in the national government while leaving to local governments the determination of the manner by which national policies may be carried out by adapting them to local conditions." PBA's Board of Trustees unanimously agreed to adopt the position espoused by Justice Mendoza and submitted its Position Paper on the matter to the Senate and the House of Representatives on 22 March 2017.

In keeping with PBA's advocacy for public service, we organized two events in **PBA's Gawad Kalinga Village** in Pateros. On 28 December 2016, we visited the Day Care Center and spent the whole morning with some 50 children from the village to whom we distributed books, crayons and toys as our own little way of spreading the spirit of Christmas. On 11 February 2017, in cooperation with the U.P. Women Lawyers' Circle (UP WILOCI), we held a seminar for marginalized women living at PBA's Gawad Kalinga Village. Dubbed "*Inabusong Juana: A Forum on Women's Rights Against Domestic Violence*" the event was intended to educate the women attendees on their rights against abusive relationships. **Atty. June Ambrosio**, former IBP Legal Aid Director and women's rights expert and psychologist Dr. Millen Ramos, were the invited speakers for the event.

On 22 February 2017, we held a fellowship, organized by PBA's Committee on Business Law headed by its Chair **Roderick R.C. Salazar** with Co-Chairs, **Chryzilla Carissa P. Bautista** and **Joan de Venecia**, and members **Joseph Vincent Fabul** and **Russell Tacla**, to discuss

House Bill 4144 which seeks to impose a two-tier excise tax structure on cigarettes. The Bill, approved on 3rd and final reading by the House in December of 2016, has the effect of blocking the full implementation of Republic Act 10351, the landmark Sin Tax Reform Law of 2012. A lively discussion on the issue was held with the attendance of the following speakers: **Congressman Eugene Michael B. De Vera** the proponent of House Bill 4144, **BIR Assistant Commissioner and Spokesperson Atty. Marissa O. Cabreros**, **Department of Finance Assistant Secretary Mark Dennis Joven**, **former NEDA Chair Romulo Neri**, and **Federation of Philippine Industries Chairman (FPI) Jesus Lim Arranza**.

On April 26, 2017, the Committee on Information and Communications Technology, chaired by **UP Professor Rogelio V. Quevedo**, and **PBA Past President and Former NTC Commissioner Pope Solis** organized our third fellowship to discuss the slow progress of broadband in the Philippines. It was a very enlightening fellowship with a stellar cast of speakers well-known in the telecom industry, namely, **Former DOTC Undersecretary and EVP of Extelcom Rene Garcia**, **Former Undersecretary Louis Napoleon C. Casambre**, Executive Director, Information and Communications Technology Office of the Department of Science and Technology, **UP Professor Jose Jesus M. Disini, Jr.** and **Mr. Ike Seneres**, **Former National Computer Center Director**.

On 24 May 2017, we issued a statement on the President's declaration of martial law in Mindanao. We urged the government to resolve the crisis in Marawi City expeditiously so that the imposition of martial law may be lifted



President's Report



President's Report

as soon as it is no longer necessary, considering the country's grim history with martial law.

We celebrated our 126th Foundation Day at the Manila Polo Club on June 21 with no less than two PBA icons, Former Senator and Past PBA President, now **Special Ambassador to the European Union Edgardo J. Angara** together with his son incumbent **Senator Sonny Angara**. Intended to honor PBA's icon Senator Ed, whose wealth of contribution to Philippine governance in both the executive and legislative departments has benefitted our countrymen, the event was well-attended by PBA admirers of Senators Ed and Sonny as **Past President Victor P. Lazatin**, former **Napolcom Chair Ed Escueta** and **UP President Danilo L. Concepcion** took turns in paying him tribute with the debonair SVP of the MVP group of companies **Atty. Mike Toledo** as Master of Ceremonies. On this occasion, 30 new members were inducted.

On 28 June 2017, we issued another statement, this time, on the controversy regarding the show cause order by the lower house to the 3 Court of Appeals Justices to explain why they should not be cited in contempt for granting the habeas corpus petition of the so-called "Ilocos Six." We took the position that the Court of Appeals Justices were merely performing their task within the ambit of their jurisdiction to issue writs of habeas corpus and auxiliary writs or processes and that to punish them would undermine the separation of powers amongst the three branches of government and would result in substituting tyranny for the rule of law.

Our last luncheon fellowship was held on July 26 with newly-appointed Governor of

the Bangko Sentral ng Pilipinas (BSP), **Nestor Espenilla Jr.**, as Guest of Honor and Speaker. Before a jampacked audience, Governor Espenilla presented his vision for the BSP and called on the legal community's support in advocating legislative reforms with the passage of laws that would help prevent cybercrime, empower the BSP to authorize payment systems that would facilitate safe, efficient and reliable cross-border transactions, as well as amendments to the BSP Charter, bank secrecy and foreign currency deposit laws. According to Governor Espenilla, revisions to the BSP Charter would allow the BSP to act even more swiftly to ensure that supervised institutions are doing business in a safe and sound manner and with discipline for risk-taking activities.

We capped our term with the traditional Golf Tournament at the Wack Wack Golf and Country Club held last 11 August 2017. Trustees **King Reyno** and **Rodelle Bolante** spearheaded the preparations for the tournament together with Jonas Rivera of Prominens.

Indeed, it has been another hectic but fruitful year which came by like a breeze. Just when I was learning to warm my seat, it is now time for me to leave it. Indeed, being at the helm of PBA is a rare and invaluable experience to be treasured for life. I will remain ever grateful for the full support and guidance given me by my fellow trustees who, with their experience and commitment, continue to steer the association to greater heights ensuring that it will live on as a witness to the unfolding of our nation's history and the propagation of the Rule of Law. In parting, I would like to make special mention of my gratitude to two PBA icons-- Atty. Noli Barcelona ("Tito Noli"), and Atty. Teresita Cruz Sison ("Tita Tessie") whose wisdom, mentorship, and inspiring presence, have made the PBA the institution that it is. ■