

MEANINGFUL CHANGE

Address to the Graduates of Ateneo Law School Class 2016, delivered by Supreme Court Associate Justice Estela Perlas-Bernabe on July 17, 2016, at the Meralco Theatre, Pasig City.



Reverend Father Jose Ramon T. Villarin of the Society of Jesus, President of the Ateneo De Manila University, Reverend Father Joaquin G. Bernas of the Society of Jesus, Dean Emeritus of the Ateneo Law School, Dean Sedfrey M. Candelaria - Ateneo Law School, Dr. Manuel M. Dayrit – Dean of the Ateneo School of Medicine and Public Health, Dr. Maria Luz C. Vilchez – Vice President of the Loyola Schools, Mr. Ernesto Tanmantiong – Chairman of the Board of Trustees and the other Board Members, Associate Dean Lily K. Gruba – Continuing Legal Education and Research, Associate Dean Giovanni F. Valiente – Student Affairs and Admissions, Mr. Joaquin B.

Agtarap – University Registrar, and other school administrators, members of the faculty, distinguished guests, dear parents, friends and loved ones, fellow Ateneans, and of course, to the stars of this occasion, members of the Ateneo Law School Class of 2016, good afternoon.

Before I begin, can we all first give these graduates/soon-to-be lawyers a big hand?

I am truly grateful for having been given this honor to return to my alma mater and address the commencement of this year's batch. Looking at all of you today takes me back to my own graduation in 1976. My batch was the last to graduate from the Ateneo Law School in Padre Faura, Manila before it relocated to the Ateneo Professional Schools Building in Salcedo Village, Makati. At that time, Father Bernas was our dean, and we were, inarguably his favorite batch. His brilliance has indeed rubbed off on us, as I am sure it has too on all of you who have had the privilege of being mentored by him.

My dear graduates, today the community recognizes you for your achievement. You have not only passed the tribulations of law school, but you have also labored under the rigors of the Ateneo. Being an alumna of this institution, I

know that you have conquered the fear of recitation, lost a lot of sleep, and, in one way or the other, sacrificed a part of your social life. For what you have accomplished, I congratulate you. Anyway, I do believe that next year, I would once again see you when you take your oath as new lawyers before the Supreme Court *En Banc*. Of course, I understand your apprehensions regarding the bar examinations. But you must believe that as graduates of this prestigious law school, you are adequately equipped with the knowledge and necessary acumen to hurdle this daunting challenge. With a little more deliberation and consistency, you would have already won half the battle. In your preparation, understand that you will never be able to read all the materials available to you and so discern, what works best for you. Most importantly, have confidence in yourselves because by making it this far, you are now wiser, tougher, and overall, better. Like the finest steel refined through fire, you, my dear graduates, have changed.

The change that brings us to overcome trials is something we all share. In our history classes, we have witnessed how nations were born through struggle and revolution. We have marveled at the chronicles of leaders that rise and fall in every generation. From these stories we are able to draw inspiration because with change comes the natural feeling of hope. In our country, “change is coming” was the platform that won the elections. Now, it is a continuing promise that binds the new administration. However, we know all too well that change is not a mission that falls on the shoulders of one person. It is an ideal which requires that all of us do our part. Indeed, as the familiar adage goes, change starts with us.

When I say that change starts with us, change literally begins when we go through life. When I finished law school, my career goal – and I am sure I am not alone in this – was to join a law firm for training and experience, and many law firms did offer me these opportunities. But because my father wanted me to be a judge, he exerted his influence that led me to work in the Supreme Court under then court administrator Justice Lorenzo Relova. Aside from the low pay and meager working conditions, I wasn’t really enthusiastic about working for the government. And so it did not take long before I sought greener pastures, and transferred to the private sector. I began working in the legal department of a well-known bank, and later, moved on to reputable financing institutions. For a time I was happy. I felt that I had the basic requirements accomplished. I ticked off all the boxes in my check list: a caring and responsible husband, two beautiful kids, a successful career, some properties, a growing bank account. At that time, I was contented with going through the motions. I was stable and secure with my life. Until, one day I felt that I was not.

Quite often, change is a matter of taking chances. For me, little did I know that my casual conversations with a close friend, who was appointed as a Regional Trial Court Judge at that time, would finally lead me to a career in the judiciary. Her passion was magnetic; and with every eager moment she spoke about her work, I inched closer to the realization that “I too wanted to be a judge.” So, when I learned of a vacancy in the Metropolitan Trial Court of Makati, I immediately submitted my application. At that time, I was well-aware that I was taking a huge risk because, despite my friend’s exuberant stories, the popular impression was – and still is – that the government is not only inefficient; it is also corrupt. Nonetheless, I took this risk because I believed that things needed to change first, for myself and later on, for the institution.

When I was appointed as a Metropolitan Trial Court (MTC) judge in 1996, I immediately felt the brunt of past years of inefficiency. Right from the start, I was given a case load of around 2,400 cases. At that time, I was only assigned a limited number of staff and we were all relatively inept with computers. And so while I thought to myself that it was nearly impossible to resolve these cases on time and under these limitations, I still knew that I had an obligation to give it my best and try. Since the load was heavy, surely I had to adapt. Therefore, I had to pour in hours, spend late nights, and sacrifice weekends, to meet self-imposed targets. But of course, I always made it a point to find time for myself, my family, and even attend to my spiritual and social obligations. Soon enough, I was able to reduce my caseload to a very respectable level. Eventually, and all throughout my years in the judiciary, I was and still able to manage my docket efficiently. When you really think about it, there is actually no secret formula for getting the job done. The simple truth to it all is that you just have to dedicate yourself to what you do. For me, I was able to develop an expeditious work ethic not because of any supernatural skill or ability; but because I fell in love with what I was doing. And when you love what you do, then everything does not only become easier on yourself; but also for the people around you.

My dear graduates, keep in mind that in making life choices, more often than not, certainty evades you. In his own commencement speech delivered at Stanford University in 2005, Steve Jobs once remarked: “Don’t let the noise of others’ opinions drown out your own inner voice. [M]ost important[ly], have the courage to follow your heart and intuition. They somehow already know what you truly want to become. Everything else is secondary.” To me, those words cannot be any truer. Little did I know that the risk I took in transferring to the judiciary would turn out to be the most meaningful change in my life. Today the rest is history. Therefore, I encourage you to do the same: take risks; follow your intuition; live in the moments that will never be. Certainly, you will fail at times. But always

remember that to err does not only make you human; to err also makes you better. After all, our life is but a long and winding road of meaningful changes that leads to self-discovery.

And this brings me to my next point: meaningful change is contagious. You begin with yourself. Then, you start changing people. Soon enough, you will have the power to change a culture.

We all know that the culture of corruption does not only reside in the judiciary; it is a pandemic that rots the very foundations of our Republic. The facility of completing official transactions is not really about how efficient the system works, but more so, about “who you know” and “how much you can pay”. And while it is normal to feel dismayed, frustrated, and even hopeless, the honest question you should bluntly ask yourself is: “Are you going to do anything about it?” Because if you are not, then, truthfully speaking, your tolerance, participation, or apathy is part of the problem. But if you are, then make an unbreakable commitment. When you make the decision to become guardians of justice and the rule of law, make it final and irrevocable. Make it your signature in every case you will ever work on, and in every task that you will ever accomplish. I can tell you from experience, and I have gained enough to say confidently, that this decision will guard your mind and heart, keep you on the straight path, and even provide a way of escape for you when you face temptation, because you will, inevitably.

Also, be emboldened by the fact that the path you have chosen is not yours alone. The day I took my oath as a judge I felt that I had a greater duty to “do good” for society because of the powers of my office. But eventually, I would realize that in the larger scheme of things, “doing good” isn’t dependent on your station in life or societal position. Lawyers who dedicate themselves to *pro bono* work, public attorneys who defend the cause of the poor, or even law students who actively engage in free legal aid can do good as much as I can. Likewise, those outside the legal field – may it be the diligent laborer, the incorruptible police officer, or the honest businessman – play roles to better this society in the same way I do. Therefore, in all truth, there is no effort too small because change is a collective contribution. And so, my dear graduates, find that meaningful change in yourself, and begin changing others. Believe in transcending limits, and do not sell yourself short on the inspiration you can become. As it has been oft repeated by writers, even a single drop that falls into the ocean creates ripples; ripples which may swell and grow into waves that break foaming upon the shore. In the same way, changing a culture begins with one man standing up against what is wrong.

In the latter part of 2013, I was given the task of writing the *ponencia* for one of the more important landmark cases in recent history. As you may all have guessed, I am referring to *Belgica v. Ochoa*, which was the case where the Supreme Court struck down as unconstitutional all forms of Pork Barrel. The Pork Barrel System was widely tagged as the root of corruption in this country. And so, when the COA report of 2013 came out and all these whistleblowers began to surface, petitions to declare the Priority Development Assistance Fund (PDAF) unconstitutional were filed in Court. As fate would have it, the case was raffled to me.

When my staff and I were studying this case, we were able to uncover that the PDAF was only the most recent iteration of the Pork Barrel at that time, and its earliest version was devised way back in the 1920's. The Supreme Court, in *PHILCONSA v. Enriquez*, was already presented with the same issue and had apparently ruled that the congressional pork barrel was constitutional. But, after patient research and study, we reached a breakthrough and discovered how unconstitutional its workings were, both in practice and in theory. I will not go into the details, because I know you will encounter them again during your bar review, but the point is that here was a system, which for a large portion of our history, everyone thought was legal and constitutional, and yet, it took decades before its true nature was exposed and finally struck down.

Today, the lessons I want you to take from *Belgica* are not legal but practical: *first*, a difference can be made by a different frame of mind; *second*, do not be afraid to challenge the status quo; and *third*, learn from your mistakes and move on. I believe all of these were encapsulated in the last portion of the Decision, which I would want to read to you: “[d]isconcerting as it is to think that a system so constitutionally unsound has monumentally endured, the Court urges the people and its co-stewards in government to look forward with the optimism of change and the awareness of the past. At a time of great civic unrest and vociferous public debate, the Court fervently hopes that its Decision today, while it may not purge all the wrongs of society nor bring back what has been lost, guides this nation to the path forged by the Constitution so that no one may heretofore detract from its cause nor stray from its course.”

My dear graduates, it is only a matter of time that the duty not to detract from “the law’s cause nor stray from its course” will be a duty that you will formally assume when you take the lawyer’s oath. As lawyers, you will be, first and foremost, protectors of the law. And so, of all people, you should be faithful to the law. Keep to heart that the legal profession will not only be your means of livelihood; it will be a vocation whose honor you will swear to uphold. You will be identified

with truth and justice. And so do not betray this image. The famous saying that “change is the only constant thing in this world” are the wise words of a philosopher who also said that “a man’s character is his fate.” I am certain that the title of an “Attorney” will open you to a whole new world of opportunities. But, at the end of it all, always remember that in whatever opportunity you choose, your integrity is non-negotiable.

And finally, it is equally important that you never forget that there are people who need you. Indeed, our world is besmirched by a great irony: as the late Nelson Mandela once observed, we live in a world that “boasts [of] breathtaking advances in science, technology, industry and wealth accumulation”, and yet “[m]assive poverty and obscene inequality” [are still] terrible scourges of our times.” In the context of this reality, I therefore hope that while all of you try to make your way through the crossroads of change and seek the pathway of success, you nonetheless keep intact the Atenean virtue of being a “man for others”; that you realize the greater meaning in a life of self-devotion; and that you find happiness in changing things for the better. I also challenge you to treat the overwhelming imbalance of wealth in this country by being fiercely protective of the Magsaysay credo that “*he who has less in life, should have more in law; that the little man is fundamentally entitled to a little bit more food in his stomach, a little more cloth on his back and a little more roof over his head.*” In finding your own comfortable place under the sun, never close your eyes to those who live in the fringes of society. In the same way as you grow passionate about your endeavors, my desire is that you likewise nurture a passion to uplift the welfare of the poor, a passion to speak for the voiceless, a passion to go against a culture of inefficiency and corruption. And as I close, I urge you: make a difference because our nation needs you. Ultimately, my fervent hope is that one day, the change you live out for yourself will be a change that is much larger than you.

Thank you and God bless us all!