

OF PAÑEROS, POIROT AND PEARLS

Address to the Graduates of Ateneo Law School Class 2017, delivered by Supreme Court Associate Justice Alfredo Benjamin Caguioa on July 15, 2017, at the Meralco Theatre, Pasig City.



President of the Ateneo de Manila, Father Jett Villarin, Dean of the Ateneo College of Law, Sed Candelaria, Associate Dean Lily K. Gruba, Dr. Manuel M. Dayrit, Dr. Evangeline P. Bautista, Mr. Julian B. Agtarap, Mr. Eugenio H. Villareal, Faculty of the Ateneo College of Law, friends, graduates and soon to be my Pañeros – the Ateneo Law School class of 2017.

Magandang hapon po. Wala naman po talaga akong K na humarap sa inyo ngayong hapon, if not for the robe I wear. Sa totoo lang po, ako pa ay isang mahiyaing tao, so you can imagine how I am feeling now. But hindi ko lang po mahindian ang kaibigang si Dean Sed, so here I am... Thank you Dean for believing I can be of sense and give inspiration and hope to these young men and women.

The truth of the matter, however, my dear graduates is that it is you who are the inspiration, you who are the hope.

So, since mahiyain ako at di ako sanay na magsalita nang ganito sa harap ng maraming tao, magkuentuhan nalang muna tayo...

Last month, the lobby of the SC building in Taft was busy and teeming with people — new bar passers and their families, waiting for their turn to sign their names into the country's Roll of Attorneys. It was the height of summer, uncomfortably warm, but the mood was very festive, happy, full of pride and promise. And patient too. You can imagine how, upon reaching their turn at signing the book, each person took so much time! But everyone waiting in line, and the members of the high court seeing to the procedures as well – were cheerful and patient and gracious and kind. *It was after all, a big deal.*

I found myself amidst that crowd, as the nephew of my good friend, Fr. Cesar Marin, together with the rest of his family, was lining up for their turn. I felt the enervating heat and the energy, felt the pride and the promise, felt how the

number they were about to sign connected to the number I had signed years ago...

“Panero”, I greeted Fr. Cesar’s nephew. And he received my back pat and handshake with pride. Before I knew it, I became a mascot of sorts. Ang daming nagpa-photo at nagpa-selfie at nagpa-groufie – *Justice daw kasi ako.*

The humbling rockstar moment took me back to when I took my oath as the 174th justice of the SC, in the room across from where the new lawyers were signing the Roll. I was asked to say a few words then, after the final “So help me God”, and in that moment, it was a stirring from deep in my heart that provided the words. I found myself saying this ...

“My late Dad always said “It is not the position that makes the man; it is the man that justifies the position.” I pray I am able to justify this position.”

I am a government newbie: 3 years in the Executive, a year and a half in the judiciary. To this date, I still feel like a fish out of water. And not a single day passes that I do not ask myself the question: *“do I, in fact, justify this position?”*

Next year at the next roll signing, I will go down to the lobby of the SC building and look for you —everyone of you will be there, I have absolutely no doubt — and by then, you would have already known where you would be headed to next. Some of you will join government, some of you will join the private sector, some of you will remain in the academe.

Wherever you go, and as you build your career, you will find yourselves facing varied scenarios involving the law. As litigation or labor or corporate lawyers, as policy makers, as clerks of court or fiscals or judges or arbiters ... the questions will be different in every area, the scope wide, the issues provocative and interesting.

There will be a case about a young boy who at age 16 faces a lifetime in jail because he is accused of drug pushing .01 grams of shabu; another young man will be accused of rape; there is the wife wanting out of a marriage; an illegitimate child wanting his equal share. There will be a corporate client up against global fraud operators; another company wanting to build roads and bridges. Tobacco companies getting sued for being health hazards; another company pleading for rights to spoil a monument’s view. You will meet a mother pleading justice for her son run over by a speeding bus; your heart will bleed for a man wanting custody

for his children. You will be involved in election protests; will suffer through arguments for and against a dictator's rights to be buried in hallowed ground; you will swing from one side to another in determining the sufficiency of the factual basis for declaring martial law.

I could go on and on, and so can you. Sa dami ba naman ng cases na inaral nyo at minemorize; sa dami ng ni-recite nyo sa klase ni Dean Sed, ni Prof. Balane at ni Prof. Jimenez, atbp – you know them well – the variety of the cases, the richness they bring to the study of law.

The difference though is that this time, the cases will be yours. And when a case becomes yours, ***it will be real***. The issues will be ***live, moving, huge!*** The role you play – ***crucial***. ANY part of the process that you play, faced with ANY case – ***crucial***. It will determine who will pay or get paid, who will go to jail or who will be set free, even who will live or who will die. The role you play ***in the conduct of justice*** – ***crucial***. The role you play ***in upholding the law, protecting it and defending it*** – ***crucial***.

And here is what you need to remember. The law, my dear graduates, has the power to do so much good. Wielded properly, the law is there to safeguard rights, protect citizens, make bad people accountable, criminals, punished. The law instills order, determines right and wrong, uplifts the levels of decency and justice in a society.

BUT – and this is a very big BUT! Even as it has the power to do all that good, the law can actually be used to condone the bad, free the wrongdoer, jail the innocent, revise history. Alas, it is vulnerable to evil and evil forces.

For even as the law has the power to shape a nation's history, and form a nation's soul, whether that history, whether that soul is something we can be proud of or draw dignity from, depends on how well it is respected and protected and continually uplifted. ***In the end, the law will only be as good as the good in the hearts and minds of the people that make, interpret, implement it. It will only be as good as the people that fight for it and die for it.***

It is not hard to tell that these are not the best of times in our nation, and I trust that since I am in the Ateneo —bastion of critical thinking, home of men for others, in whose hearts burn a deep love for what is good and true — there will be no need for me to go into details or belabor issues urgently staring us in the face. There is too much noise. Opinions and facts are confused, discussions loud

and noisy, levels of disillusionment and despair high. So no, I will not join the fray. Instead I shall summarize where we are by borrowing from our Chief Justice in her address to the graduating class of the Ateneo Loyola Schools last May. And I quote her: “These are the times when everything that can be shaken is being shaken, when institutions are being challenged to their very foundations, and basic ideas of decency and human dignity are being violated with great impunity.”

In other words, dear graduates, we are not exactly in a good place.

So paano na? Mahirap na tanong. So, magkuentuhan nalang ulit tayo.

I am a movie freak. I watch so many movies. One of my favorite old movies was Agatha Christie’s *Murder on the Orient Express*. Has anyone seen it, or read the novel? Are you familiar with Agatha Christie and her detective, the Belgian detective, Hercule Poirot? Basically, in all of these stories, there is a murder, and Detective Poirot solves the murder. The brilliance of Poirot is his keen understanding of human psychology, and his style is to call all the suspects in one room, and he then goes through all the evidence that he has seen, and tells everyone, using what he calls his “grey cells”, of how he has pieced out how the murder was committed, and then makes the great reveal — pointing out who the murderer is.

In this particular story, the characters are on a train, *The Orient Express*. The murder occurs on the train, the victim, a certain Mr Ratchett. Apparently, Mr. Ratchett was an American gangster responsible for the abduction and murder of a five year old girl many years ago. There was a trial, he “fixed” it, bought the DA and the judge, and he was acquitted. And then he fled. It is revealed that each of the 12 passengers on the train had a connection to the murdered girl. This trip on the *Orient Express* was organized by them precisely to avenge her murder. They succeeded and killed Mr Ratchette, each one stabbing him once so that it could not be determined who administered the fatal wound. Truly following what they called the judgment of a jury of 12.

As Poirot, who is brilliantly played here by David Suchet, reveals the incriminating facts and confronts the group of 12, an unforgettable dialogue ensues. Forgive me if I try to recreate this dialogue for you:

Hercule Poirot is furious and he says "You had no right to take the law into your own hands!"

To which one lady, the governess of the murdered child, replies, "M-m-monsieur Poirot, she was five years old!"

And another lady chimes in, the grandmother of the murdered child: "We were good civilized people, and then evil got over the wall, and we looked to the law for justice, and the law let us down."

And here is what Hercule Poirot says: "No! No, you behave like this and we become just... savages in the street! The juries and executioners, they elect themselves! No, it is medieval! **The rule of law, it must be held high and if it falls you pick it up and hold it even higher! For all of society, all civilized people will have nothing to shelter them if it is destroyed!**"

"The rule of law must be held high, and if it falls, you pick it up and hold it even higher."

My dear graduates, at this point in our nation's history we find ourselves threatened by the breakdown of the rule of law. It is evident not only in big issues, but in small everyday occurrences, occurrences we ourselves may be part of. Occurrences which, if we allow them to become habit by repeated doing, render us desensitized to their wrongness. Faced with that however, I will not stand here and give you statements like: "be good even when no one is looking", "be fair and just all the time" "be lux in domino" "pursue magis" "be men for others" or even "dream the impossible dream and reach the unreachable star". After all the years you have spent in the Ateneo, nasa dugo nyo na dapat yan.

What I will ask you instead is this: I will ask you to be irritating. You heard me right – be irritating!!!

Who amongst you love pearls? I'm sure at least the women do. I'm sure you recognize its beauty. And for the men still shaking their heads about loving pearls or recognizing their beauty – I am sure that at the very least, you have had to buy your wife or your girlfriend or your mother, pearls, at some point in time – and therefore you must know their value by the way they hurt your pocket.

Do you know how pearls come to be? Wikipedia says that natural Pearls form when an **irritant** works its way into an oyster, mussel, or clam. As a defense mechanism, a fluid is released inside the oyster, and what that fluid does is to coat the irritant. Layer upon layer upon layer of this coating, called 'nacre', is deposited until a lustrous pearl is formed.

Class of 2017 of the Ateneo Law School, I will not pontificate this evening. I will not stand here and pretend to be any big person because I am not. I will stand here, a public servant and a lawyer in government, and desperately ask you for help.

I ask you, please, **BE IRRITANTS!**

Be constant, loud, unceasing, unforgiving, IRRITANTS! Be vigilant, speak up, dialogue, demand accountability, demand excellence. When there is wrongdoing – when people get killed without just process, when the law is trampled upon, revised to suit the interests of a few and powerful, when the law is reduced to a numbers game, when it is set aside in favor of a maliciously developed social media strategy, *do **not** accept it as the new normal*. Do **not** be desensitized. For heaven's sake, do **not** allow life to go on. Be irritants and make NOISE!

Kaming mga panero nyo sa gubyerno, hold us close, keep us close, keep us faithful and true. Wag nyo kami iwan, wag nyo kami pabaya. Usigin nyo kami, bantayan, payuhan, gabayan. By all means, i-judge nyo kami, kunsensyahin, kulitin, irritahin!!!

Keep us in touch and sensitive. Remind us we are public servants not gods. Remind us we are here to serve, not to be served. Remind us that we are being relied upon to protect the rule of law, to constantly uplift our nation's moral fiber, to shape our nation's soul.

Make sure we justify our positions, and irritate us no end until we become pearls that give our seats and the positions we occupy the honor and the value that they stand for.

Today is a big deal. For each one of you that will in less than a year, sign the Roll of Attorneys, today is a big deal. The rule of law is threatened and it is falling.... Pick it up, lift it higher! Be the irritants that will force the fluid of good to flow abundantly once again. Make pearls! Magandang gabi po.