

SIMPLE & ORDINARY

A Tribute to Dean Emeritus Fr. Joaquin Bernas, S.J. and Address to the Graduates of Ateneo Law School Class 2015, delivered by Supreme Court Associate Justice Mariano C. Del Castillo on April 26, 2015, at the Meralco Theatre, Pasig City.



His Eminence, Luis Antonio G. Cardinal Tagle, Reverend Father Jose Ramon T. Villarin, President of the Ateneo de Manila University, Reverend Father Joaquin G. Bernas, Dean Emeritus of the Ateneo de Manila School of Law, the other distinguished personalities up here on the stage, members of the faculty, graduates of the Class of 2015, their parents and guests, fellow Ateneans, good afternoon.

I am both honored and humbled to be speaking before you this afternoon. I am not the typical speaker that a graduating law class would normally have. While I have reached the highest court of the land, the road getting there was not an easy one for someone ordinary like me.

But let me start off by laying down the reasons why I am here. I am standing before you now to pay tribute to two persons: the first, our beloved Dean Emeritus Fr. Joaquin G. Bernas, and the second, our graduates of today.

Fr. Joaquin G. Bernas, or Fr. B, as everyone calls him, is not Dean Emeritus for nothing. To me, he is the face of the Ateneo Law School – and as the famous old song would have it, “you can’t have one without the other”. I was lucky to have been under his tutelage. My first real lesson on Philippine Constitutional and Political law was courtesy of Fr. B. Many of us including myself, struggled under Fr. B. As in any class, about 90% are lesser mortals, while only about 10% answer to the call of being “extraordinary”. I do admit that I belong to the 90% majority, and I am sure many of you can relate to this. It is for us plain and average people that he came out with this book entitled “An Idiot’s Guide to Constitutional Law”. In the early 1970s, with martial law looming in the horizon, this Idiot’s Guide became our bible. And believe it or not, we learned our Constitutional and Political law!

We labored under the then “new” 1973 Constitution. I guess you all know how this constitution came about and how it was ratified, but hearing it from fearless

Fr. B strengthened our resolve to rise above the evils of martial law.

As a young lawyer, I together with many others, were relieved when he became part of the Constitutional Commission that drafted the 1987 Constitution under which we live in today. It may not be a perfect Constitution, but we are thankful for the likes of Fr. B, who have allowed us lawyers, to be able to speak and act more freely than our counterparts in the 1970s. When Mrs. Aquino came into power after the end of martial law, Fr. B would have been the first religious Supreme Court Justice, had he been allowed by his religious calling to accept this position. I would have been prouder to stand here today, as having walked in the shadow of this legal icon.

On a personal note, Fr. B has also touched me, and my family, in so many ways. He was our Dean when we were students in the Ateneo Law School. A few years thereafter, and as President of the University, he would invite my wife Cynthia to become Dean of the Ateneo Law School. He would put faith and trust in a woman in her late 30s to become Dean of the Ateneo Law School, and she would stay there for more than 10 years. This is living proof of Fr. B's commitment to gender equality, aptly described in a book (I forget now who the author is) that he lent my wife as a student, and it begins with the statement that "woman is not the lesser man". Thank you Fr. B. for putting faith in a woman. We hope she did not disappoint you and the institution that we call our alma mater.

Fr. B also taught my two children who would become Ateneo lawyers later. And when things got rough for my late daughter and for me too, we sought his counsel. He is not just a lawyer and a constitutionalist, he is also a man of God, a counselor, a teacher, a friend and a real warm human being. We found comfort and solace in his words and advice, and for this, we are eternally grateful.

When my wife ended her term as Law School Dean, Fr. B did not find it demeaning to take up the Deanship again, following the term of his student. It was duty calling him, and he responded.

Fr. B is also renowned for his sharp tongue and quick wit. During one of his recitations in class, he asked someone about a case. The student didn't know the case so she coyly replied, "Father, may I pass?" He retorted with a deadpan look, "No, but you may fail."

Another memory of him was back in the '70s when the Ateneo Law School was then in Padre Faura. We students were then on the third floor attending class when we felt a strong earthquake that rocked the building, so we all chaotically

ran out. We then ran into Fr. B who just came out of his office blurting, “Who wants to confess?!? Who wants to confess?!?”

I am sure you all have your own stories to tell about this living legend, the quintessential teacher, lawyer, counselor and constitutionalist, affectionately known to many of us as Fr. B. To the parents and family of our graduates and our guests here who are not familiar with him, (although I am sure that there are very few of you who don’t know him), join us as we honor this man who has touched the lives of thousands of Ateneo lawyers and students. If you can, please rise to give him a big round of applause.

Fr. B, thank you for everything you have done for us, and the Ateneo Law School. It has been a great privilege and we will eternally be grateful.

To the Graduates, you are lucky to have been taught by a teacher like Fr. B. The future generations who will not have this privilege will look upon you with envy.

As we thank Fr. B, also give thanks to your parents, your family, and your loved ones. They stood by you during your four years in law school. But you are here because of you, and not because of anyone else. While we give tribute to your parents, this day would not have come if you did not WANT this, and worked hard to get to where you are now. Any lawyer knows what I speak of: a law student’s life is like being trapped in a boiling teapot – ready to burst anytime.

On this occasion, as you join the world out there, it will perhaps be right and fitting for me to assure you that first, ordinary people are capable of achieving extraordinary feats; and second, that there is nothing to be ashamed of by being ordinary. I was, and still am, ordinary. I was part of the 90% ordinary people in my class. I worked really, really hard knowing that I was ordinary. If there is any disadvantage with being ordinary, it is just that you have to work harder than the extraordinary people. But when you achieve what extraordinary people achieve, there is greater satisfaction, greater pride, and greater glory in what you have accomplished. So with the indulgence of the 10% extraordinary people of this graduating class, let me address the ordinary people of this graduating class:

Based on my own experience as a working student, as someone without pedigree and birth right, and as someone who rose from the ranks, let me share with you a few life lessons:

First lesson: The possibilities are limitless. Armed with a law school diploma from the Ateneo Law School, you can choose to be anyone, because you have learned “transferable skills” from this venerable institution.

You have been chiseled into a fine work of art, having gone, as they say, through the eye of a needle. The Ateneo has honed you into scholars, researchers, thinkers, speakers, and writers and has strengthened your character. It has taught you to be God-fearing and I am sure you have called upon God many times during recitations and exams! It is all right to call on God during these difficult times provided that you have done your best. And when you have done everything within your means, you can leave the rest to God.

You may decide to become business and commercial lawyers, trial lawyers, join government, or like me, join the judiciary. If you have the calling, you may pursue alternative lawyering or work with NGOs, or it may even happen that some of you may not end up in legal practice, as you may then choose to be in other non-legal careers. But whatever you do after becoming lawyers, do it with passion, with dignity and with honor. Only then can you claim that you have put your Ateneo legal education into good use, and still claim success.

Apply the law and justice in your chosen calling and in your daily lives. If you end up as full-fledged housewives or househusbands, at least you know your rights and your legal recourse under the law.

Second Lesson: Prepare for disillusionment, as many will come your way. Nevertheless you have to do your job, and do what is right.

You will encounter the real lawyer's world out there. The physical conveniences you've enjoyed in your alma mater will not be offered outside. You will appear, or perhaps work, in dilapidated government agencies or courtrooms, no elevators, no air conditioners, no computers, no internet, no lex libris, no Wi-Fi. You will see the pathetic conditions of detention centers, of jails, and of the prisoners. This is the real world out there, and you have to be prepared for it. And even while the physical conveniences are there, there are real, hard, and difficult choices to be made. There are a lot of conflicts and crossroads, and you may have to choose between law and justice. Many times you will face disappointments and failures – but you have to carry on because you have a duty to perform, whether as a member of the bar or of the bench.

I joined the judiciary from the very bottom. I started as an MTC judge in an obscure place in San Mateo, Rizal. I wanted to be in the judiciary, but without a pedigree, birthright, sponsors or padrinos, I had to start from the very bottom. I had only my small chambers that I also used as my courtroom as none was assigned to me. The common comfort room that I used down the hallway was without regular supply of water. When I displeased a politician, the only air conditioning unit in my chambers was hastily pulled out making my office oven

hot particularly during summer. That would have broken my spirit and made me run back to private practice, but I persevered.

I worked my way up and was later promoted to Regional Trial Court judge in Pampanga. One time I issued a warrant of arrest against a politician's relative, and soon enough, I was stripped of the regular monthly allowance given by local governments to judges. It was a difficult life, as I had to drive close to a hundred kilometers each day to report to my station in Pampanga. My children were growing up at that time, but again, I persevered. There were times when I got so tired and had to spend the night in my chambers, as I would fall asleep drafting decisions. Nighttime and weekends are the only time for writing decisions as judges are supposed to hear cases morning and afternoon, Monday to Friday.

After a few years, I was transferred to the Regional Trial Court of Quezon City. While this brought me closer back home and my family, the bigger city was a haven for more crimes, more vices and more life-threatening conflicts. It was here that I faced threats on my and my family's lives. I had to combat fear, and God knows how much I prayed for guidance. The offer of bribes and other material benefits was easy to say NO to, as my wife, lucky me, made more than enough to support our family. But danger to the people closest and dearest to you would have broken anyone's back. I do not know how I survived through this, but I kept my faith and did not waiver.

I went through eight years in the Court of Appeals, working hard and finally achieving zero backlog in my caseload in my third year. No case was big or small, and each time that I finished a case, I felt that somehow, I have given justice to someone. Now I am in the Supreme Court, and I would like to believe that I am here because I worked really hard and did not succumb to pressures to thwart the ends of justice through corruption or threats.

I do not profess to be infallible as I am man, and have my limitations. I am ordinary and average like most of you. So if I can do it, so can you.

Third Lesson: Keep your nose to the grindstone.

As Babe Ruth once said, "You just can't beat the person who never gives up." If you have made a decision to make law a part of your life, give it your best, and stand up whenever you fail – and that includes the bar examinations. Let's face it. This year's bar results was unexpected. But we should all learn to rise above our failures, and to strive even harder. And so, it may help that you familiarize yourselves with cases of the Supreme Court in the last 3-5 years particularly landmark cases with doctrinal value. You have enough time, so start planning

your schedule and balance study and play. There is no substitute for hard work and perseverance.

For those with high academic grades, you have earned it and you come with a great advantage. Use this advantage to the utmost. For those who have managed to finish with “ordinary” grades, all is not lost. We all have our God-given gifts, and some, as they say, may be smarter than others. But life experiences have shown that being smarter than others do not necessarily mean that they are better than others, or that they will succeed and the others will not. Today, as you graduate, view yourselves as equals. All of you have displayed strength and tenacity by refusing to quit the Ateneo schooling despite its intensity. Use this as your tool, and the playing field will be even.

Fourth Lesson: Treat people well.

Becoming a lawyer is no license to become supercilious. You have to interact with all kinds of people. Mingle well and don't discriminate. Each man is made by God and has his own virtues. Be kind but firm. You may know things that they don't. But they know things that you don't. Please display humility by acknowledging that you do not know everything. When you take praise, share the credit with the people who worked with you.

Regardless of the field you will be in, I appeal to your sense of humanity. I ask you to unconditionally make a difference in your own little way. I encourage you to give back. You can work pro bono, or use your talents, and devote your time and your financial resources to noble causes. Men will respect and remember you not because you are affluent, famous, powerful, and influential or an intellectual, but they will remember you because you lightened their load and delivered them justice that they deserved.

Fifth and last lesson: Be ethical professionals.

As Benjamin Franklin once said, “It takes many good deeds to build a good reputation, and only one bad one to lose it.”

I will not lecture you on ethics today, as I am confident that the Ateneo Law School has given you all the goods to be able to distinguish between ethical and unethical practice. It does not take a wise man to understand the Code of Professional Responsibility. Let this be your bible and your daily reading. You can be ordinary and at the same time be ethical.

If I can bargain for a last request: Consider joining the Judiciary.

Many times, we complain about corruption in the Judiciary. While there are many men and women now in the Judiciary who are morally and ethically upright (as we now have a leadership in the High Court that is committed to reforming the judiciary and making it the model for the entire government bureaucracy), we need you, the young Jesuit-trained lawyers to help us clean the ranks. If you live by example and in accordance with what you have been taught, you are “ordinary” no more, and we, the more senior ones, will take the cue. You are more technically and technologically equipped to do this, so please not only join us, but also lead us. Show us the way. After all, this is your world now. Your children will be born, and will grow up, in this world.

Congratulations to the Class of 2015. The stage has been set for you. Claim that stage and shine there... and let this be your ONE BIG FIGHT!