



## **DEPARTMENT OF JUSTICE**

On the Occasion of the 3<sup>rd</sup> General Membership Meeting of the  
Institute of Internal Auditors – Philippines

12 August 2015  
1:00pm-6:00pm

Function Room 1, SMX Center,  
Pasay City

## **SPEECH**

**“Stepping Up to the New Normal : the *Daang Matuwid*”**

by

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*Secretary*

Chairman Rebecca Sarmenta, other esteemed officers and dear members of your organization (the Institute of Internal Auditors-Philippines or IIA-P), Friends, ladies and gentlemen: good afternoon!

I feel very honored to be invited to speak before you today on the occasion of your 3<sup>rd</sup> General Membership Meeting. Truth be told, I felt excited when I first found out that I was invited to be your Keynote Speaker. As the Secretary of Justice, I felt that this would be a wonderful opportunity to share and benefit from each other's collective experiences in our respective fields.

Although it is true that we inhabit very different worlds with very different concerns, we actually have more in common than meets the eye.

This is the truth: internal auditors are not all that different from public servants. After all, both of us have been given one very simple task: **Be like superman**. Simple, isn't it?

By being like superman, I don't mean that we have to be faster than a speeding bullet, or be more powerful than a locomotive, or leap tall buildings in a single bound. I don't mean that we need to have a secret identity or wear a costume. I also don't mean that we have to save the world from a villain every single day.

What I mean is this: like superman, a person bearing the burden of power and authority must hold himself or herself to a higher standard of adherence to moral and ethical codes. Our jobs as public servants and internal auditors demand that we have a strong sense of justice, integrity and righteousness. In this way, we share the responsibility of acting as an inspiring force to those around us.

I hope you will allow me now to share with you a little bit about my experience as the Secretary of Justice.

In his inaugural address back in 2010, President Aquino gave me my marching orders. He asked me to "begin the process of providing true and complete justice for all." At the time, I eagerly stepped up to the challenge of helping achieve this administration's vision of "Daang Matuwid", not realizing just how enormous or daunting the task given to me really was.

Although the journey I've taken since then has not been easy, I can say with absolute certainty that the last five years have been very rewarding and fulfilling. I never wavered in my mission because from the very beginning, I anchored all of my actions on the tenets of good governance.

But what exactly is governance and what makes it "good"?

"Governance" is "the process of decision-making and the process by which decisions are implemented (or not

implemented)"<sup>1</sup> Governance is not synonymous with government.<sup>2</sup> This concept can apply to corporate, international, national, local settings or to the interactions between other sectors of society.<sup>3</sup>

Thus good governance is about activity, something that is probably best said in our own language: **mabuting pamamalakad**. It is not merely comprehended by structures but what we do and how we do it. It is the sum total of the life of the institution.

To me, good governance simply means that one's process of decision-making must be honest. And it must be morally upright.

In the DOJ, it was about accomplishing difficult tasks while respecting human rights and abiding by the stringent provisions of the Constitution and the laws. Sometimes, the job was made even more difficult because we were investigating officials in key government posts - including high-ranking posts within our very own institution - or locking horns with moneyed, influential and powerful forces, such as criminal syndicates like drug-trafficking organizations.

Thus I have not been a stranger to facing difficult leadership decisions: do we forge ahead with our investigations or do we succumb to pressure; do we play it safe, or do we follow where our instincts lead us in our quest for truth and justice? I would say that my integrity was what helped me survive and even thrive in this high pressure job. It made decision easy to make because all I had to think of is what actions could I be proud of when I look back?

I merely followed my late father's wisdom and guidance: "Just do the right thing. You may err or fail at times, but for as long as your intentions are pure and your mind is set on what is good for many, just do what you have to do."

That's what I have always tried to do.

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<sup>1</sup> What is Good Governance?, UNESCAP (2009). See <http://www.unescap.org/sites/default/files/good-governance.pdf>

<sup>2</sup> John Graham et al., Principles of Good Governance in the 21<sup>st</sup> Century, Policy Brief No. 15, Institute of Governance, Ottawa, Canada (2003). See <http://unpan1.un.org/intradoc/groups/public/documents/UNPAN/UNPAN011842.pdf>.

<sup>3</sup> *supra* at 1.

From being put in charge as Chairperson of the Incident Investigation and Review Committee (IIRC) on the August 23rd Quirino Grandstand hostage-taking two months into my tenure; to investigating sensitive cases that implicate members of the PNP and the Philippine Coast Guard, such the Atimonan Massacre and the Balintang Channel Incident; to uncovering the motherlode of all corruption investigations or the so-called PDAF and Malampaya Scams that implicated sitting members of the Senate and other former and incumbent members of Congress; the tragic Mamasapano Incident; to the present controversies involving the Vice President of the Philippines, members of his family and the machinations they have resorted to in order to obfuscate the issues and undermine the legitimate efforts of authorities to shed light on the Truth - these are all but some of the challenges that I and this administration have faced in the past five years; and that we did not cower facing them is our testament to our commitment to leadership with integrity.

My father's philosophy and the President's leadership by example helped me to initiate key reforms that helped strengthen the process of our criminal justice and bring back its integrity. These include, among others:

- Looking inwards to the DOJ and **ensuring that we clean up our own ranks**. I freely admit that one of the greatest challenges faced by our institutions are questions raised about the integrity of the "guardians of justice". In fact, a few weeks ago, you may have heard on the news that one of our Assistant State Prosecutors was preventively suspended in relation to cases filed against him arising from a successful entrapment operation that I myself gave the go signal for.

A Latin phrase by the Roman poet Juvenal now comes to mind: "*Quis Custodiet Ipsos Custodias*"..."Who guards the guardians?"

More often than not, the answer is: ourselves.

Thus, we had to work that much harder to protect the good name of the DOJ and, in so doing, emphasize that wrongdoing and worse, infidelity to the service and the oaths that we took as lawyers and as public officers, will not be tolerated.

This is why we launched the **Code of Conduct in the Prosecution Service** in which we emphasized the utmost importance to adhering to ethical standards.

This is why we established **Internal Affairs Units** to create uniform and transparent procedures for the consideration, investigation and resolution of administrative and disciplinary proceedings against our own people.

And this is also why we launched strategic initiatives that seek to improve the operational efficiency of our prosecutors, such as the ongoing implementation of the **Strategic Performance Management System**, wherein appropriate performance indicators are employed in measuring prosecutor performance.

- On the level of national policy, we are advocating the passage of the **Criminal Investigation Bill**, for which public hearings are currently ongoing. This Bill seeks to streamline our cumbersome criminal justice process and improve institutional efficiency at the level of the investigating agencies as well as the courts by infusing or integrating the roles of the investigator and prosecutor in evidence gathering and case build up in order to achieve a higher success rate in prosecuting cases in court.

We are also advocating the adoption of the **New Criminal Code**, which will be “truly Filipino”, and is an updated and simplified version of our 83-year-old Revised Penal Code. The New Criminal Code is designed to be responsive to modern-day situations, improve the administration of justice in the country, and enhance access to justice for the poor and other marginalized sectors.

If passed, we believe that both of these laws will go a long way in restoring public trust in our criminal justice system.

But you might ask: what relevance do my stories and experiences have to the process of internal auditing?

*Simple lang po.*

In the same way that the President’s “*Daang Matuwid*” became the new normal for all of us in government, so should it be your mantra as internal auditors as well.

That way, you can never lose your way. That way, you can be like superman.

How do you go about doing this?

The way I see it, your job as internal auditors involves assessing three things: institutional risk, corporate governance, and integrity of operations.

Remember...whenever you give your seal of approval, your thumbs up as an auditor, you reveal a little bit about yourself. You are in effect telling the world the kind of principles and ideals that you hold in the highest esteem. In revealing yourself...your measure...your standards...you can motivate others to aspire to the same principles.

That's not so different from my job as Secretary of Justice.

Of course, the context of your work is a little different. Your goal is to help the enterprise pursue its vision and goals. To be effective, you must be able to plan, lead, organize, control, and communicate. You must have the trust and confidence of the board and all other stakeholders. All the while being utterly objective and morally upright.

This is no small feat.

Much of your work has to do with ensuring the integrity and accountability of your respective institutions. Even though your work is largely in the private sector, this is no less consistent with the principles behind the "*Daang Matuwid*".

This is the new normal that you must adopt.

From my perspective as a public servant, whose job it is to uphold justice and the rule of law, here is what you can do to meet the challenges of good governance.

First, understand and take to heart to the World Bank's **five principles of good governance**<sup>4</sup>: accountability, transparency,

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<sup>4</sup> See Kaufmann-Kray-Mastruzzi, Worldwide Governance Indicators, World Bank.

responsiveness, effectiveness and efficiency, and stakeholder participation.

Finally, you would do well to remember the favorite battle cry of Filipino Davids facing their own Goliaths, that is no less applicable to the boardroom as it is to a boxing ring or a basketball court: **“PUSO!”**

*Opo, kailangan natin ng puso upang gawin ang mahirap at gawin ang nararapat.*

Given all the risks and challenges that you face as internal auditors, the challenge before you is clear: it is time to step up to the new normal, where there is no room for hesitation or doubt, where determination and drive to do what is right and just is as important as know-how and expertise.

Are you ready to take up the gauntlet?

*Maraming salamat at magandang hapon sa inyong lahat!*

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