



DEPARTMENT OF JUSTICE

*On the Occasion of the Integrated Bar of the Philippines Induction South Cotabato
and General Santos City (IBP SocGen)*

19 June 2015
GreenLeaf

SPEECH

by

LEILA M. DE LIMA
Secretary

Good evening!

It is an honor to be invited, once again, to be the inducting officer of the new set of officers and members of the Integrated Bar of the Philippines South Cotabato and General Santos City (IBP SocGen) Chapter, and, as such, to bear solemn witness to an oath-taking ceremony that is specifically attuned to the theme of "Renewing Our Faith on the Rule of Law".

Occasions such as this are, by nature, all about new beginnings, fresh starts, and the opportunity to look back to the past and, from there, determine how to approach the journey towards the future.

This sentiment holds, not just for the IBP, but, on some level, for the entire nation as well.

Just think, in a few weeks, President Benigno S. Aquino III will be delivering his last State of the Nation Address as the fifteenth (15th) President of the Republic of the Philippines.

Even now, public discourse in various fora, among members of the public, academics and experts or analysts alike, are focusing on the personalities who could possibly be our next Chief Executive.

Whether we admit it or are conscious of it or not, everyone of us is thinking about the future, and what it has in store for us, as a nation, as legal professionals and as ordinary citizens.

Thus, there is absolutely no question that this is a time for reflection; a time to determine for ourselves the kind of future we want to attain and, consequently, the kind of leaders we want to lead us there; a time to reassess our priorities; and, yes, a time to renew our affirmations and commitments.

Some may think that now is way too soon to be thinking about these potentially game-changing events. But that would be an error, I think. Firm decisions may be made months from now, but the mental process of reaching those decisions should be operating even now. We cannot be the Filipino people whom wily, so-called "charismatic" personalities believe they can manipulate and lead on by appealing to our passions and forgiving nature.

We have to be more deliberative than that. We have to be smarter than that.

Thus, that I was chosen to be a part of this new beginning for the leadership and membership of the IBP SocGen Chapter has struck a chord in me personally, and has led me to reflect on the past seven years I have spent in public service.

While I am deeply appreciative of being thought of as – and, to be clear, I am quoting here – "an exemplary and ideal public officer," who is among those who "remain steadfast and unbending in defending and protecting what is legal and just," I must say that such a glowing review from among my fellow members in the legal profession is simultaneously a humbling honor, and a daunting ideal to live up to.

I know for a fact that there are those who would disagree, especially in my capacity as Secretary of Justice, where incurring the ire of critics and, perhaps, the enmity of powerful and influential people who become the subject of investigations by the Department, is part and parcel of the act of discharging the Department's various mandates.

Whether it is disbarment, contempt or other cases filed against me, personally, by aggrieved parties in cases or matters handled or investigated by the Department and its attached agencies; or against the

office itself in an attempt to curtail its powers and stop – or, at least, delay – the uncovering of the Truth; or personalities issuing statements before the media questioning everything from my motives and competence, or stooping so low as to level personal attacks against me – there are those who, shall we euphemistically say, are “unhappy” with certain actions that I have taken as Secretary of Justice.

But, truthfully, I cannot bring myself to regret anything.

I have come to know this world of public service well enough to realize that, with a post as critical and powerful as that of head of the Department of Justice, making enemies is inevitable – and much more so when one is determined to do one’s job faithfully and steadfastly.

After all, in a less than perfect world, those who stand for Truth, Justice and Right will always be faced with challenges.

But because I take the honor you have given me very seriously, I have taken the time to reflect about what it means to reaffirm our faith in the Rule of Law.

I believe that, to reaffirm our faith on anything requires that we, at least, understand what it means.

What *does* the “Rule of Law” mean?

I recall thinking this when I heard about a reaction to the historic referendum in Ireland on same-sex marriage, whereby the Irish people resoundingly voted in favor of legalizing same-sex marriages. It is historic because, while many other countries and states have passed similar laws through their legislature, it is the first time that a State did so by direct popular vote: In other words, the people’s voice were directly heard.

Some people find it questionable why such an issue should be put to a vote in the first place, apparently on the premise that the existence of rights, *i.e.*, the civil rights of a minority, should not be decided by popular vote, that they just *are*.

While that is absolutely true, that rights do exist whether or not they may be recognized, it must be understood that the Irish referendum is *not* about deciding whether such right exists *per se*, but, ultimately,

whether the Irish people agree to give legal protection to such right. It is an act that transformed what *is* into something that is the subject of a pact, that is, to make it part of the Social Contract that allows or empowers the State to employ its machinery to recognize, protect and defend it.

That is what the Law is about. It is part of the Social Contract.

I am, thus, moved to ask you, first and foremost, to reevaluate what you deem the Rule of Law to be, in order that the reaffirmation of your faith in it will have greater meaning.

Somehow, I have a feeling that we don't all share the same perception of what the Rule of Law is. In fact, I have the camp of the Vice President of the Philippines implying that I don't know what "Rule of Law" means....

I think some people's definition of "Rule of Law" tend to shift with the ebb and flow of personal interests.

Well, if the version of the "Rule of Law" that they subscribe to is one that does not honor the very basic, Constitutionally enshrined principle on accountability of public officials; or one that favors public officials' act of obscuring the Truth and resisting Transparency in public office, through evasive manoeuvres and hiding potential witnesses – then, yes, I do not subscribe to that interpretation of the "Rule of Law".

I believe in the "Rule of Law" that serves the purpose for which it was established – the protection of the public interest, the triumph of Right over Wrong, of Justice over Impunity, Good over Evil. After all, the "Rule of Law" is part of the Social Contract – it does not exist so that it can be manipulated to ensure that corruption and criminality goes unpunished. It exists to defend and protect what is legal and just, and not what is illegal and unjust.

I believe in the Rule of Law that accounts for the Spirit as much, if not more so, than the strict Letter thereof – especially where the latter fails to serve the purpose for which the Law was laid down in the first place, but, worse, where it is being used *contrary* to such purpose.

As lawyers, we all know that issues are sometimes not so easy to resolve in black-and-white terms. There are problems and dilemmas

that are much harder to resolve than others; where we are asked to exercise, not just our mental faculties, but also our ethical and moral fiber; where, sometimes, responding to the call of our instinct could spell the difference between the right and wrong decision.

That goes ten-fold when one is in public service, and perhaps a hundred-fold when one is the Secretary of Justice.

Whether it is the former President attempting to leave the country, under such hasty and questionable circumstances that indicate that the intent is to avoid being held accountable for charges being leveled against her; or investigating large-scale public fund scams that reach the highest echelons of power in one branch of government; or issuing a requested legal opinion regarding a situation involving a powerful political family, the patriarch of which is no less than the Vice President of the Philippines; or making a decision as to whether or not to allow an attached agency to release a foreign national, who is alleged to be fugitive from justice from another State; or investigating a popular political personality, whose own statements appear to indicate an admission that he is not above being involved in acts of extrajudicial killing or summary executions – I am no stranger to facing outsize challenges.

Whether or not my actions prove equal to the high standards of my colleagues in the legal profession, there is one thing that I can say without hesitation and in all candidness: I operate and decide on sensitive matters on the basis of my gut feel or intuition within what I can honestly and truthfully justify as being within the boundaries of the law. I respond to those challenges by asking myself, as one of my favorite authors Malcolm Gladwell put it, “Should I play by the rules or follow my own instincts? Shall I persevere or give up? Should I strike back or forgive?”

For my part, more often than not, the dilemma may seem so difficult and even impossible at first; but, eventually, I realize that there is only one answer: to do what I believe is right and defensible under the circumstances. That is the only course of action that I can choose for, then, I can rest knowing that I will have no reason to regret my decision because I did what I could in that place and at that time.

With that kind of mentality, I have learned not to shrink before difficult situations and problems. In fact, I embrace them for, as Gladwell once said, “... the act of facing overwhelming odds produces greatness and beauty.” I am for that: greatness and beauty.

Greatness and beauty, not as it reflects on me, but as it reflects on public service. The greatness and beauty of a government that really *does work for the people*.

This, now, is the question that I pose to you. After determining what the "Rule of Law" means to you, you must now ask what role you see yourself playing in promoting and defending it.

Will you be the lawyer that devotes his knowledge and skills to manipulating the law that it becomes so twisted that it is unrecognizable; that wrong becomes right, and right becomes wrong; and that violations of our Social Contract goes unpunished?

Or are you the lawyer that this Filipino nation needs and deserves? The lawyer who will defend the Rule of Law, as it serves its function within the Social Contract, above all? The lawyer who, in the words of IBP SocGen Chapter President Lagare-Academia will "remain steadfast and unbending in defending and protecting what is legal and just" so that "our country [may] stand(s) a good chance of being a true haven to law-abiding citizens"?

Will you be the Unbent and Steadfast defenders of the true Rule of Law?

Or are these words and aspirations meaningless to you?

That is my challenge to you: be true to yourself and answer these questions.

Ask these of yourselves before you take an oath that, depending on your answers, you might not have any business taking in the first place.

For the oath you will be taking will mean either Greatness and Beauty for the Legal Profession, or Worthlessness and Ugliness.

Be careful what you choose. For this is a night of fresh starts and new beginnings. Do not waste it, but make the most of this opportunity.

Good evening and thank you once again for this honor.

May God bless and guide the new members and officers the IBP SocGen Chapter!