

## *Fealty to the Rule of Law*

**Associate Justice LUCAS P. BERSAMIN**

Special En Banc Session  
Oath-Taking Ceremonies  
For the Successful 2017 Bar Candidates  
Plenary Hall  
Philippine International Convention Center  
Roxas Boulevard, Pasay City  
June 1, 2018

---

I congratulate all the 1,724 successful candidates for passing the 2017 Bar Examinations. Your number represents 25.55% of the total of 6,748 who actually completed the examinations last November. I am proud and elated to have served as your Chairman.

I specially congratulate the 23 among you, led by Mark John H. Simondo of the University of St. La Salle in Bacolod City, who landed in the Top 20. The Bar Committee decided to publish your names last April 26, 2018 simultaneously with the announcement of the results in order to publicly recognize your commendable performance. I am quite sure that your landing in the Top 20 has made you bask in the limelight since then. The publication of the Top 20 this year is intended to motivate all future Bar candidates to exert their utmost during the examinations.

I thank the Supreme Court for giving me this singular honor of chairing the 2017 Bar Examinations. Being the Chairman has been a formidable and daunting responsibility. The ever-present prospect of leakage of the identities of the examiners and even of the examinations,

whether true or merely rumored, and whether deliberate or accidental; of typhoons and massive flooding; of terrorism and similar calamities, natural or manmade, that could disrupt the conduct of the Bar Examinations was too scary to contemplate. Fortunately for me, the prospect did not materialize.

I feel greatly relieved that my responsibility as the Bar Chairman ends today, though not the work. I still have to sign 1,724 certificates of admission to the Bar. I seize this occasion, then, to say *Thank you!* to the many individuals and institutions who helped me discharge my responsibility – the Dominican community of the University of Sto. Tomas, for generously sharing again their campus and services; Mayor Estrada and the City of Manila, for giving their unqualified and material support for the examinations throughout the whole of November 2017; General Coronel and his hardworking officers and men, for ensuring the safety of the candidates and the security of the UST campus and its surroundings; the NBI Anti-Terrorism Task Force led by Atty. Manguerra, for deterring potential terrorist disruptions; the K-9 units of the Coast Guard and the PNP; the barangay officials and volunteers in Sampaloc, Manila; the officials and personnel of the Supreme Court, especially those from the Office of the Bar Confidant, led by Assistant Bar Confidant Atty. Amor Entila; my lawyers and administrative staff led by my former chief of staff, my daughter, RTC Judge Pia, for their dedication and commitment; and the Bar Examiners, for sharing their incomparable talent and precious time.

Most of all, I thank my wife, Rorie, for sharing my sacrifices and overlooking my faults during the difficult period of preparing for and administering the examinations, and for not insisting too persistently

that I reveal to her even in strictest confidence who the examiners were before their task of completing the corrections was fully accomplished.

Believe it or not, all of these individuals and institutions were my co-principals by indispensable cooperation in the administration of the 2017 Bar Examinations.

In January of 2017, the core group of law deans reached out to me as the Bar Chairman and formally requested that the examinations should be through entry level questions and problems. Before then, the deans consistently complained of the intrinsic unfairness of examinations containing Q&As too difficult even for lawyers to comprehend and solve. In that meeting, I requested the deans to give me an idea of what entry level Q&As meant by way of examples. In due time, the deans submitted sample Q&As, which gave the Bar Committee a fair idea of entry level Q&As. In finalizing the examination for each subject, my legal staff and I then carefully crafted the questions and problems along that idea. In my humble view, that rapport with the deans substantially contributed to the fairness of the examinations. Let us thank all the law deans by giving them a round of applause.

In mid-2016, I began to prepare the lists of potential Bar Examiners. I defined three criteria to guide me. The first was the health of the examiners. This was because the number of candidates was expected to exceed 7,000. That number reached 7,227 candidates actually admitted by the OBC. The second was expertise in the subject. I wanted to make sure that no examiner who was not a master in the subject would be selected. This was to ensure fairness in the correction.

And the third was availability. I knew from personal experience as the Bar Examiner in Remedial Law in 2008 that the period for correction, if it would be ending by mid-April of 2018, would not be enough unless the examiner devoted his or her time and energy mainly to the correction. I then listed at least three names per subject, and lost no time seeking them out individually and very confidentially. If they were willing, which most of them were, I had each of them submit handwritten suggested Q&As. This process, tedious and difficult to almost all of them, enabled me to prune the lists to two per subject by June 2017. Meanwhile, any name in my lists that often cropped up in academic circles was quickly deleted. There were other reasons for deletion from the lists. At least two begged off for health reasons, while three soon shied away once the number of candidates rose to 7,000. By September, the list thinned down. I finalized the roster of examiners at the start of October.

To have finally enlisted legal experts and scholars as Bar Examiners has been my happy experience. In these proceedings today, therefore, the Supreme Court has authorized me to perpetuate their service as 2017 Bar Examiners by handing a fitting token to symbolize their invaluable service. May I have Bar Confidant Atty. Layusa and Assistant Bar Confidant Atty. Entila hand over the tokens after a brief introduction of each examiner.

For Political Law: **Retired Commissioner Mehol K. Sadain** - He graduated 16<sup>th</sup> in the UP Law Class of 1986. He has been a recognized Muslim scholar. He served as a Commissioner of the Commission on Elections and retired as such. He also served as Commissioner of the National Commission on Muslim Filipinos. At

one time, he chaired the Committee that administered the Sha'ria Bar Examinations. The passing percentage in his subject was 21.11%.

For Labor Law: **Retired Justice Francisco P. Acosta** – He was a consistent full scholar and ranked 5<sup>th</sup> in the Class of 1971 of San Beda College of Law. He was the Bar Examiner in Legal Ethics and Practical Exercises in 2008. He retired as Associate Justice of the Court of Appeals. His subject had a passing percentage of 22%.

For Civil Law: **Dean Arturo M. De Castro** - He graduated *cum laude* and was the salutatorian of the UP Law Class of 1970. He earned his degree of Master of Laws, and degree of Doctor of Jurisprudential Science at the University of Michigan in Ann Arbor. He served as an Associate Dean of the UM College of Law, and was the Dean of the College of Criminology, also at the UM. The passing percentage in Civil Law was the highest of all, at 59.70%.

For Taxation: **Prof. Leonor D. Boado** – She is a Certified Public Accountant. She graduated *magna cum laude* and was the valedictorian of the UE Law Class of 1996. She is a former Director of the Fraud Audit and Investigation Office of the Commission on Audit. She has been a respected law professor. She is the author of the sought after textbook in Criminal Law. Her subject accounted for a passing percentage of 23.77%.

For Mercantile Law: **Prof. Raul T. Vasquez** - He graduated *cum laude* and was the salutatorian of the UP Law Class of 1987. He teaches law at his Alma Mater. He is a Senior Partner of the Zamora

Poblador Vasquez & Bretana Law Offices. 21.38% made it in Mercantile Law.

For Criminal Law: **Atty. Alexander A. Padilla** - He ranked 8<sup>th</sup> in the UP Law Class of 1981. He has actively practised law since becoming a lawyer. He is a former President and CEO of Philhealth. He served as the Chairperson of the Government Negotiation Panel for the peace talks with the CCP/NPA/NDF. Only 17.67% made the grade in Criminal Law.

For Remedial Law: **Dean Willard B. Riano** - He graduated from the San Sebastian College of Law of Manila in 1981, and landed 20<sup>th</sup> Place in the 1981 Bar Examinations. He has authored textbooks in Remedial Law. He is a former Dean of the UE College of Law, and prior to that of the San Sebastian College of Law. Remedial Law had a passing percentage of 47.98%, surpassed only by Civil Law and Legal Ethics and Practical Exercises.

For Legal Ethics and Practical Exercises: **Associate Justice Mario V. Lopez**. He graduated *cum laude* from the San Beda College of Law as a member of the Class of 1980, and was among the Top 30 in the 1980 Bar Examinations with an average of 85.05%. He completed the academic requirements for a degree of Master of Laws in 1988. He served as an RTC Judge in Batangas City, but is now an Associate Justice of the Court of Appeals. 52.07% of the candidates made it in this subject.

Once more, let us applaud the Bar Examiners to show our gratitude and appreciation for a job well done.

A few minutes from now, you, the 1,724 successful candidates, finally take the Lawyer's Oath. You will thereby publicly commit yourselves to an enduring fealty to the ideals of Law, Morality, Honesty and, above all, Justice. Do so proudly and in all sincerity, for no other profession demands such fealty. Upon taking the Lawyer's Oath, you will become entitled to assume the title of Attorney-at-Law. The significance of your assumption of the title should be indelible to you. Hereafter, you shall commit yourself to the Rule of Law – the recognition that ours is a government of laws, and not of men, and the abiding belief in law – a tenet defining our republicanism. This tenet is an indispensable pillar on which to erect our democracy. Its principal ingredient is respecting the institution of the courts and of the duly constituted authorities. Without fealty to the Rule of Law, our Republic would not be firm but shaky, and our Nation would be fractured by regionalism, parochialism, religious bigotry, and cultural differences. We would not survive any turmoil and turbulence.

The Rule of Law guarantees our freedom to live our own lives. It restrains the all-powerful forces of Government from invading the privacy of our homes and diminishing our valued personhood; deters rapes, killings, robberies, and other crimes from being committed with abandon; ensures that our children and their children will still have a safe haven and home as they come into their own; moderates the competing self-serving rights of individuals; and enables the oppressed to unshackle themselves from their misfortune.

I exhort you to be vigilant as lawyers. Do not permit any fellow lawyer to defect from his or her fealty to the Rule of Law. Letting that

happen may forfeit our right to expect non-lawyers to observe the Rule of Law.

Our system of republicanism has allocated the vast powers of governance and authority among the three great but co-equal and coordinate departments. The separation of such powers implies a system of checks and balances among them. We cannot disturb such separation of powers by weakening the system of checks and balances among them. Let us not forget that our republicanism is not an absolutely popular system but a representative one, and the people at large have delegated the exercise of their sovereignty to the officials in the three great departments. Our Constitution has wisely designed for two of the great departments to be run by elected representatives, but not the third, the Judiciary, whose officials, being non-political, are not elected. Oftentimes, the role of unelected Justices and Judges has been assailed, not necessarily to undermine their authoritativeness, but more to express disappointment over some judicial results. We in the Supreme Court cannot resent such expressions of disappointment unless they tend to diminish respect for the institution of the courts and for the Rule of Law. Still, Justices and Judges may not defend themselves in public. Nor may they engage in public argument and debate on issues passed upon or still to be passed upon by their courts.

Mechanisms for holding Justices and Judges accountable to the sovereign people are in place. They should not be bypassed by anyone who is disappointed over judicial results. Doing it differently may disturb the separation of powers and undo an age-old constitutional structure.



When, however, unreasonable resenters and intolerant skeptics exceed the boundaries of propriety and orderliness, they directly threaten the institution of the courts, and erode fealty to the Rule of Law. The principles of free government are then mercilessly scorned and perverted. The reputation of the courts is disparaged. At that hour when disrespect for the courts and their judgments becomes rampant, and when the very ramparts of our constitutional democracy are assailed, lawlessness and disorder may badly tear the moral fabric of the Nation. Then, we really need the leadership of the lawyers. Then is the time for lawyers like you to come out openly to defend the institution of the courts and of the duly-constituted authorities, regardless of whether you agree or disagree with the rulings and outcomes of controversies. If you don't, the day of anarchy and lawlessness may be upon us before we know it, and it will be too late.

Let us always detest and reprove a fellow lawyer who joins a public demand for disrespecting the courts and their rulings. Let us rethink that strategy lest you and that other lawyer become unworthy of the Lawyer's Oath. If that happens, you would thereby assault the Judiciary of which you are but its mere officers. You should first turn in your certificates of admission to the Bar issued by the Supreme Court before imposing yourselves upon the standing Constitutional system.

In so urging, I am not in the least hinting that you cannot criticize the Supreme Court or the lower courts. You must really do so at times, or even a lot of times, because that is your right as citizens. But we must agree at least that the right to speak in criticism cannot be unbounded. Judicial guidelines of when and how to criticize the courts,

particularly the Supreme Court are clear. Consult those guidelines before you lose your privilege of membership in the Bar.

As lawyers, always deal with the courts, your clients, adversaries and fellow lawyers with the highest degree of professionalism and civility. Bring a fair dose of sincerity and personal integrity everyday to your work and leisure. There is no distinction between your professional self and your personal self. How low can the regard for a lawyer get because he or she is dishonest, or duplicitous, or malicious, or fraudulent, or unreliable. How high can the esteem of his or her peers go for a lawyer who is sincere, honest, straightforward, and reliable. Remember always how a great American jurist aptly characterized the esteem of a lawyer by his or her peers:<sup>1</sup>

That esteem is won in unique conditions and proceeds from an impartial judgment of professional rivals. It cannot be purchased. It cannot be artificially created. It cannot be gained by artifice or contrivance to attract public attention. It is not measured by pecuniary gains. It is an esteem which is born in sharp contests and thrives despite conflicting interests. It is an esteem commanded solely by integrity of character and by brains and skill in the honorable performance of professional duty.

### **Petition for Admission**

**Mr. Acting Chief Justice and my esteemed colleagues in the Court, I hereby respectfully present to you the 1,724 successful candidates of the 2017 Bar Examinations.**

---

<sup>1</sup> Chief Justice Charles Evans Hughes, *Remarks in Reference to the late George Wickersham*, 13 Proceedings of the American Law Institute, 1936, pp. 61-62.

**For their having passed the Bar Examinations, I respectfully pray that they be admitted as members of the Integrated Bar of the Philippines.**