

**2017 Bar Oath-Taking Ceremonies**  
*Address to the New Lawyers*

**By**

**Hon. Teresita J. Leonardo-de Castro**  
**Supreme Court Associate Justice**

**1 June 2018**  
**Pasay City**

My most esteemed colleagues, Acting Chief Justice Antonio T. Carpio, Associate Justices Presbiterio J. Velasco, Jr., Diosdado M. Peralta, Lucas P. Bersamin, Mariano C. del Castillo, Estela M. Perlas-Bernabe, Marvic Mario Victor F. Leonen, Francis H. Jardeleza, Alfredo Benjamin S. Caguioa, Samuel R. Martires, Noel G. Tijam, Andres B. Reyes, Jr., and Alexander G. Gesmundo, our hard-working Bar Confidant Atty. Ma. Cristina B. Layusa, Supreme Court officials, our respected Bar Examiners, our dear successful Bar examinees, their families and friends, and other honored guests, good afternoon.

First of all, I would like to thank Associate Justice Lucas P. Bersamin, Chairman of the 2017 Committee on Bar Examinations, for this opportunity to address the passers of the 2017 Bar Exam on this momentous occasion of their taking of the Lawyer's Oath. It is an honor that I take seriously and with humility. I cannot help but be nostalgic as I stand here at the twilight of my own legal career as I am retiring this year, while your journey as lawyers is just beginning. Justice Luc's request has led me to reflect on my continuous forty-five (45) years in the legal profession, all of them spent in government service, in only two government institutions: the Department of Justice and the Judiciary, first in the Sandiganbayan and later in the Supreme Court. How did I find my way to the Supreme Court? *Sipag, tiyaga*, and of course, loyalty to the institution I serve. In my speech today, I hope to impart to you some of the lessons I have learned and what wisdom I have gained from my experience.

Before I go into the main substance of my address, Justice Francis's speech reminded me of an incident at the start of my professional life that I want to share with you. As a fresh law graduate, in 1972, I also had an interview with one of the premier law firms in our country. I remember that I was asked if I had any plans to get married in the near future. I was told that there was only one female associate then working in that firm. At that time, she was on the family way and I was informed that she was assigned administrative duties and not legal work. Although unsaid, the implication was that family life may interfere with my work. This was the early seventies when women comprised but one-fourth of my UP Law batch. Very few women then were hired by law firms. Ironically, the day that I received the call back from that firm to meet the partners for a job offer happened to be my wedding day. So I decided to forgo my spot in the firm and instead joined the Supreme Court as a law clerk. I never regretted that decision. Nevertheless, I am glad to note that female law graduates today have the good fortune not to be

confronted with that kind of a dilemma. Over the decades, more and more women graduate from law school, rise up the ranks in all fields of law and hold high positions in various organizations, both private and public, and with many of them maintaining a healthy family life. Since 2006, the Philippines has consistently placed among the top ten countries in the world and number one in Asia for closing the gender gap in terms of economic participation and opportunity, educational attainment, health and survival, and political empowerment.

Who knows? Maybe forty years from now, one of the young ladies here today will stand in my place and address the new lawyers as a member of the High Court. Although I would like it even better, if there will be at least eight women sharing this stage in the future, preferably within my lifetime. Imagine a Supreme Court majority composed of women. Imagine it, ladies; you can make it happen.

At this point, let me include the men in my speech lest they think I have forgotten them.

Let us start with the question: What traits and values should successful lawyers have?

I believe the foremost of these would be diligence and perseverance. It does not matter if you have a brilliant legal mind if you are not willing to put in the hours of grueling work, that your legal duties will demand of you.

That all of you have superior academic ability is a given. Not everyone has the intellectual, emotional, and physical discipline to survive law school and graduate from it. Moreover, of those who managed to finish their law studies in the past year, you comprise the top 25% of all law graduates in the country who took the Bar Exam. That is no mean feat and I heartily congratulate all of you, your parents and loved ones. However, you will find in your law practice that to advance in your career you will have to be the one who goes the extra mile, pays attention to the minutest details, and puts in the needed time to finish the work and do it well.

You will not regret all that toil and sacrifice because excellent work speaks for itself. Superiors will remember you, give you challenging assignments and entrust you with responsibility. You can take pride in that your advancement in the work place is wholly deserved. If you painstakingly build a reputation for consistently turning in high quality output and for being dependable in the office, then there is no limit to what you can achieve in this profession, be it in private practice or the public sector. Dream it, work tirelessly for it, and you will have it.

Something as simple as diligence helps you avoid playing politics because you rely solely on your work's merit to get ahead. I have had a 45-year career in public service that steadily progressed through the terms of seven presidents, seven different administrations, precisely because I do not play politics and simply do my job to the best of my ability and in accordance with the dictates of my conscience. Only those who do not know me at all or who hate my guts will say otherwise. It is

pure folly to build a career on patronage, whether you work in a private firm or a government agency. Not only will it hamper you in the proper discharge of your lawyerly duties but it also does nothing to ensure job security.

Hard work, mastery of your craft and integrity will assure you of longevity in this profession.

Yes, you will encounter people who might be promoted ahead of you because of a carefully cultivated glittering persona and a talent for self-promotion or credit-grabbing, instead of any substantial accomplishment. In our day, we quietly dedicated ourselves to the assignment at hand, behind the scenes, and did not anticipate that any recognition will follow. In your time, elements of commercialism and even show business have inevitably seeped into the legal profession and you will meet some members of the Bar who actively seek celebrity status and the limelight which do not befit the dignity of our vocation.

Resist the temptation to be like these people. Firstly, that sort of behavior is frowned upon by the Code of Professional Responsibility. Rule 3.01 of the Code provides that “[a] lawyer shall not use or permit the use of any false, fraudulent, misleading, deceptive, undignified, self-laudatory or unfair statement or claim regarding his qualifications or legal services.” Secondly, these lawyers who obtain fame or high positions in their organizations easily are more likely not to value what they have or lose sight of the responsibilities attached to the position. They believe their own hype and lose humility. When they attain a position of authority without real effort, they tend to be blinded by power and intoxicated by the perks and the privileges attached to the position. You will see it many times in your careers that those who rise too fast, often fall just as quickly. As Justice Francis said earlier, the arrogant ones will always have their comeuppance. My wish is that none of you will ever be prey to that kind of hubris.

Beyond the physical exertion that we put into our work as legal professionals, lawyers must have the intellectual discipline to never cease being students of the law. Canon 5 of the Code of Professional Responsibility exhorts us “to keep abreast of legal developments, participate in continuing legal education programs, support efforts to achieve high standards in law schools as well as in the practical training of law students and assist in disseminating information regarding the law and jurisprudence.” Let me stress the last part – assist in disseminating information, not misinformation, regarding law and jurisprudence.

I recently read and really enjoyed the book “The 50<sup>th</sup> Law” by 50 Cent and Robert Greene. Although that book was not about the legal profession, there is a discussion there warning against generalization and oversimplification which I find applicable to what we do. We should not be unduly bound by models or general principles, without regard to the factual milieu of the case in point. Do not fall into oversimplification for “real life problems are neither closed nor simple.” There is danger in “too much consistency in seeing situations as similar when they are in fact different.” Remember the tricky questions in the Bar Exams? We must have a discerning and critical eye when confronted with diametrically opposed opinions.

As law students, we were taught that we should form our legal positions based on primary source materials – the language of statutes and prevailing rules, the full text of Supreme Court decisions, verified facts, and the evidence itself. Professors tell law students not to rely on case digests and always read cases in the original. Yet, it is unsettling that there are members of the legal profession, who form passionate opinions by relying on news reports, media interviews, infographics, and the social media posts of others.

Perhaps due to the pressures of work or study, it is expedient to adopt the views and the sentiments of the people within their circle – a family member, a law school friend, a favorite law professor, or a hotshot lawyer they’ve been following on social media for so long that they *think* they know them. Due to the trust and sympathy they may bear for these people, they have no qualms parroting their opinions. They consider their enemies their enemies too out of a sense of loyalty.

But let us be critical thinkers. The people we love or admire do not have the monopoly on truth or legal expertise. Be discerning and look into their motive and their background. You cannot discount the possibility that the truth or the correct legal opinion may very well come from the lips of someone you hate. What is required of you is to have the clarity and the objectivity to recognize the truth or the validity of an opinion regardless of who speaks it.

There is an old saying: Don’t shoot the messenger. It embodies the commonsensical notion that you must always separate the statement from the person making it. *Ad hominem* attacks, “poisoning the well” on one hand and appeals to authority, emotion or sympathy on the other are all personality based arguments that are invalid. They are logical fallacies and you learn that not even in law school, but in basic philosophy from your freshman year of undergraduate studies. In law school, you were taught what are binding and not binding legal authorities, how to prove allegations, and how to evaluate the truth of statements and the credibility of evidence. This is what we, Justices, and other members of the Bench do daily. For someone with legal training, there is no excuse for lazy reasoning and I fully expect that all of you would refrain from publicly issuing an opinion without personally studying the facts and the law involved, even in an informal or social setting, especially about pending cases. There is no shame in admitting that you have not studied an issue instead of putting forth an erroneous opinion based on incomplete information or unreliable sources. It is in this way that you fulfill your obligation to provide only accurate and truthful information regarding legal matters and contribute to elevating the level of legal discourse in our country.

After you have studied an issue and intelligently formed your legal opinion, the greater challenge is this: If you find that your view is not shared by most in your circle or peer group, would you still voice it out and allow it to be held up to scrutiny and most likely criticism? Will you act according to what you honestly believe is the correct legal solution to a case or controversy despite knowing that your action would be unpopular? In this world where we are now so interconnected

through technology, many would place a high premium on social acceptance. There are those in your generation who think being “unfriended” on Facebook or losing followers on Twitter is a catastrophe. There may be a few among you who fear that some talented netizen would Photoshop your most unflattering photos and make a viral meme out of them. If you truly subscribe to the popular view and you let that guide your legal decisions, then good for you. Doing that doesn’t require you to be brave and entails no personal cost. It makes you feel safe and secure. However, I ask, will there ever be a time that you will be moved to be courageous? In those instances when you know your opinion or your action will be subject to intense opposition and public ridicule, will you have the moral courage and fearlessness to speak the truth and stand by what you believe is right? I fervently pray that you will.

There is another type of diligence that I see as crucial in our line of work and that is the conscientious compliance with the law and the rules and regulations that apply to our profession – in other words, an ethical diligence. The rationale for this is not difficult to understand. As lawyers and jurists, we play vital roles in the administration of justice and the maintenance of order and the public good. Legal professionals should be models of obedience to the law and the rules. We are expected to strictly adhere to a code of conduct. There are the clever ones who might get away with noncompliance with seemingly innocuous rules. For young lawyers, starting out at a job and stressing over cases or reports, it might seem like there are requirements too insignificant to bother with, especially when there is more urgent work to be accomplished. My advice to you which you should take to heart is this: There might even be the rare occasion when it is a superior who would order you to break the law. Do not obey. There is no justification for obedience in that situation. That superior of yours might someday disavow you and leave you to face the music alone. You should be wiser than to follow unlawful orders that may cause the possible loss of your livelihood, your professional reputation, and even your liberty.

Even better if you just follow the law simply because it is the law, not because you fear punishment or you expect to be rewarded for it. That is what honor is all about – to do the right thing even if it gains you nothing and not because you seek praise or some material benefit or advantage. From the very beginning of your careers, please make it a habit to practice ethical diligence.

Another value that is vital in the honorable practice of law is respect. It is imperative that our people respect the justice system for it to be effective. There is no better way to ensure the faith of our people in the courts and the supremacy of the Constitution and the law than our collective effort to maintain the dignity of the Judiciary and our fellow lawyers. We can do that by giving each other due respect and professional courtesy.

You know what it took to get here to this day, to finally become a member of the Bar. That person beside you now, and all the persons who were admitted into the legal profession before you, went through the same struggle, the same

hardship as you did. If only for that reason, your colleagues in the profession deserve your respect.

Surely, you realize that you will not win cases if you shame opposing counsel or the judge. But that's the way to go if you want to be cited in contempt. How will you obtain your colleagues' respect if you resort to personal attacks and to questioning their good or honorable intentions? There is always a way to win your cases with honor and there is always a way to issue a strong and powerful opinion without disregarding the rules of civility and simple decency. If you cannot find the proper way to present your arguments, if you must resort to incendiary rhetoric that adds no value to the legal discourse, then you are guilty of a sort of intellectual laziness. Perhaps that would be time for some introspection as the legal position that you have taken might not be meritorious after all. We all know the golden rule: do unto others what you have them do unto you. If you want respect, you must first know how to give it.

Apart from the courtesy that we owe each other, it is also our duty to protect the dignity of our judicial institutions and to help maintain respect for the judicial process itself. This is the underlying principle for the *sub judice* rule. Litigants, lawyers, and even non-parties should abstain from publicly discussing the merits of cases still pending in the courts. For no one must be seen as attempting to influence the court's decision through positive or negative publicity. Our courts are courts of law, not courts of public opinion. Members of the legal profession have the obligation to help non-lawyers understand that the popularity or unpopularity of a legal view will be given no weight by the courts.

The duty to give due respect to the courts does not end when the case is decided. Lawyers should be gracious in victory and dignified in defeat. If you believe legal pundits on television or other media today, you'd think no one loses a case in court on the merits anymore but that opposing counsel was a scoundrel or that judges and justices are corrupt, biased or just plain stupid.

If you lose your case on the merits, fair and square, own up to it. Don't blame others and don't prop up your bruised ego at the expense of your colleagues' hard-earned reputations and the goodwill of our people for the justice system.

If you believe that you know better than the courts, or that jurists who have been sitting on the bench long before you were even born, would readily gamble with their careers by deciding cases based on ill motives or petty personal concerns, you would not be here now to take your oath.

I'd like to think the reason you showed up today is that deep down you still believe in the integrity of our judicial system. Yes, there are bad apples in the legal profession just as in any other profession. However, I am certain that you've met members of the Bar and the Bench who are honest, hard-working men and women who believe in the law and in the importance of the work that they do for our country. Trust me when I say that the good ones still greatly outnumber the bad. Our justice system is imperfect but it does work well within the boundaries set by

the Constitution. You will know it every time you did your work well and you helped make life better for someone else through the law.

Hence, I come to the real secret to success in this profession: Whatever field of law you might end up in, love what you do and have faith that your work is a meaningful contribution to the administration of justice. If you see your job as more than a means to pay the bills, if you have true passion for your work, it will never be a bore or a burden. Before you know it, you will be reaping the rewards of your dedication to your legal calling. By then, we shall proudly look back to this day, the first of June 2018 when we admitted you to the legal profession and administered your lawyer's oath.

Again, congratulations to the successful Bar examinees! I wish you all promising and fulfilling careers in the law.

Thank you and Godspeed.