

Speech of senate president juan ponce enrile essay sample

Law



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Last February, I got a call from your Dean, my godson Dean Danilo Concepcion, to greet me on my 88th birthday. He also extended the invitation for me to be your guest speaker for today on the momentous occasion of your graduation. Lately, I have turned down many speaking engagements on account of my heavy work load and schedule, and partly because of some difficulty I have with my eyesight. My doctor calls my affliction “ age-related macular degeneration”. Whatever that is, I don’t know, but it is there. Well, at 88, I understand why it is “ age-related”. I am probably one of the oldest graduates of the college. To be honest, as I am now presiding over the impeachment trial of the Chief Justice, I silently hoped that I would not be made to speak on the matter which is now before us in the Senate. Yet, I could not possibly say no to a rare opportunity to address this young batch of upcoming members of the Bar from my Alma Mater, the University of the Philippines College of Law. This College has produced some of the best and the brightest stars in the legal profession. It has also produced some of the most colorful and, if I may add, controversial figures in our nation’s history.

I would think that I belong to this last category. To say that my life and career as a public servant has been “ controversial” is, perhaps, an understatement to most. To be candid and honest, it does not come to me as a surprise that U. P. Law or the U. P. community has not always considered Juan Ponce Enrile as a source of pride. It is but natural and expected that my role in the Marcos era and the martial law years, and my stand on many critical and passionate political and social issues, have invariably caused what may have been perceived as some sort of “ estrangement” between

this University and me. Far from feeling estranged, however, I have always looked at and understood the U. P. community as both a marketplace and an advocate of varied ideas and causes at different times in our nation's life. Lawyers are, in essence, advocates. Debates, no matter how passionate and heated, and at times personally bruising, are always healthy for democracy as long as the debates are over ideas, beliefs and issues that matter to and affect the nation and the lives of the people. In fact, I think it would be sad if the University of the Philippines were to ever cease to be the bastion and fountainhead of academic freedom and of social and political activism that it has always been known to be.

I have always maintained that we who are in public service must be open to criticism, or even reproach, and public judgment for our acts and decisions. We must be open to criticism and divergent views, even as we are prepared to defend our own positions. In truth, all through the many differences of opinions, heated political debates, and severe criticisms, I have always regarded and held the U. P. College of Law dear to my heart for the fond memories of the years I spent in this campus, and for the deep debt of gratitude I owe this College and my professors for setting me off prepared to tackle the rough road of law practice and public service which lay ahead for me. Thus, this occasion is also, in a greater and deeper sense, a homecoming for me. I consider my admission to the U. P. College of Law as something designed by Providence. Actually, after my pre-law studies, I was all set to take my law course at the Ateneo de Manila. But when I was in my last year as student at the Ateneo de Manila during my pre-law years, Father Thomas Cannon, S. J., who was the dean for student discipline, summoned

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me to his office. In a stern tone, he asked me why I failed to attend dutifully the Saturday morning holy masses in school.

I explained to him that it was physically impossible for me to do that because on Saturdays, I had to drive for my half-brothers and sisters. He opened his eyes wider and said curtly, " I do not think this school is for you. If you cannot follow our school rules, you do not belong here!" His words hurt me truly. But, I decided to just take his words calmly and said nothing. Earlier, Gonzalo Gonzales or " G. G.", as we fondly called him, my father's brilliant associate with whom I shared a room in the law firm of DeWitt, Perkins & Ponce Enrile, had insisted that I should take my law course instead at the University of the Philippines. His father, Bienvenido Gonzales, was then the President of the University of the Philippines. G. G. offered to talk to his father for my admission to the U. P. College of Law. I told my father about G. G.'s suggestion, and he was elated. He agreed that the U. P. College of Law would be a better law school for me to learn the law. I briefed G. G. about my father's reaction, and he asked me to fill up an application form for admission to the U. P. College of Law.

After I was admitted to the U. P. College of Law, I went back to Father Cannon and said to him, " Father, I need a little understanding from you. You are correct. Ateneo is not for me. I will be leaving Ateneo next school term. I am transferring to the U. P. College of Law." He stared at me without saying anything. But I could see that he was not happy about what I said. Father Cannon was correct. I did not belong to the Ateneo de Manila Law School. I belong to the U. P. Law Class of 1953, and I am very proud about it. As a

student then, I was very fortunate to have some of the most brilliant, competent, tough, and demanding professors. Professor Norberta Lopus Lauria taught me Persons and Family Relations and, later on, Obligations and Contracts. Professor Gaudencio Garcia was my drill-master in Political Law. Professor Emiliano Navarro was my mentor in Criminal Law. Professor Enrique M. Fernando who, later on, became Chief Justice of the Supreme Court was my teacher in Constitutional Law.

The then Dean of the U. P. College of Law, Jose Espiritu, was my professor in Corporation Law. Professor Juan T. Santos made me memorize and recite the Rules of Court verbatim from cover to cover, and to understand them. Professor Bienvenido Ambion, with his thick eye glasses and somber mien, taught me Torts and Damages well. Professor Ramon Aquino who, also later on, became Chief Justice of the Supreme Court, made me understand thoroughly the subject of Wills and Succession. Professor Francisco Ventura was my able mentor in Land Registration Law. Professor Jose Campos gave me all that I knew about Banking and Negotiable Instruments. And Professor Juan Luces Luna was my able teacher in the Law on Property. All of my professors had the gift of clarity of mind in explaining the law — its structure and its dynamics found in jurisprudence. Our professors required us to memorize and understand the laws and codes and to recite them verbatim orally. They also demanded that we went back to the originals of court decisions assigned to us daily for study, read them thoroughly, and summarize each one of them for recitation in the classroom.

The daily grilling by our professors, the mandatory memorization of legal provisions, and the extensive readings and summarization of court decisions greatly sharpened our minds and expanded our knowledge of the law and factual situations. Our batch was the first batch of first year law students to be in the Diliman campus. The College of Law before that had its campus in Padre Faura. Back in those days, we were not as lucky as you are today to have a Malcolm Hall and a U. P. Law Center. Our classes at that time here in Diliman were held in uncomfortably warm quonset huts. The College of Law then was located at the site of where, I understand, Vinzons Hall now stands. I was a working student at that time. I was working as an assistant librarian at the DeWitt, Perkins and Ponce Enrile Law Offices, where my father was one of the senior partners. My fellow students in my batch came from all walks of life. I was at ease with them because many of them were products of the public elementary school system like me.

There was no sign of boastfulness or elitism from my classmates. In the University of the Philippines of my time, and I think even now, there was no compulsion or obligation to attend any religious rites. Everybody was free to follow his individual conscience and to pursue his own intellectual inclination. Up to the first semester of my fourth year, I was a candidate for a “ magna cum laude”. When I reached the last semester of my senior year, I committed a serious blunder. I argued passionately with my professor in civil law review, who was no less than the brilliant but acerbic Vicente Abad Santos, on a doubtful question of law. Obviously, Professor Abad Santos did not relish my temerity to challenge his mastery of the subject. As a result, he gave me a grade of 3 in Civil law review, which was a five-unit subject. The

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grade of 3 that he gave me lowered my general average and brought me down to the level of a “ cum laude.” After my graduation from the University of the Philippines, Prof. Abad Santos became the dean of the U. P. College of Law. Much later, he was appointed as head of the Board of Pardons and Parole in the Department of Justice during the presidency of Diosdado Macapagal.

Of course, as a law student, I used to address Vicente Abad Santos as “ Sir.” But that situation changed when President Marcos pulled me from the Department of Finance and appointed me as Secretary of Justice in December of 1968. I became the boss of my erstwhile professor in civil law review. And so, by force of circumstance, it was his turn to address me as “ Sir.” Fate, indeed, holds some funny twists in life. We both took things in stride and eventually became very good and close friends. Vic, as I later fondly called him, was actually by nature a good and kind-hearted man. He had a dry but affective humor that endeared him to his friends. In the U. P. College of Law, I gained the friendship of several men who later made big names in the field of law and politics. For example, Benigno A. Aquino, Jr. became a Senator, a martyr, and a hero. Salvador Laurel, whose father was President of the country during the Japanese occupation — became a Senator and Vice President of the Philippines. Marcelo B. Fernan became Chief Justice of the Supreme Court and President of the Senate.

Joker Arroyo was Executive Secretary of President Corazon C. Aquino, and, after that, he was elected member of the Philippine House of Representatives and, years later, of the Philippine Senate. Rafael M. Salas

was the first Executive Secretary of President Ferdinand E. Marcos. Later, he became the United Nations Deputy Secretary General for population until he died of a severe heart attack at a young age alone in a hotel room in Washington D. C. Rafael M. Salas was an Ilonggo from Bago City in Negros Occidental. He was a complete politician, a skillful political strategist and tactician, and a brilliant and well-read classical scholar. He was my classmate in the U. P. College of Law. He graduated number three in our class and a cum laude, like me. In my senior year Rafael M. Salas asked me to join his Sigma Rho fraternity. He was also instrumental in getting me involved in politics. He became not just my friend and fraternity brother.

He was like a brother to me. " Paeng," as I affectionately called him, could very well have been the best president of the country had he lived long enough. When I was in my senior year, I was selected to be the chairman of the Philippine Law Journal, an organ of the U. P. law school. Florentino Feliciano preceded me in that position. He was a year ahead of me in the U. P. law school. He graduated magna cum laude. The faculty adviser of the Philippine Law journal then was Professor Enrique M. Fernando, my brilliant professor in Constitutional Law. 1953 was a historic and momentous year for me. It was the year when Ramon Magsaysay was elected President of the Philippines. It was also the year when I ascended, as you are ascending today, the stage to receive my diploma for the degree of Bachelor of Laws, cum laude, and salutatorian of my class. And it was also the year that I took the Bar Examination. I designed a plan for my Bar review. I gave myself two weeks to enjoy some rest for the first time in my life in 29 years. I refrained

from studying or reading any book. By the way, I was 29 years-old when I finished my law course in this college.

For the four months prior to August, which in those days was the Bar examination month, I avoided all forms of leisure so that I would not be distracted. I devoted all my time and focused my full attention to my Bar review. I slept not more than five to six hours each day. I did not attend any Bar review classes. I reviewed alone according to my own pace and time. My review was rigorous and thorough. I related all the subjects together, and meshed and organized them into a whole matrix. When the month of August arrived, all prospective Bar examinees converged in Manila from all parts of the country to take the Bar examinations. Morning and afternoon of every Saturday in August 1953, all the would-be lawyers took the Bar examinations at the campus of the Far Eastern University. I found most of the questions easy. Few were tough, and some were vague and even silly. When I read the results of the Bar examinations in the local newspapers in January 1954, I felt a terrible disappointment. I passed. But, I did not make it to the list of the top ten successful Bar candidates. I was number 11, in spite of my general average of 91.72%. What made it worse for me was my nagging thought that I did not work hard enough to be at the top.

I had the foolish notion that my four months of grueling review was not sufficient. My disappointment, however, was somewhat softened by the perfect score I got in Commercial Law. My examiner in that subject gave me a perfect score of 100%. Commercial Law then was one of the three toughest subjects in Bar examinations. Many candidates failed to become members of

the Bar because of it. When I retrieved the notebook where I wrote my answers to the questions in my commercial law examination, I was amused by what was written on the face of my notebook. My examiner wrote the words: " See me if you need a job." I had no idea then who my examiner in Commercial Law was. He never gave me a hint where I could see him or find him. However, I learned when I was already in law practice that he was Francisco " Paquito" Ortigas, Jr., a noted lawyer and known expert in corporation law and senior partner in the law firm of Ortigas & Ramirez, one of the oldest and leading law firms in the country. When finally I met my Commercial Law examiner face to face for the first time years later, our meeting was rather a dramatic one.

I met him not because I was looking for a job from him, but rather because we were on the opposite sides of a case that involved a big and well-established insurance company. Ortigas & Ramirez were lawyers and, at the same time, partners of the Zobel de Ayalas in Filipinas Compania de Seguros, a non-life insurance corporation, whose corporate life was about to expire. The Ayalas owned 65% of the voting shares in the corporation, while the Ortigases owned the remaining 35%. The Ayalas wanted to extend the corporate life and business of Filipinas Compania de Seguros. But the Ortigases, through Paquito Ortigas, their lawyer and my erstwhile examiner in Commercial Law, demanded the dissolution and liquidation of the corporation. The Ayalas were short by 1 and 2/3% for the required 66 and 2/3% to amend the corporation's articles of incorporation to extend its corporate life. Thus, an impasse between the Ayalas and the Ortigases developed. The Ayalas insisted on the extension and continuation of the

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corporate life and business of Filipinas Compania de Seguros, but the Ortigases adamantly refused to cooperate and go along. The Ortigases wanted to be paid for their 35% holdings in the corporation on their terms.

The Ayalas refused to buy out the Ortigases. The Ayalas dropped the Ortigas & Ramirez law firm as their lawyers. Col. Joe McMicking, an Englishman who married into the Ayala family and the actual brain and builder of the Ayala Group of companies, engaged the law firm of DeWitt, Perkins & Ponce Enrile to represent the Ayalas against the Ortigases. I was assigned to handle the case. I studied the case thoroughly for a few days, and I devised a simple solution for the Ayalas. When I met the executives of the Ayala Group, I advised them to agree with the Ortigases to dissolve Filipinas Compania de Seguros and convert its board of directors into a board of liquidators to liquidate the business affairs and assets of the corporation over the three-year period, as provided in the corporation law. I also proposed that, in the meantime, a new non-life insurance corporation for the Ayalas be organized and all maturing non-life insurance policies of Filipinas Compania de Seguros be transferred for renewal to the new non-life insurance corporation.

The Ayalas accepted my proposals in toto right away and without any question. When I presented the plan of liquidation in a special meeting of the directors of Filipinas Compania de Seguros, of which Paquito Ortigas was one of them, he was taken aback and dismayed by the simple solution I proposed. He realized that he miscalculated his position and legal strength. He thought that he had an unbeatable legal position and ace to exact a high price for the 35% holdings of his family. He was mistaken. When the board

meeting was over, Paquito Ortigas left in a huff. I was glad that I proved to him that he did not err in giving me a perfect score in Commercial Law. I finally took my oath in the Supreme Court as a member of the Philippine Bar in January 1954. I felt good and proud. I was now a full-fledged lawyer, raring to try my knowledge of the law before the courts of the land. The first case I handled in court, after I passed my bar examinations, was an unfair labor practice against Acoje Mining Company. Acoje was then operating a chromite mine in Santa Cruz, Zambales, where the trial of the case took place. I took a small and light single-engine plane from Manila to the town of Santa Cruz to attend the hearing.

The plane landed on a very short and narrow airstrip, atop a high mountain ridge surrounded by a lush jungle. From the air, the airstrip was like an aircraft carrier floating in a sea of green timberland. The four complainants were all Ilocanos. Their lawyer, Eulalio Braganza Garcia of Pangasinan, was an Ilocano. Commissioner Mariano Tuason of the Court of Industrial Relations, the hearing officer, was also an Ilocano. I represented Acoje Mining Company. A problem arose during the trial. The complainants could not speak nor understand English. The questions to them in English had to be translated into Ilocano, and their answers in Ilocano had to be translated into English for the record. There was no available court interpreter then in the town of Santa Cruz. Commissioner Tuason asked me if I would agree to allow the lawyer of the workers to do the translations.

They were not aware that I was also an Ilocano. I agreed. I had faith in the fairness and integrity of Commissioner Tuason. I was confident that he would

see to it that the translations were accurate and faithful. As the trial proceeded, the lawyer of the complainants was altering the answers of his witnesses to favor his side. I did not mind it at first, especially when the answers were not that damaging to my client's case. However, at one instance, the answer of a witness, as translated by the counsel for the complainants, was so radically different from what his witness really said in Ilocano. I raised an objection. The lawyer said in a brusque manner, " Why are you objecting?" I said calmly to him, " You changed totally the answer of your witness." His face was flushed. He asked me in a very arrogant and angry tone, " How do you know?" I said to him, " I know because I am also an Ilocano like you!" I spoke to him in fluent Ilocano, and he was startled. Commissioner Tuason was terribly embarrassed. He apologized to me. The lawyer stood still, flushed in the face, and speechless.

I repeated the same question to the witness in Ilocano and translated his answer in English. The lawyer dropped his gaze. Commissioner Tuason suspended the trial. The trial of the case was never called again. Eventually, it was dismissed. I made a home run. I won my first case. A month or so after the results of the Bar examinations were released, I received the replies of Harvard University, Columbia University, and Yale University to my applications for admission and scholarship. All accepted me for admission for the school term 1954-1955. All also granted me financial assistance. I chose the Harvard Law School. After my post-graduate studies in taxation and corporate reorganization at the Harvard Law School, I came home and hit the ground running, so to speak, in active law practice and litigation. Those years, and my eventual entry into government service and into politics is

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another long, colorful and still unfolding story. I thought of sharing with you this small slice of my life story, which I hoped would be of interest to you as graduates of the same school that has trained and taught me well. For indeed, the UP College of Law taught me well to be a lawyer.

I am sure that you also have a lot of memories of your U. P. Law days to cherish forever — your own share of the joys, the triumphs, the trials, and the travails as law students. I can say that in my time, even under the roof of a mere quonset hut, and true to the vision of its founder and first permanent Dean, the eminent Justice George A. Malcolm, the U. P. College of Law did teach us law in a grand manner. And I humbly believe that it did its part in making good lawyers out of us. And that is why people should not be surprised that today, I am the Presiding Officer of Impeachment trial in the Senate. It is because of my training in the University of the Philippines. I trust that this is the same tradition, the same training and the same preparation that you, today's graduates, are fortunate to have undergone and endured, as you set out to take on the many challenges ahead beyond just passing the Bar examinations. Certainly, the lessons that a lawyer must learn cannot be confined to the classroom.

In fact, it is in the courtrooms — in the hard, rough and tumble life of law practice, exposure to varied and difficult legal and factual issues, and in the careful and arduous preparation for actual litigation that a lawyer's skills and worth are developed, honed, tested ever so often, and sharpened. But the enduring values of critical thinking, intellectual freedom, academic excellence, social consciousness, persistence, doggedness, and

perseverance, and, most of all, honor and integrity, can only take root under an academic environment that nurtures them. Such is the environment that the University of the Philippines and the College of Law of this university provides. May you all carry these values with you as you leave this great institution and make your parents, your professors and the U. P. College of Law truly proud of you, and may you all summon the boldness to make a difference in your chosen profession. Thank you and congratulations!