Chapter 13

The Power of Example *

A month ago during the last week of May, I attended, together with Chief Justice Hilario G. Davide Jr., the 13th International Judicial Conference in Kiev, Ukraine. [1] What made that global meeting different from other conferences I had attended was the preeminent participation of the Chief Justices and other senior magistrates from former Soviet republics, [2] like Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, Tajikistan, and of course the host country -- Ukraine; [3] as well as from former Soviet allies like Albania, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania and Slovakia. [4]

Advancing the Economy
in the New Democracies

The conference theme and the platform addresses dealt mainly with the independence of courts and their role in safeguarding elections -- an obvious tribute to the host Supreme Court which, in a courageous exercise of judicial power, annulled the fraud-ridden Ukrainian presidential election last year, thereby paving the way for a subsequent election on December 26, 2004. That second balloting heralded the triumph of Viktor Yushchenko as Ukrainian President.

More than the formal sessions, however, what really impressed me were my person-to-
person “corridor conversations” with several of the senior justices from these former Soviet
countries. After the collapse of the USSR (Union of Soviet Socialist Republics) in 1989,
these states became some of the world’s best known emerging democracies. After adopting
the democratic system, largely parliamentary, they have also embraced free enterprise as the
engine of their economic growth. Many of them aspire to join the European Union, which is
viewed as a fine example of liberal democracy.

During the authoritarian days, it is said that everyone in the state had a job, but nobody
was working. There was no incentive to excel and to produce more, because the workers were
paid according to their needs, regardless of how much or how little they had labored and
produced. With the advent of free enterprise and its corollary paradigms of privatization,
deregulation and globalization, state enterprises were taken over by private businessmen.

To be efficient and competitive, these privatized companies had to lay off unnecessary
personnel, thereby precipitating unemployment -- a phenomenon largely unknown in the
erstwhile authoritarian regimes. Moreover, socialized pricing could no longer be sustained.
With the withdrawal of state subsidies, industries -- even though more efficient under the
private entrepreneurs -- had to increase the prices of their goods and services according to
market forces of supply and demand. Indeed, free enterprise gave rise to new economic
problems, especially unemployment and inflation.

Naturally, a lot of people were adversely affected in the process. Precisely, the
centralized and state-controlled economic system had to be abandoned, because it had
impoverished the government and enslaved the people. And yet, new miseries engulfed the
people. Given this situation, the basic problem now of these emerging democracies is how to advance their economy in their new democratic setting.

Although the Philippines celebrated its 107th Independence Day last June 12, 2005, in my humble view our country is really comparable with these former Soviet states, where their totalitarian governments effectively suppressed liberty and prosperity until 1989. After all, for about 20 years, our country had been under the authoritarian and autocratic rule of Ferdinand Marcos. It was only in 1986 that our freedom was regained. Parenthetically, our yellow “People Power” Revolution presaged and became the inspiration for the wave of “velvet revolutions” that have swept Czechoslovakia and other former Soviet states starting in 1989, and the “orange revolution” of Ukraine in 2004.

Main Problems of the Philippines

With this background, Dr. Salonga’s book being launched today -- The Task of Building a Better Nation -- finds relevance not only in the Philippine setting, but in all other emerging democracies. These are the ones that are similarly transforming from authoritarian to democratic governments and from socialized to free enterprise economies.

In elegant, stirring, vintage-Salonga English, the well-respected former Senate President identifies the three main problems of the Philippines: the massive poverty of our people, rampant corruption at all levels of government, and uncontrolled criminality in all parts of the country.
According to him, these problems are interrelated. He says, and I quote from his book: “Our grinding poverty, the result of the concentration of too much wealth and power in the hands of a few -- the so-called elite -- leads to graft and corruption, a double standard of justice (one standard of justice for the poor and another standard of justice for the rich) and ever-rising criminality.”[5]

*Answers to Come from the Youth*

His book is especially addressed to the youth who, Senator Salonga believes, can provide solutions to these three problems. After all, according to him, “throughout our history, it is the youth that has led our people in our struggle for freedom.”[6] He points out that “Jose Rizal, at 26, wrote his first novel, *Noli Me Tangere*; x x x Andres Bonifacio led the Katipunan at 26; Gen. Emilio Aguinaldo was 29 when he was inaugurated as the first President of the Philippine Republic; Apolinaro Mabini [at 34 was] the brains of the Revolution x x x.”[7]

He adds that “under the American Administration, the youth led the nation in our parliamentary struggle for independence. Sergio Osmena was Speaker of the House at 29; Manuel L. Quezon was Resident Commissioner in Washington, D.C., at 32; Jose P. Laurel was Secretary of Interior at 32; Manuel Roxas was Speaker of the House at 29.”[8]
Then he points to the Good Book and explains that “Jesus Christ and his twelve disciples, mostly obscure, unlettered fishermen, were all young men in their early 30s [when they] left their fishing nets to become fishers of men.”[9]

To this list of outstanding young men I would like to add another distinguished name, Jovito R. Salonga, who in his 30s became the youngest law dean in the Philippines.[10] A few years later, as a new member of the House of Representatives, he enthralled the entire country with his first privileged speech entitled “A Plea for Sobriety.” And in a memorable debate, he taught the most seasoned parliamentarians of his time a few lessons in logic, humility and urbanity.[11]

**A Judiciary That Upholds Civil, Political and Economic Rights**

Aside from the youth,[12] the judiciary is another focus of *The Task of Building a Better Nation*. While he has never been a judge, Senator Salonga formerly had, for law partner and best friend, Pedro L. Yap[13] who later became Chief Justice of the Republic in 1988. The author looks upon an independent, competent, diligent and courageous judiciary as an essential ingredient of a government that upholds not only the civil and political rights of our people, but their economic rights as well. He is passionate about the struggle to equalize political and economic opportunities, in which he sees the importance of “social justice, so the poor and the marginalized, the exploited and the disadvantaged may be lifted up.”[14]
His discourse on the judiciary has a special place in my heart. I have always believed that the rule of law is a prerequisite for good governance and meaningful economic development. In various meetings with top officials of multinational development agencies, like the World Bank and the Asian Development Bank, I have stressed that those who have less in life should be given a better chance at competing with those who have more in law. When “the people are not happy with their access to justice and the economy, they will rebel.”[15] Indeed, there can be no prosperity or progress without affording justice and peace to all, especially to the underprivileged and the disadvantaged”

In his newest book, Senator Salonga also manifests his high esteem for and deep faith in Chief Justice Davide, who is in the audience today. He stresses that, based on his “review of the relevant evidence,” the Chief Justice was innocent of the impeachment charges leveled against him two years ago, and that the charges had been “initiated and pursued in such ruthless, cold-blooded haste” to influence the Court unduly in deciding some controversial cases he discussed in his book.[16] Because of time constraints, I shall no longer take up these cases individually. Suffice it to say that Senator Salonga believes that the preservation of the independence and integrity of the judiciary is indispensable to the “task of building a better nation.”

Solutions to the Main Problems

Now let me go back to the three main problems of poverty, corruption and criminality (PCC), which were pointed out by Senator Salonga. For these maladies, he offers the
following solution: an open, pluralistic and free society that safeguards the liberty of the people and nurtures their prosperity. He passionately pleads for upholding human dignity as the “first article of faith.” On the political side, he argues for the recognition of the “sacred worth and importance of every human being, without distinction as to origin, social status, sex or belief, and his valid claim to be free from fear, violence, poverty, ignorance, disease, exploitation, and from any oppressive or dehumanizing power.”[17]

On the economic field, he asserts that “[e]very Filipino has the right to aspire to a decent life in terms of adequate food and clothing, improved medical care, ample housing, satisfactory work or employment, a sound system of education, a healthy environment, and enough time for leisure, among other things.”[18]

Our bloodless, peaceful “yellow revolution” in 1986 may have restored more than adequate democratic space in our country. In fact, a well-known former Singaporean Prime Minister[19] has lamented that Filipinos have “too much freedom,” which they allegedly use to bludgeon one another and to stalemate economic development. Verily, many foreigners get the impression that, in our country, it is fashionable to slander others, no matter how ridiculous the charge may be. As a result, many Filipino public officials refuse to take bold actions for fear of media criticisms and eventual court litigations that could hound them throughout -- and even beyond -- their terms of office, and they may not even be able to defend themselves adequately because of lack of personal resources.

Indeed, while our political rights have been restored, our version of free enterprise has
not worked properly. Since 1986, our economy has lagged behind other Asian economies. It has been characterized by a huge external debt, gargantuan budget deficits, escalating inflation and a battered currency. Senator Salonga observes that a lucky few have become richer and richer, while the vast majority of our people have been getting poorer and poorer over the last several years.

His solution to the problem of how to build a better nation -- an open, pluralistic and free society that safeguards the liberty of the people and nurtures their prosperity -- has been mouthed, at least in part and mostly in empty rhetoric, by some of our political leaders, past and present.\[20\]

**Government by Example**

To all these copycat incantations, the response of Senator Salonga spells a difference. He asserts that a truly free and prosperous Philippines can be attained only by “the fitness of its leaders.” He cites Confucius, the Asian philosopher, who said a long time ago that “[g]overnment, to be effective, must be government by example.”\[21\]

Our statesman-author has lived this principle, the power of example, to the hilt. Thus, in 1986 when he was named first chairman of the Presidential Commission on Good Government, he not only divested himself of his conflicting financial interests as required by law; he also completely dissolved his prestigious law firm.\[22\] Our laws did not require such drastic dissolution. Neither do they mandate public servants to impoverish themselves in
order to render public service.

The self-imposed, strict personal ethic of Senator Salonga, however, has become a model for all who have worked with or under him. He has set an endearing, enduring and powerful example of how to serve with dignity and honor. Indeed, he believes that, to be credible and effective, public officials must always be beyond suspicion; their every action must pass the test of the strictest scrutiny.

Another example. He believed that in a poor country like ours, public officials must live simply so others may simply live. He exemplified this belief. During his stint in the government, he resided in a modest, rented house; used a mid-size, four-cylinder, locally assembled car; and wore mostly white cotton barongs. He did not smoke, drink or gamble. Moreover, he was a dedicated husband, a caring father, a faithful friend, and a devoted man of God. Money, worldly pleasures, titles and honors held no fascination for him. Small wonder, he was given the “Mahatma Gandhi Freedom Award” by the College of William and Mary in Virginia, USA.

In 1987, he brought to the Senate his ascetic lifestyle. He led that august chamber with his legendary austere living. Thus, during his stint in the Senate, he was able to navigate the passage of witness-enhancing laws like the Code of Conduct and Ethical Standard for Public Officials and Employees, as well as the Anti-Plunder Act and the Anti-Coup d’Etat Law -- all of which he had personally authored.

*A Simple, Dignified*
As the lawyer of some of the biggest and most profitable companies in the country, Senator Salonga had a thriving -- nay, affluent -- law practice in the 1950s and well into the 1980s. He could have easily enriched himself, especially after his election as congressman -- he had single-handedly but convincingly dethroned the two powerful political clans in his home province of Rizal -- and three times as Number One Senator of the Republic. Yet, he chose to devote his time, talent and treasure to the service of the country. He forsook money-making opportunities and dropped supporters whose business practices were inconsistent with his ascetic lifestyle and stringent work ethic.

Today, in his happy retirement -- he has just celebrated his 85th birthday last June 22 -- he is still healthy and well. His giant intellect is still as vibrant as it was more than 50 years ago when he entered public service. He is still outraged by public excesses. Equally important, he still lives by the power of his example: a simple, dignified life worth living.

In 1971, a fragmentation grenade hurled at a political rally of the Liberal Party in Plaza Miranda (Manila) nearly snuffed out his life. For a while, he was declared “clinically dead” at the Medical Center of Manila. But as soon as he recovered, he wondered, “God must have a purpose in saving me from the abyss of death.”

Indeed, I say there is: to be a beacon in our darkened country and to instill hope in our listless society through his teachings and his power of example. Mabuhay po kayo, Senator

Under Resolution AM Mo. 05-03-02 dated March 8, 2005, the Supreme Court authorized the attendance in this conference of its three most senior members, Chief Justice Hilario G. Davide Jr., Justice Reynato S. Puno and I. However, for being indisposed and at the advice of his physician, Justice Puno was not able to participate.

Most of these countries follow the multi-court European model in which, aside from the Supreme Court, there are other high courts -- like the Constitutional Courts, Higher Courts of Arbitration, Higher Commercial Courts or High Administrative Tribunals -- which stand side-by-side and many times on equal level with their Supreme Courts. The Philippines follows the US model, in which there is only one “highest” tribunal -- the Supreme Court, which performs the functions of all these other tribunals.

Among those who attended the conference were Akif Humbalov, chief of the Administrative Department of the Constitutional Court of Azerbaijan; Grigory Vasilevich, chairman of the Constitutional Court of Belarus; Valentyn Sukalo, chairman of the Supreme Court of Belarus; Julia Laffranque, justice of the Administrative Chamber of the Supreme Court of Estonia; Konstantine Kublashvili, Chairman of the Supreme Court of Georgia; Valentina Gribanova, judge of the Supreme Court of Kazakstan; Kurmanbek Osmonov, chairman of the Supreme Court of Kyrgyzstan and Cholpon Baekova, chairperson of the Constitutional Court of Kyrgyzstan; Armanas Abramavicius, Justice of the Constitutional Court of Lithuania; Zarił M. Aliev, chairman of the Constitutional Court of Tajikistan; Vasyl Malyarenko, chairman of the Ukranian Supreme Court; and Mykola Selivon, chairman of the Ukranian Constitutional Court.

These countries were represented in the conference by, among others, Thimjo Kondi, Chief Justice of the Supreme Court of Albania; Vadislav Slavov, judge of the Constitutional Court of Bulgaria; and Roumen Nenkov, Vice-President of the Supreme Court of Cassation of Bulgaria; Madam Jasna Omejec, deputy president of the Constitutional Court of Croatia; Frantisek Istvanek, justice of the Supreme Court of the Czech Republic; Frantisek Duchon, justice of the Constitutional Court of the Czech Republic; Pal Solt, former President of the Supreme Court of Hungary; Teresa Flemming-Kulesza, justice of the Supreme Court of Poland, Nicolae Cochinescu and Gabor Kozsokar, justices of the Constitutional Court of Romania; Milan Karabin, President of the Supreme Court of the Slovak Republic; and Juraj Babjak, judge of the Constitutional Court of Slovakia.

The book discusses other interesting topics, like the elections; the political process; the past titans of
Philippine politics, and how they addressed the problems of the country then; and some aspects of Philippine-US relations, including our country’s role in the Iraq War.


[18] Ibid.
[19] Lee Kuan Yew.
[20] In fact, in various forums, it is the basic ideal aspired for by many emerging democracies of the world.

[22] At the time, his partners included Pedro L. Yap, who later became Chief Justice; and Sedfrey A. Ordoñez, who became solicitor general, secretary of justice, and ambassador to the United Nations.

[23] See pp. 103-104.