

THE UP COLLEGE OF LAW: IN RETROSPECT

Ladies and Gentlemen:

Today, as I reflect on the College of Law, the thought which is uppermost in my mind, is the peculiar fierceness and tenacity of the alumni's attachment to the school. As many of us will affirm, this attachment has produced a bond between the College of Law and its graduates which has been aptly described as being more durable and more lasting than most marriages.

The alumni of course have never been, are not now or ever will be a sect, or if you will, a monolithic fraternity or clique. This is so for its membership is made up of diverse and different individuals who are as divergent from each other, as say, the incumbent Solicitor General, Estelito Mendoza, and the former Solicitor General and Senator, Lorenzo Tañada. Nonetheless, despite such diversity -- which is assuredly one source of the alumni's strength -- I venture to hazard the view that, we, the alumni, are all one in our unswerving loyalty and devotion to the College of Law. And I further hazard the view that what is true of the alumni is true as well of today's UP Law students. Certainly, it was true of us during our own student days.

In this age of sturdy skepticism and widespread irreverence, the capacity of the College of Law to command the fierce loyalty and fanatical devotion of its alumni and students, of all of its diverse sons and daughters, appears perplexing and anomalous. But it is at the same time a source of intriguing wonderment, which tempts and challenges the urge to unravel it and discover its source.

And it is to this enterprise that I invite you to join me today.

Perhaps this peculiar phenomenon -- this mystifying attachment between the College of Law and its alumni (which does not appear to be true of the alumni of other units of the University) -- may be briefly explained by remarking that the College of Law has touched and continues to touch all of our lives in profoundly personal ways. First and foremost, the College of Law has trained and prepared us for our calling. But even more important, to my mind, in many subtle and inexplicable ways, the College of Law has endowed us with the readiness, the courage, the confidence -- or as some uncharitable souls will insist, the *insufferable* and at times *unjustified conceit* -- to do

battle with the contingencies and perplexities of life. For such a bounty of skills and capacities, surely, gratitude is not enough.

Perhaps, though, it would not be inappropriate to note that this lavish bounty -- this admirable training and preparation for a profession and a life -- did not come easy or cheap. As all of us will testify, it had to be purchased at the cost of so much blood, sweat and tears. For instance, who among us can ever forget the daily drama of dread and despair which were enacted regularly in the classrooms, or the agony and frustration of our uneven and unfair contest with professors of varying eccentricity and sadistic idiosyncrasy. And who among us can possibly fail to be thrilled or quickened by recollections of occasional triumphs gained, of small victories won or seemingly overwhelming difficulties surmounted. Or moved and stirred by remembrances of true friendships found and forged, hopefully for a lifetime, or of the sweet sweet sadness of some love won and lost.

In these many profoundly intimate ways, our residence in the College of Law had been for all of us an intensely personal, unique and, always, an unforgettable experience.

But however plausible and convincing these explanations may be, they do not and cannot fully account for the capacity of the College of Law to compel and command the fierce, tenacious and fanatical loyalty of its alumni, and, I may add, of its students. To my mind, the source of this capacity may be found in a truer and more enduring cause. And this cause is, I believe, *the tendency of each of us and of all of us, when we are truest to our best selves, to identify with the College of Law -- rather than with the Supreme Court or the Constitution -- our most honored values and our highest ideals.*

Once again, the reasons for this tendency may be traced to our experiences in the College of Law -- our dear old UP College of Law. Here, in its classrooms, in the company of its faculty and students, within its cloistered walls -- indeed, in the very air we breathed -- we found the *Law pure and unsullied*, and believed with all our hearts and minds that this was *not a mirage* but the *sheerest verity*.

Here we were also taught that the Rule of Law can exist and will prevail only if three conditions exist, namely, *law and order, an honest and a fair system of justice and a government by the consent of the governed*. Of these three conditions, the last, a government by the consent of the governed -- or, in *Lincoln's deathless phrase*, "*a government of and by the people*" -- is the most essential and indispensable. This is so not only because this principle best honors the individual's right to self-expression and self-realization, but

more so because history teaches us to be *mistrustful of the protestations to altruism of all governors*, be these *priests, princes* or a *privileged caste*.

Finally, we were also taught that a *government of consent* is possible and will be meaningful only if *anchored on the bed-rock of freedom -- on the freedom to think, and its twin freedom to say what one thinks, without fear or favor*.

Not so long ago in this beloved place, in the UP College of Law, we spoke fervently of such things, believed passionately in what we said -- and when the occasion called for it, *even dared to be true to what we believed. And those occasions were surely our finest hours*.

The intervening years between now and those happy and halcyon days in the UP College of Law have not been kind to our innocent beliefs. And I must say to you with some sadness that it had not always been possible for us, the alumni, to keep the faith, or to save our youthful idealism from being blurred by *the quest for power, place or possessions*, or *dulled by a taste of privilege and luxury*, or *from simply curdling into middle-age compromise and accommodation*.

Even so, today I have chosen to speak about these first principles -- at the risk of sounding *platitudinous* or, as some might suggest, *seditious* -- because we are told that such principles are under relentless siege everywhere and are in grave peril of being overwhelmed. This is particularly true, it would seem, in the increasingly restless and turbulent countries of the Third World, of which the Philippines is a part.

In such countries, the Rule of Law, the concept of a government by the consent of the governed, and the principle of freedom upon which it rests, are constantly and immediately menaced by measures claimed to be required by efforts to cope with the problems of internal security and subversion and the *age-old scourge of mass poverty and deprivation*.

Unquestionably, these problems are real, pressing and urgent, and can be ignored only at the risk of disaster. Nonetheless, we should never forget that even in normal times, the fate or survival of the first principles I have adverted to, namely, *the Rule of Law, a government by the consent of the governed*, and *civil liberties generally*, is never certain. More so therefore today, as our country makes its perilous passage through our long night of transition, a period characterized by uncertainty and disquiet brought about by an *impaired sense of community* and a *raptured constitutional order*.

During these difficult and dangerous days, there is greater need for the constant, vigorous, zestful -- and may I add, the fearless -- reassertion of the first principles, lest these be forever stifled by our own timidity and fears.

And so I should like to conclude with the hope that here in the College of Law -- at least, in the UP College of Law -- within its cloistered walls, among its immediate constituency of faculty and students, these first principles are *still being talked about, and will continue to be talked about fervently, believed in passionately, and be acted upon and lived by as if they were true.*

So long as we, the faculty and students, continue to dare these things, so long will these principles survive and in God's own good time, will come to their final hour of triumph. And so long too will the UP College of Law command and merit the loyalty and devotion -- the fierce loyalty and fanatical devotion -- of all its diverse sons and daughters among the alumni, the faculty, the student body, and I dare say, the nation as a whole.

Thank you.

JOSE C. LAURETA*
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Resume of Professor Jose C. Laureta

AB, LLB, UP, 1953, 1956; LLM, Yale University, 1964

Born: 19 August 1931

Married to: Naty Belen M. Laureta
LLB, UP 1955

Prof. Laureta is a lifelong practicing lawyer since 1956. He was an associate successively in the law firms of Padilla Carlos & Fernando* (later Carlos, Laureta & Associates), Paredes Balcoff & Poblador** (later Paredes Poblador Cruz & Nazareno), and Sycip Salazar Feliciano & Hernandez*** (now Sycip Salazar Hernandez & Gatmaitan). Mr. Laureta eventually became a partner of SycipLaw.

Also in 1964, after finishing his LLM degree at the Yale Law School, he was recruited as an associate in the law firm of Duane Morris & Hecksher of Philadelphia, USA.

In 1992, after a brief stint in government service (as a commissioner, first at the PCGG, and next SEC, under the *first* Aquino administration), he became a founding member (together with late **Frank Chavez**) of Chavez Laureta & Associates Law Offices (now Chavez Miranda Aseoche Law Offices). Mr. Laureta retired in 2001, after suffering a stroke earlier, but remains of counsel of the firm.

Mr. Laureta was also a faculty member of the UP College of Law, from 1960 up to 1987. In 2004 Mr. Laureta was recalled by former Dean Raul Pangalangan (now the Publisher of the Philippine Daily Inquirer) to teach law again in the UP College of Law, teaching this time exclusively Legal Theory or Jurisprudence.

* The "*Padilla*" of Padilla Carlos & Fernando was the late Ambrocio Bibby Padilla, who became a Solicitor General, and later a Senator of the Republic. The "*Fernando*" of the same firm was the late Enrique M. Fernando, who became an Associate Justice of the Supreme Court, and later Chief Justice.

** The "*Paredes*" of Paredes Balcoff & Poblador was the late Don Quintin Paredes, who became a long serving Senator and later Senate President. Before independence in 1945, Paredes served in government successively as the *first* Filipino City Fiscal of Manila, the *first* Filipino Attorney General, and the *first* Filipino Secretary of Justice. He was also the *first* Philippine representative in the lower house of the US Congress in the capacity of Resident Commissioner, with right to participate in sessions of the lower house regarding Philippine affairs. But unlike regular US congressmen, he did not have the right to vote.

*** The "*Feliciano*" of SycipLaw is Florentino P. Feliciano, who became Associate Justice of the Supreme Court in 1988 where he served for more than 10 years. He subsequently resigned and accepted a judgeship in the Tribunal of the World Trade Organization, which he later on served as Chairman. After his retirement from the Tribunal, he is now Senior Counsel of SycipLaw.