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Chief Justice Panganiban Awarded by the Teehankee Center for the Rule of Law

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The Claudio Teehankee Center for the Rule of Law conferred the 2013 Rule of Law Award to Retired Chief Justice Artemio V. Panganiban on 18 April 2013 at the Ateneo School of Law in Rockwell. Retired Chief Justice Hilario G. Davide, Jr. presented the award, while Ambassador Manuel A.J. Teehankee delivered a short message of appreciation.

Given on the 95th birth anniversary of Chief Justice Teehankee, the 21st Chief Justice was cited for his exemplary public service culminating in his leadership of the whole Philippine Judiciary, for his lifelong commitment and service to a judicial philosophy that is based on Liberty and Prosperity, for his continued advocacy of the need to have a judiciary with independence, integrity, industry and intelligence, a revitalization of the legal profession in the tradition of its noble roots, and promoting the twin goals of safeguarding liberty while assuring the prosperity of all citizens, as liberty is an empty vessel without economic equity, all of which contributes towards a more stable and lasting Rule of Law.



(Photo) From left to right are Chief Justice Artemio V. Panganiban (awardee), Chief Justice Hilario G. Davide Jr. (Chairman, CJ Teehankee Rule of Law Center), and Ambassador Manuel A.J. Teehankee (Executive Director CJ Teehankee Rule of Law Center).

The Teehankee Center honored Retired Justice Ameurfina A. Melencio-Herrera, Chancellor Emeritus of the Philippine Judicial Academy, with the 2013 Rule of Law Award on the same occasion. She served as an Associate Justice of the Supreme Court of the Philippines from 1979 until 1992.

The awarding ceremonies was followed by the blessing and opening of the Advanced Legal Studies Research Offices located at the Integritas Room, Ateneo Center for the Rule of Law. •

Chief Justice Claudio Teehankee



The Ateneo Law School began operating only in 1936 and Claudio belonged only to the second batch of Ateneo Law School graduates. Claudio became the first ever Ateneo bar topnotcher in 1940, starting a tradition that continues to this day, having topped the exam with an average of 94.35%.

He practiced law with great statesmen as Claro M. Recto, Jose W. Diokno, and eventually partnered with Senators Lorenzo Tanada and Emmanuel Pelaez. Appointed undersecretary and later secretary of the Department of Justice by President Ferdinand Marcos, he instituted reforms in the criminal justice system, notably dedicated circuit criminal courts to increase the speed of criminal trials.

He was appointed associate justice of the Supreme Court on April 19, 1979 and he is still best remembered today for his erudite pen and high integrity. Later during the period of martial law, his decisions and dissenting opinions cast doubt on the validity and legality of the martial law regime. During the ratification process of the 1973 Constitution, Justice Teehankee spoke consistently that the Constitution must remain superior. In his words, "This is so because the Constitution is 'superior paramount law, unchangeable by ordinary means' but only by the particular mode and manner prescribed therein by the people." As stressed by Cooley, "by the Constitution which they establish, (the people) not only tie up the hands of their official agencies but their own hands as well; and neither the officers of the State, nor the whole people as an aggregate body, are at liberty to take action in opposition to this fundamental law."

"THE LIGHT THAT DID NOT FAIL"

During the proposed 1976 amendments to the Constitution wherein President Marcos would continue office not by reason of popular elections, but by referendum, and to serve as prime minister during the process of reorganization, Justice Teehankee once again expressed his doubts on the validity of such an act. He categorically stated that "Such erosion by means of referendums of the whole structure and spirit of the Constitution for free contested elections and of the parliamentary system of government herein mandated should not receive the sanction of the Court." Thus, Justice Teehankee showed his unwavering loyalty to rule of law and stood true to his oath of office to uphold the Constitution.

Justice Teehankee from his early years was a stout defender of human rights and many of his opinions, though originally dissents, became the majority rule. He had served as chairman of the Civil Liberties Union of the Philippines from 1950 to 1966, was the vice-chairman of the board of trustees of the Civil Liberties Union of the Philippines, Inc. and supreme commander of the Knights of Rizal. The United Nations Associations presented him with the Philippine Carlos P. Romulo Award, citing "his courageous and democratic adherence to the Rule of Law, espousal of democratic ideals and civil liberties, and respect for human rights, unmindful of the risks and disadvantages attendant thereto during the regime of an authoritarian ruler; and his exemplary government service characterized by unparalleled competence and unquestioned integrity. The Concerned Women of the Philippines, in awarding Justice Teehankee with their Human Rights Award recognized "his relentless crusade against infringement of civil liberties by powerful forces, thus giving fuller meaning to constitutional guarantees on human freedom."

Justice Teehankee consistently reminded all in his decisions that the Supreme Court stands as the guarantor

of constitutional and human rights of all persons within its jurisdiction and must see to it that the rights are respected and enforced. Justice Teehankee's values and ideals reached its culmination when he was sought to administer the oath of office of President Corazon C. Aquino at Club Filipino in San Juan at 10:00 a.m. at the height of the People Power Revolution, exactly two hours before President Marcos's own presidential oath-taking at Malacanang before the serving Chief Justice at noon of February 25, 1986. During the Aquino Administration, Justice Teehankee would play a crucial role as adviser in the crafting of the 1987 Constitution and he was appointed chief justice of the Supreme Court of the Philippines.

After his mandatory requirement at the age of 70, chief Justice Teehankee was appointed Philippine ambassador and permanent representative to the United Nations in New York. On November 27, 1989, the Philippines lost one of its staunchest legal guardians when chief Justice Teehankee passed away in Manhattan, New York, from lung cancer.

Chief Justice Teehankee was interred at the Libingan ng mga Bayani, a fitting resting place for a great man, who stood in the face of oppression, and in his gravestone is written "the light that did not fail," referring to the dim but ever shining light of democracy and judicial independence during the dark years of martial law period. Chief Justice Teehankee's uncompromising belief in the rule of law, and his devotion to the protection of human rights has inspired present and future practitioners of the law. •

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SUPREME COURT DECISIONS ON THE ECONOMIC PROVISIONS OF THE CONSTITUTION

Incumbent Chancellor of the Philippine Judicial Academy (PhilJA) and retired Supreme Court Justice Adolfo S. Azcuna fulfilled his first commitment to the Foundation for Liberty and Prosperity as a professorial chair holder by delivering his lecture on Thursday, 18 April 2013. Aptly titled “Supreme Court Decisions on the Economic Provisions of the Constitution”, Chancellor Azcuna’s lecture contributed to the Foundation’s goal of trailblazing discussions and debates on the role of the judiciary in economic progress – especially in terms of businesses, investments, jobs, and livelihood. The PhilJA Chancellor was the fourth to deliver the Chief Justice Artemio V. Panganiban Professorial Chairs on Liberty and Prosperity, and the first and only to deliver outside a law school setting. Apart from retired Chief Justices Hilario G. Davide, Jr. and Artemio V. Panganiban, the event was attended by retired Supreme Court justices, judges, government officials, lawyers, law school deans, professors, and students alike.

The event was successfully organized by the Philippine Judicial Academy in partnership with the Metrobank Foundation and the Claudio Teehankee Foundation, in cooperation with the Ateneo School of Law in its Rockwell Campus.

A transcription of the lecture in PDF may be downloaded via www.libpros.com, the official website of the FLP. Online reposts and comments are highly encouraged. •

Justice Adolfo S. Azcuna served in the Supreme Court of the Philippines from 2002 to 2009. Justice Azcuna’s major publications include “*International Sales of Goods*,” “*Transnational Law Practice*,” “*International Law Teaching in the Philippines*,” “*Doing Business in the Philippines*,” “*Foreign Judgment [Monetary] Enforcements in the Philippines*,” “*Piercing the Veil of Corporate Entity: From Willets to Santos*,” “*ASEAN Conflict of Law*,” and “*The Supreme Court and Public International Law*.”



Retired SC Justice Azcuna delivering his lecture “Supreme Court Decisions on the Economic Provisions of the Constitution” and answering engaging questions from the audience



(Left) Retired SC Justice Pardo delivering the Opening Remarks (Right) Metrobank Foundation’s President and former Cabinet Secretary Mr. Aniceto Sobrepeña delivering his message of support



Acceptance of endowment and token of appreciation (left to right): Dr. Edilberto De Jesus (Committee Chair and Trustee, FLP), Chief Justice Artemio Panganiban (Chairman and Trustee, FLP), Justice Adolfo Azcuna (Chancellor, PhilJA), Mr. Aniceto Sobrepeña (President and Trustee, Metrobank Foundation), and Dr. Placido Mapa, Jr. (Vice Chairman and Trustee, Metrobank Foundation)

OUR VISION AND MISSION

Five years after the successful Global Forum on Liberty and Prosperity (18-20 October 2006)—which advanced the philosophy and justification of “Safeguarding the Liberty and Nurturing the Prosperity for the Peoples of the World” —the Foundation for Liberty and Prosperity (FLP) was formally organized on 27 October 2011. Thus, it is now committed to perpetuate the principle that jurists and lawyers should not only safeguard the liberty of people but must also nurture their prosperity under the rule of law.

This has always been the enduring vision and mission of Philippine Chief Justice Artemio V. Panganiban, FLP’s Chair and main propagator philosophy asserts, justice and jobs; freedom and food; ethics and economics; democracy and development; nay, liberty and prosperity must always go together—one is useless without the other. The attainment of this dual goal involves an understanding of the intertwining relationship of law and business; and of regulation and entrepreneurship.

FLP believes that in litigations involving the civil liberty of our people, the scales of justice should weigh heavily against the government and in favor of the people, pursuant to the doctrine of strict scrutiny. But

in matters affecting the economy of the country and the prosperity of our people, courts—in the absence of grave abuse of discretion—must defer to the executive and legislative branches of government, in accordance with the principle of deferential interpretation of laws and executive issuances. The responsibility for promoting and developing the country’s economy rests primarily on its political leaders. Should they fail in this duty, our people can replace them during periodic elections.

Likewise, the Foundation believes in private enterprise as the engine of economic growth. Thus, government must promote entrepreneurship and encourage private capital. At the same time, the government has the duty of overseeing the fair and equitable distribution of private wealth to all our people, especially the poor and marginalized. The government, likewise, has the responsibility of enlarging the areas of economic growth for the benefit of future generations of Filipinos. Thus, the economic pie must not only be fairly divided but must also be enlarged so that more benefits could be spread to more people under the social justice principle of giving more law to those who have less in life.



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FOUNDATION FOR
LIBERTY &
PROSPERITY

1203 Acacia, Dasmariñas
Village, Makati City
Telephone: (632) 843-2654
Telefax: (632) 843-9083

EDITORIAL STAFF

Joel Emerson J. Gregorio, Editor-In-Chief
Kristian Jeff C. Agustin, Associate Editor & Layout Artist

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