

THE UNTIRING GENIUS OF ASIA *

My colleagues in the Supreme Court of the Philippines; ALA President Justice Chao Hick Tin; ALA-Philippines Chairperson Avelino Cruz; other officers of ALA and ALA-Philippines; Past Presidents-Awardees headed by Sen. Angara; Heads of the various delegations, and participants in this ALA 25th Anniversary Special Commemorative Session and Conference; Members of the Diplomatic Corps; guests; ladies and gentlemen:

Thank you Justice Puno for your generous words of introduction. The supremacy of the Philippine Constitution presses me to vacate this great office at the stroke of twelve midnight of 19 December 2005. In 24 days I will retire from a life-long dedication of the public life. This could probably be your last time to introduce me, as sitting Chief Justice, before a very distinguished gathering of the most respectable and fascinating thinkers in the legal profession in Asia.

* Keynote Address of Chief Justice Hilario G. Davide, Jr., delivered at 9:00 a.m. on 25 November 2005 at the Makati Shangri-la Hotel, Rizal Ballroom A, at the opening day of the ASEAN Law Association's 25th Anniversary Special Commemorative Session and Conference.

Today the rest of humanity looks upon the collective genius of the people of Asia. In this 25th Anniversary Special Commemorative Session and Conference of the ASEAN Law Association, we avow our united desire for greater regional cooperation in the field of law inspired by the ASEAN spirit of equality, justice, understanding, cooperation, mutual respect and unity. The fighting faiths that come together in these times must engage in a long discourse of serious import, with the view to crystallize the international legal foundation for a more sustainable, harmonious, and formidable collaboration under the ASEAN vision.

This is not all an impossible dream. Our vision is not a passing fancy. A wondrous and great prophecy is upon us to realize this vision. By design or by coincidence, seventy two hours from now we shall open in this very same venue the three-day International Conference and Showcase on Judicial Reform initiated and sponsored by the Philippine Supreme Court under the auspices of munificent stakeholders, principally, the World Bank, as well as the Asian Development Bank, the Asia Foundation, the UNDP, the Australian Agency for International Development, the Canadian International

Development Agency, and the American Bar Association-Asia Law Initiative. The conference is aimed at facilitating the exchange of ideas, analysis, visions, hopes, and the timeless verities of human experience that should make up the catechism for every government man and woman of all ages. We are to formulate the best practices and reform initiatives that address issues on judicial independence, integrity, transparency and accountability, efficiency and access to justice. The conference is also aimed at identifying areas of collaboration among Asia Pacific justices, judges and legal institutions to promote legal and judicial reform; and institutionalizing a knowledge-sharing and knowledge management mechanism through the organization of an Asia Pacific Judicial Reform Forum. As of today, 123 foreign participants representing 44 countries have confirmed their attendance in the conference. Of the 123, 39 are Chief Justices and Justices. We also have 45 participants from our development partners, and 206 local participants, principally composed of the Justices of the Supreme Court and the appellate courts below it and judges of the lower courts. Some of you will grace the conference by your participation. By that participation you would not only add more prestige to ALA, you would become one of

the architects of a regional union for an endeavor of transcendental importance.

Recent history has taught us that Law is an essential instrument for the formation of the ASEAN organizational framework, whose ends are economic and social progress, cultural development, and broad political consensus among our member-states. The convergence of our felt needs in these sessions must take into account the global phenomena where the fiction of national boundaries must at times genuflect to the free flow of people and the ideas they embrace. Our age leaves no room for selfish nationalism. Consensus-building constitutes our decision-making mores, a hallmark which finds no equivalent in any other district in the international community. The ALA continues to be a prominent collective force today, because it serves as the best forum for members of the law profession where they may engage in the great dialogues that determine the fate of nations.

To me, our conference is not simply an assembly of the most brilliant legal minds in this part of the world. I see before me an

assembly of nations. You are particles of the sovereign authority which you embody. Indeed, the reason we turn to lawyers is that in their hands rests the command of the public force – to harness all of it if necessary – in order to minister the ennobling public and private interests that thrive within and without our national boundaries. We assemble today to affirm the organic duty to do well not only for the sake of our own respective countries, but to see to it that this great body of nations does well for the sake of regional and global harmony. We assemble not as citizens of our villages but as citizens of humanity.

ASEAN regional cooperation has to do not only with the institutions that cause it, but is equally concerned with the men and women who inspire it. It is universally held that lawyers are indispensable ingredients in the administration of justice. And this magnificent abstraction called *Justice* is not at all a domestic institution - it is a universal one. In these times the ASEAN lawyer is faced with greater challenges. We must be men and women of the future.

When we turn to the history of the world, we are humbled by the glorious civilizations and geographies of fame. We rest our ears upon the immortal words of Pericles, Herodotus, Plutarch, Aristotle, Cicero, and Caesar.

We find romance in the Greek saga and the Roman triumph when the human trajectory was fixed on the nature of the human body, on matter and form, on the perfection of the senses and the indomitable human spirit. We unavoidably move to Shakespeare, Locke, Napoleon, Milton, Hobbes and Holmes – all considered to be the best minds and men of great consequence. All in all – Egypt, Syria, Greece, Rome, Britain, America, and the union that is now Europe – we feel the application of that splendid human endeavor in the founding of kingdoms, empires, republics, and nation-states. History is written in the Gothic human heart. The culture of historicity and epoch-making are ambition, the pursuit of power, the success stories, and the economics behind them.

But today we are at a cross-point between the past and the present, and whose fusion must give way to the flowing fate of the

future. Today we must look forward. *Ecclesiastes* depicts the inevitable, rhythmic fate of humankind: "I returned and saw under the sun that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favor to men of skill, but time and chance happeneth to them all." We come to realize that all great civilizations must give way to new ones. Let the sentimentalists rejoice in the magnificent ruins of the past.

I do not say that we are a better people than the rest, but that the evolution of humankind simply compels that it is our time. We must leave Camelot to the sunset. Although the setting sun is sometimes haunting to behold, the rising sun over the clement Himalayan ranges is far more resonant and invigorating. The Himalayan zenith has always been the harbinger of profound thought and of that unspeakable human experience. The sundry ethos that makes up our great civilization is stuffed with mysticism, paradox, and enchantment. In the inscrutable language of our heart lies a tranquil, postponed power. Now, today, the people of Asia must put

their symmetry to work. The rest of the world is waiting for us to do our part. It is our time.

The ASEAN Law Association has to be mobilized for a tremendous effort. Slothful ease invites crisis. The liberty we enjoy today is simply a product of built-up efforts in the past. We cannot stand idly. We must keep moving. Now is the time to ignite our great, untapped genius and put forth a work of a lifetime. Though there are more problems today than there are experts, there is no greater strength than an open mind united with a readiness to take risks.

We gain nothing except by victorious effort. Against the strife of civil life we learn that the joy of it all is only felt when we strain all our powers and imagination as far as they can go and feel the profound forces behind every detail. As it is with the individual, so it is with our nation. As it is with the nation, so it is with an assembly of nations. We have here and now a myriad of sovereign wills dutifully assembled, the minds that constitute the driving force of the ASEAN vision.

We have been told of our success stories of progress. We have weathered the storms of political and economic strife. We wear these medals with pride on our hearts. Yet we cannot avoid the spectacular despotism of horrifying poverty, of tearful anguish, where the perfect majority of our people are poor who sleep hungry and wake up hungry still and only recently, of terrorism. We dwell in times of perplexity. We cannot help but witness the recurring incidence of human rights violations, deaths due to terrorism, and the fall of governments and their leaders because of corruption and intrigue.

We must therefore discern between genuine success and cosmetics, and steer clear of all vanity that dulls the genius and weakens the energy of the people of Asia. But I believe that in our problems lie the most serious challenges; in their resolution lie the greatest opportunities. We therefore convene today to define the issues that strike public conscience, to meet these challenges, and rejoice in the resiliency of the Asian soul and the triumph of the human spirit.

We must not forget the objectives of the ASEAN Law Association: to forge a resilient crucible of trust, the foundation for cultural, social, economic and political progress under the ASEAN spirit of equality and partnership; maintain peace and promote regional prosperity through the advancement of the Rule of Law; appreciate and harmonize our distinct legal philosophies in the ASEAN region; promote closer cooperation and understanding among our lawyers; improve the organizational framework for regional cooperation through collaborative projects, legal research and information dissemination; secure the administrative apparatus for the resolution of disputes within our region. Simply put, we must have faith in the future of our self-union that is the ASEAN – a future which can be brighter and enduring if tied up with the vision of the International Conference and Showcase on Judicial Reform.

We have defined the issues of the day. We must focus on important matters on legal ethics and their interfaces among our legal education systems; we must formulate measures to curb money-laundering and other instances of fraud; we must settle questions on constitutional law; we must outline the substantive and

procedural matters on international arbitration and appellate remedies; and we must confront the unavoidable topic of terrorism. Our regional legal framework must accommodate these urgent necessities.

Despite our diverse heritage and distinctive ways of governance, we are united by a loftier, common ethos – we are not to become a social burden but to be burdened with a social writ. In the supreme trial of law and life, we are charged to shape the destinies of our nations, to chart a path of universal righteousness and greatness, and to stand up as the prevailing benchmark by which to measure all people. Today we must apply our combined, intellectual efforts and proceed as an organic whole. Our mighty assignment demands from us a conduct that lies beyond the standard of common excellence. We cannot leave our work to average human nature. We cannot be satisfied with the stale, consecrated phrases that are easily swept away by the torrent of the global maelstrom, but we do have to arrive at those certainties that receive the sanction of the universe. In fashioning a greater

collective destiny, we unwittingly weave a more durable tissue into our unique tradition as people of Asia.

Asia's greatest resource is the untiring genius and moral worth of her people – you, the men and women here today who are blessed with the national life with regional and global perspectives.

In your hands rests the fate of Asia.

May you have a fruitful conference.