

THE RULE OF LAW IN UNCERTAIN TIMES

*Inaugural Speech delivered by newly inducted IBP President
Abdiel Dan Elijah S. Fajardo on July 11, 2017 at the Manila Hotel.*

We, are experiencing a remarkable period of political change.

The surge of populism across all modern societies, including ours, is no longer a simple thesis statement – it is the political reality of our time.

The Internet has become the new enabler. Discordant, sometimes disturbing views, previously kept out of the mainstream, are dominating and shaking the very foundations of our institutions.

The Fourth Estate – the Press – previously, the sole gatekeeper of popular thought, is currently under siege. Journalists all over the world are in a struggle for survival against an unexpected new enemy – Fake News. Under traditional logic, fake news should be easily defeated by the truth. But we are now witnesses to how opinion may be manipulated through the constant bombardment of lies and propaganda passed on as correct information.

I opened with the current plight of journalists because when I look at their battle, I see our possible future as lawyers. For as journalists were seen as the sole gatekeepers of “truth”, lawyers are seen as the sole gatekeepers of “justice”.

I emphasize the word “sole” because it is precisely **that** characterization of exclusivity which is being undermined today. This is an age where information – not service – **is** the prime commodity. Most of this information is freely accessible online, and we face the prospect of our role in society being tested, and challenged, in a manner no different from what journalists are facing today.

Already, there are signs of this happening. Just recently, a political science professor was engaged in a fierce online debate against several lawyers about what a provision of the Constitution means. Hundreds of people “liked” and posted “comments”, a good number of them siding with the professor, some of the commenters even disputing the lawyers’

premises. Obvious expertise on the subject was not decisive.

Yes, we face a rising tide and an uncertain future. It is tempting to fight back and drive these sentiments to the ground. But we might have to take a different approach.

We must remember that lawyering is a profession defined by service, not by elitism. The current global populist sentiment is likely a product of collective frustration by people whose lives are marked by denied opportunities. Thus, we should not **fight** the public for demanding that we now justify our role in society. We should **engage** them. We call ourselves servants of the public interest. If we take this to heart, then we should communicate better, ask where we have failed, and keep our promises to improve.

We must renew our commitment to the Rule of Law not as a bare ideal, but a pragmatic solution. We at the IBP say that we have no “master but the law”, because we know that where the rule of law is not firmly established, poverty and suffering are exacerbated. From strife, we have come to learn that Law is the most effective means of maintaining society and keeping it from tearing itself apart. More importantly, it is *through* strife that we have come to know, that Justice through the law is preferable over the alternative.

We thus remind ourselves that we **owe** our very existence to the Rule of Law. There are some who have come to see that certain objectives may be met or, should be met, unencumbered by “legalities”. Nothing can be more self-destructive.

It is right to fight for the interests that we represent. As it is right to strongly disagree when genuine differences of opinion exist. But zeal must be tempered by limits. The erosion of the rule of law, if it is to come, should not be openly advocated by those sworn to uphold it. If this ideal is not enough, perhaps a practical warning would be: A society that attains its objectives in a manner that flouts the law has no need for lawyers.

The political uncertainty faced everywhere is an unsettling prospect. Maintaining the preeminence of the Rule of Law, and by extension, our role in society, requires us to learn from the experience of those who

bore the brunt of the first upheavals.

There is no enemy to beat, no case to be won. Faced with a frustrated public, our success lies in tapping a greater, more powerful feeling. And as I see it, there is no greater drive, than the common human desire for progress and opportunity. As such, it is our duty that the Rule of Law, as a concept, is extended further and deeper, way beyond a mere abstract ideal. If we are to continue to serve the public, our foremost objective is to affirm that the best protection of their rights and desires, is **still** a system that favors stability and equality. A system grounded on fealty to the Constitution, if we are all to recall our oaths as members of the IBP.