



ATENEUM DE NAGA UNIVERSITY
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University Memorandum

No: 2017-2018-104

To: The University Community

From: Fr. Roberto E. N. Rivera, SJ, President

A handwritten signature in black ink, appearing to read "R. Rivera, SJ".

Date: 6 April 2018

Re: EASTER GREETINGS / JUSTICE DAVIDE'S COMMENCEMENT ADDRESS

Easter blessings to our whole community! I hope that the Holy Week break has been a restful and meaningful one for you and your loved ones. As we joyously commemorate our Lord's resurrection, we take stock as well of the many graces we have received this academic year, all flowing from the self-same God who has offered Himself fully—through the Son—for our redemption.



The Holy Week and Easter season has coincided yet again with graduation time here in Ateneo de Naga. Among the many graces we give thanks for is the privilege of having bestowed upon (Ret.) Chief Justice Hilario G. Davide, Jr. the honorary doctorate in Public Administration. His commencement address is brimming with words of wisdom from someone who is a truly revered icon of democracy in our country.

Justice Davide has gifted us with the full, unabridged version of his address (*ref below*). Here he speaks of the crucial and pressing issues of our time—federalism, charter change, peace in Mindanao—as someone who has taken on the mission of a faith that does justice. His words are worth reading and reflecting on, if only to remind us that Jesus' resurrection was followed by His commission to go out to the world and proclaim the good news.

Again, a blessed Easter to all. *Deo Gratias, Alleluia!*

**Ateneo de Naga University Graduates:
*Magis Personified in the Face of Imminent Tyranny****

(Ret.) Chief Justice Hilario G. Davide, Jr.

President Fr. Rivera, S.J. Trustees, Deans, and Members of the Faculty of the Ateneo de Naga University; our 2018 Graduates; parents and loved ones of our graduates; guests, ladies and gentlemen,

I wish to express my profound gratitude to the Ateneo de Naga University for giving me the honor as a commencement speaker to the 1,283 graduates of the Colleges and of the forty three (43) of the Graduate School for 2018.

Forthwith, too, I wish to publicly express my most profound gratitude to the Board of Trustees of ADNU for deciding to confer on me the degree of **Doctor of Public Administration, *honoris causa***. I cannot find words adequate enough to express that gratitude, especially for the long citation.

The conferment makes me the 2018 lone ADNU graduate with a doctoral degree – even if *honoris causa*. I beat all of you dear graduates. You worked hard for a number of years and unceasingly prayed for the coming of graduation day. I did not. Obviously quite unfair and unjust. But, that is how it is for honorary doctorate degrees and that is why I got a good number of them. However, I never allowed anyone to address me “DOCTOR” Davide for any of these degrees.

This conferment legally entitles me to be inducted to the Ateneo de Naga University General Alumni Association and to sing with you the Ateneo de Naga University Hymn at the end of our exercises.

I pray to St. Ignatius Loyola that I would be able to live up to the lofty ideals of the ADNU.

This is actually my second visit to this great university. The first was last 27 May 2017 upon the invitation of then President Fr. Jun Viray, SJ, to be a guest at the formal opening of the College of Law and the blessing and inauguration of the new ADNU Building which was also to house the new College of Law. I was with Gigi – my one and only wife for 54 years and for sure even beyond the end of time. I then expressed my hope to be still

**Address of (Ret.) Chief Justice Hilario G. Davide, Jr. during the 68th Commencement Exercises of the Ateneo de Naga University and on the occasion of the conferment on him of the degree of Doctor of Public Administration, *honoris causa*, on 24 March 2018, at the Ateneo de Naga University campus.*

around five years later to hear the Supreme Court's announcement and to read newspaper articles that 100% of the first batch of ADNU Law graduates passed the Bar, and that two or more of them are among the first ten topnotchers. I did not expect to personally come back earlier.

What a special blessing from Heaven that ADNU called me back again, this time with this additional difficult assignment: to speak on current pressing issues, particularly about the concerns in Mindanao and of the shift to Federalism. What a special blessing too that Gigi would be around with me.

We gather here today to hold the 68th Commencement Exercises of the Ateneo de Naga University. Pursuant to your University mission, I implore you to be the very harbingers for the development of Bicol and transformation of society, fueled by Ignatian *magis* no less. While you are privileged to be the product of a premier academic institution in Southern Luzon, I dare say that it is your manifest destiny to engage in nation-building and to transform the Filipino society in a manner that progressively realizes the ideals of Jesuit education. Be men and women for others. These are the identifying marks of graduates of Ateneo de Naga University and of all Jesuit-run Ateneo educational institutions.

Your University leaves a large footprint in the Philippine academia. As a Jesuit university founded 78 years ago, it continues to have Jesuit priests as members of governing bodies and of the faculty. You ought to be proud that our Pope, Pope Francis, is the first Jesuit Pope. You ought to be proud too of my most favorite Jesuit priest - Fr. Joaquin Bernas, SJ. He was not only the President of the Ateneo de Manila University for many years (1984-1993) and Dean of its School of Law for two separate terms, and a member of the 1986 Constitutional Commission who wrote the most authoritative book on the 1987 Constitution of the Republic of the Philippines. He was, above all, an alumnus of the Ateneo de Naga High School, Class 1950. His classmate, Benjamin Almoneda, became a Bishop of the Diocese of Daet, Camarines Norte. The Class 1954 of the same high school had Prospero Arellano who became Bishop of the Diocese of Libmanan.

Several ADNU High School alumni had held, or are currently holding, prominent government positions. Chronologically arranged as to the years of their graduation, we have for example, NBI Director Antonio Carpio Sr. (1949); Governor and Congressman Luis Villafuerte (1953); the late Sandiganbayan Presiding Justice Francis Garchitorena (1954); the late Senator Raul Roco (1956); Representative Gabriel Bordado (1971); Mayor, DILG Secretary and Ramon Magsaysay Awardee Jesse Robredo (1974); Solicitor General Jose Anselmo Cadiz (1974); and Mayor John Bongat (1981).

By being a part of the greater Ateneo community, with Ateneo de Naga University being only a part of it, you will stand proud with our greatest national hero, Jose Rizal, and the likes of, among others, Claro Recto, Ambrosio Padilla, Chief Justice Claudio Teehankee, Justice J.B.L. Reyes, former Senate President Nene Pimentel, and Raul Manglapus. Above

them in terms of election to the highest elective position of President, you have President Fidel V. Ramos and President Noynoy Aquino.

In the Supreme Court today we have Chief Justice (on leave) Maria Lourdes Sereno and Acting Chief Justice Antonio Carpio with AB degrees from Ateneo de Manila University, and Associate Justices del Castillo, Bernabe, Caguioa and Reyes. Our Philippine Judicial Academy Chancellor, retired Supreme Court Associate Justice Adolfo Azcuna, is another Atenean.

I took time to recite these facts because I would like to underscore two things:

First, that the Ateneo de Naga University is keeping and living with utmost fidelity its mission to “draw[] its inspiration and educational principles from St. Ignatius of Loyola[,] and [] thereby seek[] to imbue its members with the desire to strive for excellence in every sphere and activity of life. Through teaching, research, community service and deep personal interaction it aims to form ‘men and women for others’ who will find God in all things, always seek his greater glory and respond generously and courageously to Christ’s call to serve first God’s Kingdom – *Primum Regnum Dei*.”

Second, that imposed upon you is the solemn duty to preserve the legacy of the Ateneo de Naga University which is shaped by the sterling performance and praiseworthy successes of its alumni and alumnae. That legacy is a treasure to be proud of. It is alive and well. But the greatness of past deeds alone is not the business of Jesuit education. You must look to the future and take the spirit of *magis* to a whole new level. *Magis*, of course, means MORE, in the sense that one must constantly ask oneself what more he or she can do for others.

In defining *magis*, I would like to turn to the seminal speech of Fr. Pedro Arrupe, S.J., then Superior General of the Society of Jesus, which he delivered before the Tenth International Congress of Jesuit Alumni of Europe in Valencia, Spain, on July 31, 1973. Fr. Arrupe’s speech had become the rallying cry of Jesuit educators around the world for its call to be men and women for others. Fr. Arrupe’s conception of education is one that is inseparable from justice, namely, **social justice** as a constitutive element for learning and action. Take note: **Social Justice**. The acronym for that is **SJ**, an acronym that is written after the name of every Jesuit priest or brother. This simply means that even as your Commencement today marks the end of your formal education under Ateneo de Naga University, your education is not yet complete. For as long as injustice and social evil remain to be prevalent, your education will not end. I think that in our world today there will be no end to these.

You will see that heeding the call to be men and women for others will involve a strong social component. Not only will Ignatian spirituality require a personal conversion, it will demand you to go outside of yourself and engage in structural, social reform. You must venture out of your core personal space and thereafter dive into the social periphery. This is

reflected in your University's mission and vision, which is to act as change agents for the development and transformation for your region and for the Filipino society at large.

I urge you then to provide service to the people, to the nation, and to the world community - humankind. I find the virtue of service in the Atenean spirit of *magis* to be a perfect fit for those of you who wish to be in the public service. I am optimistic that this distinguished institution has inspired you to fill the ranks of our government. In the context of world competition and national demand for virtues and values-driven leaders and professionals, as graduates of Ateneo de Naga University you are at a distinct advantage. The country needs you, now more than ever.

With all that are now happening in our beloved Philippines – the only Christian country in Asia and the Pacific which shall celebrate on 21 March 2021 the 500th anniversary of the solemnization of the first Catholic Mass in the Philippines, in Limasawa – only the brave and the courageous and who are for others can bear the ordeals and come out victorious for their causes. We of this generation are fighting both internal and external wars that would affect our present and define our future. The internal war concerns our values, our virtues, our spiritual, moral and ethical moorings.

Our external wars could have strongly influenced Fr. Rivera to order me to concentrate on the concerns in Mindanao and on the issue of Federalism. For Mindanao, these are not simple concerns, but problems that long existed for centuries. Our generation and some earlier generations were born into these problems. We were taught that Mindanao is the Land of Promise. But, with all the unresolved political, social, cultural problems, aggravated by the continuing Muslim problems and now worsened by terrorist groups, especially with the entry of ISIS, Mindanao may no longer be a Land of Promise. The Marawi war should teach us this bitter lesson that whatever happens in Mindanao would affect the entire nation and all Filipinos.

But we can make Mindanao not only a Land of Promise. We can make it a Land of Fulfilled Promise. And now is the time to do it. At no other time in our history do we have the best opportunity to do it, for it is only in our generation that the three branches of Government – the Executive, Legislative and Judicial – are in the hands of sons and a daughter of Mindanao. Our President is from Davao City. Our Senate President and our Speaker of the House of Representatives are from Cagayan de Oro City and Davao del Norte, respectively. Our on leave lady Chief Justice is from Davao City, and the Acting Chief Justice is also from Davao City. Thru God-inspired leadership they can effectively transform the face of Mindanao. Then, too, we have three Jesuit-run Ateneos in Mindanao, one of which is located in Davao City – the Ateneo de Davao University – whose President, Fr. Joel Tabora, was ADNU's President for many years.

The most effective way to solve our problems in Mindanao is the recognition of a Bangsamoro Region conferred with genuine and authentic local autonomy. The

establishment of that autonomous region is recognized in our 1987 Constitution – Article X. This would mean the approval of the organic act for that autonomous region, popularly known as the Bangsamoro Basic Law or BBL, which was first taken up in the previous Congress – the Sixteenth Congress. I had the rare opportunity to be partly involved in the study of BBL in that Congress as a member of the Citizens' Peace Council which was recommended by then President Aquino to independently scrutinize the bill to temper the prevailing strong emotions against it after the Mamasapano massacre.

After serious study, the Council submitted a report recommending the passage of the BBL taking into account the elimination of provisions whose constitutionality was doubtful. As a member of the Council, I appeared at the public hearings on the BBL both in the Senate and the Lower House. I reiterated the position of the Council that the BBL is not just about a grant of autonomy as mandated by the Constitution, it should be viewed as an instrument to pursue social justice and development for the constituents of the autonomous region, for the entire Mindanao and for the country in general. The BBL is a path to peace.

The Sixteenth Congress failed to enact the BBL.

The BBL is back again now with the Seventeenth Congress. In my appearance last on 5 February 2018 at the public hearing thereon in the Senate Subcommittee on the BBL headed by Senator Zubiri, I reiterated my support for the bill subject to the observations and suggestions I presented. I even stressed to the Subcommittee that the Marawi war would not have happened if we had a BBL. I recommended that the BBL be approved the soonest possible time and that the President certify it to Congress. I also expressed the view that it should be approved before the shift to Federalism for the whole country is considered. As confirmed by no less by Presidential spokesperson Harry Roque, the President had at least three times expressed his position that the BBL should first be approved. We should make the Bangsamoro Autonomous Region and Government as a test case or model for and an experiment in Federalism. If it would prove to be a success after ten years, we then can consider the Federalization of the entire Philippines. This could be the most logical, rational and practical approach to the path to Federalism to avoid what in the next few minutes I shall disclose to you about Federalism.

Let me now dwell on the external wars which, as I earlier adverted to, would tremendously affect our present and negatively and adversely define our future, and concerning which you graduates of ADNU and other Jesuit-run Ateneo educational institutions must confront with forthrightness and courage and Atenean conviction. I will focus on the more dangerous one, which is political in nature and which would have tremendous impact on all other aspects of our life. I refer to the war waged against our **1987 Constitution of the Republic of the Philippines**, the political Bible of the Philippines drafted by the 1986 Constitutional Commission and overwhelmingly ratified by the electorate in the plebiscite of 2 February 1987. Of the 21,787,210 who voted in the plebiscite,

16,622,111 or 76.30% voted **yes** or **affirmatively**; 4,953,375 or 22.74% voted **no** or **negatively**; and only 207,730 or barely 0.96% **abstained**.

It is a war to revise or change this Constitution primarily to adopt **Federalism** to replace our **Unitary** system of Government.

The issue of Charter Change has overshadowed or sidelined all other major issues of paramount importance such as, among others: continuing violations of human rights with the daily cases of extrajudicial killings; peace and order and national security aggravated by the increasing threats from terrorist groups and the NPA; graft and corruption; and threats to our territorial integrity. As to the latter, China is practically flying its flag on the West Philippine Sea, and is trying to grab our Benham Rise and perhaps later our beloved Philippines itself. Remember, last February 19, before Chinese businessmen, the President mentioned of the Philippines as a **province** of China. Malacañang spokesperson Harry Roque explained that it was just a joke of the President. But knowing China, it will not consider it a joke. Chinese leaders are not known to be jokers. Our becoming a province of China may not be too far away. It was also reported in the 1 March issue of the Philippine Star that Malacañang mentioned about the China-Philippine co-ownership of the West Philippine Sea or South China Sea. Then, as reported in the Philippine Daily Inquirer issue of 7 March, Director Batongbakal of the UP Institute for Maritime Affairs and Law of the Sea revealed a news article in a China Communist Party newspaper that the Philippines \$7.34 billion loans from China would be secured by our natural resources.

The issue is further dividing our already divided people. This reminds us of what Jesus Christ Himself says about the Pharisees of His time in the Gospel according to Matthew (12:25): “Every kingdom divided against itself will be laid to waste, and no town or house divided against itself will stand.”

My stand against Charter Change, especially against the shift to the Federal system, is publicly known. I have welcomed opportunities to share my views with others, with hopes that our people may be able to fully understand what it is all about and not to be hoodwinked into believing in the “new paradise” proponents of the Charter Change promise for them, especially in these times of fake news or false news. We have to warn ourselves that that “new paradise” is not for the people. It is for politicians who seek for power, fortune and fame, and who seek to perpetuate themselves in that power and acquire more fortune and fame. To the people it would be **hell**. This is the reason why following the rush to amend/revise the Constitution by, primarily, adopting the Federal system government, I declared that the shift to Federalism is a **lethal experiment, a fatal leap, a plunge to death and a leap to hell**. Many misunderstood my reference to hell. One even remarked that he cannot intelligently comment on it because he has not gone to hell, suggesting that, perhaps, I had been there. I have not been there; but with federalism all of us may go there. What I referred to as hell is hell while we are on earth.

That is only on Federalism. There are more that would come with it that would only expose some hidden agenda of our politicians – their “new paradise”. In short, Federalism is a bait designed to attract or beguile our people to the promise of a “new paradise.” These are, among others, the hidden agenda as proposed in one or two of three drafts of the Constitution of the Federal Republic of the Philippines now before the House of Representatives, or as publicly mentioned by the gods in the Lower House: (1) the adoption of the parliamentary form of Government; (2) extensions of the terms of incumbent elected officials, which would mean the postponement or cancellation of the May 2019 elections; (3) the lifting of term limits as now prescribed by the Constitution, thereby allowing the President to seek reelection and the others to hold on to power for as many terms they want; (4) increasing the number of years for a term of office of elective positions, such as from the present three (3) years to 4 years or even 5 for local officials; (5) providing for a transition period for Federalism which could last for many years with the incumbent President in power; (6) the lifting of the restrictions on the exercise of the Presidential power to proclaim martial law or to suspend the privilege of the writ of *habeas corpus* thereby opening the door to the resurrection of the Marcos dictatorship; and (7) the lifting of the Filipino citizenship requirement in the National Patrimony and economic provisions of the Constitution and leaving everything to Congress. This lifting of the citizenship requirement would end up with the outright surrender of the Philippines to foreigners at no cost to them. It would open further the way for the Philippines becoming a colony of a foreign power, or just a province of China according to the President. It would convert our Congress from being **free** (spelled FREE) market of noble ideals and ideas into a **fee** (spelled FEE) or marketplace of lobbyists for foreign powers and businessmen seeking entry into our national resources and wealth. Graft and corruption in the halls of Congress and outside will flourish. Dollar-salting will worsen. Corrupted and bribed members of Congress will have huge foreign deposits, and AMLA will be powerless.

I have declared the evils of Charter Change, especially of Federalism, many times in the past several weeks in various fora. I would declare them now before you. I will not stop doing so until this issue of Charter Change shall meet its death – not by summary execution – but by the will of an enlightened people who truly love the Philippines.

Since it is the current Administration that is proposing Charter Change, it may be apropos to remind it, even very gently, that the President, upon assumption of office on 30 June 2016, took the oath prescribed by Section 5 of Article VII of the Constitution and, invoking the help of God, solemnly swore to, among others, “**preserve and defend the Constitution.**” Likewise, all the incumbent Members of Congress and all other elected local officials took an oath, upon assumption of office, invoking the help of God to, among others, “**uphold and defend the Constitution and to bear true and allegiance to it.**” [Book I, Chapter 20, Section 40, Executive Order No. 292 (Administrative Code of 1987)].

With these solemn oaths in mind, I submit that only the most compelling valid and just reason may justify a President and the elected officials who are now members of his political party to propose to amend or revise the Constitution and to rush its approval by a people a

vast majority of whom do not even know the Constitution. We are informed of the results of a national survey that only 27% of our people know about the Constitution.

We stand at a time of tumult, tribulation, and change. Never before has our society been confronted with change, but not the kind of curative change which we had hoped all along. The long and short of the rush to Charter Change at this time is nothing but *tyranny* - that would lead us to the hell I earlier mentioned.

There is absolutely no need to amend our 1987 Constitution. Even if there is, Federalism is not the answer. The 1987 Constitution is the only Constitution of the Philippines (and there had been several) which has remained unamended for thirty-one years despite several attempts to amend or revise it, two of which were serious. Both availed of People's initiative – the third mode of proposing amendments to the Constitution per Section 2 of Article XVII, which is implemented by Republic Act No. 6735 or *The Initiative and Referendum Law*. The first was made in 1997 during the term of President Fidel V. Ramos for the purpose of lifting the term limitations of elected officials such as that of the President so that the President could run for re-election in the elections of May 1998. Under Section 4 of Article VII of the Constitution, “the President shall not be eligible for any reelection.” But, in its decision of 19 March 1997 in *Santiago v. Commission on Elections* (G.R. No. 127325, 270 SCRA 106), the Supreme Court aborted the move. It declared that the Initiative and Referendum Law as worded is incomplete and insufficient for purposes of the people's initiative to propose amendments to the Constitution. I was the *ponente* of that Decision. The second attempt was made during the term of President Gloria Macapagal Arroyo. This time it was to adopt the **Parliamentary** form of government. As was generally perceived, the purpose was to allow the then President, who was not eligible for re-election, to continue to hold on to power by being elected as Prime Minister after the end of her term. In its decision of 25 October 2006 in *Lambino v. Commission on Elections* (G.R. No. 174153, 505 SCRA 160), the Supreme Court frustrated the move in light of its decision in the *Santiago v. Commission on Elections* case, and also because the process adopted was not in accordance with Sec. 2, Article XVII of the Constitution. Until now, Congress has not amended R.A. No. 6735 to cure the defects pointed out by the Supreme Court in these cases.

In short, the 1987 Constitution has achieved an unsurpassed record of **permanence**. **Permanence**, as explained by Justice Isagani Cruz in his book **Constitutional Law** (2000 ed.) means the capacity of a Constitution “to resist caprices and whimsical change dictated not be legitimate needs but only by passing fancies, temporary passions or occasional infatuations of the people with ideas or personalities.”

If the 1987 Constitution has attained **permanence**, it is because, even if imperfect – as none is perfect except God – it is the best for our country and our people, not just of our generation but even for generations yet unborn. It is the only Constitution in the world I know of which is pro-God, pro-Filipino, pro-People, pro-Life, pro-Family, pro-Marriage, pro-Poor, pro-Social Justice, pro-Human Rights, pro-Women, pro-Environment, among others.

The right to life begins from conception (Article II, Section 12). It devotes separate Articles on Social Justice and Human Rights (Article XII), and the Family (Article XV). It contains sufficient guarantees against abuse of power and ensures people's active participation in governance, including people power. It is the only Constitution in the world that provides one Article on Accountability of Public Officers (Article XI) which institutionalizes the doctrine that a public office is a public trust (Sec. 1., Art. XI), meaning, that all government officials and employees are servants of the people, thereby enshrining the “servant-leadership” principle which Jesus Christ Himself proclaimed.

It is the only Constitution in the world which recognizes the role of the youth and the role of women in nation-building (Sec. 13 and Sec. 14, Article II).

It is the only Constitution in the world that expressly guarantees the independence of the Judiciary (Article VIII) and of the Constitutional Commissions of Audit, Civil Service and Elections. (Article IX).

It is the only Constitution in the world that provides for the effective decentralization of power to establish a strong local autonomy to the various political subdivisions, for which purpose one Article – Article X – on Local Government is devoted to it.

It is the first Constitution in the world that expressly commands the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.” (Article II, Section 16). This is the heart of the second encyclical of Pope Francis **LAUDATO SI** or **CARE FOR OUR COMMON HOME** promulgated in June of 2015.

I have yet to see another Constitution which could surpass our present Constitution. I know this Constitution quite well, I was among the Commissioners of the 1986 Constitutional Commission which drafted it. I submitted various constitutional reform proposals and introduced innumerable amendments to many provisions which were embodied in the final draft of the Constitution which was submitted to the people in the plebiscite of 2 February 1987. when the Commission at its plenary session on 12 October 1986 voted on the final draft. I ended my explanation for my **yes** or **affirmative** vote with this solemn pledge: “This is the Constitution I am willing to die for.” I have reiterated this solemn pledge many times before. I say it now before you.

Unfortunately and sadly, as revealed by a recent survey, only 27% of our population of about one hundred four million know about the Constitution. This knowledge does not even mean full or adequate knowledge.

Unfortunately and sadly, a massive majority of its provisions have not been implemented. In about 150 instances, our Constitution orders the State or Congress to implement the various State principles and policies by commands worded variously as

follows: 1) The State shall; 2) Congress shall give highest priority to; 3) as prescribed by law; 4) as provided by law; 5) as determined by law; 6) as may be provided by law; 7) dealt with by law; 8) in accordance with law; and 9) as may be established by law. But Congress failed, or perhaps even refused, to breathe life and give form to many commands or orders.

On the other hand, violations of the Constitution are rampant or unabated.

The irretrievable conclusion then is, there is nothing in the 1987 Constitution of the Republic of the Philippines which ought to require amendment or revision at this time. No compelling valid and just reason exists to justify Charter Change at this time.

Why then amend or revise our 1987 Constitution, which is the best for our country and people, which only a few know and a massive majority of its provisions have not been implemented, whose defects have not been shown or which are even constantly violated? Further, when the proponents themselves, especially for Federalism, do not even know what Federalism is and how it works? This reminds me of what Jesus Christ said about Pharisees during His time. In the Gospel according to Matthew (15:14), Jesus says: “They are blind guides of the blind. If a blind person leads a blind person both would fall into a pit.”

In this regard, we should go to the heart of the matter. This is probably where the Atenean *magis* can work its magic. What our country and our people need today is not a change of the Constitution by adopting the Federal system. What are needed are: **first**, full implementation of the Constitution such as on social justice and the passage of a law prohibiting political dynasties as mandated by Section 26 of Article II of the Constitution and revisions of the Local Government Code; **second**, authentic and genuine change in the hearts and minds and values of our leaders to the end that they are to be truly genuine, authentic public servants or servant-leaders; **third**, authentic and genuine change in the virtues and values of our people that they be at all times vigilant and assertive as the true source of sovereignty from whom all government authority emanates (Article II, Section 1) and masters of these public servants – not their slaves.

Authentic, effective leadership lies at the core of meaningful change. Absent authentic, virtuous leadership, no amount of amendment or revision of the legal or constitutional order will be able to bring about meaningful benefits in our lives and in the generations to come. It is that kind of leadership – authentic and virtuous – which the Atenean education can provide.

Let us now consider Federalism as a lethal experiment, a fatal leap, a plunge to death and a leap to hell.

I will begin with these major and general premises.

First, the Federal System is definitely not suited for our country and people of this generation and even for the generations yet unborn in light of our history, culture, tradition.

Second, Federalism cannot fit into our training and experiences in the art of politics, government, and governance. We never had it since we attained our independence on 12 June 1898 or nearly 120 years ago – or even before. It would be a complete stranger that would come not on its own conquering will but at our reckless and imprudent instance, instigated only by a few with hidden agenda. Ideal for us and already in place for at least 120 years is the Unitary system.

Third, the process sought to be adopted for the shift to Federalism is an anomalous deviation from the historical and traditional mode of forming Federal States or governments. Under this historical and traditional mode, a Federal government is compact between two or more states, to become united under one central government (Black's Law Dictionary, 6th ed., p. 610). Thus, the original separate sovereign states would become component states of the Federal government. But, what is to happen in the Philippines in the proposed Federalism would be the exact opposite. It will divide and split one sovereign State – the Philippines – into various autonomous states or regions.

The principal reason adduced by proponents for the adoption of Federalism is that our present unitary system is highly centralized and has created an “Imperial Manila” which nurtures and perpetuates a tremendous imbalance in the exercise of governmental powers and allocation of government resources in favor of “Imperial Manila” and against the present political subdivisions or local government units – the autonomous regions, provinces, cities, municipalities and barangays. They assert that to remove that imbalance there must be put up between the highly centralized authority and these local government units a strong autonomous sovereign governmental authority or seat of power which shall share with the central government authority and power to the end that the local government units will truly enjoy the blessings of genuine autonomy.

Federalism does not accomplish these goals and objectives. On the contrary, Federalism will only give birth to illegitimate children of “Imperial Manila”, namely: the new States or Regions, which we can baptize as “sub-imperial Manilas”. These sub-imperial Manilas would now take away the larger portion of the national funds and resources now shared by the national government with existing political subdivision.

All such goals and objectives can be adequately and sufficiently accomplished by merely - but effectively and efficiently - implementing the relevant provisions of our present 1987 Constitution for a strong local autonomy and decentralization. One whole Article of this Constitution – **Article X** - is devoted for this purpose. It is entitled **Local Government**. This Article orders Congress to enact a **Local Government Code** which shall, among other things, provide for a more “responsive and accountable local government structures instituted through a system of decentralization” (*Sec. 3*). The first Congress convened under the present Constitution enacted in 1991 the **Local Government Code**.

Clearly, effective decentralization or power sharing between the central government and the political subdivisions are already assured and mandated – not denied or impeded – by the Constitution. On the contrary, they are hampered or impeded by the **failure** to fully implement the Constitution.

If more are still needed, Congress can simply amend the 1991 Local Government Code. Under this Code Congress is ordered to review it every five years. This has not been done. So, why blame the Constitution?

As envisioned in the three drafts of a Constitution for the Federal Republic of the Philippines proposed in four resolutions before the House of Representatives, the Philippines would be divided into various States or Regions – 12 States in one; 18 Regions in another; five in the third; and as many as may be determined later in the fourth.

This dividing, breaking up, splitting, fragmenting, and disconfiguring of the Philippines will not build a just and humane society and will not bring a harvest of unity, solidarity, harmony, development, progress, prosperity, peace, and stability. On the contrary, it would build and bring the opposite.

What then will happen and what shall we have under a Federal system? Or, what are the evils of Federalism? So many. But, let me just enumerate a few for now, including those I mentioned at the symposium we had last 27 May 2017 after the blessing of the ADNU Building.

As a preface, let me just repeat what I said at the start of my presentation that the Federalism strategy is a bait. Many say that it is a trojan horse. It could make a new Constitution that would institutionalize the hidden agenda of our politicians hungry for power, fortune and fame, their “new paradise”.

Here are some of the evils of Federalism once adopted.

One, Federalism would further divide our people and cultivate in them forced double loyalties: to the central Federal government and to the States or Regional governments which shall have ultimately its own basic law or constitution, and own flag and anthem. They would lose their historic identity. For example, since Cebu will only be a part of the new State or Region of Central Visayas, Cebuanos will now be called Central Visayans. The Ilonggos Western Visayans.

Two, Federalism would create a horribly enlarged and bloated bureaucracy because of the creation of new layers of strata of governmental authority or seats of power – the new central government or Federal Government and the new component States or Regions with their own executive and legislative organs – in addition to the existing political subdivisions; the corresponding reorganizations of the Judiciary and the Constitutional Commissions and

the military and police forces, among others. As a consequence, thousands of new elective and appointive positions would be created. If now we can hardly keep up with the bureaucracy under a unitary system, what more under a Federal system?

Three, Federalism is anti-poor. The poor of our beleaguered Philippines would become poorer for they would be burdened with more taxes of all kinds to support and maintain the separate States or Regions and the Federal government with their thousands of elective and appointive offices. Some of you who had worked in some Federal republics know that a huge part of your income went to Federal and to State taxes. Land or real estate taxes, inheritance taxes, and other taxes will rise. Think of new or increased taxes the central government, State governments, provinces, cities, municipalities and barangays would necessarily impose. The weight of taxes will certainly impoverish further the poor Juans and Juanas. These would certainly be unjust and oppressive.

Four, actually, billions of pesos of funds and resources that would be annually and regularly shared by the national government with our present political subdivisions under our unitary system would be filtered through the new states or regions – or as I earlier referred to as the sub-imperial Manilas – where they will eventually be hijacked and only the leftover fragments would go down the drain to our present political subdivisions. For instance, if under Local Government Code, the political subdivisions are entitled to 40% of Internal Revenue income, they might only receive 20% or even less.

Five, because the natural wealth and resources of our country are not equally or evenly spread over the entire archipelago, the new States or Regions under the Federal system would not equally, fairly and equitably benefit these natural wealth and resources. Hence some States or Regions would have more; others, much less. The poor States would become poorer.

Six, the creation of new States and Regional governments and the corresponding creation of more juicy elective positions could guarantee fortune, power and fame to shrewd politicians and their families. In our culture of politics, we shall witness the strengthening of old political dynasties and the proliferation of new ones at the different strata of power especially the new states or regions. Because thousands of appointive positions would be created, thousands whose loyalty will be to politicians or to political dynasties, political and party patronage will be a sinister culture to the irreparable damage of public service.

Seven, what Federalism erects is not actually Federalism but FEUDALISM. The strengthening of old political dynasties and the proliferation of new ones would increase the number of feudal States or Regions. Christian Monsod, my good friend and colleague in the 1986 Constitutional Commission describes our Philippine society as “still feudalistic dominated by a ruling class that rotates among themselves the levers of power through changes in administration. The fact is that only 1% of the families make the laws, dispense justice, implement programs and control media.”

Eight, because Federalism breeds political dynasties and creates feudal societies, democracy would be at risk. In his latest book, *Understanding Philippine Society, Culture and Politics*” (2017 ed., p. 216), the noted sociologist Professor Randy David said: “The reign of a few political dynasties, even if legitimize by elections, goes against the idea of democracy.”

Nine, the political dynasties and feudalism provide the greatest temptation to keep and maintain private armies to eliminate oppositors and ensure perpetuation of power. Warlordism would be a necessary evil.

Ten, Federalism would breed new grounds and opportunities for massive graft and corruption because new offices vulnerable to graft and corruption would sprout, such as those for public works and infrastructure projects and the issuances of permits and licenses.

Eleven, because of the control of feudal lords and political dynasties under the Federal bureaucracy, the conduct of free, honest, orderly, peaceful and credible elections would be a nightmare. The three Gs – Gold, Guns and Goons – would rule as the god of the feudal lords. Yet, that would be very expensive.

Twelve, A divided country under Federalism would provide a fertile ground for the enemies of the State – the communists and the terrorists – to spread their wings and control. They can either enter the mainstream of society by the election of their comrades or hold hostage political leaders or even political dynasties in some States or Regions.

Thirteen, even the rule of law will suffer a lot in the hands of the feudal lords and political dynasties in a Federal system. It would be a reign of the rule of men, the law of the feudal lords – not the rule of law.

Fourteen, The Judiciary would not be spared. There is a move to limit the power of the courts and to abolish the Judicial and Bar Council (JBC) thereby ensuring the return of political interferences and pressures in the appointments of Members of the Judiciary. Justices and judges would be at the mercy of the feudal lords.

Fifteen, even the criminal justice system in the country would be put in disarray as a consequence of the unavoidable classification of crimes and offenses into Federal and State crimes and offenses.

Sixteen, the horribly enlarged and bloated bureaucracy under the Federal bureaucracy, with the proliferation of political dynasties, would make life for businessmen more difficult. In doing business, they will have to deal with several layers of sovereign authority I earlier mentioned. They will pay more taxes. They can be victims of more graft and corruption and harassment especially by politicians who would put up their own business empires.

Seventeen, if adopted, the transition to the Federal system would be very very costly, slow, complicated, difficult, even confused and chaotic. Uncertainly, insecurity, instability would be its first harvests, especially if during the transition period we will have the President to govern the country. The transition would install a dictator.

All told, a shift to the Federal System is tyranny. And for those who took their oath upon assumption of office “**to preserve and defend the Constitution**” or to “**uphold and defend the Constitution and to bear true faith and allegiance to it,**” to now lure, beguile, entice or hoodwink our people to agree to and approve the Federal system, because of a promise of a “new paradise” is to commit tyranny and to do injustice to our country and our people who will then suffer hell on earth for a long, long time.

Solemnly, I say to you dear graduates that you are truly heralds of a sacred Ateneo legacy. It is your solemn duty and manifest destiny not only to protect, preserve, promote, and enhance your legacy to be men and women for others, but also to answer the call of public service and be leaders in Filipino society. Protect the basic human rights of the Filipino people, safeguard what is left of our democracy, promote the Rule of Law here and elsewhere, and strengthen good governance and institutional accountability in your own special, unique way. You must become the conscience of the Filipino people. In today’s context and political climate, the administration of justice ceases to be a privilege or even a duty fit for only a few. It is now an organic necessity for everyone, more so for the Ateneans. You must always remember that the administration of justice is a function that is not limited to the Judiciary. Justice is not attained solely through court proceedings. Justice pervades in all aspects of life in society, or more accurately, it must be present in all aspects of life. Our society is replete with conditions that cry for justice. The unbridgeable gap between the rich and the poor, inaccessibility of justice and of political opportunity for the poor, shameless disregard of the public trust character of public office, graft and corruption, and the injustices committed against our own environment are but a few of them. You must be disciples of the law and fervent ministers of the temple of justice. The spirit of MAGIS requires you to conduct yourself in ways beyond the standard of common excellence. You have my unceasing prayers that you will not falter or fail along the way.

My special congratulations then to you 2018 graduates of the Ateneo de Naga University. You now belong to a special group which is, logically, expected to contribute more to our society and country.

I congratulate Fr. Rivera, S.J and the members of the faculty for their exceptional exemplary leadership in the field of Atenean education. May the vision and mission of the Ateneo continue to inspire you to make a real difference among the Filipino people.

I congratulate the parents and loved ones of the graduates. God is so proud of you. You have sacrificed a lot in terms of prayers and unconditional support to ensure that your

graduating son or daughter shall get the Ateneo brand of education and training to be true leaders to make our country truly great. Undoubtedly, you deserve a good part of the graduates' achievement. May the love and grace of Almighty God be always with you.

To our friends and guests who took time to be with the graduates, congratulations too for giving yourselves the rare opportunity to witness a great event that can renew the face of the earth.

Finally, let us all thank Almighty God – God the Father – for gathering us together as one on this blessed day just a few hours before we commemorate Palm Sunday – the triumphal entry of His Son, Jesus Christ, the Messiah into Jerusalem and to shout with His disciples and the crowd:

“Hosanna to the Son of David;
Blessed is He who comes in the name of the Lord,
Hosanna in the highest.”

May our commemoration of His death and passion next week – Holy Week – change the hearts of those who promise a new paradise through Charter Change primarily by the adoption of Federalism so that come Easter Sunday they will have a new heart – a heart that beats with love for our country and people. And all of us with them shout together: Christ is Risen! Alleluia! Alleluia!

May our Lady of Peñafrancia - “Ina” - hold all of us together in her loving maternal embrace.

Gigi and I extend to you our advance greetings for a triumphant Palm Sunday, a blessed Holy Week and a Happy Easter.

God bless us all.