

*Rendezvous with
History: PAO's Destiny?*

By Hon. Persida V. Rueda-Acosta*

Meeting of the Rotary Club of Manila

Makati AB Room, Makati Shangri-La Hotel

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(Thank you for your very warm introduction, Rotarian Pan Domingo.)

"Of the things we think, say or do:

- 1. Is it the TRUTH?*
- 2. Is it FAIR to all concerned?*
- 3. Will it build GOODWILL and BETTER FRIENDSHIPS?*
- 4. Will it be BENEFICIAL to all concerned?"*

The 4-Way Test. Printed on a billboard along the highway I pass every day from Bulacan to Quezon City, it never fails to catch my attention. I am impressed by this widely quoted statement. It sums up the highly ethical standard of Rotarians. Since I give a reverential premium on work ethics, I consider it an honor to have been given the chance to meet and address a group of highly ethical men this afternoon.

Chief Public Attorney, Public Attorney's Office (PAO), Department of Justice; Asian Public Intellectuals (API) Senior Fellow (2003-2004) of the Nippon Foundation Public Intellectuals Fellowships; Fellow of the Japan Legal Aid Association (JLAA); U.S. International Visitor 2002 in Washington D.C., Virginia, Florida, Wisconsin and California sponsored by U.S. Embassy and Department of State (February 12-March 8, 2002); Speaker, Southeast Asian Legal Aid Conference, sponsored by the Japan Legal Aid Association, the Japan Federation of Bar Associations, and the Bar Association of the Kingdom of Cambodia (Nov. 26 to 27, 2003) at Hotel Cambodiana, Phnom Penh, Cambodia, Participant, Justice Without Borders -Inaugural Summit, sponsored by Justice Without Borders Organization and The Johnson Foundation (May 3-5, 2002) at Wingspread, Racine, Wisconsin, USA; Speaker-Lecturer, Pan Pacific Legal Aid Conference, sponsored by Japan Legal Aid Association (December 4-5, 2001) at Capitol Tokyu Hotel, Tokyo, Japan; Associate Professor, College of Law, University of the East, Manila; Professor, College of Law, New Era University, Quezon City.

Rotarians of Manila, Rotary Club of Manila officers, headed by its president, Alex Yap, Jr., my idol Senator Fred Lim, Congressman Roy Golez, supporters and guests of the Rotary, fellow advocates on public service, good afternoon.

When I first learned about your invitation, I thought, "What could I possibly share with you today?" Your good secretary, Ben Magnaye, suggested that I talk about the functions of the Public Attorney's Office (PAO) and its two clients who have been given a new lease of life.

Gladly, my talk would revolve on that and on something else which I believe is also an important concern of Rotarians, who are in constant search of the truth and are in incessant practice of fairness.

The Rotary's motto, *Service Above Self*, could also be considered as PAO's very own.

The *2003 Assessment of the Public Attorney's Office*, a study conducted by the Supreme Court, stated that:

"(PAO) is not a government organization where most of the employees engage in watching the clock tick to five (5). Many of the PAO lawyers spend their personal hours for official work."

With many of its lawyers and support staff working beyond the required number of hours, and beyond the call of duty, the PAO was able to serve 5,592,104 indigent clients in 2003. Specifically mandated to render free legal assistance to indigent persons in civil, criminal, administrative and labor cases,

the PAO offers judicial and non-judicial services. The latter includes mediation and counseling, jail visitation, inquest assistance, documentation, legal advice and on-air counseling. The said services are available at the 16 regional, and 258 district offices of the PAO, which are usually found at the justice halls all over the Philippines. In the formidable task of rendering free legal aid nationwide, the PAO counts on its reliable, competent and dedicated workforce of 1,048 lawyers and 852 support staff.

Through the PAO's legal assistance, 69 death convicts were acquitted by the Supreme Court, and more than 200 death convicts were able to obtain reduction of their penalties to *reclusion perpetua* or life imprisonment or to a lesser degree of penalty.

A life away from police custody. A future beyond prison walls. These seem to be the silent promises of the PAO to its clients, specifically the innocent ones in death row.

The PAO believes in the innocence of Roberto Lara and Roderick Licayan. They were convicted for kidnapping on September 9, 1999, and scheduled for execution on January 30, 2003. Fortunately, however, due to a newly discovered evidence exonerating the convicts from the crime charged against them, I was able to file an Urgent Motion to Reopen the Case before the Supreme Court. The motion was not merely read, the cry of the innocent ones was also given a chance to be heard, on January 26, 2004, through the Oral Arguments that I delivered in the august halls of the magistrates. On February

17, 2004, the Supreme Court voted 8-6 in favor of the reopening of their case, which was remanded to the court *a quo* for new trial.

Lara and Licayan, and myself seem to have a rendezvous with history. Were it not for the apprehension and admission of their co-accused about their innocence, the two could have the misfortune of being the first to be executed by lethal injection since the lifting of the moratorium on the implementation of the death penalty in December 2003. I, on the other hand, have the honor of being the first chief public attorney to deliver oral arguments before the High Court. More than the honor, I value the role bestowed on me. A role which is yet unfinished. A role which can be satisfied only with the declaration of Lara and Licayan as dead men walking, no more....

The role that I play in the different cases that I handle is never easy. But it definitely gives me so much fulfillment for I am given a chance to possibly correct – within the bounds of the law and my personal mandate as Chief Public Attorney – previous acts of individuals ... of entities which may not have been conceived with an evil mind but nonetheless, capable of making a mockery of our justice system and the pages of our history.

After successfully appearing in court for the lifting of the warrants of arrest against the late Hashim Salamat and other MILF leaders, the former Executive Secretary of H. E. President Gloria Macapagal-Arroyo, and now the Honorable Secretary of the Department of Foreign Affairs Alberto Romulo said:

"Persy, you are like Joan of Arc, leading the PAO in its crusade for peace, justice, and truth." To this I replied, "I am just doing my job within PAO's mandate, Sir."

It is inspiring to hear words like these. They are like balm that soothes the wounds of a public servant in the thick of a battle. I am a plain Persida compared to the great warrior-saint of France, but like her I will never abandon a worthy fight.

(By the way the DOJ granted recently the Petition for Review that we filed on behalf of the MILF.)

James Baldwin said, *"People are trapped in History, and History is trapped in them!"* We can be freed from this vicious cycle of bondage, if we keep in mind this caveat:

"Those who do not learn from the mistakes of the past are doomed to repeat them in the future."

From the mistakes of the past, ex-MSgt. Pablo S. Martinez, wants his conscience to be freed. Martinez is one of the Aviation Security Command (AVSECOM) soldiers who is serving double life sentence for the Aquino-Galman double murder case. He and the 14 other AVSECOM soldiers sharing the same fate with him sought the legal assistance of PAO. In Martinez's affidavit, he said among others that he will tell the court the true account of the incident which was not revealed before. He added that he kept his testimony in secret during the first and second trial because he feared for his life. But when he was born again in Spirit, he said that he was given the courage to reveal the truth.

Hearsay? We reserve the right for the court to judge the veracity, weight, and credibility of his testimony (as well as the ones given by other witnesses).

The PAO keeps an open mind on the possibility of the reopening of the Aquino-Galman double murder case because the People of the Philippines have the right to know the truth behind the crime that shook up our nation in the eighties and continues to haunt us up to now. At the Public Attorney's Office, we are taking an extra caution in evaluating the testimonies and pieces of evidence that we have in hand right now.

Misamis Occidental Judge Nimfa Penaco-Sitaca, named outstanding judge for the Gender Justice Awards, last month, said:

"To see feelingly, that is how women see the ages.... That is how justice too must see, through the eyes of the heart. Feelingly."

I concur with her, but I also heed the counsel of the Romans, who said, *"Domino omnium et regina ratio"* – Reason is the mistress and queen of all things. Intuition balanced with reason is my approach to this case.

Whether this case will be reopened or not, I will always treasure the help of people from various fields of specialization who called our office and voluntary gave their share of information and expertise.

Magigiting na Rotarians, ang ating mga kapwa mamamayan ay may pakialam sa pag-ugit ng kasaysayan ng ating bayan. Sa mga nagtatanong ng, "Bakit ngayon lang?" minsan natutukso akong sumabay, ngunit ako ay napipigilan. Maaari kasing konti na ang panahon sa mga pagtatanong ng ganito na may halong panghihinayang at paninisi.

We can make our own queries, why not? But let these questions collectively serve as an aid in unveiling falsities and lies, so all that is left is the naked truth.

"Is it the truth? Is it fair to all concerned? ..." These questions, I will see them again tonight on my way home to Bulacan. They will stay with me beyond the case of Aquino-Galman.

Thank you very much for inviting me over. *Mabuhay kayo magigiting na Rotarians! Nawa'y mapalawig pa ninyo ang inyong mga proyekto para sa ating Inang Bayan....*

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