

With the Honourable Justice Maria Lourdes P A Sereno, Chief Justice of the Supreme Court, the Philippines - APRF, February 2016

Interview with the Honourable Justice Maria Lourdes P A Sereno, Chief Justice of the Supreme Court of the Philippines

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On 8 October 2015, Caroline Berube was granted an opportunity to interview the Honourable Justice Maria Lourdes P A Sereno, Chief Justice of the Supreme Court of the Philippines for the IBA Asia Pacific Forum newsletter. The following is an excerpt of that interview.

What was your motivation to become a lawyer?

Law requires a logical thought process; my skills were a good fit for reading law as there is a need for compassion and a strong sense of justice. Secondly, one must possess the ability to articulate his/her thoughts to come to a sound judgment. Finally, one must have a vision of the future for his/her community in order to successfully defend the status quo. No achievements are a product of chance; by seeking to provide meaningful contributions, we can contribute in a genuine way.

My reasons for striving to help others stems from my ability to be genuinely compassionate; as such, when I got scholarships to read law at some of the finest institutions in the Philippines, I did not have any second thoughts.

What are the most important qualities a good judge must possess?

A good judge must be multi-faceted in his/her capabilities; one must possess the ability to suspend the conclusion, thereby, allowing the facts to be presented accurately. Additionally, a good judge must understand the legal frameworks in which the facts play over, while concurrently finding solutions that lead to the most just outcome.

However, most judges can't establish precedents. We need to draw from society. Black letter law is quite silent and confusing, it is very ambiguous. Every judge must have the ability reach a solution that is deemed fair and balanced by society at large. One must ask the right questions: is the judge is a good person? Do they possess good morals? Does the community perceive the judge as conducting herself in a manner that doesn't exhibit conflict of interests?

As someone who exudes professionalism, what are your thoughts on the importance of professional ethics and respect in the legal practice?

One point to address in this context is conflict of interest; lawyers should observe candour with clients. The decision, for example, to sue or not to sue must be left to the client after examination of the situation of the case by the lawyer. Lawyers must ensure that one is not driven by undue interest in the cause being pursued.

Furthermore, the lawyer should be perceived as not having an undue interest in the financial aspect of the profession. A good lawyer must present in such a manner that is professional with regards to remuneration: clients must feel that they are not being financially exploited. Clients must be given highest degree of service at a rate deemed reasonable by the legal industry.

For example, social advocacy often deals with the vulnerability of the client; therefore, the lawyer must sufficiently understand

the dynamics of the clients' needs and the great toll on their personal lives.

How has a broad judicial experience benefited you in your role as a Supreme Court Justice?

Cases going to the Supreme Court stem from various political questions that require independence and a deep reflection regarding the country's constitution – the resulting analysis must be broad while keeping the different factions of society in mind. This analysis must empathise with different sectors.

What is the public's main concern regarding the law in the Philippines?

One must address this by answering multi-layered questions. The role of a Supreme Court, in the past, was marred by widespread distrust in the system which created imbalance in the role of the Chief Justice. We must strive to institutionalise integrity, while aiming not to destroy credibility. This should be coupled with the imposition of transparency in the court processes subject to confidential deliberations. We must set the trust in the Supreme Court and the office of the Chief Justice.

It is important to establish trust in the system so that justice can be delivered in a fair and a timely manner (less than two years). The role of the judiciary must include the observation of deadlines through a process that is fully automated. There are more than 2,000 courts and the aim is to automate case management to 30 per cent by the end of 2016. There should be increased transparency where people can see the congestion of the court docket.

The justice sector should have an integrated plan to coordinate separation of the institutions. It will take approximately five more years to establish a good relationship and harmonise the different courts and processes. Litigants have already started appreciating these new efforts; the results of the hearing are now received very promptly compared to before.

The demands of the court are constantly pushed, so there is a need to implement changes on a national scale. We look at European/US system for insights for next steps to be taken and look at success stories in other jurisdictions to have the fastest impact.



To what do you credit your success as the first female Chief Justice in the Philippines judiciary?

The intuitive part of myself enabled me to have a more holistic approach when solving complex issues and administering the judiciary. My ability to manage with my heart has allowed for faster results and cooperation from people. Even in the formal judicial environment, women can lead effectively and use their intuition in an effective way to do the right thing.

My response to authenticity is always positive and I believe this has influenced a lot of young people when they saw me apply this mindset to my job. People responded with appreciation regarding my core values at large.

It is a very rewarding career – reforms in the judiciary together with the partner in the justice sector is moving faster than anticipated. We changed the mindset of judges and practitioners in some areas and the results have been appreciated by the public.

From your work at the think-tank at the Asian Institute of Management Policy Centre (APC), which policies are the most important for long-term growth and development of the Asian region and the Philippines?

Firstly, global and regional advantages are important to keep in mind when discussing the long-term growth prospects. Measurements are formulated and administered through social instruments like group discussion, surveys and baseline data. If we can address the global and regional standards that many organisations issue on the rule of law coupled with changing our stance on reforms, there will be greater interest from the investors. As such, the investors will have fewer second thoughts regarding investments as more fairness in the

system is established. This is the reason why I engage with the IBA at an international level.

Challenges in Asia include various economies which are very disparate with different legal regimes. Added to this is the variance in the languages spoken throughout the region which makes uniformity difficult to maintain – there is a big gap in

expectations. How can we move to implement changes while keeping in mind the cultural and religious differences? This is an important question to address.

The IBA and APF demonstrate the kind of careful threading together of cultural grounds with the correct legal systems would also help economic development of the region.

Rule of law in human rights is a very sensitive area. Nations talking about this already should be appreciated by the international bar, understanding the trends alongside local partners.

Do you have any predictions about the legal developments of the Asian region in the next decade? Which laws do you think will take centre stage and will be important to address?

Economic agreement will be the first topic at hand as leaders feel happier and more secure in talking about the economy.

The addition of more lateral agreements will force systematic improvements in the legal system.

Nations ability to harmonise laws: there's a lot of catching up to do by many countries in Asia. I think the IBA Asia Pacific Forum can definitely help here.

As the 24th Chief Justice of the Supreme Court and the first woman to hold this title, what are your thoughts on women in law, a field dominated by men?

A women has the ability to articulate the unspoken sense of moral justice while stitching it together with the provision of justice. The world will respond to more women.

In the field of professional ethics, it has been observed that female judges are less vulnerable to corruption. Related to this is the fact that the responsibilities of the home lead to a better allocation of time in other aspects of your life.

Female judges tend to be good at managing dockets, maintaining efficient courts, while also being technologically savvy than their [male] counterparts. Women judiciaries have created their own database, using an open source database system as an example.

As the youngest Chief Justice of the Supreme Court to be appointed in this century, what is your advice for a career path for young lawyers who are interested in becoming a Justice?

Be open to multi-disciplinary practice exposure in your career – life is not linear; it can take interesting twists at every juncture.

Be reflective of society and maintain a habit of self-reflection: when it is time to take a difficult moral decision, apply your moral resources to help you come to the right decision.

As this interview will be published in the IBA APF Newsletter, do you have any specific message for IBA APF members?

It is important to give sufficient attention to the island nations and territories in the region such as Micronesia, Marshall Islands, Guam and others. The reason for this is that the world is a dynamic place where what happens in one country impacts the world at large.

It is important to include legal developments and commercial arrangements coupled with our common heritage (as human beings) when having discussions regarding the judicial system.

Creating a network for forum discussions and forming close ties to one another is an important component of being a lawyer.

