

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Eighteenth Congress

Second Regular Session



RESOLUTION No. 94

RESOLUTION HONORING THE LIFE OF FATHER
JOAQUIN G. BERNAS, S. J., J. S. D., FOR HIS
IMMEASURABLE AND INVALUABLE
CONTRIBUTIONS TO THE LEGAL PROFESSION
AND SOCIETY AS A CONSTITUTIONALIST AND
A DEDICATED SERVANT OF GOD AND
EXPRESSING THE PROFOUND SYMPATHY AND
SINCERE CONDOLENCES OF THE SENATE ON
THE UNTIMELY DEMISE OF THE BEST KNOWN
AUTHORITY ON THE CONSTITUTION AND ONE
OF THE FRAMERS OF THE 1987
CONSTITUTION

WHEREAS, Father Joaquin G. Bernas, S. J., J. S. D.,
a Jesuit priest, a Doctor of Juridical Science, lawyer, professor,

writer-columnist, and author, passed away on March 6, 2021 at the age of 88;

WHEREAS, after entering the Society of Jesus in 1950, he devoted his time and effort in advancing his knowledge and understanding of the law and other disciplines, obtaining his Bachelor of Arts degree in English, Latin, and Greek Classics and Master of Arts degree in Philosophy from the Berchams College in 1956 and 1957, respectively, Bachelor of Laws degree from Ateneo de Manila Law School in 1962 and placed 9th in the bar examinations given that year, Licentiate of Sacred Theology from Woodstock College in 1966, and Master of Laws and Doctor of Juridical Science from New York University in 1965 and 1968, respectively;

WHEREAS, after he was ordained as priest in 1965, he began teaching at Ateneo de Manila Law School in 1966 and thereafter served in various capacities inside and outside of the university, namely: Dean of the Ateneo College of Arts and Sciences (1970 to 1971), Provincial Superior of the Society of Jesus in the Philippines (1976 to 1982), Dean, Ateneo Law School (1972 to 1976 and 2000 to 2004), Member of the Constitutional Commission that drafted the 1987 Constitution, 28th President of the Ateneo de Manila University (1984 to 1993), Rector of the Jesuit Residence (1994 to 2000), Dean Emeritus of Ateneo School of Law upon his retirement in 2004, and Director of the Philippine Stock Exchange;

WHEREAS, as a member of the 1986 Constitutional Commission, he imparted his legal luminance in the drafting of the 1987 Philippine Constitution, sharing his in-depth understanding of the key principles of human rights and freedom during his sponsorship speech on the Proposed Resolution No. 486, where he was quoted saying:

“First, the general reflections: The protection of the fundamental liberties in the essence of constitutional democracy. Protection against whom? Protection against the state. The Bill of Rights governs the relationship between the individual and the state. Its concern is not the relation between the individuals, between a private individuals and other individuals. What the Bill of Rights does is to declare

some forbidden zones in the private sphere inaccessible to any power holder.

"It is customary to distinguish three concepts: civil liberties, political freedoms and economic freedoms. The dividing line between these is thin but the distinction is made nonetheless. What we proposed contains all three concepts.

"To civil liberties belong freedom from arbitrary confinement, inviolability of the domicile, freedom from arbitrary searches and seizures, privacy of correspondence, freedom of movement, free exercise of religion and free choices involving family relations. Political freedoms involving participation in the political process, freedom of assembly and association, the right to vote, the right to equal access to office, the freedom to participate in the formation of public opinion, and also non establishment of religion or what is popularly called separation of church and state. x x x";

WHEREAS, a dedicated educator who shared his knowledge and expertise on political and constitutional laws to young law students to inspire them to become excellent public servants and practitioners, he authored and published several books and articles dealing with the Constitution, such as, "The Intent of the 1986 Constitution Writers (1995)", "The 1987 Constitution of the Republic of the Philippines: A Commentary (1996)", "Constitutional Structure and Powers of the Government: Notes and Cases (1997)", "Constitutional Rights and Social Demands: Notes and Cases (2004)", "A Living Constitution: The Ramos Presidency (1999)", "A Living Constitution: The Cory Aquino Presidency (2000)", "A Living Constitution: The Abbreviated Estrada Presidency (2003)", "A Living Constitution: the Troubled Gloria Arroyo Presidency (2007)", "A Living Constitution: Constitutional Issues Arising During the Troubled Gloria Arroyo Presidency Part II (2010)";

WHEREAS, in some important cases of national significance and interests, his views and arguments as "*amicus curiae*" were given utmost consideration by no less than the Supreme Court in resolving some key issues, such as: (a) on the temporary restraining order (TRO) against the holding of the "Asia-Pacific Conference on East Timor in the

Philippines”, where the High Court ordered the lifting of the TRO, (b) on the defense of the constitutionality of the “Indigenous People’s Rights Act of 1997”, which eventually led to the implementation of the processing of ancestral domain claims of indigenous people, and (c) on the constitutional issues on the Memorandum of Agreement on Ancestral Domain (MOA-AD) between the Moro Islamic Liberation Front and the Government of the Republic of the Philippines Negotiation Panel where historical right of the Bangsamoro People to claim their homeland is recognized. In all these cases, he had consistently persuaded the Court, orally or in writing, with clear objectivity based on the fundamental principles of justice and humanity but humbly reminding his colleagues and followers that “when it comes to the interpretation of the 1987 Constitution, the Supreme Court always has the final say”;

WHEREAS, on September 12, 2018, the Ateneo Law School, in partnership with the Energy Regulatory Commission Academy, established the “Fr. Bernas Center for Continuing Legal Education and Research” to provide a venue for continuing legal education programs for the principles of the law and to serve as a reminder of his legacy as a pillar of constitutional law and the vast impact he had contributed on his students’ lives and ultimately, Philippine laws;

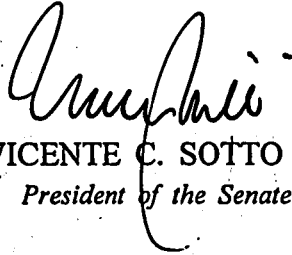
WHEREAS, the untimely death of a great Servant of God and the Law, who had always responded to the call of legal and moral duty to protect democracy and human rights unmindful of his own physical well-being and whose unblemished devotion and faith in God and the Rule of Law had helped rebuild the country through his teachings, writings, and leadership, is a great loss to the Filipino people and the nation as well, particularly in this time of crisis and upheaval: Now, therefore, be it

Resolved by the Senate of the Philippines, as it is hereby resolved, To honor the life of Father Joaquin G. Bernas, S. J., J. S. D., for his immeasurable and invaluable contributions to the legal profession and society as a constitutionalist and dedicated servant of God and to express its profound sympathy and sincere condolences on the untimely demise of the best

known authority on the Constitution and one of the framers of the 1987 Constitution.

Resolved, further, That a copy of this resolution be transmitted to the bereaved family of the late Father Joaquin G. Bernas, S. J., J. S. D.

Adopted,



VICENTE C. SOTTO III
President of the Senate

This Resolution was adopted by the Senate on March 8, 2021.



MYRA MARIE D. VILLARICA
Secretary of the Senate