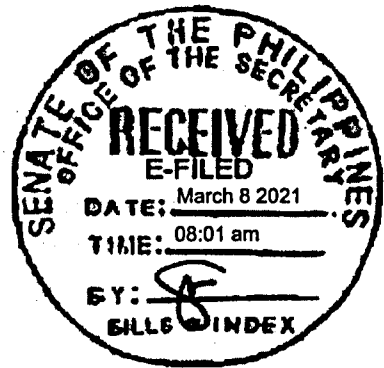


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

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SENATE

P.S. Res. No. 675



INTRODUCED BY SENATOR RICHARD J. GORDON

**RESOLUTION HONORING THE LIFE DEDICATED TO SERVICE AND GLORY OF
GOD OF CONSTITUTIONALIST FATHER JOAQUIN BERNAS, SJ AND
EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCES OF
THE SENATE ON HIS PASSING**

"I die the king's good servant, and God's first."-- St. Thomas More

WHEREAS, Father Bernas was not just a lawyer, a Jesuit priest, renowned constitutionalist, and Dean Emeritus of Ateneo Law School, he was also a man of God, a counsellor, a teacher, and a friend;

WHEREAS, Father Bernas took up law as a Jesuit priest and received his Bachelor of Laws degree from Ateneo de Manila Law School in 1962 and placed 9th in the bar examinations given that year. Father Bernas was a dedicated educator who shared his knowledge and expertise on political and constitutional laws to young law students, inspiring them to become excellent public servants and legal practitioners. **His contribution to the academe** was notable, he was the President of the Ateneo de Manila University from 1984 to 1993, and served as Dean of the Ateneo Law School twice. When he retired in 2004, Father Bernas was bestowed the position of Dean Emeritus;

WHEREAS, Father Bernas, as a member of the 1986 Constitutional Commission, imparted his legal luminance in the drafting of the 1987 Philippine Constitution. His in-depth understanding of the key principles of human rights and freedom was apparent during his sponsorship speech on the Proposed Resolution No. 486, where he was quoted saying:¹

'First, the general reflections: The protection of 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 individuals, between a private individual 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 propose 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 include the freedoms

¹ <https://www.officialgazette.gov.ph/1986/07/17/r-c-c-no-32-thursday-july-17-1986/>

involving participation in the political process, freedom of assembly and association, the right to vote, the right of 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. xxx”;

WHEREAS, Father Bernas was a highly intellectual individual who was often called to the court to share his wisdom as amicus curiae on complex and novel constitutional issues - with no bias but his high regard on the fundamental principles of the law and justice. He was a major mind in resolving some key legal issues of national significance, some of which were:

a) on the defense of the constitutionality of a landmark legislation, the Indigenous People’s Rights Act of 1997, aside from providing advice on the legal strategy and theory for the case, Father Bernas also provided spiritual guidance to the handling lawyers, boosting their confidence and morale into winning the case - which eventually led to the implementation of the processing of ancestral domain claims of indigenous peoples;

b) on the temporary restraining order issued against the holding of the Asia Pacific Conference on East Timor, which order the Supreme Court ordered to be lifted; and,

c) on the constitutional issues on the Memorandum of Agreement on Ancestral Domain (MOA-AD), recognizing the historic right of the Bangsamoro people to claim their homeland, between the Moro Islamic Liberation Front and the Government of the Republic of the Philippines Negotiating Panel;

WHEREAS, Father Bernas was born on July 8, 1932 and ordained as Jesuit priest on June 10, 1965; he was a Provincial Superior of the Society of Jesus in the Philippines, and a Director of the Philippine Stock Exchange. Father Bernas specializes in the Philippine Constitution and is an author of law books and articles;

WHEREAS, the Fr. Bernas Center for Continuing Legal Education, a special unit of the Ateneo Law School, which was launched into Fr. Bernas Institute on September 12, 2018 in partnership with Energy Regulatory Commission Academy was a reminder of Father Bernas’ legacy and the vast impact he had contributed on his students’ lives, and ultimately, Philippine laws;

WHEREAS, Father Bernas, a highly regarded legal luminary whose commentaries on the 1987 Philippine Constitution are staples in constitutional law classes in various law schools, passed away on March 6, 2021, at the age of 88;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines to honor and extol the life of Constitutionalist Father Joaquin Bernas, SJ, dedicated for service, and glory of God, and expresses, as it hereby expresses, profound sympathy and sincere condolences to his family on his passing.

RESOLVED, FURTHER, that a copy of this Resolution be furnished to his bereaved family.

Adopted,


RICHARD J. GORDON