

**ON THE HONORABLE SENIOR ASSOCIATE JUSTICE
ANTONIO T. CARPIO**

**By: Amb. Albert del Rosario
Chairman, Stratbase ADR Institute**

**At the Testimonial Dinner
Hosted by Mr. Eusebio Tanco
October 26, 2019**

Thank you, Yosi, for your kind invitation to this wonderful testimonial event and for this incredible privilege to briefly speak about my good friend and partner, Justice Antonio Carpio.

A man with honor, wisdom and courage - notwithstanding the challenges in standing for what is right - Justice Carpio has been the clear voice that has been cautioning the current administration on its South China Sea policy.

Justice Carpio has been the staunchest defender of our country's maritime rights and entitlements under the United Nations Convention on the Law of the Sea (UNCLOS).

As early as 2011, Justice Carpio had already anticipated that Beijing was embarking on a path of unilateral action to establish *de facto* control over almost all of the South China Sea.

Justice Carpio moreover argued that, under the circumstances, the best option for the Philippines was to bring China to an UNCLOS Tribunal where China's naval power does not count. The Government eventually heeded his advice and this resulted in a resounding victory for our country as embodied in the Award of *The South China Sea Arbitration* (PCA Case No. 2013-19).

Justice Carpio was eventually recognized as one of the key architects of *The South China Sea Arbitration*. As part of his personal advocacy, Justice Carpio undertook rigorous research and collated voluminous resources on the South China Sea dispute that were submitted and eventually reinforced the Philippines' case during the arbitration proceedings.

Before the Philippines filed its case against China in 2013, Justice Carpio penned the Supreme Court decision in *Magallona v. Ermita* (G.R No. 187167, August 16, 2011) which upheld the Philippine Baselines Law consistent with UNCLOS.

The *Magallona* case became an important precursor to *The South China Sea Arbitration* because it made the Philippines UNCLOS-compliant and thus established its credibility before the UNCLOS Tribunal.

Furthermore, Justice Carpio exerted remarkable efforts to reach out to people, not only to raise the public's awareness on the lawfulness of the country's position in the South China Sea, but also to urge people to fight for what is right.

In 2015, the Department of Foreign Affairs sponsored Justice Carpio on a world lecture tour on the South China Sea dispute. Justice Carpio presented the Philippines' perspective on the dispute before think tanks and universities in 30 cities covering 17 countries.

In his most impressive book entitled “*The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea*”, Justice Carpio stresses the central import of international law, the peaceful resolution of disputes and upholding the rights of all nations, large and small.

The success of the Philippines in its international arbitration case will stand forever as our nation's contribution in defense of the rule of law in managing international relations.

Justice Carpio offers us a valuable lesson: Responsible members of the international community should always strive to manage their relations in a friendly manner whenever possible to the mutual benefit of all within a framework of international law and comity.

However, when a dispute cannot be resolved through this friendly mechanism, the resort should be the peaceful resolution of disputes through a neutral Tribunal which will apply international law. In the South China Sea dispute, the Philippines successfully demonstrated how arbitration plays an important role in international relations.

It is as well our earnest hope that with Justice Carpio's invaluable contribution, coupled with a fine-tuned moral compass and political will, our nation will be able to make progress in giving our countrymen what they deserve while pursuing stability and peace in the world.

As an archipelagic country, the waters that surround our islands are essential to the life of our nation. These waters sustain our countrymen and contribute to the socio-economic development of our country.

I am one with Justice Carpio in saying that we should not gamble our country's waters on the uncertain prospects of monetary gain. Our waters not only belongs to us, but to our children and to generations of Filipinos yet unborn. As enshrined under our Constitution and as a matter of national honor, we Filipinos have a solemn duty to protect and preserve our country's rights.

As a self-respecting country, we owe it to ourselves not to sit back and let our fate be decided by other nations like China. As in the UNCLOS Case, we showed that we can take action on our own.

As Filipinos, we can devise creative and viable means to defend and preserve our national patrimony—including our West Philippine Sea—even in the face of a superpower like China.

Upon his retirement in the Supreme Court, Justice Carpio has assured us that he will remain a strong defender of Philippine territory and maritime entitlements in the South China Sea.

As an extraordinary jurist, Justice Carpio is also a staunch defender of the Constitution, which serves to defend and protect the waters of the Philippines for posterity. His example inspires us to be patriots each day of our lives and to do what is right in the face of adversity.

Our country owes a huge debt of gratitude to Justice Carpio. Take my word for it – we owe him big time.

END