

My congratulations to the graduates.

Before I go on, may I please ask the audience to clap three times? Thank you. In this age of artificial intelligence — of robots — I just wanted to make sure that I am speaking to humans. Thank you for assuring me that you are.

There is a big debate and widespread apprehension regarding the astounding capabilities of artificial intelligence and how to deal with the dangers that it poses to human freedom and agency. Though humankind has reaped the growing benefits that AI offers in almost all aspects of human endeavor — medicine, education, communications, industry and business, peace and order, and certainly in law and jurisprudence — we also feel threatened by the possibility of surrendering our human faculties, and therefore our very relevance and survival, to these smart machines.

This uneasy feeling certainly touches our legal profession in particular. We are faced with the question: Can robots replace lawyers?

“It is unlikely that AI will completely replace lawyers. The human element of understanding complex emotions and developing creative arguments based on unique circumstances is something that AI may not fully replicate. Additionally, the ethical and moral aspects of law require human judgment and understanding. While AI can be a powerful tool for lawyers, the need for human expertise in the legal field will likely always be essential.”

That paragraph I just read was not written by me. I asked ChatGPT to answer the question: “Can robots — artificial intelligence — replace lawyers?” And it returned to me a long, well-written, and well-argued essay, a portion of which I just quoted.

While there are lawyers who have become robots to their clients or patrons — who have become cold steel in their emotions — I am not referring to these types of “lawyer-robots.” I am referring to the emergence of artificial intelligence itself.

Let me enumerate some of the benefits of AI to lawyering which I discovered with the assistance of a robot. At the outset, I want to highlight that writing and presenting legal arguments can now be done by AI robots. I am sure that you — being Gen Z or Millennials — are aware of this fact.

While our young lawyers have the benefit of being techy, I think I have the advantage of examining the benefits of AI in the Judiciary, given my decades of experience in the sector. I hasten to add that unlike our young lawyers, I am just a freshman in understanding the use of AI. In crafting my speech, I also consulted some colleagues who are learned in AI, and even attempted to use ChatGPT.

A recent benefit of digital technology that you have experienced is the 2023 Bar Exams. The Supreme Court continued the use of Exemplify, a computer-based program. Bar Bulletin No. 5 described your personal laptop, used in the exam centers, as your “pen and booklet.” The Supreme Court, however, clarified that in checking the 2023 digital Bar examination papers, real human — real human — Bar examiners were mobilized.

In an article published on the Supreme Court website titled “The 2023 Bar Exams: Positive Changes in Bar Admission Through Digitalized and Regionalized Examinations,” several Bar examiners attested to the many benefits of the digitalized examination. A first-time Bar examiner — the 2012 Bar Topnotcher from the Ateneo School of Law — underscored that it removes the factor of handwriting. Handwriting has always been a difficult part of checking, and with things digitalized, those with not-so-neat handwriting are given a chance to show off their legal knowledge in a more legible manner.

Back to the benefits of AI: AI can write. Some lawyers simply cannot. Period. My long years in the Judiciary — and even as Ombudsman — exposed me to the difficult experiences of editing and rewriting. When I was still in public service, I spent my weekends editing or rewriting documents, ensuring legal consistency, logic, and grammar. The lesson here is that lawyers, old and young alike, should now adopt new writing and editing technology tools to be better understood. There is this old adage which says: “Write to express, not to impress.” That should remain one of our golden rules.

Artificial intelligence can analyze large volumes of legal documents in seconds. It can identify relevant information, inconsistencies, and discover patterns that might be missed by humans. AI-powered tools can conduct legal research more efficiently than humans, finding relevant cases, jurisprudence, and past decisions in a fraction of the time.

AI can therefore significantly reduce the time required for legal research, document review, and case analysis. This can lead to faster case resolutions and reduced costs for clients. Eventually, this can help address the perpetual problem of court congestion.

I thus fully support the initiatives of Supreme Court Chief Justice Alexander Gesmundo to pursue digital transformation, including the use of AI. The Court’s Strategic Plan for Judicial Innovations 2022–2027 serves as the Judiciary’s blueprint for digital transformation, aiming to improve court efficiency and access to justice. The Chief Justice has included AI for court operations in the technological advancements that the Court has adopted. In particular, he mentioned the use of AI algorithms in determining criminal sentences — considering issues of transparency, accountability, and fairness —

as well as the utilization of AI tools for legal research, algorithmic accountability, and the legality and authenticity of AI-generated content.

While the above arguments highlight the potential benefits of AI in the legal profession, it is important to recognize that it is not without limitations. Ethical considerations, the need for human judgment in complex cases, and the importance of empathy and understanding in legal practice are significant factors that AI currently cannot fully replicate.

No less than His Holiness Pope Francis, during his address to the G7 session on artificial intelligence last June 14, 2024, underscored the limitations of depending on AI in making legal decisions. He cited as an example its use in helping judges decide whether to grant home confinement to inmates serving prison sentences.

“Artificial intelligence is asked to predict the likelihood of a prisoner committing the same crime again. It is based on predetermined categories — thus allowing artificial intelligence to have access to categories of data relating to the prisoner’s private life. The use of such methodology, which sometimes risks delegating to a machine the last word concerning a person’s future, may simply incorporate prejudices inherent in the categories of data used by artificial intelligence.”

Pope Francis laments AI’s decision-making process using hard, inflexible data, in contrast to the nature of human beings — who are always developing and capable of surprising us by their actions. This is something that a machine cannot take into account.

While the Judiciary grapples with developing rules related to the use of AI, it is important to be reminded of the ethical issues lawyers face in its use — issues that must be addressed simultaneously. Algorithms can inherit biases from accessed data, leading to unfair outcomes for individuals or groups, including wider discrimination, inequality, and exclusion along social or economic divides.

With the emergence of AI, perhaps the Supreme Court — and all courts, for that matter — can speed up and resolve lingering, unreasonable delays in the decision of cases.

We have something to learn from UNESCO, which reminds us that no human being or human community should be harmed or subordinated — whether physically, economically, socially, politically, culturally, or mentally — during any phase of the cycle of AI systems. Human rights and fundamental freedoms must be respected and promoted throughout the life cycle of AI systems.

A very useful reference for lawyers is the UNESCO Recommendation on the Ethics of Artificial Intelligence. According to this document, AI raises new types of ethical issues that include — but are not limited to — rule of law, human rights, and fundamental

freedoms. The Recommendation offers principles such as fairness, non-discrimination, data privacy, and data protection, as well as areas of policy action. A very important reminder from the UNESCO document is that member states should ensure that it is always possible to attribute ethical and legal responsibility for any stage of the life cycle of AI systems — as well as for cases requiring remedies — to physical persons or existing legal entities. AI systems can never replicate ultimate human responsibility and accountability, as life-and-death decisions should never be ceded to AI.

Perhaps it is worth recalling my advice to graduates of a university in Cebu years back: while robots and artificial intelligence may now be replacing humans, we are also experiencing grim challenges to our humanity today — a culture of conflict and violence, a culture of death, insensitivity to human rights violations, intolerance toward others because of differences in ethnicity, religion, gender preference, and political identity, among other things.

In response to this culture of dehumanization, I challenged that university — along with its graduates — to be at the forefront of restoring humanism in our world, but especially in our country.

Humanism calls for a more values-focused legal education, with renewed attention to the human element in the law — the human-being-ness of professors, students, and clients. Humanism in law means that Lady Justice may be blindfolded, but she is never blind to inhuman situations — poverty, inequality, gender bias, and racial bias.

This concept matches Ateneo de Manila University's core values of the Seven C's: competence, conscience, character, compassion, community, culture, and Christ-centeredness.

This is where your training at the Ateneo de Manila School of Law comes in. You were not trained to be robots or to depend on robots. Your brand of lawyering is well expressed in your school mission: “The mission of the Ateneo Law School is to form graduates who are academically excellent and competent, spiritually developed, socially involved, culturally rooted, and globally connected.”

The future of AI in law is likely to involve a combination of automation and human expertise, rather than complete replacement. Human-centered AI in legal theory and practice is not the same as AI-centered law. The differences are obvious; the differences must be understood.

Artificial intelligence aside, please allow me to remind you graduates of two things: one — to be loyal to the rule of law; and two — to always clothe yourselves with humility and compassion.

I am reminded of the story of a young lawyer who was in his office when his secretary informed him that a visitor wanted to see him. So he asked the visitor to come in, and before he could ask him to sit down, he lifted the telephone from its receiver and shouted, “You tell him that my acceptance fee is one million! If he refuses to pay that, ask him to consult other lawyers!”

So he returned the phone to its receiver and immediately asked the visitor, “Yes, sir — what can I do to help you?” And the visitor said, “Sir, I came in to repair your phone.”

I now wish the graduates all the best as you patiently extend the borders of your potential and bravely create a wave of change — not only within the contours of the legal profession, but also within the wider area of public service.

Once again, congratulations! Mabuhay ang Ateneo Law graduates!

This transcript was prepared from a video recording of the ceremony. It may not reflect the verbatim delivery of the speaker. For official quotations, please refer to the video recording.