SyCip Salazar Hernandez & Gatmaitan

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Employment & Immigration Update

Information Governance

Controlling information is not a new concept for law firms and their personnel. But today's unmanaged mobility and equally unmanaged use of popular Web services has created a set of issues that must be addressed before an information governance firestorm hits. In short, centralized document management, formal information management lifecycles, and proof of governance policy enforcement have all become non-negotiable elements in many firms' policy management and enforcement protocols. And they influence firms' choices of technology.

During the *International Legal Technology Association* (ILTA) session, "Information Governance: The New Records Management", Rudy Moliere, director of information governance and records management at White & Case, and Terrence Coan, senior director of information management practice at HBR Consulting LLC, presented the core principles of information governance.

They described information governance as "an enterprise-wide approach to the management and protection of client and business information assets". A properly designed program, they said, would enable employees to understand, and adhere to their professional responsibility with respect to private or sensitive information they access. They then provided a set of information governance principles to guide organizations that need to create an ethics-based, privacy-driven information management program.

Moliere suggested that firms define—and provide guidance and procedures—for acceptable use and security of devices, both firm-based and BYOD (bring your own device). Said Coan: "It's

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Alien Social Integration Act of 2010

Pending consideration by the Congress is House Bill No. 3591, otherwise known as the "Alien Social Integration Act of 2010", which aims to grant legal residency status to certain aliens in the Philippines under certain conditions. The proposed legislation covers all aliens whose stay in the Philippines is otherwise illegal under existing laws, and who have entered the country prior to 30 June 2000, excluding those who already availed in good faith the benefits of Executive Order No. 324 and Republic Act 7919 whose application has already been duly approved, are hereby granted legal residence status upon compliance with the provisions of the Act, and shall not be prosecuted for crimes defined under Commonwealth Act No. 613, otherwise known as the Immigration Act of 1940, which are inherent to illegal residence such as the absence of valid travel documents or visa; *provided*, that in no case shall alien refugees in the Philippines be qualified to apply under the Act.

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Quick Quotes from Recent SC Decisions

The labor tribunal in an employee's claim for unpaid wages is without authority to allow the compensation of such claims against the post-employment claim of the former employer for breach of a post-employment condition. The labor tribunal does not have jurisdiction over the civil case of breach of contract. *(Marietta N. Portillo v. Rudolf Lietz, Inc., et al., G.R. No. 196539, 10 October 2012).*

For misconduct to be a ground for dismissal of an employee, it must be serious in nature and in connection with the employee's work. *(Johansen World Group Corporation, et al. v. Rene Manuel Gonzalez III, G.R. No. 198733, 10 October 2012).*

While it is true that labor contracts are impressed with public interest and the provisions of the POEA-SEC must be construed logically and liberally in favor of Filipino seamen in the pursuit of their employment on board ocean-going vessels, still the rule is that justice is in every case for the deserving, to be dispensed with in the light of established facts, the applicable law, and existing jurisprudence. *(Crewlink, Inc. et al. v. Editha Teringtering, et al., G.R. No. 166803, 11 October 2012).*

Claim for liquidated damages by employer for violation by resigned employee of "non-compete" clause in employment contract is a post-employment civil law matter

SC Decision: G.R. No. 196539, 10 October 2012

The Court of Appeals (CA) upheld the monetary award by the National Labor Relations Commission (NLRC) representing the unpaid salary, commission and 13th month pay due to the petitioner employee, but allowed legal compensation or set-off of such award by petitioner's liability to respondent employer for liquidated damages arising from petitioner's violation of the "Goodwill Clause" in petitioner's employment contract with the respondent. The "Goodwill Clause" states that on the termination of petitioner's employment and for a period of three years thereafter, petitioner "shall not engage directly or indirectly as employee, manager, proprietor, or solicitor for (herself) or others in a similar or competitive business or the same character of work which (petitioner was) employed by (respondent) to do and perform". Petitioner resigned from respondent and declared her intention to go into business selling rice which will not compete with respondent's products. Subsequently, respondent learned that petitioner had been hired by a company which was a direct competitor of respondent.

In setting aside the resolution of the CA, the Supreme Court (SC) reiterated its 1994 *Dai-Chi* ruling in case G.R. No. 112940 which pronounced that a non-compete clause, as in the "Goodwill Clause" referred to in the case at bar, with a stipulation that a violation thereof makes the employee liable to his former employer for liquidated damages, refers to post-employment relations of the parties.

The SC held that the "Goodwill Clause" in the case at bar is likewise a post-employment issue. There is no dispute as to the cessation of petitioner's employment with respondent. Petitioner simply claims her unpaid salaries and commissions, which respondent does not contest. At that juncture, petitioner was no longer an employee of respondent. The "Goodwill Clause" or the "Non-Compete Clause" is a contractual undertaking effective after the cessation of the employment relationship between the parties. In accordance with jurisprudence, breach of the undertaking is a civil law dispute, not a labor law dispute.

Partial permanent disability

SC Decision: G.R. No. 195168, 12 November 2012

A seafarer's inability to resume his work after the lapse of more than 120 days from the time he suffered an injury and/or illness does not automatically warrant the grant of total and permanent disability benefits in his favor. In the case at bar, the CA rendered judgment finding petitioner as suffering from partial permanent disability and held that while petitioner's disability has exceeded 120 days, there was no showing that his "earning power was wholly destroyed and he is still capable of performing remunerative employment", and ordered respondent manning agency and its principle liable to pay petitioner partial disability benefits.

According to the SC's decision of affirmance, records show that from the time petitioner was repatriated on 26 February 2003, 129 days had lapsed when he last consulted with the company-designated physician on 05 July 2003 and 181 days had passed on the day he last visited his physiatrist on 26 August 2003. Concededly, said periods have already exceeded the 120-day period under Section 20(B) of the Philippine Overseas Employment Administration-Standard Employment Contract (POEA-SEC) and Article 192 of the Labor Code. However, the company-designated physician had determined as early as 05 March 2003 or even before his discharge from the hospital that petitioner's condition required further medical treatment in the form of physical therapy sessions, which he had subsequently completed per Dr. Estrada's Memo dated 05 July 2003, thus justifying the extension of the 120-day period. The company-designated physician therefore had a period of 240 days from the time that petitioner suffered his injury or until 24 October 2003 within which to make a finding on his fitness for further sea duties or degree of disability.

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Forfeiture of right to claim disability benefits

SC Decision: G.R. No. 172086, 03 December 2012

Section 20(B)(3) of the 1996 POEA-SEC governing seafarers requires that a disability claim be supported by a proper post-employment medical report; otherwise, the seafarer forfeits the right to claim the disability benefits.

The provision states:

> "For this purpose, the seafarer shall submit himself to a post-employment medical examination by a company-designated physician within three working days upon his return except when he is physically incapacitated to do so, in which case, a written notice to the agency within the same period is deemed as compliance. Failure of the seafarer to comply with the mandatory reporting requirement shall result in his forfeiture of the right to claim the above benefits."

The Labor Arbiter, the NLRC, and the CA all found that on 14 July 1999, or two days after his repatriation, respondent seafarer reported to the office of petitioners-employer, specifically to report his medical complaints, only to be told to wait for his referral to company-designated physicians. The referral came not on the following day, but nearly three weeks after, on 03 August 1999.

Reporting requirement on post-employment medical examination is a reciprocal obligation.

In sustaining the award of disability benefits, the SC clarified that the obligation imposed by the mandatory reporting requirement under Section 20(B)(3) of the 1996 POEA-SEC is not solely on the seafarer. It requires the employer to likewise act on the report, and in this sense partakes of the nature of a reciprocal obligation. Reciprocal obligations are those which arise from the same cause, and where each party is effectively a debtor and a creditor of the other, such that the obligation of one is dependent upon the obligation of the other. While the mandatory reporting requirement obliges the seafarer *to be present* for the post-employment medical

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Amended/New provisions of 2011 NLRC Rules of Procedure

Some amended/new provisions introduced by the NLRC En Banc Resolution No. 11-12 adopted on 16 November 2012 are:

- *Section 6, paragraph g, Rule III.* - A corporation or establishment which is a party to the case *may be represented by the owner or its president or any authorized person* provided, that he/she presents: (i) a verified certification attesting that he/she is authorized to represent said corporation or establishment; and (ii) a copy of the resolution of the board of directors of said corporation, or other similar resolution or instrument issued by said establishment, granting him/her such authority.
- *Section 1, paragraph c, Rule IV.* - When venue is not objected to before the *first scheduled mandatory conference*, such issue shall be deemed waived.
- *Section 6, Rule V.* - Before the date set for the mandatory conciliation and mediation conference, the respondent may file a motion to dismiss on grounds provided under Section 5, paragraph (a) hereof. Such motion shall be *acted upon* by the Labor Arbiter *before the issuance of an order requiring the submission of position paper*. An order denying the motion to dismiss, or suspending its resolution until the final determination of the case, is not appealable.
- *Section 11, Rule V. - An amended complaint or petition may be filed before the Labor Arbiter at any time before the filing of position paper, with proof of service of a copy thereof to the opposing party/ies. If the amendment of the complaint or petition involves impleading additional respondent/s, service of another summons in accordance with Section 3 hereof is nec-*

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Quick Quotes from Recent SC Decisions

The pendency of a petition for cancellation of union registration does not preclude collective bargaining. *(Digital Telecommunications Philippines, Inc. v. Digitel Employees Union, et al., G.R. Nos. 184903-04, 10 October 2012).*

The liberal construction of the rules may be invoked in situations where there may be some excusable formal deficiency or error in a pleading, provided that the same does not subvert the essence of the proceeding and it at least connotes a reasonable attempt at compliance with the rules. *(Felix Martos, et al. v. New San Jose Builders, Inc., G.R. No. 192650, 24 October 2012).*

Justice is in every case for the deserving, to be dispensed in the light of the established facts and the applicable law and doctrine. Although we are committed to protect the working class, it behooves us to uphold the rights of management too if only to serve the interest of fair play. As applied in this case, the employees who voluntarily resigned and executed quitclaims are barred from instituting an action or claim against their employer. *(Dionisio F. Auza, Jr., et al. v. MOL Philippines, Inc., et al. G.R. No. 175841, 21 November 2012).*

Immigration News

Visa Reminder

The Bureau of Immigration (BI) has reminded foreigners that possession of a Philippine entry visa is not a guarantee that its holder will be automatically admitted into the country. A visa imprinted on a foreigner's passport merely authorizes the bearer to present himself for admission to an immigration officer in a Philippine port of entry. The foreigner who holds a Philippine visa still has to pass inspection or assessment by Philippine immigration officers who will determine and decide if he should be admitted. [Manila Bulletin 11192012 p3]

Foreigners reminded on working permits

The BI has warned foreign visitors not to engage in business or work in the Philippines without first securing the necessary work permit from the labor department (DOLE) and a visa from the BI. The warning was issued following the arrest of an Australian national who was ordered deported for working in the Philippines without permit. [Manila Bulletin 11122012 p3]

Updates to SyCipLaw's Legal Staff

- Legal assistants (LAs) Tanya Justine R. Baldovino, Irene B. Balmes, Dianne Margarette T. De Los Reyes, Diana S. Gervacio, April Carmela B. Lacson, Grace Ann C. Lazaro, Maria Angelica A. Paglicawan, Agatha Kristy F. Ramos, and Patrick Henry D. Salazar joined the Makati office in December 2012.
- New to the Davao office are associates Izabel F. Seriña and Elaine B. De Los Santos, as well as LA Vincent C. Juan, who joined the firm in the second half of 2012.
- LAs Austin Claude S. Alcantara, Nicolo F. Bernardo, Aldous Benjamin C. Camiso, Frances Yani P. Domingo, Mary Rhauline D. Lambino, Earla Kahlila Mikhaila C. Langit, Marychelle T. Mendoza, Roselle Jean L. Nonato, Tracy Anne A. Ong, Joanna Pauline C. Pimentel, Carlos Manuel S. Prado, Miracle Anne D. Rodriguez, Xavier Jesus D. Romualdo, Francis Paolo P. Tiopianco, and Melissa Asuncion A. Ursua will join the Makati office in January 2013.
- Associates Patricia B. Paz and Michelle A. Dy will join the Makati office in January and February 2013, respectively.

Proposals for expanding positions reserved for Persons With Disabilities (PWDs)

Pending consideration by Congress is Senate Bill No. 3371 which seeks to amend Section 5 of Republic Act No. 7277, as amended, otherwise known as the "Magna Carta for Persons With Disability". A counterpart measure in the House of Representatives is House Bill No. 5475.

Senate Bill No. 3371 proposes that Section 5 of Republic Act No. 7277 be amended to read as follows:

> "Sec. 5. Equal Opportunity for Employment. - No person with *disability* shall be denied access to opportunities for suitable employment. A qualified employee *with disability* shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person.
>
> *At least One* percent *(1%)* of all positions in *all* government agencies, offices or corporations *and private corporations with more than one hundred (100) employees* shall be reserved for persons *with disability*."

Child Labor-Free Establishment (CLFE) Certificate

The Child Labor-Free Establishment (CLFE) Certificate is granted to business establishments complying with the campaign of the Department of Labor and Employment (DOLE) for a Child Labor-Free Philippines. The CLFE Certificate serves as a badge of honor or a guarantee that assures consumers that the products sold or services rendered in that business entity did not use child labor. Firms that qualify for the CLFE Certificate are those that consistently obey labor standards and adhere to the prohibition on child labor.

DOLE Department Order No. 115-B dated 05 December 2012 specifies that companies granted CLFE Certificates will be prioritized in DOLE programs, such as livelihood training to augment the income of workers and a booth to display their products or services in any DOLE-initiated Jobs Fair.

By definition of law, a child is someone below 18 years old, and a child laborer is one aged from 15 to 17 who is already working or employed in a certain establishment.

There is also a move to reactivate the Barangay Council for the Protection of Children (BCPC) which barangay-based councils can greatly help in looking for child laborers in their respective areas.

[Manila Bulletin 12242012 p14]

'Learnvironment' in the Workplace

The word "learnvironment" was coined during the Asian Regional Training and Development Organization (ARTDO) 39th conference held in November 2012 to emphasize the importance of facilitating learning within the environment in which the learning will be applied. According to ARTDO President Arthur Luis Florentin, this is an innovative concept of nurturing an individual by establishing a learning environment that is most conducive to lifelong learning.

Through the focus on the learning environment, a shift from isolated classroom training and development interventions to the integrated approach of workplace learning and performance is being advocated. This will broaden the learning practitioner's roles, responsibilities and perspectives beyond the confines of the classroom, beyond interventions, and beyond time.

In the conference, speakers discussed pioneering HR customs and programs for providing the ideal "learnvironment" for a variety of workplace situations. The plenary topics focused on the business case of workplace learning and performance, and the breakout discussions dealt with such topics as performance improvement technologies, change management and culture development, leadership and succession planning, social networking, e-learning and e-technologies, global learning communities, and holistic development of individuals and organizations.

[Philippine Daily Inquirer 12262012 pA9]

Downside to working at home

While working from home might sound like a popular and practical option for Filipino workers who want to cut commutes and spend more time on their personal lives, the reality is somewhat different, according to results of a global survey conducted by Regus. "Working from home can clearly affect your concentration and productivity," said Filippo Sarti, Regus Asia CEO.

For Filipino workers, the three biggest issues when working from home were children or family demanding attention (73%), slow or unreliable Internet connection (53%) and difficulty concentrating on work issues (50%).

There are also important health-related issues as 21% complained of bad posture at home due to their unsuitable home office arrangements—good posture is critical to ensuring that workers do not suffer repetitive strain injury and permanent damage.

Lack of a proper work surface was also a problem for a third of respondents (32%). Altogether, 15 different issues were identified as being obstacles to productively working from home.

Sarti said: "Personal life needs to adapt to the professional activities that are taking place and that's not always easy. In addition to our survey findings, there are reports of home-workers feeling lonely, alienated and cut off from colleagues. It seems that office 'face-time' also plays an important role in helping workers secure promotions, with employees who work from home being overlooked even in firms that actively encourage staff to work from home at least occasionally."

Sarti continued: "The survey highlights that home-working may not provide a suitable professional environment and may well damage your health."

More than 24,000 business respondents from some 90 countries were interviewed last September. Respondents were asked which they felt were the biggest challenges to productivity when working from home. The survey was managed and administered by the independent organization MindMetre (www.mindmetre.com).

[Philippine Daily Inquirer 12252012 pB1-B2]

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On page 6: Image courtesy of emptyglass / FreeDigitalPhotos.net

Immigration News

Annual report

The Alien Registration Act of 1950 requires foreigners staying in the Philippines to report to the BI within the first 60 days of every calendar year. Failure to make the annual report will result in the imposition of administrative fines and possible deportation proceedings. Immigrant and non-immigrant visa holders must make the annual report unless exempt by law. For aliens who are below 14 years of age or 65 years old and above, it shall be the duty of their parents or legal guardians/representatives to make the report on their behalf. [Manila Bulletin 12252012 p3]

No ACR I-Cards for Dual Citizens

The BI will not accept applications for Alien Certificate of Registration Identity Cards (ACR I-Cards) by Filipinos with dual citizenships. The BI has issued an advisory requiring all ACR I-Card applicants to declare under oath their dual or multiple citizenships. The BI decided to adopt this new policy because the ACR I-Card can be used to conceal Philippine citizenship from countries that reject or do not recognize dual or multiple citizenships. [Manila Bulletin 12012012 p3]

Quotable Quotes

"Discovery consists of seeing what everybody has seen and thinking what nobody has thought." - Albert Gyorgy

"There is a sufficiency in the world for man's need, but not for man's greed." - Mohandas K. Ghandi

"The world is a dangerous place to live—not because of the people who are evil but because of the people who don't do anything about it." - Albert Einstein

"Stress is an ignorant state. It believes that everything is an emergency." - Natalie Goldberg

"Worrying does not take away tomorrow's troubles; it takes away today's peace." - The Dalai Lama

"Keep your face to the sunshine and you will not see the shadows." - Helen Keller

"Wisdom is the abstract of the past, but beauty is the promise of the future." - Oliver Wendell Holmes.

Information Governance

(Continued from page 1)

important to develop and leverage your firm's existing technology policies. Consider offering firm-approved apps. These provide secure remote connectivity and improved control of your data."

Today, faced with the consumerization of IT, it's important to step back and analyze how our information is managed. Some recommendations for use of mobile devices gleaned from the presentation of Moliere and Coan are the following:

1. Recognize that official records are now primarily electronic.
2. Confirm that all business systems and applications are up to the defined information governance standards (email, storage, billing, litigation, dockets, etc.). Identify administrative processes and establish business "owners". Provide guidance on functional requirements, system selection, and design implementation.
3. Correctly classify information, and securely store it in a firm-approved record-keeping system. Firms are seeing an increase in client requests for ethical walls around their legal matter.
4. Control unnecessary proliferation of information, establish formal legal hold policy and protocol, coordinate efforts with the general counsel office to ensure protection of relevant information and coordinate with both records management and IT for disposition.
5. Confirm the authenticity and integrity of information. Certify custodial legal hold compliance during the discovery phase of litigation, investigations, or audits.
6. Properly handle the disposition of information when it reaches the end of legal and operational usefulness. Establish retention disposition policy and supporting protocol.
7. Educate all relevant citizens (lawyers, support staff, and clients) of their information duties. Train the lawyers to rely on support from local office administrators.

[Source: *Managing Mobile Risk*, by Sean Martin, Law Technology News, 10-17-2012]

Alien Social Integration Act of 2010

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The bar to prosecution shall apply only to such crimes or felonies committed due to acts necessary or essential to maintain a false, fraudulent or illegal residence, such as falsification of marriage, birth or baptismal certificates or travel documents such as visas or alien certificates of registration.

The benefits extended can be availed of within two years from the effectivity of the Act. Aliens granted legal residence under the Act shall be eligible to apply for naturalization after five years from the approval of their application.

Forfeiture of right to claim disability benefits

(Continued from page 3)

examination, which must be conducted within three working days upon the seafarer's return, it also poses the employer the implied obligation to conduct a meaningful and timely examination of the seafarer.

The petitioners-employer failed to perform this obligation of providing timely medical examination, thus rendering meaningless respondent seafarer's compliance with the mandatory reporting requirement. With his 14 July 1999 visit, respondent seafarer clearly lived up to his end of the agreement; it was the petitioners-employer who defaulted on theirs. They cannot now be heard to claim that respondent seafarer should forfeit the right to claim disability benefits.

Asia Pacific Legal 500 and IFLR1000 2013 Rankings

SyCip Salazar Hernandez & Gatmaitan is once again ranked as a top tier firm by IFLR1000 and Asia Pacific Legal 500 for 2013. Highlighted practices include banking and capital markets, dispute resolution, immigration, intellectual property, mergers and acquisitions, project finance, projects and energy, real estate and construction, restructuring and insolvency, and technology, media and telecommunications (TMT). Other recommended practices are aviation, employment, shipping and tax. Several SyCipLaw partners were also listed as Leading Lawyers and recommended for their practice areas.

View the IFLR1000 2013/23rd edition website at www.iflr1000.com and the Asia Pacific Legal 500 2013 website at www.legal500.com.

Amended/New provisions of 2011 NLRC Rules of Procedure

(Continued from page 3)

essary to acquire jurisdiction over the person of said respondent/s.

- *Section 20, Rule V. - In case a complainant dies during the pendency of the proceedings, he/she may be substituted by his/her heirs. If it is the individual respondent, the provision of Section 20, Rule 3 of the Rules of Court shall apply.*
- *Section 21, paragraph a, Rule V.* - If no appeal is filed with the *Regional Arbitration Branch of origin* within the time provided under Article 223 of the Labor Code, as amended, and Section 1, Rule VI of these Rules, the decision of order of the Labor Arbiter shall become final and executory after ten calendar days from receipt thereof by the counsel or authorized representative or the parties if not assisted by counsel or representative.

Partial permanent disability

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Consequently, despite the lapse of the 120-day period, petitioner was still considered to be under a state of *temporary total disability* at the time he filed his complaint on 29 August 2003, 184 days from the date of his medical repatriation which is well-within the 240-day applicable period. Hence, he cannot be said to have acquired a cause of action for total and permanent disability benefits. The rule is that a temporary total disability only becomes permanent when the company-designated physician, within the 240-day period, declares it to be so, or when after the lapse of the same, he fails to make such a declaration.

Workplace Tips

Maintain a calendar and to-do list of both big and small tasks. [Adapted from "10 Ways to Stop Forgetting Things & Get More Done", Craig Jarrow, *Time Management Ninja*, http://timemanagementninja.com.]

Overcome procrastination on a task that keeps slipping to the end of your to-do list. Instead of lamenting that you aren't completing it, delegate that task to one of your team members. *Another option:* Swap tasks with a co-worker. [Adapted from "The Secret of Overcoming Procrastination—Learn to Delegate", Harriet Meyerson, *Become a Better Leader*, www.becomeabetterleader.com.]

Prompt responses to your email messages, with subject lines that tell recipients the action you are requesting. Always use a verb in the subject line. *Example:* Instead of "Budget Report" write "Budget for you to review by Tuesday". [Adapted from "Want to Get Action From Your Email Messages? Use ACTION Words in the Subject Line," Marsha Egan, *Inbox Detox*, www.inboxdetox.com.]

SyCipLaw Free Resources

Issues & Priorities for Senior In-house Worldwide

The World Law Group's report, "Global Agenda: Issues & Priorities for Senior In-house Counsel Worldwide", is a unique report that highlights, among others, current key challenges faced by chief legal officers, general counsel and other in-house law department leaders in some of the world's largest companies, as well as action plans they've found most effective to meet these challenges.

Smarter Regulations for Small and Medium-Size Enterprises

The World Bank and The International Finance Corporation's *Doing Business 2013: Smarter Regulations for Small and Medium-Size Enterprises* assesses the effect of regulations on domestic firms in 185 economies.

To access resources, please visit the SyCipLaw website (www.syciplaw.com/artbull.asp).

To receive updates by email, subscribe to the SyCipLaw legal e-bulletin at http://eepurl.com/s_aXn.

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SyCipLaw is Shortlisted for 2013 Chambers and IFLR Awards

SyCip Salazar Hernandez & Gatmaitan has been nominated once again for Chambers Asia-Pacific Awards for Excellence's Philippine Law Firm of the Year award and IFLR Asia Awards' National Law Firm of the Year for the Philippines. The firm brought home both awards in 2012. It also received the Chambers Asia-Pacific Awards for Excellence in 2010 and the IFLR Asia Award in 2000-2003 and 2006-2011.

The winners of the IFLR Asia Awards will be announced at the awards ceremony on 28 February 2013 at the Island Shangri-La, Hong Kong. For 15 years, IFLR has been holding the annual ceremony to recognize the region's most innovative deals and the firms that worked on them. The awards follow months of extensive market-wide research.

The winners of the Chambers Asia-Pacific Awards for Excellence will be announced online (www.chambersandpartners.com/Awards/Asia) on 01 March 2013. The awards honor the work of national and international law firms across the region on the basis of research for the upcoming edition of *Chambers Asia* Pacific. The awards recognize a law firm's pre-eminence in key countries in the region., and reflect notable achievements over the past 12 months, including outstanding work, impressive strategic growth and excellence in client service.

Forward 2013

A new year doesn't necessarily mean a new beginning because we are never really divorced from our pasts. Everything we've gone through—love, loss, hurt, joy—it all sticks with us for life, as scars on our skin, data in our memories, or ripples in our subconscious.

There's no changing this. Whether we like it or not, who we are today is a direct product of yesterday. We can't undo what's been done, and we can't hit a button and start from scratch. But the truth is it doesn't mater. Life is supposed to be imperfect—painful, ugly, beautiful, sweet. It's a marvelous mess, where light comes from darkness, and each victory is made sweeter by a taste of defeat.

So this new year, look forward.

- **Look forward with acceptance**. Be proud of your history. Own up to your wounds. Never sweep your mistakes under the rug. Being flawed doesn't mean that we're broken—it means that we're human; masters and caretakers of this place we call earth.
- **Look forward with perspective.** Learn from your faults. Every right and every wrong is a step in this journey, and each step offers a new vantage point from which to see the future. Take in the view. You may get an epiphany.
- **Look forward with foresight.** Gaze beyond the horizon. Realize that there is always something more than what's in front of you. Never be pleased with the way things are; always hope for the way things can be—higher, finer, better, bolder.
- **Lastly, look forward with strength.** Though you will get hurt, explore and take the road less traveled. Though you will get discouraged, wander and take the routes others have called impossible. Everything is inconceivable until somebody dares to dream. Be the person who shows the way.

Stay supreme.

[Article by Pepe Diokno, The Philippine Star, 12292012 Pf-1]

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