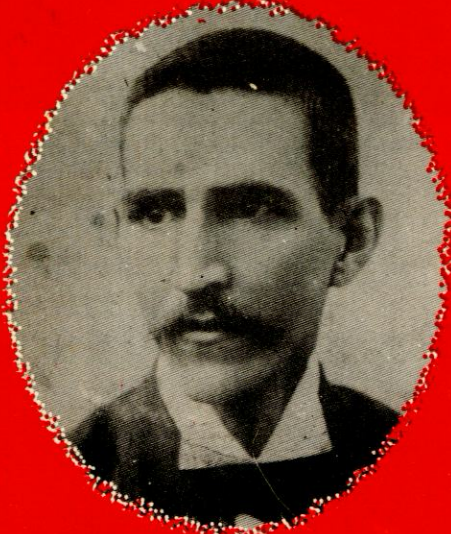


# th ANNIVERSARY & LAW DAY ISSUE

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FELIPE G. CALDERON

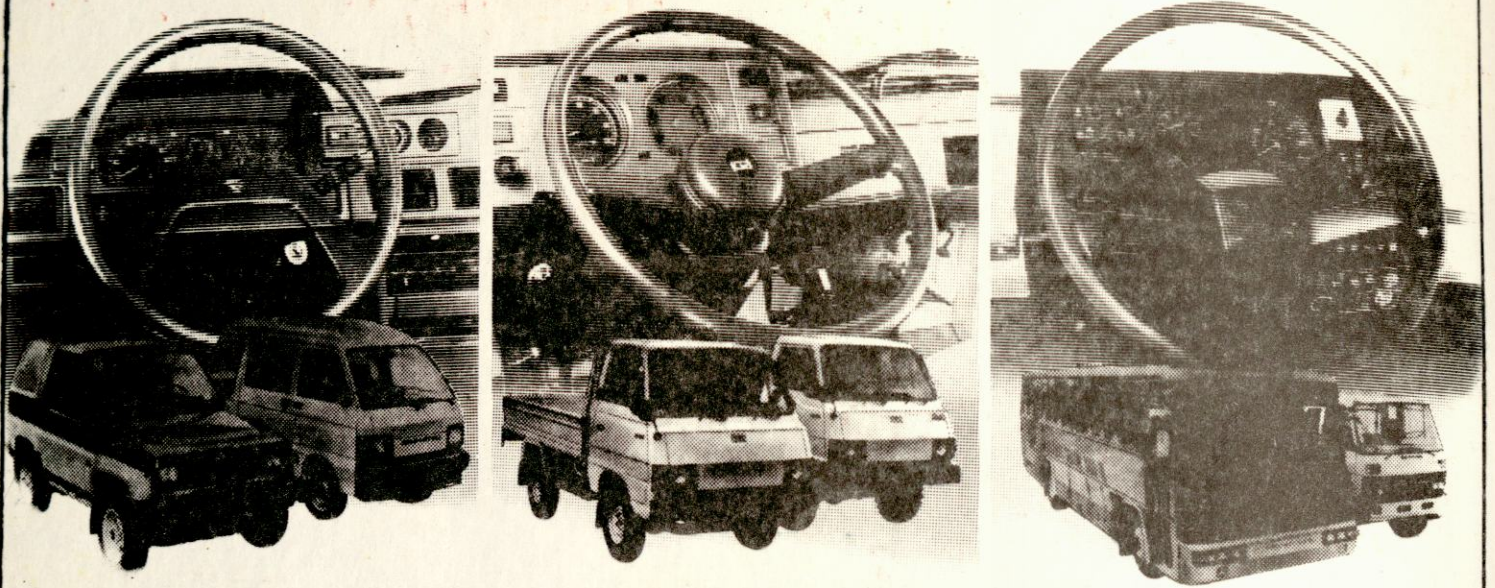


GREGORIO ARANETA



PHILIPPINE  
LAWYERS  
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**J**ournal



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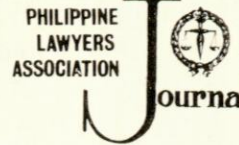
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THE PHILIPPINE LAWYERS ASSOCIATION JOURNAL is an annual publication which not only makes in the account of PLA's activities in the past year, but also focuses on some significant legal issues, especially those of constitutional dimensions, of interest to the Bench and the Bar, as well as affecting ultimately the nation's welfare.

**HILARION G. MENDOZA, JR.**  
1989 Editor

Price per copy: P70.00. Available to libraries and individuals abroad at US\$40.00 a copy.



Vol. 44

September 21, 1989

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*OUR COVER presents the all-too-familiar figure of Lady Justice, blindfolded to ensure impartiality; holding the scale high above the partisanship of opposing sides; a sword on the right hand to pronounce judgment after trial. The swarm of doves is an analogy of peace, the ultimate end of the administration of justice. The issue is dedicated to two of the greatest Filipino lawyers who ever lived, Felipe G. Calderon and Gregorio Araneta, whose photos are embossed on PLA's 44th anniversary pillar.*

MALACAÑANG  
MANILA



## MESSAGE

*We cherish the virtue of compassion, but we must govern by the principle of the law. This, we believe, is the first defense of our freedom and security, and the eternal safeguard of our liberty. Any violation of this principle tears at the very fiber of our nation, and weakens it. Any indifference encourages abuse and disorder; any disregard brings tyranny and exploitation. In the process, we enfeeble our democratic convictions and traditions, and endanger our very freedom.*

*I am hopeful that this observance of Law Day will enhance our respect for and observance of the law. I expect the Philippine Lawyers' Association to reinforce our efforts to uphold the supremacy of the law throughout the land to keep alive the light of freedom and justice in the hearts of our people, and in our nation.*

A handwritten signature in cursive script that reads "Corazon C. Aquino".

CORAZON C. AQUINO

Republic of the Philippines

# Senate

Manila



## MESSAGE

*I am happy to take this opportunity to greet and congratulate the officers and members of the Philippine Lawyers Association as they jointly celebrate Law Day with the Integrated Bar of the Philippines and the Philippine Bar Association.*

*It is important to remind our people — including lawyers but perhaps, more importantly, the leaders of government — that the governance of our society is and should be based on the rule of law. The rule of law is the bedrock upon which any democratic society is predicated.*

*We have seen in our recent past how our country was brought to almost total collapse by an attempt to supplant the rule of law by the law of force.*

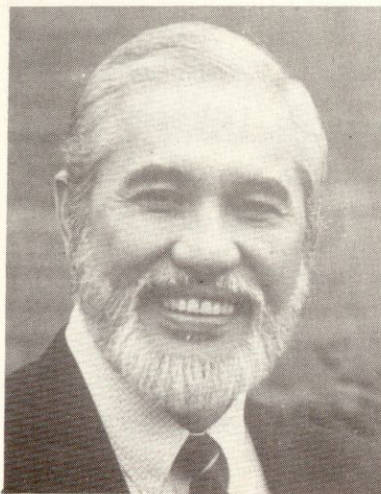
*It is my hope that we, as a people, have learned the lesson well, namely, that there is no substitute for the rule of law and for the dignity of every human being which that rule upholds.*

*Best wishes.*

A handwritten signature in dark ink, appearing to read 'J. Salonga', written in a cursive style.

JOVITO R. SALONGA

Republic of the Philippines  
CONGRESS OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES



**MESSAGE**

*I extend with great pleasure my warmest felicitations to my colleagues in the Philippine Lawyers Association, The Integrated Bar of the Philippines, the Philippine Bar Association, and all those who will be celebrating Law Day.*

*Despite our triumph in gaining back our democracy three years ago, we are still undergoing very trying times. This is not only true for those in government, but most especially for those in the legal profession. It is hoped, therefore, that this Day will be an occasion for all in the profession to exchange valuable learning insights and experiences that will serve to inspire you amidst any crisis you have to face.*

*More power to all of you as you pursue your noble endeavors.*

A handwritten signature in cursive script, reading "Ramon V. Mitra".

RAMON V. MITRA

Speaker



Supreme Court of the Philippines  
Manila



**MESSAGE**

*I take pride in extending my warmest congratulations to the officers and members of the PHILIPPINE LAWYERS ASSOCIATION on their observance of Law Day.*

*For 44 years, the Association has been in the forefront of our struggle to maintain the supremacy of the rule of law in our country. This commitment gains even added significance in these times when national initiatives are geared toward the economic upliftment of our people. For lessons drawn from history attest to the truth that no economic progress is possible without fair, efficient and honest judicial processes and faithful adherence to the rule of law.*

*On this auspicious occasion, I pray that the officers and members of the Philippine Lawyers Association be blessed in their pursuit of justice with more vigor in body and spirit.*

*Congatulations!*

MARCELO B. FERNAN

Chief Justice

## The President's Page



On September 21, 1972, seventeen years ago today, our country was placed under martial law by President Marcos. He took away legislative power from the Congress of the Philippines and from the Interim National Assembly. He saw to it that he could appoint or remove Justices and Judges at his will and pleasure, making the Judiciary subservient to him. Thus, during the years that we were under martial law, our government was not a government of laws but a government of one man and his cronies.

Why then do we celebrate Law Day today which is the seventeenth anniversary of that nightmarish day when President Marcos proclaimed martial law throughout the length and breadth of our land causing democracy, freedom, and the Rule of Law to disappear under Philippine skies for as long as we were under martial law? Plainly and manifestly, the answer is: We are not celebrating today the proclamation of martial law made by President Marcos 17 years ago. What we are celebrating today is the termination of that martial law and the restoration to our people of the blessings of democracy, freedom, and the Rule of Law.

Today we are thankful and we celebrate that our government is once more government of laws and not of men; that we have a new Constitution that affirms once more that sovereignty resides in the people and all government authority emanates from them; that once more the powers of government are not concentrated in the hands of one man or group of men; that the powers of government are divided and distributed to three departments, the legislative, the executive; and the judicial and by this separation of powers we have checks and balances insuring that our government will be a government of laws and not a government of men; that we have so amended the power of the Presi-

dent to declare martial law to insure that there will be no repetition of what President Marcos did in 1972.

Because we seem to know more about the famous lawyers and jurists in other countries than those in our own country, in the Journal that we issued on September 19, 1985 we started publishing articles on the Lives of Great Filipino Lawyers. We started with articles on the lives and works of Chief Justice Cayetano S. Arellano and of Don Francisco B. Ortigas published in that Journal of September 19, 1985. In the Journal that we are issuing today we are publishing articles on the lives and works of Don Felipe Calderon, author of the Malolos Constitution and founder of the Colegio de Abogados, a law school which produced many outstanding Filipino lawyers and jurists; and of Don Gregorio Araneta, the first Filipino Secretary of Justice and to whose memory was established and dedicated the Araneta University considered one of the reputable educational institutions in the country today.

In my view, it will help tremendously in improving the administration of justice in our country if we can make our people, especially our youth, to know more about the lives and works of the great lawyers and jurists produced in our country so that they will be inspired to emulate their good works and exemplary conduct.

September 21, 1989.

A handwritten signature in cursive script that reads "Lorenzo S. Sumulong".

LORENZO S. SUMULONG  
PLA President

# LAW DAY IN THE PHILIPPINES: IN RETROSPECT



Hon. Vicente Francisco

Former Senator Francisco suggested in the Convention of judges and lawyers held on May 7, 1958 in the session hall of the Supreme Court building that there should be in this country a Law Day in the same way that we have a Labor Day. He said: "There are those who use law as an instrument for force and those who believe in the enforcement of law to bring order and decency to human endeavor. Between them there lies a whale of a difference. To emphasize this difference and to provide an occasion for national rededication to the rule of law we should have a Law Day in the Philippines."

In the United States President Eisenhower, designated by proclamation May 1, 1958 as Law Day. The proclamation reads as follows:

"WHEREAS our Government has served as an inspiration and a beacon light for oppressed peoples of the world seeking freedom justice and equality for the individual under laws, and

"WHEREAS universal application of the principle of the rule of law in the settlement of international disputes would greatly enhance the cause of a just and enduring peace, and

"WHEREAS a day of dedication to the principle of government under laws would afford us an opportunity better to understand and appreciate the manifold virtues of such a government and to focus the attention of the world upon them;

"NOW, THEREFORE, I DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Thursday May 1, 1958, as Law Day."

In President Eisenhower's speech celebrating the first Law Day, he said among other things, that "freedom under the law is like the air we breath. People take it for granted and are unaware of it — until they are deprived of it. The clearest way to show what the rule of law means to us in everyday life is to recall what has happened where there is no rule of law."

The Time Magazine of May 5, 1958 gives the following account of how Law Day was celebrated in the United States:

Green eyeshade under a crop of white hair, heavy shoulders bent over an ancient desk, the Harvard Law School's Dean Emeritus Roscoe Pound wrote slowly, pouring the wisdom of his 87 years into his speech for Law Day, U.S.A.: "The law is the highest inheritance the sovereign people has, for without the law there would be no sovereign people and no inheritance."

Three thousand miles away in San Francisco,

Superior Court Judge Thomas Coakley looked thoughtfully at the axhewn pine timbers of the oldest courthouse in California, picked up a pencil and began to write: "In the days when this courthouse was built, the law was young and often painful on this frontier. We developed in 1854 what our pioneers recognized, as did their forebears in the East, that there must be a respect for the law."

In thousands of U.S. cities and towns, other men dedicated to the rule of law made plans for carrying their message this week into the nation's courtrooms, classrooms and club meetings. On a train bound for Manhattan, Veteran Washington Attorney John Lord O'Brian opened his briefcase, took out the notes he had dictated for his Law Day speech. In St. Louis, a Negro law student named Dred Scott Madison studied their parts for the Law Day re-enactment of the historic trial of their great-grandfather, Dred Scott. In Seattle, Attorney Ford Elvidge was "digging into books I haven't cracked in 40 years," looking up English legal history for his Law Day speech. In Charleston, S.C., Veteran Lawyer Robert M. Giff pondered the difference in meaning between Communism's May Day and the U.S.'s Law Day: "I take it this date of May 1 was not chosen naively. It gives us the chance to celebrate our own way of life, while some others who don't believe in law are celebrating their way."

In Washington the President of the U.S. worked on the Law Day speech he would deliver to a nationwide television audience. And the Chief Justice and Attorney General of the U.S. made ready to travel to Philadelphia and Independence Hall. There, in liberty's shrine on the eve of Law Day, Chief Justice Earl Warren and Attorney General William Rogers would join in nationally televised ceremonies with the man who conceived the idea of Law Day.

Charles Sylvanus Rhyne, president of the American Bar Association, prime mover in the campaign to get the U.S. this week to reaffirm its faith in the forces of law for peace.

That crusade began for Charles Rhyne last summer when he was installed in the A.B.A.'s presidency at the 80th anniversary convention in London. On Runnymede's historic meadow, Rhyne dedicated the A.B.A.'s monument in commemoration of the sealing of Magna Carta. In Westminster Hall, Chief Justice Earl Warren and then Attorney General Herbert Brownell of the U.S., Lord Kilmuir, Lord High Chancellor of

*(Continued from page 13)*

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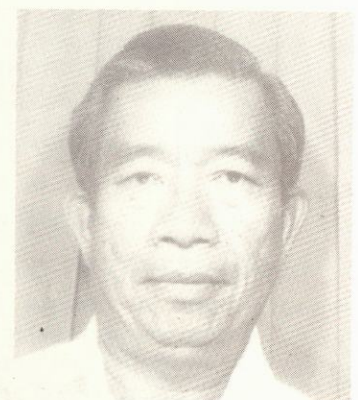
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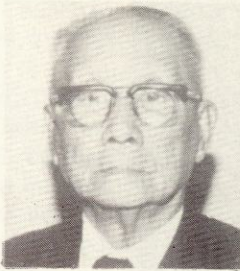
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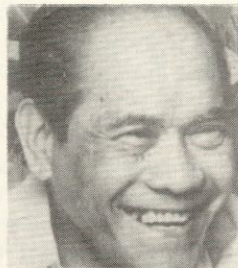
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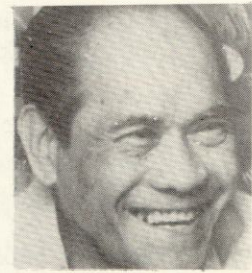
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(1966-1968)



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(1968-1972)



ARTURO A. ALAFRIZ  
(1972-1983)



LORENZO SUMULONG  
(1983-87)



JUSTO P. TORRES, JR.  
(1987-88)



## FELIPE G. CALDERON

by  
Justice Justo P. Torres, Jr.

The Malolos Constitution of 1898 etched a political landmark for the Filipino nation to free itself from colonial bondage.

It was the first *magna carta* in the whole of Asia drawn by the Filipinos proclaiming their sovereign aspirations as a people.

The richness of its lofty principles served as an anchor in our quest for a lasting constitutional democracy.

The acknowledged author of the Malolos Constitution was scholarly, young lawyer and journalist, Felipe G. Calderon.

Born on April 4, 1868, in the historic town of Sta. Cruz de Malabon (now, Tanza), in the province of Cavite, Felipe G. Calderon was the second child of Don Jose G. Calderon and Dona Manuela Roca. As a young man, he worked in several newspapers in Manila. He studied at the Ateneo and the University of Santo Tomas and obtained his licentiate in law in 1893 and thereafter, was associated in the practice of law with Don Cayetano Arellano who later became Chief Justice of the Supreme Court (1899-1920).

In 1896, he was arrested by the Spanish authorities for alleged complicity in the revolution. On September 15, 1898, Calderon was appointed by Gen. Emilio Aguinaldo as one of the delegates to the Revolutionary Congress that met in Malolos, Bulacan. The most important work of the Malolos Congress was the framing of a Constitution for the fledgling Revolutionary Government.

Although there was an intense feeling of nationalism among the chosen delegates to the Congress, Apolinario Mabini questioned the propriety of framing a constitution for the Republic, for the reason that it was not convened for the purpose of drafting a charter. It was significant, however, that when Gen. Aguinaldo delivered his message to the Congress he urged the delegates "to discuss the Philippine Constitution."<sup>2</sup> The political alignment among the delegates became inevitable.

A known historian<sup>3</sup> writing on this event commented;

"This juncture was important in that epoch because it marked the beginning of two developments, of two tendencies, which were to struggle until the end: one *absolutist* and

<sup>2</sup>The Constitutional Plan of the Philippine Revolution (Manila, The Times Press, 1914), pp. 1-25.

<sup>3</sup>T.M. Kalaw, *ibid.*

the other *constitutionalist*. The first was represented by Mabini, who continued to be the first counsellor of Aguinaldo, and the second by the followers of the Constitution, to wit: Paterno, Buencamino, who was the author of the message, Calderon, and others. The constitutionalists, having a program which was agreeable to all, was naturally gaining ground, especially in Congress, while Mabini was losing because of his inflexibility so much so that he was called the Black chamber of the President."<sup>4</sup>

The absolutists led by Mabini lost to the constitutionalists led by Calderon by a comfortable majority. The delegates then moved that Calderon prepare the draft of the constitution with the assistance of other distinguished delegates. Reflecting on his draft, Calderon said that — "taking as a basis, in the part relative to the organization of the government, the constitutions of the South American republics and especially, with respect to the legislative power, the constitution of Costa Rica, I prepared my draft."

Calderon admitted, however, that the French Constitution was used as basis for the draft. When a delegate urged Calderon to pattern his draft to that of the American Constitution, he snapped back — "we are not obliged to adopt the American Constitution, taking into consideration the differences in their history, usages and customs."<sup>5</sup> That except for one essential change, the draft prepared by Felipe Calderon written in Spanish was approved by the Congress on November 29, 1898.

Of all the provisions in the draft constitution, the proposal for the union of Church and State was the most bitterly and emotionally debated upon. The attention of General Aguinaldo was called to the gravity of the situation. The first vote on the burning issue resulted in a tie. On a second vote on the question, the tie was broken by the vote of Delegate Pablo Tecson who opted for the separation of Church and State.

The Malolos Constitution authored by Felipe Calderon which according to a well-known authority<sup>6</sup> on the subject showed the rare statesmanship and intellectual depth of Calderon. He said;

"It may be of interest to people knowledgeable in the intricacies of government (because of its historical recurrence) to recall the

reasons that prompted Calderon in adopting a single chamber."

Calderon opined that "a country in the process of formation like ours was sure to encounter insurmountable obstacles, and if there were two houses, the administration of the affairs of the country would be somewhat delayed, while with one house only, many of the obstacles would disappear."

Noteworthy in the Malolos Constitution are the following salient features: The provisions on the right of domicile, the freedom of correspondence and communication, the right to form associations and societies and the creation of a permanent commission designed to furnish the legislature with a powerful arm to check executive acts when the former body was not in session. Calderon, believed in a strong legislature. Prophetically, he cautioned:

"Having in mind that, should we become independent, we would have for a long time an oligarchical republic in which the military element, (which is ignorant as a whole) would predominate, in order to check this oligarchy, I preferred to neutralize it by an intellectual oligarchy, since the Congress was composed of the most intellectual classes of our country. This is the reason why I conferred upon the legislature such ample powers not only in the field of legislation, but also in the supervision of the executive and judicial branches. In a word, between two oligarchies, I preferred the intellectual oligarchy of the many to the ignorant oligarchy."<sup>7</sup>

The Malolos Constitution as drafted by Calderon represented the nationalist ideals of the Philippine Revolution and the dream of the Filipino people to be free.

Calderon died on July 8, 1908. Although his legacy to the nation was the Malolos Constitution which he drafted, he will also be remembered for having organized the Colegio de Abogados de Manila and founded the Escuela de Derecho (Manila Law College). In 1904, he was appointed member of the committee that drafted the Penal Code.

It can truly be said of Calderon as an outstanding member of the legal profession, that he paved the way in our march to constitutional democracy.

<sup>4</sup>Idem.

<sup>5</sup>La Independencia, Oct. 10, 1898.

<sup>6</sup>Sinco, Vicente.

<sup>7</sup>G.A. Malcolm, op.cit., p. 62, translation from *Mis Memorias*, p. 240.



## DON GREGORIO ARANETA

History lists many heroes who have given much of themselves to their country. But the late Don Gregorio Araneta, aptly referred to as one of the sturdy "Molaves" of the Filipino race by Carlos P. Romulo, proved himself not just to be another name to be added on to the country's colorful history — he epitomized "the best there is in the Filipino".

Born and raised in Molo, Iloilo, Don Gregorio Araneta stamped his individuality in every endeavor even as a young student. From the time he pursued studies in Ateneo Municipal (Ateneo de Manila) he proved to be an outstanding pupil and graduated with flying colors. He obtained in 1891 the degree of Licentiate in Law and Jurisprudence from the Faculty of Civil Law of the Pontifical University.

Armed with a brilliant scholastic record, he had no difficulty landing an enviable job as the assistant of Jose Juan de Icaza in one of two most prominent law offices in Manila at the turn of the Century. After being auxiliary register of deeds for the South District of Manila, he became city prosecuting attorney and later acting assistant Attorney-General of the "Real Audiencia de Manila", the highest court of the land during the Spanish regime. This was the beginning of his illustrious career as a public servant.

The life of Don Gregorio is inextricably linked to history as his life spanned three periods of our

history as a nation: a) the insurrection against Spain, b) the revolutionary government and the first Republic and, c) the American regime. Each time, he served the government in different capacities.

When insurrection against Spain broke out, he was at the vanguard of the movement. He became a member of the advisory board of the Revolutionary Government in 1898. In the same year, he formed part of the Committee that announced to the whole world the birth of the First Republic of the Philippines. Likewise, he became a member of the committee headed by Felipe Calderon that drafted the Malolos Constitution.

In recognition of his talents and sterling qualities as well as his patriotism, he held the positions of Secretary-General of the Congress of Malolos and Secretary of Justice in the Aguinaldo Cabinet.

In the advent of American regime, he was appointed to the revived "Real Audiencia". The authorities were impressed with him as an outstanding barrister who displayed great administrative skill and sound political judgement. They saw in him a highly intelligent, competent and effective Filipino official whose qualities of leadership would be invaluable in cushioning the impact of the crucial transition stage and change of sovereignty.

A few months later, he was appointed Solicitor General of the Philippines, a position many felt was created for him. In 1905, he was elevated to the office of Attorney General.

Governor General William Taft, who admired Gregorio Araneta, believed he could accomplish more given a higher position. This resulted in Araneta's appointment as Secretary of Finance and Justice, the first time a Filipino was appointed to head an executive department in the government.

In 1913, Don Gregorio Araneta felt he had served his country through public office for many years and that it was time to attend to another task at hand. He engaged in private law practice, authored several books and, knowing the vital role of the bar in the task of seeing Justice prevail, he devoted time to training future lawyers as a professor of civil law in the University of Santo Tomas.

As an academician, he vividly, lucidly and exhaustively explained to his students the meaning of the law. He emphasized the important role played by memory and at the same time ensuring that his class understood the reason behind any legal provision. Every sentence and every idea shed light on the subject. Nothing was ever omitted. He made his students read the text itself and not depend on court decisions which he felt must not be taken and accepted with dogmatic finality. They must be distilled through a filter of analysis and when he sided with dissenting opinion, he explained his rea-

sons for doing so.

His law practice flourished as people looked up to him for his proven integrity and notable capacity. His powerful logic and mastery of law, reputation for honesty and integrity, impressive personality, easily commanded respect of all and enabled him to win resounding victories in hardly-contested cases where he prevailed on the Supreme Court to reverse former decisions.

Most lauded by the public was his proud sense of morality which surfaced when he twice turned down the position of Chief Justice of the Supreme Court offered to him. This decision stemmed from a strong sense of "delicadeza." Having established business connections, some of which had outstanding obligations to the government, he demurred. His ethical principles did not allow a public servant to assume office under the shadow of doubt.

This steadfast adherence to principles and ideals, a massive strength of character, a sincere humility and a powerful impact of his example made Gregorio Aragneta a monument to the capabilities of the Filipino.

Endowed with untiring activity and fervent zeal for his work, this God-fearing man's most important legacy was to bequeath to future generations a priceless tradition of service to God and his country.

---

## Law Day... (Continued from page 7)

Great Britain, and the lawyers of two continents joined in a session that was, in itself, one of the great landmarks in the history of law (Time, Aug. 5).

Since London, Charles Rhyne has traveled far and fast. His nine months as president of the A.B.A. have taken him more than 100,000 miles to make 180 speeches in 38 states. Wherever he goes, whenever he speaks, he returns to his theme: world peace through world law.

"In ancient times," says Rhyne, "disputes between individuals were settled by brute strength in a fight. We have now largely progressed to a point where such person v. person disputes are settled under the rule of law in the courts. But the rule of the jungle still largely prevails as the ultimate decide of disputes between nations. We must now progress to the point where the rule of law is applied in the courts to the disputes of nation v. nation.

"For those who complain about the mystery of international law and lack of precedents, I suggest they reflect upon the famous jury charge of Andrew Jackson in his frontier court, and then reflect upon the growth of domestic law to meet the needs of our people. International Law can do likewise."

No one knows better than Lawyer Rhyne that

the rule of law, cannot be imposed on peoples of the world until they have learned to understand and respect it. He knows too that understanding and respect begin at home. He originated the idea of the first Law Day as an opportunity for lawyers and laymen, too long carried headlong in the seething, exciting torrent of coes and laws to take reflective inventory, to study and ponder the law's past and its present—from which it must derive its future.

What they sought was liberty under law, no less and no more than justice in a moral universe. It is self-evident, wrote Deist Thomas Jefferson in the Declaration of Independence, that all men "are endowed by their Creator with certain unalienable rights," that "among these are life, liberty and the pursuit of happiness," and that "to secure these rights, Governments are instituted among men." The guiding principle of the Constitution was explained in the Federalist: "If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

In *Marbury v. Madison* 15 years later, Chief Justice John Marshall, like Coke unarmed except for the force of law, determined the right of judicial review over legislative decision, gave breath and

(Continued on page 26)

# PLA PHOTOS



*PLA Honors Ambassador Teehankee. The Philippine Lawyers' Association tendered a testimonial dinner in honor of former Chief Justice Claudio Teehankee on the occasion of his appointment as Permanent Philippine Representative to the United Nations on August 5, 1988 at the Philippine Plaza Hotel. From left above are: Atty. Elena Lim, PLA Secretary; Justice Justo Torres, Jr., PLA past president; Mrs. Eva Macapagal, PLA president Lorenzo Sumulong and Ambassador Claudio Teehankee.*



*Exchanging Pleasantries. From left: Dr. Arturo Tolentino, former PLA president; Ambassador Claudio Teehankee, Dr. Arturo Alafritz, former PLA president and Mrs. Pilar J. Teehankee.*



Address of Ambassador Teehanke. Ambassador Teehanke is shown addressing the officers and members of the Philippine Lawyers' Association. Also in the audience are members of the diplomatic corps.



A Toast for Ambassador Teehanke. A toast for the success and good health of Ambassador Teehanke. From left: Justice Justo Torres, Jr., Secretary of Justice Sedfrey Ordonez, Justice Conrado Vasquez, Mrs. Eva Macapagal, PLA President Lorenzo Sumulong, Ambassador Claudio Teehanke and former President Diosdado Macapagal.



Dr. Bisconti with CA Justices. Dr. Giuseppe Bisconti, Vice-President of the International Bar Association visited the Court of Appeals recently. From left: Justices Jose Campos, Jr., Justo Torres, Jr., Manuel Herrera, Dr. Bisconti and CA Presiding Justice Rodolfo Nocon.

# SWIFT AND TRUE JUSTICE AND THE NEED FOR AN EFFECTIVE JUDICIAL REORGANIZATION

*An Opinion of a Lady Lawyer*

by

Elena S. Lim



\* It is a cliché to say that it is every man's right to obtain justice. Oftentimes, however, even clichés have trouble getting translated into reality.

These days, most Filipinos view justice not as a right but as a commodity that can be had only by the highest bidder. Cynical? Not if we consider the facts. It is a fact of life that justice is denied not only to the common tao but also to rich Juan de la Cruz who refuses to "come across." In other words, it is not really "Justice is for the rich." Rather, in the apt words of a wit, it is more accurate to say that justice is for the corrupt.

The erosion of value placed on dispensation of justice has, at least, for now, moved even the highest of Philippine officialdom. But in addition to speeches, and the formation of committees to find out just how justice should be dispensed with, there should be a return to the values and morals which had been waylaid because of complacency and indifference. *Pabayaan na lang 'yan, 'ika nga.*

Our people hardly have any respect left for our judicial system yet no one seems to be doing much to rectify the situation. I do not think this is what we fought for three years ago, when we were willing to lay down our lives in exchange for democracy. Democracy exists only where there is justice.

Our judicial system is not totally bereft of honest people. What I am not sure of is if they are really so few in number or if they happen to be the silent majority. Whatever the case, these people suffer just the same from the ill reputation earned by some of their colleagues. Because of the latter, the dominant reaction of many to our judicial system is one of disgust and frustration.

But it is not only corruption in the courts that exasperates a lot of our people. It is also the delay one faces in getting justice through the court

system. The wheels of justice in Philippine courts do not turn slowly. They drag on miserably. That the whole judicial apparatus is too complex to urgently respond to the needs of our people certainly does not make matters easier.

Something, must be done. To this end, it is suggested that a *complete overhaul* of the system is needed to remedy the present situation. And for this overhaul to work, we must first start with the people who are responsible for the judicial organization's ability to give true justice to every man. Among the things that should be done may be:

A total review of the records of the incumbents in all the courts, including the Supreme Court, weeding out those deemed incompetent.

Our people deserve only those who are of great moral integrity, independent-minded, objective, and masters of the principles of the law. These, it is submitted, are the common ideals that people seek in those who serve the public. We may add one more: humility. The ability to recognize oneself as fallible and no better than the next person makes one careful in one's judgment of others. And for an occupant of a potentially powerful office, humility is necessary to keep matters in perspective.

The quality of the men and women appointed to the Bench must match that which is assumed by their Office. They must be measured according to standards they themselves will later use to decide on the merits of others. Their reputation must be unassailable, without suspicion of any kind of misconduct whether in public or in private.

Once in office, they must demonstrate the ability to discern substantial and pertinent factors from that which is trivial and irrelevant. They must also be free of cultural constraints such as *paki-*



### GOING...?

*kisama* and *palakasan*. Litigation should not be transformed into a social and political free-for-all. A case must be decided based solely on its merits and not on the personalities involved, nor on any bravura performance by the lawyers. Let's keep it simple: judge according to the facts presented. One cannot do it any better than that.

It is not enough that we place high standards only on members of the Bench. It is important that Prosecutors, Clerk of Courts and Sheriffs or anyone involved in any way with court proceedings be subjected to similar rigorous criteria. They, too, must be morally upright and efficient. There will not be much of a change in the judicial system if those who attend to the everyday workings of the Courts are corrupt and incompetent.

A revamp of the present procedures adopted by the Court.

As pointed out earlier, our judicial system moves too slowly. There must, therefore, be strict time limits on all the steps involved in litigation and the imposition of clear, defined, and compulsory proceedings.

The basic principle has always been that justice delayed is justice denied. Another cliché, perhaps, but it expresses the ideal of speedy justice. Yet, we are simply too law, for example, with the

granting of postponements. The *mañana* habit is no laughing matter in a Court of Law. To allow a case to drag on amounts to unfairly punishing the litigants. The following as possible solutions suggest themselves:

#### *The Office of the Prosecutor*

\* A prosecutor should be allowed only up to fifteen (15) days to either file or dismiss a case brought to his office. Should he be unable to do this within that time period, the case should be dismissed. After all, it is better to let a guilty man go free than to prosecute one who might be truly innocent.

\* If, however, the prosecutor files the case in court but the presiding judge, on the basis of the records before him, sees that the case has no merit at all — a clear nuisance case — the prosecutor should be directed to show cause within a maximum period of fifteen (15) days why the case should not be ordered quashed. At the end of the given period and the prosecutor has not complied with the order, the case should be dismissed.

\* If a litigant should feel that the prosecutor is not doing his duty, then the former should be allowed to be represented by a lawyer of his own choice.

Due process of course, is to be observed. Sad-

# LAW AND LITERATURE

Many have misunderstood Shakespeare's Dick the Butcher, who, in conspiring with Hack Cade, Smith the Weaver, and many others said: "The first thing we do, let's kill all the lawyers." (*Henry VI*, Part II, Act IV, Scene ii). In context, it means that for plotters to succeed in taking over, they must eliminate the lawyers who protest, complain, bellyache and make *kulit*. (Mr. Marcos learned that that was so, to his chagrin.)

That was Shakespeare's supreme complaint to the profession. Lawyers can be counted upon to uphold the Rule of Law, and defy tyrants, and upset the best-laid plans of mice and men.

In *Waldron v. British Petroleum Co.*, 231 F. Supp. 72 (1964), the Court said that it found no merit in plaintiff's argument that the law in question had been abrogated by desuetude. From the absence of reported cases, one could deduce that the statute had not been called into play because no factual situation requiring its invocation had reached the courts. It then cited Shakespeare: "The law hath not been dead, though it hath

slept." (*Measure for Measure*, Act. II, Scene ii) Fn. 30, at p. 89.

The point is that lawyers can do worse than study and appreciate literature, which has the power to engage and transform the mind, for the better. The ability to dust off old classics to give them a fresh spin comprises a priceless extra.

In our profession, the only weapon we have is words; we would do well to study the works of the world's men of letters to make us better lawyers and therefore better men and women. The *Noli and Fili*, *Billy Budd*, *Huckleberry Finn*, *To Kill a Mockingbird*, *Antigone*, etc., confirm that law and literature, like love, like music, have the power to make men happy.

We must broaden our reading. On Law Day, let us remind ourselves that we do not sharpen the mind by narrowing it.

RENE A. V. SAGUISAG  
SENATOR

ly though under the "due process" clause, injustice can be committed depending on the parties' expanded liberal application of the law. Some use it to drag the case to oblivion. Others use it to muddle the issues. I believe that justice fully circumscribed within due process can be meted out speedily and fairly. All it takes is the right people and procedures to do it!

\* The Judge must render judgment on the case within thirty (30) days after the last hearing. If a judge fails to do this within the allotted time period, he must be issued a warning together with the granting of another thirty (30) days. Any judge who is unable to render judgment within sixty (60) days after the last hearing should be asked to leave the Bench.

The question now, perhaps, is how do we go about all these? As a first step, it is proposed that a Working Group, composed of active litigators known for their probity and professionalism, be created. I emphasize their being practising lawyers because to entrust the work to those who are not in the active practice would not be productive of a realistic approach to the problems. This Working Group shall then study the mechanisms of how we can weed out the undesirables in the judiciary and replacing them with those who truly qualify for the job and are deserving of the honor. The Group shall also prepare a proposal on how judicial

procedures can be streamlined and made free of those factors which only delay the serving of true justice. Too, the Group shall see to it that all members of the judicial system are assured of a fair and appropriate compensation.

The creation of such an ideal Working Group and reorganization plan, though, is not guaranteed that change will occur. The failure of the 1983 Judicial Reorganization offers ready lessons. At that time, the Integrity Council, the body mandated by then President Ferdinand Marcos to undertake the judicial reorganization, drew up a list of people who should be dismissed from judicial service. But Mr. Marcos did not heed many of the recommendations made by the Council. While he did throw out some corrupt and inept members of the Bench as suggested by the Council, Mr. Marcos nevertheless retained a great number of those included in the list because of political considerations. Thus, that particular judicial reorganization, however ideally conceived by men of proven probity and competence, became largely ineffective. If there is to be any change at all, therefore, it is not enough to form committees and draw up plans. The real test lies in the speedy and exact implementation of these plans.

The task ahead is not an easy one. But it is time to act now, lest the belief that the Philippine judicial system is for the dogs becomes the one cliché that come true.

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# THE IMPERIAL SUPREME COURT

By: Napoleon G. Rama



Time was when nominees to the Supreme Court had to make pilgrimages to the Congress to lobby for the confirmation of their appointments. Or they would be summoned by the Commission on Appointments to be asked about the darker side of their public and private life. At times they are subjected to cruder indignities. In nearly all cases, the message delivered to them, loud and clear, was that their appointments could be easily blocked by the legislators, members of the Commission, with or without reason, so they should remember that they were in their debt.

The late Chief Justice Roberto Concepcion remembered only too well the humiliating ordeal the judges and justices has to go through in Congress and vowed that he would put an end to it. This was at the time that he was chairman of the Committee on the Judiciary at the Constitutional Commission. Certainly, one of the brightest and most admired Supreme Court justices ever to grace the highest tribunal, Concepcion wasted no time in introducing the most significant reform in the Article on the Judicial Department — the Judicial and Bar Council that would free the Judiciary from the encroachments and harassment of Congress.

In his sponsorship speech of the Article on the Judicial Department, he stressed his major premise: Of the three branches of the government, the weakest is the judiciary. And the reason for this was the system of confirmation of the appointments of judges and justices by the Commis-

sion on Appointments, as operated by the Congress.

Apart from the browbeating and bullying to which the appointees became victims of, the politicians had tremendous leverage against the President. They could, as they often did, threaten the President with shelving his appointments of members of the bench unless the proteges were also nominated. Some of the legislators were authentic scoundrels.

Even just the idea of justices walking the corridors of Congress or made to wait in the ante-rooms as they had to lobby for the solons' votes was repulsive to Justice Concepcion. In many instances, even before the justices could warm their seat, they would be getting calls from the solons, collecting, seeking favorable decisions for their clients.

This set up had to go, urged Concepcion. The Judicial and Bar Council would be headed by the Chief Justice and composed of men of proven integrity, who will screen the applicants or men they would select to nominate to the President. The appointment process ends with the signing of their appointment papers by the President, bypassing Congress. It was a big day for the judiciary. The Article on Judicial Department was the judiciary's declaration of Independence from the other branches of government, thanks to Justice Concepcion.

His crusade to insulate the judicial department from politics and politicians didn't stop there. He would also strip the President of excuses to declare martial law.

What made President Marcos cocksure he could install dictatorship through his martial law decree without fear of judicial interference was the principle that the courts could not inquire into the political decisions of the President.

Concepcion drew on his long years — half a century — experience as a jurist, particularly on the lessons learned during the martial law days. In his report to the Commission, he strongly batted for the expansion of the rights of the judiciary to include the prerogative to inquire into any act or decision of any branch of government or any government office. Not many have realized the seismic significance of this provision, paragraph 2, Section 1 of Article VIII on the judiciary, which reads:

*“Judicial power includes the duty of the courts of justice to settle actual controversies including rights which are legally demandable and enforceable, and to determine whether or not there has been a gross abuse of discretion amounting to lack of jurisdiction on the part of any branch or instrumentality of the Government.”*

In other words, any citizen could go to court and complain about any act or decision of any branch of government, any office on the ground that it acted with grave abuse of discretion amounting to lack of jurisdiction. Included here is the act of the President declaring martial law which before could not be touched by any court because of the fictional wall of political acts insulating the presidency from the prying eyes and nose of the judiciary.

Under this provision, no office of the government, no matter how lowly, can escape the scrutiny, review and nullifying decisions of the courts of justice. This brings up an interesting question: Might not this provision offer the occasion for those with hidden agenda to immobilize the government by filing case after case questioning every decision and act of every branch of government or any of its offices?

Already the judiciary has become in a sense sufficient unto itself by cutting off the Commission on Appointments charged with reviewing and affirming all the presidential nominations, hence it's now a more independent body where the prin-

ciple calls for interdependence among the co-equal major branches of government.

Thoughtful students of constitutional law are beginning to feel a little uncomfortable with the Constitution's enthronement of the judicial department in a larger seat of power with larger power, enough to stymie both the Executive and Legislative. Not even the U.S. has adopted or is thinking of adopting the Judicial and Bar Council concept with which the judiciary thumbs its nose at Congress.

The question, accusatory in tone, is: Has the Constitutional Commission, through a former Chief Justice with tremendous prestige and influence, set up an Imperial Judiciary?

The judiciary under the new Constitution has been clothed with tremendous power, which wise men and experience tell us, corrupts. Will there be a kind of dictator emerging from the bench because or perhaps, the exuberant exercise of such power? There's little likelihood the present leadership of the judiciary would resort to abusive and oppressive exercise of its potentially awesome authority. But also such was the view with respect to the Presidency when the 1935 Constitution was drafted and ratified. They didn't reckon with a Marcos.

Under the new Constitution, the judiciary has become the principal office charged with curbing the President's exercise of his power, which includes, not so bad, his martial law-decreeing authority. Listen to paragraph 3 of Section 18, Art. VII:

*“The Supreme Court may review, in an appropriated proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ (of habeas corpus) of the extension thereof, and must promulgate the decision thereon within thirty days from its filing.”*

This and other provisions strengthening the “weakest branch of government” have made the judiciary strong enough to disturb the checks and balances mechanism if not now, perhaps, in the future when less scrupulous or frankly scheming men take over the judiciary. Or are we creating a super body which in the hands of other breed of men (as President Marcos was of the other breed of men never contemplated by the framers of the old Constitution) will be an aberration in our democratic system?

# PLA ACTIVITIES



*Past President Justice Justo Torres inducting the new members on Oct. 23, 1987, Soliver Peras, Marcial O.T. Balgos, Rogelio Nogales, Serafin Guingona, Leopoldo Mendoza.*



*New Members left to right Atty. Leopoldo Mendoza, Atty. Peras, Atty. Boy Gabionza, Serafin Guingona, Atty. LaO, Atty. Eddie Halili.*



*Justice Cecilia Muñoz Palma cutting the ribbon and assisted by Senator Lorenzo Sumulong, PLA President.*



←  
*Monsignor Augusto Pedrosa invoking God's blessing during the PLA'S office blessing on October 23, 1987, left to right Arturo A. Alariz, Serafin Guingona, Justice Cecilia Palma, Justice Justo Torres, PLA President Lorenzo Sumulong.*

*PLA Secretary Elena S. Lim reads the Bible's message during PLA's office blessing left to right Dr. Arturo Alafriz, Serafin Guingona, Justice Cecilia M. Palma, Monsignor Augusto Pedrosa, Justice Justo Torres, PLA President Lorenzo Sumulong, Atty. LaO, Dean Rodolfo Palma.*



*March 18, 1988 — A PLA Business Meeting on March 18, 1988 left to right Dean Mariano Magsalin, PLA President Lorenzo Sumulong, Justice Justo Torres, Senator Arturo Tolentino, PLA Secretary Atty. Elena S. Lim.*



*Seated left to right — Dr. Arturo Alafriz, Elena S. Lim, Senator Lorenzo Sumulong, Justice Justo Torres, Dean Magsalin. Standing left to right — Larry Mendoza, Eddie Halili, Maurice Nubla, Mariano Torres, Antonio Sikat, Ramon Casanova, Vicente Foz.*



*PLA Meeting with Ombudsman Conrado Vasquez as its Guest of Honor and Speaker — Seated left to right — Justice Nick Pena, Justice Justo Torres, Ombudsman Conrado Vasquez, Larry Mendoza, Standing left to right — Ramon Casanova, Dean Magsalin, Elena S. Lim, Maurice Nubla, Atty. Daguna.*



*Left to Right — Atty. Aaron Bautista, Commodore Dante de Guzman, General Migrino Munoz, Maurice Nubla, Elena S. Lim, Colonel Claro Gloria, Colonel Juan Sanchez, Dean Mariano Magsalin.*

*Seated left to right — Colonel Claro Gloria, Atty. Elena S. Lim, Justice Antonio Lucero, PLA President Lorenzo Sumlong, Atty. Jose San Agustin.*

*Standing left to right — Maurice Nubla, Dean Mariano Magsalin, Atty. Larry Mendoza, Justice Justo Torres.*



# THE MILITARY BASES MUST GO

By: RAUL S. ROCO  
Congressman, 2nd District, Camarines Sur

There are cogent reasons for the removal of U.S. Military Bases in the Philippines.

*I. The Continued Presence of the Military Bases Will Hinder the Evolving Philippine Foreign Policy of Neutralism/Neutralization and Freedom from Nuclear Weapons as required by Philippine National Interest*

The Tydings-McDuffie Act of 1934 which was made a part of the Ordinance Appended to the 1935 Constitution, had a provision for the neutralization of the Philippine Islands although such was never given effect by the U.S.

The Declaration Establishing the Association of South-East Asian Nations of 8 August 1967 expressed the Philippines' stand on neutralism. It stated that the countries of South-East Asia are determined to ensure their stability and security from external interference and that all foreign bases are temporary and remain only with the consent of the countries concerned and are not to be used to subvert the independence and freedom of states or prejudice their national development.

The desire for neutralization was further stated in the "Declaration to Secure Recognition and Respect for Southeast Asia as a Zone of Peace, Freedom and Neutrality" of 27 November 1971. The principles in said declaration were affirmed in the Manila Declaration for ASEAN Resolve of December 1987 and in the recently concluded general assembly of the ASEAN Inter-Parliamentary Organization in Manila.

Article II of the 1987 Constitution embodied the policy of neutralism:

"Sec. 2. The Philippines x x x adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations."

"Sec. 7. The State shall pursue an independent foreign policy. x x x"

"Sec. 8. The Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory."

Section 25 of Article XVIII adds that after the expiration in 1991 of the US-RP Military Bases Agreement, foreign military bases, troops of facilities shall not be allowed in the Philippines except under a treaty concurred in by the Senate and, when the Congress so requires, ratified by the people in a national referendum.

The continued presence of the bases contradicts and will thus hinder the evolving Philippine policy of neutralism/neutralization and freedom from nuclear weapons.

*II. The Military Bases Violates Recognized Principles of International Law*

*A. The MBA violates the principle of the sovereign equality of states*

Sovereignty has been defined as "the supreme law creating and law enforcing authority independent of legal restraining" (Sinco, PHILIPPINE POLITICAL LAW 17 [1962]).

Article 2 of the United Nations Charter declares that "the Organization is based on the principle of the sovereign equality of all its Members."

An examination of the MBA shows that the country's independence and territorial integrity subserve U.S. military necessity. "Specific provisions of the Agreement effectuate continued U.S. monopoly over the country's security arrangements, controls Philippine foreign relations, x x x institutes a regime of extra-territoriality x x x and nullifies Philippine tax jurisdiction and judicial processes".

(Magallona, U.S. Military Bases and Philippine Sovereignty in UNITED STATES MILITARY BASES IN THE PHILIPPINES 88 [1985]).

B. The presence of the bases violates the principle of self-determination

The principle of equal rights and self-determination of peoples is guaranteed in Article 1 of the U.N. Charter.

The presence of the U.S. military bases has denied the Philippines of such right, particularly the pursuit of an independent foreign policy. It is a well-known fact that the U.S. bases have been continuously used as staging areas for U.S. military adventures, from the suppression of the Boxer Rebellion in China to the Korean and Vietnam Wars (Simbulan, *THE BASES OF OUR INSECURITY, 194-195* [1985]). "In every instance, the actual use of the military bases becomes the real determinant of Philippine foreign policy, either pre-empting the Philippine government or nullifying any policy expression it may formulate" (Magallona, *supra.*, at 93).

### III. *Changes in International Relations and the World Balance of Power Call for the Removal of the Bases*

The doctrine of *rebus sic stantibus* or of fundamental change of circumstances is recognized in the Vienna Convention on the Law of Treaties.

At the time the MBA was entered into in 1947, survival was the foremost concern of the Philippines. The mutual commitment for defense and security was therefore the inducement for the presence of the bases. There has however been a radical change in international relations and in the world balance of power since then. The Philippines has normalized relations with the countries from which it formerly feared invasion from. Also, with the development of an equally effective nuclear capability by the USSR, the bases could suffer instant destruction in a nuclear exchange. "The bases, thus rendered susceptible, can have no significance to the Philippines except as a liability. x x x There is clearly no longer a mutuality of in-

terest here."

(Poblador, *The Military Bases and Mutual Security Agreements In the Lights of the Doctrines of Jus Cogens and Rebus Sic Stantibus* in 51 *Phil. L. J.* 264, 286 [1976]).

### IV. *In Any Event, the Military Bases Agreement of 1947 is Void Ab Initio*

The Independence Act or Tydings — McDuffie Act provided that all the property and rights acquired in the Philippines by the U.S. under certain treaties "except such land or other property as has heretofore been designated by the President of the United States for military and other reservations" are granted to the government of the Commonwealth.

Such provision was made a part of the Ordinance Appended to the 1935 Constitution. Thus, upon independence, the United States only had the right to retain military and other reservations which had already been designated as such at the time of the promulgation of the Tydings—McDuffie Act.

By the Treaty of General Relations entered into between the U.S. and the Philippines on 4 July 1946, it was provided that the U.S. may retain the use of such bases as the U.S., by agreement with the Philippines may deem necessary to retain.

On 14 March 1947, the Military Bases Agreement [MBA] was entered into.

While the provisions of the Tydings-McDuffie Law were made part of the 1935 Constitution which was duly ratified in a plebiscite, the Treaty of General Relations and the Military Bases Agreement were never submitted to the Filipino people. Thus, since the two treaties run counter to the provisions of the 1935 Constitution, the treaties are void *ab initio*.

### EQUAL APPLICATION OF THE LAW —

... one of the surest means to ease the uprising is a sincere demonstration of this Government's adherence to the principles of the Constitution together with an impartial application thereof to all citizens, whether dissidents or not. Let the rebels have no reason to apprehend that their comrades now under custody are being railroaded into Muntinlupa, without benefit of these fundamental privileges which the experience of the ages has deemed essential for the protection of all persons accused of crime before the tribunals of justice. Give them the assurance that the judiciary, ever mindful of its sacred mission will not, thru faulty cogitation or misplaced devotion, uphold any doubtful claims of Governmental power in diminution of individual rights, but will always cling to the principle uttered long ago by Chief Justice Marshall that when in doubt as to the construction of the Constitution, "the courts will favor personal liberty." (Chief Justice Cesar Bengzon).

## Law Day... (Continued on page 13)

blood to the American precedent as "a Government of laws and not of men." So it was also that at the testing time of the Republic. Abraham Lincoln was a man who knew two basic books: the Bible and Blackstone's commentaries on the law.

"In his speech of Law Day 1958, Harvard's Dean Pound makes the careful distinction between Law and laws. Says he: "The vital, the enduring part of the law is in principles — starting points for reasoning — not in rules. Principles remain relatively short lives. They do not develop; they are repealed and are superseded by other rules."

Pound's emphasis on principle marks something of a revolution in U.S. thought about the law. For many decades powerful opinion held that the law stemmed not from fundamental, rational principles but rather from the needs of the day. In the complexities of modern life it became fashionable to hold that principles are as changeable as those needs. The U.S. lawyer who best symbolized this view was Oliver Wendell Holmes—the Magnificent Yankee. No one had a greater love of the law than Holmes, who sat on the Supreme Court from 1902 to 1932. Although often in the minority, he was the inspiration of two generations of legal scholars who were in rebellion against a conservatism which used principle as a cover for old-fashioned rigidity, and in so doing often placed chains upon change. Fundamental principle, sadly, became a casualty of the rebellion.

Now, serious thought in the law has come full circle. After the explosion of the World War II, after a decade of cold war against Communism in the awesome dawn of the space age, the single, most dramatic development in the law of the U.S. is the return to the idea of first principles.

"There is a distinct resurgence of the notion of morality in the law," says Illinois' Justice Walter Schaefer. Reports Indiana's Professor Jerome Hall in the current *Virginia Law Review*: "The most striking fact about current national developments is the rise of natural law philosophies almost everywhere." Writes Massachusetts' U.S. District Judge Charles E. Wyzanski: "We live in a world where so many revolutions are occurring simultaneously that we clamor for stable principles to which we can anchor faith. . . And nowhere more than in the law is there a demand that we address ourselves to the subordination of the world of fact to the world of value. No one trained in the Anglo-American tradition, who paused to consider what 'law' was administered by Hitler's judges, or who has tried to grasp the essential theories of Soviet jurisprudence, could remain entirely satisfied with a positivist, empirical approach to his profession,"

Says Mr. Justice Douglas: "In our scheme of things the rights of man are unalienable. They come from the Creator, not from a President, a

legislature or a court." And the U.S. Supreme Court recently affirmed the little-noticed but profoundly meaningful decision of a Pennsylvania court in a morals case, which said: "Our federal and state constitutions assume that the moral code which is part of God's order in this world exists as the substance of society."

Upon the understanding of the principle of law stand the A.B.A.'s Rhyne and many advocates of peace through a world rule of law. "Every human community that is regulated by laws and customs," said the second-century B.C. Roman jurist Gaius, "observes a system of law which in part is peculiar to itself and in part is common to mankind." The peculiarities lie in the forms of laws and their enforcement. But the commonality on which any system of world law must be built—rests in basic values, in the hunger of mankind for justice under the law and equality before it. "Peace is the work for justice," says one advocate of a world rule of law. And the peaceful settlement of disputes could come through a system of law, founded on what is common to the law of all communities. Says Rhyne: "The vital need for an adequate international system of law remains the greatest gap in the legal structure of civilization."

To lead the way toward a rule of law, to discover the principles basic to all free men, to apply to those principles the lessons of experience and the guide of reason is the great task of lawyers. It was in the spirit and toward that end that the president of the American Bar Association conceived of Law Day, in U.S.A. "The atomic and hydrogen bombs," says Charles Rhyne, "have attuned the people of the world to an overwhelming desire for peace, which is probable stronger than any such desire in all history.

"Here a great opportunity will be won or lost—an opportunity to ensure peace under law. We lawyers must write the necessary legal machinery. To do this we must evaluate world law and develop new international legal machinery to maintain essential national sovereignty, yet provide for the peaceful settlement of disputes between nations under the rule of law." So doing, the U.S. could build on the experience of the past and the possibilities of the present to ensure a peaceful future.

We fervently hope that all associations of lawyers in the Philippines will join efforts to secure from President Garcia a proclamation fixing a particular day as Law Day to be celebrated every year,—a day of dedication to the principle of government under laws, and an occasion for national rededication to the rule of law.

Hon. Vicente Francisco

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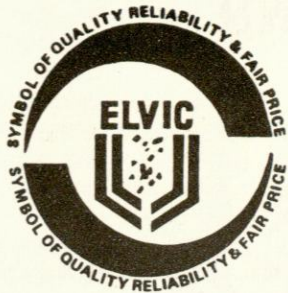
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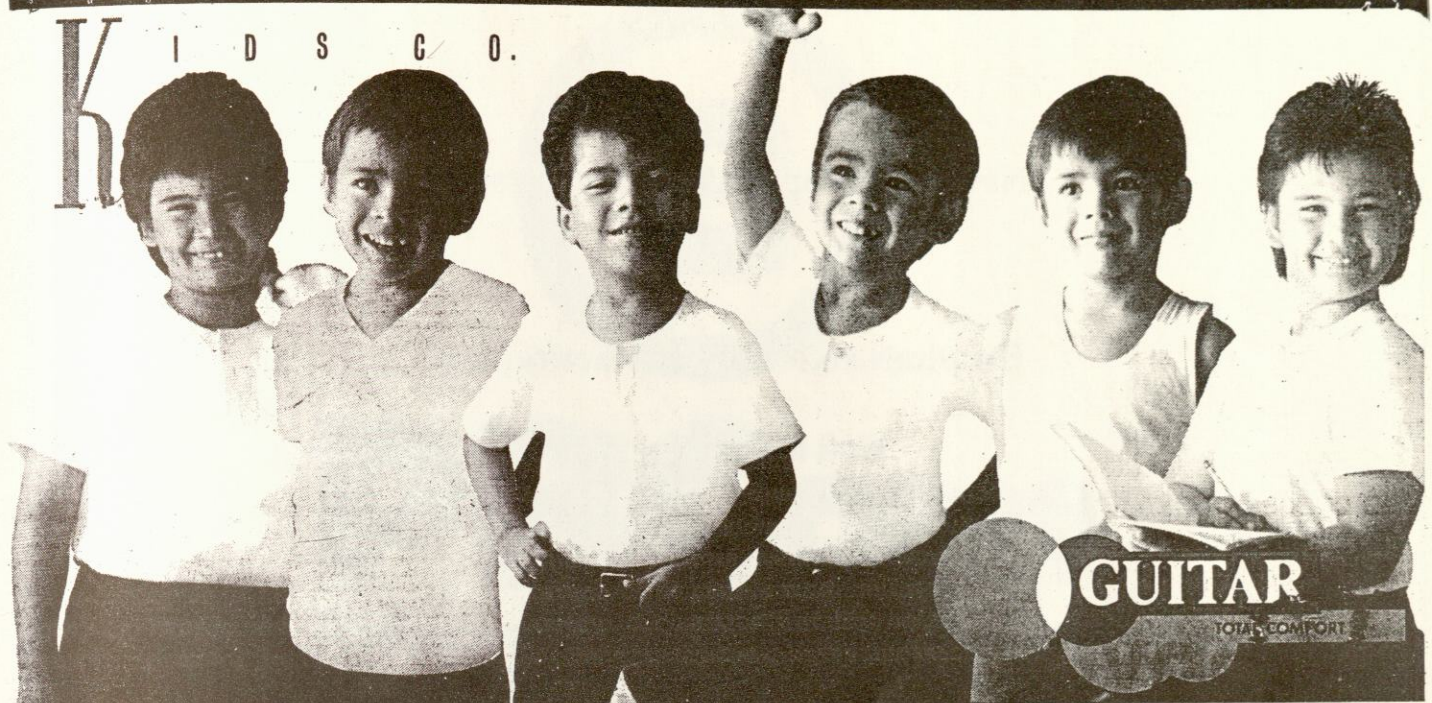
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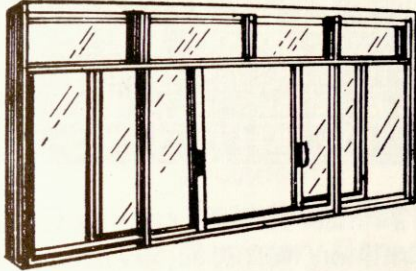
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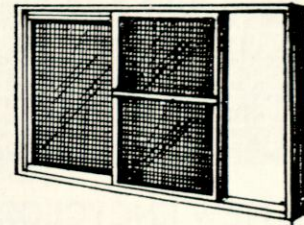
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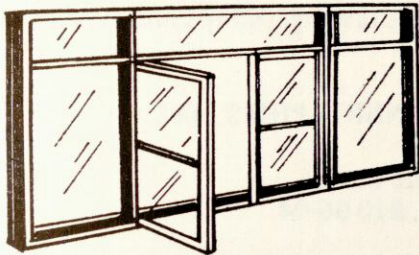
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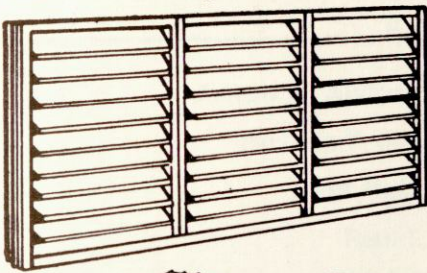
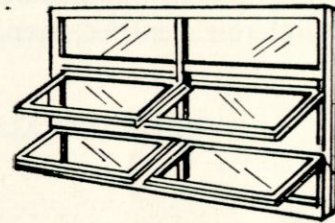
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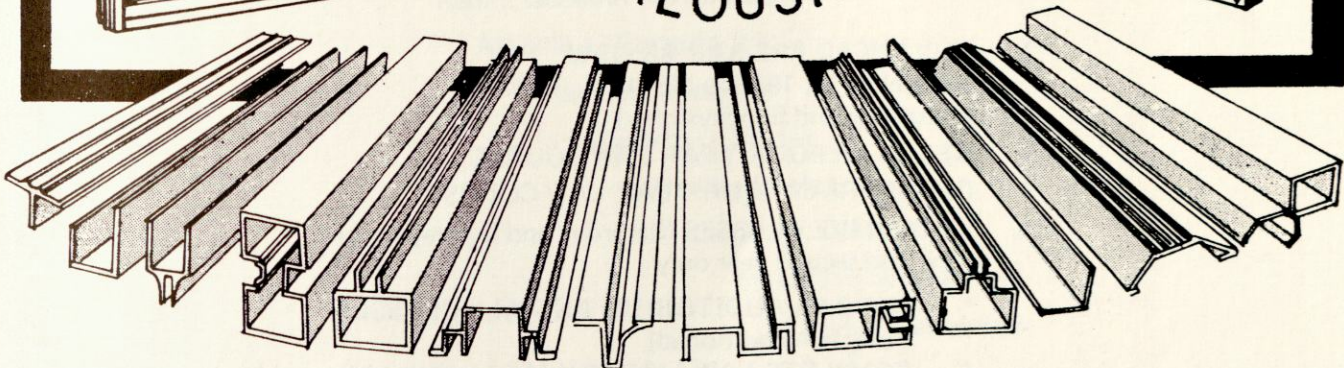
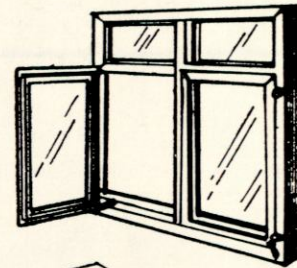
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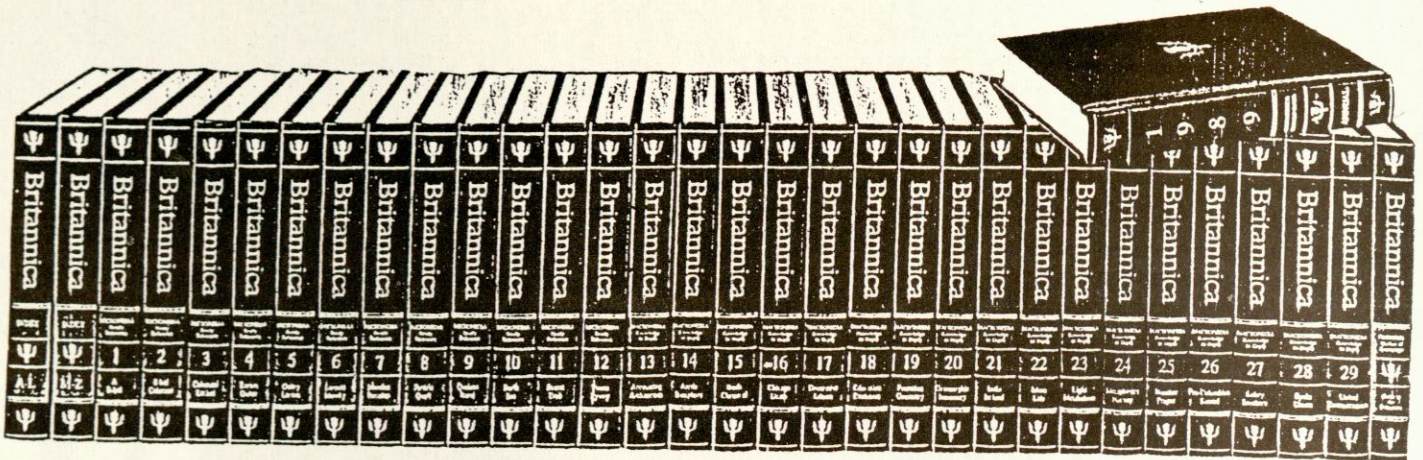


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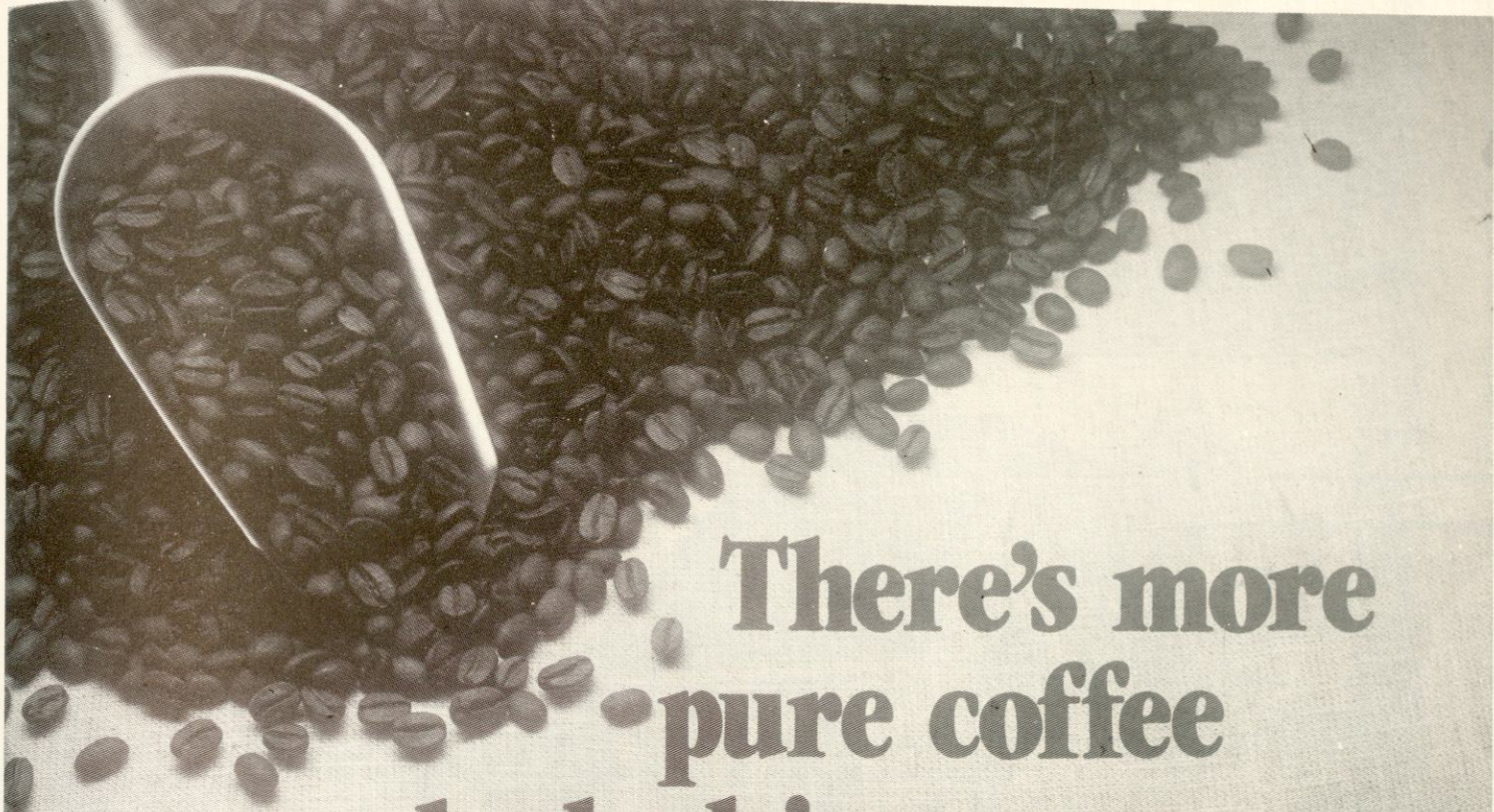
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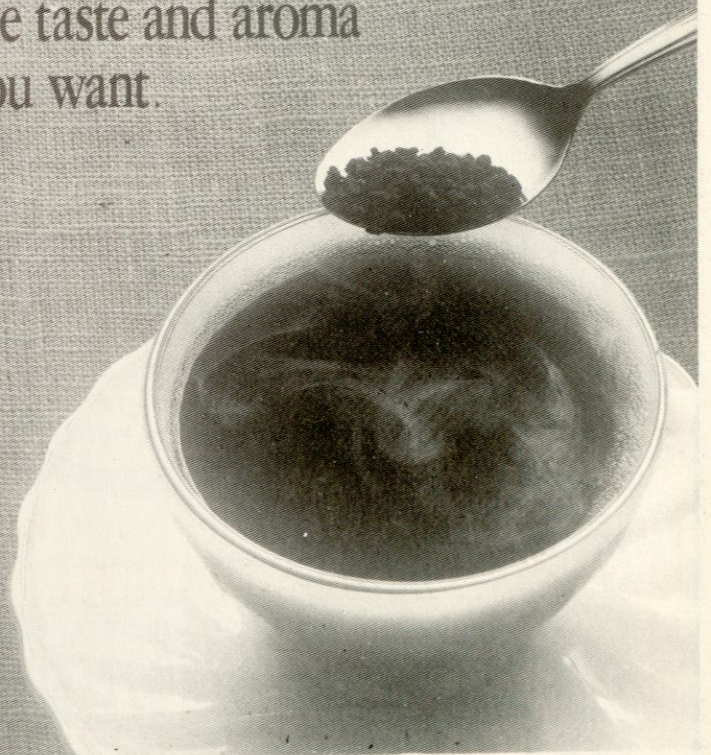


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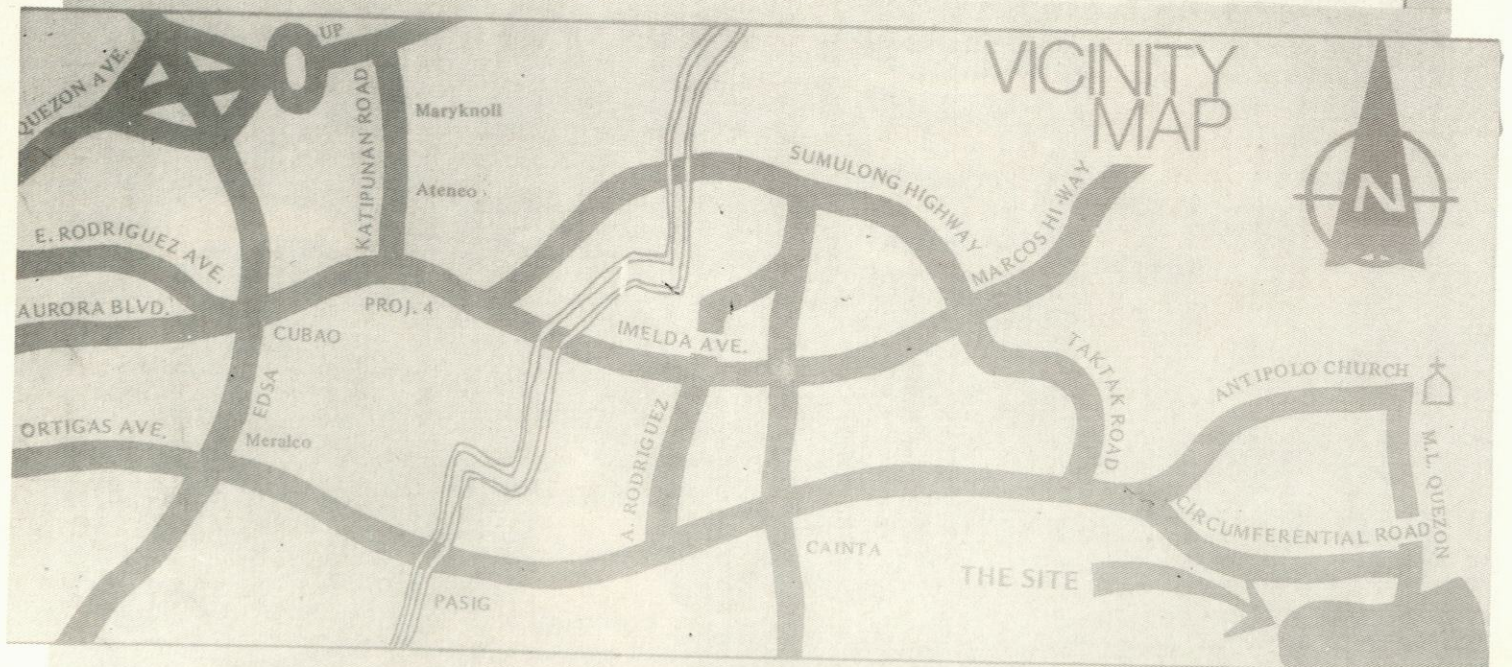
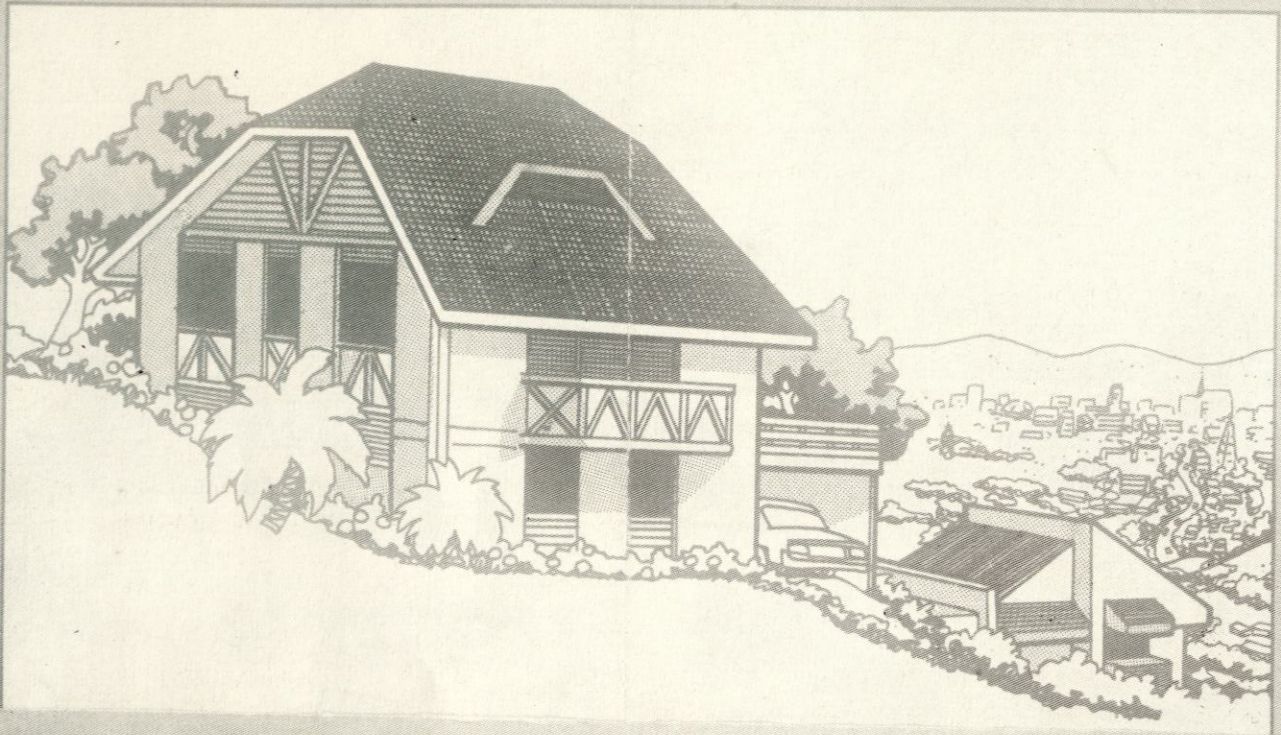


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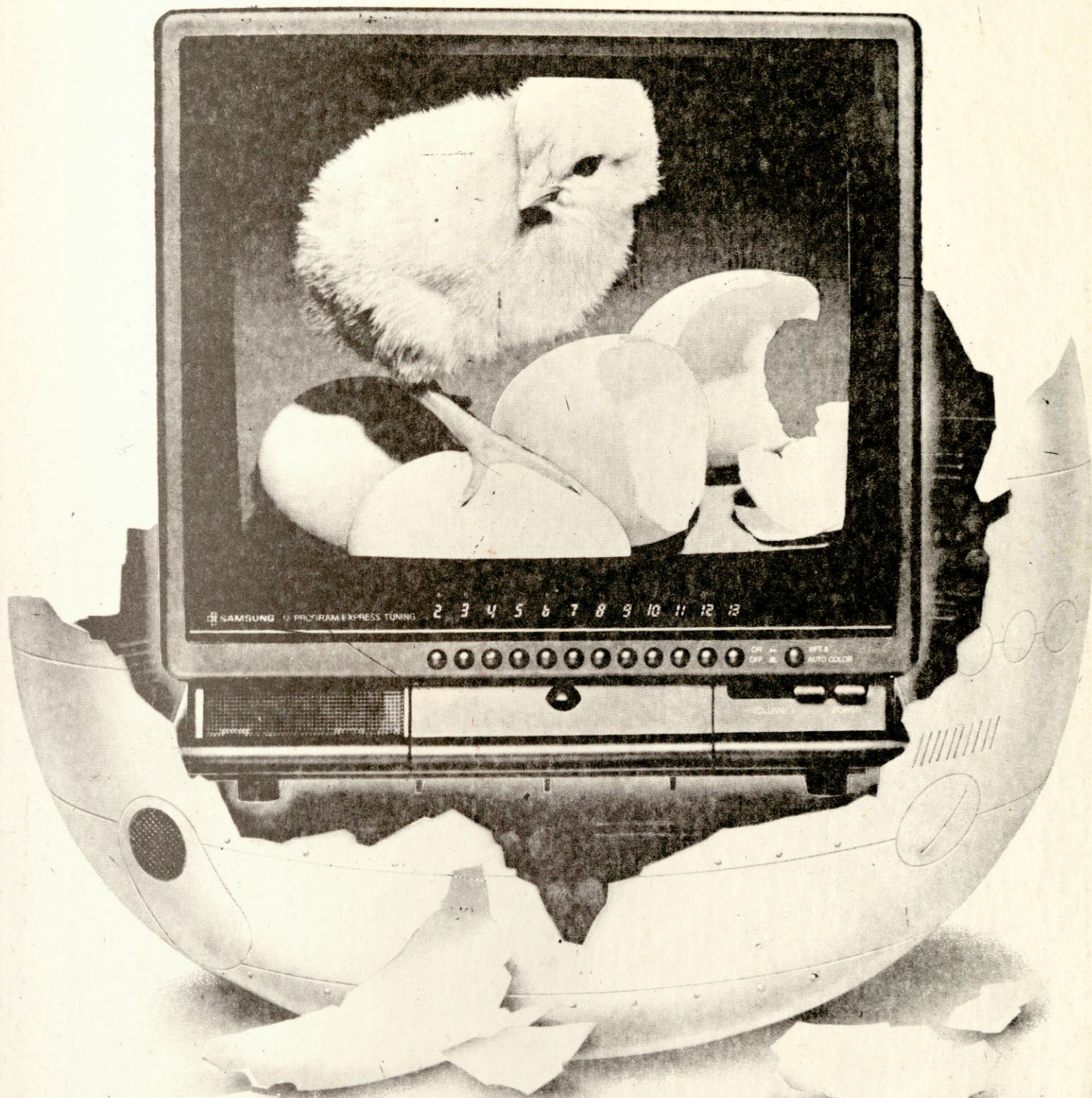
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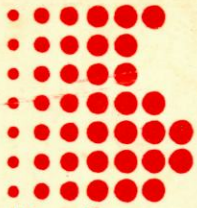
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