

# PHILIPPINE LAW JOURNAL

Vol. III

JANUARY, 1916

No. 6

## THE PHILIPPINE BAR ASSOCIATION

BY JERONIMO SAMSON

The office of the lawyer is not merely a means of making a living, or a profession for the accumulation of wealth; it is something higher and nobler. It is endowed with certain privileges mainly for the purpose of helping the courts in the administration of justice. It is true that the lawyer may, and oftentimes must, demand compensation for his professional services, yet it must always be remembered that the office of the lawyer is primarily for the promotion of justice, the guidance of the ignorant, and the protection of the innocent from the violence and fraud of the strong and the clever. A true lawyer is he who, being possessed of a high sense of honor and dignity, and wishing to do something for his fellowmen, and for humanity as a whole, devotes his life and efforts to the defense of truth, the exaltation of justice, the protection of innocence, the development and improvement of the law, and the upliftment of his country, demanding only such compensation as is reasonable and justified by strict ethical rules, thereby exalting his position, and impressing the public with the idea that the gown of the lawyer is as noble and sacred as the vestment of the minister of God.

But not all lawyers are of this type. In all countries and amongst all peoples, there are not lacking examples of men who degrade and profane this noble and sacred profession. These men do not deserve the name of lawyers, but, as has been suggested by an eminent Filipino lawyer, they should properly be called "pirates of the bar." There is indeed great need of adopting stringent measures to prevent localities from being infested with such dangerous people. But in what do these measures consist? How could injustice and falsehood be prevented from being used as a means of winning cases? It is true that the courts have supervision over the lawyers and are given the power to punish misconducts, but this is not sufficient to maintain the profession upon a high standard of dignity and honor, because the courts can only see apparent and public abuses, having no means whatsoever of detecting fraudulent transactions done in the darkness of secrecy. What, then, is to be done? In civilized countries, this problem has been adequately solved with the creation of certain associations of lawyers, known as *Colegios de Abogados* in Spanish-speaking countries, and bar associations among the English-speaking peoples.

In Spain, there was already in the 16th century a *Colegio de Abogados*, which, by the Royal Decree of 1838, was given corporate existence. Under that decree, it was made a prerequisite to the admission to the bar that the applicant be a registered member of the *Colegio de Abogados*, and the *colegio* was given power to suspend lawyers from the practice of law upon being found guilty of any misconduct in office, the parties suspended having, however, the right to appeal to the courts.

In English-speaking countries, the bar associations do not have such judicial power, and are merely organizations for private purposes.

In the Philippines, the native lawyers, being more familiar with Spanish customs and institutions, naturally intended to establish their associations on the same plan as those in Spain, but it nowhere appears that such intention was ever carried out.

The *Colegios de Abogados* in the Philippines were established some ten years before the American Occupation. I say *Colegios de Abogados*, because there were then associations of this kind in the capitals of provinces and in Manila. As to the exact date of their establishment, there is a conflict of authorities. In the transcript of the speech delivered by the late Mr. Del Pan at the banquet held in honor of Governor-General Harrison on December 4, 1913, the date is set at 1897; but in his biography published in the *Philippine Law Review* of May, 1915, it appears that Mr. Del Pan was a member of the Committee on Finance of the *Colegio de Abogados* from 1891 to 1894.

While it is not definitely known who initiated the idea of establishing bar associations in the Philippines, it can not be doubted that Mr. Del Pan is entitled to the honor of having, at least, taken an active part in their creation. This is inferred from the fact that, at a banquet held by the members of the Philippine Bar Association, he said that he cared for the association with the same love that a father has for his son, which statement indicates that he was the one who brought from Spain the idea of establishing bar associations in the Philippines.

As it has been stated above, prior to the American Occupation, there were *Colegios de Abogados* in provincial capitals, independent of the one in Manila. But upon the establishment of the American government here, the provincial associations were dissolved, that of Manila alone surviving, while the American lawyers formed an association of their own. This separation of American and Filipino lawyers did not please Mr. Del Pan, who worked hard to effect the union of the two societies. Fortunately, success crowned his efforts. In 1904 the ties of friendship between the American and Filipino lawyers were so close that it naturally resulted in the union of these two associations. This new association was named *Colegio de Abogados de Filipinas*, or Philippine Bar Association, the first president elected being Mr. Thomas L. Hartigan. Thereafter the presidential chair has been occupied sometime by a Filipino, sometime by an American, and nothing could be found in its history showing that any animosity or dissension ever existed among its members on account of race, custom, or nationality. Not even the question of official language could cause any

breach in their relation; on the contrary, they have always been united and acted as brothers in the profession. For this reason it has been possible for the Philippine Bar Association to render very valuable services to the government as well as to the public. The union between the American and Filipino attorneys has been so pacific as is the body of waters that unites the Philippines with the United States.

The government of the present Association is entrusted to an executive committee of eleven directors, who elect among themselves a president, two vice-presidents, a secretary, and a treasurer (Constitution of the Philippine Bar Association of October 28, 1911). Besides the executive committee, there are four permanent committees, to wit:

- (1) Committee on Legal Instruction and Admission to the Bar.
- (2) Committee on Legislation.
- (3) Committee on Administration of Justice.
- (4) Committee on Complaints and Claims.

One of the most important things that the Association has heretofore undertaken is the publication of the *Philippine Law Review*, which came into existence in 1911. Through this *Review*, the Philippine Bar Association has made wise suggestions to the Legislature, to the courts, and to the public in general.

Attempt is at present being made to incorporate the Association, the necessary papers having already been filed with the Division of Archives, Patents, Copyrights, and Trademarks of the Executive Bureau as provided in the Corporation Law.

Since the establishment of the Association it does not appear to have ever appointed an honorary president, except in 1913 when Honorable Francis Burton Harrison, Governor-General of the Philippine Islands, was given that high distinction. The appointment was made at a banquet given in his honor on December 4, 1913.

The last stage in the evolution of the Association is the formation of provincial circles. Plans for the accomplishment of this work have already been embodied in a resolution passed by the executive committee. So far two provincial circles have already been formed—one in Pampanga, and another in Occidental Negros.

There is no doubt that the Philippine Bar Association has rendered great and valuable service, not only to the public, but also to the government of the Philippines. Its wise teachings and sound doctrines, scattered throughout the pages of the *Philippine Law Review*, have exerted no mean influence in the solution of many an important public question.