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## THE LAWYER WE NEED

*Address delivered by Under-Secretary Teodoro M. Kalaw, at the Opening Exercises of the College of Law, University of the Philippines, Held July 2, 1917, University Hall.*

MR. DEAN,

GENTLEMEN:

I consider it a very great honor to be able to address you on this solemn occasion and to say a few words on our profession. I congratulate you for having chosen the law profession, not because I believe that the other professions are not equally as important, but because I am convinced that the lawyer is, and will always be, an indispensable factor in the progress and development of our country. Naturally, I speak of the good lawyer, not of the bad one; because in our profession, as in others, there are two kinds of men. We have the constructive and progressive lawyers, public-spirited, imbued with lofty ideals, benefactors of the people, and these men are useful. Then we have the other kind—the destructive ones, selfish and narrow-minded, men who follow no other ideal than that of getting rich, who are indifferent to honor and to professional ethics, and these men are not only useless, but wholly dangerous.

The law profession is a double-edged weapon. It may be an evil or a blessing, depending on how it is understood and how it is practised. The word of the lawyer is still, and will always be, in our country the bible of the common masses. To many it has a certain indisputable seal of social authority. The lawyer of to-day has taken the place of the theologian of yesterday. The theologian of yesterday monopolized the public conscience and even public opinion. The priests were our oracles. They were consulted in business, in marriages, in baptisms, in private and public fiestas, in agriculture, in religion, in law, in politics—in fact, in all the minute details of life. The books which have gone deepest into the heart of the people were the religious books, or those written by the priests, especially in the local dialects. This supremacy has been taken over by the lawyer to-day. The change of sovereignty, the separation of Church and State, the progress toward democracy, the principle of a government of laws and not of men, the institution of popular representation and of free speech, the establishment of an independent judiciary, and a thousand other circumstances, have worked for the preeminence of the lawyer in our social and political life. Our people have so understood it, and you have as a proof the

fact that nearly 55 per cent of the members of our Legislature since its foundation are lawyers, the most prominent leaders of our people are lawyers, and, with one single exception, all the members of our Cabinet are lawyers.

You will therefore understand, my dear friends, the importance of the profession that you have chosen and the responsibility which you have taken upon yourselves. How you will fulfill your mission and comply with your duty is a question which will depend exclusively upon yourselves, upon your conduct and your work. Of the two kinds of lawyers of which I have spoken to you, you can very easily find practical examples in your own respective provinces. You can distinguish very easily the lawyer without conscience, pettifogging, instigating troubles among our peaceful people, so that, to use a Spanish saying, he may fish in troubled waters, delaying judicial proceedings to get more pay, falsifying documents, and training witnesses in order to win. To him the law and procedure are a snare. He does not mind whether the jail is filled. He is indifferent to the fate of his country. His sole object is gain. You can easily distinguish from this type the honest lawyer, imbued with public spirit and responsibility, broadminded, looking ahead towards the progress of his people, giving impartial counsels instead of resorting to falsehood and chicanery, ready to yield generously rather than gain dishonestly—the man, in short, who is the protector of the weak, the guide of the blind, the supporter of his government, and the leader of his people. That is the kind of lawyer our country needs and will ever need.

The field of action of a public-spirited lawyer is already great, but will be even greater and more alluring in the future. The horizon before him will satisfy the golden dreams of the most ambitious young man. The coming greater development of our industry and other economic conditions will need eminent lawyers. The activities of our public administration, which is being rapidly Filipinized, will need eminent lawyers. The drafting of our laws, the technical help to our government, the legal counsel to so many organized activities, and especially the success of an entire department of our government—the Judicial Department—all these require the services of eminent lawyers.

Now I would like to ask, What contribution to this great work will be given by the lawyers coming from this College of Law? In a very few years, you yourselves will answer this question. I for one believe that the most important thing you should have is proper orientation, a definite policy and direction, a definite policy in the interpretation and construction of our statutes, a definite policy in the solution of all the public and private problems entrusted to your care, a definite policy, in short, in the formation and development of our own system of law. We need, above all, Philippine law gathered and developed and nourished by ourselves and not through foreign intervention. You must therefore give to your work the seal of your own generation. The generation that is about to go, the generation of heroes and patriots, will soon deliver to you their work already completed, the emancipation of our country.

And it will then be incumbent upon you to build the elements of our government, of our legislation, and of our jurisprudence—in short, the elements of our institutional liberty.

In a country like ours, where the judiciary has the supreme power to interpret the constitution, the lawyer has a most alluring and responsible mission. The great principles of government and liberty contained in legislative enactments are defined and developed through judicial decisions, preceded by the arguments of the lawyers. It is through this process, after the magic touch of the bench, that those great principles acquire vigor and life, for the benefit of all mankind. It is through this process that the great constructive decisions become political monuments, handed down to posterity to mark a distinct evolution and progress. It is for this reason that an independent and brilliant judiciary and a bar equally independent and brilliant are as indispensable to the success of a nation as good laws and clean governments. The judge and the lawyer must, in the fulfillment of their duties, show the same amount of statesmanship as the legislators themselves. Nay, I will go further and say that the bar must show even a larger amount of this statesmanship than the bench. I would be satisfied with a judge who has a spirit of responsibility and sufficient intellect to appreciate the different arguments presented to him, provided that the lawyers who appear before him are able and worthy of their profession. The lawyers take the initiative. They are the guide. If they err or succeed, if they construct or destruct, if they degrade themselves or dignify themselves—upon them shall fall glory or condemnation. Sometimes we hear of corruption in the judiciary. But the judiciary can not be corrupted if the bar fulfills its duty. The people can breathe freely if the bar knows and does its duty. A worthy bar is the life—the oxygen—of justice.

I have a profound respect for the learned decisions of our magistrates. They are the light which leads us in all our researches and study. Without them the science of law would be robbed of its most essential virtue. We have here, as in the United States, judicial decisions so deeply and universally rooted that without them a clear understanding of our government and laws would be difficult, if not impossible. But the lawyer or the student of law must not be satisfied with merely collecting the greatest number of decisions on a given subject, however brilliant and learned these decisions may be. The lawyer must, above all, be free and must know that he is free. The cases should not enslave the intelligence like a heavy burden handed down from the ages, or a close net woven around the intellect; they should not detain the growth of our life and the march of progress. For the same reason that, to the modern citizen, codes have no longer the quality of permanency and immutability, so to the lawyer judicial decisions should have only a relative and circumstantial value. The letter of the law may remain unchanged. It may not suffer any statutory amendment whatever; but this does not mean that its application and interpretation should not be changed to meet the changing conditions

of our modern life. Let us take, for instance, a "bandolerismo" law, enacted by an intelligent legislature, during unusual circumstances, to suppress wholesale assaults, robberies and other crimes against life and property. Following the clamor of public opinion, the law imposed a severe punishment for these crimes, and our magistrates, obeying its severe mandate, sent hundreds of criminals to jail. Supposing that the period of disorder has passed, conditions have taken on their normal character, and peace is restored. Even without changing the letter of that law, the former severity of the magistrates must give way to moderation and clemency. The letter of a law is not all. It is nothing but the form. Its spirit should be over and above it. The language in which our laws are written must necessarily be defective, because it is an imported language, and also because democratic governments are still in their period of experiment. The main thing, therefore, is the spirit of the law, the intent of the legislator tempered to the circumstances by the plastic art of the lawyer.

Law is only a piece of paper, and nothing but a piece of paper. Life can not be written on a piece of paper. You may find a simulated interpretation for every sentence, for every word, for every preposition; but there is something which you can not see in the inanimate framework of the law, something which forms the true basis of the law. It is its soul, its spirit, its life.

My friends, I would say to you: Keep your mind free, let no worn-out technicalities becloud your intelligence, study your own people, and remember that they are young and vigorous, unfettered by the traditions of the ancient continents, and you will be able to contribute to the formation of your government, your legislation and your jurisprudence.