

## CHIEF JUSTICE MAPA AND JUSTICE TORRES

### IN MEMORIAM<sup>1</sup>

*By Justice E. Finley Johnson of the Supreme Court of the  
Philippine Islands*

It is a custom, honored in immemorial practice, for the people to meet together for the purpose of expressing their reverence, their love and their admiration for the virtues, for the humanity, for the patriotism and devotion of their eminent men who have spent their lives in striving to make the world better while they lived, and in setting an example of rectitude of life for all who may come after. For that purpose we have met here today. We hope to make of permanent record our high appreciation of the useful lives and splendid labors of the late Chief Justice Victorino Mapa and Mr. Justice Florentino Torres, who have recently passed beyond and have mingled their dust with the earth which gave it. I wish I were possessed with that vigor and richness of eloquence of speech that I might give due credit to the achievements of these two great men.

Mr. Chief Justice Mapa was born at Calivo, Province of Capiz, on the 25th day of February, 1855, and died at Manila, on the 12th day of April, 1927. Mr. Justice Torres was born at Manila, on the 16th day of October, 1844, and died at Manila, on the 29th day of April, 1927.

The passage of time brings with it great changes. More than twenty-six years ago, on the 17th day of June, 1901, in this very "Audiencia de Sesiones" where we are now assembled, the Supreme Court of the Philippine Islands, under the sovereignty of the United States of America, was organized. This hall was at that time in the same condition as it was at the time the last session of the "Audiencia Territorial de Manila" under the Spanish regime was held on the morning of May 1, 1898. There were present on that occasion the Honorable William H. Taft, then President of the United States Philippine Commission; Honorable Cayetano S. Arellano, who had recently been appointed as Chief Justice; Mr. Justice Florentino Torres, Mr. Justice Joseph F. Cooper, Mr. Justice Charles A. Willard, Mr. Justice Victorino Mapa, Mr. Justice Fletcher Ladd, who had been appointed as Associate Justices of the Supreme Court; Mr.

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<sup>1</sup> Address delivered on the occasion of the Memorial Exercises held by the Supreme Court, together with the Members of the different Bar Associations and friends, in Memory of the late Chief Justice Victorino Mapa and Associate Justice Florentino Torres, in the *Audiencia de Sesiones* of the Supreme Court on the 11th day of July, 1927.

Adam Carlock, Mr. Arthur F. Odlin and myself, who had been appointed as Judges of the Court of First Instance; Mr. Lebiou R. Wilfley, who had been appointed as Attorney-General of the Philippine Islands, and a few others.

The oath of office was administered to the Honorable Cayetano S. Arellano as Chief Justice by Mr. William H. Taft. The Chief Justice took his seat which had been theretofore provided for him and immediately administered the oath of office to each of the Associate Justices. Each of the Associate Justices immediately took the seat to which he had been assigned, and the Supreme Court of the Philippine Islands, under the sovereignty of the United States was organized. James Francis Smith took the oath later on the same day. The Chief Justice then administered the oath of office to Adam C. Carlock, Arthur F. Odlin and myself. He also administered the oath of office to Mr. Lebiou R. Wilfley as Attorney-General. Of all of the persons who were officially present on the occasion of the organization of the Supreme Court on the 17th day of June, 1901, there are but two who are still alive. All of the others have passed to silence and pathetic dust. Those surviving are the Honorable Chief Justice William Howard Taft of the Supreme Court of the United States and myself.

The Honorable James Francis Smith, now a member of the Court of Customs Appeal of the United States, is the only surviving member of the Supreme Court as it was originally constituted.

The first regular session of the Supreme Court of the Philippine Islands, under the sovereignty of the United States of America, was held on the 18th day of June, 1901. No business was transacted on that day. The Supreme Court has been in session constantly every day, except holidays, from that time until the present, except during a portion of the year 1904, when no sessions could be held from April until January, 1905, on account of a lack of quorum. During that period there were three vacancies caused by the resignation of Messrs. Justices Cooper, Williard and McDonough, and two of the Justices—Chief Justice Cayetano S. Arellano and Justice Victorino Mapa—were absent in the United States as members of the Philippine Honorary Commission. During that long period I acted alone as vacation justice.

The two great men whose memories we celebrate today, together with the two other great Chief Justices, Cayetano S. Arellano and Manuel Araullo, were four of the greatest men of the Filipino people. They would have been great and eminent men had their lot been cast among any other people. The pages

of the history of the Philippine Islands are brilliant with their accomplishments. They assisted in the organization of the court, which will ever stand as a monument to their memories. They helped to write more than forty volumes of jurisprudence for their people, which will continue to protect the poor and the rich alike under what ver flag their country might fall in the future.

They scorned trifles and technicalities. Their desire was to do simple justice. They believed that a child might as well try to live without its mother's milk as a soul without prayer and the belief in God. The richness of the memory of these men concerning life was like a garland of flowers. They had a probity, a natural sense for justice and honor and a humanity which made them tender for the rights of their people. Their minds worked with mathematical accuracy. Their judicial decisions are monuments to their memories and will be continued to be read a thousand years hence by those interested in sound jurisprudence. They lived to do justice. They loved their fellow men. They were true servants of their people. They endeavored to see how much they could give to, and not how much they could receive from, their Government for their services. After a lifetime of faithful and devoted service to their people and their Government, of this world's wealth they left a scarce competency for the comfortable support of their families and their posterity. Their words were always so full of life-giving vigor, that it seemed that if they were cut they would bleed. They always knew what was the right thing to do and they did it. Progress was their watchword. "Retrogression" was not found in their vocabulary. They thoroughly believed that the maintenance of the guaranties of civil and political liberty and an independent judiciary were positively necessary for the protection of the state. They advocated the freedom of an honest press, that great sentinel of the state, always standing guard over the rights of the people—that great dictator of public opinion. They believed that the throttling of an honest free press would lessen the liberties and minimize the securities of their people. They believed in, as President Lincoln said on one occasion, the strict obedience to law and the constituted authorities. They believed that every lover of liberty, that every well-wisher of the highest interest of their posterity and good government should swear before God never to violate in the least particular the laws of their country and never to tolerate their violation by others. They advocated that reverence for the laws be taught in schools, in seminaries and in colleges. They advocated that it be preached from the pulpit,

proclaimed in legislative halls and enforced in courts of justice. They believed that strict compliance with sound laws should become the political religion of a nation.

In the selection of those wise and sagacious men the President of the United States made no mistake. No other choice could have been wiser. They had been born to give assistance to humanity. Their minds were cast in divine molds. A Divinity seems to have selected the time of their nativity. They came to the vigor of mature manhood in the greatest epoch-making period in the history of their native land.

Every century for all time has had its constellation of great men. The Philippine Islands gives no exception to the rule. Some have marked epochs in the history of their country. In every great crisis of a country Divine Providence always brings forth leaders at a proper time to solve great questions. It has been said that in the time of the greatest peril in the history of a country "the providence of God has been shown most beneficently to the world in raising up from time to time, and always at the right time, and in crowning with length of days, men of pre-eminent character, goodness and wisdom," to solve each irritating and difficult question of nations and to bring order out of chaos, It seems that there is a special act of Providence in giving to the Philippine Islands, at the proper time, these two men of such splendid ability, judicial courage and clear foresight.

I served and was intimately associated with the twenty-three members of the Supreme Court who have served during its history. My personal and intimate relation with Chief Justice Mapa and Mr. Justice Torres covered a period of more than twenty-six years. For years I sat beside them in the consideration of some of the most important questions which have ever been presented to the courts for solution. How well I remember the care, the patience and the diligence with which they studied each word, each phrase, each sentence and paragraph of the record, and with what legal acumen they wisely applied the law to the ascertained facts. They were not sentimental although they were imbued with great sentiment. Their anxiety to decide cases promptly never overcame their desire to settle them justly in accordance with the facts and the law. These two great men "never allowed breathless haste to defeat careful argument, judicial thought and deliberation." They patiently heard all arguments pro and con upon every question presented. They carefully considered, without reference to the time occupied thereby, every argument, oral and written, and honestly decided, without fear or favor, every question presented in accordance

with the facts and the law as they understood them. They knew that rashness and haste are never united with wisdom, nor that chance is ever admitted to regulate affairs of men conducted with justice and prudence.

These four great jurists, using the trowel of special preparation and legal acumen, assisted in laying the foundation-stone of the Supreme Court under the sovereignty of the United States, with the cement of a sane and sound jurisprudence which will withstand the onslaughts of the bolsheviks, the tyrants, and ambitious and unscrupulous politicians for all time. By that jurisprudence the common people of the Philippine Islands have been taught their inherent rights and the methods to protect them.

The first four Filipino members of the Supreme Court were really great men. It has been said that a really great man is the greatest object which this world ever exhibits. The heavens, in their magnificence and glory; the ocean, in its sublime immensity and potential power; the rugged mountains standing firm during the ages upon their granite foundations; the mighty rivers rolling on and on like streams of crystals, beautifying and enriching the earth, are all less inspiring and attractive than the life of a man who has spent his time, his energies and his abilities, assisting the poor and needy and relieving the downtrodden and distressed. Surely such a life shall continue on, leaving its blessings upon us who remain, finding its sweet repose forever in the blessed bosom of the everlasting God who gave it.

In eulogizing the splendid work of the courts and the sound jurisprudence established by them, we do not overlook the important, valuable and real services rendered by the intelligent members of the Philippine Bar. As we said on a former occasion, there are but few great decisions handed down by the courts, where their foundations have not been carefully laid by the members of the bar and where the land had not been carefully cultivated and thoroughly prepared for the establishment of fundamental principles of law and jurisprudence. The members of the Bar of the Philippine Islands anxiously and willingly have assisted, and we hope will continue to render its valuable services, in the maintenance of the high standard already fixed by the courts in the Philippine Islands.