

## THE ROLE OF OUR SUPREME COURT

By DR. JORGE BOCOBO

*President, University of the Philippines*

In a former article we essayed to prove that for the sake of the true independence of the judiciary and the effective dispensing of justice, as well as the orderly growth and abundant enrichment of the Philippine legal system, our courts should be freed from the fetters of strict interpretation. We further tried to show that the judiciary everywhere, especially in English-speaking countries, actually legislates whenever the statute law is silent, doubtful, or conflicting. Fearing lest it be said that we have indulged in fanciful generalities, and have spread the wings of our imagination, we propose in the present article to cite some cases decided by the Philippine Supreme Court. These few cases are submitted as illustrative of the main points brought out in our previous article. In such decisions, the members of the Supreme Court, as builders of our jurisprudence, did not suffer their vision of the beautiful temple of justice to be obscured by the beclouding technicalities of the law. One could, of course, cite other cases where hardship was wrought because of too close an adherence to the letter of the law. Every member of the legal profession has in mind a number of these cases of strict construction. But for the purposes of our thesis, it is enough that only one class of cases should be presented—those where natural justice prevailed.

### *Proof of Damages*

In the case of *Manzanares vs. Moreta* (38 Phil. 821), decided by our Supreme Court in 1918, the mother of a child, eight years of age, sued the defendant for damages on account of the death of the child in an automobile mishap caused by the defendant's negligence. The Supreme Court affirmed the trial court's judgment, allowing damages to the amount of ₱1,000. The mother would have recovered nothing if the Supreme Court had upheld the technical requirement of the law that proof of damages must be presented. However, our Supreme Court, setting aside all technicalities, said that "the difficulty of estimating in money the worth of a life should not keep a court from judicially compensating the injured party as

nearly as may be possible for the wrong." The court further said: "On the one hand, the obvious conclusion would be that, inasmuch as plaintiff has failed to prove her pecuniary loss, she can not recover, or, for the same reason, to return the case to the lower court for further evidence. This is the obvious way. To one trained in the Common Law, and inculcated with all the doctrines of the American law of damages, it is the logical way. Is it the just and natural way?"

#### *Firearms License*

In the case of *Insular Government vs. Bingham* (13 Phil. 558), passed upon by the Philippine Supreme Court in 1909, an action was brought by the Government to enforce a firearms bond for the loss of a revolver which the defendant Bingham had been keeping in virtue of a firearms license. The revolver was lost during a storm while Bingham was engaged in pearl fishing and his boat sank. The violence of the storm was such that there was no time to save the revolver. The contention of the government was that this bond should be confiscated because the defendant had bound himself unconditionally in the bond and he had undertaken to deliver the revolver to the government on demand. The point of the government was that in reference to licenses for firearms, the obligation of the licensee should be strictly construed and that, therefore, in this case, although the loss was not due to the fault of the defendant Bingham, the bond should be enforced. However, our Supreme Court, ignoring this absolute view of the government, held that the defendant was not liable. The Court said: "But whether this case is decided by applying American jurisprudence or the laws of the Philippine Islands, we are of the opinion that the result will be the same. Justice is about the same under whatever law. Civilized nations everywhere have adopted about the same rules of justice and law when they relate to fundamental principles affecting the rights of men. The rule of the Shylock-pound-of-flesh is no longer in force where impossibility has prevented the performance of an obligation between men, which impossibility neither of the parties could reasonably anticipate nor prevent."

#### *Civil and Criminal Actions*

The case of *Alba vs. Acuña and Frial* (53 Phil. 382), decided by our Supreme Court in 1929, presents the question

as to whether a civil action for damages arising from a crime may be brought before the criminal action. The provisions of the law on this subject were doubtful, but our Supreme Court chose to adopt the construction which was more in consonance with natural justice. The Court said:

“If it were indispensable to institute the criminal action before or together with the civil action, and to determine beforehand the guilty party’s criminal liability, in case the latter dies before the determination of his criminal liability, the party prejudiced would be unable to obtain indemnity for damages caused by the crime.

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“If the doctrine were laid down that the criminal action for a felony or misdemeanor must be instituted before the civil action for damages arising from the same felonious act, the right of the injured party to indemnity would be a myth, and justice a farce, for the guilty party would be able to dispose of his property or of the article robbed, stolen, or embezzled, pending judgment of condemnation in the criminal case.”

#### *Moro Marriages*

The case of *Adong vs. Cheong Seng Gee* (43 Phil. 43), adjudicated by our highest tribunal in 1922, involved Moro marriages in accordance with the ceremonies prescribed in the Koran. The trial judge held that these Moro marriages celebrated under the Spanish regime, not being in accordance with the Spanish laws, were void and that the provisions of Sec. IX of General Order No. 68 (the old Marriage Law) did not apply. Said section reads:

“No marriage heretofore solemnized before any person professing to have authority therefor shall be invalid for want of such authority or on account of any informality, irregularity, or omission, if it was celebrated with the belief of the parties, or either of them, that he had authority and that they have been lawfully married.”

Our Supreme Court, bearing in mind the serious consequences of invalidating marriages among the Moros, interpreted the above provision of the Marriage Law in a liberal spirit. The Court said:

“The courts can properly incline the scales of their decisions in favor of that solution which will most effectively promote the public policy. That is the true construction which will best carry legislative intention into effect. And here the consequences, entailed in holding that the marriage of the Mora Adong and the deceased Cheong Boo, in conformity with the Mohammedan religion and Moro customs, was void, would be far-reaching in disastrous result. The last census shows that there are at least one hundred fifty thousand Moros who have been married according to local custom. We then have it within our power either to nullify or to validate all of these marriages; either to make all of the children born of these unions bastards or to make them legitimate; either to proclaim immorality or to sanction morality; either to block or to advance a settled governmental policy. Our duty is as obvious as the law is plain.”

In this case, our Supreme Court departs from the strict interpretation of the Marriage Law in a former case, *United States vs. Tubban* (29 Phil. 434), decided by our Supreme Court in 1915, where it was held that tribal marriage among uncivilized tribes (in that case among the Kalingas) was void because it was not in accordance with the provisions of General Order No. 68. In *Tubban* case, Justice Moreland dissented, saying that “the decision of the majority would completely wipe out the marriage relations among the wild tribes as an institution and make the relations between those who have married according to their tribal custom adulterous and their children illegitimate.”

In passing, it should be stated that the situation has been clarified by the new Marriage Law, Act No. 3613, which declares marriages among Mohammedans and pagans to be valid.

#### *Enduring, Beautiful Temple*

The above decisions, and countless others which could be cited, serve to throw light upon the admirable labor of our Supreme Court which since the establishment of the American regime has been silently but steadily constructing the structure of Philippine jurisprudence. During these years of patient toil, the justices of our highest tribunal have had at their disposal the most varied, the most abundant, and the most splendid building material that one could desire in the construction of a

legal system. All the legal lore of Spain, England and the United States has lent itself readily to the magic touch of these master-builders. With all this wealth of judicial precedents, juristic learning, and statutory law, and inspired and elevated by the highest ideals of right and justice, our Supreme Court may well be trusted to continue building our juridical temple which bids fair to be at once enduring, impressive and beautiful.