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VICTORINO MAPA, Secretary of Finance and Justice

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"There as you see him in the picture, calm, erect, and somewhat defiant, with the head of a thinker and a classic brow.—surely he is not the man known to his friends: there are relatives of his who do not want to see him in this pose, believing that it does not characterize him. Thus seen, without his complete statuary proportion, he gives you the impression that he has the stature of the ordinary Filipino. Nothing can be more mistaken. Mr. Justice Mapa owes the least favor to nature: had we not known him to be a great man of sterling worth, learned and accomplished, a Filipino of the most highly prominent type and an honor to his people, we would take him for a very small man indeed if he were to be measured by his diminutive figure. He used to converse with his colleague in the Supreme Court, Chief Justice Arellano, who is another pigmy of a man, and yet with all that, Mr. Justice Mapa had to look upwards in order to see his face."

These remarks were inscribed a year ago beneath a portrait of Secretary Mapa on the occasion of his transfer from the Supreme Bench to the Philippine Commission. They are here reproduced for it appears that a similar picture is to accompany this biographic sketch. There will not be a few who, being acquainted with both the external and internal qualities of the man, would indorse the foregoing appreciation.

It is said of a renowned clergyman, whom the Pope of his time only knew by his works, that on being introduced to the Holy Father he was gently ordered by the latter to stand up. The new comer remained still. "Rise, Father X," repeated the Pope with increasing benevolence. Still the visitor did not move. The Pope had to approach him with the intention to lift him up, when he became convinced that the famous clergyman was on his feet. To the wonderment of the Pontifex at this contrast between

the greatness of the man and the minuteness of his stature, the clergyman made the following remark: "Most Holy Father, men must be regarded, not from head to foot, but from here to here (indicating the space between the eyebrows and the top of the forehead)."

True or false, the anecdote will serve as a guide in our study of the man.

A resumé of his personal history gives us the following facts: Born in Calivo, Capiz, February 25, 1855; studied the primary course under a private tutor, the secondary in San Juan de Letrán, and law in the University of Santo Tomás; admitted to the bar in 1877; married in 1883; registrar of property, vice-mayor (*teniente de alcalde*), legal adviser (*síndico*), twice mayor of Iloilo; member of the Reform council of General Ríos (last days of Spanish domination); president of the Revolutionary Tribunal of Justice in Panay and *ex officio* counselor of the same for the Bisayas; chairman of the Peace committee, 1900; associate justice of the Supreme Court of the Philippine Islands, 1901; member of the Honorary commission, as well as of the board of directors thereof, which visited the St. Louis Exposition, 1904; chairman of the committee on pardons, created by Governor Ide, 1906; from the Supreme Court to the Commission, 1913; present Secretary of Finance and Justice.

Only a few details are here given, as is also the case with his other published biographies. This is but a bird's-eye view of his career, in which notice is taken of only the most elevated peaks. On the other hand, his is a life not abounding in incidents. In the quiet of his home, the serenity of his conscience, the lucidity of his judgments, his social benevolence, he is a *vir bonus et justus* • • •

Nevertheless, he were deceived who should believe the lake unchanging just because it appears smooth, clear and limpid. Three incidents, already well known, in his life will suffice to show that things are not always what they seem (if we may be permitted the vulgarity of the saying for the sake of expression).

There was a *leve en masse* in Iloilo: the city was menaced with assault or bombardment; war had pointed thither its ominous finger. Attorney Mapa, a plain citizen (although he had previously exercised public functions), was fleeing to an interior place in a family coach with no other company than his wife and the coachman. Presently, pitiful cries for help were heard: they were uttered by a girl, about 16 years of age, who, running away from the girls' college of Our Lady of Sukgang, was detained by a mob of heartless ruffians, bent on committing an outrage on her

person. The then future *magistrado* goes forth and protects the innocent and the weak, with no authority other than his presence, no weapon other than his words and succeeds with but these means in imposing his authority over the unruly crowd. A feat worthy of description by Victor Hugo, side by side with the triumph of the Marquis of Lantencac over the man-beast, on a lonely sea, by the sheer force of speech, as narrated in a chapter of his novel "The Ninety-Three"!

As *alcalde* of Iloilo, official conscience put the earnestness and integrity of this man to the test. His municipality considered itself the owner of a piece of land, a claim which was disputed by the Marine authorities. The former had occasion to use it and ordered certain works to be done on the premises. The Marine authorities intervened, and there was an interchange of communications with aspersions and threats. Things went to such extremes that an appeal to force was made necessary, since neither of the contestants would come to reason. Mapa only had for an army the municipal police, whom he armed and stationed at the place with definite instructions, ready to maintain what he considered the right of the municipality. And you can be sure the *alcalde* was there too. So determined a resolve caused the Marine authorities to disarm, and was widely commented on by the Spanish colony at the time.

The last noteworthy trait of this notable man's character was revealed to us when he was approached on the subject of his candidacy to the post of Secretary of Finance and Justice in the present administration. He was already well off in the Supreme Court, where he had earned a high distinction. Having been accustomed to twelve years' continuous work, in addition to double that period in the practice of law, it was rather strenuous for him to take up a new and delicate responsibility. He considered his age, the special circumstances of his family life and the possible appointment of another in his place—none of these considerations could deter him from complying with the absolute demand of the "New Era." And so the retired gentleman of Sta. Mesa had to make this resolve:

"Old as I was and accustomed to a life of ease, without the ardor of youth or military zeal, I left my home in Iloilo and went to the battlefield when the Revolution claimed my services. Something less is required of me now. Go and tell him who sent you here (addressing the messenger) that if there is yet need of my services the country may still count on them. Now, as yesterday, my whole life belongs to the fatherland."

The *Vir Justus* of Horace could not have said more!

Who was it who said that this feeble flea could be made to disappear with a blow? Indeed, a *magistrado*, then an associate of Mapa, has said

so; but this he did in order to draw a contrast between his talent and his stature, and he assured us that, be it in the deliberations of the consultorium or in the after-session talks in the corridors, Mapa always knew how to convince his comrades. Ah, rare privilege of genius and learning!

Of Arellano it has been said: "• • • he little likes ostentation; and to get an insight into his character, one must study him in the intimacies of his mind and in those of his office • • •." The same may be said of Mapa.

I doubt if there be souls more congenial than theirs. Born in a humble cradle, and brought up in modest environment, they opened their eyes upon this world which has infused so much love into their souls; they pursued almost simultaneously their studies in parallel directions, the knowledge which each acquired from the same source meeting afterwards on a common level, and each undergoing a process of social evolution which adds a priceless treasure to experience; both mastered philosophy, as a fundamental science, delving into the depths of law; they have read much, but have thought much more than they have read, a circumstance which has given birth to a reserve and reflective disposition, which finds its chief delight in the companionship of books, such as Melendez Valdés has described in one of his works; taking delight in the most complicated conceptions, which they explain with orderly method and simplicity; most modest and kind in their dealings, but incorruptible, independent and inexorable in their duty; reserved when in the company of people, and communicative when their opinion is sought; fond of secular learning, but with a mind awake to every new doctrine; careful of emitting opinions which may conflict with those of the public; decidedly Filipino and profoundly *Filipinista* in speech and belief and in the intimacies of their dealings with their friends and countrymen; in this way they have become such friends, as few or none have; and in this way too, they alone knew how to carry on those dialogues enjoyed exclusively by themselves. *Les grands esprits se rencontrent.*

Leaving out their resemblances and those qualities which they have in common, each has his own specialty. That Arellano is a consummate civilist, is an established fact. Of Mapa it may be said that in the exposition of facts as well as of doctrines, he may be equalled by few but excelled by none. As I am not an expert jurist myself, I have had to hear from those qualified to judge, whose opinions all accord upon this particular point. But in order not to write something entirely devoid of the writer's personal opinion, I had to read and study some of his decisions.

In them I particularly admire the perspicacy of the former justice in seeing the odds and ends of a question and his masterly ability to arrange and analyze them. The more intricate the question, the more he surprises us with his wonderful way of analyzing the same, not, as it were, by placing the different parts of the problem within the reach of our faculties, but by working them out under an expositive plan which enables us to see and judge as clearly as the writer of the opinion. It frequently happens that a case is extensively discussed either by the parties litigant or by the justices among themselves when an opinion by Mapa reduces the arguments to a few lines.

He has the reputation of being scrupulous, cautious and painstakingly fond of details in anything he does, for which reason he has been considered a sluggish worker. He is not so in fact, as evidenced by his prompt intervention in discussions, formerly in the Supreme Court and now in the Commission. He is only slow when upon him exclusively rests the responsibility of a given case, in which case it is but a wise policy to go over the thing thoroughly without leaving a single item unconsidered. Although he is already nearing his sixtieth year, his intellect is still in full vigor, without the slightest evidence of enervation, as some of the most talented of his colleagues have come to recognize.

It has been his lot to assist in laying the foundation stone of our jurisprudence, in the difficult task of harmonizing two distinct systems of legislation which are antithetical in many respects. Being educated in the Roman system, he naturally evinces preference and partiality for civil law, and yet he must at the same time be a faithful interpreter of juridical institutions of recent importation. The task imposed upon the Filipino justices by the new procedure in both kinds of action cannot be duly appreciated by an outsider; they alone can tell who have felt the pangs of labor and undergone the difficulties and hardships incident to the work.

Three years had elapsed since the promulgation of that simple piece of legislation, known as General Orders No. 58, whose 110 articles wrought complete reform upon the old code of criminal procedure, establishing an entirely new code with institutions theretofore unknown in this country, such as the demurrer, jeopardy, *habeas corpus*, etc. They were Greek to most of the lawyers and judges, and even the best among them were groping in the dark in the imported procedure. It was then that in a case tried by a relative of Mr. Mapa, acting as judge in Quiapo, a question was raised for the first time regarding the scope and effect of a demurrer. The case was heard on appeal before the Supreme Court, and instead of an American judge writing the opinion, it devolved upon Mapa to define and interpret

the term "demurrer." So successful was he in this attempt that he merited no small praise from his American brother justices, and in almost all the courts of the Islands his opinion wrought a true revolution: complaints and informations were dismissed, amendments were made in pending actions, until finally the true and genuine doctrine in the case was established. The Mapa decision was the luminary which dispelled the clouds of uncertainty in which the subject was enveloped.

Another famous case was one of sequestration, tried and decided in the Court of First Instance of Bulacan and appealed to the Supreme Court. The latter was divided in its opinion, the majority being composed of Chief Justice Arellano and Justices Cooper, Johnson and McDonough, the latter writing the opinion for the court; Mapa dissented and with him Willard and Torres concurred. The Court virtually declared paragraph 2 of article 483 of the Penal Code repealed by General Orders No. 58 and the Philippine Bill. It appears to those who have read the luminous dissenting opinion that its principal merit lies in the generous attempt to harmonize the Spanish with the American legislation, and it is the opinion of many that in this Mr. Mapa has brilliantly succeeded.

In construing the Code it became necessary to cite the Spanish code of criminal procedure and the opinions of Spanish jurists in answer to the argument upholding the substantive right of the accused against self-incrimination. It is a fact that the accused in those days was subjected to cross-examination, and the judge could order him to answer with a warning that unless he did so, the prosecution against him would proceed. Escriche had even gone further, asserting that the silence of the accused worked a prejudice against him, being an indication of his culpability, and should be taken into account in the course of the trial. Mapa turned down this hypothesis, holding "the respect which the law has for the conscience of accused persons and their natural desire to refrain from incriminating statements" to be a principle as old as antiquity. He runs through the *Partidas*, the Royal Orders and *Cédulas*, the Provisional Law for the Application of the Penal Code, the Compilation of 1880, the Criminal Procedure of 1882, and he brings to light and explains the pertinent provisions of the Penal Code still in force, in order to harmonize them with the Act of Congress of July 1st, 1902, and the aforementioned General Orders No. 58. Escriche, Pacheco and Groizard depose in his favor. He also cites as a precedent a former decision of the same court in a similar case. "With respect to the legal presumption of the innocence of the accused in the absence of proof to the contrary," he categorically asserts, "this is not a new principle in the law of criminal procedure of the Philippines, nor was it introduced here

by General Orders No. 58, as might be inferred from the majority opinion." With due respect to the opinion of others, I believe that the doctrine contained in this weighty opinion reestablishes the true principles involved in this case, and, with or without pretension, does justice to the wisdom of Spanish legislation, putting it in harmonious relation with the legal provisions subsequently enacted here.

We have repeatedly heard American lawyers and judges express favorable opinions of the ability of the Filipino members of our Supreme Court. Thus, were we inclined to indulge in purely personal matters, we would here cite an opinion expressed by Justice Willard (whose demise, by the way, has been a great loss to legal science), in which a tribute of praise in unmistakable terms is paid to Mr. Mapa. In the same way, another jurist, Justice Tracey, has put himself on record as saying that here "the Filipino members constitute the stronger element in the Supreme Bench." Being included in this appreciation, Mr. Mapa rightly belongs to the place which he now occupies, in the opinion of those competent to judge on these matters. For he is not only an expert jurist for whom the legal science holds no secret, but he is at the same time a model in literary diction and legal phraseology. His composition is terse and accurate, simple and exact, academically precise, and couched in a most varied and richest vocabulary. It has the further merit growing out of the fact that whenever the author desires to avoid a repetition of ideas, such as commonly happens in expository and argumentative works, he knows how to borrow synonyms from the vulgar dialect without overstepping the bounds of literary propriety.

It used to be the practice of Mr. Mapa—we do not know whether he does it still—to observe Horace's advise not to publish one's writings until they have been thoroughly polished (and this probably accounts for his sluggishness in the dispatch of affairs); he has a delicate art of concealing the writer's efforts at literary production, as may be judged from the spontaneity, ease and clearness of his expression. As already indicated, his brevity and his propriety and accuracy of diction have attained to such a degree of perfection as is rarely attained by any of the members of our bar. Like the judicial robe of this genuine Magistrate, his literature lends a most fitting garment to his legal learning.

It only remains for me to give an account of a few of his characteristics to form a complete picture of his physical and moral attributes.

A high-born gentleman, who had been his companion in travel for many months, and for that reason had the opportunity to know the inner man, once said: "If Don Victorino dies, he goes to heaven directly." It

is possible that this remark alluded to that purgatory which is the common lot of every living being on this earth. It is also possible that it had reference to his unbounded goodness. And lastly, it is possible that it referred to his meek and passive disposition; for how few is the number of those who can suffer without making known their suffering! More than a year ago the burden of family misfortune caused him to exclaim before a close relative: "My God, what would I do if I should be bereft of her!" This was followed by a prolonged silence which gave a touch of pathos to his conjugal romance.

He is pious, very pious, more than would be generally believed. His chapel in his residence at Santa Mesa speaks enough. But this is shown more by his conscientiousness in saying his prayers: he says them slowly, almost uttering the words syllable by syllable, and every time that he mispronounces a word, he corrects it again and again without getting tired.

The same characteristics are manifest in his family-dealings. There he is taken for a bore, because when he wants a thing done, he is not satisfied with giving the orders twice, but the thing must be repeated a hundred times.

He has an exemplary calmness which is at once the worry and exasperation of his friends and relatives. For this he has a handy phrase: "If there is time, why hurry? And if there is not, then what's the use of hurrying?"

A philosopher will behave like a philosopher even in minor matters, revealing his individuality in every step. A further incident corroborates this fact. Mr. Mapa smokes nothing but cigarettes. During the Commission sessions he would timidly imbibe two or three inhalations from his cigarette, hiding it immediately under the table. This trifle was humorously commented upon by Governor Harrison, Vice-Governor Martin and Secretary Riggs, each one of whom is a smoker in his own way. This much then may be said of tobacco as of style: the manner of smoking shows the man.

Mr. Mapa is today a Secretary instead of a member of the Supreme Court. I cannot decide which is the "more nearly right place" for this "right man." What is known is that, as so seldom happens, the position sought the man. He had offered what resistance he could.

In the Supreme Court he shared with Chief Justice Arellano the scruple lest their appointment to their position had not been entirely free from political considerations. Somebody, who was a member of the Federal party, boasted of having contributed in the appointment of

Arellano. The Chief Justice became indignant, and went to the extent of saying that he would rather rend his toga than allow it to be stained by improper influences. Mr. Mapa related this same incident on a certain occasion, showing as much indignation as if he were the slandered person himself.

Apropos of what I have chosen to call his transit from the Supreme Bench to a political secretaryship, his party affiliation became the subject of inquiry in political circles. Each party group tried to enlist him in its ranks. For in this, as in many other instances, appearances deceived, for as a matter of fact, Mr. Mapa had more of the Nacionalista spirit in him than was generally supposed. On the other hand, there was not lacking current opinion mistaking him first for a Federalist and later for a Progresista. Now that he occupies a position which is decidedly political, it seems timely to disprove this claim. He himself has told me the story, this time not indignantly but rather cheerfully, and it was because frequent intrigues against him made it necessary. Political leaders took part in this game and Mr. Mapa disappointed them when they approached him believing that he was their colleague.

Well, then. Let it be so, and probably it was precisely for this reason, that he felt a thrill in his whole being when in the banquet given by President Roosevelt, he saw at the bottom of the ice-cream the American and Philippine flags entwined together; and this he told us at another banquet, much to the delight of sentimental patriots. Do you know what he has done in his new office? Well, he carries out Filipinization without much fuss or noise. It was said of his predecessor that, through sophistry, he appointed an American for his secretary just as Speaker Osmeña had adopted the rules of the House of Representatives of the United States for the Philippine Assembly. Sophistry against sophistry, that of Mapa is much nearer to the hearts of his people.

But his brothers in the profession need not fear to lose him just because the exigencies of the new administration has withdrawn him from the judiciary. He is still a judge, as his brotherly hand may be seen in every line of the recent act reorganizing the courts. He is not an exception to the saying that the cowl does not make the friar. Every time that an appointment is made in the ranks of judges, he never forgets that it concerns some companion.

To what extent the judicial robe has become a part of his second nature, was shown in the first days of the advent of the "New Era." The last days of the past Administration was a period of stagnation, and the new Secretary of Finance and Justice found a pile of work on his

table. A friend surprised him by murmuring certain unfavorable comments gathered from places of public gossip. No sooner said than done: those who have seen, can testify if it is true or not that Mapa wearied the Commission with a series of daily reports, over a variety of matters referred to him, all in the form of judicial decisions, to which the upper legislative chamber invariably gave its *placet*. As has been said: he is always a judge. And that feat served at the same time to put down the talk of his being lazy and slow.

Such is, in conclusion, this highest impersonation of Filipino mentality. There may be others more proficient than he in the various walks of life and activity. Very few or none have possessed such attributes which unquestionably place him on a level not to be reached by perverted passions, in an atmosphere of morality, science, beatitude and supreme justice.

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