

denying the writ of habeas corpus to the petitioner who was being held by the provost marshal of the Philippine Army's military police. This apparent inconsistency Justice Paras explained, however. He said:

"While this Court will not hesitate to grant without fear or favor, in clear cases of illegal confinement, the writ of habeas corpus, it will be cautious and slow in interfering with official acts of another agency of the government in the absence of a showing that they are patently violative of the law or the Constitution."⁶²

In *Teehankee v. Rovira*,⁶³ we again see Justice Paras, along with Justice Gregorio Perfecto, concurring in Justice Ozaeta's opinion which supported the majority's view that the petitioner was entitled to bail but which dissented from the majority's stand because the court failed to enforce and give practical effect to the said constitutional provision allowing bail to "all persons," whether charged or not.

A study of the decisions of the present Chief Justice of the Supreme Court will indicate how religiously Chief Justice Paras follows the advice he loves to impart to every member of the Bench and Bar: a knowledge of the true, real, and important facts of the case is most needed in the study of a particular case; after that, application of the law would be easy.

LUIS R. MAURICIO

THE LEGAL PHILOSOPHY OF JUSTICE PADILLA

One of the pillars of the Philippine Supreme Court is Mr. Justice Sabino Padilla.

The seventh child of Dr. Nicanor Padilla and Isabel Bibby, Mr. Justice Sabino Padilla was born on August 21, 1894 in San Miguel, Manila. He started his schooling in the Sampaloc Primary School, where his sister, Aurora Padilla de Cañiza, was then the principal teacher. The rest of his primary education he received from San Beda College. He completed his secondary course at Ateneo de Manila, where he also obtained his Bachelor of Arts degree in March, 1911. In June of the same year he took up law in the University of the Philippines.

⁶² Justice Ozaeta differentiates the cases by saying that in the *Raquizza* case, there was want of due process which is not wanting in the *Crisologo* case. But Justice Perfecto, who also dissented in the *Raquizza* case, said in the *Crisologo* case that the two cases were cut out of the same cloth and were "substantially identical." He added: "The victims suffered detention without any complaint filed against them, without due process, without any process . . . The only difference was that in *Raquizza*, the officers responsible for the wrongful deprivation of liberty of the petitioners are Americans, while in the present case, they are Filipinos."

⁶³ 75 Phil. 634 (1945).

After graduation in 1915, he practised law in Manila until August of 1916 when he left for the United States to continue his studies. The following year, the Columbia University in New York conferred upon him the degree of Master of Laws. Instead of returning home immediately, he remained in the United States for two more years, studying history, banking and economics. Upon his return to the Philippines in 1920, he was appointed Assistant Attorney by Attorney General Quintin Paredes and Secretary of Justice Victorino Mapa. While working he continued his studies at the University of Santo Tomas where he obtained the degree of Doctor of Civil Law.

After nearly ten years of apprenticeship in the Bureau of Justice, in the course of which he conducted several investigations in different parts of the country, he was promoted to the bench in 1929 as judge of Sulu. In 1933, he was appointed District Judge of the Court of First Instance of Nueva Ecija. This position he occupied for three years, after which he was transferred to Manila as District Judge of the Court of First Instance, third branch, in 1936. In December of the same year he was appointed Associate Justice of the Court of Appeals. In 1946 he was appointed Associate Justice of the Supreme Court, which position, however, he had to abandon for nearly one year, because on September 19, 1948, President Quirino designated him to do a "tour of duty" as Secretary of Justice. On June 29, 1949, he returned to the Supreme Court, which position he has been holding up to the present.

Mr. Justice Padilla is married to the former Dominga de los Reyes, by whom he has seven children.

It is in the Supreme Court where the trenchant pen of Mr. Justice Padilla has found an atmosphere conducive to the expression of his profound ideas on our legal system.

In the cases of *Tan Chong v. Secretary of Labor* and *Lam Swee Sang v. The Commonwealth of the Philippines*,¹ the majority opinion which he penned reflects his view on the significance of membership in a political community. Not unmindful of the importance of the question submitted for decision, he said:

"We know that the decision upon the motion for reconsideration in these cases is momentous. We have given the time and the thought demanded by its importance. While birth is an important element of citizenship, it alone does not make a person a citizen of the country of his birth. Youth spent in the country; intimate and endearing association with the citizens among whom he lives; knowledge and pride of the country's past; belief in the greatness and security of its institutions, in the loftiness of its ideals, and in the ability of the country's government to protect him, his children and his earthly possessions against perils from within and from without; and his readiness to defend the country against such perils, are some important elements that

¹45 O.G., No. 3, p. 1269 (1949).

make a person living in a country its citizen. Citizenship is a political status. The citizen must be proud of his citizenship. He should treasure and cherish it. In the language of Mr. Chief Justice Fuller, 'the question of citizenship in a nation is of the most vital importance. It is a precious heritage, as well as an inestimable acquisition.' Citizenship, the main integrate element of which is allegiance, must not be taken lightly. Dual allegiance must be discouraged and prevented. But the application of the principle of *jus soli* to persons born in this country of alien parentage would encourage dual allegiance which in the long run would be detrimental to both countries of which such persons might claim to be citizens."

This attitude of Mr. Justice Padilla on citizenship is easily understandable in the light of the geographic location and economic conditions of the country. Cognizant, however, of the impact of a strict method of acquiring citizenship on resident aliens, he tempers its harshness by allowing them a chance to acquire and hold lands for industrial or residential purposes. If he had his own way he would give this right to those not enjoying the privileges of citizenship. In *Krivenko v. Register of Deeds*,² he said in his dissent:

"If under the law in force at the time of the adoption of the Constitution, aliens could acquire by purchase or lease lands of the public domain, that were neither timber nor mineral, held for industrial or residence purposes, how can it be presumed that the framers of the Constitution intended to exclude such aliens from acquiring by purchase private lands suitable for industrial or residence purposes? If pursuant to the law in force at the time of the adoption of the Constitution, lands of the public domain and improvements thereon acquired or held for industrial or residence purposes were not included in the prohibition found in section 121 of Act No. 2874, there is every reason for believing that the framers of the Constitution, who were familiar with the law then in force, did not have the intention of applying the prohibition contained in section 5, Article XIII, of the Constitution to lands of private ownership suitable or intended or used for residence, there being nothing recorded in the journals of proceedings of the Constituent Assembly regarding the matter which, as above stated, would have justified a departure from the policy then existing. If the term 'private agricultural land' comprehends lands of private ownership suitable or intended or used for residence, as held by the majority, there was no need of implementing a self-executory prohibition found in the Constitution."

In the said case of *Krivenko v. Register of Deeds*, Mr. Justice Padilla had occasion to express his view on interpretation of constitutional provisions. According to him, the correct interpretation of a constitutional provision is that which gives effect to the intent of its framers and primarily to the understanding of such provision by the people that accepted it. To his thinking, the Court is only an interpreter of the instrument which embodies what its framers had in mind and especially what the people understood it to be when they adopted it.

² 44 O.G., No. 2, p. 471, 533 (1948).

In another dissenting opinion, in the case of *Caoile v. Yu Chiao Peng*,³ he enunciated the principle of *stare decisis*, thus:

"The *in pari delicto doctrine* applied by the majority in the Krivenko case cannot equitably, justly and logically be invoked and applied to alienations made before the promulgation of the decision in said case. If the parties to an alienation of an urban land did not knowingly commit any violation of the Constitution because the prevailing belief at the time of the alienation was that urban lands were not included within the constitutional prohibition, the logical conclusion is that both parties to the contract acted in good faith . . ."

But under certain circumstances, he sanctions a bold departure from adherence to the aforesaid principle. In the case of *Tan Chong v. Secretary of Labor and Lam Swee Sang v. The Commonwealth of the Philippines*,⁴ he said:

"The principle of *stare decisis* does not mean blind adherence to precedents. The doctrine or rule laid down, which has been followed for years, no matter how sound it may be, if found to be contrary to law, must be abandoned. The principle of *stare decisis* does not and should not apply when there is conflict between the precedent and the law. The duty of this Court is to forsake and abandon any doctrine or rule found to be in violation of the law in force."

Mr. Justice Padilla had occasion to express his views on the principle of non-suability of the state in the case of *Santos v. Santos*.⁵ In this case he said:

"The principle that the state or its government cannot be sued without its consent has its root in the juridical and practical notion that the state can do no wrong. Demandable and enforceable obligations which may be the subject of judicial action come into being either by law, contract, quasi-contract, acts or omissions punishable by law, acts which do not constitute or amount to a crime or a misdemeanor known at common law as torts and in civil law as *culpa aquiliana* or *extra contractual*. An obligation or liability of the state created by statute is enforceable against the officer or agent charged with the duty to execute the law. If there should be anything demandable which had been paid or delivered to or collected by officers or agents of the state without the authority of the law, the action would not be against the state but against the responsible officers or agents who received what was not due the state or made the unauthorized collection. Punishable acts or omissions committed by officers or agents of the state are crime and violations of law perpetrated by such officers or agents and not by the state."

From the foregoing doctrine, he distinguished in the same case⁶ that which should apply to contractual obligations of the state. We quote—

³ 49 O.G., No. 10, p. 4321, 4328 (1953).

⁴ 45 O.G., No. 3, p. 1269 (1949).

⁵ 48 O.G., No. 11, p. 4815 (1952).

⁶ *Santos v. Santos*, 48 O.G., No. 11, p. 4815 (1952).

"Nevertheless, if, where and when the state or its government enters into a contract, through its officers or agents, in furtherance of a legitimate aim and purpose and pursuant to constitutional legislative authority, whereby mutual or reciprocal benefits accrue and rights and obligations arise therefrom, and if the law granting the authority to enter into such contract does not provide for or name the officer against whom action may be brought in the event of a breach thereof, the state itself may be sued even without its consent, because by entering into a contract the sovereign state has descended to the level of the citizen and its consent to be sued is implied from the very act of entering into such contract. If the dignity of the state, the sacredness of the institution, the respect for the government are to be preserved and the dragging of its name in a suit to be prevented, the legislative department should name the officer or agent against whom the action may be brought in the event of breach of the contract entered into under its name and authority. And the omission or failure of the legislative department to do so is no obstacle or impediment for an individual or citizen, who is aggrieved by the breach of the contract, to bring an action against the state itself for the reasons already adverted to, to wit: the descent of the sovereign state to the level of the individual or citizen with whom it entered into a contract and its consent to be sued implied from the act of entering into such contract."

In his dissent in the Krivenko case,⁷ Mr. Justice Padilla expressed his respect for the interpretation given by other coordinate branches of the government, and bewailed the unusual rashness of the majority in the said case. We quote—

"The eagerness of this Court to express its opinion on the constitutional provision involved in this case, notwithstanding the withdrawal of the appeal, is unusual for a Court of last resort. It seems as if it were afraid to be deprived by the other coordinate branches of the government of its prerogative to pass upon the constitutional question herein involved. If all the members of the Court were unanimous in the interpretation of the constitutional provision under scrutiny, that eagerness might be justified, but when some members of the Court do not agree with the interpretation placed upon such provision, that eagerness becomes recklessness. The interpretation thus placed by the majority of the Court upon the constitutional provision referred to will be binding upon the other coordinate branches of the government. If in the course of time, such opinion should turn out to be erroneous and against the welfare of the country, an amendment to the Constitution—a costly process—would have to be proposed and adopted. But, if the Court had granted the motion for withdrawal of the appeal, it would not have to express its opinion upon the constitutional provision in question. It would let the other coordinate branches of the Government act according to their wisdom, foresight and patriotism. They, too, possess those qualities and virtues. These are not of the exclusive possession of the members of this Court. The end sought to be accomplished by the decision of this Court may be carried out by the enactment of a law. And if the law

⁷ *Supra*, note 2.

should turn out to be against the well-being of the people, its amendment or repeal would not be as costly a process as a constitutional amendment."

On the independence of a constitutional organ of the government Mr. Justice Padilla premised the majority opinion he penned in the case of *Nacionalista Party v. Angelo Bautista*.⁸ In that case, the President temporarily designated the Solicitor General to act as member of the Commission on Elections. To the mind of Mr. Justice Padilla this is an encroachment upon the independence of the said constitutional body, destroying the impartiality which the security of tenure of the members is supposed to achieve. He said:

"By the very nature of their functions, the members of the Commission on Elections must be independent. They must be made to feel that they are secured in the tenure of their office and entitled to fixed emolument during their incumbency (economic security), so as to make them impartial in the performance of their functions—their powers and duties. They are not allowed to do certain things, such as to engage in the practice of a profession; to intervene, directly or indirectly, in the management or control of any private enterprise; or to be financially interested in any contract with the Government or any subdivision or instrumentality thereof. Those safeguards are all conducive or tend to create or bring about a condition or state of mind that will lead the members of the Commission to perform with impartiality their great and important task and functions. That independence and impartiality may be shaken and destroyed by a designation of a person or officer to act temporarily in the Commission on Elections. And, although Commonwealth Act No. 588 provides that such temporary designation "shall in no case continue beyond the date of the adjournment of the regular session of the National Assembly (Congress) following such designation", still such limit to the designation does not remove the cause for the impairment of the independence of one designated in a temporary capacity to the Commission on Elections. It would be more in keeping with the intent, purpose and aim of the framers of the Constitution to appoint a permanent Commissioner than to designate one to act temporarily. Moreover, the permanent office of the respondent may not, from the strict legal point of view, be incompatible with the temporary one to which he has been designated, tested by the nature and character of the functions he has to perform in both offices, but in a broad sense there is an incompatibility, because his duties and functions as Solicitor General require that all his time be devoted to their efficient performance. Nothing short of that is required of him."

In the case of *Lacson v. Roque*,⁹ where the petitioner Arsenio Lacson challenged the validity of his suspension from the office of Mayor of Manila by the President, Mr. Justice Padilla dealt squarely with the question of tenure of office. After admitting that the power to remove must

⁸ 47 O.G., No. 5, p. 2356 (1951).

⁹ 49 O.G., No. 1, pp. 108-112 (1953).

be lodged somewhere in the framework of the Government, he advanced the opinion that the City Mayor of Manila, if found guilty after investigation or trial, could be removed and also suspended pending an administrative or judicial investigation of charges preferred against him involving disloyalty, dishonesty, oppression or misconduct in office. In a way expressing disapproval of the petitioner's conduct, he concluded his concurring opinion in this wise:

"Much as it is wished and desired to see and have a mayor as becoming an officer of such high rank possessed of composure in his behavior, prudence in his acts and self-restraint in his utterances, yet I cannot bring myself to believe that a libel allegedly committed by him which is unrelated to the performance of the duties of his office would warrant his suspension from office. It is unnecessary to pass judgment on whether he may be removed after conviction. His utterances may be biting, cutting, sharp, caustic and sarcastic; and, granting for the sake of argument, that the utterance upon which the information for libel is grounded be contemptuous—a point I do not pass upon pending determination and judgment on the merits of the case for libel filed against the petitioner in the Court of First Instance of Manila—still I do not believe that the alleged libelous utterance which gave rise to the filing of the information, unrelated to the performance of his duties as mayor, would be sufficient cause for his suspension from office. The offended party must resort to court for redress of his grievance and to have it right the wrong. And if it be contemptuous the court against which it was committed has ample power to make him answer for his misdeed."

In the field of private law, the broad knowledge of Mr. Justice Padilla, especially in economics and sociology, can easily be perceived.

He displayed profound understanding of human nature in his dissent in the case of *Diaz v. Estrera*.¹⁰ The majority opinion in the case affirmed the judgment appealed from dismissing the petition for a writ of *habeas corpus* upon the ground that the petitioner, the natural mother of the minor waived her parental authority over said minor; that our law and jurisprudence do not prohibit such waiver; that as proof thereof, Act No. 3094 expressly authorized it; that petitioner is estopped. According to Mr. Justice Padilla, the waiver relied upon by the court below, not being any of the means prescribed by law, must be held to have no validity and effect. He fortified this view with the principle that the obligation of the illegitimate father to support his illegitimate child—which may also be considered as a right—is subject to that of the natural mother to have the custody of her minor child—a right superior to the obligation of the illegitimate father. For the right of the natural mother to have the custody of her minor child is not only granted by law but also is a natural right. On this point he commented:

¹⁰ 44 O.G., No. 11, pp. 4364-4266 (1948).

"The stringency of the law may be due to the fact that the substitution of a new—perhaps artificial—for a natural parental authority is not ordinary or normal course in life. Without the sanction of the competent authorities, the substitution should have no legal effect. With it, the new parental authority would be as permanent as the natural which would be replaced. Permanence should not be exchanged for insecurity."

As a consequence of the issuance and circulation of the Japanese military or war notes during the enemy occupation of the islands, much trouble in the settlement of obligations arose. The question of currency and exchange confronted the parties to contracts, and ultimately the courts. A number of cases involving this question had to be decided by the Supreme Court. Among them were the cases of *Del Rosario v. Sandico*¹¹ and *La Orden de Padres Benedictinos de Filipinas v. Philippine Trust Company*.¹²

In the *Del Rosario* case, a judgment was rendered by the Court of First Instance holding that the plaintiffs were owners of a parcel of land described in the complaint, subject to an antichretic right in favor of the defendant Sandico who had been in possession of the parcel of land since 1925. That right derived from his predecessors in interest had been in existence since April 8, 1918. The debtor deposited the amount of ₱3,944 in Japanese military or war notes on October 17, 1944.

In his dissent, Mr. Justice Padilla said:

"The antichretic right by virtue of which Carlos Sandico held possession of the parcel of land was a pre-war contractual obligation. In the absence, therefore, of specific law on the matter, or of a clear or express judgment by a court of competent jurisdiction, that the antichretic debt or equitable mortgage could be paid off with Japanese military or war notes, the law on the matter was the contract between the parties. What was the contract between the parties? It was to pay ₱3,944 to the creditor Carlos Sandico by the debtors, the predecessors in interest of the plaintiffs. What was the money or currency then contemplated or agreed upon and between the parties? It could not have been the Japanese military or war notes; it was the currency of the Government of the Philippines which was used or in circulation at the time the contract was entered into."

After noting that the decision of the majority in the said case cannot be good law, he observed:

"The net result would be that, contrary to what the parties had agreed, the debtors would be released from their obligation and would recover possession of the parcel of land, whereas the creditor would get nothing and would be deprived of his right in the property in exchange for nothing. At the time of the deposit (October 17, 1944) by Ponciano Ong Lacson of the sum of ₱3,944 in Japanese military or war notes, these were already worthless and valueless, bombings and straf-

¹¹47 O.G., No. 6, pp. 2872-2876 (1951).

¹²47 O.G., No. 6, p. 2894, 2894 (1951).

ings in the province of Pampanga by the United States Armed Forces having begun on the 21st day of September, 1944. It is clear case of deprivation of a person's property or right in violation of the contract and the law. It is difficult to conceive a worse iniquity and travesty of justice than the one sanctioned by the majority of the Court. And the irony of it is that it is an injustice committed in the name of Justice. I cannot give my assent to a judgment that deprives a creditor of his credit or right for the benefit of debtors, who take advantage of the abnormal situation . . . The decision of the majority sanctions the payment made with valueless and worthless Japanese military or war notes—an unlawful paper money from the standpoint of the Commonwealth Government and of the Republic of the Philippines. This Court should not in any manner, even in an indirect way, sanction or give validity and legal effect to the acts of an invader that has shown contempt to and trampled upon the rules and principles of International Law. This Highest Court of the Republic is indirectly sanctioning the immoral and unlawful act of a ruthless enemy that flooded the country with military or war notes by giving validity and legal effect to a payment made with such Japanese notes without the consent of the creditor. And the worst part of it is that it does an injustice to one of its citizens by giving validity and legal effect to a payment made with Japanese military or war notes which at the time of payment were worthless and valueless. If Japan had finally triumphed and conquered the Philippines, that payment would certainly have been validated by the courts created and organized under its authority; but a court of the Commonwealth or of the Republic should be the last to sanction such payment. By requiring the debtors to pay now in lawful money no injustice would be done to them, because they parted with nothing of value when they paid the debt with worthless and valueless Japanese military or war notes. Law, equity and justice demand that they should be required to pay now in lawful money."

Further bolstering his foregoing views are the reasons which he advanced in the case of *La Orden de Padres Benedictinos de Filipinas v. Philippine Trust Company*.¹³ Concurring and dissenting, he said:

" . . . What the Japanese invader did during the occupation of the Philippines should be judged, determined, or classified not according to his standards but according to our own. For, if this Court should adjudge it by the standards of the invader, it would be applying the rules and principles of International Law that prevailed during that period of the world's history when the victor made slave of the vanquished and booty of his property. All along, the civilized nations of the world have felt and believed that they have improved and progressed in their dealings with each other in times of peace not only but in times of war as well. Now to sanction what the Imperial Japanese army of occupation did in the Philippines, which set at naught the rules and principles of International Law, is to convert such progress into an illusion."

As to the claim that the Imperial Japanese army of occupation made its military or war notes legal tender, Mr. Justice Padilla re-

¹³ *Ibid.*

marked that there is no foundation for such a claim. Observing that there had been loose statements in the meaning of legal tender, he felt himself constrained to state and set down what is meant by legal tender:

"Money as a unit or measure of value must have relative intrinsic worth. It must be less than the market value, for if it would be equal or greater than the market value, it would be diverted or withdrawn from circulation and used to greater advantage or exported. By reason of scarcity, adaptability to diverse uses and stability in value, gold and silver have been adopted as a measure of value and means of exchange. Gold is used to pay favorable balance of trade among nations. Because of that relative intrinsic value, gold and silver currency are made legal tender. On the other hand, paper money or currency does not have intrinsic value. It does not have the value it represents. For that reason, it cannot be made legal tender. To warrant its use as legal tender, the government issuing or circulating it must provide and set aside a separate and trust fund in its vaults consisting of gold or silver coins of standard value to answer for such paper money or currency, unit for unit. To make it acceptable as legal tender, such paper money or currency must readily be convertible into gold or silver coins of standard value. Convertibility is one of the essential characteristics of a legal tender paper money or currency. Without such convertibility, the government is not justified in having it accepted as legal tender for payment of all debts, public and private. The Government of Philippines has been slow in according paper money or currency the quality of legal tender . . ."

Regarding the application of the Workmen's Compensation Act in proper admiralty cases, particularly in the case of *Abueg v. San Diego*,¹⁴ he gave a brief history of the legal principle involved:

"The real and hypothecary nature of the liability of the shipowner or agent embodied in the provisions of the Maritime Law, Book III, Code of Commerce, had its origin in the prevailing conditions of maritime trade and sea voyages during the medieval ages, attended by innumerable hazards and perils. To offset against these adverse conditions and to encourage shipbuilding and maritime commerce, it was deemed necessary to confine the liability of the owner or agent arising from the operation of a ship to the vessel, equipment, and freight, or insurance, if any, so that if the shipowner or agent abandoned the ship, equipment, and freight his liability was extinguished."

As to why the provisions of the Code of Commerce invoked by the appellant in the above case¹⁵ have no room in the application of the Workmen's Compensation Act, Mr. Justice Padilla said:

". . . The Workmen's Compensation Act seeks to improve, and aims at the amelioration of, the condition of laborers and employees. It is not the liability for the damage or loss of the cargo or injury to, or death of, a passenger by or through the misconduct of the captain or master of the ship nor the liability for the loss of the ship as a

¹⁴ 44 O.G., No. 1, pp. 80-84 (1948).

¹⁵ *Abueg v. San Diego*, 44 O.G. No. 1, pp. 80-84 (1948).

result of collision; nor the responsibility for wages of the crew, but a liability created by a statute to compensate employees and laborers in cases of injury received by or inflicted upon them, while engaged in the performance of their work or employment, or the heirs and dependents of such laborers and employees in the event of death caused by their employment. Such compensation has nothing to do with the provisions of the Code of Commerce regarding maritime commerce. It is an item in the cost of production which must be included in the budget of any well-managed industry."

Mr. Justice Padilla's outstanding characteristic is his humility and spirituality. He stresses appreciation of spiritual values and the practice of humility, out of a belief "that in our quest of truth, in the formulation of our premises, we may become too engrossed in such momentary occupation or swept away by the brilliant results of our investigations as to lose the sobering influence of directives from the spirit." He feels that "in the digitate ventures of the mind, the participating intellectual should never depart from his spiritual heritage." A consciousness of the common origin and the monolithic destiny of man, he believes, should ever be present in our actuations and even in our beliefs. For this he gives the following reasons:

"It instills in us the notion and the belief that the more sentient we are of our absolute dependence on the ubiquitous power of our Creator, the more we realize that we are transients within our borrowed time, the easier will be the task of pinioning within spiritual bounds riotous ambition and inordinate desires. An intelligence devoid of spiritual consciousness, without fear of God, is like a vessel fully equipped and complimented drifting aimlessly on uncharted seas."¹⁶

Mr. Justice Padilla is a hard worker. While he can well afford to take life easy and live leisurely, to him "there are fewer phenomena as disgusting as individuals who, after starting right on the road to successful citizenship, through education, give up the struggle, destined to be ceaseless, for knowledge and wisdom, and become spasmodic in their efforts, static in conceptions and sclerotic in misinformation." According to him, the allurements of an easy but decrepit existence must never be propitiated.

The experiences of Mr. Justice Padilla as a judge are varied. From these experiences he observes that the best index of the condition of the people in the different sections of the country is the calendar of the court in these sections.¹⁷ In his first assignment to Sulu, he found the people there backward as compared to the people in the other sections of the country. This he deduced from the fact that the court calendar opened with several cases of multiple murder and robbery with homicide. He also observed:

¹⁶ Address delivered by Mr. Justice Padilla at the commencement exercises of the Lyceum of the Philippines on April 3, 1954.

¹⁷ Speech delivered by Mr. Justice Padilla at the Post-Bar Symposium of the U.P. Wilodi Legal Center on October 11, 1952.

"There, cattle rustling and theft were misdemeanors only. When an individual committed a crime such as robbery or abduction, the malefactor did or committed it by exposing himself to be hurt or killed, for he openly defied and challenged the owner of the property to be taken by force or the husband or the father of the wife or daughter to be abducted to fight it out. So, in spite of the perversity on the part of the transgressor of the law, he showed courage, boldness and daring."

In cities or crowded towns, capitals of provinces, Mr. Justice Padilla noted the prevalence of crimes that were quite different from those common in sparsely populated places. "The persons brought to court in these cities or crowded towns were generally charged with misappropriating money or goods entrusted to them by the owners to the latter's damage and prejudice. Here the defendant obtained possession of the money or goods belonging to another with his consent because of artful deceit, craft or skillful representations of large profits. Especially in large cities like Manila, Cebu, and Iloilo, a highly cultured individual who, taking advantage of his knowledge of the law, or with the help of a lawyer, and perhaps with the aid of certain agencies of the Government, organized a corporation, sold stock which turns out to be worthless."

Another kind of transgressions upon the law, he observed, is that principally committed by highly intellectual, refined and polished individuals and financial "wizards," who taking advantage of the political power, position and influence acquired and enjoyed by them through appointment or election to a public office, get and secure huge sums of money in the form of loan from the Government institutions of credit to further increase their influence and power in the Government, perhaps with no intention of paying them back. This class of law violators, in order to carry out the intent and to bring about the desired result, would resort to shrewd, astute and smart manipulation, such as inflation . . . or devaluation of the currency, so that, if they should find themselves dispossessed of their power and influence and compelled to pay back what they owe the Government credit institutions, they would only pay perhaps one-half or less than one-half in value of what they had taken from such Government institutions. These observations of Mr. Justice Padilla reflect his profound knowledge of human nature so indispensable to one charged with the delicate task of settling disputes among men.

In a speech delivered before a batch of successful bar candidates,¹⁸ he remarked on the prospect for the new members of the legal profession:

"A lawyer may branch out in the university of life into different fields of human endeavor, for law permeates, influences and controls

¹⁸ Speech delivered by Mr. Justice Padilla at the oath-taking ceremony of the successful 1953 bar candidates on January 18, 1954.

every human activity. So those who view with apprehension the ever increasing number of lawyers should not be alarmed, because not all of those who have been admitted to the bar are to practice law. They may venture into diverse fields of human endeavor and their legal background is a good foundation which enable them to perform more efficiently and successfully their duties and functions. In fact, a lawyer is better prepared to assume greater and more complicated responsibilities."

As to the role of women in politics, Mr. Justice Padilla observes that, because of their special and unique position in our families, the cells that compose the nation, they can exert a great deal of influence to realize and achieve the goal we are all trying to reach—a Government that interferes and rules less and steps in only to adjust differences that cannot be settled between the contending parties; a Government that makes an equal distribution among the people of benefits derived from the common contribution of its citizenry; a Government that is run thriftily and not extravagantly; a Government that redresses grievances, compromises neither with crime nor with wrong, punishes crimes and rights wrongs; a Government in fine, that functions and is run for the good of all the people and not for the advantage and benefit of a favored few.

Mr. Justice Padilla is against any re-election of Presidents. He admired and supported the late Juan Sumulong, president of the Democrata party, in the latter's fight against the late President Quezon's bid for re-election.¹⁹ He also feels that the power of the President to suspend the privilege of the writ of *habeas corpus* without congressional concurrence and the grant to the same of the so-called "emergency powers" are sources of many difficulties in the government. With respect to the rule-making power, he believes that such power is inherently judicial and Congress should not have the power to alter, repeal or modify the rules promulgated by the Supreme Court.

ARTURO E. BALBASTRO
PERPETUA R. MANOTOK

THE LEGAL PHILOSOPHY OF JUSTICE MONTEMAYOR

If justice were such that it could be administered by the simple application of fixed and unchanging principles, valid for all times everywhere, there would perhaps be no room for the play of opinions, for the show of diverse personalities, for so-called judicial statesmanship. But the nature of our institutions calls for the administration of justice

¹⁹Speech delivered by Mr. Justice Padilla at the 79th birthday anniversary of the late Don Juan Sumulong on December 27, 1953.