THE JURISTIC STYLE OF MR. JUSTICE ALEX. REYES

One of the "grand old men" of our Supreme Court is Mr. Justice Alex. Reyes. Born in Malabon, Rizal, on June 3, 1889, he is a product of the public schools. He obtained his Bachelor of Laws degree from the University of the Philippines in 1914. At that time, he was a newspaperman. He started his law career in 1915 as a clerk in the office of the City Attorney of Manila. He became chief clerk a year after his appointment. In 1918, he became a law clerk in the fiscal's office. Subsequently, he was transferred to the Bureau of Justice as Assistant Attorney, which position he occupied until 1925 when he became acting Attorney General. In the same year, he was appointed Solicitor General. He held this office until 1931 when he was named Under Secretary of Justice. After serving as Acting Secretary of Justice, he was appointed Judge-at-large in 1933, Judge of the Manila Court of First Instance in 1936 and Associate Justice of the Court of Appeals in 1939. From the Court of Appeals, on August 21, 1948, he was appointed to the Supreme Court.

Mr. Justice Reyes is a man of few words. Without being an introvert, he is quiet and aloof. He enjoys dancing and dances just as well as he plays golf. Amiable though he is, he maintains that dignity and reserve, making it inconceivable that anyone would take advantage of his friendliness to be unduly familiar. Those who have had the privilege of playing golf with him speak of his good sense of humor.

It is in his judicial decision, however, that Mr. Justice Reyes's personal qualities are best reflected. His opinions ring with simplicity and honesty. In the hard and exacting task of deciding cases, his extreme diligence is noteworthy. He usually starts by reviewing the entire subject. From the general outline of the subject, he goes over the various decisions of the Supreme Court on the particular point at issue. He studies from early morning to late in the night. It often comes as a surprise to many that a Justice of the Supreme Court could keep office regularly from seven o'clock in the morning to noon, and then from three to six in the evening.

One of the greatest assets of Mr. Justice Reyes is his ability to go straight to the core of an argument, reducing it to the barest essentials. As a result, his opinions are expressive of a keen grasp of the facts and a profound understanding of legal concepts. A brief perusal of a portion of his opinion in the case of *Asores v. Laxatin*[1] will prove this point:

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[1] 45 O.G., No. 9, 3933 (1949).

> "This legal provision (Sec. 50, Act No. 496) does not say that unless registered the lease is void. On the other hand, it says that the lease shall operate as a contract between the parties and as evidence of authority to the clerk or register of deeds to make registration. It is true that it is the act of registration that conveys and affects the land. But this does not mean that before registration the lease is inoperative or not binding between the parties themselves. As to them the lease is a perfected contract and may be enforced by one against the other, but without prejudice to the rights of third persons who had no notice of the unregistered lease. In other words, the law did not mean to make the act of registration an essential requisite for the validity of the contract of lease, but has only intended it as a protection for innocent third persons."

Possessing a gift of writing briefly, he puts things in such a way as to be understood without much trouble. Hardly is there a decision of his that contains an *obiter dictum*, for he always seeks to limit himself to the issues involved. Citations that are merely cumulative, paragraphs that are mere repetitions and words that can be dispensed with, do not appear in his decisions. He is satisfied if he succeeds in clarifying the issue involved and in presenting his decisions with sufficient reasons in a simple and clear manner.

The respect which Mr. Justice Alex. Reyes has for a coordinate branch of the government is apparent in his concurring and dissenting opinion in the case of *Rodriguez v. Treasurer of the Philippines*.[2] The main issue in this case was whether the emergency which on December 16, 1941, prompted the approval of Commonwealth Act No. 671, delegating extraordinary powers to the President, still existed at the time the President exercised those powers by promulgating the executive orders whose validity was challenged in the instant case. With acute realism, Mr. Justice Reyes advanced the view that the President is the sole judge of the existence of the facts constituting the emergency, and that it is not within the province of the judiciary to question the conclusions of the Chief Executive. We quote:—

> "The existence or non-existence of an emergency is a question of fact which may not always be determined without evidence by mere reference to facts within judicial notice. In the present case, there has been no trial for the reception of proof, and I am not aware that enough facts have been shown to justify the conclusion that the emergency in question has already ceased. On the other hand, since the exercise of the emergency powers by the President presupposes a determination of the existence of the emergency, the President must be presumed to have satisfied himself in some appropriate manner that the emergency existed when he issued his executive orders. Under the theory of separation of powers and in accord with the latest ruling

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[2] 45 O.G., No. 10, 4412, 4451 (1949).

> of the United States Supreme Court, it is not for the judiciary to review the finding of the Executive in this regard. Judicial review would in such case amount to control of the executive discretion and place the judicial branch above a co-equal department of the Government. Only in case of manifest abuse of the exercise of powers by a political branch of the Government is judicial interference allowable in order to maintain the supremacy of the Constitution. But with the cold war still going on though the shooting war has already ended; with the world still in turmoil so much so that the American Secretary of State has declared that 'the world has never before in peace time been as troubled or hazardous as it is right now;' with most of the industries of the country still unrehabilitated, so that a large proportion of our food and other necessaries have to be imported; with peace and order conditions in the country far from normal, it would be presumptuous for this Court, without proof of actual conditions obtaining in all parts of the Archipelago, to declare that the President clearly abused his discretion when he considered the emergency not ended at the time he promulgated the executive orders now questioned."

In support of the foregoing, he set forth the following reasons based on the fundamental principles underlying our system of government:

> "While we have adopted the republican form of government with its three co-equal departments, each acting with its separate sphere, it would be well to remember that we have not accepted the American theory of separation of powers to its full extent. For, profiting from the experience of America when her Supreme Court, by application of the doctrine of separation of powers, frustrated many a New Deal measure which her Congress had approved to meet a national crisis, our Constitutional Convention in 1935, despite the warning of those who feared a dictatorship in this country, decided to depart from the strict theory of separation of powers by embodying a provision in our Constitution, authorizing the delegation of legislative powers to the President 'in times of war or other national emergency'. It is my surmise that this provision was intended to guard not only against the inability of Congress to meet but also against its usual tardiness and inaction. We have proof of this last in the last regular session of Congress, when this body failed to pass measures of pressing necessity, especially the annual appropriation law and the appropriation for the expenses of the coming elections."

Stability in property holding has an ardent supporter in the person of Mr. Justice Reyes. In the case of *Flores v. Coinco*,[3] he expressed his partiality toward property rights. In the instant case, the parties were spouses legally divorced in August, 1943. Though the plaintiff declared that she had been in continuous possession of the land, it was probably true that defendant did continue living in the tenement house erected on it until the said house was destroyed in February, 1945. But his stay therein was due merely to the tolerance of plaintiff and not because, as he later on claimed, he had the administration of the property by virtue of a tentative partition had between him and his former

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[3] 45 O.G., No. 6, 2529 (1949).

wife. The alleged partition having been made before the dissolution of the marital bond and without judicial sanction, the same was void, and plaintiff's evidence showed that it was never acted upon and carried out by the parties.

In deciding the case, he cited the case of *De la Viña v. Villareal*[4] where, in an action for divorce involving the partition of the conjugal property, the wife was granted a preliminary injunction to restrain the husband from encumbering said property pending the divorce proceedings. He stated that there is no reason the remedy granted in the old case should not be available to the wife in the instant case when invoked for the protection of her paraphernal property. He also took into account the fact that in the instant case the matrimonial bond which bound plaintiff to her husband had already been severed. He argued:

> "If plaintiff has the legal possession of the property, she has the right to be respected in said possession. And as registered owner she also has the right to prevent her property from being encumbered with any construction that did not belong to her. Contested though her title may be in another litigation pending between her and her former husband, she is entitled to a *status quo* until that contest is finally decided."

But he is for the protection of only those who are vigilant and not those who sleep on their rights. This attitude is apparent in the opinion penned by him in the case of *Ynot v. Initan*.[5] The action in this case was for the partition of a parcel of land actually in possession of the defendants, but alleged by the plaintiff to be the conjugal property of the deceased spouses Sotero Ynot and Bernardina Etcuban. Plaintiff laid claim to one-half of the land as the surviving heir of his brother. Holding that the rights of the plaintiff were barred by prescription, he said:

> "In the case at bar, appellant's own evidence shows that following the death of his brother, Sotero Ynot, in 1919, a partition was had between him and his brother's widow. Such partition, though informal, was sufficient to give the widow the benefit of possession as a basis of prescription with respect to the share received by her even if it be supposed that this share was more than what she was entitled to.[6] Considering herself thereafter as the exclusive owner of the portion of the land awarded to her as her share, the widow, through her overseer, had it cultivated by her tenants and shared with them its fruits, and in 1922 sold it to Pedro Rodriguez with the right of repurchase within two years, a right which she did not choose to exercise. At that time her title by prescription had not yet ripened, as she had not yet been in possession of the property as exclusive owner for the full statutory period, but the conveyance gave color of title to the grantee. For it is a rule recognized in this jurisdiction that 'where

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[4] 41 Phil. 13 (1920).
[5] 44 O.G., No. 9, 3360 (1948).
[6] Citing *Cadiz v. Cabunag*, 56 Phil. 371 (1931).

> one cotenant assumes to convey the entire estate, or any part of it, his deed or other instrument, though legally insufficient, constitutes color of title in the grantee, and an adverse possession thereunder for the statutory period will ripen into title as against all the cotenants." [7]

Registration under the Torrens system is one of the most effective means of giving protection to property rights. In the case of *Pating v. Salacup*,[8] Mr. Justice Alex. Reyes penned the decision upholding the right of the registered owner. The defendant in the instant case contended that the plaintiff was estopped from denying his brother's title to the land for making Juan Galutera, defendant's predecessor in interest, believe that Domingo Pating was really the owner thereof by signing as a witness to the deed Exhibit 1 and also by taking an active part in the negotiation for the sale evidenced by said deed. In answer to defendant's contention, Mr. Justice Reyes said:

> "The issuance to plaintiff of a certificate of title under the land registration law makes him the indisputable owner of the land therein described and until that title has been set aside, no claim of ownership can be recognized in favor of another person... It has been satisfactorily shown, however, that the purported sale of the land by Domingo Pating to Juan Galutera was not really meant to be an outright sale but merely a sort of security to insure payment of a gambling debt owing from Domingo Pating to Juan Galutera, a security which was discharged when said debt was paid. Moreover, since the property was a registered one, Galutera was bound to take notice of the registered owner's title and is therefore not now in a position to invoke *estoppel*."

However, Mr. Justice Reyes does not believe that the mere mechanical act of registration should avail the registrant of the protection of the law, unless such registration be coupled with good faith. This principle he enunciated in the case of *Government v. Abuel*.[9] In this cadastral proceeding, lot No. 6565 was claimed by three parties, namely: Ricafort (former owner), the Agricultural Credit Cooperative Association of Atimonan (as purchaser at an execution sale) and Barretto (subsequent purchaser in a private sale). The evidence showed that the lot in question was inherited by Ricafort from his deceased father. But to satisfy a judgment against him for the sum of ₱140, the lot was levied upon and, on November 16, 1936, sold at public auction, the sheriff executing on that same day the certificate of sale in favor of the vendee, who was no other than the judgment creditor, the above mentioned Rural Credit Association. In disposing of the main question, Mr. Justice Reyes observed:

> "In the present case, Barretto was not a purchaser in good faith, for the evidence shows and the trial court found that at the time he

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[7] Citing *Santos v. Heirs of Crisostomo and Tiongson*, 41 Phil. 342 (1921).
[8] 45 O.G., No. 12, 5533 (1949).
[9] 45 O.G., No. 8, 3405 (1949).

> purchased the property he had notice of its previous sale to the association . . . Our conclusion, therefore, on the main question involved in this case is that it is the earlier sale to the Association that should enjoy preference despite the fact that its inscription in the registry was subsequent to that of the sale to Barretto, it appearing that the latter was not a purchaser in good faith. Such being the case, the adjudication of lot No. 6565 in favor of the cooperative association was proper."

As much as he abhors fraud, Mr. Justice Reyes hates dealings in evasion of the law. In the case of *Moreno v. Villones*,[10] he stated that one may not be permitted to do by indirection that which is not legal for him to do directly. In the instant case, he remarked:

> "A man may not be permitted to serve two masters with conflicting interests, and it is a well-known rule in agency that an agent may not without the permission of his principal buy for himself what he has been commissioned to sell and sell what he has been commissioned to buy. The rule has, in this jurisdiction, taken the form of statute law as may be seen from article 267 of the Code of Commerce and article 1459, subdivision 2, of the Civil Code. To permit plaintiff in this case to profit by his contract with Rodriguez (buyer) is to frustrate the sound purpose of the law, for it is obvious that the effect of the contract in question is practically to make plaintiff a copurchaser of the property entrusted to him for sale. It is true that in the contract it is made to appear as if plaintiff (broker) were merely contributing to the purchase price and that the real purchaser was Rodriguez. But this subterfuge, if permitted, will open the door to the evasion of the law."

A case dealing with the protection of the less developed ethnic groups against imposition and fraud is *Madale v. Raya and Alonto*.[11] In this case the deeds in question were for money payments affecting real property of private ownership situated in the Province of Lanao and the parties thereto were all non-Christians. Section 145 of the Administrative Code of Mindanao and Sulu provides that no contract of that kind shall be made in the Department by any person with any Moro or other non-Christian inhabitant of the same unless, among other things, it shall bear the approval of the provincial governor or his duly authorized representative, while section 146 of the same code declares every contract made in violation of that provision null and void. As to the object of the law in point, Mr. Justice Reyes said:

> "The evident purpose of these sections is to safeguard the patrimony of the less developed ethnic groups in the Philippines by shielding them against imposition and fraud when they enter into agreements dealing with realty. And it is to be noted that the law makes no distinction between a contract entered into between a Christian and a non-Christian and one where both parties are non-Christian, this for the obvious reason that imposition and fraud are possible in both cases."

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[10] 40 O.G., No. 11, 2322 (1941).
[11] 49 O.G., No. 2, 536 (1953).

Social legislation finds encouraging reaction from Mr. Justice Reyes. The case of *Sibulo v. Altar*[12] is in point. In this case the petitioner contended that his contract with the respondent was not among those expressly declared to be against public policy by Section 7 of the Tenancy Law, it being to the effect that the owner of the land was to furnish the work animals and farm implements, and tenant to defray all the expenses of planting and cultivation, and the net produce to be divided equally between them. To this contention of the petitioner, he remarked:

> "The Tenancy Act is a remedial legislation intended to better the lot of the share-cropper by giving him a more equitable participation in the produce of the land which he cultivates. Being a remedial statute, it should be contrued so as to further its purpose in accordance with the general intent of the lawmaker. Adopting the construction placed upon it by the petitioner would open the door to evasions and render the law useless."

True it is that the amelioration of the lot of the laboring class is the avowed policy of the government. The foregoing case of *Sibulo v. Altar* exemplifies this policy. But this does not mean that the wheels of economic progress should be stayed. Social justice and economic progress are not opposed to each other. With proper adjustment, they can be employed to promote each other. In the case of *Philippine Sheet Metal Workers' Union v. Court of Industrial Relations*,[13] Mr. Justice Reyes pointed this out thus:

> "There was real justification for reducing the number of workers in respondent's company's factory, such a measure having been made necessary by the introduction of machinery in the manufacture of its products, and . . . the company cannot be charged with discrimination in recommending the dismissal of the fifteen laborers named in the above list since their selection was made by a committee composed of both officers and employees who took no account of the laborers' affiliation to the unions and only considered their proven record . . . There can be no question as to the right of the manufacturer to use new labor-saving devices with a view to effecting more economy and efficiency in its method of production. But the right to reduce personnel should, of course, not be abused. It should not be made a pretext for easing out laborers on account of their union activities. But neither should it be denied when it is shown that they are not discharging their duties in a manner consistent with good discipline and the efficient operation of an industrial enterprise."

Regarding the uniformity of judicial decisions, Mr. Justice Reyes believes that litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. To this end

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[12] 46 O.G., No. 11, 5503 (1950).
[13] 46 O.G., No. 11, 5462 (1950).

courts must, therefore, guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.[14]

Of the same tenor as the *Li Kim Tho v. Sanchez* case [15] is the case of *Castillo v. De Gala.*[16] The latter case was an action to annul a compromise agreement entered into in a former suit, the judgment of the court ratifying the same, and a deed of donation executed in accordance therewith. Disposing of the question involved, he wrote:

> "It would not be conducive to the peace and well-being of society to have litigations made interminable by allowing any of the parties thereto to resuscitate issues already definitely decided. The purpose of the compromise herein impugned was precisely to put an end to an unpleasant suit between spouses so that they might thereafter live their individual lives and enjoy the properties assigned to each in a partition of their own making and approved by the court. To allow the plaintiff now to undo what already has, with judicial sanction and with such good purpose, been done, is to make a plaything of the courts and rob judicial decisions of their stability."

On the current issues of the day, Mr. Justice Reyes believes that the transfer of the supervision over the inferior courts to the Supreme Court might detract the latter's attention from its main business of administering justice. He also thinks that there is no harm in trying the change proposed by some members of the legal profession in the Philippines to the effect of dividing the Supreme Court into various groups for the purpose of specialization or otherwise. However, he is opposed to any suggestion to the increase of the number of the members of the Supreme Court without the corresponding increase in divisions, for according to him "an increase in number makes for an increase in debate." The proposed divisions, he thinks, may hasten the decision of cases, a result of which is conducive to a true and efficient administration of justice.

As to the great number of lawyers at present in the Philippines, he believes that it is about time that other channels of study be found and encouraged, and that the youth should be helped in choosing their careers so that there may be no misfits, no "square pegs in round holes."

Mr. Justice Alex. Reyes has had considerable experience in teaching law. For the past many years, he has taught in different law schools in Manila. Drawing upon his experiences as professor, he strongly advocates a more solid preparation for the study of law. He suggests that language, logic and philosophy should be given greater emphasis.

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[14] *Li Kim Tho v. Sanchez*, 46 O.G. 8, 3655 (1950).
[15] 46 O.G., No. 8, 3655 (1950).
[16] 40 O.G., No. 11, 2328 (1941).

Aside from being a professor of law, he has written a book on Negotiable Instruments, which is widely used by both the law students and the members of the legal profession. It is not an exaggeration to say that among the present members of the Supreme Court, Mr. Justice Alex. Reyes is the foremost authority on Mercantile Law,[17] which subject he has been teaching since 1918.

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[17] When shown with a proof of this Article, Justice Reyes wrote: "I must dessent from this gratuitous assertion."

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