COMMENTS

THE JURISTIC THINKING OF MR. JUSTICE BAUTISTA ANGELO

The strength that is born of form and the feebleness that is born of lack of form are in truth qualities of the substances. They are tokens of the thing's identity. They make it what it is.—BENJAMIN N. CARDOZO*

If one who reads judicial decisions at random is not lost in the maze of legal problems with which they deal or in the minute analysis and distinctions therein made, he would be impressed with the efforts of imperfect human beings seeking the perfect ideal of justice in a world of imperfection. Seeking to create order out of chaos, trying to prevent injustice in spite of man's selfishness and greed, attempting to right wrongs by means of an inadequate machinery which equates moral suffering with pesos—in this setting, the frailties of he who passes judgment upon his fellowmen appear most pitiful. But his virtues shine the brightest against such backdrop.

It is with this frame of mind that one should study the Supreme Court decisions penned by Mr. Justice Felix Angelo Bautista, a man of brilliance, whose devotion to the public service is borne out by a long and successful career.

Justice Bautista Angelo was born in Malolos, Bulacan, on May 20, 1896. He finished his Bachelor of Arts degree, *magna cum laude*, at the Ateneo de Manila, from which he graduated in 1914. He then took up law in the University of the Philippines, graduating in 1918.[1] He finished his master's degree in Georgetown University, Washington, D.C., the following year.

In 1920, he became assistant attorney of the Philippine National Bank, holding that position for three years. He first entered the government service in 1923 when he was appointed special attorney in the Bureau of Justice. He was subsequently promoted to assistant attorney, and his promotions continued until he was appointed Assistant Solicitor General in 1938.

He was first appointed to the judiciary in 1939 as judge-at-large. The following year, 1940, he was promoted to District Judge of Leyte, later of Albay, and lastly of Laguna. In 1946, he was appointed Undersecretary of Justice and on April 27, 1948, he was appointed Solicitor General.[2]

---

* *Law and Literature and Other Essays* (1931), page 6.

[1] Upon his graduation from the College of Law, U.P., he was given a special award for his thesis, "Stages in the Life of a Contract", acclaimed the best in his class. Before the war, he wrote a treatise on Civil Law with special emphasis on Persons and Family Relations. He also wrote "Penal Acts Affecting Public Officers", "Advisory Authority of the Secretary of Justice", and "Protect and Defend the Judiciary".

[2] As Solicitor General, he proved his vast learning of the law. Being the lawyer of the state, he had to defend the actuations of Senate President Avelino in connection with the Suanes case. In the Cuenco-Avelino fiasco, he was on the side of Cuenco and this time the Supreme Court favored his side. It was, how-

On October 20, 1950, he was appointed as Associate Justice of the Supreme Court.

Justice Bautista Angelo is decidedly not a votary of the extreme. Even when handing down a new ruling on cases of first impression, he always seeks to anchor his decisions on precedents and settled principles of law,[3] for which he has a healthy respect. Yet he does not hesitate to depart therefrom when the circumstances of the case so warrant.[4] He sticks to the letter of the law[5] or the contract involved[6] whenever he can, but he does not permit technicalities to defeat the ends of justice.[7] He endeavors as much as possible to support governmental policies,[8] but when such policies overstep the bounds of constitutional limitations, he is among the first to condemn them.[9]

---

ever, in defending President Quirino from impeachment charges by a House special committee that Solicitor General Bautista proved his skill in tough legal battle. When the probe committee recommended to the House that it drop the charges and the recommendation was approved, Solicitor General Bautista won.

[3] See *Garron vs. Arca*, G.R. No. L-4209, April 18, 1951; *Guantia vs. Tatoy*, G.R. No. L-3244, March 8, 1951; *Chinese Flour Importers Association vs. PRISCO*, G.R. No. L-4465; 1951; *Philippine Alien Property Administration vs. Castelo*, G.R. No. L-3981, July 30, 1951; *Estate of Vda. de Molo vs. Molo*, G.R. No. L-2538, Sept. 21, 1951; *Landicho vs. Tan*, G.R. No. L-4117, Nov. 16, 1950.

[4] See his concurring opinion in *Rural Progress Administration vs. Reyes*, G.R. No. L-4703, October 8, 1953, wherein he stated as follows:

"Lot No. 3 which is now being expropriated is indeed too small to be the subject of expropriation under the law. To expropriate a small piece of land for the benefit of a few can hardly be said to be in keeping with the purpose of our constitution. It will be a transgression of the principle underlying private ownership. But the lot in question should be looked upon in a different light for it was acquired under circumstances which warrant a departure from the rule. This lot, the record shows, was originally part of a big tract formerly owned by the San Juan de Dios Hospital and was acquired by defendant to promote merely his personal advantage. Its present occupants were never given a chance to acquire it and was sold to defendant in complete disregard of their rights of possession and improvements they have made thereon. It appears that these occupants, as well as their predecessors had been in possession of this lot from time immemorial, and had considered it their home and permanent abode. To be dispossessed thereof without having been given a chance to make it their own merely to accommodate an individual is indeed painful if not revolting. It is for these reasons that they are now vigorously objecting to their dispossession invoking the letter and spirit of the constitution. This case has given rise to a serious social problem to which our government cannot remain indifferent. In my opinion, the action taken by the Government is justified if only to do justice to those unfortunate tenants whose rights have been disregarded.'

[5] See *Lerum vs. Cruz*, G.R. No. L-2783, Nov. 29, 1950; *People vs. Cardenas*, G.R. No. L-1570, Dec. 29, 1950; *Pacific Customs Brokerage Co. vs. Inter-Island Dockmen and Labor Union*, G.R. No. L-4610, Aug. 24, 1951; *De Guzman vs. Fernando*, Oct. 25, 1951. Our duty is to apply the law," he stated in *Sy Kiong vs. Sarmiento*, G.R. No. L-2934, Nov. 29, 1951.

[6] See *Natividad vs. Blanco*, G.R. No. L-3525, Nov. 29, 1950; *Atienza vs. Philippine Charity Sweepstakes*, G.R. No. L-4010, Nov. 29, 1951.

[7] In *Bastida vs. Dy Buncio and Co.*, G.R. No. L-5145, May 27, 1953, he went beyond the letter of the contract and looked into the real intention of the parties, because of "certain moral and legal considerations." See also *Cagro vs. Cagro*, G.R. No. L-5826, April 29, 1953.

[8] See *De Guzman vs. Fernando*, Oct. 25, 1951; *National Dental Supply Co. vs. Meer*, G.R. No. L-4183, Oct. 26 1951; *Manila Trading and Supply Co. vs. Manila Trading and Supply Co. Labor Association*, G.R. No. L-5783, May 29, 1953.

[9] See *Association of Customs Brokers vs. Municipal Board*, G.R. No.L-4376, May 22, 1953. In *University of Sto. Tomas vs. Board of Tax Appeals*, G.R. No.

Some of the decisions of Justice Angelo Bautista give the impression that he is coldly methodical, as if he is dealing with nothing more alive than a court record and volumes of legal principles.[10] One does not easily forget the dispatch with which he disposes of some of his cases,[11] nor the very objective way he measures the damages recoverable for the death of the father of six children ranging from 5 years to 13 years old in the case of *Alcantara vs. Suno*.[12] But now and then one comes across decisions which show a keen insight into the circumstances of the parties;[13] some of his decisions reveal an understanding which

---

L-5701, he held Executive Order No. 401A and Republic Act No. 422 unconstitutional, stating: "The purpose of said Act is merely to effect a reorganization of the different bureaus, offices, agencies and instrumentalities of the executive branch of the government. The power so delegated is therefore limited in scope. It cannot be extended to other matters not embraced therein, nor are incidental thereto. To do so would be an encroachment on powers expressly lodged in Congress by our Constitution.

"But Executive Order No. 401-A does not merely create the Board of Tax Appeals, which, as an instrumentality of the Department of Finance, may properly come within the purview of R.A. No. 422, but goes far—depriving the courts of first instance of their jurisdiction to act on internal revenue cases a matter which is foreign to it and which comes within the exclusive province of Congress. This the Chief Executive cannot do, nor can that power be delegated by Congress, for under our Constitution, Congress alone has "the power to define, prescribe and apportion the jurisdiction of the various courts."

In his concurring opinion in *Endencia vs. David*, G.R. No. L-6355-6, Aug. 31, 1953, he declared that R.A. No. 590 constitutes "an invasion of the province and jurisdiction of the judiciary . . . it being a transgression of the fundamental principle underlying the separation of powers."

[10] See *De Leon vs. Syjuco*, G.R. No. L-3316, Oct. 31, 1951; *Alcantara vs. Suno*, G.R. No. L-4555, July 23, 1954.

[11] *Deobarats vs. de Vera*, G.R. No. L-2525, May 21, 1951; *Dy Sun vs. Brillantes*, G.R. No. L-4478, May 27, 1953.

[12] G.R. No. L-4555, July 23, 1954.

[13] See *Guantia vs. Tatoy*, G.R. No. L-3244, March 8, 1951.

In his dissenting opinion in *Torres vs. Quintos*, G.R. No. L-3304, April 5, 1951, he said:

"The transition which our country has undergone resulting from the last global war has cast doubt and uncertainty on the tenure of office of persons who were formerly holding positions in our Government. Some, apprehensive of the future, yielded meekly to the avowed policy that to hold on to thir former positions there is need of previous reappointment. Others, more courageous and mere persevering, dared to challenge the official bidding even if to do so they have to undergo a cumbersome judicial process prompted by their earnest desire to vindicate their rights under the Constitution. To the latter group belongs the petitioner who instituted the present action.

"The facts of this case, which are undisputed, show in bold relief the travails undergone by the petitioner in an effort to regain his former position as Chief of Police of the City of Manila, which he claims he never surrendered nor abandoned, yet brushing aside the efforts made the majority opinion determined that the petitioner has already forfeited his claim to the position because of his failure to assert his right within the period enjoined by law. From this opinion I regret to dissent.

"The failure of the petitioner to avail of his right when he was replaced in his former position by Col. Jones, and was arrested by the CIC and prosecuted before the People's Court is very understandable. A becoming sense of decency and propriety would counsel any one to refrain from taking any coercive measure when the finger of suspicion is pointed to him with his fate hanging in the balance. A charge for treason is a very serious crime which carries with it capital punishment. It also carries with it expulsion from the service and deprivation of civil and political rights. It is the worst crime that a citizen may commit against his

is a reminder that justice, after all, is not without a heart.[14]

The language of justice tends to be boring. For accuracy definitely takes precedence over grammatical flourishes. Thus judicial decisions, in an effort at precision, fineness of distinction, and faultless reasoning have a way of bordering upon the monotonous.

Some of the decisions of Justice Bautista Angelo, particularly those involving points of law of minor importance, belong to this category. He is not, however, wholly incapable of writing in a language that is at once beautiful and precise; he can speak with words that accentuate the keenness of his reasoning and portray, by their very sound and rhythm, the strength of the principles which he expounds. "In the face of the foregoing observations," he said in *Rutter vs. Esteban*,[15] "and consistent with what we believe to be as the only course dictated by justice, fairness and righteousness, we feel that the only way open to us under the present circumstances is to declare that the continued operation and enforcement of Republic Act No. 342 at the present time is unreasonable and oppressive, and should not be prolonged a minute longer, and, therefore, the same should be declared null and void and without effect." Earlier in the same case, he said: ". . . the application of the reserved power of the State to protect the integrity of the government and the security of the people should be limited to its proper bounds and must be addressed to a legitimate purpose." Again, in the cases of *Nava et al. vs. Gatmaitan*,[16] *Hernandez vs. Montesa*,[17] and *Angeles vs. Abaya*,[18] he stated in his opening paragraph:

> "The cases before us involve a fundamental issue which vitally concerns the security of the State and the welfare of our people. They involve a conflict between the State and the individual. When the right of the individual conflicts with the security of the State, the latter should be held paramount. This is a self evident political shiboleth. The State is the political body that stands for society and for the people to secure which individual rights must give way and yield. For as Justice Holmes well said, "when it comes to a deci-

---

government and people, such that the policy of the government has always been not to reappoint a person indicted of this crime, or to suspend from office any who is tainted with this stigma. Common sense and prudence dictate that under the circumstances the proper attitude to pursue is to wait for termination of the case. Surely, there is no point to start an action for quo warranto before knowing the outcome of the treason case, since its nature and effect may make such action unnecessary. . . ."

[14] See *Guantia vs. Tatoy, supra.; Torres vs. Quintos, supra.; Philippine Movie Pictures Workers' Union vs. Premiere Productions*, G.R. No. L-5621, March 25, 1953: "The right to labor is a constitutional as well as a statutory right. Every man has a natural right to the fruits of his own industry. A man who has been employed to undertake certain labor and has put into it his time and effort is entitled to be protected. The right of a person to his labor is deemed to be property within the meaning of constitutional guarantees. That is his means of livelihood. He cannot be deprived of his labor or work without due process of law.

See also *Torres vs. Quintos, supra.*

[15] G.R. No. L-3708, May 18, 1953.

[16] G.R. No. L-4855, October, 1951.

[17] G.R. No. L-4964, October, 1951.

[18] G.R. No. L-5102, October, 1951.

> sion by the head of the State upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment'. Only having in mind this fundamental point of view can we determine in its true light the important case before us which has no precedent in the annals of our jurisprudence."

Later in the same opinion, he declared succinctly, "What is not possessed cannot be relinquished." And in his conclusion—"Our country is in distress. Our individual and collective security are in great peril. Our Chief Executive has taken stock of the gravity of the situation and to avert the spread of the subversive movement, has issued the Proclamation under consideration. It is our duty to find a way within the tenets of the law to the end that this great and compelling objective may be brought to a happy and successful fruition."

His decisions are a good example of excellent legal reasoning. After a recital of the facts, the first thing that he invariably does is to pinpoint the issues involved in the case. He then proceeds to an exhaustive discussion of each point and thereafter draws his conclusion.[19]

A good illustration of this is his decision in the case of *Community Investment and Finance Corporation vs. Garcia*,[20] wherein, after relating the facts and enumerating the issues, he proceeds thus:

> "As regards the first point, there is no doubt that the plaintiff has a cause of action against the defendant within the meaning of the law and the authorities. That is, plaintiff has a right to collect the balance of the prices of the shares of stock sold to the defendant, with the corresponding interests and attorney's fees incident to the litigation, and the defendant has the corresponding obligation to pay said balance on its date of maturity, and the defendant committed an omission when he defaulted in the payment of the obligation. These are the elements that constitute a cause of action in contemplation of law. If these elements are present, there is cause of action, and the right of the plaintiff to relief is inescapable. The complaint cannot and should not be dismissed. It appears, however, that while the defendant defaulted in the payment of his obligation to the plaintiff, the enforcement of such payment has been halted by Executive Order No. 25 as amended by Executive Order No. 32, which declare a moratorium on all monetary obligations payable within the Philippines pending action by the Commonwealth government. By virtue of this moratorium injunction, the cause of action of plaintiff has thereby been impaired in the sense that the action has been temporarily stayed. This conclusion is obvious. If payment of the obligation cannot be enforced, the debtor does not assume any correlative responsibility, and so one of the essential elements constituting a cause of action is lacking. We have taken notice of the authorities cited by counsel in an effort to bring about some technical differences between a cause of action and a right of action. But

---

[19] See *Salonga vs. Warner Barnes*, G.R. No. L-2246, Jan. 31, 1951; *Community Investment vs. Garcia*, G.R. No. L-2338, Feb. 27, 1951; *Primicias vs. Ocampo*, G.R. No. L-6120, June 30, 1953; *Lecson vs. Roque* (Dissenting), G.R. No. L-6225, Jan. 10, 1953.

[20] G.R. No. L-2338, Feb. 27, 1951.

we are of the opinion that whatever the difference may be, it is of no consequence here, considering the interpretation given by this Court to a cause of action based on the moratorium law.

After quoting a portion of the case he referred to, he continues:

. . . the court may render to enforce the payment of debts and other monetary obligations, but also the filing of suit in the courts of justice if timely objection is set up by the debtor. And having the defendant set up the defense of moratorium in due time, the lower court has no other alternative than to dismiss the complaint.

"Counsel for plaintiff, however, claims that the defendant has not raised the defense of moratorium on time because he has raised it for the first time in the second motion to dismiss which he filed after he has already filed his answer to the complaint. And having failed to raise it in the first motion to dismiss, or in his answer, he is deemed to have waived his right to do so as insinuated in the Ma-ao Sugar Central case.

"We find no merit in this contention. In the first place, there is no rule or law prohibiting the defendant from filing a motion to dismiss after an answer had been filed. On the contrary, section 10, Rule 9, expressly authorizes the filing of such motion at any stage of the proceeding when said motion is based upon plaintiff's failure to state a cause of action. The following authorities bear this out.

(Quotation from authorities.)

"In the second place, under section 10, Rule 9, the 'defense of failure to state a cause of action' may be alleged in a later pleading The following authorities bear this out.

(Quotation from authorities.)

"But there is another reason why the motion to dismiss setting up the defense of moratorium was filed only after the filing of the answer on October 20, 1947. This special reason is the recent decision of this Court promulgated on December 3, 1947, in the case of Ma-ao Sugar Central Co., Inc. v. Judge Barrios, et al., G.R. No. L-1539, wherein it was laid down that the moratorium order suspends the filing of suit in the courts of justice as regards the enforcement of monetary obligations. It should be noted that the answer was filed on October 20, 1947. Because of this supervening event there was certainly need of filing the second motion to dismiss in order to implement the decision of this Court, which is decisive of the right of action of the plaintiff. This step finds sanction in the following authorities.

(Citation of authorities.)

"The foregoing considerations prove conclusively that the issues and arguments advanced by counsel for the appellant in his brief are not well taken and must fall on their own weight. The action taken by the lower court is therefore justified.

"But there is another point that should not be overlooked in the consideration of this case. It refers to the approval of Republic Act No. 342 on July 26, 1948, by Congress after this case was appealed to this Court, which lifts the ban of moratorium except only with regard to war sufferers or victims. In other words, presently

there is no moratorium order which may have the effect of suspending the enforcement of monetary obligations except only when the obligation is due from a war sufferer, in which case his alleged obligation shall not be due and demandable for a period of eight years from and after settlement of his war damage claim. While it is claimed by appellee in his brief that he is a war sufferer, there is nothing, however in the record to show this fact except an affidavit which had been attached to record over the objection of the appellant. Appellant has asked that all matters pertaining to appellee's claim that he is a war sufferer be stricken out from the record for lack of competent evidence.

"We believe and so hold that this claim of appellant is well taken. Appellee's claim that he is a war sufferer is a matter that should be established by competent evidence. This matter is important because it would determine if this case should be decided under the old moratorium orders, or under Republic Act No. 342, and in the absence of sufficient evidence this Court cannot proceed to intelligently pass upon the correlative rights of the parties brought about by the approval of the new law. The affidavit attached by the appellee to the record is not a competent evidence and has been objected to by appellant. The only alternative, therefore, is for this Court to remand this case to the court *a quo* for the presentation of the necessary evidence. . . . To decide this case merely on the affidavit submitted by appellee is unfair and would be contrary to the rules of evidence. . . ."

We may find another good example in the case of *Arboso vs. Andrade*.[21] In deciding whether or not there was prescription, Justice Bautista Angelo proceeded as follows:

"With regard to prescription, we find that possession may be interrupted either naturally or civilly, . . . Possession is interrupted naturally, when, for any cause whatsoever, it ceases for more than one year . . . Civil interruption is caused by the service of a summons upon the possessor, even should the judge who authorised its issue be without jurisdiction . . . But service of such summons shall be inoperative and shall not cause interruption if the suit against the possessor should be decided in his favor . . . These articles of the old Civil Code can still be invoked here under the transitional provisions of the New Civil Code, . . . and in our opinion have not been impliedly repealed by the Code of Civil Procedure. They refer to matters aliunde not covered by it. Repeals by implication are not favored. . . . To the same effect the following authorities which either interpret or reaffirm the foregoing provisions:

(Citation of authorities.)

"Now, bearing in mind the foregoing legal provisions and authorities, can it be said that Doroteo Andrade acquired ownership of the land in litigation by prescription in the light of the facts obtaining in this case? Our answer is in the affirmative.

"The attempts made by the heirs of Sotera Arboso to regain ownership and possession of the land in litigation cannot have the effect of interrupting the possession held thereof by Doroteo Andra-

[21] G.R. No. L-2176, Dec. 29, 1950.

> de since 1926 (when it was sold to him by Roman Budak) for the simple reason that all those attempts resulted in failure. The actions taken by them were either dismissed or decided in favor of Doroteo Andrade. Even their occasional entry into the land proved ineffective because of the repelling action taken opportunely by Andrade. It can therefore be said that his possession of the land has never been interrupted either naturally or civilly.
>
> "It is true that Doroteo Andrade may be considered as having acted in bad faith because he bought the property with knowledge of the lack of authority of Roman Budak to sell it or of the fact that he was not the owner thereof, but this guilty knowledge is of no moment for under the law title by prescription may be acquired in whatever way possession may have been commenced or continued . . . It appearing that Andrade had possessed the land openly, publicly, continuously and under a claim of title for a period of over ten years, it is evident that he acquired title thereto by prescription. . . ."

In other cases Justice Bautista Angelo supports his conclusions not merely by a single line of reasoning as in the above, but by reasoning from different viewpoints.[22]

A strict believer in precise terms, he goes at length discussing their meaning, at times minutely tracing their history, and distinguishing them from others.[23] A definition or a distinction is sometimes the turning point in cases he decides.[24]

One such case is that of *Sy Kiong vs. Sarmiento*.[25] This case involved a petition for declaratory relief whereby petitioner sought to determine whether his gross sales of flour to bakers is taxable under Ordinance No. 2723 of the City of Manila as retail gross sales. The issue therefore was whether the flour made by the petitioner and sold to bakeries to be manufactured into bread are retail or wholesale. If retail, they are subject to tax; if wholesale, they are not.

Justice Bautista Angelo first cited the case of *City of Manila vs. Manila Blue Printing Co.*,[26] wherein it was held that it is the character of the purchaser and not the quantity of the commodity sold that determines if the sale is wholesale or retail; and that if the purchaser buys the commodity for his own consumption, the sale is considered retail, irrespective of the quantity of the commodity sold. If the purchaser buys the commodity for resale, the sale is deemed wholesale regardless of the quantity of the transaction. He then asked—"Is a bakery who purchases flour to be manufactured into bread a consumer? Can a sale

---

[22] See *Cabauatan vs. Uy Hoo*, G.R. No. L-2207, Jan. 23, 1951; *Andal vs. Macaraig*, G.R. No. L-2474, May 30, 1951.

[23] See *Landicho vs. Tan*, G.R. No. L-4117, Nov. 16, 1950; *Guerra vs. Tolentino*, G.R. No. L-3095, Oct. 25, 1951; *Javier vs. Arsenia*, G.R. No. L-4369, Oct. 30, 1951; *Chua Kuy vs. Everett Steamship Corporation*, G.R. No. L-5554, May 27, 1953; *Lacson vs. Roque* (Dissenting), *supra*.

[24] See cases cited in Note 23; also *Diana vs. Batangas Transportation Co.*, G.R. No. L-4920, June 29, 1953, and *Pineda vs. Perez*, G.R. No. L-5588, Aug. 26, 1953.

[25] *Supra*.

[26] 74 Phil. 317.

of flour to a bakery be considered wholesale for the simple reason that the flour after its conversion into bread is resold to the public?" This is the main point, so he stated, that should be determined in order to have a basis for the determination of that novel controversy.

After having examined the laws involved, and having "failed to find any legal provision . . . that may be invoked to solve this important issue," he cited the case of *Buenaventura vs. Collector of Internal Revenue*,[27] wherein it was ruled that the sale of fish to an hotel by a vendor in a public market is a sale at retail and, therefore, subject to the retail sales tax law. The court therein stated that the hotel cannot be considered as a reseller of fish. The implication in that case, according to Justice Bautista Angelo, is that the sale of fish to an hotel is retail even if the same is to be sold later in the form of food. He then concluded—"The parallelism between that case and the one we are considering is apparent. In one case, the fish is converted into food through certain physical process, and, therefore, it suffers an alteration in form before it is sold. In such case the fish is resold in different form. A similar siuation obtains in the case of a bakery. The flour is converted into bread through a physical or chemical process and later is sold to the public in the form of bread."

As a statesman, Justice Bautista Angelo shows an awareness of the various factors that influence policy making in this jurisdiction. In deciding the case of *Rutter vs. Esteban*,[28] he observed:

> ". . . the wave of reconstruction and rehabilitation . . . has swept the country since liberation thanks to the aid of America and the innate progressive spirit of our people. This aid and this spirit have worked wonders in so short a time that it can now be safely stated that in the main the financial condition of our country and our people individually and collectively, has practically returned to normal notwithstanding occasional reverses caused by local dissidence and the sporadic disturbance of peace and order in our midst. Business, industry and agriculture have picked up and developed such stride that we can say that we are now well on the road to recovery and progress. . . ."

Neither is he unmindful of the problems confronting our government.

"If we go deeper in the analysis of the situation," he said in *Rellosa vs. Hun*,[29] "we would not fail to see that the best policy would be for Congress to approve a law laying down the policy and the procedure to be followed in connection with transactions affected by our doctrine in the Krivenko case. We hope that this should be done without much delay. And even if this legislation be not forthcoming in the near future, we do not believe that public interests would suffer thereby if

---

[27] 50 Phil. 875.
[28] *Supra*.
[29] G.R. No. L-1411, Sept. 29, 1953.

only our executive department would follow a more militant policy in the conservation of our natural resources as ordained by our Constitution." And in the case of *Rural Progress Administration vs. Reyes*,[30] he sized up the situation thus—"This case has given rise to a serious social problem to which our government cannot remain indifferent."

FRANCISCO D. RILLORAZA, JR.*

---

[30] G.R. No. L-4703, Oct. 8, 1953.

* LL.B. (U.P.) 1955; Formerly member of the Student Editorial Board, Philippine Law Journal.