THE JURISTIC THINKING OF MR. JUSTICE ALEJO LABRADOR

In the by and large, it is the thinking of the man that best describes him with precision. So it is with Justice Alejo Labrador of the Philippine Supreme Court. While it is beyond doing to weave in one whole the fabric of a man's thinking with comprehensive finality, attempt is here made to gather whatever strands present themselves as reflective of his true self.

Justice Labrador was born on July 17, 1894 in the town of San Narciso, province of Zambales. His collegiate schooling was confined to one institution, the University of the Philippines, where he finished his Bachelor of Arts degree in 1914, and his Bachelor of Laws degree in 1918. He topped the bar examinations of the same year. Even when he was studying at the U.P. law school, he was already earning his way as an employee in the Examining Division of the Bureau of Civil Service. After he passed the bar, he was appointed law clerk in the Office of the City Fiscal, Manila, serving from 1919 to 1920. Thereafter, he worked as Chief of the Law Division of the Bureau of Internal Revenue till 1922. Then, he ventured into politics, and successfully. From 1922 to 1928, he represented his province, Zambales, in the Philippine legislature. In recognition of his intellectual ability, he was appointed professor of law by his alma mater, from 1928 to 1936. He is at present a Professorial Lecturer in Procedure and Evidence (on leave) of the College of Law, University of the Philippines. In 1934, he represented his province in the Constitutional Convention where he was Chairman of the Committee on National Language.

The career of Justice Labrador on the bench started in 1936 when he was appointed Judge of First Instance. This position he held until the Japanese invasion of the Philippines in 1941. During the Japanese occupation, he was appointed chief of division, Judicial Administration, and later Vice Minister of Justice. Lastly, he served as Associate Justice of the Court of Appeals in Baguio. After the liberation of the Philippines, he was appointed Associate Justice of the Court of Appeals from 1946 to 1950. In the year 1950, he was appointed Presiding Justice of the same court, serving until 1952. From this date, he has been serving as Associate Justice of the Philippine Supreme Court.

The Justice is happily married to Concepcion M. Labrador with whom he has six children.

THE JURISTIC THINKING OF JUSTICE LABRADOR

A. On Family Relations.

It is only consistent with the temper of Filipino attitude, an attitude generated by years of profound Catholic influence, that Justice Labrador frowns upon marriage annulments. For marriage is not a mere contract but an inviolable social institution,[1] a relation in the preservation and protection of which the state has the great-

[1] Art. 52, Civil Code of the Philippines.

est interest. Family relations, when harmonious, are conducive to a stronger, united society; when disrupted, they are always a disturbance to the peaceful scene of the community, and provocative only of scandal and destructive of a healthy group-esteem. The Civil Code has deliberately placed numerous obstacles to the granting of marriage annulments and legal separations with the end of maintaining, so far as possible, matrimonial unity. It is in this spirit that Justice Labrador, in *Roque v. Encarnacion,*[2] declared that a counterclaim seeking to annul defendant's marriage to plaintiff, although not denied or resisted by the latter, cannot be declared by summary judgment proceeding

> "first, because an action to annul a marriage is not an action to 'recover upon a claim' or 'to obtain a declaratory relief,' and second, because it is the avowed policy of the State to prohibit annulment of marriages by summary proceedings.
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> "The fundamental policy of the State, which is predominantly Catholic and considers marriage as indissoluble (there is no divorce under the Civil Code of the Philippines) is to be cautious and strict in granting annulment of marriage (Articles 88 and 101, Civil Code).
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> "Pursuant to this policy, the Rules of Court expressly prohibit annulment of marriages without actual trial (Sec. 10, Rule 35). The mere fact that no genuine issue was presented, and we desire to expedite the dispatch of the case, can not justify a misrepresentation of the rule we have adopted or a violation of the avowed policy of the State."[3]

One can not fail to notice how the Justice highly regards the importance of the marital bond. To him, it is corrosive of public morality to severe such tie. And such morality which exacts meticulous compliance from all is one dictated by the requirements of religion. It is a religion whose teachings demand and deserve obedience, obedience justified by its position of authority acquiesed in by the vast majority of Filipinos. This dominant role of religion Justice Labrador accepts, specially in regard to family relations, and this recognition impresses itself unmistakably in his writings. Read, for example, how he interprets the phrase "proper and irreproachable conduct" in the naturalization of a Chinese, Yu Singco.[4] The case was an appeal before the Supreme Court from a decision of the lower court granting Filipino citizenship. The opposition of the Solicitor General was grounded on the fact that the petitioner had lived an immoral life by maintaining two Chinese wives. The petitioning Chinese did not deny the truth of his previous relationship with Concepcion Cua with whom he had five children, and that, also, he has ten children with one Chua Hoc Ty, whom he married in Amoy in 1924. "We are constrained," run the decision, "to uphold Solicitor General's contention that petitioner has not conducted himself "in a proper and irreproachable manner during the entire period of his residence in the Philippines'." And he continues:

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[2] 50 O.G. No. 9, 4193 (1954).

[3] *Ibid.*

[4] Yu Singco v. Republic, 50 O.G. No. 1, 104 (1954).

> "What constitutes 'proper and irreproachable conduct' within the meaning of the law of the country of which the petitioner is a citizen (polygamy is allowed in China), but by the standards of morality prevalent in this country, and these in turn by the religious beliefs and social concepts existing therein. This country is predominantly Catholic and universally Christian in religious belief. Both seduction and bigamy are punished as crimes, and while seduction is a private crime and illegitimates declared legal heirs, a man and a woman living together as husband and wife, if known to be unmarried, are in general despised and avoided in society, even if not considered social outcasts. Society may pardon the sins of their members, but such pardon should not be confused with approval. In the case at bar, we disagree with the conclusions of the trial court and hold that as petitioner had previously lived with another woman with whom he has had five children and subsequently abandoned them, marrying another, his conduct can under no circumstances be considered 'proper and irreproachable' within the meaning of the law, even if he actually gives support to his children."[5]

It is an extension of the influence of his religion that the Justice stoutly protects the honor of the Filipino woman which, to her, is as cherished as life itself. It is to him a gesture of traditional Filipino chivalry. To those who would depart from this standard of conduct he is rightly unforgiving. Witness how he stands for the continued high esteem of the Filipino woman in the case of *People v. Ching Suy Siong*,[6] which was one for illegal detention and rape. On defense's argument that defendant "David Mata jestingly embarked upon a bad joke on the person of the complainant Tayting by lifting the hem of her skirt and embracing her but from which appellant Mata voluntarily desisted (within a minute)" Justice Labrador remarked with stern rebuke:

> "We do not consider the act of David Mata as an innocent joke; any attempt on the honor of a woman, however humble she may be, cannot be taken as a joke. Complainant had given no occasion to make David Mata believe that she was willing to accept a joke from him. ...The act of appellant Mata in attempting against her honor was the more condemnable in view of the fact that the complainant was a newcomer in Manila, evidently not used to liberties that men take with women of low moral standards, who had come to Manila patiently bearing the indignities heaped upon her just so she will be able to find a decent means of livelihood."

B. On Criminal Law.

Because in criminal prosecutions it is the liberty and even the life of the accused that is at stake, Justice Labrador deems it only becoming that the guilt or innocence of the defendant be declared after a thorough and convincing examination into the merits of the case. It is a natural spectacle to see the decisions of the Justice on criminal cases so detailed. He always makes it a point to include a painstakingly minute recital of the facts and individual testimonies

[5] *Ibid.*
[6] G.R. No. L-6174, Feb. 28, 1955.

of the witnesses.[7] And from these, he goes forth making logical inferences, examining all possibilities and contingencies, placing himself in the position of the accused under the circumstances and reasoning how the ordinary person would reasonably act. He is simple and clearcut. He relies much on probabilities, on natural expectations and natural consequences in the resolution of the guilt of the accused.[8] He uses much that faculty we call "common sense" in the appraisal of the facts presented; he believes in the standards of the "reasonable man," that given a set of facts, a reasonable man ordinarily reacts in a way which may be consistently expected to be uniform for all normal persons. It is a deep regard for simplicity and straightforwardness that often shows itself in his criminal law decisions. It is a thinking mind that avoids, nay, shirks away from the fetters of technicality. So in the case of *People v. Austria,*[9] he curtly made of record his dissent: "I concur in the dissent . . . The grounds upon which the majority decision are based are too technical to subserve the ends of justice."

Deep-seated abhorrence cannot remain long undisclosed. And again Justice Labrador did not have to hide his disregard for legal technicalities in *Ozaeta v. Pecson* [10] where he decided:

> "In the case at bar, the will has already been admitted to probate, and respondent judge himself has expressly appointed petitioner as administrator. The only reason or ground, therefore, for the appointment of a special administrator, who is not the petitioner himself, *is a very technical one.*" [11]

C. On Procedure.

Procedural law appears to be the forte of Justice Alejo Labrador. As such, he excels in this field, being, as he is, a Professorial Lecturer on Procedure and Evidence in the College of Law of the University of the Philippines.

The rendering of justice is indeed the noblest task. And the position of members of the bench and the integrity of judicial proceedings as well must ever be held up high in the eyes of the public, for such public confidence and respect is essential to the proper administration of justice. So it is with all truth and seriousness that he declared in *Go Chi Gun v. Co Cho* [12] that "Public policy demands that judicial proceedings may not lightly be considered; it is necessary that full faith and credit should be given thereto in order that matters settled thereby may no longer be subject to doubt or question." And again, in *Embate v. Penolio*:[13]

[7] See People v. Velayo, G.R. No. L-7257, Feb. 8, 1955.
[8] See People v. Caggawan, 50 O.G. No. 1, 124 (1954); People v. Lanas, 49 O.G. No. 6, 2305 (1953).
[9] 50 O.G. No. 5, 1967 (1954).
[10] 49 O.G. No. 7, 2802 (1953).
[11] Italics supplied.
[12] G.R. No. L-5208, Feb. 28, 1955.
[13] 49 O.G. No. 9, 3850, Sept. 1953.

"Judgments are formal and solemn pronouncements made after trial and deliberation, and the rights and obligations fixed therein may not be modified except in the same form and manner in which they are arrived at; and while they stand unmodified they must be enforced and respected by the parties."

The solemnity of judgments is extended to agreements of litigants approved by the court. And when such agreements are entered into, even the court is bound to respect its terms. Read what the Justice said in *Bernardo v. Court of Appeals:*[14]

"This Court, or any court for that matter, does not possess the right to extend the scope of the agreement entered into solemnly by the parties before the court; the agreement should be considered as containing all the terms that the parties wanted to insert therein. If the parties wanted said privilege to be reorganized, they should have expressed it in their agreement. After the said agreement had been formally executed, no deductions or inferences should be allowed to be inserted therein without the consent of the parties."

Emphasizing further the important attributes of judicial proceedings, the Justice, in *Chua Hiong v. The Deportation Board*[15] proceeded to compare administrative proceedings with judicial proceedings:

"If the citizen's right to his peace is to be protected, it must be protected preferably through the medium of the courts, because these are independent of the other branches of government and only in their proceedings can we find guarantees of impartiality and correctness, within human limitations, in the ascertainment of the jurisdictional fact in issue, the respondent's claim of citizenship. And if the right is precious and valuable at all, it must also be protected on time, to prevent undue harassment at the hands of ill-meaning or misinformed administrative officials. Of what use is this much boasted right to peace and liberty if it can be availed of only after the Deportation Board has unjustly trampled upon it, besmirching the citizen's name before the bar of public opinion? However, it is neither expedient nor wise that the right to a judicial determination should be allowed in all cases; it should be granted only in cases where the courts themselves believe that there is substantial evidence supporting the claim of citizenship, so substantial that there are reasonable grounds for the belief that the claim is correct. In other words, the remedy should be allowed only in the sound discretion of a competent court in a proper proceeding."

The Justice here is inspired and talks with perfect wisdom. In an outburst of concern, perhaps precipitated by the apparent strokes of injustice that people suffer in the hands of an over-zealous Deportation Board, Justice Alejo Labrador, with justified intensity, bats for the superiority of judicial proceedings over administrative proceedings. The authority of administrative bodies should

[14] G.R. No. L-7248, May 28, 1955.
[15] G.R. No. L-6038, March 19, 1955.

be accorded due respect, but the citizen must, above all else, be protected. So that when such bodies rise beyond their powers, and in the process expose the rights of the citizen to undue harassment, then must the judge step in to right the iniquities and preserve the neat balance between individual liberty and government authority.

Justice, if it is to be of any consequence at all, must be administered with speed. For truly, justice delayed is justice denied. This, Justice Labrador has proclaimed in the case just quoted, for "if the right (to citizenship) is precious and valuable at all," so he said, "it must be also protected on time, to prevent undue harassment at the hands of ill-meaning or misinformed administrative officials." This imperative need for dispatch in the disposition of cases before the court is patently perceived in election cases. In some cases, the right of a person to a public office is declared only when he has just a few days to enjoy the office which was rightly his in the first place, because another election is coming and the greater portion of the term was wasted in litigation. This situation is indeed most unfair not only to the person finally declared duly elected, but also to the electors who have chosen him. Justice Labrador undoubtedly had this in mind when he penned the decision in *Montilla v. Montilla*:[16]

> "As the protest involves the election of a Mayor in November, 1955, the resolution of the question as to which court has jurisdiction to try the case needs urgency, as another election is coming in a matter of a few months."

The desire to have the maximum in speed in the determination of court litigations is expressed even in his interpretations of statutes. In *Rodriguez v. Arellano*,[17] a case brought to the Supreme Court on appeal from an order of the court quashing the information on the ground that the accused was not present during the fiscal's preliminary investigation, Justice Labrador proceeded to interpret Section 2 of Republic Act No. 732 thus:

> "The Legislature must have seen the speed and efficacy in which investigations by the city fiscal of Manila are conducted, in contrast to those before justice of the peace courts (in accordance with the provision of Sec. 11 of Rule 108), and it must have found it wise in the interests of the speedy dispatch of criminal cases to adopt the same procedure outlined in Act 612 for the provincial fiscals. There is guaranty of efficiency and impartiality on the part of provincial fiscals because they have better qualifications than justices of the peace and are less amenable to influence than officials of municipalities. This legislative intent and desire would be frustrated were we to uphold the respondent's contention."

For the proper administration of justice in judicial proceedings, Rules of Court have been promulgated for the guidance of court officers. Justice Labrador is one who would demand obedience to these rules for dispatch and to avoid confusion. He is strict in the computation of the reglamentary period for appeal; he penalizes

[16] G.R. No. L-5616, March 30, 1955.
[17] G.R. No. L-8332, April 30, 1955.

without reluctance the party who sleeps on his rights.[18] The rules on procedure are intended not only for the counsel representing the litigants, but also the judge. The judge must as well follow the procedure outlined for him to obey. While the judge has, in the nature of our judicial structure and operation, great areas for the play of discretion, yet Justice Labrador, like a watchful sentinel, sees to it that such discretion is moored within established boundaries. In the case of *Nieto v. Ysip*,[19] therefore, where the judge appointed a commissioner without the necessary prior order of condemnation, Justice Labrador was quick to point out that this was an irregular exercise of judicial power amounting to abuse of discretion in deviating from the procedure provided in the rules in condemnation proceedings. Again, in *Belandres v. Lopez Sugar Central Mill Co., Inc.*,[20] he was quick in cautioning the judge that his opinion of what action the plaintiff is entitled to bring is not decisive of the nature of the case, and that only the pleadings are determinative for the purpose.

An impregnable sense of fairness is a judicial attribute that we take for granted all members of the bench possess. But in Justice Labrador it has developed to a punctilious degree. This much we gather from his writings. In one case, for example, the Court of Industrial Relations, admitting a mistake in computation, had to modify a prior order, thus reducing the money value of the rights, benefits, and privileges awarded to a labor union in a decision of the same court increasing labor wages and the contract price for hauling coal.[21] In denying the petition for certiorari, and in answer to the labor union-petitioner's contention that the Court of Industrial Relations exceeded its jurisdiction because the previous order had become final and executory, Justice Labrador advised:

> "It is certainly unfair and unjust for the petitioner to take advantage of a mistake of the examiner of the court and the error of the court induced by such mistake to demand rights not included in its original motion for execution nor contained or embraced in the judgments which it sought to be executed or implemented. Certainly, no rights can be predicated on mistakes of the court employees or of the court induced thereby. The petitioning union can under no circumstances base or claim any right arising from the mistake of the examiner of the court and when the court realized that it had been induced by error . . . The petitioner had absolutely no right to object to the correction."

It is still fairness arrived at after indulging in the niceties of distinction not so easily observed in the case of *Castaño v. Castaño.*[22]

> "The order of dismissal of the first complaint is final and conclusive only as to the absence of a sufficient cause of action *at that time*, i.e.,

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[18] See Garcia v. Santico, G.R. No. L-7383, May 27, 1955.

[19] G.R. No. L-7894, May 17, 1955.

[20] G.R. No. L-6869, May 27, 1955.

[21] Philippine Land-Air-Sea Labor Union v. Cebu Portland Cement Co. and Court of Industrial Relations, G.R. No. L-7296, April 30, 1955.

[22] G.R. No. L-7192, Jan. 31, 1955.

because the defendants had not yet received their share in the inheritance of the common father. But it is not conclusive as to the new complaint, where allegation is made that the defendants have already received their shares in the inheritance, left by the common father. When the first complaint was filed in 1939, no cause of action had occurred against the defendants because they had not yet received their shares in the inheritance, their liability arising from the fact of their receipt of said shares. Under the new complaint the cause of action has accrued, the case upon which the defendants' obligation depends, having happened. It would be unjust and unfair at this juncture, and without this new fact in mind, to say that the previous order of dismissal is a bar to the new complaint.

"From another point of view, it may be stated that the said case was dismissed because the action was premature. The order of dismissal, therefore, is no bar to the present suit."

But it is more understanding than fairness which we feel in his decision in the case of *Aquino v. De Guzman.*[23] Here, a registration case was tried jointly with a civil case because the parties were the same in both. A joint decision was rendered against petitioner herein. A notice of appeal for both and a joint record on appeal was submitted, but an appeal bond was deposited for the civil case only. On motion of the other party, the appeal for the registration case was disapproved. On a petition for certiorari from the order dismissing the appeal in the registration case, the Supreme Court, through Justice Labrador, said:

"But while we hold that there is no error of law committed by the court *a quo* in dismissing the appeal in the registration case, there are potent reasons why, in the exercise of its discretion, it should have decreed otherwise. One is the fact that the civil case is entirely dependent upon the registration case; * * *. The other reason is the fact that as the two cases were so inextricably related to each other, and they were tried jointly, and only one joint record on appeal presented, appellant's attorney or his client or both may have overlooked the need of filing two bonds, or thought that one was sufficient without the other. This constitutes an excusable oversight."

The requirement of notice to interested parties in a judicial proceeding is the foundation stone of fair dealing. To Justice Labrador, as should be, notice is a vital and indispensable part of a just proceeding in court. Notice his disconcert in finding out that the requirement of notice was not complied with in *Eusebio v. Valmores*:[24]

"A study of the records also discloses fatal irregularities in the notices required to be given. Thus, nowhere does it appear from the record that Domingo Valmores was ever personally notified of the filing of the petition or of the time and place for hearing the same. (Petition for letters of administration) * * * The known heir in this case was Domingo Val-

[23] 49 O.G. No. 9, 3843, Sept. 1953.
[24] G.R. No. L-7019, May 31, 1955.

mores and notice should have been given him in accordance with secs. 3 and 4 of Rule 77. * * *.

"We, therefore, find that the error imputed to the trial court in oppositor-appellant's brief that the court has failed to comply with the provisions of secs. 3 and 5 Rule 80 had not been compiled with, was actually committed. The requirement as to notice is essential to the validity of the proceedings in order that no person may be deprived of his right or property without due process of law. The absence of notice to heirs becomes the more apparent in the case at bar, where evidently a stranger has been able to railroad the proceedings in court without opportunity of the person most interested in the estate of the deceased to appear and contest in due time the right of the petitioner or the appointment of the person recommended as administrator."

Continuing the decision, and after a study of the matter at hand, Justice Labrador attempts to make an explanation:

"In a way, the failure of Domingo Valmores to receive better treatment at the hands of the court *a quo* may be attributed to the unfortunate condition of the lawyer to whom he had entrusted the defense of his rights.—(Atty. A. G. Gavieres, who represented Domingo Valmores, had been found to be too old and thus unfit to handle a civil case [annexes A and A-1 attached to the Memorandum of counsel for Jacinta Siscar]). On the other hand, the failure on the part of the trial judge to exercise care in the consideration of the evidence adduced at the hearing and in following the procedure outlined by the rules had contributed to the irregularities. Perhaps also counsel for appellee had taken advantage of the carelessness of the court and the incompetence of adverse counsel to bring these proceedings to a stage where real heirs or persons in interest have been deprived of their rights. Be it as it may, there is still time to correct the error committed and right the wrongs and injustices caused to the parties legally entitled to the estate."

Few are the times when Justice Labrador found it necessary to disagree with his brethren on the bench, in the true spirit of maintaining as often as possible the unity of decision so desirable for the potency of pronouncements of a court of last resort. But when the occasion to raise a voice of dissent presents itself, out of a strong conviction against the thinking of the majority, he does so with all the vehemence at his command. He is frank about his beliefs and does not hesitate to tell his colleagues when he believes they have been remiss in their duties. And the case of *Nacua v. Intestate of Alo*[25] is one rare instance where the Justice wrote a strongly-worded dissent, concurred in by Chief Justice Paras and Justice Bautista Angelo. Briefly, the facts are as follows: Nacua obtained in his favor a judgment from the deceased Alo. Alo appealed to the Court of Appeals. Meanwhile, the war came, and the records of the case were lost in the Court of Appeals. No reconstitution of records was made by both parties. The trial court held that "as none of the parties had sought the reconstitution of the records of the previous case in the Court of Appeals, the judgment of the Court

[25] 49 O.G. No. 8, 3353 (1953).

of First Instance in said unreconstituted cases was *ipso facto* revived for the reason that the jurisdiction of the lower court was restored by the abandonment of the case, and it may proceed as if no appeal had been taken." The Court of Appeals reversed this ruling saying that the ruling of the trial court in the previous case had not become final by reason of the appeal. The majority decision of the Supreme Court, however, gave the administratrix of the deceased Alo an option to revive the appeal that the deceased had in his lifetime prosecuted.

Justice Labrador begins his dissent in wonderment and in a low tone:

> "In my humble opinion, the decision af the Court of Appeals is correct. I cannot understand by what principle of law the majority of the court, without any petition being presented for the purpose, now authorize the old case, Civil Case No. 1503 of the Court of First Instance of Cebu, to be revived and allowed to continue at the option of the respondent.
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> ". . . The issue before the Court of First Instance, as well as before the Court of Appeals, is, was the judgment of the Court of First Instance in civil case No. 1503, which had been appealed to the Court of Appeals, considered revived upon the failure of the parties to reconstitute the records of the case in the Court of Appeals? By what principle of law or procedure are we authorized to go beyond the above issue and hold that the defendant in said case may still revive the old case, starting from where it ended in the Court of First Instance, *when none of the parties had asked for this remedy, and this issue was never before the two courts below.*
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> "The period for reconstruction has long ago expired, yet the majority authorizes the reconstitution at the option of the respondent. We fixed the periods for reconstruction, yet we allow it to be availed of by a party who never asked for it and has waived the privilege by his inaction. In so doing the majority transcends judicial authority, and in its officiousness actually acts as a solicitous guardian of one party, instead of impartially administering justice and deciding only questions presented to it."

In reminder of the limit of judicial function, his dissent continues:

> ". . . I humbly believe that it is beyond the power of this court, under the guise and excuse of judicial interpretation, to insert by judicial fiat an additional provision or principle in the law of reconstruction (Act 3110), i.e., that of optional revival or restoration, which is contrary to its express provision and the evident spirit and intent thereof.
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> "In effect, the action of the majority is a restoration of a case pending in the Court of Appeals to the jurisdiction of the Court of First Instance, despite the fact that the parties have not chosen to ask for its reconstruction. This, I believe, is beyond our power, beyond the scope of judicial authority. Jurisdiction, in the sense of authority to take cognizance of cases, is fixed by law, not by the judicial power."

And now, in furious disgust, heightened by the thought that the highest court of the land has committed an unfortunate wrong, Justice Labrador closes in all candor:

"I must confess I can not follow the ramblings of the majority. If we must interpret the law, we must interpret it in the spirit in which it is enacted; if we must enlarge its scope by construction, we must enlarge it by carrying out the legislative intent and purpose, and not circumscribe its application within the narrow confines of its letter and then adopt and insert therein novel theories of our own making which are contrary to the philosophy of the law evident from its express provisions."

D. On Government.

What Justice Labrador impresses the reader of his decisions is his great respect for coordinate branches of government. It is a kind of respect that springs from an over-riding respect for the principles upon which the Philippine Constitution was written.

It is one of his staunch ideas on government that the chief executive should be strong, and that in the exercise of his powers he should be allowed the greatest leeway. This does not mean, however, the toleration of executive abuse. It is only a desire to give all possible validity to the acts of the President on the beneficient and established doctrine that his actions are done in good faith and in the exercise of prudent discretion. So it is not hard to explain, therefore, that in the case of *Lacson v. Roque*,[26] Justice Labrador, with Justices Bengzon and Montemayor, joined the dissent of Justice Bautista Angelo who said of the action of President Quirino in suspending Mayor Lacson:

". . . the officer invested with the power of removal is the sole judge of the existence of the sufficiency of the cause, and unless a flagrant abuse of the exercise of that power is shown, public policy and a becoming regard for the principle of separation of powers demand that his action should be left undisturbed."

In the case of *Arnault v. Balagtas*,[27] Justice Labrador repeats his way of showing due esteem to the legislative department as a coordinate branch of our system of government. Arnault, for contumacy as a witness before a legislative investigating body, had been incarcerated for quite a time already, and in this case he makes a new bid for release. From a decision of the lower court, and pointing out the error of the latter, the Justice said:

"It (the lower court) assumed that courts have the right to review the findings of legislative bodies in the exercise of the prerogative of legislation, or interfere with their proceedings or their discretion in what is known as the legislative process.

"These the judicial department of the government has no right or power or authority to do, much in the same manner that the legislative department may not invade the judicial realm in the ascertainment of truth and in the application and interpretation of the law, in what is known as the judicial process, because that would be in direct conflict with the fundamental principle of separation of powers established by

[26] 49 O.G. No. 1, 93 (1953).
[27] G.R. No. L-6749, July 30, 1955.

the Constitution. The only instances when judicial intervention may lawfully be invoked are when there has been a violation of a constitutional inhibition, or when there has been an arbitrary exercise of the legislative discretion."

And the Justice proceeds to explain the case of Arnault with detailed patience:

"All the courts may do, in relation to the proceedings taken against petitioner prior to his incarceration, is to determine if the constitutional guarantee of due process has been accorded him before his incarceration by legislative order, and this because of the mandate of the Supreme Law of the Land that no man shall be deprived of life, liberty or property without due process of law. In the case at bar such right has been fully extended the petitioner . . ."

In the following lines, hear the Justice speak for the fullest opportunity of legislative exercise:

"The principle that Congress or any of its bodies has the power to punish recalcitrant witnesses is founded upon reason and policy. Said power must be considered implied or incidental to the exercise of legislative power, or necessary to effectuate said power. How could a legislative body obtain the knowledge and information on which to base intended legislation if it cannot require and compel the disclosure of such knowledge and information, if it is impotent to punish defiance of its power and authority? When the framers of the Constitution adopted the principle of separation of powers, making each branch supreme within the realm of its respective authority, it must have intended each department's authority to be full and complete, independently of the other's authority or power. And how could the power and authority become complete if for every act or refusal, every act of defiance, every act of contumacy against it, the legislative body must resort to the judicial department for the appropriate remedy, because it is impotent by itself to punish or deal therewith, with the affronts committed against its authority and dignity."

Justice Labrador, especially because he belongs to the judiciary, is certainly one who asserts that the judicial branch must always be left independent for the impersonal administration of justice above all suspicion. But in the assertion of such judicial right and the protection of judicial integrity he is neither presumptuous nor unreasonable. Rather, he is constantly cautious that the judicial power might overstep its bounds, as in the recent case of *Ocampo v. The Secretary of Justice*.[28] Here was a clash between two constitutional provisions, the legislative power to create and abolish a public office and the security of judicial tenure. Justice Labrador at the outset made clear his stand:

"I do not dispute the fundamental principles which my brethren have expounded as underlying our scheme of government. The independence of the judiciary, its inviolability against executive or legislative encroach-

[28] G.R. No. L-7910, Excerpts from the minutes of Jan. 18, 1955.

> ment and the permanence of judicial tenure are so plain as to need elucidation. I am also aware of the fact that the judiciary is the weakest of all the three departments of the Government. However, in our zealousness to conserve judicial independence we should be careful to guard against self-pity and passion taking the better part of reason and allowing them to becloud the real issue. The question should be dispassionately considered, bearing in mind, on the one hand, that every presumption of good faith should be accorded a coordinate department that had decreed the passage of the disputed legislation, especially as in the present instance the legislative department has been expressly granted the power to organize or reorganize inferior courts (Section 1, Article VIII, Constitution of the Philippines), and on the other, the nature of the offices abolished and the underlying causes for said abolition, as these cirmumstances in a very great measure may give an aspect to the issue different from what it may appear to be."

In the face of the popularity of that so-called doctrine of judicial supremacy—that the law is what the judges say it is—this manner of thinking of Justice Labrador comes as a welcome warning to temper judicial over-enthusiasm. This is not to say that he proposes to have a submissive court, for even in the case of the Bar Flunkers Bill,[29] he ably defended the inherent right of the courts as against the legislative department to control the admission of members to the bar. In an opinion, concurring and dissenting, he expounded:

> "The right to admit members to the Bar is, and has always been, the exclusive privilege of this Court, because lawyers are members of the Court and only this Court should be allowed to determine admission thereto in the interest of the principle of separation of powers. The power to admit is judicial in the sense that dicretion is used in its exercise. This power should be distinguished from the power to promulgate rules which regulate admission. It is only this power (to promulgate amendments to the rules) that is given in the Constitution to the Congress, not the exercise of the discretion to admit. Thus the rules on the holding of examination, the qualifications of applicants, the passing grades, etc., are within the scope of the legislative power. But the power to determine when a candidate has made or has not made the required grade is judicial, and lies completely with this Court." [30]

CONCLUSION

In the many years that Justice Alejo Labrador has served on the bench his heart and mind have always been dedicated diligently to the "trepidations of the balance", a true judge, indeed, for to him forever, the law is beyond prejudice.

SANTIAGO F. DUMLAO, JR.

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[29] Rep. Act No. 972—"An Act To Fix the Passing Mark for Bar Examinations From 1946 Up To And Including 1955."

[30] In re Petitions For Admission To The Bar of Unsuccessful Candidates of 1946 to 1953. Resolution of the Supreme Court, 50 O.G. No. 4, 1602, 1643 (1954).