COMMENT

THE JURISTIC THINKING OF JUSTICE JOSE B. L. REYES

Early in 1954, a metropolitan newspaper editorialized:

> "The man President Magsaysay appointed to the presidency of the Court of Appeals is one of the most learned men in the country. He is Jose Benedicto Luna Reyes, whose intelligence and wisdom, profound as these are, are matched by a great humility. He is, therefore, a happy choice for a position which should never have been made a political plum.
>
> "Under him, the Court of Appeals will once again be the institution that it was intended to be. Enjoying as he does the respect of his colleagues, Justice Reyes no doubt will succeed in establishing harmony in the Court without in any way impairing the individuality of his brethren. This, we believe, is necessary in a Court which is inferior only to the High Tribunal.
>
> "We take this occasion to congratulate Justice Reyes and to express the thought that his appointment is a rare instance in which the man honors the job, not otherwise." [1]

Thus they wrote of Jose B. L. Reyes, currently Associate Justice of the Supreme Court of the Philippines—a man whose life has been a dedication to law and Justice, whose name commands deep respect from his colleagues in the legal profession, and whose conduct is a model of judicial decorum.

Biographical Sketch

Justice J. B. L. Reyes [2] was born in Manila on August 19, 1902. His brilliance which was to illumine the Judiciary shone early in his life. In 1917, he graduated with the degree of Bachelor of Arts, *magna cum laude*, from the Ateneo de Manila. He transferred to the University of the Philippines, where, at the age of twenty, he received his Bachelor of Law degree. The next year, he took the bar examinations where he copped the sixth place. After being admitted to the Philippine Bar, Attorney Reyes practiced law with the firm of legal luminaries' Paredes, Buencamino and Yulo.

Justice Reyes' thirst for knowledge has always been insatiable. He spent two years at the Universidad Central de Madrid taking up special courses in civil law, this subject being his principal legal interest. In 1936, he finished his Master of Laws at the University of Santo Tomas. The next year, the degree of Doctor of Civil Law was conferred upon him by the same Pontifical University. In the meantime, he was also continuously learning law by teaching it. He has been a professor of law at the University of the Philippines, the Ateneo de Manila, and the Far Eastern University. At present, he is teaching law at the Manuel L. Quezon Educational Institute, a school where he is also a member of the Board of Trustees.

Recognition of the extraordinary legal talents of Justice Reyes came from no less than four Presidents of the Philippines. In 1940, the late President Manuel L. Quezon appointed the then Attorney Reyes as First Assistant Solicitor General in the Bureau of Justice. This was the opportunity he was waiting for; this was the appointment which may, as it has, start him well on the way towards the highest tribunals of the land, positions where his judicial frame

---

[1] "J. B. L." (*Editorial*), Manila Chronicle, Feb. 15, 1954, p. 4.

[2] Justice Reyes explains that his name is the result of a compromise: Jose is the name of his maternal grandfather; Benedicto, of his paternal grandfather; and Luis, his real Christian name. He is pleased about it because the initials "J. B. L." by which he is commonly referred to distinguish him from the great mass of Reyeses.

of mind would find their fullest expression. He held this position through the turbulent period of Japanese occupation. After liberation, upon the reorganization of the Court of Appeals, the late President Manuel A. Roxas appointed him as one of the Associate Justices. Added recognition came, when in 1948, former President Elpidio Quirino nominated Justice Reyes, an outstanding authority in International Law, for membership in the International Court of Justice. In February, 1954, President Ramon Magsaysay, in an appointment which was widely hailed in legal circles, named him Presiding Justice of the Court of Appeals. The Court of Appeals however was not going to feel his steady guiding hand for long. On June 30, 1954, Justice Jose B. L. Reyes reached what is now the peak of his career—the position of Associate Justice of the Supreme Court of the Philippines.

The routine of Justice Reyes' life as a member of the Supreme Court is a highly stable and pleasant one. He works steadily and energetically at cases before the Court.[3] He is extremely well read, a fact which is the inevitable result of his idea that relaxation is only a matter of change in mental activity. His extensive readings vary from legal literature to the latest books on political science, geopolitics and political economy to Spanish literature and poetry. His hobbies, which are photography and hand-writing study, while constituting his only leisure, serve as further outlets for his analytical and penetrating mind. While clubs and sports do not interest him, he nevertheless was one of the organizers and is a very active member of the Philippine Civil Liberties Union, an activity which fits perfectly into his crusading spirit for civil liberties.

Form and Substance

That "scholarship is a virtue" and "knowledge is power" are commonly accepted aphorisms. Yet these concepts would remain worthless and would even be suspect, unless they are channelled into a scheme which would benefit society by regulating the inter-play of social and economic forces in the community. Justice Reyes' chosen scheme is the field of law and justice. To him, law is a dynamic force—a force for infinite goodness; justice is the balancing of interests to secure harmonious co-existence of individuals within the social framework.

Under the realistic school of jurisprudence, laws are not prescribed and administered for their own sake, but rather as a means to attain social ends. Courts view statutes "not in isolation or in vacuo, as pronouncements of abstract principles for the guidance of an ideal community, but in the setting and framework of present-day conditions."[4] It is in the same context that Justice Reyes looks at our law. He considers the erroneous idea that law is an end in itself as the result of semantical confusion.

The breadth as well as the depth of J. B. L. Reyes' legal scholarship can easily be felt as one reads his numerous legal writings. The researcher is particularly impressed by the endless stream of logical, common-sensical, down-to-earth thoughts and ideas which smoothly flow to clarify doubts and to bring order to confusion. The pattern is almost always the same—an intelligent and diligent appraisal of the factual situation (more especially in criminal cases), an incursion into the relevant contentions of the adverse parties, and an exam-

[3] In the year 1955, Justice Reyes penned 66 decisions, the second highest in the Supreme Court for that year. Justice Bautista Angelo is the topnoteher with 72 decisions to his credit.

[4] Cardozo, B., Law and Literature and Other Essays and Addresses 75 (1931).

ination of law and jurisprudence involved so that the ideal of justice and fair-play may be satisfied.

Justice Reyes has the knack of presenting the most complex problems in clear, fluid, easy to understand language. His style is simple without being dull, thorough without being prolix. He has none of the flair for pedantry and rhetoric as an excuse for an uncalled for display of erudition; neither do his opinions suffer from paucity of thought or inadequacy of study.

In Justice Reyes, we find the harmonious combination of knowledge and experience, law and common sense; he enriches pure reason with a keen appreciation of the realities of practical life, and critical analysis with an acute imagination. As a thinker, he is a realist; as a scholar, he is a progressive.

To gain a better insight into the many-sided facets of Justice Reyes' brilliance and methodology, a random sampling from his many decisions is appropriate.

Pure reason and cold, incisive analysis are J. B. L.'s only tools in *Quizon v. Justice of the Peace*:[5]

> "The question, therefore, is whether the Justice of the Peace court has concurrent jurisdiction with the Court of First Instance when the crime charged is damage to property through reckless negligence or imprudence if the amount of the damage is P125.00.
>
> "We believe that the answer should be in the negative. To hold that the Justice of the Peace court has jurisdiction to try cases of damage to property through reckless negligence, because it has jurisdiction over cases of malicious mischief is to assume that the former offense is but a variant of the latter. This assumption is not legally warranted.
>
> "The necessity of the special malice for the crime of malicious mischief is contained in the requirement of our Revised Penal Code . . . that the offender "shall *deliberately* cause to the property of another any damage not falling within the terms of the next preceding chapter," i.e., not punishable as arson. It follows that, in the very nature of things, malicious mischief can not be committed through negligence, since culpa (negligence) and malice (or deliberateness) are essentially incompatible . . . .
>
> "The proposition (inferred from Article 3 of the Revised Penal Code) that 'reckless imprudence is not a crime in itself but simply a way of committing it and merely determines a lower degree of criminal liability' is too broad to deserve unqualified assent. There are crimes that by their structure can not be committed through imprudence: murder, treason, robbery, malicious mischief, etc. In truth, criminal negligence in our Revised Penal Code is treated as a mere quasi-offense, and dealt with separately from wilful offenses. It is not a mere question of classification or terminology. In intentional crimes, the act itself is punished; in negligence or imprudence, what is principally penalized is the mental attitude or condition behind the act, the dangerous recklessness, lack of care or foresight, the *imprudencia punible*. Much of the confusion has arisen from the common use of such descriptive phrases as 'homicide through reckless imprudence,' and the like; when the strict technical offense is, more accurately, 'reckless imprudence resulting in homicide'; or 'simple imprudence causing damages to property.'"

With an analytical mind and a critical sense of imagination as his main crutches in the case of *Abendano v. Hao Su Ton*,[6] he rejects the contention that the Ballantyne scale had a universal application in the country:

> "There is every reason for not applying the Ballantyne schedule except when sheer necessity demands it because of the absence of other evidence . . . Moreover, the schedule assumes that there was only one rate of equivalence throughout the Islands, when it is a well-known fact that the conversion rate changed from place to place, according to the facility in obtaining prime commodities. In the cities, where supply was scarce, the purchasing power of the military notes was lower than in the rural areas where food was more easily obtainable. In fact, there was only one standard universally accepted at the time, and that was the rice standard. It may be that the schedule sets up a list of averages; but if so, it must yield to proof of actual transactions. For averages may

[5] G.R. No. L-6641, July 28, 1955.
[6] 47 O.G. 6859 (1951).

> not correspond to reality; fifty men five feet tall and another fifty who are six feet tall, would yield an average height of five and one-half feet for the group, even if no one of the men should be actually five and one-half feet tall."

In *Graciano v. Otadoy*,[7] he squares the rules of the statute book with the demands of reason and the exigencies of human existence:

> "The appellant's stay in Manila was not really voluntary, but a necessity arising from the continuation of his studies, and his quest for a satisfactory cultural preparation for the struggle to survive. The right and duty to attain civic efficiency, enjoined by the Constitution, would be penalized and not fostered, were we to rule that a citizen may not pursue higher learning and competent technical preparation without forfeiting his domicile of origin, even if, as in the present case, facilities for such studies are not afforded in the town where he was born and to which he was attached."

A trained sense of right and justice wholly in touch with the realities of practical life comes to the fore as Justice Reyes moves in to protect the weak from strong power combinations:

> "This rigid application of the rule on ambiguities has become necessary in view of current business practices. The Courts can not ignore that nowadays monopolies, cartels and concentrations of capital, endowed with overwhelming economic power, manage to impose upon parties dealing with them cunningly prepared 'agreements' that the weaker party may not change one whit, his participation in the 'agreement' being reduced to the alternative to 'take it or leave it.' Labelled since Raymond Saleilles 'contracts by adherence' (*contrats d'adhesion*), in contrast to those entered into by parties bargaining on an equal footing, such contracts (of which policies of insurance and international bills of lading are prime examples) obviously call for greater strictness and vigilance on the part of courts of justice with a view to protecting the weaker party from abuses and imposition, and prevent their becoming traps for the unwary (New CC, Art. 24; Sent. of Supreme Court of Spain, 18 Dec. 1934, 27 Feb. 1942)."[8]

Where the determination of cases depends on an accurate appreciation of factual situations, he draws heavily on experience and a sensitivity to human nature in the delicate process of sifting fact from fancy. Thus, in *People v. Guanzon*,[9] he stated:

> "Having been overpowered and twice felled by the Aranetas, Guanzon had no choice but to accept the handshake offered by his victors; but it is naive and contrary to experience to assume that such ceremony could instantly wipe out Guanzon's natural resentment at the cavalier treatment to which he had been subjected in public. History shows that with individuals, as well as with nations, a forced peace ultimately proves to be neither genuine nor lasting."

Again in *Sison v. Te Lay Ti*:[10]

> Indeed, it is hard to believe, as counsel for defendant would want us to believe, that, after having been coerced and forced to marry against her will, plaintiff would so readily change heart and attitude towards defendant, and, with all willingness and voluntariness submit to all the incidents of married life. It is more likely for a girl who was forced to marry a man she did not love to remain cold, indifferent, and impassible towards her husband, and averse to and repulsive of any intimate relations with and sexual advances made by him."

The same fidelity to human experience was shown in *Ilejay v. Ilejay*:[11]

> ". . . the priest could not be 'so audacious and shameless as to go personally to the office of the municipal treasurer to register the birth of his son,' an act that would have aroused scandal in a small town, for obvious reasons; nor is it credible that he would have voluntarily caused his name to be entered in the public register as the father, openly flouting his religious vows of celibacy and chastity."

---

[7] 49 O.G. 2257 (1953).
[8] Qua Chee Gan v. Law Union and Rock Insurance Co., G.R. No. L-4611, Dec. 17, 1955.
[9] 48 O.G. 217 (1952).
[10] 48 O.G. 3906 (1952)
[11] 49 O.G. 4903 (1953).

With a dose of knowledge and plenty of common sense to aid him, he reiterates the rule that the criterion for compensation of expropriated lands is its value at the time of actual taking:

> ". . . For where property is taken ahead of the filing of the condemnation proceedings, the value thereof may be enhanced by the public purpose for which it is taken; the entry by the plaintiff upon the property may have depreciated its value thereby; or there may have been a natural increase in the value of the property from the time it is taken to the time the complaint is filed, due to the general economic conditions. The owner of private property should be compensated only for what he actually losses; it is not intended that his compensation shall extend beyond his loss or injury. And what he losses is only the actual value of his property at the time it is taken. This is the only way the compensation to be paid can be truly just; i.e., 'just' not only to the individual whose property is taken, but to the public, which is to pay for it.'" (18 Am. Jur. 873, 874).[12]

In *Lutz v. Araneta*,[13] we find Justice Reyes in a high point of judicial statesmanship as he goes into an able discussion of the economics of sugar in relation to the public welfare:

> "This Court can take judicial notice of the fact that sugar production is one of the great industries of our nation, sugar occupying a leading position among its export products; that it gives employment to thousands of laborers in fields and factories; that it is a great source of the state's wealth, is one of the important sources of foreign exchange needed by our government, and is thus pivotal in the plans of a regime committed to a policy of currency stability. Its promotion, protection and advancement, therefore redounds greatly to the general welfare. Hence it was competent for the legislature to find that the general welfare demanded that the sugar industry should be stabilized in turn; and in the wide field of its police power, the lawmaking body could provide that the distribution of benefits therefrom be readjusted among its components to enable it to resist the added strain of the increase in taxes that it had to sustain."

In *People v. Guanzon*,[14] we find him crusading for more scientific and progressive methods of criminal investigation and improved techniques of evidence presentation:

> "The time seems ripe to call the attention of all concerned, trial judges, fiscals, defense attorneys and investigating officers, to the fact that the kind of medical testimony and post-mortem reports now in use are of little service to the ends of justice. What is important, and what the reviewing courts need, is not so much a description in technical language of the injuries involved, but a graphic and correct representation of the location, sizes, directions, and inclinations of wounds or injuries involved, which may help the courts to infer the truth or untruth of the testimony on how such injuries were inflicted or came about. . . . it is highly desirable that before the coming of the millennium the task of the courts be made to some extent surer and less blind with the aid of such diagrams and charts. It is time . . . to replace verbal reports and descriptions, which are always something of a commentary, with the unmalleable testimony of photographs, plans, casts and measurements."

Civil Law: the Master at Work

Justice J. B. L. Reyes is recognized as one of the country's eminent authorities in Civil Law. This field is one of his great loves. He owns and uses a library which contains practically all the commentaries on the Civil Codes of every civil law country in the world. With his wealth of knowledge on the subject, it is easy to understand his terrible disappointment with the new Civil Code of the Philippines.[15] Considering the numerous inconsistencies, shortcomings, and vague provisions within it, Justice Reyes could not help remarking that the Code was too hastily prepared. Typical is this comment:

---

[12] Republic v. Lara, G.R. No. L-5088, Nov. 29, 1954.
[13] G.R. No. L-7859, Dec. 22, 1955.
[14] See note 9 *supra*.
[15] Rep. Act No. 386, approved, June 18, 1949.

> "Nothing reveals the unscientific haste with which this Code was assembled as these repeated stop-gap references to 'general law.' They are evidently designed to cover loopholes that the framers were conscious of having left in their work because of their desire to have done with it as soon as possible. That the quality of the Code suffered as a result is now undisputable." [9]

In the case of the provisions of the Code on Sales and Partnerships, wherein civil law and common law principles were combined without thought to homogeneity, the Justice was more emphatic: that this was a "lazy method of grafting" without pausing to "harmonize." Justice Reyes was especially peeved by the inability of the Code Commission to adopt clear-cut rules expressed in simple terms. So much so that in the question of who is supposed to bear the risk of loss due to fortuitous event in sales, he finally gave way to sarcasm:

> "It is indeed amazing that persons who 'had more than twenty years of continuous study and teaching of civil law' appear unable to state simply and categorically whether the risk of loss due to fortuitous events should be borne by the seller or by the buyer.
>
> "The tragedy of the new Civil Code lies in the execution repeatedly falling short of the aim. The technique proved unequal to the task." [10]

One of the best civil law decisions of Justice Reyes, and one of his first decisions in the Supreme Court is the case of *Heirs of Juan Bonsato v. Court of Appeals & Utea*.[11] It was in this case that he clarified the confusion in our jurisprudence regarding the distinction between donations inter vivos and donations mortis causa. He started with the proposition, obvious but overlooked in previous decisions that the "Civil Code of 1889, in its Article 620, broke away from the Roman Law Tradition, and followed the French Doctrine that no one may both donate and return . . . by merging the erstwhile donations mortis causa with the testamentary dispositions, thus suppressing said donations as an independent legal concept." He continues with the emphasis that "donations mortis causa as commonly employed is merely a convenient name to designate those dispositions of property that are void when made in the form of donations." He concludes by carefully enunciating the following criteria, the presence of any of which shall stamp a donation as one of mortis causa:

> 1. Conveys no title or ownership to the transferee before the death of the transferror; or, what amounts to the same thing, that the transferror should retain the ownership (full or naked) and control of the property while alive (*Vidal v. Posadas*, 58 Phil. 188; *Guzman v. Ibea*, 67 Phil. 633).
>
> 2. That before his death, the transfer should be revocable by the transferror at will, *ad nutum*; but revocability may be provided for indirectly by means of a reserved power in the donor to dispose of the properties conveyed (*Bautista v. Sabiniano*, G.R. No. L-4226, Nov. 18, 1952).
>
> 3. That the transfer should be void if the transferror should survive the transferee."

It is universally accepted that the foundation stone of society is the family; destroy the concept of family solidarity, and society shall suffer dire consequences. It is in keeping with these truisms that Justice Reyes would strongly

---

[9] Jose B. L. Reyes, "Observations on the New Civil Code on Points Not Covered by Amendments Already Proposed," XVI THE LAWYERS JOURNAL 138 (1961).

[10] Jose B. L. Reyes, "The Risk in Sales under the New Civil Code," *The Libra*, I (September-October, 1961), 3.

[11] G.R. No. L-6600, July 30, 1954.

[12] In another case, A. Cuevas v. C. Cuevas, G.R. No. L-8327, Dec. 14, 1955, Justice Reyes gives this piece of advice: "We may add that it is highly desirable that all those who are called to prepare or notarize deeds of donations should call the attention of the donors to the necessity of clearly specifying whether, notwithstanding the donation, they wish to retain the right to control and dispose at will of the property before their death, without need of the consent or intervention of the beneficiary, since the express reservation of such right would be conclusive indication that the liberality is to exist only at the donor's death, and therefore, the formalities of testaments should be observed; while, a contrario, the express waiver of the right of free disposition would place the inter vivos character of the donation beyond dispute."

oppose the idea of giving spurious relationships far greater rights than that traditionally given to the legal family. In his own words—

> "In the absence of special regulation of relations that constitute what are euphemistically termed 'common-law marriages,' we believe that the prohibition prescribed by law against liberalities between spouses and step-children are, by analogy, applicable to such extra-marital relations. . . . Moreover, it would not be just that such donations should subsist, lest the condition of those who incurred guilt should turn out to be better. So long as marriage remains the cornerstone of our family law, reason and morality alike demand that the disabilities attached to marriage should likewise attach to concubinage." [20]

Strong ties and deep respect for elders have always been the hallmarks of the Filipino family; this is our heritage. It is therefore a great cause for lament to find litigations between parents and children brought before the bars of justice. And Justice Reyes would, if possible, have nothing to do with such uninspiring scenes:

> "It is devoutly to be wished that the courts should be spared the unedifying spectacle of daughters denying shelter to their aged mothers, and attempting to impute base motives to the latter by way of excuse for their unnatural conduct. When the right is clear, the motivation for its enforcement through legal processes is rarely relevant. Neither morals nor the law can justify appellants' (the daughters) stand in this case." [21]

Justice Reyes would much rather have the pleasant task of bringing members of families together. In the case of *Banzon v. Alviar*,[22] after carefully repeating the Civil Code provisions [23] imposing upon parents the duty to support their unemancipated children, and to have them in their company, educate and instruct them in keeping with their means, he concluded that the "petitioner herein, being the mother of the minor Angelo N. Banzon, is entitled to her custody and care, her husband being unable to exercise the parental authority in view of his mission abroad in the service of the Republic.

Succession, concerned as it is with property rights and hence directly related to man's acquisitive instinct, is a fertile field for litigation. Elaborate rules have therefore been set up to regulate the conditions for descent, and to govern the various relationships of those who are to succeed. The interest of private parties, and with greater reason, the interest of the State,[24] demand that these laws should be properly interpreted and applied. Among the questions which Justice Reyes had occasion to resolve was whether the signing of a will by the testator, witnesses and notary should be accomplished in one continuous act. The Justice's answer was no.

> ". . . whether or not the notary signed the certification of acknowledgment in the presence of the testatrix and the witnesses, does not affect the validity of the codicil. . . . A comparison of Articles 805 and 806 of the new Civil Code reveals that while testator and witnesses must sign in the presence of each other, all that is required is that "every will must be acknowledged before a notary public by the testator and witnesses" (Art. 806); i.e., that the latter should avow to the certifying officer the authenticity of their signatures and the voluntariness of their actions in executing the testamentary disposition. . . . The subsequent signing and sealing by the notary of his certification that the testament was duly acknowledged by the participants therein is no part of the

---

[20] Buenaventura v. Bautista, 50 O.G. 3679 (1954).
[21] Zapanta v. Bartolome, 47 O.G. 6226 (1951).
[22] G.R. No. L-8506, May 25, 1955.
[23] Article 311: The father and mother jointly exercise parental authority over their legitimate children who are not emancipated. . . .
Article 316: The father and the mother have, with respect to their unemancipated children: (1) The duty to support them, to have them in their company, educate and instruct them in keeping with their means, and to represent them in all actions which may redound to their benefit; . . .
[24] B. Obispo v. R. Obispo, 50 O.G. 614 (1954): "Probate proceedings involve public interest. . . . Over and above the interest of private parties is that of the State to see to it that testamentary provisions be carried out if, and only if, executed conformably to law."

> acknowledgment itself nor of the testamentary act. . . . It is noteworthy that Article 806 of the new Civil Code does not contain words requiring that the testator and the witnesses should acknowledge the testament on the same day or occasion that it was executed." [25]

Another source of inadequacy in the new Civil Code is its provisions on obligations and contracts. Justice Reyes deplores the failure of the Code Commission "to regulate a number of contractual relations that are now common." He specifically mentions "competitive contests, non-profit associations, relations between producers and artists, contracts of edition and publicity, open accounts, brokerage (*corretaje*), board and lodging (*hospedaje*), and options." [26] Anent the provisions of the Civil Code regarding undue influence [27] in the creation of obligations, Justice Reyes urges that among the criteria that should be "considered in determining it should be included 'gross economic inequality that deprives one party of adequate bargaining power!" He continues with the observation that—

> "The new Code does not envisage a type of contract that is very common nowadays, the so-called "contracts of adherence" (*contratos de adhesion*), where all the terms are fixed by one party and the other has merely 'to take it or leave it.' Against monopolies, cartels and great concentrations of capital, the individual is usually helpless to bargain for better terms, and must accept those offered, usually in printed forms. Travelers against transportation monopolies, the insured against insurance combinations, customers against exclusive agencies, are all forced to accept contracts carefully worded by skilled counsel to stack the cards against the lone individual and in favor of the corporation. These situations demand greater corrective remedies than contracts produced by bargaining on equal terms, with power lodged in the Courts to deny enforcement of provisions that are exclusively for the benefit of the stronger party, and cannot be justified by reasons of public interest." [28]

Under the present state of the law on contracts, difficulties may also arise in differentiating the status of various contractual relations as either void or voidable or rescissible or unenforceable. Justice Reyes points out the distinctions between void and voidable contracts in *Heirs of Claridad v. Benares*:[29]

> "A completely void contract wherein there is no consent whatever on the part of the complaining party to be bound must be distinguished from a mere annullable or voidable contract, entered into through error, violence, intimidation, fraud, or undue influence, wherein consent though defective, was actually given, and which, until annulled by the courts, is operative and binding. In this case, plaintiffs do not deny having voluntarily agreed to sign a contract of lease in favor of defendant Jose Benares. The fact that Benares, through fraud and deceit, made them sign absolute sales instead, does not render the sales absolutely void, but merely voidable; . . . ."

One legal principle which has attained tremendous significance in our country as a result of recurrent traffic mishaps is the responsibility of a common carrier for the safety of its passengers. While the responsibility is well-nigh absolute, law and common sense dictates that there must be certain limitations. As Justice Reyes puts it—

> "There can be no quarrel with the principle that a passenger is entitled to protection from personal violence by the carrier or its agents or employees, since the contract of transportation obligates the carrier to transport a passenger safely to its destination. But

---

[25] Javellana v. Ledesma, G.R. No. L-7179, June 30, 1955.
[26] See note 16 *supra*.
[27] Article 1337: There is undue influence when a person takes improper advantage of his power over the will of another, depriving the latter of a reasonable freedom of choice. The following circumstances shall be considered: the confidential, family, spiritual and other relations between the parties, or the fact that the person alleged to have been unduly influenced was suffering from mental weakness, or was ignorant or in financial distress.
[28] Reyes, *op. cit.*, (January, 1951), 47.
[29] G.R. No. L-6435, June 30, 1955.

under the law of the case, this responsibility extends only to those acts that the carrier could foresee or avoid through the exercise of the degree of care and diligence required of it .

"The act of guard Devesa in shooting passenger Gillaco (because of a personal grudge nurtured against the latter since the Japanese occupation) was entirely unforeseeable by the Manila Railroad Company. The latter had no means to ascertain or anticipate that the two would meet, nor could it reasonably foresee every personal rancor that might exist between each one of its employees and any one of the thousands of eventual passengers riding in its trains.

"No doubt that a common carrier is held to a very high degree of care and diligence in the protection of its passengers; but, considering the vast and complex activities of modern rail transportation, to require of appellant that it should guard against all possible misunderstanding between each and everyone of its employees and every passenger that might chance to ride in its conveyances at any time, strikes us as demanding diligence beyond what human care and foresight can provide." [30]

Social Justice and Economic Well-Being

It is in the field of labor and social relations that the influence of the realistic school of jurisprudence had its strongest impact on Justice Reyes. His approach to labor and social problems is highly pragmatic. Fully aware of the fact that social situations are as volatile as they are complex, that economic conditions are subject to various and rapid changes, he does not believe that *a priori* rules and hypotheses are of great value, nor is the historical method of attack effective, in bringing about satisfactory readjustments and harmonious relationships. He reads the constitution against a background of social needs to be met. To him, the social justice provisions of the constitution [31] should be interpreted and applied sociologically—in the light of what the framers would have thought if the present conditions were existing, and not in the light of what they thought in relation to the conditions existing, at the time of its making.

It is highly significant that Justice Reyes' best expositions on the social and economic provisions of our constitution are dissenting opinions. Here (as was said about Holmes' *Lochner* dissent) is "the best exposition we have of the sociological movement in jurisprudence, the movement for pragmatism as a philosophy of law, the movement for the adjustment of principles and doctrines to the human conditions they are to govern rather than to assumed first principles, the movement for putting the human factor in the central place and relegating logic to its true position as an instrument." [32] Feel the warmth and vigor of his voice as he "appeals to the intelligence of a future day, when a later decision may possibly correct the error into which (he) the dissenting judge believes the court to have been betrayed." [33]

Thus, in *Republic v. Baylosis*,[34] he seeks to depart from the doctrine enunciated by the Supreme Court in *Guido v. Rural Progress Administration* [35] that the Constitution was aimed solely at breaking up large landed estates. He argues that social unrest cannot and must not be solved on a purely quantitative basis. He would deny to the courts the power to determine the size of lands to be expropriated for redistribution, that being strictly a matter of policy within the exclusive competence of the legislature.[36] The dignity of thought and

---

[30] Gillaco v. Manila Railroad Co., G.R. No. L-8034, Nov. 18, 1955.
[31] Art. II, Sec. 5; Art. XIII, Secs. 2, 3, 4 and 5; Art. XIV, Sec. 6.
[32] Bowen, C. D., Yankee From Olympus 148 (1944).
[33] Quoted from Chief Justice Hughes, Sinco, Philippine Political Law 834 (10th ed. 1954).
[34] G.R. No. L-6191, Jan. 31, 1955.
[35] 47 O.G. 1848 (1951).
[36] To the same effect, Dean Sinco, *op. cit. supra* note 33, at 460, 463, writes: "Neither is it within the court's competence to decide what the exact size of a small lot should be. That is a question of policy. Arguments on that point are proper only when presented before Congress

the majestic power of his dissenting arguments merit a very extensive quotation. Let Justice Reyes speak:

> "I am constrained to dissent from the opinion of the majority. The reasons set forth by it against the validity of the proposed expropriation strike me as arguments against the wisdom of the expropriation policies adopted by the government rather than reasons against the existence and application of the condemnation power in the present case.
>
> "The propriety of exercising the power of eminent domain under Article XIII, section 4 of our Constitution can not be determined on a purely quantitative or area basis. Not only does the Constitutional provision speak of *lands* instead of *landed estates*, but I see no cogent reason why the government, in its quest for social justice and peace, should exclusively devote attention to conflicts of large proportions, involving a considerable number of individuals, and eschew small controversies and wait until they grow into a major problem before taking remedial action.
>
> "With due respect, the majority opinion proceeds on two assumptions, neither of which I consider justified: first, that section 4, Article XIII, is an end in itself, when actually it is but one of the means chosen by the framers of the Constitution to attain social justice, amelioration and tranquility; second, that the constitutional policy is attained by the breaking up of landed estates into smaller portions, entirely disregarding the constitutional directive that the lands condemned are to be 'subdivided into small lots and conveyed at cost to individuals,' *i.e.*, the tenants and occupants. Expropriation, subdivision and resale to tenants and occupants are inseparable components of the constitutional scheme. Plainly, agrarian discontent can not be quelled, nor peace and security achieved while tenants must continue to labor for others, and are not converted into small owners themselves. There is no magic solution in the transformation of a conflict between many tenants and one landlord into a series of conflicts between many tenants and several landlords. The wasteful controversy will remain, and in fact will become more troublesome and expensive to settle, because each landowner will demand individual treatment of his own case.
>
> " . . . .
>
> "The majority says that the fact that the tenants and occupants of the land have by themselves and their ancestors been occupying and cultivating the same for many years is not sufficient justification for the expropriation. This is not the place to discuss whether actual producers deserve preferential treatment by the State, nor the demerits of absentee landlordism. It is enough to recall that this sense of injustice of the tenants is of ancient vintage and was already expressed through the symbolic 'Cabesang Tales' in Rizal's 'El Filibusterismo':—
>
> > 'Podeis hacer lo que querais, señor Governador, yo soy un ignorante y no tengo fuerzas. Pero he cultivado esos campos, mi mujer y mi hija han muerto ayudandome a limpiarlos, y no los he de ceder sino a quel que pueda hacer por ellos mas de lo que he hecho yo. Que los riegue primero con su sangre y que entierre en ellos a su esposa y su hijal'
>
> "Legally justified or not, such feeling has in the past led to 'impairments of tranquility,' and the records of the constitutional convention leave no doubt that in enacting Article XIII, section 4, the Convention precisely sought to avoid its resurgence.
>
> "The constitution considered the small individual land tenure to be so important to the maintenance of peace and order and to the promotion of progress and the general welfare that it not only provided for the expropriation and subdivision of lands but also opened the way for the limitation of private landholdings (Article XIII, section 8). It is not for this Court to judge the worth of these and other social and economic policies expressed by the Constitution; our duty is to conform to such policies and not to block their realization."

With the same passion for social justice in the light of the particular surrounding facts, he dissented again in the case of *Santiago v. Cruz*.[37] In departing from the holdings in previous cases, and taking up the cudgels for the sublessees rather than the lessees for priority in the purchase of lands expro-

---

or the agency authorized by Congress to fix the size of small lots. Courts have no legal right to question the wisdom or correctness of the Congressional or legislative decision by substituting it with its own. For them to assume that right is to arrogate power that the Constitution does not vest in them."

"Does the Court mean that the economic relief of a small portion of the nation is not a governmental duty? Does the Court mean that the government should not put out a small fire but should wait for the entire community to burn before it may validly extend relief?"

[37] G.R. No. L-8371, Dec. 29, 1955.

priated by the government, he was guided by considerations of humanity—to give to one who was in actual need rather than to one who merely sought profit. Listen to his words of wisdom—

> "There is showing that Realesa Cruz and her children can not live in the other lots already possessed and acquired by them. Granting that a large family may find it somewhat inconvenient to put up with less space than it should like to have, such inconvenience is minimal compared to the appellees being forced to give up their homes, with no immediate prospect of stable shelter. Surely the state did not acquire the "hacienda" of Tambobong in order to enable a few parties to live at their ease at the cost of driving others away from their homes.
>
> "In the previous cases where we have upheld the superior right of lessees over that of the sublessees or other occupants of the hacienda lots, the needs of the contending parties were equally peremptory, so that our judgment could be rested on other considerations. But where one party claimed a lot solely for greater convenience, while another demanded preference because of actual need of having a home secure from the fear of being driven away from it whenever his lessor should decide that his own interests so demand, this Court has given preference to the more pressing need. Thus in the case of *Meruhot v. Jacinto, et al.*, G.R. No. L-8036-38, we overruled the claim of the immediate lessee to be preferred in the acquisition of the disputed lot, on the precise ground that he already had his home and was actually residing in the Municipality of Caloocan. I see no fundamental difference in the fact that in one case the rejected claimant had his home in Caloocan while in the one at bar he lives in another lot inside the same 'hacienda' of Tambo'ong. In either case the law should prefer the one who seeks to avoid prejudice over him who seeks to obtain a profit: *potior est conditio ejus qui certat de damno vitando quam ejus qui certat de lucro captando.*
>
> "While Commonwealth Act 539 and the preceding Acts on the subject, contained no provision like the one found in Republic Act 267, that no person should be allowed to acquire more than one lot in the expropriated estates, such condition is implicit in the homesite expropriations. I submit that these expropriations were authorized to enable citizens to acquire homes stable and secure from dispossession by others, but not to enable privileged parties to enlarge their present landholdings."

While Justice Reyes has consistently supported the legislative policy for wider land distribution within the framework of the Constitution, he would not countenance the use of such a social philosophy as a subterfuge for over-reaching and a sanction for the utter disregard of every principle of fair dealing. The case of *E. Bernardo v. C. Bernardo* [38] was on the surface a simple case—a family squabble over a piece of land—yet Justice Reyes saw in it implications fraught with possibilities for double-dealing and bad faith. Here, he "wisely skirted a dangerous pitfall in the government's land reform program" by laying down a broad principle "against the common practice of squatting on land belonging to someone else and then seeking by legal means to perpetuate tenure." [39] The crux of the decision was his stand that "bona-fide occupants" was not synonymous with "actual occupants." In so doing, he took both a legalistic and a sociological approach:

> "The first is that section 7 of Act 1170 of the old Philippine Legislature employs the term 'actual bona-fide settlers and occupants,' plainly indicating that actual and bona-fide are not synonymous, while the Commonwealth Acts deleted the term 'actual' and solely used the words 'bona-fide occupants,' thereby emphasizing the requirement that the prospective beneficiaries of the Acts should be endowed with legitimate tenure. The second reason is that in carrying out its social readjustment policies, the government could not simply lay aside moral standards, and aim to favor usurpers, squatters, and intruders, unmindful of the lawful or unlawful origin and character of their occupancy. Such a policy would perpetuate conflicts instead of attaining their just solution. It is safe to say that the term 'bona-fide occupants' was not designed to cloak and protect violence, strategy, double-dealing, or breach of trust."

---

[38] G.R. No. L-8872, Nov. 29, 1954.
[39] "Land Ownership" (*Editorial*), Manila Daily Bulletin, Dec. 2, 1954, 20.

The Bench and the Bar

The judiciary has a distinct responsibility to the people. It must ever remain the "indestructible citadel of justice and a fortress of equality."[40] To maintain this ideal, the Courts, in the exercise of their sacred trust to dispense justice and harmonize conflicting interests must be fair and fearless. Judges and lawyers, as officers of the Courts, must join hands in maintaining the highest standards of honesty and integrity. Justice Reyes could not have been more implicit when he said:

> "No judge can be justified in demeaning himself and debasing his court by permitting privileges or class distinctions to operate therein, since every litigant, high or low, prince or pauper, must, without exception, stand before the court on an equal footing and there can be no quicker way of losing the popular confidence than a public exhibition of his inability to resist wealth, privilege or influence in the discharge of his official duties."[41]

On the duty of attorneys to the courts, he was as pointed and precise:

> "It is unnecessary to remind counsel that over and above his duty to his client, the lawyer owes to the court absolute candor and fairness and that an effort to mislead the courts of justice is a serious breach of ethics and official duty."[42]

Justice however would only be a mockery unless parties to litigations act with absolute frankness and with the greatest honesty in the narration or presentation of the facts and circumstances which gave rise to the case. In *People v. Reyes*,[43] Justice Reyes underscores the necessity and importance of revealing the "truth" in courts of justice as he strongly decries the pernicious effects of falsehood:

> "Falsehood is ever reprehensible; but it is particularly odious when committed in judicial proceedings, as it constitutes an imposition upon the court and seriously exposes it to a miscarriage of justice. While false testimony in favor of an accused may be less obnoxious than false testimony against him, both forms are equally repugnant to the orderly administration of justice and deserve to be rigorously repressed."

Without abandoning their pledge to be impartial, and conscious only of their duty to decide according to the actual facts, Justice Reyes would therefore expect courts to take a more active role in finding the truth amidst conflicting statements and stories:

> "Judges are not passive arbiters charged exclusively with awarding a prize to the more skillful contestant. The trial court has the duty, not merely the privilege, to satisfy himself of the veracity of the witnesses by all fair means at his disposal, and it is but natural that he should cross-examine the defense witness at greater length since their statements contradict those of the witnesses for the prosecution. It is astounding that counsel who invokes for the accused the presumption of innocence should be the first to deny it to the trial Judge. The cynical advice that 'when the case is good, counsel should pound on the evidence; but when the case is weak, pound on the judge' has nothing to commend it."[44]

The same zeal for the discovery of the truth so that judgments could have a greater fidelity to the ideal of justice prompted Justice Reyes to urge lower courts to be more lenient in the admission and inclusion of evidence in the record:

---

[40] "Ministers of Truth and Justice." (*Editorial*). XV The Lawyers Journal, 281 (1960).
[41] Garchitorena v. Almeda, 48 O.G. 3423 (1952).
[42] People v. Yap Song Kba, 46 O.G. 2651 (1950).
[43] 48 O.G. 1837 (1942).
[44] People v. Bolotano, 47 O.G. 3603 (1951).

> "The fear that the inclusion of the rejected pleadings and motions may cause the determination of the appeal to be unnecessarily involved, should yield to the advantage of enabling the reviewing tribunal to have before it all matters necessary to a just determination of the questions submitted to it, thereby obviating possible remands or new trials.
>
> "Certainly the appellate court, after deciding the case on its merits, would be in a far better position than the trial Judge to determine what matter included in the printed record should be considered unnecessary or irrelevant for the purposes of the appeal." [45]

Such policy of leniency has, with greater reason, been urged in criminal cases:

> "There is greater reason to adhere to such policy in criminal cases where questions arise as to admissibility of evidence for the prosecution, for the unjustified exclusion of evidence may lead to the erroneous acquittal of the accused or the dismissal of the charges, from which the People can no longer appeal." [46]

On the basis of its effectivity in drawing out the truth from parties litigants and their counsel, Justice Reyes believes that there is much left to be desired in the manner court proceedings are being conducted. He advocates greater informality in trials. He is convinced that a conference type of court session is more conducive to probity than the highly technical and formal method currently being employed.

Considering that the success or failure of a case depends on the intelligence and keen awareness of counsels for the opposing parties, Justice Reyes could not help stressing the need for properly educating and training those who aspire to be members of the legal profession. One of the means devised to guarantee adequate preparation is to demand high standards of performance among bar candidates by giving difficult examinations. It is now generally accepted that the Bar Examinations of August, 1955, of which J. B. L. Reyes was the Chairman of the Board of Examiners, was one of the most difficult bar examinations given in the Philippines. The purpose according to the Justice, was not to find out whether the bar candidate can memorize, but primarily to test the individual examinee's ability to think—to understand and grasp the issues in a particular problem, to apply the principles of law involved, and to use his logical facilities in working towards a solution. The conclusions, he said, did not matter much; it was the examinee's frame of mind which was important.[47]

Because litigations are as complex as they are many, the need for a sound system of judicial administration is obvious. Otherwise chaos and confusion would reign supreme. The Rules of Court has been promoulgated for the precise purpose of assuring system and order in the adjudication of cases. Too often however, technical perfection could do violence to reason and morality. In these cases, Justice Reyes would apply the provisions of the Rules of Court liberally, not merely because the same Rules so ordain,[48] but because of higher consi-

---

[45] Jai Alai Corporation of the Philippines v. Court, G.R. No. L-7972, Jan. 24, 1955.

[46] People v. Yatco & Consunji, G.R. No. L-9181, Nov. 28, 1956.

[47] Justice Reyes' ideas are in line with the report of the American Bar Association Consultants on Bar Examinations: "Bar examinations should test not information and memory, not experience, but the applicant's ability to reason logically and to make an accurate legal analysis of the problems included in the examination, and then to make a sound application of the basic principles of the law to the facts. This type of examination will provide a good evaluation of the applicant's legal training, the kind that students receive in the better law schools. As Judge Goodrich aptly observed, 'The possession of even a considerable quantity of information about the rules of law does not show that a man is fit to be a lawyer—learning a definition proves nothing except that a man has learned it; any jackass can bray it back to the Bar Examiners if that is what the Bar Examiner wants.'" James A. Brenner (consultant), *Bar Examinations and Requirements for Admission to the Bar*, 16.

[48] Rule 1, Sec. 2: "These rules shall be liberally construed in order to promote their object and to assist the parties in obtaining just, speedy, and inexpensive determination of every action and proceeding."

derations of justice and equity. In *Ison v. Empemano, et al.*,[49] Justice Reyes discourses on the philosophy behind his policy of liberality:

> "We are loath to permit the result of a case, and the determination of the rights of the parties, to be hazarded on a possible inadvertence of counsel, especially where the means to render justice on the merits remain available. Legal rights are too valuable to be risked, and should not be staked, on the turn of a phrase, any more than they should be chanced on a toss of coins or dice.
>
> "Disinclined as we are to have this case decide on a technicality without full inquiry into its merits, we feel that good conscience and the interests of justice require that the parties be given complete opportunity to thresh out in court any possible doubts that may arise as to the true and real intent of the provisions of the deed. . . . This result can be better achieved not by rendering judgment on the amended stipulation but by setting aside the judgment appealed from and remanding the case for a new trial."

In pursuance of his policy, Justice Reyes was liberal in *Ladisla v. Pestano*:[50]

> "It appears from the records that defendant's failure to file her answer on time was due to illness which prevented her from consulting a lawyer about her case within the period fixed by law for answer. It also appears that as soon as she got well, she wasted no time in putting her case in the hands of counsel, who in turn filed an answer promptly enough. These circumstances, which plaintiff did not even try to contradict or show to be untrue, constitute accident or excusable negligence which ordinary prudence could not have guarded against, and for which defendant-appellant can not be held blamable.
>
> "Considering that the late filing of appellant's answer was uncontrovertedly due to illness, constituting accident over which she had no control, that she appears to have a meritorious defense, and that the filing of her answer only one day after the motion to declare her in default did not deprive the plaintiff of any substantial right, nor is there evidence of intent to unduly delay the case, we hold that the lower Court committed error in refusing to admit defendant-appellant's answer and in declaring her in default."

Human nature being what it is, generosity often leads to abuse on the part of its recipients. Conscious of such human frailty, Justice Reyes directs this *caveat* towards litigants and attorneys:

> "A word of caution to litigants and attorneys is not amiss. The petition in this case constitutes a flagrant disregard of the doctrine in *Cenzte v. Wielieswus*, 36 Phil. 429, requiring parties to plead all the facts necessary to establish the cause of action, and not to merely refer to the exhibits appended thereto, leaving it to the Court to search for and glean the operative facts from the mass of exhibits and appendices. While in the interest of justice and prompt disposition of a case between necessitous parties, the Court has not applied the doctrine rigidly in this case, parties litigants and counsel should not rely on this liberality, but instead take to heart the doctrine of the Whiliznus case and strictly adhere thereto, if they would not have their petitions summarily dismissed in the future."[51]

Justice Reyes would have nothing to do with the inordinate insistence upon a strict application of the letter of the law where it would not contribute to the attainment of substantial justice. In *People v. Nepomuceno*,[52] in language burning with moral fervor and packed with sarcasm, Justice Reyes chides the Solicitor General for his insistence upon a punctilious, albeit unreasonable application of the rules of procedure:

> "The prosecution goes at length to argue that this Court should not have taken cognizance of the conviction of appellant's sub-agents, notwithstanding that they were accredited by undisputed official documents, but that their admission should have been left to the lower court at a new trial. No doubt we had the power to suspend the acquittal that we had already decided upon, even without these judgment now under attack. It would have been very easy to satisfy the finical spirit of the State's attorneys and their keen appreciation of technical virtuosity, and send back the records to the Court

---

[49] 45 O.G. 2199 (1949).
[50] G.R. No. L-7623, April 29, 1955.
[51] Ruelos v. Reolo, et al., G.R. No. L-7803, April 22, 1955.
[52] 46 O.G. 6126 (1950)

> of origin in order that the decisions against appellant's sub-agents might be introduced in evidence with proper ceremonial and due respect for judicial protocol. Certainly, we could have granted the prosecution the joy of witnessing the accused appellants' mental anguish and torture, due to the prolonged uncertainty as to her fate while the new trial was being held, not knowing that we had already decided that she was guilty of no crime. But to do such a thing we must stifle the promptings of our conscience, disregard our solemn oath to administer speedy justice and violate our sense of common decency. Finding it too high a price to pay, we choose instead to regard the rules of admissibility as only a means to achieve substantial justice, and as the prosecution could not, and did not, attempt to deny the authenticity of the new evidence offered, we resolved this case once and for all on its merits, without subordinating justice to technicalities or the substance to the form."

Leniency and liberality in the application of rules of procedure, while commendable because channelled to the ends of law and justice, has its limitations which not even the broadest interpretation of the rules can help. When this situations occur, when the letter and spirit of remedial laws have been satisfied, Justice Reyes would not permit his sympathies and sentiments to interfere with his judicial duty. In *Rubios v. Reolo*,[53] he said:

> "This case emphasizes the necessity of the Court's exercising due care in the precise determination of the rights of parties to any controversy, in order to avoid unnecessary delays that may bring hardship to the persons involved. While we sympathize with the plight of the tenants whose remedy is being further delayed, we are duty bound to see that, in the general interest, rules of orderly procedure are obeyed, to avoid confusions and misunderstandings that will further aggravate the situation. The remedy of the parties here is to apply to the Court of Industrial Relations to make its judgment more definite and certain."

Compassion once again gave way to the Rules of Court in the case of *Falip v. Makalintal*:[54]

> "While we do not favor the lower Court's refusal to grant a pauper's appeal merely because the amount involved is small because . . . what may be insignificant for a wealthy man may be worth a treasure for the needy, yet the failure to perfect the appeal in time leaves us no alternative but to deny the remedy applied for.

One of the most serious problems confronting the Judiciary today is the clogging of court dockets, with the attendant evil consequence of delay in the adjudication of cases. In cases therefore where there appears to be a manifest intent to obstruct the smooth operation of the judicial machinery, to trifle with the courts, and to make a travesty of justice, Justice Reyes, in fidelity to his "solemn oath to administer speedy justice,"[55] is quick to use the coercive powers which his high office carries. They become objects of his judicial wrath. In dismissing the case of *Tolentino v. Lim Bun Hioc*,[56] Justice Reyes opened the door for a possible civil action for damages against the plaintiff, as he opined:

> Considering that the case at bar is the third litigation over the same issue; that appellant, being a member of the bar, is, or should be familiar with the rule of *res judicata* and *estoppel* by judgment; and that he should know that his complaint in the previous cases have expressly put in issue the validity of the contract he is now assailing, the appellees may well claim that this action is merely designed for harrassment purposes."

In the same vein, he said in *Insular Equipment Co. v. Rodas*:[57]

> "If anything, the conduct of the plaintiff and its officers shows a disposition to trifle, not only with the court that issued the summons, but with the prompt administration of

---

[53] See note 51 *supra*.
[54] 47 O.G. 4223 (1951).
[55] See note 52 *supra*
[56] G.R. No. L-6233, May 10, 1955.
[57] 45 O.G. 2471 (1949)

> justice. Delay in the disposition of cases has been the eternal and recurring complaint of the people, and while its cure must be sought in a cooperative effort of court and counsel, parties and witnesses; it remains our duty to firmly discourage any attempt to retard the dispatch of cases to suit the sluggishness or convenience of litigants."

Again, in *Villarivera v. Tan Kaw*,[48] the Court of Appeals, speaking through Justice Reyes, dismissed an appeal where the appellant failed to make page references to the record in his brief. Justice Reyes explains their drastic action in this manner:

> "The ever-increasing number of cases brought to this Court on appeal makes it more imperative upon the bar to observe strictly the requirements of the rules regarding the briefs on appeal. To ask the court to examine the entire record of a case in order to determine if in the particular instance the complaints against the decision appealed from are justified or not, ultimately works to the prejudice of other appellants, more diligent and careful, whose cases are unnecessarily delayed."

Justice Reyes is receptive to and would sanction innovations which would bring about speedier adjudication of cases with its concomitant effect of easing the blacklog in the court dockets. He would permit trial judges in the City of Manila to render decisions even in the absence of the transcript of stenographic notes:

> "The absence of the transcript of the stenographic notes is no bar to the validity of the judgment, since the trial judge had personally heard the witnesses and taken notes of their testimony. It is a well-known fact that the number of cases tried in the Court of First Instance of Manila is such as to make it virtually impossible for the judges therein to await the transcript of the testimony before rendering judgment. Any other course would speedily bring the administration of justice to a full stop."[49]

In the Supreme Court, Justice Reyes considers those lawyers who appear before the High Tribunal to deliver orations, and incidentally argue their cases, as one of the causative forces of delay. He has observed with growing annoyance, that those who have a flair for oratory, who in their zeal for artful language and dramatic allusions to history, often lose sight of their main objective—to enlighten the Court on obscure points in the case under consideration. It has come to such proportions where J. B. L. could not help suggesting that in the future, in calling counsels to appear for oral arguments, it should be definitely stated as to what points in the case the Supreme Court would want to be further clarified, in order to avoid the oratory and to prevent the repetition of points which have already been sufficiently dealt with in the briefs and memoranda. While he admits that the orations are beautiful, he believes that it has no place in a court whose dockets are overflowing with cases awaiting decision.

With all the powers that the courts possess, J. B. L. recognizes the fact that the judicial machinery has its limitations; that there are certain aspects of decision-making in which it is inherently incompetent to act. Thus, he would leave the task of reapportioning sugar quotas under the sugar limitation laws to the Philippine Sugar Administrator:

> ". . . It is a task that, by its complexity, can not be considered a proper subject of judicial determination, since it requires the consideration and balancing of numerous and variable factors with which the courts can not be expected to cope. Market and crop conditions, capacity of sugar mills, sugar quota deficiencies or surplus in each district for each year and other data, both technical and complex, interlace and counteract each other to influence the adequate solution to be given. For their evaluation, the legislative and administrative branches, rather than the courts, are peculiarly fitted and have been

---

[48] 49 O.G. 5443 (1953).
[49] Sing. Yee & Cuan, Inc. v. Santos, 47 O.G. 6372 (1951).

> entrusted by law with the task. To that purpose, they may make all necessary investigations and findings, and issue the rules and regulations required to make a just reapportionment." [60]

CIVIL LIBERTIES AND PUBLIC OFFICERS

The Constitution is a bulwark of Civil Liberties. It is a charter of individual liberty; it is an instrument against the abuse of official discretion; it is a limitation on governmental power.

One of the basic tenets of our democratic system, deeply enshrined in the Constitution is "due process"—that "no man shall be deprived of life, liberty or property without due process of law." [61] Here in the works of Daniel Webster is a law which "hears before it condemns, which proceeds upon inquiry and renders judgment only after a trial." [62] Aside from his active membership in the Philippine Civil Liberties Union, Justice Reyes' high regard for the essentials of due process and fair play can be gleaned from his judicial opinions. In *People v. Saludez*,[63] he insists that the protection afforded by our Bill of Rights should be extended even to the most despicable criminals:

> "We believe that it is time that the attention of the law enforcement officers should be again called to the fact that the immunities guaranteed by the Constitution to all individuals, even to those accused of heinous crimes, are actual limitations on the power of the government and its officers. They are not mere privileges or franchises revocable at will, to be enjoyed only on sufferance of the law enforcement agencies. Violation of civil liberties necessarily undermine confidence in the government; and resort to torture indicates lack of mental alertness and activity in the investigators."

It was with the same passion for civil liberties that he spoke in the case of *Baldeviso v. Sitier*: [64]

> "The stubborn fact remains that Domingo Sitier and his wife were given no opportunity to submit their defense or produce evidence in support thereof; justice against them would be in violation of the constitutional provision that no person can be deprived of life, liberty or property without due process, for due process means above all things opportunity to be heard."

The protective aura of the law and the courts however extends only to those who are vigilant in asserting and protecting their legal rights. For those who would rather sleep on their rights even if an adequate opportunity for its defense is given, the law offers no remedy, and they can not claim a deprivation of their day in court. Justice Reyes clearly said so in *Villar v. Javier de Paderanga*: [65]

> "Appellant complains that she was deprived of her day in court in the Court below because judgment was rendered for plaintiff-appellee without giving her a chance to present her evidence. The charge is unfounded; for the records show that the hearing of the case has been repeatedly postponed upon motion of the defendant, so that she was given every chance to be heard. On the final hearing neither she nor her counsel appeared, hence trial was had in her absence. Settled is the rule that, if the defendant fails to appear at the trial, the hearing may proceed without him. And where a party is duly notified of the trial and fails to attend it without sufficient cause, he can not thereafter claim that he was deprived of his day in court."

The Constitution of the Philippines, in providing that "No officer or employee in the Civil Service shall be removed or suspended except for cause as

---

[60] Suarez v. Mount Arayat Sugar Co., G.R. No. L-6435, March 31, 1955.
[61] Art. III, Sec. 1, Par. 1.
[62] Darmouth College v. Woodward, 4 Wheat. 518 (U.S. 1819).
[63] 45 O.G. Supp. No. 5, 328 (1949).
[64] 46 O.G. 4387 (1950).
[65] G.R. No. L-7687, Sept. 28, 1955.

provided by law"[66] recognizes the prime importance of security of tenure in public office. Considering its direct relation to morale and efficiency in the public service, its vital role in responsible government cannot be over-emphasized. Nothing is more demoralizing to the public servant than the fear that he can be removed or transferred at the mere whim or caprice of a superior. Justice Reyes has contributed his share towards strengthening the ramparts of job security for government employees.

In the leading case of *Festejo v. Mayor of Nabua*,[67] he was equal to the high purposes of legislative policy as enunciated in Republic Act 557. He denies the power of any body less than that of the whole council or board (as the case may be) to suspend or dismiss police officers:

> "Nowhere does the act authorize the council to delegate the investigation to a committee, and it is apparent that the change was designed to give the investigated officers protection against the possibility of having to face an investigation conducted by a committee composed of councilors hostile to the accused, and whose findings would necessarily influence the final decision of the council to be rendered upon their report.
>
> ". . . the new law, Republic Act 557, section 1, expressly requires charges against a member of the municipal police to be investigated by the municipal council in public hearing."

Subsequently, in *Olegario v. Lacson*[68] while also applying the defensive shield of Republic Act 557 to detectives and secret service agents, he took issue with the technical contention that the mere fact that the appointee lacks civil service qualifications (under the law then in force) meant that his appointment was temporary.

> "Detectives or secret service agents may now be removed only as provided in said Act (557) . . . .
>
> "With regard to the appellee's lack of civil service qualifications, it is to be remarked that such lack does not necessarily mean that his appointment was temporary in character, considering that when appellee was appointed, Executive Order 264, was as yet in force, and under its terms, positions of secret agent or detective were excepted from civil service requirements. The records of the case at bar, in fact, show that appellee Olegario's appointment was not temporary in character."

Lacson v. Romero,[69] *De los Santos v. Mallare*,[70] and other similar cases are already landmarks in Philippine jurisprudence. Their doctrines, significant milestones in our law on security of tenure, are however not so comprehensive and absolute as to preclude the existence of any exceptions. *Gorospe v. de Veyra*[71] is such an exception. Here, Gorospe signed an agreement whereby he would be sent abroad for specialized training, on the conditions that he would give the Department of Health discretion to assign him to a position where his training would bring the greatest benefit to the country. In upholding the power of the Director of Health under the terms of the agreement, Justice Reyes stated:

> "We cannot agree that respondent's training contract is against public policy in so far as it authorizes the Department of Health to detail him to another position. Public policy requires, as we may have repeatedly held, that officials in the classified or unclassified civil service be not removed, suspended or indefinitely transferred except with their consent or for sufficient cause. But this rule aims primarily to protect the tenure of public offi-

---

[66] Art. XII, Sec. 4.
[67] G.R. No. L-4983, Dec. 22, 1954.
[68] G.R. No. L-7926, May 21, 1955.
[69] 47 O.G. 1778 (1951)
[70] 48 O.G. 1848 (1952)
[71] G.R. No. L-8408, Feb. 17, 1955

> cials, to guard them from pressure or imposition, and they may voluntarily relinquish the protection, at least for a limited period, as this respondent has done through his training agreement."

Article X of the Philippine Constitution provides for an independent Commission on Elections charged with the mission of insuring popular government by seeing to it that elections are conducted in an atmosphere of freedom and honesty. One of the Commission's safeguards against partisan political interference is the staggering of the nine-year terms of the three commissioners at three-year intervals. The theory is to obviate the possibility of having an administration of four years appoint more than one permanent commissioner, and hence prevent control of the entire Commission. In *Republic of the Philippines v. Imperial & Perez*,[12] a case which immeasurably strengthens the stability and independence of the Commission on Elections, Justice Reyes carefully explains how the rotational plan works:

> "Now, the operation of the rotational plan requires two conditions, both indispensable to its workability: (1) that the terms of the first three commissioners should *start on a common date*; and (2) that any vacancy due to death, resignation or disability before the expiration of the terms should be filled only *for the unexpired balance of the term*. Without satisfying these conditions, the regularity of the intervals between appointments would be destroyed, and the evident purpose of the rotation (to prevent that a four-year administration should appoint more than one permanent and regular commissioner) would be frustrated.
>
> "While the general rule is that a public officer's death or other permanent disability creates a vacancy *in the office*, so that the successor is entitled to hold for a full term, such rule is recognized to suffer exception in those cases where the clear intention is to have vacancies and appointments at regular intervals.
>
> "The fact that the orderly rotation and renovation of commissioners would be wrecked unless in case of early vacancy, a successor should only be allowed to serve for the unexpired portion of each regular term, sufficiently explains why no express provision to that effect is made in Article X of the Constitution. The rule is so evidently fundamental and indispensable to the working of the plan that it became unnecessary to state it in so many words. The mere fact that such appointments would make the appointees serve for less than nine years does not argue against reading such limitation into the constitution, because the nine year term can not be lifted out of context and independently of the provision limiting the terms of the first commissioners to nine, six and three years; and because in any event, the unexpired portion is still part and parcel of the preceding term, so that in filling the vacancy, only the tenure of the successor is shortened but not the term of office."

On the task of determining the precise date from which to begin counting the terms of the commissioners, J. B. L. Reyes, in choosing June 21, 1941, the date of the organization of the Commission, was guided by the nature and essence of an appointment to a constitutional office:

> "Of the three starting dates given above, we incline to prefer that of the organization of the constitutional Commission of Elections under Commonwealth Act 657, on June 21, 1941, since said Act implemented and completed the organization of the Commission that under the Constitution 'shall be' established. Certainly the terms cannot begin from the first appointments, because appointment to a Constitutional office is not only a right but equally a duty that should not be shirked or delayed. One of the basic tenets of our democratic institutions, it can hardly be conceded that the appointing power should possess discretion to retard compliance with its constitutional duty to appoint when delay would impede or frustrate the plain intent of the fundamental law. Ordinarily, the operation of the Constitution cannot be made to depend upon the Legislature or the Executive, but in the present case the generality of the organizational lines under Article X seems to envisage prospective implementation."

---

[12] G.R. No. L-8684, March 31, 1955.

NATIONALISM AND NATIONAL INTEREST

The years of Japanese occupation in the Philippines has left its lasting impression on Justice Reyes. From his vantage point in the Solicitor General's office, he was a close spectator to the sufferings of his countrymen under the heels of a foreign and ruthless invader. This has developed within him an intense feeling of nationalism, a feeling which every now and then finds its way into his decisions. Feel, in *Ng Sin v. Republic*,[73] the rush of overwhelming national pride as he touches on the attribute of independence and sovereignty:

> "The law demands the enrollment of applicant's children in our schools not only to ensure that they are trained in our own way of life, but also as evidence of the petitioner's honest and enduring intention to assume the duties and obligations of Filipino citizenship. If the applicant for naturalization is really inspired by an abiding love for this country and its institutions (and no other reason is admissible), he must prove it by acts of strict compliance with legal requirements. It may mean hardship and sacrifices; but citizenship in this Republic, be it ever so small and weak, is always a privilege; and no alien, be he a subject of the most powerful nation of the world, can take such citizenship for granted or assume it as a matter of right."

It is with the same spirit of love for country and people that he would forbid an alien non-stock corporation from acquiring agricultural lands in the Philippines. To the clear intent of the Constitution that "in the absence of capital stock, the controlling membership should be composed of Filipino citizens," Mr. Justice Reyes would supplement this bitter lesson from our national history:

> "To permit religious associations controlled by non-Filipinos to acquire agricultural lands would be to drive the opening wedge to revive alien religious landholdings in this country. We can not ignore the historical fact that complaints against landholdings of that kind were among the factors that sparked the revolution of 1896."[74]

Taken from the standpoint of both law and morals, and with the consideration that their presence in this country is merely a "matter of privilege," J. B. L. Reyes demands from all aliens in the Philippines a "strict observance of the laws concerning his admission."[75]

The public weal and the paramount interest of the State were Justice Reyes' main concern in *Suares v. Mount Arayat Sugar Co.*,[76] where he upheld the right of the government to reallocate vacant sugar quotas:

> "While on its face applicable only to exports of "A" sugar, this law establishes a principle applicable to all classes of sugar in similar situation. The allocation of quotas under the sugar limitation laws and regulations was primarily established for public interest, and it is closely linked with the preservation of markets for our products, the dollar conservation, and other economic policies in which the State has a paramount interest. The redistribution of allotments, therefore, can not be viewed as a matter of exclusively private interest, affecting only sugar centrals and planters, but one concerning the nation at large. It is but proper, therefore, that it should be entrusted to the State in the interest of the entire people."

In *Soriano y Cia v. Collector*,[77] Justice Reyes supported the contention of the Solicitor General that the exportation of farm tractors was not within the scope of the legislative policy to increase exportation of local products, and hence not exempt from taxation. Note the undertones of a consummate wish for the progress of the nation and its people:

> "As for the legislative policy to exempt consignments abroad from tax in order to encourage exports, the Solicitor General has pointed out that it is only the exportation

---

[73] G.R. No. L-7590, Sept. 20, 1955.
[74] Register of Deeds v. Ung Siu Si Temple, G.R. No. L-4776, May 21, 1955.
[75] Ong Se Lun v. Board of Immigration, G.R. No. L-4017, Sept. 16, 1954.
[76] See note 60 *supra*.
[77] G.R. No. L-4896, Aug. 31, 1955.

> of locally produced or manufactured products, and not every kind of exportation, that Congress wanted to encourage and promote. . . . Clearly enough, the exportation of the tractors in question does not come under the declared policy of the legislature to encourage exportation of products locally manufactured and produced. On the other hand, as correctly observed by the Solicitor General, our country needed them, and still needs now, tractors for the development of our own agriculture, so that the sale of such tractors to foreign buyers for profit, thereby depriving our own countrymen of their use in the development of our agriculture and increase of our productions, hardly justifies the tax exemption that petitioner claims."

CONCLUSION

Supreme Court Associate Justice Jose B. L. Reyes has been variously referred to as a "scholar," a "profound thinker," and a "brilliant legal mind." All these have been borne out by his invaluable contributions to legal thought in the Philippines, and by the work he has done in the highest courts of our land. Yet, beyond these tributes to his genius and sagacity, is an abiding serenity, humility, friendliness, and a healthy capacity for laughter, from which not even the sombre halls of the Supreme Court could detract. It is not beyond him to pierce the veneer of judicial dignity and give vent to a most unjudicial quip: "You can come here at any time you want, and we can chew the rug together."

Truly, these are hallmarks of an enduring greatness—to be above most men and yet retain the common touch—a greatness which has gained prominence and which bears the promise of even gaining added stature as he continues to dedicate his years to the ideals of Law and Justice.

TEODORO Q. PEÑA *

* LL.B. (U.P.) 1965; Member, Student Editorial Board, *Philippine Law Journal*, 1964-65.