

RECENT DOCUMENTS

AN ADDRESS RECENTLY DELIVERED BY FORMER U.P. PRESIDENT JORGE BOCOBO AT A CONVOCATION OF THE U.P. COLLEGE OF LAW FOREIGNERS IN THEIR OWN LAND

Mr. President, Dean Espiritu
Dean Abad Santos and
Friends:—

I am grateful for the kind words of President Sinco. Yes, I did offer my share of the common task of rearing the academic structure of the University of the Philippines, especially the College of Law, but not as much as has been so generously portrayed. It was a humble participation but it lasted for 30 years, from the time I was a young man of 24 till I was 55 years old. I thus poured into this institution the dreams of youth, the thoughts of manhood and the reflections of early old age. I thank God for the opportunity of having helped, in my modest way but with all my soul, in the formation of the high ideals and the beautiful traditions of this University. I cherish the sweetly solemn thought that having thus dedicated myself to the youth of my country, and seeing so many of my former students rise to the impressive stature of patriotism and signal service to our countrymen, I am far richer than Croesus—as I treasure in my heart the wondrous image of those 30 years of consecration.

With this priceless gem incrusting into my being, I am here to open my soul to young men and young women eager to catch some luminous ray of the gleam kindled and kept ever burning in the first three decades of this University.

During all those 30 years, the University of the Philippines took part in the last phase of our country's struggle for political independence. I say "last phase" because that heroic endeavor really began over four centuries ago when Lapulapu killed the chief of the invaders, Magellan, and ended on the Luneta on July 4, 1948. Throughout that long period, about every 20 years there was a local, provincial or regional revolt against Spanish misrule, such as the uprisings led by Dagohoy, Malong and Silang. Those periodic rebellions culminated in the great Revolution against Spain in 1896 and the Filipino-American war of 1899. In this armed conflict, America's superior arms triumphed over the Filipinos, sacred cause and noble patriotism. Thereafter our people began four decades of peaceful campaign for independence which, after the Japanese occupation, ended with the belated recognition of Philippine independence that should have been done by the United States 45 years before, when the Malolos Constitution established the first really democratic government in the Far East. During those 40 years there was a national dedication to the cause of independence, whereby our people did their utmost to demonstrate to America and the whole world that our country deserved to be free and was capable of maintaining a democratic and stable government. In that endeavor, every Filipino was faithful at his post of duty, whether in public or private life. Any government graft or other wrongdoing was considered treason because it endangered the sacred cause of independence. In this university, the whole constituency of professors, students and alumni, was fired by a deep sense of consecration to the national struggle to gain national freedom. We

held ever aloft the flag of the Sun and Three Stars that we had caught from the hand of dying patriots in a thousand battlefields.

I have thus related the centuries-old epic of unyielding fight for freedom in order to accentuate the tragic incongruity of our present behavior. Instead of our being worthy inheritors of the sublime legacy of national independence, we are brazenly selling our birthright for a mess of pottage. Instead of guarding the flame of freedom in the temple of our nation, we have allowed the ill winds of greed to extinguish that flame. Instead of appreciating and cultivating the heritage of nationalism, we are neglecting, even despising, that heritage.

Now, let me elaborate to show that we Filipinos are *foreigners in our own native land and that we have the shadow but not the substance of freedom*. Our Congress passes carefully worded laws designed to remove the foreign strangle-hold on our economy, but the Filipino dummies and fake importers cause that strangle-hold to become tighter and still more deadly. Many of our economists, both in and out of the government, uphold policies that perpetuate Philippine economic slavery to the United States, such as looking up to the American dollar as sacrosanct, instead of our government entering into bilateral treaties with countries other than the United States, so that we may have reserves of German mark, Swiss franc, Australian pound, English pound, and other stable currency, for the purpose of our trade with those countries, which would by reciprocity accept the Philippine peso in our respective trade with each of them. In our worship of the American dollar, the bulk of our foreign trade is necessarily limited to the United States, and this is one of the causes of the present economic collapse of the Philippines.

In education, we continue to be a *colony* of the United States. Here are some examples. First, after 40 years of resistance by the public school authorities, the latter at last recently consented to the use of the local vernacular as the medium of instruction in the first two grades, but English is such a fetish among most public school administrators that the new method is being half-heartedly implemented. The result of the use of the English language as the only medium of instruction in the primary grades has been that after over half a century of widespread public and private primary education, effective literacy is *only about 30%*. Thus, democracy has been sacrificed for the sake of the English language and because of our colonial mentality.

Secondly, about thirty years ago, the Philippine public school administrators adopted the so-called "wholeword method" in the teaching of reading, just because it was an American idea. This supplanted the syllabic or phonetic method. The result is that many pupils in the 3rd grade can not read, and inasmuch as a majority of pupils leave school after the 3rd grade, effective literacy is, as I have said, only about 30%. Three years ago, I exposed this blunder in a series of articles in the *Manila Times* and I requested the public school authorities to consider this problem seriously, but they are so subservient to American plans of education that they have done practically nothing.

As for university education, the University of the Philippines should be the center of Philippine culture. I did my best along this line while I was in this institution. For example, the State University started the movement for the revival of folk dances and songs, established the observance of the National Heroes' Day, and emphasized courtesy which is a beautiful Filipino tradition.

Furthermore, I hoped that after our country had become independent, the University would seriously consider the European system where the faculty

makes final decisions in academic matters. Why should the Board of Regents approve or disapprove proposals on the curriculum and other academic questions? The professors are better qualified to pass upon these problems than the Regents, however well-meaning the latter might be, but as the present system is American, it is sacred and must continue.

Furthermore, American college life is blindly imitated in our country. Hazing, for instance, is done here just because it is an American custom. But hazing is cruel and ridiculous. It is incompatible with the Filipino way of life. Then, there is the undue emphasis on basketball competitions, just because there is a similar college craze for football games in America. For results of this basketball mania are deleterious: courtesy among college students is usually forgotten because rude manners are learned on the bleachers; the basketball hero is more popular than the scholarly student; colleges and universities put too much time in striving for basketball honors, and thus academic values have been warped and twisted.

Concerning principles of freedom, we borrow them from America. Most college students and graduates readily quote Patrick Henry's "Give me liberty or give me death!" because they are unaware that we have a rich heritage of pronouncements on liberty. Our educated countrymen should find this precious legacy in Baltazar's execution of oppression in "Florante at Laura" one hundred years ago; in the vigorous memoirs of Padre Burgos; in Rizal's fulminations against tyranny in his novels, letters, and essays as well as in his meditations before his martyrdom which sent him to the realm "where there are neither slaves, executioners, nor oppressors"; in the exposures of Spanish abuses published in "La Solidaridad"; in Del Pilar's essay on "Monastic Sovereignty"; in Lopez Jaena's eloquent speeches stigmatizing Spanish misrule here; in the patriotic tenets of the "Katipunan"; in the Declaration of Philippine Independence at Kawit on June 12, 1898; in the condemnation of invaders that we fervently utter as we sing are Philippine National Anthem; in the solemn pronouncements of the Malolos Constitution; in Mabini's vehement protests against the implantation of American rule; in the patriotic poems of Apostol, Guerrero and other Filipino poets; in the Filipino petitions for freedom addressed to the United States Congress, and in the cogent pleas to the American people for Philippine independence made by Quezon, Osmeña and Roxas.

As for the government, the present Philippine Constitution is substantially a copy of the American Constitution. This has created the impression that had not the American sovereignty remained in the Philippines for half a century, we, the Filipinos, would know very little of democracy. Of course, you know that this is a mistake because the Malolos Constitution created a democratic government and that in some respects that Constitution is better than our present fundamental law. For instance, under the Malolos Constitution, the suspension of individual liberties required the consent of the Congress. Just now the same idea is being proposed as an amendment to our present constitution in so far as the suspension of the writ of habeas corpus is concerned. Again, in the Malolos Constitution, there was the permanent committee of Congress which acted for the legislative body to check on the President during the recess of the Congress and thus upheld the supremacy of the legislature.

Every Filipino who aspires to be one of the leaders of his people should be well grounded in Philippine history so he will never betray the freedom that past generations of Filipinos have won at uncounted cost. Thus, he will never be a puppet to foreigners in economic planning, in education, in religion, in

legislation, in foreign policy, in government organization, and other administrative matters. One of our greatest needs today is that our leaders should always strive for the independence of our people in all these matters.

This brings me to a consideration of the principles of education for the Filipino children and youth. In public and private schools, colleges and universities, there is a hubbub of voices among educators. Each expounds his theories thoughtlessly borrowed from foreign countries. Our educational leaders should lay aside these abstract and complicated speculations from abroad, and set up Dr. Rizal as the sublime example of a noble character, of civic virtues, and of patriotism. His life and death can provide the high and noble motivation for all the traits of a good and true Filipino. But what happens with our university graduates? Not one in three thousand has read a long biography of Dr. Rizal, his *Noli Me Tangere* and *El Filibusterismo* and his other writings, such as the "Indolence of the Filipinos", "The Philippines Within a Century", "The Religious Life of the Filipinos", and his letters, especially the one written to the young women of Malolos where he tells Filipino women how to avoid bringing up their children as moral and mental slaves, and his letters to Padre Pastells where Dr. Rizal advocates religious tolerance. Perhaps three out of a hundred college graduates have read some portions of the *Noli Me Tangere* or of the *El Filibusterismo*, but not of both. This deplorable and disgraceful situation is sought to be remedied by the new Rizal Law, but unfortunately, so far this law has not been effectively observed. This is a pity, because the characters in these two novels still live today, though behind different masks.

To give you just one example of how Dr. Rizal's ideas should permeate our educational system, I will mention Chapters XII and XIII of *El Filibusterismo*. There, he describes the antics of a tyrannical and sarcastic university professor and portrays how the university students frittered away their time. Chapter XIII ends thus:

"And like these two hundred thirty-four, thousand and thousands of students who had preceded them had wasted their class hours, and if things are not righted, others who are coming will also fritter away their time, and shall become like brutes, and outraged dignity and the vitiated enthusiasm of youth shall turn to hatred and idleness like filthy waves which beat upon the shore, and as they succeed one another they leave an ever-increasing sediment of pollution. However, He who from eternity sees the consequences of every act develop like a thread in the course of the centuries, He who weighs the value of a second and has imposed progress and perfection upon His creatures as the paramount law, He, if He is just, will demand a strict accounting from every one who should render it, for the millions of darkened and blinded intellects, for the humiliated dignity of millions of creatures and for the untold amount of time lost and of fruitless work! And if the doctrines of the Gospel are basically true, the millions and millions who have not kept the light of their intelligence and the dignity of their spirit shall likewise be accountable, as the master demands an accounting from the servant for the talents which he so cowardly allowed to be stolen!"

So many professors today impose their ideas and stunt the student's mind! And how many students waste their time, and what is worse, they are either afraid or too lazy to think for themselves! Such professors will answer for the millions of lights they have extinguished, and such students will forfeit their intelligence.

Thus, our educators should nationalize the education of the Filipino children and youth by making Dr. Rizal the model and inspiration of the Filipino citizen. For Dr. Rizal not only phrased his ideas beautifully and cogently but he lived up to them and died for them. Just as he had written from Hongkong in 1892, 'I want, moreover, to show those who say we are lacking in patriotism, that we are ready to die for our duty and our convictions', four years later he gladly and calmly laid down his life out of love for his country. Just as he had advocated nationalism, he mastered and improved Tagalog; for months he painstakingly researched in the British Museum to study our culture before the coming of the Spaniards; and he defended Filipino honor and dignity in "La Solidaridad." Just as he praised civic courage, he demonstrated it by writing his novels and articles which caused him to be persecuted and later martyred on Bagumbayan Field.

Here are other teachings of Rizal which he personally exemplified:

1. "Don't you know that a life that is not consecrated to a great idea is useless? It is a stone lost in the field, and is not a part of a building."
2. "Resignation is not always a virtue; it is a crime when it fosters tyranny; there are no despots where there are no slaves."
3. "We should attain our freedom by deserving it, by exalting reason and the dignity of man, by loving unto death whatsoever is just and good and great."
4. "God must have created me for a good purpose, and to this end I have no better guide than my conscience, my conscience alone, which judges and appraises my acts."

I do not mean that the lives and writings of other Filipino heroes should be ignored in our educational orientation. My thought is that Dr. Rizal should be the principal source of inspiration for our children and youth. The other heroes should supplement Rizal's life and teachings. Examples of principles of the other heroes are these:

1. Padre Burgos, the leader of Filipino reformers about the year 1870, said: "Unfortunate is he who, having had opportunity to do good, has not done so, but has used his temporal riches for his own enjoyment."
2. Marcelo H. del Pilar who, next only to Rizal, sowed the seeds of the Revolution against Spain, taught: "I ask you to love our country which amid her unhappiness gave us all, protected our cradle, delighted our childhood, and in our age of reason and disappointment, keeps for us the venerable relics of our hallowed remembrances."

Lopez Jaena, whose oratory in Spain was more elegant than any other Filipino there in defending our rights, reflected: "By invoking the spirit of their great heroes, peoples are redeemed, are freed, become great, conquer laurels in battles and make progress in peace."

Bonifacio, the first leader of the Revolution of 1896 said: "A high-minded person places honor above self-interest."

Mabini, one of the greatest thinkers of the Revolution, gave this advice in his Decalogue: "Cultivate the special faculties that God has given thee, striving and studying to the utmost of thy energies, never deviating from the path of righteousness and justice."

Dr. Pardo de Tavera, one of the greatest Filipino scholars, taught: "We must foster the idea of struggle for existence, of the imperative need of work-

ing to create something, and of rendering aid in the common desire to serve society, as well as the idea of self-confidence and of appreciation, respect and love of work, of the hygiene and care of the body, of disregard of suffering."

Therefore, let Filipino educators emancipate Philippine education from foreign domination, so the minds of our youth may be cast in the moulds of our heroes. The latter, whose ideas have drawn the breath of life from the depths of the Filipino soul, are better suited to guide our youth than foreign models. A thorough knowledge of Philippine history and of the lives and writings of our heroes should be required of all professors by means of an examination before they are appointed or promoted.

Concerning our customs, we are a funny caricature of the Americans. We even borrow American vices as though we did not have enough of our own. Thus, there is much drinking of whiskey and soda. We read comic strips which undoubtedly foster low-browism and are conducive to superficial thinking. Power is popular, for many Filipinos want to learn the art of the American bluff. As for the Filipino women, they should know that the Filipino men are horrified to see a Filipino woman with bobbed hair and wearing slacks or toreador trousers, all of which have killed the traditional womanliness and reserve of past generations of Filipino women. The Filipino men bemoan the supplanting of the Filipino woman's traditional costume, which symbolizes three traits: first, domesticity is expressed by the "tapis"; second, modesty is manifested by the "pañuelo"; and third, fantasy is represented by the airy sleeves. The broad sleeves are the only feature of the mestiza dress that remains, which signify dreams and fancy, but alas! even the sleeves are being curtailed so that they look like the short wings of a chick. To cap it all, some Filipino women are wearing sacks with the abbreviated sleeves of the mestiza dress.

I have thus described how we Filipinos have become foreigners in our own native land. We have imitated from abroad, mostly from America, foreign ways and ideas, forgetting the Filipino proverb that:

"Ang damit na hirám
Kung hindi masakíp ay maluwang",

meaning, that borrowed clothes are either too tight or too loose. If we could look at ourselves in a mirror, we would appear so comical and ridiculous! Those countrymen of ours who have lost their nationality through sheer folly should meditate so that they may recover their original personality as true Filipinos. Perhaps there ought to be a sort of naturalization law, not by statute, but in a moral sense, so that many of these misguided persons could become naturalized Filipinos through some test to find out if they are qualified to become Filipinos again. However, I seriously doubt whether many could qualify because many would be unwilling or unable to swear that they will never sell their import license to aliens or become dummies in corporations; because many would be unwilling or unable to abandon their idea that our country would economically sink if we should get away from the moorings of the American dollar; because many would be unwilling or unable to give up the notion that American education is the most suitable method of training Filipino children for good citizenship; because many would be unwilling or unable to believe that the noble example of Rizal and other Filipino national heroes are more than sufficient to guide and inspire the Filipino youth; because there are many who would be unwilling or unable to be convinced that

we, Filipinos, can stand on our own feet in foreign policy, in economics, in education, in literature, and in philosophy, in our development as a nation.

But there are exceptional cases, and I am sure you are among them. For I know that you are sensible enough to avail yourselves of the moral and spiritual treasures in the deepest recesses of the national soul to enrich your hearts and minds, and to strengthen your love of country. This country of ours is deserving of our absolute loyalty and our unstinted affection and attachment. We should love the Philippines because it is here where the smile of loved ones greets us with the dawn and where our homes seem to have descended from heaven, borne on angels' wings. It is here where we can behold the enchanted sunset and the beautiful mountains to forget life's cruel disillusionments. It is here where our beloved mother and father eternally sleep under the tropic skies, blessed by our loving memories. It is here where we see the glory of the Creator in every flower that blooms and in every star that burns. It is here where God has called you and me to realize whatever mission He has allotted us. It is here where we hope to see our wonderful dreams come true.

OPINIONS OF THE SECRETARY OF JUSTICE

OPINION NO. 2, s. 1958
January 2, 1958

Mr. Newton E. Serion
Justice of the Peace
Amlan, Negros Oriental

Sir :

This has reference to your letter of November 4, 1957, requesting information as to whether commissioned officers of the Philippine Constabulary or other units of the Armed Forces of the Philippines are authorized to administer oaths.

Your letter is quite vague. However, it might suffice to state, in reply, that the authority to administer oaths is not inherent in every public office and that an officer or other person has only such authority, if any, to administer oaths as is conferred upon him by statute. The persons or officers with general authority to administer oaths are enumerated in section 21 of the Revised Administrative Code while those vested with special authority of the same Code (secs. 591, 664, 676, 952, 1147, 1665 and 1845), and in provisions of special statutes (see Rep. Acts Nos. 48 [certain officials, in administering the National Internal Revenue Code], 100 [teachers and other officials, in the preparation of claim forms and other documents filed with the defunct Phil. War Damage Commission], 940 [Members of Congress, in administering oaths to elective public officials]).

Pursuant to sections 71 and 79-C of the Revised Administrative Code, any officer, committee, or person designated by the President of the Philippines to conduct any investigation which may be lawfully prosecuted upon his order, and those designated by the Department Head to conduct any investigation of any act under his Department, may also administer oaths and take testimony in connection with the investigation so undertaken.

Hence, except in those cases contemplated in sections 71 and 79-C of the Revised Administrative Code, and unless included in the enumeration of those vested with either general or special authority to administer oaths in the legal

provisions above mentioned, or in some other law, commissioned officers of the Philippine Constabulary or other units of the Armed Forces of the Philippines may not administer oaths.

Very truly yours,
(Sgd.) JESUS G. BARRERA
Undersecretary

—oOo—

OPINION NO. 7, s. 1958
January 30, 1958

Atty. Cesar Larrazabal
1221 Bautista St., Singalong
M a n i l a

S i r :

This is in reply to your request for reconsideration of Opinion No. 14, s. 1956, wherein this Department held that Desideria Caridad Lebron Cuerva @ Caridad Lebron de Cuerva lost her Philippine citizenship upon her marriage on March 21, 1931, to Pedro Cuerva, a citizen of Spain.

You contend that Mrs. Caridad Lebron de Cuerva did not lose her Philippine citizenship upon her marriage to her husband, citing the law in force in the United States at the time of the marriage, the Act of September 22, 1922, of the U.S. Congress (42 Stat. 1021), otherwise known as the Cable Act, section 3 of which reads in part as follows:

"That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this Act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: x x x." (See USCA, Title 8, sec. 9.)

The contention that the aforequoted provision of law may be applied to a Filipino woman who was married to a foreigner after the enactment of the said Act is, in our opinion, not well taken. Aside from the settled principle that the Constitution of the United States and the Acts of the U.S. Congress did not apply *ex proprio vigore* to the Philippines (section 5, Act of Congress of August 29, 1916; Tan Chong vs. Secretary of Labor, 79 Phil. 249, 255), it is pertinent to note that under the laws of Spain, "a married woman follows the condition and nationality of her husband." (Art. 22, Civil Code of Spain.) Since Mrs. Caridad Lebron de Cuerva acquired her husband's nationality by virtue of her marriage in 1931 (see also Vol. 23 [1929], Sp. Supp., American Journal of International Law, pp. 106-107, *cf.* Opinions of the Secretary of Justice, No. 427, s. 1955; Nos. 190 and 196, s. 1957), and as there was no statutory law, at the time of her marriage, providing for the retention of Philippine citizenship by a Filipino woman who is married to an alien, there is every reason to hold that she did not retain her Philippine nationality. This conclusion becomes manifest if we take into account the resulting dual citizenship of the petitioner under the theory advanced by her counsel. We agree with the observation of the Supreme Court in its decision in the Tan Chong and Lam Swee Sang cases that "dual allegiance must be discouraged and prevented."

Wherefore, we constrained to reiterate the view expressed in Opinion No. 14, s. 1956, of this Department.

Very truly yours,
(Sgd.) JESUS G. BARRERA
Undersecretary

OPINION NO. 13, s. 1958
February 10, 1958

The Secretary of Education
M a n i l a

S i r :

This is in reply to your letter of November 27, 1957, requesting opinion regarding a petition of the Catholic residents of Muñoz, Nueva Ecija, for the construction of a Catholic church within the premises of the Central Luzon Agricultural College, under the following terms:

- "1. The church will be financed out of funds of the Catholic group in Muñoz, Nueva Ecija;
- "2. The lot to be utilized for the purpose will neither be rented nor leased to the group;
- "3. In the event that the church will no longer be needed by the group in the future, the same will automatically become the property of the College; and
- "4. The proposed church, if constructed, will be administered and supervised by the Catholic group."

You cite several opinions of the Office (No. 125, s. 1950; No. 396, s. 1951; and No. 217, s. 1956) and state that in accordance therewith under either of these two alternative situations a chapel or church belonging to a religious sect or denomination may be erected on a school site;

- "A. (1) If no government funds, material and equipment are used for the construction; and
- (2) If title to the church or chapel is to remain in the government although the church will be for the *exclusive* use of the sect, or denomination constructing the same.
- "B. (1) If no government funds, material or equipment are used for the construction; and
- (2) If the sect, denomination or religion holding title to the chapel or church enters into a lease contract with the government agency responsible for the public school site concerned, under which contract, rent not nominal but real and actual is paid to the government."

I doubt whether the second condition of the first alternative—i.e., title to the church or chapel shall be given to the government but said church or chapel shall be for the *exclusive* use of the sect or denomination constructing the same—would be in keeping with the provision of the Constitution prohibiting the use of public money or property for the benefit of any church or sectarian institution. (See Section 23[3], Article VI, Constitution.) Under such a plan, a portion of the property of the State, the lot upon which the church or chapel shall be constructed, would have to be devoted to the exclusive use and benefit of a single sect such that the government would stand to gain nothing in return for the use of the lot, either in rent or other material benefit. While it is true that title to the church or chapel, constructed at no expense to the State, would be ceded to the government, the use thereof as well as of the ground on which it would be constructed would inure exclusively to the benefit of the sect or denomination which financed its construction. It would be different and, I believe, constitutionally permissible if the chapel were administered by the Government and the privilege of using it for religious purposes were extended equally to all religious organizations.

The second formula is in conformity with the above-cited opinions of this Office and may be adopted, provided that the same privilege of leasing a por-

tion of the college property is allowed every other religious sect or denomination that may wish to avail of it.

Very truly yours,
(Sgd.) PEDRO TUASON
Secretary of Justice

—oOo—

OPINION NO. 33, s. 1958
March 28, 1958

Governor Alejo S. Santos
Malolos, Bulacan

S i r :

This is in connection with your letter of March 10, 1958, requesting opinion whether the "teniente del barrio" elected last January 1957 in barrio Panghulo, Obando, Bulacan, may continue to hold office for the year 1958. Although section 83 of the Revised Administrative Code enumerates the government functionaries who may seek legal advice from the Secretary of Justice, and the provincial governor is not among them, it is permissible, I think, to make an exception in this instance by rendering opinion on the question propounded.

It appears that during the meeting convened in said barrio last January 21, 1958, for the purpose of electing the barrio council, there was an extended discussion regarding voting qualifications, and that no election was held.

Under the provisions of section 21(c) of the Revised Election Code, the President may order special elections in the barrios where elections failed to take place on the date fixed by law or such elections resulted in a failure to elect (Opinion No. 41, s. 1956). Until such a special election, I believe that the barrio council elected the previous year should hold over pursuant to the fifth paragraph of section 2219-½ of the Revised Administrative Code, as amended by Republic Act No. 1408, which in part reads:

"The members of the barrio council shall hold office for one year or until their successors are duly elected and qualified x x x" (Underscoring supplied.)

Besides, apart from constitutional or statutory rule the law that an incumbent of an office will hold over after the conclusion of his term until the election and qualification of a successor. (Tayko v. Capistrano, 53 Phil. 866, citing 22 R.C.L. pp. 554-5.)

Very truly yours,
(Sgd.) JESUS G. BARRERA
Acting Secretary of Justice

—oOo—

OPINION NO. 43, s. 1958
March 26, 1958

The Chairman
Land Tenure Administration
M a n i l a

S i r :

This is with reference to your request for opinion regarding the institution of judicial proceedings for the "expropriation of landed estates or hacien-

das or lands which form part thereof, situated in Manila, Quezon City and its suburbs."

Originally, Section 2 of Republic Act No. 1162 provided that expropriation proceedings authorized by the Act shall be instituted by the Solicitor General. This section was subsequently amended by Republic Act No. 1599, which transferred said function to the Land Tenure Administration, and then by Republic Act No. 1990, which re-enacted the old provision.

The cited section and its two amendments are reproduced below:

"Sec. 2.—Immediately upon the availability of the necessary funds by the Congress of the Philippines for the payment of just compensation for the said landed estates or haciendas, *the Solicitor General shall institute the necessary expropriation proceedings* before the competent court of the City of Manila. (Underscoring ours; Republic Act No. 1162.)

"Sec. 2.—*The Land Tenure Administration shall institute the proper expropriation proceedings of the lands herein authorized to be expropriated* before the competent court of the City of Manila. (Underscoring ours; Republic Act No. 1599.)

"Sec. 2.—Immediately upon the availability of the necessary funds by the Congress of the Philippines for the payment of just compensation for the said landed estates or haciendas, *the Solicitor General shall institute the necessary expropriation proceedings* before the competent court of the City of Manila or Quezon City, as the case may be." (Underscoring ours; Republic Act No. 1990.)

Two generally accepted principles of statutory construction govern the case you have presented, namely: When Congress amends a statute, it is presumed to have done so with full knowledge of existing statute (82 CJS 898), which presumption, it is believed, applies with greater force to previous amendments to the same statute; and, if amendments to a statute are irreconcilable, the latest in date of final enactment will prevail (p. 897, id.).

Under either principle, it is section 2, as amended by Republic Act No. 1990, that should prevail. Consequently, the Solicitor General, and not the Land Tenure Administration, is the one authorized to institute proceedings for the expropriation of landed estates or haciendas in Manila and Quezon City pursuant to Republic Act No. 1162.

Very truly yours,
(Sgd.) JESUS G. BARRERA
Acting Secretary of Justice