

Recent Documents

RESEARCH AND THE SPIRIT OF ADVENTURE. By President Vicente G. Sinco. Remarks made at the opening session of the Conference on University Researches on June 21, 1961 at the Engineering Theater.

It is with a feeling of satisfaction that at long last a conference on research is now held at this University. This feeling is specially enhanced by the fact that the participation in this conference includes not only research in natural science but also that of social science. I am particularly attracted by this feature of this conference for the simple reason that I have been associated with research in law and in education from the very first days of my career as a teacher in this University some 31 years ago. And right from the start I would want to express a thought that may have been also in the minds of some people but which I have never heard it expressed, that in the social sciences there is such a thing as basic research and applied research as in the case of the natural sciences. Let me, therefore, express my strong dissent against certain scholars in natural sciences in our country, especially in our University, who seem to think that the only kind of research work in the social sciences worth talking about is that which takes a man to the barrios, the slums of Iloilo, or the wilds of Mindanao and Mindoro. In my opinion, these people are mistaken. For research is not necessarily a matter of leg work but is necessarily a matter of brain work. In the solitude of one's study or in the quiet of a university library, one is capable of accomplishing as valuable a piece of original work as anywhere else as long as one uses his mind to penetrate deeply into questions and problems of ultimate significance and value to man and society.

I have repeatedly stated in more than one occasion that an institution may only rightly claim as a university if, in addition to teaching, it does research work. As I stated in my inaugural address: Research is the hallmark of a university. One can call an institution a university without that institution becoming a genuine university. It is regrettable that we in this country do not really adhere to this rule. Fortunately, the University of the Philippines has ever been committed to research. In these days the program of the University in the field of both teaching and research must be intensified. For the need of the country for well-educated citizens and leaders on the one hand, and for the guidance and direction of science on the other hand, has greatly broadened and highly intensified.

Turning to the teaching of science and technology and to the research activities that the country needs, it might be interesting to state the following by way of information rather than comparison: In the United States, the most dramatic change within its universities during the past two decades has been the enormous increase in the amount of research now done within them. The amount spent on research in all American universities rose by more than 2600% from \$27,100,000 in 1939-1940 to \$734,000,000 in 1957-1958. An outstanding example is Harvard. Twenty-five years ago Harvard's Department of Chemistry spent less than \$100,000 on research; in 1959 this department alone spent over a million dollars for this purpose. The amount spent for research in the Harvard Medical School in 1934 was \$220,000. By 1959 this school's budget for research had risen to more than five million dollars.

In citing these figures, I do not mean to convey the impression that money, and lots of it, is all that is needed to promote scientific research in our country. This seems to be the idea of some people. They are absolutely wrong. Neither do I underrate, however, the importance of money in certain kinds of research. We need more money indeed in our research work here. But to promote research we need above everything else the scientific spirit within us, the questioning mood, the impatience with things as we find them, the attitude of doubt, that feeling of dissatisfaction with present conditions, that urge to delve into the unknown, the hidden, the mysterious in nature and in life.

At this point, I should like to quote the words of an outstanding Dutch scientist, A. J. Staverman, a teacher of physical chemistry of Leiden University and director of the main laboratory of the Central Organization for Applied Scientific Research at Delft. He said: "It is often said that scientific research and technology are basic characteristics of Western civilization. A closer look, however, shows that our technological development has been more or less thrown in our laps by the progress of our scientific research, while that in turn derives from an even profounder Western characteristic: the propensity for questioning beliefs generally accepted as true and for assessing the extent of their truth, the tendency to regard the body of our knowledge not as an unalterable heritage that must be conserved through the generations, but as something that is growing and changing continually. It is particularly clear, if we look upon the sixteenth and seventeenth centuries as the beginning of modern Western culture, and on Greek civilization as its forerunner, that inquisitiveness, the urge to discover, is more truly the scarlet thread running through the pattern of our history than science is."

"The only reason why science seems so important is that it is the field in which the urge to discover has made the most impressive advances. Yet in the sixteenth and seventeenth centuries it was geography that held the pride of place. Even now, centuries later, it is something of a mystery where this little piece of the world called Europe found the energy to go forth year in, year out, in the face of terrible privations and perils, to explore the earth—and why so many other cultures that were then in many ways superior to the European did not do likewise on a similar scale. It is possible to put forward economic reasons or to describe the phenomenon as an accident of history or geography, and such motifs are undoubtedly of incidental importance, but they cannot be the full explanation. One senses behind it all the elemental urge of a whole society, just as the crusades and cathedrals of the Middle Ages (or, further afield, the pyramids of the Egyptians, and the conquests of the Mongols) can be explained only on the basis of an elemental urge within those societies."

Then he adds these significant thoughts: "It must not be assumed that science and research are roughly identical, that all study of science is research, or that all research directed towards technical improvement is purely scientific. Nothing is less true: many who have graduated as physicists and chemists practice their professions every day without actually participating in research, the advance into the unknown. And at the same time the carrying out of research comprises so many non-scientific elements—economic, organizational, and personal—that the most brilliant physicist or chemist is certainly not always the most suitable research worker."

Somewhere in our national Constitution we read this provision: "The State shall promote scientific research and invention." This is a wise provision. But it might not be out of place to say here that no State can promote research if the officials of the State, if the men at the helm of government, discourage and prevent its educators and its scholars and scientists and students from expressing unorthodox ideas, from pursuing the truth to wherever it leads the thinking man, from embarking on an intellectual exploration to discover the unknown and to expose falsehood in any and in every sphere of life. Laws and constitutions are useless, worse than useless, when the spirit of man is imprisoned and its wings clipped.

OPINION NO. 98, S. 1961. 4th Indorsement, July 25, 1961.

Respectfully returned to the Assistant Executive Secretary, Office of the President, Manila.

Opinion is requested "as to who exercises disciplinary jurisdiction over officers, members of the faculty and other employees of the University of the Philippines."

Section 16(i) of Republic Act No. 2260, otherwise known as the Civil Service Act of 1959, provides as follows:

"SEC. 16. *Powers and Duties of the Commissioner of Civil Service.* It shall be among the powers and duties of the Commissioner of Civil Service —

: * * *

"(i) Except as otherwise provided by law, to have final authority to pass upon the removal, separation and suspension of all permanent officers and employees in the competitive or classified service and upon all matters relating to the conduct, discipline, and efficiency of such officers and employees; and to prescribe standards, guide-lines and regulations governing the administration of discipline."

On the other hand, Section 6(e) of Act No. 1870, the U.P. Charter, reads:

"SEC. 6. The Board of Regents shall have the following powers and duties, in addition to the general powers of administration and the exercise of the powers of the corporation.

* * *

"(e) To appoint, on recommendation of the president of the University, professors, instructors, lecturers, and other employees of the university to fix their compensation and to *remove them for cause after an investigation and hearing shall have been had;*" (underscoring ours).

Pursuant to the latter quoted provision, the Board of Regents of the University of the Philippines has special authority to remove for cause employees subject to its jurisdiction after investigation and hearing shall have been had. Construing a similar special power of the Monetary Board of the Central Bank of the Philippines, our Supreme Court had this to say:

"Reading the two legal provisions invoked by respondent Esperanza and Section 14 of Republic Act No. 265, relied on by petitioner, we find that the latter provision of law (Section 14, Republic Act No. 265), particularly, paragraph (c), is sufficiently broad to vest the Monetary Board with the power of investigation and removal of its officials, except the Governor thereof. In other words, the Civil Service Law is the general legal provision of law which must govern the investigation, suspension

or removal of employees of the Central Bank, though they be subject to the Civil Service Law and Regulations in other respects." (Andres Castillo, etc., et al. vs. Hon. Froilan Bayona, etc., and Esperanza Arzaga-Gallardo G.R. No. L-14375, Jan. 30, 1960.)

It is clear, then, that Republic Act No. 2260 did not operate to divest the Board of Regents of the power of discipline over the faculty members and employees of the University of the Philippines vested by the U.P. Charter. This is evident from the phrase "expect as otherwise provided by law" contained in Section 16(i) of Republic Act No. 2260, which indicates the statutory purpose not to supersede special provisions of law governing the administrative investigation of a specific group of employees, and much less to transfer this power to the Commissioner of Civil Service. It is significant to note that the phrase "and shall have exclusive charge of all formal administrative investigations against them" which was among the proposed powers of the Commissioner of Civil Service in the original Senate Bill No. 133, was deleted during the period of amendments in the Senate. (See Congressional Record of May 12, 1959 on Senate Bill No. 133).

In view of the foregoing, it is our opinion that the Board of Regents retains the power to exercise disciplinary jurisdiction over the faculty members and employees of the University of the Philippines as provided in its charter.

(Sgd.) ALEJO MABANAG
Secretary of Justice

Republic of the Philippines
Department of Public Works and Communications
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Manila

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