

1 August 1967

The President
University of the Philippines
Campus

Sir:

I am submitting this report on the activities of the College of Law for the period from July 1, 1966 to June 30, 1967.

INTRODUCTION

Chiselled in bold letters on the wall across the main entrance of Malcolm Hall are these words:

"The business of a law school is not sufficiently described when you merely say that it is to teach law or to make lawyers. It is to teach law in the grand manner and to make great lawyers."

—Holmes

The inscription was made in June and is intended as a constant reminder of the *raison d'être* of the College of Law of the University of the Philippines.

During the year under review, I am pleased to report that a conscious effort was made to pursue the aim "to teach law in the grand manner and to make great lawyers." There were substantial achievements and some setbacks as the College and its Law Center forged ahead.

The thrust of the teaching activities of the College was in three areas. The training of students in both the undergraduate and graduate levels remains the primary function of the College and the faculty directed its attention to and completed a comprehensive revision of the four-year undergraduate curriculum. New graduate courses were also adopted. The activities in the second area are undertaken for the benefit of the legal profession on the bench and the bar. Through institutes and judicial conferences held by the Continuing Legal Education Program of the Law Center, the teaching function of the College of Law was extended to those who have long been out of the law school. Finally, by hosting the second session of the Asian Institute of International Studies and a Seminar on Law Library Organization and Legal Research, the College reached into the international field. In these two activities, lecturers were invited from abroad and among the participants, several Asian countries and Australia were represented.

The other achievements during the year were the completion of three major research projects and the publication of several books by the Law Center.

Not only members of the law faculty participated in a conference and seminar abroad but for the first time, the College sent student delegates to a seminar outside the Philippines. However, a setback occurred in student affairs.

Section One

THE LAW SCHOOL

I

THE STUDENTS

It is with regard to the students that cause for re-evaluation arises. True, the bar examinations results were a decided improvement over the past years'. Our graduates placed first, second, fifth and sixth places and 93.33% of our candidates passed. But while the enrollment continued to increase, in spite of a more selective admission policy the mortality rate in the freshman class remained high. The number of students in the College who obtained the 1.75 or better average necessary for scholarship purposes was only about 3% of the enrollment. There was, however, no lack of student leaders on the campus and the national scene. And for the first time in the history of the College, a group of students staged a boycott of classes which triggered off violent incidents, disrupted the schedule of classes in the College and disturbed the peace of the whole University.

One of the principal objectives of the College of Law is to develop the students for leadership. Thus, with your approval, the College sent two delegates to a seminar in Singapore. I believe that student initiative and assertiveness should be encouraged rather than stifled but some events in the past year indicate that there is a need to re-orient the attitude of students so that their energies may be directed principally towards excellence in academic pursuits.

A. Enrollment

1. DILIMAN AND MANILA

The comparative enrollment figures for the academic years 1965-1966 and 1966-1967, and for the summer terms of 1966 and 1967 are as follows:

TABLE I

	First Semester		Second Semester	
	1965-66	1966-67	1965-66	1966-67
Undergraduate students:				
First Year	121	163	87	128
Second Year	68	87	72	85
Third Year	74	72	77	74
Fourth Year	60	65	57	62
Graduate Students	7	8	7	3
Female Students	73	81	63	74

TABLE II

	Summer Term 1966	Summer Term 1967
Undergraduates	104	97

2. THE LL.M. SUMMER REGIONAL PROGRAM IN DAVAO CITY

This year's offerings were Administrative Law Problems, Contemporary Problems in Constitutional Law and Seminar in Legal Education. All were handled by Professor Jose C. Laureta. A total of 20 students enrolled. Subject to the concurrence of other University officials, principally the Dean of the Graduate School, I plan to phase out the Davao graduate program by not admitting next year new students so that the program can be terminated when those now enrolled shall have graduated.

B. Scholarship and Delinquency

The comparative scholarship and delinquency figures for the school years 1966-1967 are summarized in the table below:

TABLE III

	First Semester		Second Semester	
	1965-66	1966-67	1965-66	1966-67
University Scholars	2	3	3	1
College Scholars	6	8	7	9
Students Dropped	19	8	8	29

C. Graduates

Of the 52 who were conferred LL.B. degrees, two were graduated with honors. Their names, weighted averages and specific honors received, are given in the following table:

TABLE IV

Name	General Average	Honors
1. Factoran, Fulgencio S.	1.64	<i>Cum Laude</i> & (Class Valedictorian)
2. Cabrera, Prima Lou C.	1.68	<i>Cum Laude</i> & (Class Salutatorian)

D. *Summer Class, Summer Term 1967*

Listed below were the courses offered during the summer term 1967, opposite which are the names of the faculty members who handled them:

Sales	Prof. Araceli Baviera
International Law	Prof. Catalino Macaraig
Evidence	Prof. Deogracias Reyes
Insurance & Banking	Prof. Lualhati Ferro
Transportation & Public Utilities	Prof. Crispino Reyes
Labor & Tenancy Law	Prof. Perfecto Fernandez
Conflict of Laws	Prof. Teodorico Taguinod

E. *Students' Seminar in Singapore*

On an invitation from the Law Society of the University of Singapore, the College of Law sent two delegates to the first South East Asian and Australasian Law Students' Seminar held in Singapore from May 10 to 12, 1967. The theme of the Seminar was "Law in a Developing Nation" and the topic discussed was "The Problem of Executive Excesses and the Checks Required, e.g., the Ombudsman." The student delegates were Miriam Defensor and Ronaldo Zamora.

Believing that participation in this type of seminar will not only be a valuable personal experience for the students but would also open the way towards greater communication among the younger generation in this part of the world, I asked for the transfer of funds from an item in the College of Law to the President's discretionary fund. The amount transferred covered two round trip tickets for the student delegates.

F. *Students' Boycott*

The past year will be remembered for the boycott of classes by some students in the College of Law and the violent incidents which came in its wake. The students staged the boycott to demand

the ouster of a member of the law faculty against whom they had a grievance. It was carried out on the morning of September 22, 1966 by students absenting themselves from class and bearing placards in front of Malcolm Hall. When I was given notice on the afternoon before the incident of the intention to boycott, I set a meeting with the students for the following morning. At the meeting, I listened to the spokesman of the students, received a copy of the complaint against the professor, assured the students that appropriate action would be taken, and advised them to return to their classes. This they did not do and shortly afterwards, mauling incidents occurred involving members of two fraternities which count with large memberships in the College of Law and which had taken opposite stands on the boycott. I called the heads of these fraternities and urged them to put a stop to the violence despite the fact that their activities were subject to the jurisdiction of the Dean of Student Affairs. However, other incidents followed. To prevent further contact between the two fraternities and possible harm to innocent bystanders, I decided to suspend classes in the College. Classes were not resumed till September 28 for the boycott had degenerated into a fraternity war which culminated in shooting incidents. These occurred while you were out of the country and your intervention was needed to put a curb on the acts of mutual retaliation between the members of the feuding fraternities. After normalcy was restored, the University took steps to determine responsibility for the acts which had disturbed essential University functions and had produced much adverse publicity.

For my part, I ordered an investigation to ascertain responsibility for the boycott. The testimony of students and members of the faculty revealed that the boycott was staged for the purpose of demanding the immediate ouster of a member of the law faculty against whom some students had complained. The fact that the violent incidents were triggered off by the boycott was likewise established. On the bases of these findings, a suspension of one semester was imposed on the student found to have instigated and led the boycott. The investigation of the violent incidents between the members of the two fraternities fell within the jurisdiction of the Dean of Student Affairs, who created one committee to inquire into all the incidents. Some hearings have been terminated and suspensions have also been meted out to the students found guilty of committing acts of violence.

You constituted a faculty committee which conducted the investigation of the administrative charges filed against the law fa-

culty member. The committee recommended a reprimand which you formally administered.

Your memorandum dated October 1, 1966, goes into the core of the issues involved in these unfortunate episodes, thus:

"In the University, no student has any right to discipline a faculty member by advocating a boycott of classes; where there is any case of alleged abuse of authority, the students have every right to seek redress administratively and to see to it that justice is done. But no student or group of students can claim the right to usurp the authority of the University by arrogating unto themselves unilateral action to decide against a faculty member or act in such a way that would tend to deny the right of any faculty member to 'due process' which, according to the pertinent provision of the University Code, means being judged by his peers. The University certainly cannot defend the freedom of anyone if it could arbitrarily accept the claim of any group to judge individuals on their own terms.

"The University does not condone abuse of authority, be it on the part of its faculty or its administrative officials. But it cannot condone, either, any student claim to try the faculty by their own methods. The University must see to it that no one's right or the liberty of any group is prejudiced by arbitrary action; that no coercion is exercised to curtail the freedom of one or of any group to seek proper arbitration of grievances; that furthermore, no malice is encouraged against any one or any group, and that in no instance will it be countenanced that violence is perpetuated against the civilized values that the University stands for."

G. *Bar Examinations Results of 1966*

Of 45 candidates who were duly certified to take the 1966 bar examinations, 42 passed. This represents a passing percentage of 93.33%. Four made the "top ten" list, namely:

1. San Jose, Roberto V. 1st Place
2. Balane, Ruben F. 2nd Place
3. Chato, Wilfredo M. 5th Place
4. Bautista, Sonia L. (Miss) 6th Place

II

FACULTY

A. *New Appointments*

During the year under review, the following new appointments were made:

TABLE V

Name	Rank	Period of Appointment
Instructor:		
Feliciano, Myrna S.	Instructor	July 1, 1966 to June 30, 1967
Magallona, Merlin M.	Instructor	July 18, 1966 to June 30, 1967
Yorac, Haydee B.	Instructor	July 18, 1966 to June 30, 1967
Lecturer:		
Ferro, Lualhati V.	Professorial Lecturer	December 1, 1966 to December 1, 1967

B. *Salary Adjustments and Promotions*

Effective January 1, 1967, the full-time members of the faculty became beneficiaries of another salary adjustment — the third since you assumed the presidency. This and the previous adjustments represent a 50% increase over the faculty salaries at the 1962 level.

The following promotions were also approved:

TABLE VI

Name	Rank	Period of Effectivity
Lecturers:		
Gatmaitan, Magno S.	Professorial Lecturer	December 1, 1966
Lopez, Ciriaco T.	Professorial Lecturer	December 1, 1966
Macaraig, Catalino	Professorial Lecturer	December 1, 1966
Solidum, Arsenio	Professorial Lecturer	December 1, 1966
Ventura, Francisco	Professorial Lecturer	December 1, 1966
Gonzaga, Luis J.	Associate Director	November 1, 1966

C. *Special Detail and other Faculty Leaves*

1. Together with Professor Bartolome S. Carale, I went on special detail to attend a Conference on International Law in Hong Kong from January 2 to 7, 1967. As Chairman of a Provisional Committee created in a Roundtable on the Teaching of International Law in 1964 at Singapore, I planned the conference, issued invitations thereto, and supervised its meetings. Professor Carale assisted me in managing the conference. The problems discussed were the state and foreign investments, succession, and pacific settlement of disputes. The conference enabled the participants not only to discuss common problems but also to form personal friendships upon

which international understanding may be partly based. Our experience demonstrated that given the necessary enthusiasm and industry, a conference can be successfully organized even if the organizer, the host institution (University of Hong Kong) and the financial supporters (Carnegie Endowment for International Peace and The Asia Foundation) are located in different countries.

2. Professor Sulpicio Guevara returned from a sabbatical leave of six months during which he travelled extensively in Europe and the United States, visiting various law schools. He gathered materials on the laws of the First Philippine Republic and is now in the process of organizing these materials.

3. In line with the faculty development program, the University sent Professor Sixto T. J. de Guzman, Jr. abroad on special detail. He attended the Orientation Program on American Law at Princeton University and proceeded to the Yale University Law School where he worked for and obtained the degree of Master of Laws. Before his return to the Philippines, Professor de Guzman was admitted by the Yale University Law School to their J.S.D. program.

4. Professor Estelito P. Mendoza, a professorial lecturer, with travel assistance from the Law Center, participated in the third session of the International Law Seminar in Geneva from May 22 to June 9, 1967. This seminar is held in connection with the annual sessions of the International Law Commission of the United Nations. The Commission met to discuss the draft articles on "Special Missions", sometimes referred to as "*ad hoc* diplomacy." The participants in the seminar attended the sessions of the International Law Commission as well as lectures presided mostly by members of the Commission.

D. *Extension Service*

1. My work with the Board of Pardons & Parole continued.

2. During the year, I had the privilege to assist in working out the terms of the Headquarters Agreement between the Republic of the Philippines and the Asian Development Bank. I helped the Philippine Coordinating Committee on the Asian Development Bank in the course of the negotiations and in the re-writing of the draft of the Agreement. I also appeared before the Senate Committee on Foreign Relations during the hearings conducted by its Chairman, Senator Jovito Salonga. The Headquarters Agreement has been ratified by the Senate.

3. Several members of the faculty completed their work as committee chairmen or members in the Revised Administrative Code Project. The draft of the revised code was presented to the President of the Philippines and is even now pending congressional action.

III

CURRICULUM

The revised curriculum adopted by the faculty at its meeting on February 11, 1967 was the result of studies undertaken since 1963. The thorniest issue which the faculty had to consider was the revival of the review courses in the senior year. It was not until December 1965 when I was out of the country, that the decision to restore these courses on a selective basis was reached. As I mentioned in my report last year, although I personally did not favor this decision for it goes against the Holmes quotation given above and also against the philosophy that "Law schools are here not to train for the bar examinations but for the bar," (Reginald Parker, *The Good Law School*, A.B.A. Journal, 1125 [1956]) upon my return, I constituted a committee to study and review the curriculum and to implement the decision to restore the review courses. This committee re-examined the entire curriculum and submitted its proposals to the faculty. Aside from deciding on the revival of three review courses, namely, Commercial Law Review, Civil Law Review and Remedial Law Review during the second semester of the senior year, the faculty re-examined every subject on the curriculum. As a result, new courses including electives, have been introduced; related subjects were merged, others abolished and the unit weight of the courses were adjusted. On the quest for the best means of teaching law in the grand manner, experimentation, innovation, and re-examination of the curriculum are inevitable.

IV

EXTRACURRICULAR ACTIVITIES

1966-1967

First Semester

1. General Elections (Diliman and Manila) .. August 12, 1966
2. 3rd Public Lecture (Faculty Lecture Series) August 25, 1966
THE NATURE OF LEGAL REASONING
Prof. Jose C. Laureta, Lecturer
3. Organizational meetings
Order of the Purple Feather &
Law Student Government August 27, 1966

4. Convocation and Induction of Officers of the Law Student Government, Order of the Purple Feather and Class Officers ... September 2, 1966
 Asst. Exec. Sec. Jose Leido, Jr. Malcolm Theatre
 Guest Speaker
5. Law Day and Unveiling of Portrait of Chief Justice Roberto Concepcion (Law Faculty and Student Government) September 26, 1966
 Chief Justice Roberto Concepcion Rizal Room
 Guest Speaker
6. Symposium (Law Student Government) .. October 14, 1966
 THE ABOLITION OF REAL ESTATE Rizal Hall Theatre
 TAXES IN MANILA Padre Faura, Manila
 Mayor Antonio J. Villegas
 Guest Speaker

Second Semester

1. Second Malcolm Lecture March 10, 1967
 DIPLOMATIC PROTECTION OF
 FOREIGN CORPORATIONS AND
 FOREIGN STOCKHOLDERS
 Dr. Florentino P. Feliciano, Lecturer
2. Annual "Night Meets Day" Debate* March 15, 1967
 Rizal Hall Theatre
 Padre Faura, Manila
3. Convocation-Open Forum (Order of the Purple Feather) April 6, 1967
 PHILIPPINE POLICY ANENT
 FOREIGN INVESTMENT
 Senator Jose W. Diokno, Guest Speaker

V

PUBLICATIONS

Five issues each of the *Philippine Law Journal* and the *Law Register* came out during the last year. The student editorial boards of both publications were headed this time by women.

Beginning with volume 42 of the *Philippine Law Journal*, the survey articles which heretofore were prepared mostly by stu-

* This was won by the Day Team.

dents, will be written by members of the faculty and by research assistants of the Law Center. The change has been adopted in order to insure a more perceptive and critical treatment of current developments in the law.

VI

THE LAW LIBRARY

The Law Librarian reports that the period under review though not an extraordinary one, was a year of fine accomplishment. She enumerates these accomplishments, thus:

A. *Growth of the Collection*

The Faculty Library Committee actively participated in the selection of legal materials. It recommended 58 per cent of the materials purchased during the period. Thus, 1,802 volumes were added to the book collection, bringing the present accession record of the Law Library to 26,041. Of this number 906 were purchased, 2 were acquired on exchange, 314 were continuations added by binding, 471 came as gifts and 109 were deposited in accordance with provisions of Republic Act No. 3870, the Law Center Law. The pamphlet file was enhanced by the addition of 95 making a total of 540 titles. The graduate thesis collection amounted to 18 titles and the undergraduate thesis collection was enriched by the addition of 94 titles.

Notable acquisitions for this year include a substantial part of the Felipe Ysmael Collection and the *Transaction of the Grotius Society* which was purchased by the "Class of 1941" fund, Rizaliana items from the National Historical Commission which were purchased by the "Class of 1940" fund, the *U.S. Statutes at Large*, the *Code of Federal Regulations*, the *Recueil des Cours of the Hague Academy of International Law* and an almost complete set of the *U.S. Treaties and Other International Agreements* which was donated by the Ford Foundation and some Spanish books such as Manresa's *Commentarios al Código Civil Español* (1914), Sanchez Roman's *Estudio de Derecho Civil* and Viada's *Código Penal reformado de 1870* were donated by Director Ruben F. Santos of the Bureau of Labor Standards.

This year's serial collection has reached 582 titles as against last year's 510. Three periodical titles have been completed bringing to a total of 33 titles completed to date. The acquisition of back issues of the *CIR Reporter* from the Ysmael Collection completed this series.

B. Services

Statistics on the use of library resources this year show a total of 87,650 volumes which is an increase over last year's 76,987. The figures below give an indication on the use of the library:

Filipiniana Books & Pamphlets	29,888
Reference Books & Pamphlets	6,780
Reserve Books & Pamphlets	30,292
Circulation	5,294
Periodicals	4,647
Newspapers	5,310
Other materials	5,009
Reference Questions	346
Intra-Library Loans	69
Inter-Library Loans	15
T O T A L	87,650

Efforts have been made to improve the service through the publication of the *New Acquisitions* listing which started in December and comes out every other month. The mailing list does not only include our immediate clientele but the various court libraries, government agencies and law firms so as to project the library toward the greater audience — the legal profession. In this manner, the library will grow not only in total volume count but in stature as well.

C. Miscellaneous Activities

1. The Collection of the Philippine Society of International Law was transferred from the Ateneo de Manila and is now temporarily housed in the library. A majority portion of the international law collection has been processed and classified.

2. The Seminar on Law Library Organization and Legal Research was held from August 1 to 26, 1966 under the auspices of the Law Center of the University of the Philippines, College of Law and The Asia Foundation. Mr. Earl C. Borgeson, Librarian of the Harvard Law School, acted as Director of the Seminar with Miss Marina G. Dayrit, University Librarian, and the Law Librarian as coordinators. Sixteen participants and two observers regularly attended the sessions. Of this number, two were from Japan and Korea, one from India, Singapore and Pakistan and nine from the Philippines. In order to approach law librarianship from different viewpoints, Senator Jose W. Diokno, Judge Guillermo S. Santos and Dr. Ernesto Y. Sibal were invited as special lecturers. Other guest speakers included Professor Juan F. Rivera, Mr. Philip F. Cohen and Mr. Jaime Roxas. The regular sessions were augmented by

observation tours to several types of law libraries, the Phoenix Press and the IBM Division of the University of the Philippines. Judging from the comments from various quarters, the Seminar was a success.

D. *Donations*

The library was the recipient of donations from various sources.

LIST OF DONORS

1966-1967

1. Abad Santos, Vicente
2. American Bar Center. Council on Education in Professional Responsibility
3. American Chamber of Commerce of the Philippines
4. American Library Association
5. American Society of International Law
6. Araneta, Salvador
7. The Associated Press
8. Charles C. Tomas Publishers
9. Caroline University. Faculty of Law (Czechoslovakia)
10. Cha Liang-Chien
11. Clark County Historical Society (Ohio)
12. Class of 1940
13. Class of 1941
14. Cuaderno, Miguel
15. Deak, Francis
16. Egyptian Society of International Law
17. Executive Yuan. Council for International Economic Cooperation and Development (Taiwan)
18. Finkelstein, Lawrence S.
19. Ford Foundation
20. Frias Gonzalez, Fortunato
21. Gamboa, Melquiades
22. Georgetown University. Institute of World Polity
23. Harvard Law School. Board of Student Advisers
24. Inter-American Institute of International Legal Studies
25. Ishii, Goro
26. Katzarov, Konst.
27. Kentucky Legislative Research Commission
28. Llave, Gerarda
29. Ngo Ba Thanh
30. Pascual, Crisolito
31. Philippine Commission on Elections
32. Philippines. Congress. House of Representatives
33. Philippine Department of Foreign Affairs
34. Philippine Public Information (Press) Office
35. Ross, Philip
36. Santos, Ruben F.
37. Sherman, Jack
38. Sijthoff Publishers
39. Sinco, Vicente G.

40. Sison, Carmelo V.
41. Stockholm Enskilda Bank
42. Ulrickson, Victor
43. United States Information Service
44. University of Hawaii. Industrial Relations Center
45. University of North Carolina. Institute of Government
46. Wedemeyer, J. M.
47. Wright, Harry K.
48. Yugoslavia Institute of Comparative Law

VII

RESEARCH

1966-67

I. PUBLISHED WORKS

A. Books

- Cortes, Irene. *The Philippine Presidency: A Study of Executive Power*. 2nd printing 1967. Quezon City, U.P. Law Center 327pp.
- Guevara, Sulpicio. *The Philippine Corporation Law*. 5th ed. Quezon City, Central Lawbook Publishing Co. [c1967] 471pp.
- Pascual, Crisolito. *Labor and Tenancy Relations Law*. 3rd ed. [Manila, Rangel & Sons, c1966] 779pp.
- Quiazon, Troadio T., Jr. *Philippine Income Taxation*, by T. T. Quiazon, Jr. and Jesus P. Lukban. 1st ed. Manila [Libertian Press, c1966] 374pp.
- Rivera, Juan F. *Taxation Self-Taught*. Book Four: National Taxation. Manila Rex Book Store [c1966] 875pp.

B. Articles and Others

- Abad Santos, Vicente. Dean's Report, 1965-66. 41 *Philippine Law Journal* 371-400 (July, 1966).
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- _____. After-care. Quezon City, 1967. 14 lvs. Mimeographed. (Paper presented at the Symposium of the Treatment of Offenders, U.P. Law Center, January 27-28, 1967)
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- _____. Prisoners pre-release. Quezon City, 1967. 15 lvs. Mimeographed. (Paper presented at the Symposium of the Treatment of Offenders, U.P. Law Center, January 27-28, 1967.)
-
- _____. The role of the judiciary in policy formation. 41 *Philippine Law Journal* 567-576 (September, 1966). Paper delivered on May 12, 1966 at the National Defense College of the Armed Forces of the Philippines.
- Baviera, Araceli. Civil Law. (1966 Survey). 42 *Philippine Law Journal* 125-146 (January, 1967).

Campos, Jose C., Jr. and Campos, Maria Clara L. Commercial law (1966 Survey) 42 *Philippine Law Journal* 88-124 (January, 1967).

Campos, Maria Clara L. Non-profit organizations — a proposal. 41 *Philippine Law Journal* 401-448 (July, 1966)

Cortes, Irene R. Political Law — Part One (1966 Survey). 42 *Philippine Law Journal* 1-52 (January, 1967).

Guevara, Sulpicio. For a judicial council 1 *The Defender* 26-27 (April, 1967).

Humanizing the law through a jury trial. 2 *Weekly Nation* 25 (January 16, 1967).

Is life tenure for judges essential to maintain the independence of the judiciary? 1 *The Defender* 2-3 (March, 1967).

Laureta, Jose C. The Dimension and Dilemma of Curricular Reform. 12 *The Law Register* 2 (January-February, 1967).

Macaraig, Catalino Jr. The prison as a social system. Quezon City, 1967. 19 lvs. Mimeographed. (Paper presented at the Symposium of the Treatment of Offenders, U.P. Law Center, January 27-28, 1967).

The reception and diagnostic center: policies and procedures. Quezon City, 1967. 25 lvs. Mimeographed. (Paper presented at the Symposium of the Treatment of Offenders, U.P. Law Center, January 27-28, 1967).

Magallona, Merlin M. The Philippines-United States tax convention: suggestions for a perspective. (Part I) 41 *Philippine Law Journal* 513-551 (September, 1966) (Part II) 690-714 (December, 1966).

Pascual, Crisolito. A critical survey of decisions in labor relations law, 1965. 1966 *Aspects of Philippine Labor Relations Law* 177-272.

Labor Relations Law (1966 Survey). 42 *Philippine Law Journal* 53-87 (January, 1967).

Quiazon, Troadio T. Another "non-recognition of gain" transfer under the tax code. 41 *Philippine Law Journal* 552-566 (September, 1966).

Rivera, Juan F. A proposal: creation of tribunal of administrative appeals. 14 *Far Eastern Law Review* 1-27 (February, 1967).

San Diego, Lourdes P. Women in family law. 13 *La Abogada International* 15 (Spring, 1965).

The young adult offender. Quezon City, 1967. 37 lvs. Mimeographed. (Paper presented at the Symposium of the Treatment of Offenders, U.P. Law Center, January 27-28, 1967).

Taguinod, Teodorico C. A re-examination of the position of foreign corporations under the Philippine corporation law. 41
Philippine Law Journal 449-499 (July, 1966).

VIII

PHYSICAL PLANT

The inscription of the quotation from Justice Holmes referred to in the introduction was completed in June. It was paid out of a special fund coming from contributions of alumni of the College of Law.

Other improvements introduced during the year are the renovation of two classrooms and the replacement of the French doors in the Roxas Room.

Section Two

ASIAN INSTITUTE OF INTERNATIONAL STUDIES

During the year under review, the Governing Body of the Institute adopted a Declaration of Trust establishing the Asian Institute of International Studies. This transforms the Governing Body of the Institute into a Board of Trustees and provides for a Consultative Council of the Institute to be composed of members drawn from various Asian countries. Invitations for membership in the Consultative Council were accepted by M. R. Seni Pramoj, former Prime Minister of Thailand and former Thai Ambassador to Washington; Tsen-ming Huang, Chairman of the Judicial Yuan of the Republic of China; and M. C. Setalvad, one-time Indian delegate to the United Nations Security Council and the United Nations General Assembly.

The second session of the Institute was held on June 5-30, 1967. Professor Richard R. Baxter, a professor of international law in the Law School of Harvard University, handled the main course on the subject of international law in the light of contemporary problems.

Two shorter courses were offered. Professor Serge Lazareff, Legal Adviser to the Commander, NATO Headquarters, Central Europe, lectured on "The Philosophy of Status of Forces Agreements" and Professor J. J. G. Syatauw of the Institute of Social Studies of the Hague, Netherlands on "The New States and International Law."

Of the 30 participants, eight came from Australia, Korea, Hong Kong, Japan, Singapore and Vietnam. The rest were local participants drawn from the Judge Advocate General's Office, the De-

partment of Foreign Affairs, the Department of Justice and the private sector.

Assistance from the Asia Foundation made available the funds for the lecturers and for administrative purposes. Professor Bartolome S. Carale continued as Executive Secretary and I was Director of the Institute.

Section Three

THE LAW CENTER

For a complete picture of the expansion of the Law Center's activities, I am incorporating the following report of the Director:

On the basis of the activities and future plans of the divisions of the U.P. Law Center, namely, the Division of Continuing Legal Education, the Division of Research and Law Reform, the Division of Publications, and the Administrative Division, I am happy to express the feeling that the Law Center is on the path towards a progressive and forward-looking institution in the College of Law.

DIVISION OF CONTINUING LEGAL EDUCATION

A glance at the summary of continuing legal education programs conducted by the Division of Continuing Legal Education of the U.P. Law Center for the academic year 1966-67 readily reveals the fact that during the period under review, programs have been stepped up to such an extent that each month saw some kind of an activity, or two, offered. This may be attributed to the overwhelming request of lawyers and special groups for a branching out into other fields of law still untapped and the holding of such programs as the Judicial Conference for City and Municipal Court Judges on a regional basis.

Consequently, in addition to the regular programs on tax law, corporate practice and labor relations law given annually, the Division of Continuing Legal Education ventured for the first time into such fields as welfare legislation, trial techniques and naturalization laws. For the benefit of government officials and employees who persistently requested the early scheduling of programs aimed at meeting their peculiar problems, two institutes were inserted into the tight schedule exclusively for them, one for legal officers of government corporations and another for all government functionaries who are called upon to conduct administrative investigations in line with their duties.

Aside from accommodating practitioners and government employees, the Division of Continuing Legal Education, realizing the

equally acute need for training members of the bench who dispense justice on the grassroots level, conducted conferences for city and municipal judges stationed in the islands of Luzon, Visayas and Mindanao.

I. LAW INSTITUTES

1. *Annually-Conducted Institutes*

Cognizant of the continuing demand for training courses in the specialized fields of tax law and labor relations law, the Division of Continuing Legal Education held its *Third Annual Institute on Tax Law* towards the close of the year 1966 and the *Fourth Annual Institute on Labor Relations Law* barely a month ago. The former had an attendance of 109; the latter, 139, a figure short only by 5 of the attendance in the first of the series of such Institutes. These figures may serve as indications of the sustained interest shown by those who enroll regularly in these courses, lawyers and non-lawyers alike. To keep up such interest, the topics chosen for each institute are picked with an eye to their timeliness as well as the need to avoid the duplication of topics previously offered.

In the *Third Annual Institute on Tax Law*, for instance, the focus of discussions was the procedure relating to importation and exportation in the Bureau of Customs as well as the application of the Tarrif Code. On the other hand, the *Fourth Annual Institute on Labor Relations Law* concentrated on the rights and duties of various kinds of employees, namely, those in public employment, whether performing governmental or proprietary functions, those in non-profit institutions and the industrial workers who fall victims of unfair labor practice acts of their employers or their unions. In both Institutes, a day was reserved exclusively for the survey in depth of the year's Supreme Court decisions and administrative rulings and recent legislation on the subject matter, a task which invariably falls on the shoulders of a faculty member.

Encouraged by the large attendance in the *First Annual Institute on Corporate Practice and Securities* and the numerous suggestions that it be held on an annual basis, the Division of Continuing Legal Education held its *Second Annual Institute on Corporate Practice* in April this year. Considering the limited interest in the topic of securities and believing that the topic had been adequately covered in the first Institute, the Planning Committee decided to narrow down the discussion to the different aspects of corporate practice. Among those in the panel of lecturers were two congressmen who are experts in corporation law and a son of

U.P. President Carlos P. Romulo, who is a specialist in the field. There were 156 participants who attended compared to 197 in the first Institute.

2. *New Institutes*

Institute on Trial Techniques and Procedures — For the first time, the Division of Continuing Legal Education offered Institutes on fair labor standards and welfare legislation, on trial techniques and procedures, and on naturalization and immigration laws. Of the three, the second proved to be more popular from the point of view of its record-breaking attendance of 633 and the enthusiastic reaction of the participants to both subjects and special lecturers. Such an unprecedented turnout may be attributed to the subject matter — trial techniques and procedures — being of common interest to all practitioners regardless of their areas of specialization, and the formidable lineup of lecturers drawn from the ranks of eminent trial lawyers. Definitely contributing to the large size of the enrollment was the wide publicity given to the program by all the leading newspapers as contrasted with their indifference to previous announcements of continuing legal education programs. This favorable buildup by the press may be traced to the inclusion of such public figures as the Solicitor-General, the Government Corporate Counsel and a former senator in the roster of speakers. So well received was this program that the Division of Continuing Legal Education has acceded to request to send the same panel of speakers to Davao and Cebu for the benefit of lawyers in the south who could not attend the Institute in Quezon City due to distance and expense.

As a result of the experience in this initial *Institute on Trial Techniques and Procedures*, another plan to be implemented this coming year is the splitting of the Institute in two, attendance to be based on the length of practice of the enrollees. One will be open to junior practitioners and the advanced courses, to senior practitioners, depending on whether they have had under or over four years' practice. It is hoped that this arrangement will not only do away with the unwieldiness of the group but also insure the effectiveness of discussions which will consequently be geared to the special problems of each set of participants.

Institute on Naturalization and Immigration Laws — A more propitious time could not possibly have been chosen for the newly-offered *Institute on Naturalization and Immigration Laws*. Recent precedent-setting decisions in citizenship cases handed down by the Supreme Court which will have far-reaching effects on the econo-

mic, social and political life of the people have generated more than passing interest in this subject even among those who are not regular practitioners in this field. One such lawyer expressed pleasure at being given the opportunity to familiarize himself with the intricacies of judicial and administrative declarations of citizenship as he had "neglected this phase of the law because I have no time for it." Because of the narrower scope of the subject matter, the Institute was offered for two days only instead of the usual three days but 129 registered for the course.

Institute on Fair Labor Standards and Welfare Legislation —

A companion program to the annual labor law institutes was that on fair labor standards and welfare legislation. Department of Labor and Social Security System officials were the main speakers who analyzed for the 96 participants the recent developments and problems in the administration of the Workmen's Compensation Law, Minimum Wage Law, Eight-Hour Labor Law and Social Security Law.

Institute for Government Groups — In addition to the above-mentioned programs conducted for the first time for lawyers in general, two institutes were worked into the original schedule primarily for government employees: the *Institute for Legal Officers of Government Corporations* upon the request of the Government Corporate Counsel and the *Institute on Administrative Investigations* on the suggestion of NACIDA Administrator Pacita M. Gonzalez.

The first one which was held for five afternoons was attended by 125 legal officers of 25 government-owned or controlled corporations, not necessarily under the supervision of the Government Corporate Counsel. Corporate and labor problems plaguing government corporations and which to a large extent, have been responsible for the common impression of the inefficiency of such agencies, were among those that stimulated the keen interest of the audience. Offered for background information were the lectures on controversial claims in the Workmen's Compensation Commission and the law on negotiable instruments.

A subject offered in the two institutes for government employees was a "tool course" designed to improve skills in research methods and legal writing.

Personnel discipline in the government, being mainly the concern of the Civil Service Commission, the *Institute on Administrative Investigations* was held under the joint sponsorship of the Division of Continuing Legal Education of the U.P. Law Center and

the Civil Service Commission. A total of 252 participants from government offices, including the Civil Service Commission which contributed 35 legal officers, completed the course. While the focus of the discussions centered on administrative discipline, the lecturers also touched on the procedure in administrative agencies performing quasi-judicial functions. The most knowledgeable public officials on this aspect of administrative laws were mustered for this Institute, some of whom were the Civil Service Commissioner, the Solicitor-General, a former solicitor who had a large hand in the drawing up of the *Manual of Administrative Investigations* and a former senator who is a veteran trial lawyer of 35 years' standing. It was heartening to note the sustained interest of the Civil Service Commissioner as evidenced by his presence in sessions other than that over which he presided as well as in the closing ceremonies.

3. "Repeat" Institutes

Early this year, a two-day *Institute on the Revised Rules of Court* was concluded in Cebu City. This program which was envisioned as a repeat presentation of a similar Institute held three years ago in Manila was actually the second attempt to set up one in Cebu. The first failed to materialize due mainly to the last-minute withdrawal of the lecturer, a retired justice of the Supreme Court. In order to insure the success of the second attempt, the aid of two organizations was enlisted, the U.P. Law Alumni Association and the Cebu Lawyers League, both of which assisted actively in the recruitment, registration and arrangement phase of the program. Moreover, the enrollment fee was drastically reduced and a lecturer, equally competent but drawn from the bar, was invited to speak.

Such efforts were rewarded by the laudatory comments of the 84 participants, some of whom had enrolled to see "what U.P. could offer" in comparison with a similar program held on the same subject by a private university.

4. Bar Review Institute

On February 28, 1967, the President of the University of the Philippines approved Dean Vicente Abad Santos' recommendation for the discontinuance of the Pre-Bar Institute as a result of a study which yielded the following facts:

(a) That the U.P. graduates have shown an inclination to take the review courses in other schools as demonstrated by the fact that only 19 of the 53 members of Class 1966 enrolled;

(b) That the financial records of the 1966 bar review institute showed a loss of ₱312.86 per student;

(c) That prospects for enrollment in the next review classes were bleak since of the 58 candidates for graduation this year, only 6 expect to enroll here;

(d) That the fulltime members of the faculty who handled the last review classes unanimously recommended its discontinuance.

No bar review classes were therefore offered by the Division of Continuing Legal Education this summer.

II. JUDICIAL CONFERENCES

During the period under review, the Division of Continuing Legal Education swung into a more intensified program of judicial conferences compared to the only conference it held the preceding year for members of the bench on penalties and the application of the Indeterminate Sentence Law. Keenly conscious of the fact that at the level of the judicial hierarchy where 80% of the cases are resolved, the judicial officers are the least qualified owing to the invidious and pervasive influence of politics a policy was formulated of focusing attention on city and municipal court judges all over the Philippines. As a result, a series of conferences were held as follows:

<i>Date</i>	<i>Conference</i>	<i>Attendance</i>
October 21-22, 1966	Judicial Conference for City and Municipal Court Judges Stationed in Luzon	367
November 25-26, 1966	Judicial Conference for City and Municipal Court Judges Stationed in Mindanao and Sulu	81
January 27-28, 1967	Judicial Conference for City and Municipal Court Judges Stationed in Visayas	147

In Mindanao, the lack of good roads and adequate transportation accounted partly for the comparatively smaller attendance. But what the Conference lacked in number was more than made up by the warm response of the conferees to the program. For the successful conferences, the U.P. Law Center is indebted partly to the different regional leagues of municipal judges as well as the local U.P. Law Alumni Associations in the respective provinces. The audience which was composed mostly of judges in the inferior courts also counted with fiscals and members of the legal staff of law-enforcement agencies.

Except for the Cebu Conference, the other two tended to degenerate into a political convention had it not been for the firm efforts of the coordinators to steer back discussions to the academic groove.

The topics presented centered mostly on the common problems encountered by municipal and city judges such as those on jurisdiction and venue, preliminary investigations and the speedy disposal of certain types of cases. As was to be expected, the judicial faculty was drawn mostly from members of the bench.

III. FACULTY LECTURE

For this year's faculty lecture, Professor Jose C. Laureta was asked to speak on the topic "On the Nature of Legal Reasoning". A panel of interrogators composed of professors and practitioners with special aptitudes for the subject matter made the open forum a lively one. Scheduled to be the next faculty lecturer is Dr. Ricardo Pascual, Professor of Philosophy, who will deliver his rejoinder to Professor Laureta's philosophical approach.

IV. PROBLEMS

(a) Space has increasingly proven to be a problem in the well-attended institutes, notably the one on trial techniques and procedures which had to be moved to the more commodious Abelardo Hall to be able to sit its 633 participants. One is aware, though, that by the time a new building is constructed and the Law Theatre renovated and air-conditioned, this problem shall have solved itself.

(b) The difficulty of securing publicity for the many programs of the Division of Continuing Legal Education remains a real one. While the campus paper, *The Philippine Collegian*, has been quite cooperative, the indifference of the metropolitan dailies is harder to overcome. This can be attributed to the keen competition for valuable free space in the papers and the hard fact that the regular institutes have ceased to be newsworthy items insofar as the publishers and editors are concerned.

V. CONCLUSIONS

Summing up, during the year 1966-67, the Division of Continuing Legal Education conducted nine institutes, three judicial conferences for city and municipal court judges all over the Philippines and one faculty lecture. Of the nine institutes, five were in new fields of law. The beneficiaries of the Continuing Legal

Education activities have been expanded to include, not solely members of the bar, but those of the bench as well. In addition, special groups such as government officers and employees, have benefited from the Division's accelerated pace.

While statistics-wise, there has undoubtedly been an improvement over last year's performance, the record will show that this has not been achieved at the cost of the quality of the program. Eminent qualified lecturers selected primarily on the basis of their expertise and ability to communicate effectively have helped to uphold the high standards that have always been the hallmark of the U.P. educational system. The timely appointment of an assistant towards the middle of the year has enabled this Division to accommodate the requests from various quarters for programs in other areas of law.

(SUMMARY OF CONTINUING LEGAL EDUCATION PROGRAMS)

<i>Date</i>	<i>Program</i>	<i>Site</i>	<i>Attendance</i>
1966			
July 1-2	Institute on the Revised Rules of Court (Lecturer: Prof. G. Jacinto)	Audio-Visual Auditorium, University of San Carlos, Cebu City	84
Aug. 25 (4:00 p.m.)	Faculty Lecture — On the Nature of Legal Reasoning (Lecturer: Prof. Jose C. Laureta)	Malcolm Hall, U.P. College of Law Diliman, Q.C.	
Sept. 8-10	Institute on Fair Labor Standards and Welfare Legislation	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	96
Oct. 21-22	Judicial Conference for City and Municipal Court Judges Stationed in Luzon	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	367
Nov. 25-26	Judicial Conference for City and Municipal Court Judges Stationed in Mindanao & Sulu	Ateneo de Davao Law School, Claro M. Recto Ave., Davao City	81
Dec. 8-10	Third Annual Institute on Tax Law	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	109

1967

Jan. 27-28	Judicial Conference for City and Municipal Court Judges Stationed in the Visayas	St. Theresa's Auditorium, Mango Ave., Cebu City	147
Feb. 9-11	Institute on Trial Techniques & Procedures	Abelardo Hall, U.P. Diliman, Q.C.	633
March 10-11	Institute on Naturalization & Immigration Law	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	127
April 3-7	Institute for Legal Officers of Government Corporations	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	124
April 13-15	Second Annual Institute on Corporate Practice	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	156
May 31-June 2	Fourth Annual Institute on Labor Relations Law	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	139
June 28-30	Institute on Administrative Investigation	Malcolm Hall, U.P. College of Law, Diliman, Q.C.	252

Ad Hoc Planning Committees

The scope of the institutes, seminars, conferences as well as the lecturers to handle the topics are determined by members of *ad hoc* planning committees. In this way, only knowledgeable people in a particular field of law are involved in the planning of each continuing legal education program.

The following have served on these committees during the period in review, to wit:

Abad Santos, Vicente
 Abellera, Leopoldo
 Acurantes, Aquiles
 Aldana, Felipe S.
 Almeda, Doris de Leon
 Angara, Edgardo
 Bito, Jesus B.
 Brillantes, Demetrio
 Cortes, Irene R.
 Fernandez, Perfecto V.

Fernandez, Filemon Jr.
 Flor, Florentino A.
 Francisco, Higinio
 Gadioma, Demosthenes
 Garcia, Enrique Voltaire
 Gonzalez, Gonzalo W.
 Gonzalez, Pacita
 Herras, Marcos
 Jacinto, Generoso V.
 Jorge, Ligaya

Leaño, Saklolo	Reyes, Deogracias T.
Mendoza, Felisa	Romero, Flerida Ruth P.
Morfe, Jesus P.	Romulo, Ricardo J.
Mosqueda, Lorenzo	Santiago, Fernando
Ocampo, Miguel	Santiago, Francisco
Pardo, Bernardo	Santos, Ruben
Pascual, Crisolito	Subido, Abelardo
Peña, Arturo N.	Villavieja, Paciano
Pilapil, Hilarion	Vivo, Martiniano P.
Quiazon, Camilo D.	Yango, Mario

Lecturers and Topics

The following is a list of the lecturers and their respective lectures during the year in review, to wit:

- LEOPOLDO M. ABELLERA, Government Corporate Counsel
 "Presentation of Documentary Evidence"
- AQUILES R. ACURANTES, Chief Legal Counsel, Bureau of Immigration
 "Immigration Practice and Procedure"
- AGUEDO F. AGBAYANI, Member, House of Representatives
 "Piercing the Corporate Veil"
- CARMELINO ALVENDIA, Associate Justice, Court of Appeals
 "The Law of Negotiable Instruments"
- ANTONIO P. BARREDO, Solicitor-General, Department of Justice
 "Techniques of Administrative Trial and Investigations" &
 "Discovery: Scope, Techniques and Procedures"
- JESUS P. BITO, Partner, Ross, Del Rosario, Bito & Misa Law Offices
 "Choosing the Form of Business Organization: Domestic
 and Foreign Problems"
- EDILBERTO F. CASTILLO, Judge, Municipal Court of Taguig, Rizal
 "Preliminary Investigation"
- ERNESTO H. CRUZ, Legal Officer, Workmen's Compensation Commission
 "Filing and Controversion of Claims under the Workmen's Com-
 pensation Act" &
 "Recent Changes and Developments in Workmen's Compensation"
- ALEJANDRO F. DIZON, Chief, Law Division, Bureau of Customs
 "Seizure Proceedings, Protests, and Appeals"
- DR. FLORENTINO P. FELICIANO, Partner, Sycip, Salazar, Luna, Manalo
 & Feliciano Law Offices
 "Section 13, Paragraph 5, Problems: Consequences of Obso-
 lence"
- EX-SEN. ESTANISLAO A. FERNANDEZ, Partner, Fernandez Law Office
 "Reception and Evaluation of Evidence" &
 "Evidence for a Successful Defense"

PERFECTO V. FERNANDEZ, Chief Legal Counsel, U.P.

"Research and Legal Writing";

"Methods of Research (Including Preparation of Pleadings and Writing Opinions)"; &

"Critical Survey of the 1966 Tax Decisions and New Legislation"

FLORENTINO A. FLOR, Chief, Deportation Board

"Deportation Under the Revised Administrative Code and Under Special Law"

DEMOSTHENES B. GADIOMA, Tax Service of the Philippines

"Taxation of Aliens, Foreign Corporations and Foreign Income"

ENRIQUE VOLTAIRE GARCIA, Partner, E. Voltaire Garcia Law Offices and Associates

"Presentation of Oral Testimony"

SIMEON GOPENGCO, Judge, C.F.I. of Manila

"Legal Problems in Corporation Law and Practice"

MARCOS HERRAS, Dean, Adamson University College of Law

"Rights and Duties of Employees in Non-Profit Institutions"

JAIME E. ILAGAN, Partner, Caparas & Ilagan Law Offices

"How to Establish an Unfair Labor Practice Case — Management Viewpoint"

GENEROSO V. JACINTO, Professorial Lecturer in Law, U.P.

"Recent Changes in Criminal and Civil Procedure" &

"Lectures on the Revised Rules of Court"

RUPERTO KAPUNAN, JR., Judge C.F.I. of Manila

"Interpretation and Application of the Provisions of the Revised Penal Code"

JOSE C. LAURETA, Associate Professor of Law, U.P.

"On the Nature of Legal Reasoning: The Place of Logic in Law"

GREGORIO A. LEGASPI, Judge, C.F.I. of Pangasinan

"Administrative Declaration of Philippine Citizenship"

EULOGIO LERUM, President, National Labor Union

"How to Establish an Unfair Labor Practice Case — Labor Viewpoint"

FIDEL MANALO, Partner, Sycip, Salazar, Luna, Manalo & Feliciano and Associates

"Preparation for Trial: Strategy and Tactics"

RUPERTO MARTIN, Associate Justice, Court of Appeals

"Jurisdiction and Venue";

"Preliminary Investigation"; &

"Due Process in Administrative Investigations"

ARSENIO MARTINEZ, Presiding Judge, Court of Industrial Relations

"Public Control of Labor Disputes"

LUIS R. MAURICIO, General Manager, and Editor-in-Chief, Graphic Publishing, Inc.

"How to Establish an Unfair Labor Practice Case — Employee Viewpoint"

PEDRO S. PACIS, Collector of Customs, Port of Manila

"Import and Export Documentation and Procedure"

SABINO PADILLA, JR., Partner, Padilla Law Office

"Tax Problems of Corporate Organization and Reorganization"

CRISOLITO PASCUAL, Dean of Student Affairs, U.P. & Director, U.P. Law Center; Professor of Law, U.P.

"A Critical Survey of the 1966 Decisions of the Supreme Court in Labor Relations Law"

JESUS Y. PEREZ, Associate Justice, Court of Appeals

"Procedure and Evidence in Judicial Naturalization Cases"

MINERVA INOCENCIO-PIGUNG, Professorial Lecturer in Law, UST

"Practical Techniques in Disposal of Cases (a) Treatment of Juvenile Offenders (b) Adoption and Guardianship Proceedings (c) Forcible Entry and Unlawful Detainer (d) Others"

CAMILO D. QUIASON, Partner, Monzon Law Office

"Law of Public Officers in Relation to Administrative Investigations"

NORBERTO J. QUISUMBING, Partner, Lawyer's Inn

"Evidence for the Prosecution"

LEONARDO SIGUION-REYNA, Partner, Ponce-Enrile, Siguion-Reyna, Montecillo & Belo Law Offices

"Substantive and Procedural Aspects of Collective Bargaining"

RICARDO J. ROMULO, Partner, Ozaeta, Gibbs & Ozaeta Law Offices

"When is a Foreign Corporation Doing Business in the Philippines?"

JOVITO SALONGA, Senator and Partner, Salonga, Ordoñez, Yap, Sicat & Associates

"Share Structure and Corporate Control Devices"

ABELARDO S. SUBIDO, Commissioner, Civil Service Commission

"Introduction to Administrative Investigations"

MONTANO A. TEJAM, Commissioner, Tariff Commission

"Anti-Dumping, Counter-Vailing and Flexible Clause Procedures under the Tariff Code"

JUSTO P. TORRES, JR., Partner, Torres & Torres Law Offices

"Unpaid Subscribers' Rights: Consequences of the Lingayen Gulf Case"

PACIANO S. VILLAVIEJA, Chief of Legal Staff, Department of Labor

"Labor Relations in Public Employment: Governmental and Proprietary Entities"

DIVISION OF RESEARCH AND LAW REFORM

Three major research projects were completed during the year under review, namely (1) revision of the Penal Code, (2) Administrative Code Revision Project, and (3) Treatment of Offenders Project.

I. *The Penal Code*

The work on the revision of the Penal Code which was started last year, was completed during this period. The draft which was prepared by the Implementation Committee was reviewed by an Editorial Board composed of Messrs. Luis J. Gonzaga, Estelito Mendoza, Bartolome Carale, Vicente Mendoza and Esteban Bautista. The Editorial Board put into final form the draft prepared by the Implementation Committee. It also supervised the cutting of stencils and proofreading. It prepared the Explanatory Note which elucidates the procedure followed in the preparation of the draft. According to the Explanatory Note, the following lines of inquiry were followed in the revision of the code:

- (1) What act or behavior ought to be made criminal and how should it be defined?
- (2) What provisions have generated confusion and controversy in their application and interpretation by the courts, and hence, call for a satisfactory clarification?
- (3) What provisions have proven to be unjust in their operation and hence must be corrected?
- (4) What provisions should be deleted for having become obsolete or for being superfluous?
- (5) What measures should be adopted to give more efficacy to certain provisions of the Code which are frequently violated?
- (6) What provisions must be simplified by eliminating unnecessary distinctions which have often made their application difficult or cumbersome?
- (7) What differences in the nature, circumstances or results of the criminal act or in the character or situation of the offender should determine the variance in penalty?
- (8) What acts should be given a different qualification or character from that which they are presently given so that the commensurate penalty may be imposed?
- (9) What penalties should be standardized?
- (10) What provisions of the Code need to be harmonized with each other or with other laws?

Seven hundred bound copies of the Draft were produced and copies were furnished the members of the Senate, House of Representatives, the Supreme Court, the Court of Appeals, and the Judges of the Court of First Instance of certain districts, as well as certain private individuals.

The draft of the Proposed Revised Penal Code is now under consideration by the Legislature. However, a substitute bill was prepared for the House Committee on Codification of Laws and Statistics and filed as House No. 16370 on May 3, 1967. This substitute bill was prepared by a member of the Division of Research and Law Reform, Attorney Esteban B. Bautista, based on the draft of the Revised Penal Code.

II. *Treaty Series*

Having published the list of all the treaties and other international agreements to which the Philippines is a party last year, the Division of Research and Law Reform stepped up its work toward the publication of the text of the treaties included in the list. This set is expected to consist of 4 or 5 volumes of about 900 pages each. Volume I is due to come off the press soon. In the meanwhile, the annotation of the rest of the treaties is going on.

III. *Administrative Code Revision Project*

Another project which was finished during the period under review is the revision of the Administrative Code of 1917. Work on this was accelerated and intensified during the period under review. The Committees to which were assigned the various areas of the Administrative Code held 8 more meetings.

One of the highlights of the revision work was the holding of symposia. After each report was finalized, it was submitted for analysis, criticism and revision in a symposium to which were invited people who were knowledgeable in the subject concerned from the government as well as the private sector. The Committee then revised its report in the light of the discussion in the symposium. It was the revised version that was submitted to the Preliminary Committee. Thirty-two such symposia were held, covering a period of four months.

On the request of the Chairman of the Preliminary Committee, Executive Secretary Rafael M. Salas, each work committee was asked to submit a brief list of the important changes in the Code proposed by the Committee. A set of these lists were distributed widely.

An Editorial Board composed of 18 members was created to collate, integrate, edit and put in final form the working papers submitted by the various committees. Subsequently, an Implementation Committee composed of the members of the Division was created to supervise the production of 325 bound copies of the Draft Administrative Code.

The finished Draft Administrative Code was presented in an appropriate program to the President of the Philippines on December 29, 1966, two days before the deadline, at Malacañang. It is now pending in the Senate.

Upon the suggestion of the Chairman of the Preliminary Committee, meetings were arranged between representatives of the Management Association of the Philippines and the staff of the Administrative Code Project regarding some aspects of the work in which the business sector might be interested.

These consultations were designed to enable the private sector to participate in the project and specifically to submit proposals for the improvement of the draft for consideration at the public hearings should Congress take it up. Six dialogues have been held.

The Draft Administrative Code is now being reviewed by the Division Staff with the end in view of correcting hitherto undetected errors and of further refining the work preparatory to legislative hearings. The Draft Administrative Code consists of 28 volumes containing 7,318 pages including justificatory notes and explanations.

IV. Treatment of Offenders Project

Sometime in June, 1966, Senator Gerardo Roxas requested the U.P. Law Center to undertake a comprehensive study on the better treatment and rehabilitation of convicts especially the juvenile offenders, and to prepare a draft of a bill which he could present to Congress for possible enactment. He cited the need for an adequate and modern piece of penal legislation to help solve the high incidence of criminality in the country. A Special Committee was formed to carry out the work. The Committee was composed of: Dean Vicente Abad Santos, co-chairman, Judge Lourdes P. San Diego, co-chairman and Judge Corazon Agrava, Professors Luis J. Gonzaga, Catalino T. Macaraig, Pedro Solis, Alfredo Lagmay, and Ofelia Angangco, members.

The Special Committee prepared working papers on: (1) the Juvenile Court and Treatment of Young Offenders less than 16

years old; (2) the Young Adult Offender; (3) Reception and Diagnostic Procedures of Prisoners and the Prison as a Social System; (4) Work and Workshop in Prison; and (5) Prisoners Pre-release and After-care. These papers were assigned to three study groups for review and later submitted for discussion at symposia and plenary sessions at which experts on the subjects participated.

Finally, the Special Committee produced draft bills titled: (1) Juvenile and Domestic Relations Courts (to be embodied in the Draft Administrative Code under the heading "Juvenile and Domestic Relations Courts."); (2) An act creating a Reception and Diagnostic Center, in the Bureau of Prisons, prescribing its functions and powers, providing funds therefor, and for other purposes; and (3) An act to establish a separate institution for young adult offenders, prescribing its functions, providing funds therefor, and for other purposes. These draft bills are now pending in the Senate.

V. *House Bill No. 92*

Upon the request of Congressman Rogaciano M. Mercado, the U.P. Law Center prepared a 9-page memorandum on a proposed bill H. No. 92, "An Act giving our natural-born citizens exclusive right to exploit our natural resources and to operate public utilities."

VI. *Decentralization Bill*

The U.P. Law Center was requested by the Office of the President to prepare a memorandum on the Decentralization Bill (S. No. 1, H. No. 3100, "An Act Decentralizing and Re-distributing Certain Government Powers and Resources and Granting Further Autonomous Powers to Local Governments"). The task was undertaken by the Division of Research and Law Reform in collaboration with Professors Irene R. Cortes and Perfecto V. Fernandez.

VII. *The Judicial Council*

The Division was requested by the authors of Bill (H. No. 12539, "An Act Creating the Judicial Service Commission and Appropriating the Necessary Funds Therefor.") to make a study of the bill. The Division with the collaboration of Professors Irene Cortes and Perfecto Fernandez prepared a memorandum as to the practicability and soundness of the proposal.

VIII. *The Application of the Civil Service Law*

On the request of the President of the University, the Division made a study of the application of the Civil Service Law with respect to some members of the staff of the University, and sub-

mitted a memorandum on the question. The Division also prepared a draft bill to clarify Section 5 (e) of the Civil Service Law insofar as it relates to the academic staff of the University.

IX. *Ganzon Bill*

In a letter addressed to the Dean of the College of Law, Senator Rodolfo T. Ganzon requested comments and recommendations on Bill H. No. 14559, "An Act amending Commonwealth Act Numbered Four Hundred Sixty-six otherwise known as the National Internal Revenue Code, as amended, by inserting a new section providing for the confiscation and forfeiture of property used in the commission of crimes under such Code."

After careful study of the measure, the Division submitted a memorandum dealing mainly with the constitutional implications and soundness of the proposed amendment to the National Internal Revenue Code.

DIVISION OF PUBLICATIONS

I. *Organization, Functions and Personnel*

Of the four existing divisions of the U.P. Law Center, the Division of Publications is the newest and last to be formally organized when its separate identity was established with the appointment of an Assistant Head in June, 1966. It has been created to take charge of the publications program which complements two important programs of the Law Center, namely: Continuing Legal Education, and Research and Law Reform. While the last two aim at finding ways and means to improve the administration of justice, the former aims at providing the public with continuing information in the form of publications of the Center's institutes, conferences, programs, brochures, research projects, and studies.

Starting with a staff of two, the Division doubled its number of personnel by the end of the academic year in review.

In addition to its job proper, the Division periodically takes charge of canvassing of printers to do the printing and binding of each publication. There is a plan to complete the staffing of this Division in view of its growing volume of work.

II. *Accomplishment*

(a) From December, 1963 to May 31, 1966, seven (7) major publications were released, namely:

1. Revised Rules of Court — 1963;
- 2 First Annual Institute on Labor Relations Law — 1964;

3. Aspects of Philippine Tax Law — 1964 (now in its 3rd edition);
4. Aspects of Philippine Tax Law — 1965 (Proceedings of May 27, 29, 1965);
5. Aspects of Philippine Labor Relations Law — 1965 (now in its 2nd edition);
6. Aspects of Philippine Tax Law — 1965 (Proceedings of December 9-11, 1965); and
7. The Philippine Presidency — A Study of Executive Power (now in its 2nd edition).

(b) In a space of one year from June 1, 1966, it produced five major publications or an average of one book every 2-1/2 months, namely:

1. The Application and Graduation of Penalties under the Revised Penal Code and the Indeterminate Sentence Law;
2. List of Treaties and Other International Agreements of the Republic of the Philippines;
3. Aspects of Philippine Corporation Law — Proceedings of 1966;
4. Aspects of Philippine Labor Relations Law — Proceedings of 1966; and
5. Fair Labor Standards and Welfare Legislation — Proceedings of 1966.

III. *Problems and Recommendations*

It is natural that the problem of adequate trained personnel will arise at this early stage, but it is expected that this will be solved in due time. As the personnel needs of the Division increases, the necessary recommendation will be made from time to time.

Similarly, problems of proper coordination and integration of the Division's work, not only within the Division itself but also with the other units of the Center are bound to arise. Also, if effective coordination and efficiency of the editorial aspect of the work is to be achieved, an editor-in-chief would have to be appointed in this Division.

BUILDING PROGRAM

On October 7, 1966, a request was made to President Carlos P. Romulo to commission the University Architect, Professor Victor N. Tiotuyco, to prepare the designs, plans and specifications of a 3-storey building to house the Law Center and the Law Library. After submitting his estimates of expenses for the architectural project, Prof. Tiotuyco was commissioned by the Office of the President of the University of the Philippines on November 14, 1966 to

make preliminary studies, prepare the final contract drawings and specifications, and supervise the construction of the proposed Law Center Building. In due time, Prof. Tiotuyco submitted the preliminary studies for the proposed building. After a few changes in the plans, the building program shifted to the second phase on January 13, 1967. Sometime in March of 1967, a further change was made in the plans. Instead of the usual galvanized iron roofing, a covered roof deck on the top floor, with an area of some 785 square meters, was agreed upon. Back of this change is the need for a place where certain activities of the Law Center can be held which otherwise could not be accommodated within the building without great inconvenience and confusion for all. On May 7, 1967, the finished final contract drawings and plans, composed of 36 sheets, were approved by President Romulo. On June 10, 1967, the invitation to submit sealed proposals for the general construction work of the Law Center Building and the filing of confidential pre-qualification statements of interested building contractors were published in the Manila Chronicle and the Manila Daily Bulletin. The opening of bids and awarding of the building contract is scheduled for July 28, 1967.

CONCLUSION

There remains to be stated some of the things which have also pre-occupied my attention during the year just past. While some are not palpable or tangible, they were nonetheless necessary to the totality of the work of the different divisions of the Law Center to wit:

- (1) The housekeeping aspects of the Law Center has been further improved for the sake of economy and efficiency;
- (2) The work of developing and upgrading the continuing legal education programs have been continued;
- (3) The research and law reform program has been allotted a substantial amount in the budget;
- (4) The dissemination of information and the distribution of the publications of the Law Center has been given greater attention;
- (5) The allotment for the Law Library continues to be kept at a substantial level despite the building program. It is hoped that this will be increased later on;
- (6) The collections of the funds of the Law Center have been attended to with great care.

In the year under review, the U.P. Law Center has grown some more. The determination to make it succeed remains very strong.

There are still other plans and programs to be worked out, but, for the present, the building program of the Law Center has taken top priority.

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Respectfully yours,

VICENTE ABAD SANTOS

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