

THE U.P. COLLEGE OF LAW AND ITS HERITAGE *

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The College of Law of the University of the Philippines is both a dream and a fulfillment, a symbol and a reality. Epitomizing the determination of the Filipino people to attain a life of dignity and abundance under the Rule of Law, it is, also, a living proof of their capabilities in that intricate science that encompasses all fields of endeavor and is so vital to the survival and success of human society: the science of law or jurisprudence, or, in the pointed words of Justinian, "the science of the just and the unjust."

On this occasion, marking the 60th anniversary of the foundation of this great institution, the impulse to reflect upon the broader implications of its existence leads to an overall view of the Philippine society and the rightful place therein of the U.P. College of Law.

Splendid Feat

Its establishment sixty years ago obeyed neither to financial motivation nor to partisan political considerations. It was, rather, out of a yearning to contribute generously to the huge task of nation-building that this College was conceived and founded.

A decade and a half prior thereto, the Filipino people had taken up arms against Spain. A Republic was proclaimed in Kawit, and a Constitution promulgated in Barasoain. Soon, however, a new colonial power, from the American Continent, came and set foot on Philippine soil, planted its flag thereon, and assumed sovereignty over the Archipelago. The Filipinos put up a heroic resistance, but their defenses eventually gave way. Neither Spain nor the United States could, however, suppress or stifle the longings of the Filipinos to be on their own. Yielding to American superiority of arms and resources, they, nevertheless, pursued unabated the fight for their rightful place in the Family of Nations, resorting, no longer, to physical force, but to means of persuasion, with justice and reason as their main weapon, and the people's enlightenment as justification for their self-determination. The stewardship of Bonifacio and Aguinaldo, as leaders of our revolution, became a thing of the past; and the Filipinos took the path blazed for them by the man whom they idolized, but had not quite understood —

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Jose Rizal, the man of peace, who, by precept and example, had stressed the necessity of education and hard work as the key to the development of the Philippines and the happiness of its people.

The outcome of the ensuing legal and parliamentary struggle, to liberate the Filipinos from foreign political domination, is now history. Their final emergence as a full-fledged member of the international society was a splendid feat, all the more remarkable because it was accomplished through the peaceful processes of the law — a means that mankind had long sought to avail of, but with meager success.

Center of Thought

The prominent role played by the U.P. College of Law in this epic drama for national advancement is a matter of common knowledge. It was a task admirably undertaken, the vital importance of which had been, to discerning eyes, quite obvious from the very outset. Indeed, the demands of the Filipinos for greater participation in the affairs of the government, later, their insistence upon more and more political autonomy, and, soon, their agitation for absolute and complete independence, had to be buttressed with convincing proof of their capacity for self-government, if their political offensive was to be morally effective and legally viable. To be sure, that capacity had already been attested to, with acts of statesmanship comparable to those of much older nations, as a perusal of the Malolos Constitution, and a review of the circumstances leading to and surrounding its adoption, would, no doubt, reveal.

By the proficiency with which our national and local governments were run under the American tutelage, the Filipinos amply proved their fitness to be the master of their own destiny. But, this could hardly have been accomplished without an orientation attuned to the exigencies of the times. The setting up of a center of thought that would come to grips with the realities of the social and political milieu, and be responsive to the demands of the situation, was a necessity felt, not so much because of inadequacies of the institutions then existing, as in view of new challenges and unprecedented opportunities that the turn of the century had brought in its wake.

Moving Spirit

With the establishment and performance of the U.P. College of Law — whose graduates and faculty members manned the technical staff of our independence movement and became advisers to its leaders — there were no doubts left, if any existed before, that the Philippines had evolved the modern concepts of a college or university, not merely as a metropolis of ideas, but, also, as a moving spirit of contemporary events. Through the action of its growing student population, alumni body, teaching corps and

administrative staff, and, most of all, their involvement in the affairs of the nation, the College demonstrated its leadership in various fields, especially in legal and political development, which, during the American regime, was the main obsession of the Filipino people. It was a leadership that captured the imagination of the nation and commanded attention abroad.

Public Service

Sixty years old, this College — viewed in the spectrum of our national growth — is in the prime of its youth, but, it is already rich in traditions. Without naming those identified with this institution — whose remarkable deeds in the shaping of Philippine destiny have made history — one feature may be cited as the highlight of their performance, namely, a spirit of dedication to public service, coupled with devotion and loyalty to the Rule of Law. Indeed, no law school would be worthy of its name if it did not impart the conviction that respect for the law is essential to society and its members; that no legitimate objectives are unattainable, no problems are insoluble, no relationships are incapable of satisfactory adjustment, within the ambit of the law, even as the legal framework may be fashioned or re-fashioned as the circumstances may require; and that the law is but the main implement of justice, the only alternative to which is a state of intolerable licentiousness or anarchy.

Scholarship

Needless to say, law schools are the logical centers of thought to generate interest and provide leadership in bringing the laws and judicial rulings into the stream of life in such way as to yield maximum benefits to the body politic and its members. The example set by the U.P. College of Law has been truly outstanding in the field of legal scholarship, publications, and research. The work done by its Law Center has been impressive, even at this stage, in giving impetus to the progressive development of Philippine law and jurisprudence. Deserving of special mention is its research project on the Philippine Constitution and possible amendments thereto — a project that will, no doubt, go a long way in helping the people and their leaders, particularly the Delegates to the forthcoming Constitutional Convention.

Historic Kinship

As eternal vigilance is the price, not only of liberty, but, also, of justice and democracy, it is but fitting to pay tribute, on this occasion, to the militancy that is a hallmark of the U.P. College of Law and its graduates. In championing the cause of the downtrodden, in advocating justice for those who have been wronged, in upholding the Supremacy of the Law, there

must, indeed, be moral courage and missionary zeal, which — coupled with objectivity and understanding — are pristine qualities on which the Bar and the Bench must anchor their hopes for the attainment of their vital aims.

In the teaching of law and the molding of the moral fiber and personality of future members of the legal profession, the U.P. College of Law enjoys a decided advantage. The climate of scholastic excellence that pervades the institution, against the background of its magnificent past, cannot but have a telling effect upon those exposed to it. Just as important, perhaps, as the analysis and study of legal tenets that govern human relations and of norms by which lawyers must be guided, is the development in law students of a feeling of historic kinship with predecessors who have brought laurels to their Alma Mater and their profession. That feeling of kinship breeds a sense of pride and poses, to every batch of graduates, a challenge to emulate the spirit of public service and idealism of those who had come before them.

Lawyers' Oath

Indeed, the history of this College is an inspiring heritage and a sacred trust that its graduates are called upon to preserve and enrich. They are duty-bound to conscientiously and resolutely adhere to the letter and spirit of the oath they must take upon admission to the Bar, and, accordingly, to maintain true faith and allegiance to our Republic; to support its Constitution and laws, as well as the legal orders of the duly constituted authorities therein; to do no falsehood, nor consent to the doing of any in court; to refrain from promoting or prosecuting any groundless, false or unlawful suit, as well as from aiding or consenting thereto; to avoid delaying the administration of justice or resorting to means and ways of defeating the same; to conduct themselves as lawyers, according to the best of their knowledge and discretion; and to act with utmost fidelity to the courts and to their clients alike.

Social Angle

Anent the fidelity of the Bar to the Bench, it may be well to remember that every decision of the Supreme Court is likely to establish a precedent. Whenever it decides a case, the Court, in effect, lays down the pattern or norm according to which other cases of the same nature should be adjudicated. Consequently, in settling each dispute, it behooves the Court to do so in such fashion as to render justice, not only to the parties, but, also, to the community as a whole. The balancing of the interests of the litigants with those of society, within the framework of our laws, is thus a matter of paramount importance in Supreme Court decisions.

The social angle is a key to a good grasp of the import of court decisions and to a proper application thereof in subsequent litigations. Such

aspect should not be overlooked by lawyers in the performance of their function as advocates. In other words, they should, by all means, refrain from espousing a cause or urging a decision tending to generate social injustice. Otherwise, they are apt to bring discredit to the judiciary and thus impair the people's faith in the administration of justice, without which no state can survive. What is more, they would be rendering a disservice to their own profession and, hence, to themselves. Indeed, as officers of the court, they must share its good or bad image, in much the same way that the prestige of the Bar cannot but be reflected upon the Bench. Then again, the legal profession can neither flourish nor even be practiced without some degree or semblance of law and order.

Supremacy of the Law

It is, therefore, to their own interest, as much as to that of society, that members of the Bar should uphold the Supremacy of the Law, not as an end itself, but as a means to an end; not as a negation of the individual right and duty to seek the repeal or amendment of defective or obsolete laws, but in obedience to the tenets of our republican system, under which laws are formal expressions of the will of the majority, and, hence, of the people, in whom sovereignty resides; not as a commitment to the maintenance of the status quo, but in recognition of the fact that the legal processes offer the best climate for the determination of the people's will and the elucidation and adoption of reforms demanded by their needs.

Lawyers as Leaders

Pursuant to their duty to champion the Rule of Law, lawyers must be sensitive to the will of the masses. When the people are not satisfied with existing conditions, the legal profession should take the initiative in ascertaining the cause of their discontent. The Bar should inquire whether the flaw lies in the law itself, or merely in its execution or implementation. In the latter case, it should determine whether the infirmity is due to law enforcement officers or agencies, or to pressures they are subjected to, or to both. In the former case, it should try to pinpoint whether the defect is in the Constitution or merely in ordinary legislation. In any event, the quest must be thorough, objective and impartial, and must be undertaken only by those qualified therefor, with a view to detecting with precision the root of the evil sought to be avoided. This having been done, the legal profession should not hesitate to assume the leadership in working out the proper remedial measures.

Practical Science

We cannot overstress the fact that the science of government is essentially a practical one. For this reason, it would be a mistake to assess the relative merits of the best legal and political systems from the purely academic standpoint. In dealing with matters affecting the life, the liberty, the happiness and the prosperity, not only of the present generation, but, also, of our posterity, we cannot afford to resort to hazardous experimentation. The choice of legal reforms may be likened to that of food, for laws partake of the nature of nourishment for the people's political sustenance; they seek to provide the people with what is justly due to them from society. In the words of Chateaubriand, "justice is the bread of the nation; it is always hungry for it."

The kind of food suitable on a given occasion depends upon the person for whom it is intended and his condition at the time. For instance, the ordinary food of adults is not fit for a newly born infant. It would be harmful even to a grown-up individual if he is sick, or has just had a major surgical operation, or has starved for several days. Similarly, the determination of the reforms appropriate to a given nation depends upon a fair appraisal of the conditions existing therein, particularly in the light of its experience under the laws and policies it has so far adopted. Only thus can we explain the success of the totalitarian system in Spain and the failure therein of the republican system, and why the presidential and parliamentary systems have succeeded in the U.S. and England, respectively, where their performance was most unsatisfactory about a century and a half ago.

Present Challenge

If the new graduates of the U.P. College of Law hope to live up to its traditions—as they must—they should remain at the vanguard of the movement for reforms. Just as its graduates in the first decades of the century helped forge the foundations of the Philippine Republic, so are the graduates of the present era afforded an opportunity to perform a similar role in the difficult task of liberating ourselves from the shackles of the colonial traits that still permeate our way of life, our customs and traditions, our social structure, our outlook, and to develop our own initiative and ingenuity to better meet the needs of the Filipino people. In the pursuit of this objective, we must be absolutely honest, as well as courageous and even bold, but neither hasty nor reckless. We need reforms, it is true, but not *any* reforms. We hope to effect changes, but *only for the better*.

Let us act, therefore, with the greatest possible caution and deliberation. In considering the advisability of adopting innovations that have proved to be sound abroad, let us carefully scrutinize the conditions there existing

and compare the same to those obtaining in the Philippines, always bearing in mind Jefferson's caveat: "The qualifications of self-government in society are not innate. They are the result of habit and long training, and for these they will require time and probably much suffering." Let us not allow our zeal or anxiety to mar our perspective, impair our judgment, and undermine the very principle for which this College stands—the Rule of Law. Let us remember William Pitt's admonition, "where the law ends, tyranny begins."

It may strike many as rather incongruous that anyone should advocate militancy, as I do, and, at the same time, underscore the need for judiciousness, discretion, or circumspection. There is, however, no repugnancy or incompatibility between one concept and the other. They are, it is true, seldom spoken of together, but their fusion is the ideal thing. The difficult times mankind is going through demand a type of patriotism that would combine both concepts: A patriotism that is neither spectacular nor colorful. A patriotism akin to the spirit with which the average man strives to protect and provide for his family. A patriotism which is not characterized by "short, frenzied outbursts of emotion"—as Adlai Stevenson puts it—but, by "the tranquil and steady *dedication of a lifetime*. x x x For it is often easier to *fight* for principles than to *live up* to them."