

11 August 1972

The President
UNIVERSITY OF THE PHILIPPINES
C a m p u s

Sir:

I have the honor to submit this report on the College of Law and its Law Center for the academic year 1971-1972.

INTRODUCTION

During the year under review the College of Law with the rest of the University had to grapple with the now frequently recurring question regarding the relation of the university with the rest of society. Two significant events brought this to the fore. One had to do with the start of the sessions of the 1971 constitutional convention and the other with the suspension of the privilege of the writ of habeas corpus which aroused a nation-wide controversy.

On matters pertaining to the College of Law and its programs the notable developments had to do with projects which were initiated last year on the occasion of the Sixth Decennial Commemoration of the founding of the College. These began to bear fruit this year, particularly the completion of the curriculum revision project and the stepping up of law alumni donations for scholarships, the law library and other needs of the College. The student clerkship program, which was introduced in the summer of 1971, was evaluated and is being continued as a permanent feature of the legal education program though on a purely voluntary basis. The whole-hearted cooperation and support of the Department of Justice is, of course, making the continuation of the program possible. Student involvement in university matters including participation in policy-making, as well as policy-implementation, continued and as in the previous years in the College of Law, the students' sense of responsibility has on the whole characterized their participation. This stood out in contrast against the eruption of violence among students belonging to rival fraternities.

The difficulty in recruiting full-time members of the faculty was again evidenced by the fact that, during the year under review, no new full-time professor was added to the ranks of the faculty, although the College took in five lecturers to replace losses caused by the death or retirement of old ones.

**SECTION ONE
THE LAW SCHOOL**

A. Enrollment

1. The comparative enrollment figures for the academic years 1970-1971 and 1971-1972 as well as those for the summer terms of 1971 and 1972 are as follows:

<i>Undergraduate</i>	<i>1st Semester</i>		<i>2nd Semester</i>	
	1970-1971	1971-1972	1970-1971	1971-1972
First Year	118	123	110	108
Second Year	109	93	109	94
Third Year	86	103	79	105
Fourth Year	89	82	97	77
TOTAL	402	401	395	384

The number of female students for 1971-1972 was 67.

2. The summer enrollment for 1971 and 1972 were:

<i>Undergraduate</i>	<i>Summer Term 1971</i>	<i>Summer Term 1972</i>
	96	100

B. Scholarships and Delinquency

The comparative scholarship and delinquency figures for the academic years 1970-1971 and 1971-1972 are summarized in the following table, to wit:

	<i>1st Semester</i>		<i>2nd Semester</i>	
	1970-71	1971-72	1970-71	1971-72
University Scholars	4	none	1	none
College Scholars	12	4	9	4
Students Dropped	12	12	6	21
Probation	32	46	29	30
Warning	43	25	38	51

As the above figures show the academic performance of students measured by the usual grading system continued to deteriorate. During the last year no law student came up to the required average to qualify as university scholar. Only four out of 401 students (or 1 out of 100) during the first semester obtained the required weighted average for college scholarship during the first semester and 4 out of 384 during the second semester. On the other hand, the number of students dropped or placed on probation increased during the two semester of the schoolyear 1971-1972 as did the number of students given warning during the second semester.

C. Graduates

The LL.B. degree was conferred on 70 students, one of them graduating with honors. The lone honor graduate was Jesus N. Manalastas, who gra-

duated *cum laude* and was valedictorian, with a general weighted average of 1.74. Victorio Dimagiba was class salutatorian and Felino Ganal came in a close third.

The LL.M. degree was conferred on one graduate, Mrs. Remedios Austria, whose thesis was entitled: "A Critical Analysis of the Bilateral Air Agreements Entered into by the Republic of the Philippines in the Light of Other International Air Agreements and Conventions."

On the occasion of the law graduation exercises, the University of the Philippines conferred on Mr. Justice Jose B.L. Reyes, Law class of 1921, the degree of Doctor of Laws, *honoris causa*. Justice Reyes delivered the commencement remarks to the 1972 graduates.

D. *Summer courses, 1972*

Listed below are the courses which were offered during the summer term 1972, opposite which are the names of the faculty members who handled them:

Land Titles and Deeds	Prof. A. Baviera
Partnership	Prof. E. B. Bautista
Medical Jurisprudence	Prof. P. Solis
Agency	Prof. C. V. Sison
Conflict of Laws	Prof. B. S. Carale

E. *Bar Examination of 1971*

Of the 72 candidates of class 1971 who were duly certified and took the bar examinations, 65 passed, representing a passing average of 91.66%. Thus was a marked improvement from last year's passing average of 80.56%. Three were among the topnotchers, namely:

Henry R. Villarica	92.4%	1st place
Victor P. Lazarin	90.65%	3rd place
Presbitero J. Velasco	89.85%	6th place

II

FACULTY

A. *Appointments and Change of Academic Status*

Doubtless due mainly to the difficulty of recruiting to the faculty qualified individuals who would be willing to abandon the relatively more lucrative fields of private practice and employment, there was no new addition to the rank of the full-time members of the faculty during the year under review.

A number of new lecturers, however, were appointed to fill the need for competent professors in certain fields. These were the following:

Justice Enrique M. Fernando — Malcolm Professor of Constitutional Law and Professorial Lecturer

Atty. Gonzalo W. Gonzalez — Rizal Distinguished Lectureship in Corporation Law

Dr. Pedro Solis — Professorial Lecturer in Medical Jurisprudence

Atty. Antonio Bautista — Professorial Lecturer

Mrs. Tecla San Andres Ziga — Professorial Lecturer

In addition to the above-named new appointees, two former lecturers who had resigned to run for the Constitutional Convention were re-appointed, namely, Professors Froilan Bacuñgan and Arturo Balastro.

Professor Jose C. Campos, Jr., upon his appointment to the Judiciary as District Judge, ceased to be a full-time member of the faculty and was appointed as a professorial lecturer.

Dr. Luke T. Lee of the Fletcher School of Law & Diplomacy of Tufts University joined the faculty as a Visiting Professor of Law and Population.

B. Promotion in Rank & Salary

Professor Araceli Baviera received promotions in rank and salary; Professors Esteban B. Bautista and Carmelo V. Sison, a promotion in rank and the following faculty members received promotion in salary:

1. Ruben F. Balane
2. Maria Clara L. Campos
3. Irene R. Cortes
4. Jose F. Espinosa
5. Crisolito Pascual
6. Florida Ruth P. Romero

C. Committee on Recruitment & Promotion

Professor Bienvenido C. Ambion replaced Professor Jose C. Campos, as the representative of the senior members of the faculty in the Committee on Faculty Recruitment and Promotion.

D. Outside Services and Other Activities

(1) In the Constitutional Convention

From the start of its session, the Constitutional Convention and individual delegates sought to draw from the law faculty assistance in the work of revising the constitution. It will be recalled that the faculty had participated extensively in the preliminary work on constitutional revision done in the U.P. Law Center. Considering the skeleton force of only 14 full-time faculty members who perform teaching, research, and administrative functions in the College, it was not possible to oblige requests for the detail any mem-

ber of the faculty there. Cooperation was given in some other form. Individual members gave their own time to make studies and render opinions. Of these may be mentioned Professors Perfecto Fernandez, Merlin Magallona, Hugo E. Gutierrez, Jose F. Espinosa and myself among others,

Thus, at the express request of Mr. Ramon Diaz, the Chairman of the Steering Council of the Constitutional Convention, which was conveyed to the President of the University, Profs. Perfecto V. Fernandez and Merlin M. Magallona provided technical services to the Steering Council, through its Chairman, in regard to the following functions of the Council:

(a) Reconciliation of overlapping or conflicting provisions in the various reports of the Organic Committees of the Convention. Such reconciliation took the form of consolidated or amended proposals.

(b) Preparation of comments on objectionable features in some Committee reports. These were submitted in the form of memoranda.

As the proposals before the convention take shape the members of the law faculty subject them to scrutiny, studying, analyzing and pointing out their implications and making known the results of their study in public lectures and articles. My public lecture on June 23rd as holder of the Albino Z. Sycip Professorial Chair inaugurated the faculty lecture series on the amendment proposals. Other lectures on various aspects of the proposed revised constitution will follow.

(2) In the Bar Integration Commission

Professor Crisolito Pascual continued to serve as member and Dr. Gamboa and I as consultants in the Bar Integration Commission of the Supreme Court.

(3) In the Manila Advisory Commission

Professor Hugo Gutierrez and myself at the invitation of Manila Mayor Bagatsing sit in the Legislative Committee of the Manila Advisory Commission created to study the multifarious problems of the City of Manila and recommend ways of solving them.

(4) In the Presidential Investigation and Recovery Commission

Professor Hugo E. Gutierrez is on part time special detail as Executive Director of the Presidential Investigation and Recovery Commission.

(5) In the Higher Education Research Council

At the request of the Higher Education Research Council of the Senate Committee on Education I chairmanned the Consultant Committee on Law with President Leoncio P. Monzon of the Manuel L. Quezon University

and Dean Feliciano Jover Ledesma as members to evaluate the present law curriculum.

(6) Other Activities

Once again the members of the law faculty had to define their views on the significant question of whether in any controversy, the university should take a stand. Taking into account the function of the university in the search for truth, and appreciating the fact that while the University is made up of various constituencies the rule of the majority obtaining in democratic governments cannot with equal validity be invoked in order to support a position attributable to the university as university without doing violence to its unique place in society, members of the law faculty in the controversy over the suspension of the privilege of the writ of habeas corpus maintained the stand that any positions taken should be attributable only to those members of the university community who took them. Thus, because the law faculty itself was divided over the issues arising from the suspension of the privilege of the writ of habeas corpus, the petition addressed to the President of the Philippines urging him to lift the suspension was made in the name of the law faculty members who subscribed to it without in any way binding the others who entertained different views.

(7) Professorial Chairs

Justice Enrique Fernando was appointed Malcolm Professor of Constitutional Law. He replaced Dr. Florentino P. Feliciano.

On June 23, 1972 as incumbent of the Dr. Albino Z. Sycip Professor of Law Chair, I delivered a public lecture on "The Political Structure Emerging from the Proposals before the 1971 Constitutional Convention: A Government by Commission."

(8) Research and Publications

Books—

- BAUTISTA, Esteban B., comp. & ed. *Cases and materials on Partnership Law*. Quezon City, 1971. 527 p. Mimeographed.
- FERNANDO, Enrique M. *The Bill of Rights*. 2d ed. Quezon City, Central Lawbook Pub. [c1972] 369 p.
- PASCUAL, Crisolito. *Introduction to Legal Philosophy*, 5th ed., Manila. G. Rangel & Sons 1972, 459 p.
- SANTOS, Gonzalo T., Jr. *An assessment of private foreign investment incentives in the Philippines*. Manila, New Palayan Pub. [c1971] 104 p.
- . *Introduction to Taxation and the Philippine Tax System*, by G. T. Santos, Amado C. Dizon [and] Tomas C. Toledo. Mandaluyong, Don Bosco Press, 1971, 178 p.

Periodical Articles & Others

- AGABIN, Pacifico A., *Free speech and assembly in public places: a balancing approach*, 16 PHIL. LAW REGISTER 2 (Sept., 1971).

- . *Political Law—Part One: Constitutional Law*, 46 PHIL. L. J. 191-252 (April, 1971).
- BALANE, Ruben F., *Civil Law—Part III: Torts and Damages and quasi-contracts*, 46 PHIL. L. J. 256-270 (April, 1971).
- BALBASTRO, Arturo E. *Remedial Law—Part Two: Criminal Procedure and Evidence*, 46 PHIL. L.J. 271-286 (April, 1971).
- BAUTISTA, Esteban B. *Criminal Law*, 46 PHIL. L. J. 287-312 (April, 1971).
- COQUIA, Jorge R., *Judicial Review of the Power to Suspend the Writ of Habeas Corpus* (Annotation), 42 S.C.R.A. 514-530 (1972).
- CORTES, Irene R., *Bar integration: comments and observations*, 46 PHIL. L. J. 656-658 (Sept., 1971).
- . *Dean's report, 1970-1971*, 46 PHIL. L. J. 466-509 (July, 1971).
- . *The Law Curriculum: Assessment and Recommendations in the Light of the Needs of a Developing Society*, 1972. 28 p. Mimeographed.
- . *Legal Education in a Changing Society*, 46 PHIL. L.J. 444-459 (July, 1971).
- . *The political structure emerging from the proposals before the 1971 constitutional convention: a government by Commission* (Albino Z. SyCip lecture delivered at the U.P. Law Center, June 23, 1972) 33p. Mimeographed.
- FERNANDEZ, Perfecto V., *Law and polity: towards a systems concept of legal validity*, 46 PHIL. L.J. 371-425 (July, 1971).
- . *Problems in employee representation*. In ASPECTS OF PHILIPPINE LABOR RELATIONS, 1971, 1-22 (U.P. Law Center, 1971).
- . *Substantive aspect of workmen's compensation act*. In LAW PRACTICE FOR THE SENIOR LAWYER, 1971, 83-110 (U.P. Law Center, 1972).
- . *Welfare Laws*. 46 PHIL. L.J. 172-190 (Feb., 1971).
- FERNANDO, Enrique M., *A Regime of Constitutionalism*, 37 LAWYERS J. 99-102 (March, 1972).
- . *State Policy on Labor Relations Law: the Constitutional aspect*. In ASPECTS OF PHILIPPINE LABOR RELATIONS, 1971, 212-242 (U.P. Law Center, 1971).
- GADIOMA, Demosthenes, B., *Taxation*, 46 PHIL. L.J. 83-115 (Feb., 1971).
- GATMAITAN, Magno S., *Remedial Law—Part One: Civil Procedure*, 46 PHIL. L.J. 116-153 (Feb., 1971).
- . *Trial Problems in certiorari, prohibition and mandamus*. In LAW PRACTICE FOR THE SENIOR LAWYER, 1-20 (U.P. Law Center, 1972).
- GUITERREZ, Hugo E., *The unsatisfactory status of the law of arrest and detention*, 46 PHIL. L.J. 669-706 (Dec., 1971).
- JACINTO, Generoso V., *Civil and criminal procedure*. In GENERAL LAW PRACTICE INSTITUTE, 1970-1971, 193-236 (U.P. Law Center, 1972).
- MAGALLONA, Merlin M., *Political Law—Part Two: Public Officers, Election Law and Law on Local Governments*, 46 PHIL. L.J. 233-255 (April, 1971).
- MENDOZA, Estelito P., *The Base-lines of the Philippine Archipelago*, 46 PHIL. L.J. 628-638 (Sept., 1971).
- MENDOZA, Vicente, Book Review, *The Bill of Rights; The Power of Judicial Review*, by Enrique M. Fernando, 46 PHIL. L.J. 663-667 (July, 1971).
- . *The case of "legislative purpose" as a limitation of the Congressional power of investigation*, 46 PHIL. L.J. 720 (Dec., 1971).
- PADILLA, Sabino, Jr., *Common problems in the transactions of negotiable and quasi-negotiable instruments*. In ASPECTS OF COMMERCIAL LAW, 1971, 1-27 (U.P. Law Center, 1971).

- PASCUAL, Crisolito, *Labor Relations Law*, 46 PHIL. L.J. 1-51 (Feb., 1971); In ASPECTS OF PHILIPPINE LABOR RELATIONS, 1971, 115-183 (U.P. Law Center, 1971).
- ROMERO, Florida Ruth P., *Civil Law—Part One: Persons and Family Relations and Obligations and Contracts*, 46 PHIL. L.J. 52-82 (Feb., 1971).
- SANTOS, Gonzalo T., Jr., *The lawyer as a corporate secretary*. In ASPECTS OF COMMERCIAL LAW, 1971, 83-127 (U.P. Law Center, 1971).
- SISON, Carmelo V., *Legal and judicial ethics*, 46 PHIL. L.J. 313-331 (April, 1971).
- _____. Population laws of the Philippines, U.P. Law Center, 1972. 88, 11p. Unpublished.
- SOLIS, Pedro, *Aspects of legal medicine applicable to Municipal Courts*. In TRIAL PROBLEMS IN CITY AND MUNICIPAL COURTS, 1971, 331-372 (U.P. Law Center, 1971).
- VENTURA, Francisco, *Land Titles and Deeds*. In GENERAL LAW PRACTICE INSTITUTE, 1970-1971, 1-31 (U.P. Law Center, 1972).

III

THE CURRICULUM

A. Curriculum Revision

The task of curriculum revision which was begun some two years ago was finally completed. The recommendations of the fourteen committees were passed upon and integrated by a committee composed of the various Committee chairmen and a final recommendation was submitted to the faculty, who in a series of meetings, drew up the revised curriculum, which was then submitted and promptly approved by the University Curriculum Committee, the University Council and finally by the Board of Regents.

One of the prominent features of the revised curriculum is the revision of the evening program so as to spread it out over five years, instead of the original four. This change was prompted by the belief on the part of most of the members of the faculty as well as of the student representative that evening students, who also hold full time employment during the day cannot find sufficient time for their class preparation if they enroll in the regular number of units in the old curriculum.

The curricular changes take effect in schoolyear 1972-1973.

B. Summer Clerkship Program

The Summer Clerkship Program, introduced as a pilot project in the summer of 1971, was evaluated and its continuation as a permanent feature of the legal education program on an optional basis was approved by the faculty.

The gist of the report on the program follows:

"The College in May to June last year initiated a Student Clerkship Program which involved the assigning of law students during the vacation months to judges of district courts and circuit criminal courts as law clerks. Its aim was to give the students first-hand knowledge of court proceedings and to afford them a chance to observe how legal theories are applied to actual problems in cases before the courts.

"The program was a pilot project and its continuation as a permanent program was to be determined, upon evaluation, on the basis of whether or not it achieved the purposes for which it was set up.

"Inasmuch as the operation of the judges was involved, it was necessary to obtain the indorsement of the Department of Justice. The Department gave its full support to the project.

"A total of 24 students participated in the program. In order to make an accurate evaluation of the program, questionnaires were sent out to the participants, both the students and the judges asking for their opinions and recommendations.

"Of the judges, 13 sent in their replies. Eleven favored the continuation of the program. Two expressed no opinion. There was unanimity among the respondent judges that the project was beneficial to the students.

"The student respondents were also unanimous in recommending the continuation of the program and offered suggestions on how to improve it.

On the basis of the evaluation made, the faculty took the action above-mentioned.

This summer, 15 students signed in for the clerkship program. Their opinions and those of the judges will again be collected as soon as classes resume in order to further improve the program.

IV

PUBLICATIONS

A. Philippine Law Journal

Professor Hugo E. Gutierrez who took over as faculty editor of the *Philippine Law Journal* noted the increased coordination and assistance in liaison and other functions by the student editorial staff, especially by the Chairman, Mr. Guillermo M. Canlas, Jr. However, compared to last year's student staff members, this year's was not as prolific in their contributions to the publication.

The *Philippine Law Journal* continues to have problems over printing delays caused not only by faculty contributors to the survey but also by the printer. Because of many additional duties he had been assigned to perform, Professor Gutierrez had to rely heavily on the Journal administrative assistant, Miss Agnes T. Bacuñgan, who performed excellently.

On the business side, the publication faces exhaustion of its funds. The College of Law will have to continue subsidizing the publication and the Law Center to provide incentives for scholarly contributions to it.

B. *Law Register*

The *Law Register* continues to be entirely published and managed by the Law Student Government. Intended to be published monthly during the school year, it came out with three issues in 1971-1972.

C. *Law School Annual*

This year the graduating class decided to put out their own annual since the *Philippinensian* has not come out for the last few years. With the individual participation of the graduates themselves and the cooperation of the alumni and faculty the project is well under way. The publication is called *The Memorandum*.

V

THE STUDENTS

Student demonstrations and disruption of classes occasioned by the suspension of the privilege of the writ of habeas corpus and in sympathy with the non-teaching personnel for higher pay affected classes in the College of Law. But during the year under review, more class hours in the College were lost because of outbreaks of violence among rival fraternities. The students continued to participate in and co-operate with College committees and policy-making bodies. They again had a representative member in the College Admissions Committee which screened freshmen applicants and in the various committees which undertook the task of curriculum revision.

COLLEGE ACTIVITIES, 1971-1972

First Semester, 1971-1972

June, 1971 —

July 21, 1971 — Competitive examinations for Chairman, Student Editorial Board, *Philippine Law Journal* and Editor-in-Chief, *Philippine Law Register*.

August, 1971 —

September 23, 1971 — Law Student Government—Portia—Order of the Purple Feather Joint Induction-Convocation.

5:00 P.M., Malcolm Hall Theater

Guest Speaker: Justice Jesus Barrera

October, 1971 —

Second Semester, 1971-1972

November, 1971 —

December 16 & 17, 1971 — 1971 Law Festival

- January 14, 1972 — Induction of Officers of the U.P. Law Alumni Association, Lighthouse, Meralco Building, Ortigas Avenue.
- February 14, 1972— Inter-Law Debating Tournament
 U.P. Law vs. Arellano University
 Arellano University Auditorium
 Resolved: That the Philippines Adopt the Parliamentary Form of Government.
 U.P. Law Debating Team — Affirmative (Winner)
 Eduardo Robles (captain) — best debater
 Jose Tomimbang (member) — 2nd best debater
 Anacleto Diaz (member)
- March 7, 1972 — Law Student Government Convocation in honor of the 1971 U.P. successful bar examinees.
 3:00 P.M., Malcolm Hall Theater
- March 15, 1972 — Law Student Government Civil Liberties Convention.
- April 22, 1972 — 1972 Law Graduation Program
 3:00 P.M., Bocobo Hall
 Guest Speaker: Justice J.B.L. Reyes

VI

THE ALUMNI

A. Scholarships

One of the first tangible results of the close ties between the College and the revitalized alumni association is the creation and maintenance of alumni scholarships.

When school year 1972-1973 opened, four scholarships covering school fees and books were awarded to entering freshmen. These were: two scholarships established by the law class of 1941 from contributions of Alexander SyCip, Luciano Salazar, Carlos Ledesma and Antonio Moran Sison; from the class of 1948 Bienvenido Tan, Jr. put up the funds for the Judge Bienvenido Tan scholarship and Juan Luces Luna, Jr. continued the Juan Luces Luna scholarship which was created some years back.

At the start of the second semester of this school year two other new four-year scholarships made available by the Citizens Legal Aid Society of the Philippines will be opened for competition as will the Carlos Ll. Romulo Jr. scholarship which is now vacant. The class of 1953 has likewise started to raise funds for a scholarship patterned after the Romulo Jr. type which provides for all school fees, books and a monthly stipend.

The purpose of the law scholarship program is to attract outstanding students who for financial reasons might otherwise find it difficult to pursue legal studies in the College of Law. These scholarships are renewable every semester until a grantee finishes the law course, provided he/she satisfies the conditions attached to the grant.

B. *Professorial Lectureship*

1. A law alumnus who for the present has chosen to remain anonymous donated a professorial lectureship in corporation law. Under the conditions of the endowment as approved by the Board of Regents, the donor pays the honorarium of a lecturer for one semester in the undergraduate course in corporation law.

Atty. Gonzalo W. Gonzalez, a prominent law practitioner, former member of the U.P. Board of Regents and Chairman of the Social Security Commission from 1958 to 1962, became the first holder of the Rizal Distinguished Lectureship in Corporation Law.

C. *Others*

Other donations were made by the alumni for improvements in Malcolm Hall and in the law library.*

VII**COLLEGE ADMINISTRATION AND ADMINISTRATIVE PERSONNEL**

In spite of the fact that all evening classes are now held in Diliman, the regular college administrative staff remains the same. Adjustments in work schedules of the staff and the occasional employment of an emergency worker had to be made of the morning, afternoon and evening classes. The personnel of the College was augmented by the detail of stenographers from the Law Center.

The College had to make provisions for physical security of Malcolm Hall. For this purpose, the services of one guard was obtained by the College of Law while the College of Nursing which supplemented it by hiring another.

VIII**THE PHYSICAL PLANT**

The Law Alumni Association made donations in kind for the renovation of one of the rooms in Malcolm Hall and its conversion to a faculty lounge. The funds used for laying out the parquet floor, repainting and interior decoration of the room came from the following sources:

Surplus from the 1971 Law Alumni Reunion	P2,821.08
Secretary Vicente Abad Santos	297.00
Mrs. Teresita Cruz-Sison	250.00
TOTAL	P3,368.08

* For details, see portion on Physical Plant and the Law Library.

IX

COLLEGE OF LAW LIBRARY **

A. Growth of the Collection

As of June 30, 1972, the Law Library consisted of 32,338 accessioned volumes. During the fiscal year just completed, 1,907 volumes were added to the book collection of which 549 were purchased, 132 were acquired as gifts, 1,119 were transferred from the Main Library and 107 were deposited in accordance with the provisions of Republic Act No. 3870, the Law Center law. The pamphlet file was enhanced by the addition of 33 titles making it now a total of 762 accessioned titles.

Noteworthy acquisitions for this year include a set of Clive Parry's *The Consolidated Treaty Series, U.S. Congressional Globe, Documents de la Session, Parliament de la Puissance du Canada* from 1867 to 1925, *Journals of the House of Commons and the Senate of Canada*, and the *Debates of the House of Commons, Canada* from 1962-1971.

B. Services

The *raison d'etre* of any library is its usefulness to those seeking information and knowledge. And the index of its usefulness is partly measured by the extent to which its materials are used by readers. Statistics on the use of the library resources this year show a total of 99,925 volumes which is an increase over last year's 82,921. The figures below give an indication of the use made of the library:

Circulation: Books & Pamphlets	11,281
Filipiniana Books & Pamphlets	32,173
Reference Books & Pamphlets	9,560
Reserve Books and Pamphlets	32,668
Periodicals	6,456
Newspapers	6,407
Other Materials	1,380
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TOTAL	99,925

During the year under review, we were able to serve 26,275 patrons as against last year's 30,609. Included in this number were the 502 researchers from the various government agencies, courts and law offices, 361 of which were our own alumni.

C. Staff

Last April 20, 1972, two of our staff members, namely Miss Resurreccion N. Ferrer and Mrs. Elizabeth L. Salazar were given promotions in salary.

** What follows is part of the report of Miss Myrna Feliciano, law librarian.

As part of the freshman orientation program, Mr. Alejandro F. España and Miss Ferrer conducted the library tours while the undersigned handled the library orientation lecture on June 23, 1972 at the Malcolm Hall. Miss Myrna Feliciano also directed a Legal Research Seminar which was sponsored by the Cebu C.F.I. Law Library which was held from May 10 to 13, 1972 in Cebu City.

D. Quarters and Equipment

The fund campaign for shelves continued this year with the undersigned raising the amount of ₱21,517.00 which together with last year's ₱18,175.00 netted a total of ₱39,692.00. Out of this amount, 128 units of steel book stacks were purchased and installed in the third floor of the Library. A list of this year's contributors to the fund is attached herewith.

E. Recommendations

1. This is a reiteration of our problem last year wherein we expressed that the present sitting capacity of 158 is inadequate to accommodate our present clientele which is approximately composed of 400 students, 17 faculty members, and 403 bar reviewees. This is complicated by the number of students from the other units of the university who are assigned cases and materials found in the Law Library. It is suggested that more individual tables and chairs be made so as to alleviate the congestion in the Main Reading Room.

2. We have also indicated in our last annual report regarding the need for an additional staff member. Most of the present staff are rendering direct services to the students and have very little time to do bibliographic work which is needed in order that we could print all our indexes. Secondly, the students have requested that the third floor reading room be opened regularly but so far, we have only been able to open it in the afternoons, Mondays to Fridays. Furthermore, there are no student assistants during the summer months because their appointments terminate at the end of the second semester. This is keenly felt during such emergencies like sickness or absence of student assistants during the examination period.

SECTION TWO THE LAW CENTER

A. Activities and Operations

I am herewith transmitting the report of the Law Center on its activities and operations during the year under review.

B. Law Research Council

The Council recommended the grant of two new faculty fellowships for work on the subjects of Legal Reasoning (An Inquiry into an Adequate

Theory of Rational Decision-Making in Law) and on Philippine Partnership Law. The first is a project of Professor Jose C. Laureta and the second of Professor Esteban B. Bautista. The first faculty fellowships under this program were completed during the year.

ACKNOWLEDGEMENTS

I am indebted to Professor Ruben F. Balane, Miss Myrna Feliciano, Mrs. Veronica A. Morales, Mrs. Teresita C. Agbayani, Mrs. Aurora S. del Rosario and Mr. Macario Cargado for their assistance in the preparation of this report.

Very truly yours,

IRENE R. CORTES
Dean

August 8, 1972

The President
University of the Philippines
Diliman, Quezon City

THRU: The Dean
U.P. College of Law

Sir:

U.P. LAW CENTER NINTH ANNUAL REPORT

This report covers the academic year 1971-1972.

I. GENERAL MATTERS

During the academic year in review, the U.P. Law Center:

1. Secured from the Bureau of Internal Revenue Ruling No. 72-016, May 18, 1972, which is a favorable opinion on the deductibility of a lawyer's expenses for tuition, travel, board and lodging incurred while attending the continuing legal education programs, seminars, and institutes offered by the U.P. Law Center in the furtherance of his professional knowledge and competence.

2. Constructed six office rooms and a 376-seating capacity Lecture Hall at the Roof Deck of the Law Center Building, hooked up to the existing central air conditioning system. The new Lecture Hall is provided with upholstered auditorium seats.

3. Made permanent the Bar Review Institute which was intended in 1970 as a temporary arrangement to accommodate the graduates of the U.P. College of Law. It is now serviced by the staff of the Division of Continuing Legal Education for six consecutive months.

4. Approved a new publication policy as follows:

I. Books, studies, monographs, research papers, articles and other works or writings on law shall be published by the Division of Publications in accordance with Section 1, No. 4 of the U.P. Law Center Charter (Republic Act No. 3870) upon recommendation by the Committee on Publications of the U.P. Law Center to the Director. No works or writings on law shall be published without the approval of the Director. The Committee shall be constituted as follows:

Chairman: Head, Division of Publications

Members: a) Heads of Divisions or their respective representative
b) Editor of Publications

II. In addition to other guidelines which the Committee on Publications may formulate with the approval of the Director, the following guidelines shall govern the publication procedures in the Law Center:

A. Researches coming from the Division of Research and Law Reform.

All researches and legal studies which are undertaken or supervised by the Division of Research and Law Reform shall be published if:

1. Funds for their publication are available;
2. The research or legal study will, in the opinion of the Committee on Publications, contribute to the advancement of legal scholarship, the protection of human rights with emphasis on the improvement of the legal system and the administration of justice and the assumption of leadership in overcoming the criticisms directed at professional competence and responsibility;

B. Proceedings of continuing legal education programs held by the Division of Continuing Legal Education.

The proceedings of seminars, conferences and institutes shall be published in mimeographed form for distribution to the participants. Lectures delivered in these continuing legal education courses may be published in book form for general distributions to legal scholarship or will significantly enhance professional competence and responsibility and recommended by the Editor of Legal Publications to the Committee on Publications, and, provided further, that funds are available.

C. Researches coming from the Research Council and other qualified members of the Law Center.

Researches produced by research fellows under the auspices of the Law Research Council and other members of the U.P. Law Cen-

ter staff may be published upon recommendation of the Committee on Publications provided funds are available. The Committee on Publications shall give preferential attention whenever such researches are submitted for its consideration taking into account the furtherance of the objectives of the U.P. Law Center as defined in its Charter.

D. Researches and studies coming from outside the U.P. Law Center.

Legal studies and researches may be published upon the request of other colleges or departments of the University, other agencies of the government and noted scholars and writers in law provided:

1. Funds are available for their publication.
2. In the opinion of the Committee on Publications, the publication will further the objectives of the U.P. Law Center as defined in its Charter.

5. Approved the publication of the *U.P. Law Center Bulletin*. This 8-page paper will contain news about the doings of each division of the U.P. Law Center which will be of interest to the bench and the bar. It will also contain book notices, schedules of continuing legal education programs, registration forms, and book order forms. It will be distributed to about 6,000 persons in our mailing list. In addition to disseminating news about the U.P. Law Center, this publication will save the Law Center a lot of money which heretofore are spent in printing and distributing separate announcements for each and every continuing legal education program and each and every publication of the U.P. Law Center which have become very expensive.

II. DIVISION OF CONTINUING LEGAL EDUCATION

Of the thirteen programs offered this year, eight were held in various places outside the campus.

Below is a summary of the activities presented by the Division of Continuing Legal Education:

I. Annual Institutes	<i>Date</i>	<i>Attendance</i>
a. Eighth Annual Institute on Labor Relations Law	July 5-10, 1971	94
b. Fifth Advanced Course for Senior Lawyers	Oct. 4-9, 1971	114
c. Eighth Annual Institute on Tax Law	Dec. 6-11, 1971	105
d. Second Institute on Land Titles and Deeds	Jan. 17-22, 1972	193

II. Regional Institutes

a. Cebu City	Dec. 2-4, 1971	84
b. Cagayan de Oro City	Feb. 10-12, 1972	80
c. Legaspi City	March 9-11, 1972	91
d. Zamboanga City	April 13-15, 1972	45
e. Baguio City	May 25-27, 1972	46
f. Tacloban City	June 15-17, 1972	37

III. Conferences

a. First Annual Government Prosecutors' Seminar	Feb. 23-26, 1972	529
b. Seventh Judicial Conference of Municipal Court Judges	March 21-25, 1972	726
c. Fifth Judicial Conference for Judges of Courts of First Instance, Circuit Criminal Courts and Juvenile & Domestic Relations Courts	April 26-27, 1972	172

ANNUAL INSTITUTES

In Diliman, four institutes were presented: those on Labor Relations Law and Tax Law, both for the eighth consecutive year, that for Senior Practitioners for the fifth consecutive year and another on Land Titles and Deeds was given again in response to requests from various sectors, particularly from the Land Registration Commission.

Eighth Annual Institute on Labor Relations Law

The course content of the Eighth Annual Institute on Labor Relations Law and Institute faculty is shown below:

<i>Topics</i>	<i>Lecturers</i>
Current Problems on Representation of Employees	Prof. Perfecto Fernandez U.P. College of Law
Collective Bargaining Approach to Minimum Wage Disputes	Atty. Ruben F. Santos Chairman, Wage Commission Department of Labor
Recent Development on Scope and Limits of Peaceful Picketing	Dean Marcos M. Herras Adamson University
Recent Cases and Legislation in Labor Law (1970)	Prof. Crisólito Pascual Director, U.P. Law Center
State Policy on Labor Relations Law: The Constitutional Aspect	Justice Enrique M. Fernando Supreme Court of the Phils.

The above subjects, seemingly prosaic, aroused animated discussion after the lecturers developed them in the light of contemporary events.

Fifth Advanced Course for Senior Practitioners

As with other seminars for senior practitioners, the program included topics on Remedial Law as well as practice and procedure in such administrative agencies as the Public Service Commission and the Workmen's Compensation Act. Below is the program as presented:

<i>Topics</i>	<i>Lecturers</i>
Problems in Certiorari, Prohibition and Mandamus	Justice Magno S. Gatmaitan Court of Appeals
Appellate Court Practice	Justice Jose N. Leuterio Court of Appeals
Administrative Practice and Procedure in the Public Service Commission	Atty. Porfirio del Pilar Asst. Chief Attorney Public Service Commission
Workmen's Compensation Act	Prof. Perfecto V. Fernandez U.P. College of Law Atty. Ernesto Cruz Chief Legal Officer Workmen's Compensation
Problems in the Presentation of Evidence	Hon. Jose W. Diokno Member, Philippine Senate
Settlement and Distribution of Estates	Judge Jose L. Moya Court of First Instance Branch X, Manila

Eighth Annual Institute on Tax Law

The attendance of over 100 law practitioners, accountants, auditors and Bureau of Internal Revenue examiners gave evidence to the continuing timeliness of the annual seminars on Tax Law. Young business executives with extensive training in tax law were, for the first time, invited to lead the following discussions:

<i>Topics</i>	<i>Lecturers</i>
Intra-Family Donations	Atty. Jose Ong Manager, Tax Division Sycip, Gorres, Velayo & Co.
Taxation of Pensions and Retirements	Mr. Patricio Javier Partner, Sycip, Gorres, Velayo & Co.
Tax Fraud	Judge Roman Umali Court of Tax Appeals
Tax and Duty Importations	Collector Augusto T. Africa Bureau of Customs

Tax Aspects of Floating Exchange Rates, Devaluations and Revaluations	Atty. Luis Villafuerte Senior Vice-President, Bancom Development Corporation
Critical Survey of Supreme Court Tax Decisions of 1970-1971	Atty. Jose Vitug Special Assistant to the President Marinduque Mining & Industrial Corporation

Second Institute on Land Titles and Deeds

Two years after the First Institute on Land Titles and Deeds, the U.P. Law Center was called upon to present the course anew. Evidence of the keen interest in this field of law is the fact that almost 200 enrollees registered for the seminar. The Land Registration Commission required its Register of Deeds throughout the country to attend.

The following topics were offered:

<i>Topics</i>	<i>Lecturers</i>
Methods of Bringing Lands Under the Operation of the Torrens System	Prof. Narciso Peña Former Asst. Commissioner Land Registration Commission
A) Judicial Proceedings in Obtaining Torrens Title	Director Vicente Valdellon Bureau of Lands
B) Administrative Proceedings in Obtaining Torrens Title	
Registration & Legal Aspects of Condominium	Atty. Silverio F. Aquino Legal Assistant, Ayala Corp.
Real Property Ownership and Alienage	Prof. Antonio H. Noblejas Former Commissioner Land Registration Commission
Remedies Available to Aggrieved Parties Under the Torrens System	Com. Gregorio Bilog, Jr. Land Registration Commission
Some Problems and Remedies Arising in Subsequent Registration	Atty. Florencio D.R. Ponce Deputy Register of Deeds Manila

Regional Institutes

The following field programs, denominated *General Law Practice Institutes*, were offered by the Division of Continuing Legal Education.

<i>Venue</i>	<i>Date</i>	<i>Attendance</i>
1. Cebu City	Dec. 2-4, 1971	84
2. Cagayan de Oro City	Feb. 10-12, 1972	80
3. Legaspi City	March 9-11, 1972	91
4. Zamboanga City	April 13-15, 1972	45
5. Baguio City	May 25-27, 1972	46
6. Tacloban City	June 15-17, 1972 (postponed from May 4-6 due to last-minute cancellation of plane flights)	37

Depending on need and availability of speakers, the course content framed for the above regional institutes revolved around the following topics:

<i>Topics</i>	<i>Lecturers</i>
Fair Labor Standards and Welfare Legislation	Prof. Perfecto V. Fernandez College of Law University of the Philippines
Taxation	Dean Gonzalo T. Santos, Jr. College of Law University of Manila
Problems in the Presentation of Evidence	Hon. Jose W. Diokno Member, Philippine Senate
Provisional Remedies	Justice Jesus Y. Perez Court of Appeals
Unusual Decisions in Recent Procedural Jurisprudence	Atty. Alejandro de Santos De Santos, Balgos & Perez Law Offices
Practical Problems of Evidence in Trials	Judge Hilarion Jarencio Court of First Instance Branch XXIII, Manila

In the face of mounting requests for a seminar for the Southeastern Luzon area, the U.P. Law Center decided to include Legaspi City, which is equidistant from the Bicol provinces and Masbate, in its itinerary. As with other regional institutes, the local bar association's cooperation was solicited.

Tacloban City, having registered the largest attendance of all regional institutes the preceding years, it was again made the venue for the Eastern Visayas area this year. However, upon the insistence of the CFI Law Library Committee in Cebu, the same program had to be presented in said

City even much ahead of Tacloban. Due to the sudden cancellation of airplane flights, the seminar on Tacloban City was not held as originally scheduled but one-and-a-half months later. Consequently, those who came from neighboring provinces and towns for the May program decided against making a second trip in June, hence the small attendance.

In all the cities where regional institutes were given, the members of the bench cooperated by suspending sessions to enable the practitioners to attend. They themselves set the example by attending in all the sessions. With the numerous requests pouring in from other cities such as Tuguegarao, Tagbilaran and Iligan, the site of future institutes may have to be moved to these places such that the Northern Luzon program may be given in Tuguegarao; that for Eastern Visayas, in Tagbilaran and for Northeastern Mindanao, in Iligan City.

CONFERENCE

First Annual Government Prosecutors Seminar

Holding a seminar exclusively for government prosecutors was the brainchild of Secretary of Justice Vicente Abad Santos. He intimated to the officers of the Government Prosecutors' League of the Philippines that the Department of Justice would be better disposed to grant authority to fiscals to attend their Annual Convention on official time if in conjunction therewith, the U.P. Law Center could be prevailed upon to offer a seminar.

Acting on the suggestion, Fiscal Lilia Lopez, and later, Fiscal Joaquin Ilustre, treasurer and president, respectively of the Government Prosecutors' League of the Philippines, made representations with the U.P. Law Center to set up a program suited to the problems and needs of government prosecutors.

For reasons of political expediency, the officials of the League requested an early scheduling of the program. Thus, the Division of Continuing Legal Education had barely three months within which to organize a seminar which, because it was to be the first of its kind, should have been given more time for preparation.

The following program was formulated for the 529 government prosecutors who were split into two groups:

<i>Topics</i>	<i>Lecturers</i>
Naturalization & Citizenship	Atty. Martiniano Vivo Former Commissioner Bureau of Immigration
Improving the Government Prosecutors' Relationship With the Public, the Bench and the Bar	Hon. Estanislao Fernandez Delegate Constitutional Convention

Preliminary Examination and Investigation	Chief Presecutor Emilio Gancayco Department of Justice
Presenting the Evidence for the Prosecution	Justice Antonio P. Barredo Supreme Court of the Philippines
The Role of Fiscals in Land Registration	Prof. Antonio Noblejas Former Commissioner Land Registration Commission
Effective Implementation of Land and Forestry Laws	<i>Panel Discussion</i>
1) Public Land Laws	Director Vicente A. Valdellon Bureau of Lands
2) Forestry Laws	Director Jose Viado Bureau of Forestry
3) LRC and Cadastral Laws	Com. Gregorio Bilog, Jr. Land Registration

Seventh Judicial Conference for Municipal Court Judges

After having held all the Law Center-sponsored Conferences the past six years in Diliman, municipal judges all over the country decided to try Baguio for a change. It was decided to hold the Conference immediately after the League's two-day Conference.

In line with past practice, the 732 municipal and city judges who registered were divided in two groups with the following speakers delivering their lectures twice:

<i>Lecturers</i>	<i>Topics</i>
Justice Antonio P. Barredo Supreme Court of the Phils.	The Emerging Concept of Municipal Courts Under Recent Legislation
Chief Prosecutor Emilio A. Gancayco	Preliminary Examination & Preliminary Investigation
Justice Antonio P. Barredo Supreme Court of the Philippines	The Possibilities of Pre-Trial & Discovery Procedures In the Municipal Courts
Judge Hilarion Jarencio Court of First Instance	Practical Problems of Evidence in Trials in Municipal Courts
Undersecretary Catalino Macaraig	Dialogue with the Department of Justice Representatives
Undersecretary Estelito Mendoza	Injunctions in Forcible Entry, Replevin, Attachment & Execution of Judgments
Justice Jesus Y. Perez Court of Appeals	

Judge Jesus P. Morfe
CFI, Branch XIII, Manila

Principles & Techniques
In Order & Decision-Making

The faculty line-up impressed the municipal court judges with their knowledgeability and the thoroughness of their preparation.

Fifth Judicial Conference for Judges of Courts of First Instance, Circuit Criminal Courts and Juvenile and Domestic Relations Courts

An activity that is becoming increasingly difficult to plan is the Annual Judicial Conference for district judges and those of special courts. The Fifth Annual Conference held on April 26 to 27, 1972 in Baguio City took several meetings of the *ad hoc* planning committee spread out over six months to prepare. Officers of the Association of District Judges and representatives of the appellate courts joined hands with the DCLE staff to structure a program that would answer the present needs of the district judges.

What proved a stumbling block to the early formulation of the program was the choice of lecturers. It has always been the practice to draw the speakers exclusively from the appellate courts or from the outstanding members of the bar. Unfortunately, not a few of the justices take vacation leaves during summer while those left behind are the ones who are so saddled with pressing duties that they cannot undertake additional responsibilities. Hence, for some of the topics offered, as many as six prospective lecturers had to be approached before one could be found willing to accept the lectureship. Had the Conference been held outside Baguio where the Supreme Court regularly sits during summertime, the problem would have been compounded.

Eventually, the program was finalized as follows:

<i>Topics</i>	<i>Lecturers</i>
Aids in the Conduct of Trial	Justice Antonio P. Barredo Supreme Court of the Phil.
Are Our Trial Courts Truly Independent?	Justice Fred Ruiz Castro Supreme Court of the Phil.
The Application of:	
a) Art. 80 of the Revised Penal Code	Justice Arsenio Solidum
b) The Rules of Graduation of Penalties	Court of Appeals
Efficient Court Management	Justice Jose B. L. Reyes Supreme Court of the Phil.

Panel Discussion

For the CFI: Judge Ricardo C. Puno—Representing CFI Luzon
Judge Ernesto Oxciano—Representing CFI Visayas
Judge Mama D. Busran—Representing CFI Mindanao

For the CCC: Judge Manuel Pamaran

For the JDRC: Judge Corazon Juliano Agrava

A deviation from the usual range of topics offered in past conferences was the session on "Efficient Court Management." Although some judges shared the feeling that this subject would find its optimum application among the Clerks of Court whose duty it is to oversee the administration of the courts, those who sat in the planning of the Judicial Conference were of the opinion that faulty court procedure is a major factor responsible for the much-criticized delay in the administration of justice. Moreover, it was brought out that the consensus of the clerks of court of the Manila Courts of First Instance who attended the Management Seminar for Clerks of Court in 1970 was that it would not be feasible to introduce reforms in the management of courts unless the presiding judge wholeheartedly believed in the need for such innovation and understood the mechanics for its implementation. Because of the variant procedures obtaining in courts of different jurisdictions and the accepted practices of the people in the area, it was decided to present the subject through a panel composed of judges from district courts in the urban and rural areas and the predominantly Muslim regions as well as such special courts as the Circuit Criminal Courts and the Juvenile and Domestic Relations Courts..

This year's Judicial Conference, the first held outside Diliman, was attended by 171 judges of Courts of First Instance, Circuit Criminal Courts and Juvenile & Domestic Relations Courts. Undoubtedly, the increased attendance was due to the salubrious Baguio climate which the judges and the families found irresistible as it was an opportunity to escape the daily grind of the courtroom. Judge Sixto Domondon, the Association president, supervised such administrative arrangements connected with the Conference as the assignment of court personnel to assist the UPLC staff, as well as the catering for lunch and snacks while the DCLE took charge of the rest.

It was a distinct honor having the Acting Chief Justice of the Supreme Court, Justice J.B.L. Reyes, speak on the significance of "Efficient Court Management". A protracted power failure did not dim the prestige he lent to the closing program when he acceded to distributing the certificates of attendance.

1972 BAR REVIEW INSTITUTE

The enrollment in the 1972 Bar Review Institute totalled 402 representing 40 law schools distributed as follows:

- | | |
|----------------------------------|----|
| 1. University of the Philippines | 73 |
| 2. University of the East | 63 |

3. Far Eastern University	48
4. Manuel L. Quezon University	43
5. University of Santo Tomas	26
6. Lyceum of the Philippines	25
7. Colegio de San Jose—Recoletos	15
8. Ateneo de Manila	12
9. University of Manila	9
10. Saint Louis University	7
11. San Beda College	7
12. Baguio College Foundation	6
13. University of Pangasinan	6
14. University of Iloilo	6
15. University of San Agustin	5
16. University of Visayas	4
17. Arellano University	4
18. Manila Law School	4
19. Divine Word College—Tagbilaran	3
20. Luzonian University	3
21. Philippine Law School	3
22. Silliman University	4
23. University of San Carlos	3
24. International Harvardian University	2
25. Republic Central Colleges	2
26. Central Philippines University	2
27. Araullo	2
28. Xavier University	2
29. Divine Word University—Tacloban	1
30. Colegio de la Purisima Concepcion	1
31. Harvardian Colleges	1
32. Aquinas University	1
33. Luzon College	1
34. Abad Santos Law School	1
35. University of Bohol	1
36. Mindanao University	1
37. Misamis College	1
38. Notre Dame University	1
39. San Sebastain College	1
40. UNO-R	1

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The bar review course of study currently being presented is as follows:

<i>Subject</i>	<i>Reviewer</i>
Remedial Law	Prof. Generoso V. Jacinto

Civil Law	Judge Edgardo L. Paras
	Prof. Desiderio P. Jurado
Commercial Law	Dean Teodorico Martin
	Judge Simeon M. Gopengco
Labor & Social Welfare Legislation	Prof. Perfecto Fernandez
Criminal Law	Prof. Antonio L. Gregorio
Taxation	Dean Gonzalo T. Santos, Jr.
Political & Int'l. Law	
Political Law	Justice Ruperto G. Martin
Public Int'l. Law	Judge Edgardo L. Paras
Private Int'l. Law	Judge Edgardo L. Paras
Legal Ethics & Practical Ex.	Prof. Sulpicio J. Guevara
Land Titles & Deeds	Prof. Antonio Noblejas

It will be noted that the same set of reviewers who taught last year was invited again for this year's class. Professor Francisco Ventura, perennial lecturer in Land Titles and Deeds having passed away, Professor Noblejas was drafted to take his place. This adherence to the same faculty is the result of the favorable evaluation made by the reviewees in previous years.

Following last year's practice, the Division of Continuing Legal Education made arrangements with the Student Auxiliary Service to secure accommodations in the dormitories for the prospective bar candidates. However, a sudden turnabout of the officials concerned resulted in the ejection of nine lady reviewees from the Ilang-ilang Dormitory after a month's time although the gentlemen were allowed to keep their quarters in the Narra and Ipil Dormitories. Official representations made by the Law Center officials on behalf of the ladies involved were to no avail.

III. DIVISION OF RESEARCH AND LAW REFORM

Revision of the Judiciary Act of 1948

Acting upon the requests of Senator Salvador H. Laurel, then chairman of the Senate Committee on Justice and then Congressman now Manila Mayor Ramon D. Bagatsing, the members of the Division met with people genuinely concerned with the improvement and reform of our judiciary system, among them justices of the Supreme Court, justices of the Court of Appeals, deans of various law schools, the Director of the U.P. Law Center, judges of the Courts of First Instance, representatives from the Department of Justice, the staffs of Senator Laurel and then Congressman Bagatsing, law practitioners, law professors and legal scholars.

The Working Group considered a working paper prepared by Judge Mario F. Clutario, Assistant Judicial Superintendent of the Department of Justice on "Proposed Revision of the Judiciary Act," as well as proposals

by Justice Fred Ruiz Castro on "An Act to Amend R.A. 5434" and Judge Jose L. Moya's "A Call to a Revolution in Judicial Procedure" as starting points in the deliberations.

The discussions which were quite spirited proved to be as interesting as they were fruitful. The proceedings have been edited and mimeographed copies have been sent to the House and Senate Committees on Justice. Copies were also distributed to the participants.

Primer on Local Government Project

Upon the request of Congressman Emerito Calderon of Cebu, the members of the staff prepared in layman's language a book for distribution to the common man containing the essential principles of local government with the end in view of informing local officials of their responsibilities and privileges as well as uplifting the ordinary citizen especially the barrio-folk by making him understand his basic duties and fundamental rights so that he may act and be guided accordingly as a better citizen and as an enlightened member of his community.

The project was headed by Prof. Sulpicio Guevara as Project Director and the topics were divided into four categories as follows: Our Barrio Government—Atty. Rosa Maria J. Bautista; The law on Municipal Districts and the Law on Municipalities—Atty. Esteban B. Bautista; Provincial Law—Atty. Carmelo V. Sison; The Law Governing Cities—Professors Araceli Baviera and Ruben Balane.

Philippine Permanent and General Statutes

The second and third volumes were completed and published during the period under review. As in the case of the first volume, they were compiled and edited by Atty. Gabriel B. Trinidad, Jr., Assistant Chief Revisor of Statutes and Assistant Chief of the Senate Statute and Research Division, who is on detail to the U.P. Law Center.

The series is a multi-volume, indexed, updated, and annotated compilation of permanent and general statutes of the Philippines from 1900 up to the present. It seeks to be the most up-to-date, complete and authoritative collection of Philippine statutes of general (as distinguished from statute of local or of private application) and permanent nature (in contrast to "temporary statutes" or those with limited time of application). It hopes to provide an inexpensive, handy, and easy reference for members of the bench and the bar, legal scholars and all concerned with the law.

New Policy on Preparation of Legal Opinions and Memoranda

Because of a number of queries referred to the Division which have no bearing or relevance to law reform, certain proposed guidelines were prepared upon the suggestion of the Director of the Law Center to govern re-

quests for legal opinions, researches, comments or studies by the Division. After thorough discussion, the Law Center Staff approved the guidelines. The requests were categorized as follows:

1. *Mandatory*—a. All requests for opinions, legal studies comments or researches from various agencies of the government concerned with law reform, including Congressional Committees on Revision of Laws. [Sec. 1 No. (3) of R.A. No. 3870].
b. Requests for legal opinions from the President of the University of the Philippines.
2. *Discretionary*—requests from other governmental agencies not concerned with law reform may be accepted at the discretion of the Director of the U.P. Law Center, after consultation with the Head of the Division of Research and Law Reform, if
 - 1) They will contribute to reform in the judiciary, public administration, civil rights protection, international relations, and law enforcement.
 - 2) They will contribute to the improvement of the legal system and the administration of justice.
 - 3) The financial and personnel resources of the U.P. Law Center would permit; i.e., the Center is not overloaded with mandatory or obligatory requests for legal opinions, researches or legal studies.

The request from agencies not concerned with law reform must be:

- 1) queries on the construction or interpretation of the Constitution, any statute, executive order, executive agreement or treaty;
- 2) queries on what legal provision is applicable to a given factual situation;
- 3) requests for comments on proposed bills or ordinances, constitutional proposals or Supreme Court decisions.

Mere data gathering, whether of facts or judicial doctrines, would not be considered as concerned with law reform even when the person making the requests intends to use the same for reforming any existing law, except where the request involves an institutional research project and the Law Center undertakes or cooperates in the same. In case of doubt, the decision of the Director of the U.P. Law Center, in consultation with the Head of the Division of Research and Law Reform, shall govern.

Requests for legal queries from agencies with their own legal department or legal staff shall not ordinarily be accepted. The same is true of government agencies without their own legal staff but have the necessary resources to undertake their own legal research.

Legal Opinions and Memoranda Rendered

As in previous years, aside from setting goals for its own projects, the Division has prepared legal opinions and memoranda to accommodate numerous requests. Among the more important ones are the following:

(1) Memorandum on arrest without a warrant or the proper interpretation of section 6(b), Rule 113 of the Revised Rules of Court.

(2) Opinion on whether the Philippine Eye Research Institute of the U.P. created under R.A. 4593 may be considered as a unit under the College of Medicine. The Division opined that it is a separate unit with separate management and functions exercised thru its Director and Assistant Director and that the Dean of the College of Medicine is only made a member and chairman of the Advisory Council whose function is "to advise the Institute on Technical and Administrative Aspects."

(3) Memorandum on the collection of additional fees in cases falling under section 17, Rule 5 of the New Rules of Court and also in connection with the implementation of R.A. 3870 on remittances for the "Legal Research Fund."

(4) Comments on the Proposed Civil Service Rules and Regulations.

(5) Memorandum on whether martial law cannot or should not be declared in the absence of war.

(6) Memorandum on whether the President of the Philippines may, under the terms of the Constitution, suspend the privilege of the writ of habeas corpus on the basis merely of *imminent danger* of invasion, insurrection or rebellion.

(7) Memorandum on the scope of the immunity from arrest of legislators and constitutional convention delegates. The Division opined that immunity extends only to civil arrests, and may not be availed of against arrests for the commission of any crime. That consequently, the provision of Article 145 of the Revised Penal Code expanding the scope of the privilege to arrest for crimes punishable by prison mayor or lower, is unconstitutional. It is to be noted that this memorandum was fully sustained by the Supreme Court in the case of *Martinez v. Morfe* G.R. No. L-34022 and *Bautista v. Chanco*, G.R. No. L-34046-7, both decided on March 24, 1972. The Court held that "As is made clear in section 15 of Article VI,, the immunity from arrest does not cover any prosecution for treason, felony and breach of the peace." It also held article 145 of the Revised Penal Code to be repugnant to the Constitution and "could not survive after the Constitution became effective on November 15, 1935."

(8) Opinion: "When will public safety require the suspension of the writ of Habeas Corpus?"

(9) Opinion: Is the Presidential Proclamation No. 889, dated August 21, 1971, as amended, suspending the Habeas Corpus writ privilege subject to judicial review?

(10) Opinion: "On the meaning of the phrase 'when public safety requires it' in the constitutional provision empowering the President to suspend the privilege of the writ of Habeas Corpus."

(11) Opinion: The meaning of "public safety."

(12) Memorandum on execution of warrant of arrest outside of the province—when certification is required.

(13) Memo to Vice Presidents, Deans, Directors, faculty members, and members of the University Police Force re: Enforcement of order and discipline and prevention of injury to any person inside the campus as a result of the *Palisoc v. Brillantes* case, (G.R. No. L-29025, Oct. 4, 1971)

(14) Comments on Constitutional Convention Resolution No. 1232 providing for proportional representation.

(15) Individual comments on *Palisoc v. Brillantes*, (*supra*).

(16) Memorandum on the following queries posed:

- a. Whether section 87 of the Mining Act subjects mining claims to realty tax?
- b. Whether temples of the Masonic fraternity are subject to realty tax?
- c. Whether rice threshers operated for profit are taxable under the Assessment Law?
- d. Whether employment as legal rounsel of a private firm on a retainer basis may conflict with a position which is on a full-time basis?

(17) Memorandum on Philippine statutes affecting family planning and the status of women.

(18) Among the more recent opinions rendered for the Constitutional Convention concerned the following questions:

- a. Whether the Constitution should contain provisions on parity rights.

The Division opined that the Ordinance appended to the present Constitution should be deleted completely and that no mention in the new Constitution shall be made whatsoever about parity rights and the rights acquired under it.

- b. Request by the Constitutional Convention for comments on the First Draft of the Committee on Amendments to the Constitution. Among the salient comments made were the following:

1. It is of dubious wisdom to confer legislative powers, particularly the power to appropriate, to the Commission on Elections, whose members are not directly responsible to

the people and cannot be held to account by them in an electoral process.

2. Whether or not elections for delegates should be non-partisan, and political parties prohibited from putting up candidates, and whether it is advisable to fix in the Constitution the number of delegates, and to provide therein that they be voted by the electorate of each representative district are matters which are better left to legislation, the Division pointed out. "This is because, owing to the effect on the freedom of political expression and of association, the desirability and wisdom of these measures is a question which is still, and probably will always be, the subject serious controversy and one which is better resolved on experimental basis through the legislative process."
3. The Division welcomed the inclusion of the provision on obligations and disqualifications of the delegates but suggested an amendment to the proposed provision in order "to likewise prohibit the delegates from participating in political campaigns throughout the duration of the convention—a deplorable spectacle we witnessed in the last elections."

(19) Opinion on the query raised by the UPAA Board of Directors regarding the legality of its act in filling up vacancies in its board.

(20) Opinion on whether a lawyer's expenses for tuition, travel, board and lodging (or any of these) in attending the continuing legal education seminars and institutes of the U.P. Law Center in the furtherance of professional knowledge and competence are deductible from his gross income for income tax purposes.

(21) Upon special request from the Department of Foreign Affairs, the Division submitted a memorandum on whether the Philippines may be neutralized despite its membership in the United Nations. Against the notion held by some authors that UN Membership is incompatible with neutralization, the Division maintained that this is not necessarily so.

Should the ideas contained in the draft be ultimately approved by the Participating States, the U.P. Law Center would have helped blaze a new path in the development and progress of international law.

(22) Also on the request of the Department of Foreign Affairs, the Division also prepared a draft treaty constituting Southeast Asia a zone of *Peace, Freedom and Neutrality*. To prevent the possibility on the part of a guaranteeing Power to intervene in internal affairs of the guaranteed State, the draft treaty, defined "Peace" as the prevalence of harmonious, friendly and orderly relations between and among nations, and shall have no reference

to the internal state of affairs in each of the Zone States; "Freedom", as the freedom of a State from control, dictation, or interference in the conduct of its internal and external affairs by any other nation or power; and "Neutrality", as the maintenance by a State of impartiality, in any war between other States as understood in international law.

(23) Opinion as to who has the power to formulate foreign policy in the Philippines.

(24) Opinion on the query why the phrase "the sale of bonds" was inserted in section 2 of R.A. No. 337, and also whether an amendment proposing the deletion of such a phrase can be legally supported.

(25) Opinion as to the proper place of meetings of Board of Governors and/or members of the Philippine Integrated Bar when later incorporated.

(26) Memorandum on House Bill No. 4736 (An Act allowing photographic copies of records as primary evidence as the originals thereof).

(27) Memorandum on how to compute the period of a congressional session.

(28) Memorandum on the question whether or not the Constitutional Convention is authorized to draft alternative proposals.

(29) Opinion on the power of a municipal judge to require the offended party to give bail to guarantee his appearance at the trial.

Pending Projects

A. Corporation Code Project

This project seeks not only to completely revise and codify the present Corporation law and other relevant laws but to make the corporation not only a business entity organized for private profit but a social partner or an instrument of the government in the amelioration of Philippine society, and thus contribute to its social and economic progress.

The members of the Division working on this project are: Prof. Sulpicio Guevara, Consultant of the Division, as Chairman; Prof. Maria Clara L. Campos and Atty. Rosa Maria J. Bautista, members.

B. Project on Law and Population

The U.P. Law Center has submitted, on request of the Population Commission, a project proposal on the intended research with the following objectives: (1) To compile, and update all laws, administrative regulations, and judicial decisions bearing on population and family planning; (2) To collate, analyze, and synthesize Philippine data on practices in family planning and population, taking into account the sociological, psychological, religious and cultural factors and appreciation of said laws; (3) To prepare a monograph on "Law and Population" for the Philippines; (4) To draft a proposed set of laws, new as well as amendatory, on population and family

planning using human rights as the point of departure; (5) To organize and conduct a seminar to discuss in general law and population and in particular the formulation of a model code on population Programme officers, resident representatives, governmental and private agencies on the legal aspects of population and family planning problems.

Future Projects

Future projects of the Division call for undertaking a comparative survey of Southeast Asian Law, Revision and Codification of Commercial Law, Compilation and Critical Analysis of Laws Relating to Agriculture, Agricultural Tenancy Relations and Land Reform. Included also as the most significant of these is the Computerization of Philippine Statutes and Supreme Court decisions.

IV. DIVISION OF PUBLICATIONS

Administration

The national and local governments continue to draw heavily upon the U.P. Law Center staff and the Division of Publications was no exception to this rule.

Professor Hugo E. Gutierrez, division head, returned from his special detail at the University of Michigan Law School at the start of the fiscal year. However, on December 29, 1971 he was detailed, on a part time basis, as Executive Director of the Presidential Investigation and Recovery Commission. He continued to supervise the work of the division but much of the details of supervision had to be assumed by subordinate supervisors. Atty. Ambrosio R. Blanco, assistant head and editor of legal publications, was on detail as a legal consultant to the Committee on Judiciary of the House of Representatives until December 31, 1971. He returned to the Division of Publications but in May, 1972 Mayor Ramon D. Bagatsing requested his services for the City of Manila and the Office of the President subsequently ordered his detail as an assistant of the City Mayor and as executive secretary of the Manila Advisory Commission.

The Division of Publications continues the appointment of *ad hoc* editors for our various publications because of the abovementioned assignments of Atty. Ambrosio Blanco.

Publications

The publications completed and distributed during the fiscal year 1971-1972 are:

1. Law Practice for the Senior Lawyer—1970
2. Seventh Annual Institute on Tax Law—1970
3. Aspects of Commercial Law—1971
4. Third Annual Institute on Criminal Law and Procedure—1971

5. Philippine Permanent & General Statutes—Volume II
6. General Law Practice Institutes—1970-71
7. Outline of Taxation
8. Fourth Advanced Course for City and Municipal Court Judges—1971
9. Aspects of Philippine Labor Relations Law—1971
10. Philippine Permanent & General Statutes—Volume III
11. Law Practice for the Senior Lawyer—1971

As of the end of the fiscal year, we have seven publications in varying stages of completion. These are the following:

1. Eighth Annual Institute on Tax Law—1971
2. Philippine Permanent & General Statutes—Volume IV
3. Institute on Land Titles and Deeds—1972
4. First Annual Government Prosecutors' Seminar
5. Seventh Judicial Conference for Municipal Court Judges—1972
6. General Law Practice Institutes—1972
7. Ninth Annual Institute on Labor Relations Law—1972

We are planning to reprint Justice Arsenio Solidum's *Application and Graduation of Penalties* and requested the author to reedit and update the book. However, prospective amendatory legislation forced us to postpone its publication.

A New Publications Program

Most of the past publications of the Law Center are proceedings of institutes and conferences conducted by the Division of Continuing Legal Education. The impact of the continuing legal education programs has thus been made permanent. It has also been maximized through a reaching out to persons who could not attend the programs.

However, due to the high increase in publication costs, the Law Center decided towards the end of the fiscal year to have a more systematic and selective method of publishing the proceedings of continuing legal education programs. The lectures and papers delivered during institutes, seminars, and conferences shall continue to be published in the usual book form for local and international distribution only if they are significant contributions to legal scholarship or will significantly enhance professional competence and responsibility. Otherwise, the proceedings shall be reproduced and bound but in mimeographed form for distribution only to the participants.

At the same time, the Law Center has decided to publish the works of noted scholars and writers in law if these publications will further the objectives of the Center as defined in the charter. Writings are invited if they advance legal scholarship, contribute to the protection of human rights, promote the improvement of the legal system and the administration of

justice and help overcome the criticism directed at professional competence and responsibility.

Starting with the next fiscal year, the Law Center has decided to publish the *U.P. Law Center Bulletin*, an official publication intended to bring the Center closer to the bar, bench, public officers, law schools, and the general public. The *Bulletin* shall inform a select readership about the various programs of the Center and shall furnish information about the law which may be of value to them.

V. ACKNOWLEDGMENT

Finally, I wish to recognize the assistance given me in the preparation of this annual report by Prof. Florida Ruth P. Romero, Head of the Division of Continuing Legal Education, Dr. Melquiades J. Gamboa, Head of the Division of Research and Law Reform, and Prof. Hugo Gutierrez, Head of the Division of Publications.

CRISOLITO PASCUAL
Director

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

IN THE MATTER OF THE
INTEGRATION OF THE BAR
OF THE PHILIPPINES.

Present:
Concepcion, C.J.,
Makalintal,
Zaldivar,
Castro,
Fernando,
Teehankee,
Barredo,
Makasiar,
Antonio, and
Esguerra, JJ.
Promulgated:
January 9, 1973

x x

RESOLUTION

PER CURIAM:

On December 1, 1972, the Commission on Bar Integration¹ submitted its *Report* dated November 30, 1972, with the “earnest recommendation” —on the basis of the said *Report* and the proceedings had in Administrative Case No. 526² of the Court, and “consistently with the views and counsel received from its [the Commission’s] Board of Consultants, as well as the overwhelming nationwide sentiment of the Philippine Bench and Bar”—that “*this Honorable Court ordain the integration of the Phil-*

¹Created by Supreme Court Resolution of October 5, 1970 “for the purpose of ascertaining the advisability of the integration of the Bar in this jurisdiction,” the Commission is composed of Supreme Court Associate Justice Fred Ruiz Castro (Chairman), Senator Jose J. Roy, retired Supreme Court Associate Justice Conrado V. Sanchez, Supreme Court Associate Justice (then Court of Appeals Presiding Justice) Salvador V. Esguerra, U.P. Law Center Director Crisolito Pascual, Ex-Senator Tecla San Andres Ziga, and San Beda Law Dean and Constitutional Convention Delegate Feliciano Jover Ledesma (Members).

²Filed on July 11, 1962 (by a Committee composed of Jose W. Diokno, Roman Ozaeta, Jose P. Carag, Eugenio Villanueva, Jr. and Leo A. Panuncialman), the petition represented the unanimous consensus of 53 Bar Associations (from all over the Philippines) reached in convention at the Far Eastern University Auditorium in Manila on June 23, 1962.

ippine Bar as soon as possible through the adoption and promulgation of an appropriate Court Rule."

The petition in Adm. Case No. 526 formally prays the Court to order the integration of the Philippine Bar, after due hearing, giving recognition as far as possible and practicable to existing provincial and other local Bar associations. On August 16, 1962, arguments in favor of as well as in opposition to the petition were orally expounded before the Court. Written oppositions were admitted,³ and all parties were thereafter granted leave to file written memoranda.⁴

Since then, the Court has closely observed and followed significant developments relative to the matter of the integration of the Bar in this jurisdiction.

In 1970, convinced from preliminary surveys that there had grown a strong nationwide sentiment in favor of Bar integration, the Court created the Commission on Bar Integration for the purpose of ascertaining the advisability of unifying the Philippine Bar.

In September, 1971, Congress passed House Bill No. 3277 entitled "An Act Providing for the Integration of the Philippine Bar, and Appropriating Funds Therefor." The measure was signed by President Ferdinand E. Marcos on September 17, 1971 and took effect on the same day as Rep. Act 6397. This law provides as follows:

"SECTION 1. Within two years from the approval of this Act, the Supreme Court may adopt rules of court to effect the integration of the Philippine Bar under such conditions as it shall see fit in order to raise the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility more effectively.

"SEC. 2. The sum of five hundred thousand pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, to carry out the purposes of this Act. Thereafter, such sums as may be necessary for the same purpose shall be included in the annual appropriations for the Supreme Court.

"SEC. 3. This Act shall take effect upon its approval."

The *Report* of the Commission abounds with arguments on the constitutionality of Bar integration and contains all necessary factual data bearing on the advisability (practicability and necessary) of Bar integration. Also embodied therein are the views, opinions, sentiments, comments and observations of the rank and file of the Philippine lawyer population relative to Bar integration, as well as a proposed integration Court Rule

³ Written oppositions were submitted by Attys. Cesar Fejardo and Vicente L. Arcega, the Camarines Norte Lawyers League, Atty. Fructuoso S. Villarin, the Camarines Sur Bar Association and the Manila Bar Association.

⁴ The petitioners and the Negros Occidental Bar Association submitted memoranda in favor of Bar integration, while the Manila Bar Association submitted a memorandum opposing Bar integration.

drafted by the Commission and presented to them by that body in a national Bar plebiscite. There is thus sufficient basis as well as ample material upon which the Court may decide whether or not to integrate the Philippine Bar at this time.

The following are the pertinent issues:

- (1) Does the Court have the power to integrate the Philippine Bar?
- (2) Would the integration of the Bar be constitutional?
- (3) Should the Court ordain the integration of the Bar at this time?

A resolution of these issues requires, at the outset, a statement of the meaning of Bar integration. It will suffice, for this purpose, to adopt the concept given by the Commission on Bar Integration on pages 3 to 5 of its *Report*, thus:

"Integration of the Philippine Bar means the official national unification of the entire lawyer population of the Philippines. This requires *membership* and *financial support* (in reasonable amount) of every attorney as conditions *sine qua non* to the practice of law and the retention of his name in the Roll of Attorneys of the Supreme Court.

"The term 'Bar' refers to the collectivity of all persons whose names appear in the Roll of Attorneys. An Integrated Bar (or Unified Bar) perforce must include all lawyers.

"Complete unification is not possible unless it is decreed by an entity with power to do so: the State. Bar integration, therefore, signifies the setting up by Governmental authority of a national organization of the legal profession based on the recognition of the lawyer as an officer of the court.

"Designed to improve the position of the Bar as an instrumentality of justice and the Rule of Law, integration fosters cohesion among lawyers, and ensures, through their own organized action and participation, the promotion of the objectives of the legal profession, pursuant to the principle of maximum Bar autonomy with minimum supervision and regulation by the Supreme Court.

"The purposes of an integrated Bar, in general, are:

- "(1) Assist in the administration of justice;
- "(2) Foster and maintain on the part of its members high ideals of integrity, learning, professional competence, public service and conduct;
- "(3) Safeguard the professional interests of its members;
- "(4) Cultivate among its members a spirit of cordiality and brotherhood;
- "(5) Provide a forum for the discussion of law, jurisprudence, law reform, pleading, practice and procedure, and the relations of the Bar to the Bench and to the public, and publish information relating thereto;
- "(6) Encourage and foster legal education;

"(7) Promote a continuing program of legal research in substantive and adjective law, and make reports and recommendations thereon; and

"(8) Enable the Bar to discharge its public responsibility effectively.

"Integration of the Bar will, among other things, make it possible for the legal profession to:

"(1) Render more effective assistance in maintaining the Rule of Law;

"(2) Protect lawyers and litigants against the abuses of tyrannical judges and prosecuting officers;

"(3) Discharge, fully and properly, its responsibility in the disciplining and/or removal of incompetent and unworthy judges and prosecuting officers;

"(4) Shield the judiciary, which traditionally cannot defend itself except within its own forum, from the assaults that politics and self-interest may level at it, and assist it to maintain its integrity, impartiality and independence;

"(5) Have an effective voice in the selection of judges and prosecuting officers;

"(6) Prevent the unauthorized practice of law, and break up any monopoly of local practice maintained through influence or position;

"(7) Establish welfare funds for families of disabled and deceased lawyers;

"(8) Provide placement services, and establish legal aid offices and set up lawyer reference services throughout the country so that the poor may not lack competent legal service;

"(9) Distribute education and informational materials that are difficult to obtain in many of our provinces;

"(10) Devise and maintain a program of continuing legal education for practising attorneys in order to elevate the standards of the profession throughout the country;

"(11) Enforce rigid ethical standards, and promulgate minimum fees schedules;

"(12) Create law centers and establish law libraries for legal research;

"(13) Conduct campaigns to educate the people on their legal rights and obligations, on the importance of preventive legal advice, and on the true functions and duties of the Filipino lawyer; and

"(14) Generate and maintain pervasive and meaningful country-wide involvement of the lawyer population in the solution of the multifarious problems that afflict the nation."

Anent the *first issue*, the Court is of the view that it may integrate the Philippine Bar in the exercise of its power, under Article VIII, Sec. 13 of the Constitution, "to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law." Indeed, the power to integrate is an inherent part of the Court's constitutional authority over the Bar. In providing that "the Supreme Court may adopt rules of court to effect the integration of the Philippine Bar,"

Republic Act 6397 neither confers a new power nor restricts the Court's inherent power, but is a mere legislative declaration that the integration of the Bar will promote public interest or, more specifically, will "raise the standards of the legal profession, improve the administration of justice, and enable that Bar to discharge its public responsibility more effectively."

Resolution of the *second issue*—whether the unification of the Bar would be constitutional—hinges on the effects of Bar integration on the lawyer's constitutional rights of freedom of association and freedom of speech, and on the nature of the dues exacted from him.

The Court approvingly quotes the following pertinent discussion made by the Commission on Bar Integration on pages 44 to 49 of its *Report*:

"Constitutionality of Bar Integration

"Judicial Pronouncements.

"In all cases where the validity of Bar integration measures has been put in issue, the Courts have upheld their constitutionality

"The judicial pronouncements support this reasoning:

"—Courts have inherent power to supervise and regulate the practice of law.

"—The practice of law is not a vested right but a privilege; a privilege, moreover, clothed with public interest, because a lawyer owes duties not only to his client, but also to his brethren in the profession, to the courts, and to the nation; and takes part in one of the most important functions of the State, the administration of justice, as an officer of the court.

"—Because the practice of law is a privilege clothed with public interest, it is fair and just that the exercise of that privilege be regulated to assure compliance with the lawyer's public responsibilities.

"—These public responsibilities can best be discharged through collective action; but there can be no collective action without an organized body; no organized body can operate effectively without incurring expenses; therefore, it is fair and just that all attorneys be required to contribute to the support of such organized body; and, given existing Bar conditions, the most efficient means of doing so is by integrating the Bar through a rule of court that requires all lawyers to pay annual dues to the Integrated Bar.

"1. Freedom of Association.

"To compel a lawyer to be a member of an integrated Bar is not violative of his constitutional freedom to associate (or the corollary right not to associate).

"Integration does not make a lawyer a member of any group of which he is not already a member. He became a member of the Bar when he passed the Bar examinations. All that integration actually does is to provide an official national organization for the well-defined but unorganized and incohesive group of which every lawyer is already a member.

"Bar integration does not compel the lawyer to associate with anyone. He is free to attend or not to attend the meetings of his Integrated Bar Chapter or vote or refuse to vote in its elections as he chooses.

The only compulsion to which he is subjected is the payment of annual dues.

"Otherwise stated, membership in the United Bar imposes only the duty to pay dues in reasonable amount. The issue, therefore, is a question of compelled financial support of group activities, not involuntary membership in any other aspect.

"The greater part of Unified Bar activities serves the function of elevating the educational and ethical standards of the Bar to the end of improving the quality of the legal service available to the people. The Supreme Court, in order to further the State's legitimate interest in elevating the quality of professional services, may require that the cost of improving the profession in this fashion be shared by the subjects and beneficiaries of the regulatory program—the lawyers.

"Assuming that Bar integration does compel a lawyer to be a member of the Integrated Bar, such compulsion is justified as an exercise of the police power of the State. The legal profession has long been regarded as a proper subject of legislative regulation and control. Moreover, the inherent power of the Supreme Court to regulate the Bar includes the authority to integrate the Bar.

"2. Regulatory Fee

"For the Court to prescribe dues to be paid by the members does not mean that the Court levies a tax.

"A membership fee in the Integrated Bar is an exaction for regulation, while the purpose of a tax is revenue. If the Court has inherent power to regulate the Bar, it follows that as an incident to regulation, it may impose a membership fee for that purpose. It would not be possible to push through an Integrated Bar program without means to defray the concomitant expenses. The doctrine of implied powers necessarily includes the power to impose such an exaction.

"The only limitation upon the State's power to regulate the Bar is that the regulation does not impose an unconstitutional burden. The public interest promoted by the integration of the Bar far outweighs the inconsequential inconvenience to a member that might result from his required payment of annual dues.

3. Freedom of Speech

"A lawyer is free, as he has always been, to voice his views on any subject in any manner he wishes, even though such views be opposed to positions taken by the Unified Bar.

"For the Integrated Bar to use a member's dues to promote measures to which said member is opposed, would not nullify or adversely affect his freedom of speech.

"Since a State may constitutionally condition the right to practice law upon membership in the Integrated Bar, it is difficult to understand why it should become unconstitutional for the Bar to use the member's dues to fulfill the very purposes for which it was established.

"The objection would make every Governmental exaction the material of a 'free speech' issue. Even the income tax would be suspect. The objection would carry us to lengths that have never been dreamed of. The conscientious objector, if his liberties were to be thus extended,

might refuse to contribute taxes in furtherance of war or of any other end condemned by his conscience as irreligious or immoral. The right of private judgment has never yet been exalted above the powers and the compulsion of the agencies of Government.

"4. *Fair to All Lawyers.*

"Bar integration is not unfair to lawyers already practising because although the requirement to pay annual dues is a new regulation, it will give the members of the Bar a new system which they hitherto have not had and through which, by proper work, they will receive benefits they have not heretofore enjoyed, and discharge their public responsibilities in a more effective manner than they have been able to do in the past. Because the requirement to pay dues is a valid exercise of regulatory power by the Court, because it will apply equally to all lawyers, young and old, at the time Bar integration takes effect, and because it is a new regulation in exchange for new benefits, it is not retroactive, it is not unequal, it is not unfair."

To resolve the *third and final issue*—whether the Court should ordain the integration of the Bar at this time—requires a careful overview of the practicability and necessity as well as the advantages and disadvantages of Bar integration.

In many other jurisdictions notably in England, Canada and the United States, Bar integration has yielded the following benefits: (1) improved discipline among the members of the Bar; (2) greater influence and ascendancy of the Bar; (3) better and more meaningful participation of the individual lawyer in the activities of the Integrated Bar; (4) greater Bar facilities and services; (5) elimination of unauthorized practice; (6) avoidance of costly membership campaigns; (7) establishment of an official status for the Bar; (8) more cohesive profession; and (9) better and more effective discharge by the Bar of its obligations and responsibilities to its members, to the courts, and to the public. No less than these salutary consequences are envisioned and in fact expected from the unification of the Philippine Bar.

Upon the other hand, it has been variously argued that in the event of integration, Government authority will dominate the Bar; local Bar associations will be weakened; cliquism will be the inevitable result; effective lobbying will not be possible; the Bar will become an impersonal Bar; and politics will intrude into its affairs.

It is noteworthy, however, that these and other evils prophesied by opponents of Bar integration have failed to materialize in over fifty years of Bar integration experience in England, Canada and the United States. In all the jurisdictions where the Integrated Bar has been tried, none of the abuses or evils feared has arisen; on the other hand, it has restored public confidence in the Bar, enlarged professional consciousness, energized the Bar's responsibilities to the public, and vastly improved the administration of justice.

How do the Filipino lawyers themselves regard Bar integration? The official statistics compiled by the Commission on Bar Integration show that in the *national poll* recently conducted by the Commission in the matter of the integration of the Philippine Bar, of a total of 15,090 lawyers from all over the archipelago who have turned in their individual responses, 14,555 (or 96.45 per cent) voted in favor of Bar integration, while only 378 (or 2.51 per cent) voted against it, and 157 (or 1.04 per cent) are non-committal. In addition, a total of eighty (80) local Bar associations and lawyers' groups all over the Philippines have submitted resolutions and other expressions of unqualified endorsement and/or support for Bar integration, while not a single local Bar association or lawyers' group has expressed opposition thereto. Finally, of the 13,802 individual lawyers who cast their *plebiscite ballots* on the proposed integration Court Rule drafted by the Commission, 12,855 (or 93.14 per cent) voted in favor thereof, 662 (or 4.80 per cent) voted against it, and 285 (or 2.06 per cent) are non-committal.⁵ All these clearly indicate an overwhelming nationwide demand for Bar integration at this time.

The Court is fully convinced, after a thoroughgoing conscientious study of all the arguments adduced in Adm. Case No. 526 and the authoritative materials and the mass of factual data contained in the exhaustive *Report* of the Commission on Bar Integration, that the integration of the Philippine Bar is "perfectly constitutional and legally unobjectionable," and, within the context of contemporary conditions in the Philippines, has become an imperative means to raise the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility fully and effectively.

ACCORDINGLY, the Court, by virtue of the power vested in it by Section 13 of Article VIII of the Constitution, hereby ordains the integration of the Bar of the Philippines in accordance with the attached COURT RULE, effective on January 16, 1973.

ROBERTO CONCEPCION

Chief Justice

QUERUBE C. MAKALINTAL

Associate Justice

FRED RUIZ CASTRO

Associate Justice

CLAUDIO TEEHANKEE

Associate Justice

FELIX V. MAKASIAR

Associate Justice

CALIXTO O. ZALDIVAR

Associate Justice

ENRIQUE M. FERNANDO

Associate Justice

ANTONIO P. BARREDO

Associate Justice

FELIX Q. ANTONIO

Associate Justice

SALVADOR V. ESGUERRA

Associate Justice

⁵ All figures are as of January 8, 1973.

RULE 139-A INTEGRATED BAR OF THE PHILIPPINES

SECTION 1. *Organization.*—There is hereby organized an official national body to be known as the “Integrated Bar of the Philippines,” composed of all persons whose names now appear or may hereafter be included in the Roll of Attorneys of the Supreme Court.

SEC. 2. *Purposes.*—The fundamental purposes of the Integrated Bar shall be to elevate the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility more effectively.

SEC. 3. *Regions.*—The Philippines is hereby divided into nine Regions of the Integrated Bar, to wit:

(a) *Northern Luzon*, consisting of the provinces of Abra, Batanes, Benguet, Cagayan, Ifugao, Ilocos Norte, Ilocos Sur, Isabela, Kalinga-Apayao, La Union, Mountain Province, Nueva Vizcaya, and Quirino;

(b) *Central Luzon*, consisting of the provinces of Bataan, Bulacan, Nueva Ecija, Pampanga, Pangasinan, Tarlac, and Zambales;

(c) *Greater Manila*, consisting of the City of Manila and Quezon City;

(d) *Southern Luzon*, consisting of the provinces of Batangas, Cavite, Laguna, Marinduque, Occidental Mindoro, Oriental Mindoro, Quezon, and Rizal.

(e) *Bicolandia*, consisting of the provinces of Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate, and Sorsogon;

(f) *Eastern Visayas*, consisting of the provinces of Bohol, Cebu, Eastern Samar, Leyte, Northern Samar, Samar, and Southern Leyte;

(g) *Western Visayas*, consisting of the provinces of Aklan, Antique, Capiz, Iloilo, Negros Occidental, Negros Oriental, Palawan, Romblon, and Siquijor;

(h) *Eastern Mindanao*, consisting of the provinces of Agusan del Norte, Agusan del Sur, Bukidnon, Camiguin, Davao del Norte, Davao del Sur, Davao Oriental, Misamis Oriental, Surigao del Norte, and Surigao del Sur; and

(i) *Western Mindanao*, consisting of the cities of Basilan and Zamboanga, and the provinces of Cotabato, Lanao del Norte, Lanao del Sur, Misamis Occidental, South Cotabato, Sulu, Zamboanga del Norte, and Zamboanga del Sur.

In the event of the creation of any new province, the Board of Governors shall, with the approval of the Supreme Court, determine the Region to which the said province shall belong.

SEC. 4. *Chapters.*—A Chapter of the Integrated Bar shall be organized in every province. Except as hereinbelow provided, every city shall be considered part of the province within which it is geographically situated.

A separate Chapter shall be organized in each of the following political subdivisions or areas:

- (a) The sub-province of Aurora;
- (b) Each congressional district of the City of Manila;
- (c) Quezon City;
- (d) Caloocan City, Malabon and Navotas;
- (e) Pasay City, Makati, Mandaluyong and San Juan del Monte;
- (f) Cebu City; and
- (g) Zamboanga City and Basilan City.

Unless he otherwise registers his preference for a particular Chapter, a lawyer shall be considered a member of the Chapter of the province, city, political subdivision or area where his office or, in the absence thereof, his residence is located. In no case shall any lawyer be a member of more than one Chapter.

Each Chapter shall have its own local government as provided for by uniform rules to be prescribed by the Board of Governors and approved by the Supreme Court, the provisions of Section 19 of this Rule notwithstanding.

Chapters belonging to the same Region may hold regional conventions on matters and problems of common concern.

SEC. 5. *House of Delegates.*—The Integrated Bar shall have a House of Delegates of not more than one hundred twenty members who shall be apportioned among all the Chapters as nearly as may be according to the number of their respective members, but each Chapter shall have at least one Delegate. On or before December 31, 1974, and every four years thereafter, the Board of Governors shall make an apportionment of Delegates.

The term of the office of Delegate shall begin on the date of the opening of the annual convention of the House and shall end on the day immediately preceding the date of the opening of the next succeeding annual convention. No person may be a Delegate for more than two terms.

The House shall hold an annual convention at the call of the Board of Governors at any time during the month of April of each year for the election of Governors, the reading and discussion of reports including the annual report of the Board of Governors, the transaction of such other business as may be referred to it by the Board, and the consideration of such additional matters as may be requested in writing by at least twenty Delegates. Special conventions of the House may be called by the Board of Governors to consider only such matters as the Board shall indicate. A majority of the Delegates who have registered for a convention, whether annual or special, shall constitute a quorum to do business.

SEC. 6. *Board of Governors.*—The Integrated Bar shall be governed by a Board of Governors. Nine Governors shall be elected by the House of Delegates from the nine Regions on the representation basis of one Governor from each Region. Each Governor shall be chosen from a list of nominees submitted by the Delegates from the Region, provided that not more than one nominee shall come from any Chapter. The President and the Executive Vice President, if chosen by the Governors from outside of themselves as provided in Section 7 of this Rule, shall *ipso facto* become members of the Board.

The members of the Board shall hold office for a term of one year from the date of their election and until their successors shall have been duly elected and qualified. No person may be a Governor for more than two terms.

The Board shall meet regularly once every three months, on such date and at such time and place as it shall designate. A majority of all the members of the Board shall constitute a quorum to do business. Special meetings may be called by the President or by five members of the Board.

Subject to the approval of the Supreme Court, the Board shall adopt By-Laws and promulgate Canons of Professional Responsibility for all members of the Integrated Bar. The By-Laws and the Canons may be amended by the Supreme Court *motu proprio* or upon the recommendation of the Board of Governors.

The Board shall prescribe such other rules and regulations as may be necessary and proper to carry out the purposes of the Integrated Bar as well as the provisions of this Rule.

SEC. 7. *Officers.*—The Integrated Bar shall have a President and an Executive Vice President who shall be chosen by the Governors immediately after the latter's election, either from among themselves or from other members of the Integrated Bar, by the vote of at least five Governors. Each of the regional members of the Board shall be *ex officio* Vice President for the Region which he represents.

The President and the Executive Vice President shall hold office for a term of one year from the date of their election and until their successors shall have duly qualified. The Executive Vice President shall automatically become the President for the next succeeding full term. The Presidency shall rotate from year to year among all the nine Regions in such order of rotation as the Board of Governors shall prescribe. No person shall be President or Executive Vice President of the Integrated Bar for more than one term.

The Integrated Bar shall have a Secretary, a Treasurer, and such other officers and employees as may be required by the Board of Governors, to be appointed by the President with the consent of the Board, and to

hold office at the pleasure of the Board or for such term as it may fix. Said officers and employees need not be members of the Integrated Bar.

SEC. 8. Vacancies.—In the event the President is absent or unable to act, his duties shall be performed by the Executive Vice President; and in the event of the death, resignation, or removal of the President, the Executive Vice President shall serve as Acting President during the remainder of the term of the office thus vacated. In the event of the death, resignation, removal, or disability of both the President and the Executive Vice President, the Board of Governors shall elect an Acting President to hold office until the next succeeding election or during the period of disability.

The filling of vacancies in the House of Delegates, Board of Governors, and all other positions of Officers of the Integrated Bar shall be as provided in the By-Laws. Whenever the term of an office or position is for a fixed period, the person chosen to fill a vacancy therein shall serve only for the unexpired term.

SEC. 9. Membership dues.—Every member of the Integrated Bar shall pay such annual dues as the Board of Governors shall determine with the approval of the Supreme Court. A fixed sum equivalent to ten percent (10%) of the collections from each Chapter shall be set aside as a Welfare Fund for disabled members of the Chapter and the compulsory heirs of deceased members thereof.

SEC. 10. Effects of non-payment of dues.—Subject to the provisions of Section 12 of this Rule, default in the payment of annual dues for six months shall warrant suspension of membership in the Integrated Bar, and default in such payment for one year shall be a ground for the removal of the name of the delinquent member from the Roll of Attorneys.

SEC. 11. Voluntary termination of membership; reinstatement.—A member may terminate his membership by filing a written notice to that effect with the Secretary of the Integrated Bar, who shall immediately bring the matter to the attention of the Supreme Court. Forthwith he shall cease to be a member and his name shall be stricken by the Court from the Roll of Attorneys. Reinstatement may be made by the Court in accordance with rules and regulations prescribed by the Board of Governors and approved by the Court.

SEC. 12. Grievance procedures.—The Board of Governors shall provide in the By-Laws for grievance procedures for the enforcement and maintenance of discipline among all the members of the Integrated Bar, but no action involving the suspension or disbarment of a member or the removal of his name from the Roll of Attorneys shall be effective without the final approval of the Supreme Court.

SEC. 13. *Non-political Bar.*—The Integrated Bar shall be strictly non-political, and every activity tending to impair this basic feature is strictly prohibited and shall be penalized accordingly. No lawyer holding an elective, judicial, quasi-judicial, or prosecutory office in the Government or any political subdivision or instrumentality thereof shall be eligible for election or appointment to any position in the Integrated Bar or any Chapter thereof. A Delegate, Governor, Officer or employee of the Integrated Bar, or an officer or employee of any Chapter thereof shall be considered *ipso facto* resigned from his position as of the moment he files his certificate of candidacy for any elective public office or accepts appointment to any judicial, quasi-judicial, or prosecutory office in the Government or any political subdivision or instrumentality thereof.

SEC. 14. *Positions honorary.*—Except as may be specifically authorized or allowed by the Supreme Court, no Delegate or Governor and no national or local Officer or committee member shall receive any compensation, allowance or emolument from the funds of the Integrated Bar for any service rendered therein or be entitled to reimbursement for any expense incurred in the discharge of his functions.

SEC. 15. *Fiscal matters.*—The Board of Governors shall administer the funds of the Integrated Bar and shall have the power to make appropriations and disbursements therefrom. It shall cause proper Books of Accounts to be kept and Financial Statements to be rendered and shall see to it that the proper audit is made of all accounts of the Integrated Bar and all the Chapters thereof.

SEC. 16. *Journal.*—The Board of Governors shall cause to be published a quarterly Journal of the Integrated Bar, free copies of which shall be distributed to every member of the Integrated Bar.

SEC. 17. *Voluntary Bar Associations.*—All voluntary Bar associations now existing or which may hereafter be formed may co-exist with the Integrated Bar but shall not operate at cross-purposes therewith.

SEC. 18. *Amendments.*—This Rule may be amended by the Supreme Court *motu proprio* or upon the recommendation of the Board of Governors or any Chapter of the Integrated Bar.

SEC. 19. *Organizational period.*—The Commission on Bar Integration shall organize the local Chapters and toward this end shall secure the assistance of the Department of Justice and of all Judges throughout the Philippines. All Chapter organizational meetings shall be held on Saturday, February 17, 1973. In every case, the Commission shall cause proper notice of the date, time and place of the meeting to be served upon all the lawyers concerned at their addresses appearing in the records of the Commission. The lawyers present at the meeting called to organize a Chap-

ter shall constitute a quorum for the purpose, including the election of a President, Vice President, Secretary, Treasurer, and five Directors.

The Commission shall initially fix the number of Delegates and apportion the same among all the Chapters as nearly as may be in proportion to the number of their respective members, but each Chapter shall have at least one Delegate. The President of each Chapter shall concurrently be its Delegate to the House of Delegates. The Vice President shall be his alternate, except where the Chapter is entitled to have more than one Delegate, in which case the Vice President shall also be a Delegate. The Board of Directors of the Chapter shall in proper cases elect additional as well as alternate Delegates.

The House of Delegates shall convene in the City of Manila on Saturday, March 17, 1973 for the purpose of electing a Board of Governors. The Governors shall immediately assume office and forthwith meet to elect the Officers of the Integrated Bar. The Officers so chosen shall immediately assume their respective positions.

SEC. 20. *Effectivity*.—This Rule shall take effect on January 16, 1973.