

IN MEMORIAM:

MELQUIADES J. GAMBOA
(1896-1974)

MELQUIADES J. GAMBOA

A.B., University of the Philippines — 1917

LL.B., University of the Philippines — 1921

LL.M., University of the Philippines — 1923

B.C.L., Oxford University — 1932

D.C.L., Oxford University — 1946

Ambassador to India — 1956-1958

Ambassador to the United Nations — 1958-1962

Ambassador to the Court of Saint Jame's — 1962-1963

**Professor of Law, College of Law, University of the Philippines —
1921-1941, 1955, 1965-1974**

**Head, Division of Research & Law Reform, University of the Philippines
Law Center — 1964-1974**

**Project Director, Constitution Revision Project, University of the Philip-
pines Law Center — 1970-1972**

**Holder, Benito Lopez Professorial Chair, College of Law, University of the
Philippines — 1971-1974**

DR. MELQUIADES J. GAMBOA*

FRED RUIZ CASTRO**

We are met this afternoon to pay our last respects to a departed friend, Dr. Melquiades J. Gamboa. So unexpected was his passing that I personally have wondered if this is not just an unwanted dream. Why, we ask ourselves, should he leave us so suddenly? But when the shock at last gives away to grief, we accept the bidding of the Almighty.

Nothing that we say here can assuage the loss that has befallen the family of our late friend. Still, even as our eyes mist, we must rise above our inadequacy to try to offer solace to Tina Gamboa and her family in their hour of bereavement.

Not a word uttered here this afternoon can add luster to Dr. Gamboa's highly distinguished life-long career of public service. His academic attainment will remain unsurpassed. For, he was the only Filipino who was graduated from the University of the Philippines with the degrees of Bachelor of Arts, Bachelor of Laws and Master of Laws and from Oxford University of world renown with the degrees of Bachelor of Civil Law and Doctor of Civil Law. He was the first of the very few Oxonians in this part of the globe. Throughout his life he had been, intermittently, a professor of law in the University of the Philippines; in a manner of speaking, hundreds of today's leading jurists and eminent lawyers — and many of them are in attendance here this afternoon — learned the rudiments of law at his feet. Capping his ministry of public service were his brilliant achievements as Ambassador of the Republic of the Philippines to India, Ambassador Extraordinary and Plenipotentiary to the United Nations and Ambassador to the Court of St. James in London. Upon his retirement from the diplomatic service, he rejoined the University of the Philippines, involving himself actively and purposefully in judicial and legal reform and development. At the time of his death, he was the assiduous, most respected and most prestigious member of the judicial Code Commission of the Supreme Court, which body is charged with the meaningful revision and codification of all laws relating to the Judiciary. He was, all in himself, within the mortal frame of one man, a statesman, a first-rate diplomat, an educator, a scholar and a writer. He exemplified, in the best traditions of public trust, the highest standards of public duty, morality, devotion, honesty, and love of country. If his record of public service is not one to emulate, then I don't know whereof I speak.

* Delivered at the funeral service for Dr. Melquiades J. Gamboa held at the Cosmopolitan Church, Manila, Thursday, February 21, 1974.

**Associate Justice, Supreme Court of the Philippines.

But more impressive, much more precious than his record of public service was his luminous embodiment of the virtues of a gentleman and the time-tested traditional values that in these days of universal irreverence have often been shunted aside as irrelevant. Always cheerful, cordial, and considerate, with never an offending word, he easily won the respect and admiration of whomsoever he met. Always firm in his convictions, he was nonetheless receptive to opinions he did not share. Witty on all occasions, he was never vulgar or abrasive. God-fearing and God-loving, he was a model father and a model husband. All who associated with him are of one abiding consensus: he was a perfect gentleman and a true Christian; he was friend and mentor; he was also the very paragon of a man.

So it is that when I learned of his passing, a part of me suddenly died. And I know that a piece of each of all of you and a part of humanity also passed with him.

For Tina Gamboa and her family, may I be permitted to quote these immortal lines from the poet: "Think not of death as the ultimate dissolution of life. We know — with the knowledge vouchsafed us by an unwavering Faith — that it is not the end but a beginning; that it stills the heartbeat only to liberate the triumphant spirit from its transient and mortal casing; and that soon or late, each of us who remain will hear the same trumpet call and join those who have gone ahead in a joyous and never-ending reunion. 'I am the Resurrection and the Life,' said the Lord after he was risen. If these words of the Lord have truth and meaning — and they do — then we, all of us, must derive solace from them in bereavement."

For my part, as a judicial arbiter, I will, to my dying day, draw unceasing inspiration from the incisive summation he made, during the session of the Judicial Code Commission on January 10, 1974, of all the canons of judicial ethics ever formulated by man since time began. "Judges do not need a code of judicial conduct," he said, "if they will but heed this admonition from the Bible (Micah 6:8): 'What doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?'"

We will miss Dr. Gamboa, his towering intellect, his noble bearing, his gentle voice, and his warmth and understanding so dear to all of us.

Dr. Gamboa: dear friend, beloved teacher, great and exemplary public servant, and incomparable Christian, we commend you to the Almighty. May you be among His elect in Paradise!

PROFESSOR MELQUIADES J. GAMBOA: IN FOND AND GRATEFUL RECOLLECTION*

ENRIQUE M. FERNANDO**

It was with a deep sense of sorrow that the University constituency, faculty and students alike, not to mention his legion of former students and his host of friends throughout the length and breadth of the land, received the news of Professor Melquiades J. Gamboa having passed away. He was a legal scholar of eminence, a jurist of repute, an author of renown, an administrator of proven ability, and a diplomat of distinction but most of all, in the opinion of this former disciple who had the rare good fortune of being introduced to the law by him, he was a teacher *par excellence*.

Soon after being appointed to the Supreme Court, I was asked to address the students of the College of Law. I did say this: "I call you the fortunate ones. That characterization applies with even greater truth to us, the then students in the decade before Pearl Harbor. For we had the best. There is no question about that. One of them is with us today. Legal scholar and diplomat of surpassing tact and charm, Ambassador Melquiades Gamboa, with learning garnished by wit, opened new vistas for us and gave us more than just glimpses of what for all of us, freshmen, was a land of mystery and excitement, the law. That task he performed so ably that even now it continues to exert its spell and fascination."¹ How well he impressed on us that the profession we had chosen represented both a challenge and an opportunity — a challenge that could not be turned down and an opportunity that should not be missed. It would be as if we were on a journey, at the end of which a shining goal beckoned. There would be difficulties on the way. It would not always be easy, but the prize was well worth it. For our lives would be enriched far beyond our dreams, not necessarily materially but intellectually and even spiritually. Thus, for those of us with the aptitude, diligence, and requisite intelligence, the law could be a path to fulfillment, a realization of our true selves.

How inspiring then were his preliminary lectures. We freshmen were in a most receptive mood. From the start, his was an influence difficult to describe with precision but certainly impossible to exaggerate. It is my

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**Associate Justice, Supreme Court of the Philippines; *Holder*, George A. Malcolm Professor of Constitutional Law Chair, College of Law, University of the Philippines.

¹FERNANDO, *THE WAYS OF LAW* 18 (1967).

firm conviction that every law school needs a man of the sterling qualities of mind and of heart of the late Professor Gamboa, if one could be found, and that such a person should introduce a neophyte to the beauty and the grandeur of law as the handmaiden of justice. I may be, of course, generalizing from my own experience, but I feel that such a thought is shared by the legion of students, who were the fortunate recipients of the kind of instruction and inspiration that only he could give.

It is not my intention at all to minimize the effectiveness of his colleagues in the faculty of the University of the Philippines College of Law. Let not such a thought be entertained. They certainly were a gifted lot. It could very well have been the golden age of this institution, a Jorge Bocobo and a Jose B. L. Reyes in civil law; a Jose Espiritu in commercial law; a Jose P. Laurel and a Vicente G. Sinco in constitutional law; a Mariano Albert, a Guillermo Guevarra, and a Francisco Capistrano in criminal law; and an Alejo Labrador and a Mariano de Joya in procedural law. Nor is this list by any means complete. In such a company, the late Professor Gamboa was at home. He was equally talented and proficient in his chosen fields, jurisprudence and conflicts of laws. No one else though, it does seem to me, had the thoughtfulness, the tact, and the generosity in time and effort to attend to the needs of the new votaries at the shrine of the law. There he was peerless, except perhaps for two of the professorial lecturers, the late Judge Eulogio P. Revilla and the late Justice Vicente Santiago, both of whom, however, could not, even if they were so minded, always be available for consultation and advice. It is hard to think of anyone else who could have combined love for the law and the rich scholarly background, it was he who had the rare privilege of being the first Filipino to do graduate work in Oxford, with an understanding and sympathy for the problems and difficulties of the callow youths of both sexes making their first acquaintance with this ancient and honorable calling. The edifice of his teaching technique was like an attractive, neat house where tolerance, patience and kindness were in abundance.

Always the late Professor Gamboa was a gentleman to the manner born. Let me not, however, paint a misleading picture. He did, as was expected of every member of the law faculty of this College, take to task the sluggard, the slothful, and the irresponsible. His ways were so different though. His voice did not rise to a higher decibel. There was no hint of sarcasm. He gave the impression that the offender could do better, if only he would try harder, that he was being unfair to his true self. It was as if such a mild reproof was given more in sorrow than in anger, as that coming from a fond and affectionate parent. What is more, the remarks were laced with his customary wit and good humor, ma-

nifested in such a way as not to sting or to leave scars of resentment. How well I remember his sally at a young lady giving an answer which was not to the point. He just said in that paternal tone of his that her recitation reminded him of a young nursing student, who, after proudly exhibiting a bandage that looked impeccable, and expecting approval, was told by the doctor that it was a perfect job, but unfortunately, on the wrong arm. It is also well worth recalling, considering that there were very few members then of the female sex venturesome enough to enroll in the College of Law, the assumption being that it is a man's profession, his observation that Freud's epigram that anatomy is destiny does not necessarily hold for lady students desirous of becoming lawyers. Then there was that aphorism of his that has equally stuck in my mind, that where it concerns legal questions, especially in private law, there may be two sides, but in the interest of the legal order, there is only one correct answer. Being in this mood of recollection, I might as well make mention of his impressing on us the importance of statutory construction with stress on the purpose the legislation was intended to serve without ignoring the age-old legal precepts that have proven their worth, for, according to him, it is true that some legislators are wise, but others unfortunately are otherwise.

I could go on and reminisce some more, but enough it seems has been written to make clear why a man like him was just perfect for introduction to law. For we freshmen were a baffled and bewildered lot. It was a new experience, and there was the well-deserved reputation of this institution for rigorous, intellectual discipline. Compared to the comparatively happy, carefree days of the then preparatory studies, the law course seemed forbidding. The first few days certainly were filled with apprehension. Even those who had previously shown proficiency could not repress feelings of insecurity. Indeed, for the first time, life was real and life was earnest. How soothing and reassuring it was then to have as the first professor, one, who without losing sight of the need for hard work and thorough preparation, could be so gentle in his ways, appreciative of true talent, and forbearing in attitude. There was that classmate for instance, one rather opinionated, given to dogmatic utterance, truculent in tone. One time, he was even more himself than usual. All that was necessary to make him realize the error of his ways was the remark that if accused of being spoiled, he could truthfully answer that on the contrary, he was fresh. This, too, delivered in Professor Gamboa's even-tempered manner, almost casually, with sly humor and with only the slightest hint of disapproval. The change of attitude after that was remarkable. Considering that the freshmen were understandably in a worrisome mood filled with trepidation, he had the right approach. His mode

of teaching and demeanor were all that could be desired. He was the man of reasons and of moderation. He wore his learning lightly. His analytical powers were keen and his grasp of legal concepts undeniable. His talk was sprightly, and he had a repertoire of anecdotes well-nigh inexhaustible. It is not every professor entitled to the encomium that a student would rather not miss his class. It usually was the other way around. It was easily understandable, for what could have been an ordeal became in his case an experience to be treasured. So it was for this disciple.

A word more before I close this brief, all-too-inadequate tribute. The sympathy he had for his students extended to his countrymen. It was from him we first heard the apt observation of how tragic it was that for a nation endowed with rich natural resources, one that could very well be a land of plenty and opportunity for all, there were too many places that harbored stubborn depths of deprivation and despair. In his draft of a constitution that deservedly won first place in a national contest sponsored by the Philippines Herald in 1934, he was for the inclusion of the then newly-emerging social and economic rights, epitomized by the social justice principle. There was, moreover, his pragmatic approach to social and economic problems with which a living constitution must unavoidably concern itself. The facts, even if grim and painful, had to be faced. Otherwise, there was nothing but misery and anguish if the polity were to subscribe to a policy founded on blind optimism and the illusory hope that the future will take care of itself. Thus was his idealism tempered with a sense of realism.

That was the late Professor Melquiades Gamboa, for whom the law students meant so much. No wonder, after serving the country with honor and distinction as an ambassador to New Delhi, the United Nations and Great Britain, he returned to the University of the Philippines Law Center. For Holmes, as for him, law was a jealous mistress, to be wooed with a sustained and lonely passion, only to be won by straining every faculty by which man is likeliest to a god. Also, happily for both, they were blessed with wives who encouraged and sustained them in their dedicated pursuit of the ideal, inspiring countless others by precept and by example.

For Melquiades Gamboa, the beloved professor, the words of Henry Adams are singularly appropriate: "A teacher affects eternity; he can never tell where his influence stops."

A FUNERAL MESSAGE*

(Funeral Service for the late Ambassador Melquiades J. Gamboa)

JOVITO R. SALONGA

While at worship last Sunday morning in this sanctuary, my wife and I noticed the absence of two familiar figures in the front pews. They must have gone out of town, I thought to myself, but I had the strange feeling that something was amiss, something I just couldn't lay my hands on.

After the morning message, our pastor announced that he had just received the sad news that Ambassador Melquiades J. Gamboa, while preparing for church, died that morning.

I was stunned beyond belief. Of course, Ambassador Gamboa was quiet advanced in years, but somehow the human mind refuses to concede physical extinction to a person so humane, so humble, so just, so polished, and so incorruptible. As long as Professor Gamboa was around, I had the comfortable feeling and the blessed assurance that there was something constant and true and good in the universe, despite the follies and the uncertainties of our time.

That evening I made the commitment to speak at today's service, but I have been asking myself the question: What can one, who — more than two years ago — was more dead than alive, (in the words of one of my doctors) possibly say of a man who, even as we now mourn, is more alive than dead?

My mind raced back to my student days in the College of Law, University of the Philippines, some 35 years ago. He was our professor in Elementary Law. He was never flashy with his clothing. But he was spotlessly neat in his inevitable coat and tie. I do not think I ever saw him in a *barong* and I never saw him without a necktie.

He conducted his course as neatly as he dressed. In his classroom, everything fell into place. Reason and justice and civility prevailed. But outside, beyond the seas, the world seemed in the grip of men who could not achieve power without installing tyranny. War clouds were gathering over continental Europe — and the question was whether man would say goodbye to his reason and his liberties. But within that classroom, Professor Gamboa was a towering figure of inner peace and lucidity in a

* Speech delivered by Dr. Jovito R. Salonga at the Cosmopolitan Church on February 21, 1974.

turbulent world that was about to be blown to pieces.

No one among his students complained about his teaching or his attitude towards us. He had complete mastery of the subject but he never treated us as if he were a master. He was against the tyranny of the human mind and he never wanted anyone to behave like a slave. His passion for scholarship, his capacity for profound analysis, and his unremitting search for truth liberated us from the crippling hold of attractive catchwords and popular slogans. When the course was over, and we received our grades, we were impressed with his sense of justice. Whatever our rating, we felt we deserved it. I suppose this is the element — the element of justice — that is paramount even in the rigorous discipline of scholarship.

It was during the war that I had the occasion to meet him again. I had just been released from prison, after a year of confinement in Fort Santiago and Muntinlupa, and I was invited by Mother Mary Boyd Stagg to stay in the Cosmopolitan Dormitory. I was in this Church almost every Sunday, and Dr. Gamboa was the teacher in the Sunday School class for college students. It was in his Sunday School class that I began to see the depth and breadth and height of his relationship with God. This was one part of him that I had not known before. For he never advertised his spiritual life. There were many who came just for his class, and the discussions were as lucid and convincing as his law classroom lectures. That is why I always think of him as a teacher, first and foremost. In 1944, Mother Stagg was arrested for her activities in the resistance movement, and a number of church leaders were picked up. I clearly remember that I visited him in his house on Pennsylvania Street, and it was there that I learned he was expecting arrest any time. He had his coat on and was ready to be taken to Fort Santiago, every time there was a knock on the door. Strangely, there was no sign of fear in him. He might have been anxious, but I did not notice it. Why the Military Police did not arrest him, after so much waiting on his part, is still a mystery to me.

He refused to collaborate with the oppressor up to the end of the Japanese occupation. This entailed financial difficulties, but he faced them without complaint and without any taint of pride. When liberation came, he did not even talk about what he had done, since he never felt he should claim any kind of medal or decoration. Always his trademark was his humility.

After a brief stint at the Palace as one of the trusted men of President Osmeña, he joined the diplomatic service. It was while he was in

Washington, D.C., that I saw him in the midst of a bleak winter in his Embassy Office in early February, 1947.

I had just arrived from a long trip from Manila and was on my way to law school. I must have appeared so helpless and forlorn in my old, faded overcoat he quickly received me and seeing how I shivered as winter blew her icy blasts he brought me to the warmth of his home.

I did not see him until many years later. In 1955, he came home and resumed teaching in the University of the Philippines. He went over the galley proofs of my little book on International Law, and always his suggestions were meritorious, constructive, and useful.

Later, he rejoined the foreign service and it was in 1963 when, as a member of the Philippine delegation that went to London in connection with the North Borneo claim, I witnessed the humility and greatness of the man. He was then our Ambassador to the Court of St. James. Intrigues and complaints flew thick and fast around him, but he kept his peace and discharged his duties with dignity and poise. No gossip, no unkind word, no barbed remark could disturb his equanimity. He was humble, in the midst of so much pretension, polite and kind even when people around him were rude, and understanding even when confronted with so much pettiness.

He is probably as close to the picture of a true, perfect Christian gentleman as one can think of — just, unselfish, compassionate, humble, always returning good for evil, restrained in his judgments, but firm and steadfast in his convictions. I do not remember any unkind word from him, and I do not know of any man in power that was able to purchase or unduly influence either his speech or his silence.

It will be difficult to find such a fine man, such a gentle spirit anywhere, in any clime.

It may well be that this long, quiet dedication to the cause of truth and goodness and justice weighs more than title or position in the scales of eternity. The Great Teacher it was who reminded us that in God's Kingdom, neither power nor wealth, neither fame nor earthly honor will really matter. A poor beggar, like Lazarus, may have a place of honor not available to the mighty and the proud, the kings and the rulers of the earth.

This quality of goodness, the breadth of his compassion, and the generosity of his spirit, render, it even more difficult for us to concede his death.

I presume this is why his wife and children are burdened with a

sorrow beyond tears — a sorrow that has no grave and cannot be buried.

But whether we like it or not, all of us here are personally involved in the deep mystery of suffering and pain and death. Always the human mind must come to grips with the eternal question, the same question posed many centuries ago by Job — “If a man dies, will he live again?”

The great psychoanalyst, Sigmund Freud, tells us that modern man is essentially dishonest in the presence of death. We try to avoid mentioning it; others look at it with studied indifference. Isn't it rather ironic that we spend more time preparing for a trip abroad, or for a two-week vacation in some quiet place, than we do preparing ourselves for eternity?

In a deeper sense, only one who has learned how to die really knows how to live. Edward Rickenbacker, America's outstanding ace, tells this story about his crippled B-17 during World War II: when he and his crew realized they were going to crash, they began to empty the cabin of all the things that would lighten the craft. At the last moment, he decided to throw out his briefcase of important secret papers. The point of the story is that face to face with death, things we thought were very important do not become so essential to us after all. It is in the reality of facing death that one begins to make the great decision about the things that are really important in his life.

I cannot help but believe that Professor Gamboa made that decision long, long ago. For he lived as if every day were the last day of his life. In his quiet way, he discarded all the non-essentials and only cleaved to that which is vital: love of God and love for his fellowmen. Everything else — wealth, power, prestige or earthly honor — was so much dross, inconsequential and of little account. Teaching law, he discerned the truth and the beauty of the Great Commandment. Teaching the Scriptures, he put all his faith in the words of the Greatest Teacher that ever lived:

“In my Father's house are many mansions; if it were not so, I would have told you.”

“I am the way, the truth, and the life; no man cometh unto the Father but by me.”

“I am the resurrection and the life; he that believeth in me, though he were dead, yet shall he live.”

Men will argue without end on the question of whether physical death is the end, but only faith can resolve what the limited, finite mind of man cannot fully answer.

Beyond the speculation of philosophers, the testimony of saints and mystics, and the affirmation of the experts and the scientists, is the unassailable fact of Christ's resurrection. On the day of resurrection, the

disciples of Jesus, apprehensive and in despair, awoke with heavy hearts. They did not anticipate that something would happen beyond the grave. It has been said that of all the people that had to be convinced that Jesus was alive, it was those who loved Him and had seen Him die. After His last words on the cross — "It is finished" — they thought everything was over and the Master would never come back to life. But on the evening of Resurrection Day, less than forty hours after He had given up the Ghost, He appeared to His disciples and said — "It is I, be not afraid."

The world has never been the same, since Jesus rose from the dead. His disciples spread the news of the Lord's resurrection. Herod tried in vain to destroy the truth, emperors and kings sought in vain to oppose God's word. The great Roman empire fell, but the fact of resurrection lives on. The event of resurrection has assured man throughout the world that physical death is not the end and that in Jesus, man achieves triumph over death. With St. Paul we can all face death and say —

"O death, where is thy sting?

O grave, where is thy victory?"

In the final analysis, it is not physical death that really matters. It is the death of the spirit that is tragic. We may be alive in body, but if we have lost our soul, we can never face physical death with poise and confidence. Of one thing I am sure: Ambassador Gamboa faced death without fear.

I was told that he was preparing for worship in church when he quietly departed last Sunday morning. I would like to think that in truth, he was preparing for his appointment with his Lord and Savior when he left quietly four days ago. And he left as quietly as he enriched the lives of all those he influenced with the grace and the beauty of his noble and saintly life.

We condole with his loved ones, but it is good for them to know that we do not mourn for him, as much as we mourn for ourselves. For his departure diminishes us all.

We are sad, because we miss him. But we shall constantly remind ourselves that "eyes blinded by the symbols of sorrow cannot see the stars." We know that once our tears are gone, the eyes of faith will reassure us that there is no reason for our sadness. Professor Gamboa has left for his appointment with his Maker, in whose Kingdom there are no sorrows, no tears, no anxieties, and in whose presence he will have the peace and the joy that this world can neither give nor understand.