

A TECHNICAL VIEWPOINT ON THE AQUINO CASE

Mr. Justice J. B. L. Reyes and Mr. Justice Fred Ruiz Castro, the two members of the Senate Electoral Tribunal whose stand on the celebrated case of Senator Aquino was motivated by purely legal considerations, are probably the loneliest persons in the country at the moment.

For in the face of the raucous and seemingly triumphant argument that 4-million voters had expressed their endorsement of the young gentleman from Tarlac, the two Justices must be wondering how and where it will all end. Theirs must be an overpowering desire to know where a clear and definite line can be drawn that will divide the rule of law, on the one hand, from the rule of the people's voice, on the other.

Four million voters casting their ballot for one man is

truly an impressive manifestation of popular approval, and it takes more than average courage to ignore it. But the Constitution in its entirety was approved almost unanimously by the whole electorate, including women, in 1935. This means that the provisions governing the age requirement for senators were ratified not only by 4-million but also by almost everybody who was qualified to vote in 1935.

The crux of the controversy in the Aquino case is over the legal interpretation of the phrase, "at the time of the election." The insistence of Justice Reyes and of Justice Castro, that this cannot mean or refer to any other time but the hours in which the adult citizens of the country cast their vote on the day of the election has been summarily dismissed by the defenders of Senator

Aquino as too much of a quibbling over a technicality.

Is it really nothing but a technicality?

If a correct interpretation of the provisions governing the age requirement of a senatorial candidate is a technicality, why is it that the enforcers of the law and the courts are always ready to punish a voter who is discovered to be less than 21 years of age at the time that he exercises the right of suffrage? Why is it a technicality for those who make the laws and an implacable rule for those who must obey those laws?

Let us go further and see what a disregard for the so-called technicalities of the law will lead to. If a man of thirty-four years presents himself as a candidate for a seat in the Senate and wins by an impressive majority, what is his status when, on the day of his proclamation, he is still a week or two before 35? Surely, he cannot qualify as a member of the Senate.

But suppose a tumultuous happening engineered by the

candidate's adherents occurs and Congress cannot assemble on the day stipulated in the Constitution to make the necessary proclamation. Suppose that it meets, say, six months after the thirty-fifth birthday of the candidate. Surely, those who voted for the retention of Senator Aquino will say that our fictitious but not impossible candidate qualifies.

If they do, and by the logic of their argument they will, then the length of time of the election is not the interval between election day and the day of proclamation as they claim but something indefinite, something influenced and controlled by extraneous forces.

It is not seemly to think that this was in the mind of the framers of the Constitution. If this was, then the ultimate development will be what William James once called "a booming confusion." A Constitution that is interpreted in a manner that will lead to "a booming confusion" can hardly be called such.

Finally, if our Justices and Judges and Senators and Re-

representatives were to allow themselves to be guided in their interpretation of the Constitution by the number of votes that a legislator receives, what difference would there be between the justice meted out by our courts and the justice rendered at a Communist public square?

At such a place, the process is brief and thorough. The prosecutor, with his hand grasping the neck of an abject ideological sinner,

cries, "Is this man guilty?" And the mob cries back, "Yes!" "Shall we kill him?" the prosecutor asks. And the mob answers in unison, "Yes, yes kill him! And so, the poor wretch is killed.

Let not legal technicalities be denigrated. Oftentimes, they constitute the little safeguards which in their totality impart order to the chaos of our lives. — *J. P. Soliongco, MC: 21-XII-68*

AGE AND TIME

In youth the day are short and the years are long; in old age the years are short and the days are long. — *Panin*