

TEXAS LAWYER TALKS ON JURY SYSTEM AT FRANCISCO COLLEGE



Atty. R. Richard Roberts
Member, Texas Bar, U.S.A.

"The system of trial by jury is not a perfect system."

Thus spoke R. Richard Roberts, a member of the Texas and the United States bars and a partner of one of the largest law firms in the United States, Vinsons, Elkins, Weems & Sears, at the symposium on "Trial System in Criminal Cases" held at the Francisco College, Friday, November 19. He was the guest speaker.

The American lawyer stressed that nowhere in the world today can there be found a system of trial that is perfect. He discoursed on the merit of the jury system adopted generally in the United States although such a system, according to him, is not without flaw, especially in the trial of civil cases.

Mr. Roberts disclosed that he has advocated for his native state of Texas the trial of civil cases by a judge with court commissioners or assessors in place of the jury system. He said that at present the jurors who are selected to judge civil cases are invariably those who have "blank minds" on the subject of the suit. Since the subjects of civil suits require in most cases expert knowledge, it would better serve the ends of justice to vest the judge with the power of decision and to appoint court commissioners or assessors to assist him with their expert knowledge, he explained.

Starting his speech, Mr. Roberts outlined the procedure in jury trial from the time the jurors are summoned, impanelled, examined, challenged and sworn in, up to the time they are given the Court's

charge or instructions and convened to deliberate on the case and render their verdict. While there are various safeguards provided by the system against bias on the part of the jurors or undue influence exerted upon them by the parties, Mr. Roberts said that it has several loopholes.

Mr. Roberts pointed out some aspects in the practical application of the system of trial by jury which may result in miscarriages of justice. The procedure is such, he said, that a mere technicality may provide sufficient ground for a re-trial, thereby resulting in protracted litigations. To illustrate his point, he recounted some of his personal experiences. He recalled some cases in which re-trial was ordered due to the omission, though inadvertent, of some points in the Court's instructions to the jury. He also mentioned a case he handled wherein the whole jury was changed because the opposing counsel made some remarks in his statement to the jury which tended to anticipate questions on the weight and insufficiency of evidence.

Mr. Roberts has been in the active practice of law for the last nineteen years and is presently in the Philippines as Vice-President of the San Jose Oil Corporation which has recently been granted a concession by the Philippine government to explore 600,000 hectares of public lands for oil.

Mr. Roberts was introduced to the Francisco College faculty and students by Vice-Dean Proceso A. Sebastian of the College of Law. Mr. Sebastian was former Philippine Ambassador to Italy and later, to Indonesia.

The symposium, held under the auspices of the Francisco College Debating and Oratorical Club, was participated in by four speakers representing all the classes in the College of Law. Adjudged the best developed thesis was "Trial in Capital Offenses by a Collegiate Court" delivered by Abraham F. Briones, class '55. Mario Reyes, class '58, with his piece on "Trial by Jury" was declared the evening's best speaker. Ramon Belleza, class '57, was awarded first honorable mention for his thesis on "Trial by a Single Judge." The other speaker was Manuel M. Echanova, class '56, who proposed a system of "Trial by Single Judge with the Aid of Assessors," and to whom second honorable mention was awarded.

All faculty members of the College of Law composed the board of judges.

DIGEST OF DECISIONS OF THE COURT OF APPEALS

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tion or assault upon, resistance and disobedience to persons in authority; it being understood, however, that crimes against chastity shall in no case be deemed covered by amnesty. *People of the Philippines, plaintiff and appellee, vs. Eligio Camo, Crispulo Camo and Jose D. Camo, defendants, Jose D. Camo, defendants and appellant, No. 9558-R, February 11, 1954, Peña, J.*

CRIMINAL LAW; EVIDENCE; POSSESSION AND USE OF FALSIFIED DOCUMENT; PRESUMPTION.—When a person has in his possession a falsified document and makes use of the same, presumption arises that such person is the forger. *People vs. Avelino Z. Dala, defendant and appellant, No. 10638-R, February 20, 1954, De Leon, J.*

ID.; ID.; PHOTOSTATIC COPIES, ADMISSIBILITY.—The lower court did not err in admitting the photostatic copies of the checks in question as evidence. The production of the original

checks is not indispensable when it is not disputed that the offended parties did not sign the checks issued in their respective names; when the accused identified his own signatures appearing in the photostats; and there is evidence that the checks in question were correct photostatic copies of the originals. *Ibid.*

CRIMINAL LAW AND PROCEDURE; SPEEDY TRIAL.—The right to a speedy trial is a relative one. A speedy trial is one conducted according to the law of criminal procedure and the rules and regulations which include, among others, the granting of postponements of trial which while viewed with abhorrence and granted sparingly by the courts can no less be excluded from our procedural system of dispensing justice than the dust from the air we breathe. *People vs. Florencia Borinaga, defendant and appellant, No. 9771-R, February 27, 1954, De Leon, J.*