

PRES. MACAPAGAL REBUKES JUSTICE REYES ON ATTACK IN GARCIA DECISION

"The Supreme Court decision has not resolved the charges against Dr. Paulino Garcia but the period of his suspension. In accordance with my general attitude of giving faith, credit, and respect to the Supreme Court, I shall comply with its decision.

"I am constrained, however, to except to statements made in the concurring opinion, penned by Mr. Justice J. B. L. Reyes, that the President of the Philippines 'had already prejudged the case and made up his mind that the petitioner (Dr. Garcia) had been guilty of electioneering' and that 'the Chief Executive's words and conduct have evidenced an attitude that is difficult to reconcile with the open mind, soberness and restraint to be expected of an impartial judge.'

This uncalled-for attack on the President is aggravated by the fact that it is based on a statement attributed to the President from a newspaper report submitted not in the course of the reception of evidence in a formal trial.

"There was no justification to make the gratuitous and irrelevant allusions attacking the President's good faith because the case was not yet being decided on its merits. As the President was not a party to the case, it was inexcusable to make a finding of fact about his conduct, at least without giving him a chance to have his say. By prejudging the presidential mind even before the President has decided the case, the justice is the one who appears to have prejudged the Garcia case.

"The justice has ignored that being a lawyer ourselves whose sense of responsibility has been recognized by no less than our people, we know the difference between personal knowledge and judicially established evidence in rendering judgment on a case.

"Not only that—the justice has apparently forgotten that the right of free speech is one of the most cherished of freedoms; that the President should be entitled to that; that the statement alluded to was made on Jan. 29, 1962, when there was as yet no case pending before a tribunal of justice, here the investigating committee;

and there was, therefore, as yet no case to prejudice. Who can deny therefore the right of the citizen, here the President? And when, with such an erroneous basis and logic that he had to support his stand, he went to the extent of censuring my own conduct, I must submit to the judgment of the people that he has gone too far.

"I have consistently shown respect for the Supreme Court and its members, and have always heeded its decisions. But to be entitled to respect, one must accord respect in return.

"Any justice who unduly attacks the President of the Republic detracts from the prestige of the Supreme Court which should be held high at all times. A becoming sense of merit and humility should make one consider that he is not infallible; that it is not only he who knows the law; and that while the President of the country receives his position from the sovereign people, an appointive official receives his appointment from one man.

"If a justice gratuitously prejudices the mind and good faith of others, he is opening the door to a suspicion of his own impartiality and good faith. In this case, for instance, it is plausible that there is less reason to prejudice the mind and good faith of the President than the mind and partiality of the justice who is a long-standing and ideological colleague of the respondent, Dr. Garcia, in the Civil Liberties Union and who, despite such extraordinary association, has not seen fit to inhibit himself from a case affecting the juridical, as distinguished from the ideological and emotional standards, of civil liberties.

"Pursuant to the people's mandate, this country is now going through a period of reform. It is desirable that the Supreme Court be kept above the resultant political and emotional stresses, for which purpose, the virtue of the court and its members should be assumed. It would be unfortunate if through an inordinate sense of superior righteousness that is made to replace judicial sobriety, a justice would open that assumption to dispute."

CIVIL LIBERTIES UNION ANSWERS PRES. MACAPAGAL

The President has seen fit to draw the Civil Liberties Union of the Philippines into the case of Dr. Paulino J. Garcia. The Civil Liberties Union believes that he has no valid reason to complain against Justice J. B. L. Reyes' concurring opinion in the Dr. Garcia case.

Justice Reyes voted with a unanimous Supreme Court in ordering the immediate reinstatement of Dr. Garcia to the NSDB and clearly expressed his opinion that there had been a denial of procedural due process, because the President had from the beginning prejudged the case and condemned Dr. Garcia of electioneering, even before any charges were filed and heard.

The President has in effect admitted that he made the condemnatory statements, claiming "that the statement alluded to was made on 29 January 1962 when there was as yet no case before a tribunal of justice or the investigating committee; and there was therefore as yet no case to prejudice."

If even before there was a case, the President had already openly and publicly condemned Dr. Garcia and adjudged him guilty, what chance would Dr. Garcia have when his case came up before the President for ultimate judgment? The President who condemned Dr. Garcia is still the same President who will decide his case."

Dr. Garcia's case was the first case of the President's "resign or face charges and be found guilty" technique. But Dr. Garcia refused to be intimidated and was immediately suspended by the President since last Feb. 18.

The indefinite suspension has now been declared by the Supreme Court to be in violation of the Constitution. Justice Reyes further

opined that the suspension was void at the outset for denial of due process. In either case, the Supreme Court was unanimous that there has been denial of due process.

No one takes away from the President his right as a citizen to free speech, but he should realize all his public statements are always of an official character by virtue of his position.

In an obvious attempt to belound the issues, the President charged Justice Reyes with partiality, claiming "the justice is a long-standing and ideological colleague" of Dr. Garcia in the CLU. The decision of the Supreme Court was unanimous. The President has not challenged or denied the facts and the law of the case, as stated both in the Court's opinion and in the concurring opinion of Justice Reyes. Common membership with a party in a case in a civic, professional or social association has never been considered a ground for a judge to inhibit himself. As to the CLU, its objectives since its founding in 1937 have always remained the same: militant Filipinism, devotion to democracy and opposition to dictatorship in whatever guise or form, social justice and respect for all constitutional rights.

It would do the President well to ponder whether his casting such an unjustified aspersion on a member of the Supreme Court—which has been the bulwark of the people's rights—cannot but lead to undermining the people's confidence in our Courts.

The CLU stands behind the import of Justice Reyes' opinion; No one, be he President, can condemn without a hearing. No one is above the Constitution and the law, nor immune to criticism. *The President is NOT the State.*