



### JUSTICE WITHOUT FEAR OR FAVOR

The Supreme Court decision on the suspension case of Dr. Paulino J. Garcia should be a sobering reminder to the country of the indispensable role played by an independent Judiciary in our system of representative democracy, and breathes meaning to the principle of separation of powers. Indeed the case of Dr. Garcia has focused and dramatized the continuing and imperative necessity for the country to maintain a judiciary that is free and independent. Nothing less can insure protection of the citizenry against the excesses which may be committed, deliberately or not, by the most powerful branch of the government.

The unpleasant aftermath between the President and one of the concurring justices should not deflect our appreciation away from the fact that, following promulgation of the decision, which must have been unpleasant to the President, the President nonetheless openly pledged fealty to the decision of the Supreme Court.

The decision in the case of Dr. Paulino Garcia came opportunely. Before that decision was handed, responsible quarters were already expressing apprehension over the way investigations were being conducted by the zealous prosecutors of the administration. Trial by publicity, fueled by the frothing accusations sensationally aired by supposedly responsible officials, was frightfully becoming the order of the day and the promise of the new era. These officials consequently gave the impression that theirs — and the administration's — was a righteous zeal which would tolerate no sobering caution, not even the caution dictated by the supreme law of the land. In their drive to ferret out graft, administration officials apparently became oblivious of the fact that there is such a thing as procedural due process and the constitutional mandate to hear before one condemns.

Righteousness is not valid excuse to trample upon rights guaranteed by the Constitution. It precisely becomes the duty of those who would proclaim a "new era" of morality to scrupulously observe and enforce the Constitution and our laws. Public officials who cannot ob-

serve the law can never really be expected to be genuine servants of the moral order, new and otherwise. Theirs become a self-righteousness which conceals an evil motive.

It is unfortunate that for every case filed, for every investigation instituted, for every accusation made, the reputation and honor of persons are involved, and this stigma of notoriety brought about by undue publicity cannot be completely eradicated even if their innocence is eventually vindicated.

But turning back to the Supreme Court, it is heartening and refreshing to realize that it dispensed justice as it deemed fit, without fear or favor, and without regard to the known desires of the most powerful elective official of the land. This indeed is the true function of those who sit in the Judiciary. This is the spirit that should permeate the actions of even the most obscure justice of the peace, not to mention the entire gamut of membership in this most venerable of our government institutions — the Bench.

There is no question but that the Supreme Court will continue to resolve cases in the spirit of courage and independence. It did not hesitate to uphold the President in the Aytona-Castillo Central Bank controversy. Now it has not hesitated to uphold the cause of suspended Dr. Paulino Garcia. No one can accuse the Supreme Court of either bias or fear. It continues to proclaim the glory of courageous thought and independent action. One prays that this glory remains a permanent heritage. It is a heritage which officials of the other branches of the government would do well to respect. It is the last bulwark of the rights enshrined in the Constitution and so long as we pay homage to the Constitution so long must we pay homage to the independence that has made our Judiciary what it is.

Justice, dispensed without fear or favor, is the only justice to which a people, living under a regime of law and not of men, is entitled. And nothing should be tolerated by the public conscience which would in any way weaken or tend to weaken a system which dispenses that kind of justice.