

THE BENCH AND BAR IN NEWS



DEAN
JORGE
BOCOBO



JUDGE
CEFERINO
DE LOS
SANTOS

Most men must wait until they are dead to get the proper recognition of their greatness or the just reward of their labors. In the Philippines there are those who may not even get a fair appraisal of their work and their death will only hasten the obliteration of the little impression they would cause upon their generation.

Either of these may be the fate of Dean Jorge Bocobo, moralist, scholar, publicist, thinker, educator. For as an outstanding moral crusader, his preachings have been like the "small voice of one crying in the wilderness" made feeble by the indifference of his time and unacceptable because of his principles that run counter to the standards of his generation. But the saving grace has been that he has always confined himself within the realms of reason refusing as he does to complicate his views through sophistry. For that matter, whenever he denounces a wrong or fights an injustice, he is brutally frank and uncompromising.

As a thinker, ironically, Dean Bocobo is level-headed to the extent that he is practical. This speaks well of the influence of his American education that in later years afforded him the proper perspective in the monumental task of codifying Philippine laws and in the drafting of the social security measures now pending in Congress.

At the age of 62, Dean Bocobo can look back to the three decades of his professional career during which period he had made more lawyers than most of the living law professors in the Philippines. And justly he can look back with pride and count among his students in those early years of his teaching at the College of Law, University of the Philippines, the late President Manuel Roxas, President Elpidio Quirino, Dr. Jose P. Laurel, Justices Cesar Bengzon, Marceliano Montemayor and Alexander Reyes of the Supreme Court and Secretary of Justice Sabino Padilla.

As educator, he was for five years President of the University of the Philippines followed by two years in the cabinet of the late President Quezon as Secretary of Public Instruction. During those years he had introduced numerous reforms in the field of education in which he laid emphasis to the preservation of the high culture and virtues of the Filipinos — "that refined test for art and the broadening knowledge of the classics." As the head of the State university he always dreamed of inculcating a "generous estimate of loveliness and the sublime meaning of life which comes of a soundly developed artistic taste and a communion with writers of the classics."

Dr. Bocobo is a prolific writer and a forceful speaker. His articles have appeared in big metropolitan newspapers and magazines

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The evolution of penal laws of all civilized peoples is based on the philosophy that penalties are meted out by the courts of justice, first, as punishment for crimes and, second, as indirect instruments of reform for the benefit of society. In both cases society is protected with the imposition of penalties commensurate to the crime committed.

This is the contention of Judge Ceferino de los Santos, presiding judge of the third branch, Court of First Instance of Rizal and located in Quezon City, in defending the imposition of capital punishment for the crime of murder with all the aggravating circumstances proven in open court.

"Much as I am averse to the imposition of death penalty," Judge De los Santos expostulates in answer to a question propounded by the LAWYERS JOURNAL, "law is law and its supremacy must be respected." The honorable judge of Rizal recalls how in a recent attempt in Great Britain to suspend for five years the application of capital punishment the Primate of England, the Archbishop of Canterbury, opposed the move which if successful would mean a further rise in crime in the empire, in the opinion of the head of the English church.

It must be recalled that Hon. De los Santos was the first judge after liberation to promulgate a verdict of death penalty which he imposed upon two murderers in Ilocos Sur in a case that reverberated throughout the country. And for a punishment to serve as a deterrent to crime, it must be severe enough to scare even the hardened criminals, he says.

On the other hand, Judge De los Santos also holds that the state should implement its general program of education with the tempering effects of social justice through extensive social services to make up for the inequalities in opportunities which have something to do with the degree of criminology obtaining in any community.

Judge De los Santos was a prominent member of the House of Representatives before his appointment to the judiciary on August 5, 1946. He represented the fourth district of Iloilo having been elected to the office in November 1941.

During the occupation, the judge joined the civil government of the resistance movement as judge of first instance by virtue of a radiogram advice from Washington by the late President Manuel L. Quezon. He continued in his post up to March 18, 1945, when the liberation forces landed in Iloilo.

An interesting incident occurred during Judge De los Santos' incumbency as judge of first instance in Panay. Sometime in 1944

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as his views on current political topics and legal subjects have been sought by editors and publishers. His longer works consist of books and treatises on civil law; also "Streams of Life" (a series of essays on moral and social topics), "The Radiant Symbol" (a book of plays and short stories) and "Freedom and Dignity" (a book on the Philippine independence movement).

At present he is Chairman of the Code Commission. He is the principal author of the proposed Civil Code, which is now being discussed in the Philippine Congress. The draft of the Civil Code proposes many significant changes in the present Code, which is the Spanish Civil Code of 1889. Among the reforms recommended are: (1) the liberalization of women's rights, (2) the implementation of social justice, (3) the consolidation of the family, (4) the elevation of Filipino customs to the category of law, (5) supremacy of justice and equity over strict legalism, (6) strengthening of democracy, and (7) exaltation of human personality.

A distinguished member of the legal profession and of the Philippine bar, Jorge Bocobo was born 62 years ago in the town of Gerona, province of Tariao. He was educated in the private and public schools of the town during the Spanish regime. When the Americans arrived, he continued his education under the new American teachers. In 1903 he was one of the first group of Filipino pensionados sent by the Philippine government to the United States to continue their studies.

Atty. Bocobo graduated from the law school of Indiana University. Upon his return to the Philippines he was appointed a law clerk in the Executive Bureau of the insular government until 1911. He was admitted to the Philippine bar in 1913, although he actually began to teach in the College of Law of the University of the Philippines two years before. He remained as professor of civil law until he became President of the University of the Philippines. That was after he had served 17 years as dean of the College of Law.

Dr. Bocobo is an honorary member of the Spanish Academy of Legislation and Jurisprudence, and holds the honorary degree of Doctor of Laws from the University of Southern California.—I.T.R.

JUDGE DE LOS SANTOS... (Continued from page 284)

he sentenced a certain Talabon for a term for a crime of murder. But because of the continuous activities of the enemy and of the guerrilla forces the judge could not promulgate a formal written decision.

"I was unable to comply with my duty as judge then," says Hon. De los Santos in retrospect, "because of the fighting in Iloilo when the guerrillas surrounded the city for over a month up to the time of the arrival of the Americans. On the landing of Gen. MacArthur's forces, I was immediately ordered by the PCAU to vacate my office and to surrender all court records to the reinstated judges.

"Talabon, who was all the time under custody, filed a writ of habeas corpus against the provincial warden. In a Supreme Court decision penned by Justice Gregorio Perfecto, I was criticized for not promulgating a written verdict. However, I refrained from answering the justice's cutting remarks, which I could have done so, but, instead, I kept silent knowing full well that the records and minutes of the controversial case will bear me out in dignity and contained self-respect."

Teaching law at the same time at a local university, Judge De los Santos still finds time reading literary and legal classics for which reason he has a broad cultural background. A forceful speaker and entertaining conversationalist, he has quite a dominating personality which an eminent psychologist ascribes to intellectual maturity. He believes that lawyers would be more proficient should they hold at least an A.B. degree before proceeding to a law school. He also advises the reading of legal publications like the

LAWYERS JOURNAL which, he says, is useful to both judges and law practitioners. Reading books and publications of this kind with articles written by authorities, besides decisions and public laws that are regular features in every issue, gives a lawyer or judge the profundity essential to the career of law, philosophizes the Quezon City judge.

Born in the prosperous town of Pototan, Iloilo, on August 26, 1892, Judge De los Santos went to grade school in the Instituto de Molo and later proceeded to the Iloilo Provincial High School where he finished his secondary education. Proceeding to Manila thereafter, he enrolled in the Philippine Law School from where he obtained his LL.B. in 1924. In the same year he was admitted to the Philippine Bar following which he practised law for 21 years.

Hon. De los Santos believes that the administration of justice in the Philippines today may be made more expeditious should judges of the court of first instance be given lawyers as secretaries who can help them in their work, particularly in researching, thus enabling the judge to dispose of cases faster.—I.T.R.

DIRECTOR AGRAVA... (Continued from page 285)

he rubbed shoulders with present-day personalities of the bench like Justices Alejo Labrador, Jose Ma. Paredes and Dionisio de Leon of the Court of Appeals, Judge Ramon San Jose of the Manila Court of First Instance, Solicitor General Felix A. Bautista and City Fiscal Eugenio Angeles.

Having taken the three-year law course for non-working students, he was required in accordance with the then prevailing practice, to undergo a year of apprenticeship before being permitted to take the bar examinations (he took it at the law offices of former Justice Mariano H. de Joya and WDC Commissioner Francisco Delgado).

In August, 1919, he hurdled the last roadblock to his being a full-fledged lawyer. Adding another leaf to his academic laurels is a Master of Arts in Economics degree which he obtained from the graduate school of Yale University in June, 1927.

Director Agrava has a petulant distaste for lobbying in any way or purpose. He sincerely believes that by asking someone to pull the strings for his advancement or in order to obtain better attention and increased appropriations for his office, would eventually hamstring the functions of his organization, losing its independence in the bargain, as it pays obeisance to the whim of its patron. Stressing this aversion, he elaborates: "My point in refraining from lobbying is to feel free in pursuing my work like a bird out of a cage and, mind you, with my conscience clean, I sleep well at night."

One common complaint of the Patent Office is the glaring lack of qualified hands to perform its multifarious activities. It is a matter of common knowledge that the organization is sorely undermanned. As of this writing, out of the 152 pending patent applications, only 4 patents have been issued because there are but three men—the director and two engineers—who handle the intricate job.

Another headache of the office are 1,000 new trademark applications together with more than 1,500 petitions for the issuance of new certificate under the post liberation trademark law which are to be processed and acted upon by a staff of five men. A lawyer and an assistant handles applications for copyrights.

The daily grind has not made Director Agrava an eager beaver. He spontaneously, without offending, disengages himself from the mechanics of talking shop and deal on a variety of subjects in a lighter vein. This elasticity in his nature has not made a mental robot out of the man. His co-workers state that he can more than hold his own on any controversial ground of culture. This aspect