Editorial:

A FEARLESS AND INDEPENDENT SUPREME COURT

CHRISTMAS *is with us again with its spirit of joy, its wish of goodwill, its hope for continuing peace and prosperity. We hear Christmas songs, we see Christmas lights, we note people exchanging the greetings of the season. But the natural spontaneity of Yuletide is not there because the people continue to suffer from unemployment, soaring commodity prices, bigger budgets, higher taxes, and needless, excessive government spending.*

Two years of Macapagal administration have only brought two years of economic upheavals and difficulties. In these two years, there has been only one shining, redeeming feature like a beacon piercing the night—the courage of our Judiciary. To specify, our Supreme Court has decided delicate, fundamental controversies with frankness, wisdom, and great independence of mind. Often it has decided against Presidential wish, opinion and action. Rendered without fear or favor, its resolutions have been warmly received and applauded by the Bar and by the people whose trust and confidence in our Judiciary is implicit and unshaken.

Let us review some of these far-reaching decisions and precedents.

1. *The first is the case of Dominador Aytona vs. Andres Castillo (G.R. No. L-19137, Jan. 20, 1962) which is a warning against abuse of Presidential prerogatives. On Dec. 29, 1961, along with 350 odd appointments he had made, President Garcia appointed Aytona as Governor of the Central Bank. Branding those as "midnight appointments", newly-sworn in President Macapagal cancelled the appointments, including Aytona's, on Dec. 31, and appointed Castillo instead on Jan. 1, 1962. Aytona challenged Castillo's right as Central Bank governor.*

The Supreme Court ruled that such midnight appointments, including Aytona's, was an abuse of Presidential prerogatives by filling all vacant positions so as to deprive the new Macapagal administration of making its own appointments. Legally, the expiration of the term of the Fourth Congress, which also ended the life of the Commission on Appointments, brought about the lapse and ineffectuality of such appointments. Aytona's appointment had not been confirmed by the Commission on Appointments of the Fourth Congress, hence it ceased, lapsed and expired on Dec. 30, 1961. Castillo was declared the rightful Central Bank governor.

2. *The high tribunal also served notice that the Commission on Appointments is an independent body whose membership cannot be changed with every change of political parties, in the House particularly, as to affect confirmations of appointments by the Commission. In the case of Carlos Cunanan vs. Jorge Tan, Jr. (G.R. No. L-19721, May 10, 1962), Cunanan was appointed by President Garcia successively in 1961 first as acting deputy administrator, then as deputy administrator of the Reforestation Administration. On April 3, 1962, six senators and seven congressmen, purporting as the Commission on Appointments, rejected Cunanan's ad interim appointment; this resulted in President Macapagal naming Jorge Tan, Jr., in Cunanan's stead.*

The case involved changes in membership of the Commission that acted on Cunanan's appointment. A Commission was validly constituted when Congress opened on Jan. 22, 1962; however, the House effected a new political lineup on March 21, 1962, hence House membership in the Commission was also revised. The decision is that the Commission is independent of Congress because its powers emanate from the Constitution; so, any change in the House does not suffice to authorize a reorganization of House membership in the Commission. The rejection of Cunanan's appointment was declared null and void.

3. *Against the present Administration, the Supreme Court prohibited indefinite, prejudicial suspensions of public servants. In Paulino Garcia vs. Juan Salcedo, Jr. (GR No. L-19748, Sept. 13, 1962), Dr. Garcia was the lawful chairman of the National Science Development Board (NSDB) since July 15, 1958. When the Macapagal administration took over, he was asked to resign; then the President designated Dr. Salcedo, Jr. as acting NSDB chairman on Feb. 17, 1962; and for refusing to resign, Dr. Garcia was charged with electioneering and placed under preventive suspension on Feb. 18.*

According to the Civil Service Law, preventive suspension lasts only 60 days; so, when it expired on April 19, 1962 and his suspension was not lifted, Dr. Garcia brought his case to the Supreme Court. Decision: the 60-day preventive suspension applies to both classified and unclassified civil service. To suspend Dr. Garcia indefinitely until final determination of administrative charges against him would nullify the fixity of his tenure (6 years) and render useless the condition (60-day preventive suspension) imposed by the Civil Service Law. Dr. Garcia was immediately reinstated; subsequently, charges against him were found untrue, hence dropped.

4. *Freedom of speech and the right to be heard found new vindication in Eliseo Lemi vs. Public Works Sec. Brigido Valencia, et al. (GR No. L-20768, Feb. 28, 1963). Lemi, holder of a radio broadcasting franchise, operated his radio station DZQR, dutifully paid his operation license fees annually down to May 23, 1963. Then on Jan. 11, 1963, the Radio Control Office personnel armed with a court search warrant, interrupted DZQR's program, seized the station's transmitter as not the one authorized for use, and thereby halted the station's broadcasting operations.*

The seizure, said the high tribunal, amounted to closure of the station, hence it was illegal. No radio station license, according to Sec. 3 of the Radio Control Act, shall be revoked without giving the licensee a hearing. Respondents were ordered to return the transmitter to Lemi and to allow his station to continue broadcasting.

5. *The Supreme Court sided with the Administration in the case of Genaro Visarra vs. Cesar Miraflor (GR No. L-20508, May 16, 1963). Former President Garcia appointed Visarra as member of the Commission on Elections on May 12, 1960; but President Macapagal named Miraflor in November, 1962 on assumption that Visarra's term had expired in June, 1962. The case involved tenure succession, with Visarra serving only the unexpired balance of Commissioner Gaudencio Garcia's fixed term which expired on June 20, 1962.*

6. *The Supreme Court also differentiated proprietary and governmental functions in relation to declaration of strikes in the case of Associated Workers Union vs. Bureau of Customs as arrastre operator. The tribunal ruled that in impliedly authorizing government employees engaged in proprietary functions to join labor organizations which impose the obligations to strike or to join in strike, the Government has placed itself under the provisions of the Industrial Peace Act insofar as employees are concerned. It then has consented to be sued; furthermore, statutory provisions authorizing the Bureau of Customs to grant by contract to any private party the right to render arrastre services definitely imply that such service are deemed by Congress to be proprietary or non-governmental function.*

7. *The high tribunal dealt the Administration a heavy blow when it declared as illegal the recent foreign-rice importations in deciding the case of Ramon A. Gonzales vs. Secretary Rufino Hechanova (GR No. L-21897, Oct. 22, 1963). Iloilo rice planter Gonzales last Sept. 25, 1963 sought to stop the importation of 67,000 tons of foreign rice by the Armed Forces upon authority of Hechanova. He claimed it was authorized by President Macapagal as commander-in-chief, for "military stockpile purposes."*

But the importation was rightfully declared illegal. Under Rep. Acts Nos. 2207 and 3452, it is unlawful for any person, association, corporation or government agency—the Armed Forces is a government agency—to import rice and corn into this country. Buffer stocks are only to be held as national reserve to meet the occurrence of calamities or emergencies. There were none such at the time of importation. Under Commonwealth Act No. 1, the Government may obtain resources for national defense only "during national mobilization." There was no such mobilization.

Under Comm. Act No. 138 also, requisitions and purchases must be directed to domestic entities, not foreign ones; there must be preference also for materials produced in the Philippines or U.S. This was not done in the case of rice importation. Rep. Act 3452 also specifies that any rice importation is to be done by private parties; it prohibits the Government from doing so.

8. *The most recent case is that of Lucio Libarnes vs. Executive Secretary et. al. (GR No. L-21505, Oct. 25, 1963) concerning an attempt to terminate illegally the services of a civil service employee. Libarnes was police chief of Zamboanga City since March 11, 1959. But on May 16, 1963, President Macapagal named defendant Miguel Apostol as acting Zamboanga City police chief, and Libarnes was asked to give up his office in favor of Apostol. He refused. The tribunal, siding with Libarnes, declared that he is a member of the civil service, hence he cannot be removed or suspended except for cause. The attempt to terminate his services constitutes illegal removal from office.*

THESE *are Supreme Court decisions of lasting and far-reaching value and significance. They affect national policies, the very life of the Government, and the sacred tenure of public officials and employees. It is to the honor and prestige of our Judiciary that it renders decisions without influence, fear or favor. The Executive may abuse its own powers, Congress may commit errors, but the people can rely on the Supreme Court as their impregnable constitutional garrison of last resort for redress, protection and justice.*

Well may this Christmas be a happy, merry one for us all as we find judicial integrity and courage in the interest of national welfare!