



JOSE P. BENGZON

*Presiding Justice, Court of Appeals*

On June 18, 1962, the Hon. Jose P. Bengzon took his oath of office as Presiding Justice of the Court of Appeals. At the bare of the appointment is a solid foundation of distinguished public service and a brilliant record in the private practice of law. Both records compass a long period of rapidly changing governments, changes in constitutional and statutory laws, new and expanded theories and practice in economics and business, new concepts of education, and developing awareness of human values and the economic and social relations of man with man. In the era of rapid change, only men of fresh outlook, inquiring intelligence, and sensitive understanding of human values can remain in leadership. Such a man and leader is Presiding Justice Jose P. Bengzon of the Court of Appeals.

The record of public and private service of Justice Bengzon is impressive by any standard of measurement, namely; practising attorney in Lingayen, Pangasinan; Municipal Councilor of Lingayen; Corporate Lawyer, Pangasinan Transportation Co.; Assistant Fiscal of Pangasinan; Corporate legal counsel of several corporations in Manila; Elected Congressman, First District of Pangasinan; City Fiscal of Manila; Undersecretary of Justice and concurrently Chief of the Immigration Bureau, Chairman of the Board of Pardons and Parole, Member of the Integrity Board, Chairman of the Deportation Board, President and Chairman of the Board of the Manila Gas Corporation; Secretary of Justice; resumed practice of law in Manila; professor of law in the Francisco College, becoming Dean of the College of Law and acting vice-president of the Francisco College; and Chief of Mission with rank of Minister, Philippine Reparations Mission, Tokyo, Japan, from which last position he was appointed Presiding Justice of the Court of Appeals by President Diosdado Macapagal.

Part of his career is in the past, but Justice Bengzon does not belong to nor is he tied to the past; he does not even remember nor care for the inclusive dates of his career. The country gains to have leaders like him who look forward. Like the champion athlete that he was in college days, Justice Bengzon bubbles with energy, his inquiring mind dissatisfied and always looking for ways of improving the administration of justice, — by increased efficiency of the staff, punctuality, devotion to duty, faster movement of judicial records, and adoption of proven business methods.

"Our people," Justice Bengzon said, "have always been demanding fast administration of justice. I have devoted time studying the causes of such delays. One of the causes is the seeming lack of earnestness on the part of court stenographers to transcribe as soon as possible the notes taken by them during the trial below. We have cases in the Court of Appeals now which have been pending for about five years due to the tardiness of trial court stenographers in transcribing their stenographic notes. As of late, Justices of this Court have ordered the imposition of severe remedial measures other than fine, in order to oblige the stenographers to transcribe their notes, and a great deal of action on the part of stenographers has been whipped up by reason thereof. Some of the stenographers are transcribing their notes right in the Court of Appeals, others right in the Department of Justice. The number of decisions promulgated by the Court has increased appreciably."

The Presiding Justice has brought in business methods into the Court of Appeals. He requests but expects compliance by the staff to observe efficiency, punctuality, devotion to duty and above all honesty and integrity. Quietly, a circular has been passed around that the Presiding Justice will consider punctuality and devotion to duty in the assessment of merits of all employees for promotion in rank or salary in next year's budget. The tardiness report given by the Clerk of Court upon his assumption of office showed an average of 2.2 hours a month for each employee. Succeeding reports showed the record to have been considerably lowered to 1.6 hours average, or an improvement on the matter of punctuality by about 28%. The circular is sure to be copied by other offices.

The Presiding Justice has also brought in another innovation, which he began in the Reparations Mission in Tokyo, that at the beginning of the week on Monday and at the end of the week on Saturday, the staff of the Court of Appeals are requested to attend Philippine Flag ceremonies and the singing of the National Anthem.

A jurist is called upon to explain and interpret the law, and to maintain the majesty of the law and the dignity of the court. The Presiding Justice has delved deep into the Judiciary Act, which gave the Court of Appeals a seemingly less jurisdiction in capital crimes than the courts of first instance.

"In the course of the performance of my office," Justice Bengzon said, "I have been impressed more vividly of the fact that, whereas the Court of First Instance can impose death penalty and *reclusion perpetua* in appropriate cases, the Court of Appeals, according to the law creating the same can merely sort of recommend to the Supreme Court the imposition of such penalty, and certify the case to the Supreme Court for final determination, as if the case had been brought before it on appeal. So that, although a Court of First Instance judgment imposing death penalty is automatically elevated to the Supreme Court, its judgment imposing *reclusion perpetua* can become final and executory; whereas, this Court has no power to impose even the penalty of *reclusion perpetua*. To some this would appear incongruous considering that the Court of Appeals is of higher category than Courts of First Instance. However, one has to consider that the latter takes cognizance of the case in the exercise of its original jurisdiction while the latter, in the performance of its appellate jurisdiction; and by Constitutional mandate, the Supreme Court cannot be deprived of its jurisdiction to review all criminal cases in which the penalty imposed is death or life imprisonment. Anyway, this could be a good food for thought for students of law, specially for the authorities concerned, as to whether there is wisdom in making any change."