

ABUSE OF THE PRIVILEGED HOUR

So much internal heat has recently been generated by politics that no less than two major explosions erupted in Congress during the last days of its special session. The detonation, if we may use the same figure of speech, was such that it was heard not only through the length and breadth of the Philippines but also abroad to the evident embarrassment of the entire Filipino people. Both occurred in the Hall of the House of Representatives and partook of the same nature: privileged speech, or the use of the privileged hour.

The first was the privileged "Letter to Garcia" by Congressman Sergio Osmeña, Jr., accusing President Carlos P. Garcia of having received somewhere 10 million pesos' bribe for his veto on the Rice and Corn Nationalization Bill. The second was the valedictory address of Congressman Cipriano Primicias, Jr., who is scheduled to be ousted soon if he is not yet ousted, impugning the honesty and integrity of three members of the Supreme Court, Justices Padilla, Labrador and Angelo Bautista, who, in compliance with Article VI, Section 11, of the Constitution, form a vital part of the House Electoral Tribunal upon designation of the Chief Justice.

For the first time after Liberation, three members of the highest tribunal of the land were attacked on the floor of the House of Representatives for no other reason than that in a decision of six to three they declared that young Primicias, who later attacked them under the mantle of parliamentary immunity, had not been duly elected. Primicias pointed out no error committed by the three jurists he was accusing or that they had erred in their judgment; it was apparently enough to him that they were appointed Supreme Court justices by Liberal Presidents, and that the senior member who presides over the House Electoral Tribunal is allegedly his father's "political arch-rival" in Pangasinan.

With all the recklessness and abandon of one sure that what he was saying was absolutely privileged and that he could not be held accountable for it, Congressman Primicias even forgot that he was casting a reflection on the Chief Justice who under the Constitution is directly responsible for the designation of the three Justices in the House Electoral Tribunal. He gave vent to his anger and disappointment by charging that because they voted with the three Liberal members and not with the three Nacionalistas, they made themselves "unworthy to remain as members of the Supreme Court from which they should voluntarily get out or get thrown out."

The language used, in our opinion, was not only violent and improper but wholly unparliamentary and it's a pity that the congressman from Pangasinan used it. In the same vein, we believe that, in the absence of any proof or evidence, the charges hurled against the Justices

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COMPENSATION FOR COUNSEL DE OFICIO

In the convention of judges held in May, 1958, Ex-Senator Vicente J. Francisco suggested the giving of compensation to counsel de oficio, as part of his overall proposal to improve the administration of justice in the Philippines. He pointed out that "almost every day, we see courts appointing counsel de oficio for accused who appear without lawyer. These lawyers de oficio are required to render service for the defense of the accused as a necessary service for the maintenance of public justice. They are not paid anything for such service. It is said that the remuneration of such extra work must be found in the general income of his profession of which it is one of the incidents. This view is not consistent with sound public policy. If the State pays to convict its guilty subjects, it should also pay counsel to acquit those who are innocent. The State of New York pays the appointed attorney in capital offenses \$1,000.00. It is suggested, therefore, that attorneys de oficio receive remuneration from the Government. Only in very rare cases do attorneys de oficio render their services with enthusiasm. They usually ask for postponement of trial because they have to attend to cases for which their services have been paid. By giving remuneration to such lawyers, we will help many young lawyers make a living out of their profession. As everybody knows, the law profession is overcrowded and many lawyers cannot live on what they earn from their practice, and eventually they are compelled to accept positions as clerks, police officers or civil service men."

Congress recently (August 1, 1959) enacted into law Ex-Senator Francisco's proposal and is now embodied in Republic Act No. 2613, amending Republic Act 296, the pertinent portion of which reads as follows:

"SEC. 6. Disposition of moneys paid into court. — All moneys accruing to the Government in the Supreme Court, in the Court of Appeals, and in the Courts of First Instance, including fees, fines, forfeitures, costs, or other miscellaneous receipts, and all trust or depository funds paid into such courts shall be received by the corresponding clerk of court and, in the absence of special provision shall be paid by him into the National Treasury to the credit of the proper account or fund and under such regulations as shall be prescribed by the Auditor General: Provided, however, That twenty per cent of all fees collected shall be set aside as special fund for the compensation of attorneys de oficio as may be provided for in the rules of court."

Unfortunately, however, the laudable objective of the law has thus far remained unattained because no provision in the Rules of Court has yet been made for its implementation, as required by the Act. The enactment of implementing rules is therefore imperative.

PRESIDENT EISENHOWER'S ADDRESS

TO CONGRESS *

I am keenly sensible of the high honor this assembled body has paid to me and to my country by inviting me to be present here and to address this body, a body representing the political leadership of a great republic in the Asian sector. I am indeed overwhelmed by your kindness and I can say only "Mabuhay!" (Applause).

You will understand the flood of memories that swept over me on coming back to this land, where I feel that I am revisiting an old home and old friends and renewing ties of long standing.

Here my wife and I spent four happy years, making friendships that we shall ever cherish. Here our son went to school and grew into young manhood. Here I saw the first beginnings of this Republic and worked with men whose vision of greatness for the people of the Philippines has been matched by its realization.

Through many days I could talk of life as I knew it here a quarter of a century ago. For hours on end I could make comparisons of what was in those days and what is now. But I have only minutes in which I can address myself to the subject.

Even in the short space I have been here, however, I have been struck by the vigor and progress that is evident everywhere. I see around me a city reconstructed out of the havoc and destruction of a world war. I know of the Binga Dam; and the Maria Cristina Power and Industrial Complex; the Mindanao highway system; rural electrification; the disappearance of epidemic diseases; the amazing growth of Manila industry.

Everywhere is inescapable physical evidence of energy and dedication and a surging faith in the future. But of deeper significance is the creation here of a functioning democracy—a sovereign people directing their own destinies; a sovereign people concerned with their responsibilities in the community of nations. Those responsibilities you have discharged magnificently even as you toiled to rebuild and to glorify your own land.

Certainly, we Americans salute Philippine participation in the Korean war; the example set the whole free world by the Filipino nurses and doctors who went to Laos and Vietnam on Operation Brotherhood; your contribution to SEATO and the defense of your neighbors against aggression; your charter membership and dynamic leadership in the United Nations; your active efforts to achieve closer cultural and economic relations with other Southeast Asian countries.

The stature of the Republic of the Philippines on the world scene is the creation of its own people—of their skill; their imagination; their courage; and above all, their commitment to freedom. But their aspirations would have gone unrealized were they not animated by a spirit of nationalism, of a patriotic love of their own land and its independence, which united and directed them and their efforts.

* Text of the address by President Dwight D. Eisenhower before a special joint session of the Senate and the House of Representatives, Manila, the Philippines, June 15, 1960.

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were utterly false and irresponsible. We agree with an English writer when he remarked that a judge or a justice puts off his relations to anybody when he puts on his robes, and that no judge however honest and prudent is above criticism. But precisely because judges fall within the purview of public criticism, utmost care should always be taken, because of the delicate nature of their

This spirit was described by your late great leader and my personal friend, Manuel Quezon, when he with great eloquence said: "Rightly conceived, felt and practised, nationalism is a tremendous force for good. It strengthens and solidifies a nation. It preserves the best traditions of the past and adds zest to the ambition of enlarging the inheritance of the people. It is, therefore, a dynamic urge for continuous self-improvement. In fine, it enriches the sum total of mankind's cultural, moral, and material possessions through the individual and characteristic contribution of each people."

Significantly, President Quezon had this caution to offer. "So long as the nationalistic sentiment is not fostered to the point where a people forgets that it forms a part of the human family; that the good of mankind should be the ultimate aim of each and every nation; and that conflicting national interests are only temporary; and that there is always a just formula for adjusting them—nationalism then he said, is a noble, elevating and most beneficial sentiment."

In these words of clarity and timeless wisdom, President Quezon spoke a message forever applicable to human affairs, particularly fitted to the circumstances of this era.

Nationalism is a mighty and a relentless force. No conspiracy of power, no compulsion of arms can stifle it forever. The constructive nationalism defined by President Quezon is a noble, persistent, fiery inspiration; essential to the development of a young nation. Within this ideal my own country since its earliest days has striven to achieve the American dream and destiny. We respect this quality in our sister nation.

Communist leaders fear constructive nationalism as a mortal foe. This fear is evident in the continuing efforts of the Communist conspiracy to penetrate nationalist movements, to pervert them, and to pirate them for their own evil objectives.

To dominate—if they can—the eternal impulse of national patriotism, they use force and threats of force, subversion and bribery, propaganda and spurious promises. They deny the dignity of men and have subjected many millions to the execution of master plans dictated in faraway places.

Communism demands subservience to a single ideology, to a straight jacket of ideas and approaches and methods. Freedom of individuals or nations, to them is intolerable. But free men, free nations, make their own rules to fit their own needs within a universally accepted frame of justice and law.

Under freedom, thriving sovereign nations of diverse political, economic and social systems are the basic healthy cells that make up a thriving world community. Freedom and independence for each is in the interest of all.

For that very reason—in our own enlightened self-interest in the interest of all our friends—the purpose of American assistance programs is to protect the right of nations to develop the political and social institution of their own choice. None, we believe, should have to accept the extremist solutions under the

position, that whatever is said against them is based on solid fact and not on spite. And when a congressman in a privileged speech attacks them right in the hall of the congress, where they cannot defend themselves, his parliamentary immunity makes it an obligation of honor for him to exercise such privilege with the fullest sense of responsibility.