

STATEMENTS OF SECRETARY OF JUSTICE TUASON

THE STATEMENTS OF SECRETARY OF JUSTICE TUASON MADE DURING THE PUBLIC HEARING OF THE COMMITTEE ON JUDICIARY OF THE HOUSE OF REPRESENTATIVES HELD AT THE SESSION HALL ON MARCH 17, 1954, BEFORE HONORABLE AUGUSTO FRANCISCO; CHAIRMAN; DOMINGO VELOSO, VICE-CHAIRMAN; RODOLFO GANZON, MARIO BENGZON, JOSE R. NUGUID, ROGACIANO MERCADO, GUILLERMO SANCHEZ, ISIDRO C. KINTANAR, MEMBERS.

THE CHAIRMAN. The hearing is declared open . . . (It was 9:25 a.m.)

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In order to avoid your having to come here on subsequent dates, we would like you to consider one of the bills presented during the last few days, namely: House Bill No. 1632 introduced by the Speaker, Congressman Corpus, and The chairman of the Committee on Judiciary with reference to the abolition of the positions of auxiliary judges, judges-at-large, and cadastral judges and the creation of positions of auxiliary district judges. May we request the Secretary of Justice to testify and give his comment on this bill?

SECRETARY TUASON. Yes, Mr. Chairman.

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MR. ABOGADO. I would like to find out the opinion of the Secretary on House Bill No. 1632 regarding the abolition of the judges-at-large and cadastral judges. Is he in favor of that?

SEC. TUASON. I am in favor of that, because as I said, judges should be equal in rank. They do the same kind of work.

MR. ABOGADO. I understand that there are thirty-three (33) judges that will be affected by the approval of this Bill. Now, what will be your recommendation in order to protect these judges-at-large and cadastral judges who are performing their duties properly and efficiently?

SEC. TUASON. Well, I think that these judges cannot be removed. They cannot be legislated out. If the positions of judges-at-large and cadastral judges are abolished, these judges will have to be appointed to the districts.

MR. ABOGADO. So, upon approval of this bill, those judges-

at-large and cadastral judges will have to be reappointed as district judges?

SEC. TUASON. Yes, because they cannot be removed in my opinion.

MR. ABOGADO. Thank you, Mr. Chairman.

THE CHAIRMAN. Even if the position is abolished?

SEC. TUASON. Even if the positions are abolished, because the positions are not abolished; only the names of the positions are changed. The positions are there. As a matter of fact, the positions are increased.

MR. BENGZON. Mr. Secretary, would you recommend a provision in this bill which would make possible the removal of these judges who are inefficient?

SEC. TUASON. I would, if that could be done. Unfortunately, under the constitution, we cannot do it because the constitution provides the causes for removal of judges.

THE CHAIRMAN. Mr. Secretary, do you remember the organization act approved during the time of Ex-President Quezon, wherein judges had to be reappointed?

SEC. TUASON. I doubt the constitutionality of that law, and I think that the constitutionality of that law was challenged in the case of Zandueta versus de la Costa. In that case, as I remember, Zandueta's removal was sustained not because the law was declared constitutional but because he voluntarily abided by the questioned provision.

MR. BENGZON. Don't you think this would be a good chance to eliminate inefficient judges?

SEC. TUASON. That would be a good chance, but as I say, the constitution is in the way, because the tenure of office is prescribed by the constitution, and it would be nullified, it would be a dead letter if the Congress at any time can say: "All positions of judges are hereby abolished and all judges are hereby declared out of office."

MR. BENGZON. In your opinion, Mr. Secretary, is there no way to remedy this situation by which these inefficient judges may be eliminated?

WHAT A WELLKNOWN ORATOR ONCE SAID ON THE DANGERS OF MIXING POLITICS WITH THE JUDICIARY

The year was 1934, the place was the old Manila Grand Opera House on Rizal Avenue. The occasion was the First Inter-University Oratorical Contest and the prize-winning oration was entitled: "For an Independent Judiciary."

From the winning orator's masterpiece, the following appeared:

"The fate of our judges should not be left to rise and fall with the galling insolence to which political parties are subjected. The fountain of justice should not be polluted and poisoned with the 'pestilential breath of faction.' Prostrate your judges at the feet of party and you break down the mounds which hold the protective embankment against the dashing torrents and waves of political passions and excitement. Make their tenure and compensation dependent upon the mercy of the Legislature and you destroy that without which justice is a mockery and popular government a farce." (*Prolonged applause.*)

"Courts should be the ready asylum, nay the indestructible cottas, of the people's rights and liberties. They should be the trusted guardians of individual securities and immunities. The present members of the constitutional convention should especially guard against legislative domination and encroachment." (*More applause.*)

"In a republic that is ours — ours to live, to honor and to de-

fend — I envisage the day when it can safely and truly be said that if the right of the most humble citizen is trampled upon, indignant of the wrong, he will demand the protection of our tribunals and, safe, in the shadows of their wings, will laugh his oppressors to scorn." (*Very prolonged applause.*)

That was the year 1934. And it was merely an inter-university oratorical contest. Today, 20 years later, the orator who delivered that prize-winning piece, for which he was awarded a gold medal and his university a trophy, would have created a sensation if he had stood up in the last session of Congress and delivered the same speech while the controversial bill revamping the judiciary was under consideration.

As a result of that bill, now a law, over 30 judges-at-large and cadastral magistrates, supposed to hold office for life and during good behaviour, were "reorganized" out of their jobs. Some were reappointed. Eleven were left out in the cold. The eleven "revampes" were all appointees of the past administration.

But the orator who won a gold medal in 1934 for his moving speech on the sanctity of the judiciary did not repeat his prize-winning oration of 20 years ago. Then he was merely a university student orating for an audience. Today, he is Speaker of the House of Representatives. The prize-winning orator was Jose B. Laurel, Jr. (*Bulleseye, August 23, 1954*)