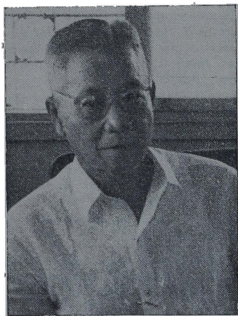


## PROFILES: MEMBERS OF THE BENCH AND BAR



ARSENIO SANTOS  
Judge, Court of First Instance of Pampanga

To temper justice with mercy is an act of humanity. It is no less an act of nobility. Mercy is rightly described as the crown of justice. There is always the recurring possibility that what Justinian or an assistant of his defined as "the earnest and constant will to render to every man his due" may have erred, that the proverbial scale or balance may have been tipped in favor of severity or injustice.

It is altogether unfortunate that in the administration of justice in the Philippines, many a judge often forgets to temper justice or what he thinks is just. The reason is that in construing or interpreting the law, he adheres more to the letter than to the spirit that prompted the enactment of such law.

Years ago, an American World War veteran, wishing to allay the pangs of hunger, yielded to the temptation of helping himself to a few apples and a pound of grapes. Later he told the fruit vendor that he had no money and consequently could not pay for the damage. He was placed under arrest. Brought to court, he confessed to the judge that since he left the army he had been out of job, that he had tried his best to look for one but without success, that he had a wife and son to share his lot.

Satisfied that the accused had told nothing but the truth, the judge set him free. He went further: he asked the people in court to chip in whatever they could for the old veteran. The audience contributed twenty-five dollars with which the accused returned home plus a job. Possibly, what the good judge had done was not strictly in accordance with the law, but he earned high commendations both from the press and the public.

Feeling hungry after going his daily rounds in the old Wallid City for possible customers, a young bootblack seated himself in a Chinese restaurant and ordered some food. After finishing his meal, he went to the manager and told him that he had no money with which to pay. He was arrested, charged with *estafa*, and was sentenced by the municipal judge to more than one month's imprisonment. The judge excused himself by saying, possibly to save his conscience, that the law gave him no discretion.

Finding himself similarly situated as his American counterpart, a judge of the Court of First Instance of Pampanga, with out having heard about the American veteran's case, recently ac-

quitted an old man, an ex-guerrilla, charged with having helped himself also to some food for himself and his wife and children. He pleaded guilty, but begged that he be given another chance as he had failed in his effort to look for a job. A number of witnesses testified to the truth of the guerrilla's statement. The judge generously responded to the plea for mercy, had the hat passed around in court for those who were willing to help. Not only did the prisoner return home with money, but what was better, he was assured of a job in the community.

The judge who did honor to his position and still does is a son of Bulacan, but a district judge of Pampanga. Judge Arsenio Santos, a native of Malabon, is not only a man of understanding, but a man of broad sympathies, who, despite his inherited wealth, has not lost the common touch. He has had a varied career that gave him perspective and experience. He finished his collegiate course at the Ateneo de Manila, majoring in philosophy. Enjoying a tremendous popularity in his home town largely due to his kindness to the people and his willingness and disposition to help wherever he can, he was elected mayor of Malabon in 1916 when he was barely 19 years of age.

Knowing that he was a minor, his opponent filed *quo warranto* proceedings. Unseated by order of the court, Santos was named acting mayor or rather municipal president by the Governor-General. With reluctance he accepted the appointment. His position did not prevent him from taking up law, the intricacies and complexities of which fascinated him after he lost in court. In 1921 he completed his law course at the famed Escuela de Derecho, now defunct, and passed the bar in the same year.

Promptly, he was designated secretary of Bulacan's provincial board. The late Governor-General Wood took notice of him and appointed him acting provincial governor; but determined not to be in politics, he resigned in two days. Efforts were exerted by General Wood to keep him in office, but he firmly declined the offer. He wanted to remain just a plain citizen, a lawyer, not a politician, by profession. He had enough law practice and that apparently satisfied him. His books and his studies had more attraction for him than positions in the government.

The late President Quezon, who knew how to select his men, offered to appoint him provincial fiscal, then judge; but gratefully he declined both offers. In 1946 or after liberation, President Osmeña prevailed upon him to accept a position in the judiciary. Circumstances, however, did not permit him to remain long. It was only in 1954 that he finally consented to give up his law practice and accepted his appointment by the late President Mag-saysay as judge of the Court of First Instance.

One of the important cases recently decided by him is that of the incumbent mayor of Angeles, Pampanga, in which the mayor, who appeared in the certificate of canvass as having lost by one vote, asked for the recounting of the votes in a certain precinct in Angeles, basing his petition on the discrepancy between the number of votes written in words and the number of votes written in figures. The opposing candidate contended that such discrepancy was not a ground for the recounting of votes because in case of conflict between the figures and the words, the latter must prevail. Judge Santos decided the case in the sense that there was discrepancy among the election returns themselves in so far as the figures and words of the number of votes was concerned, and ordered the recounting of the votes. In the *certiorari* filed by the opposing candidate, the Supreme Court sustained the opinion of Judge Santos.

Lawyers appearing before Judge Santos are unanimous in their opinion that because of his splendid record, his background and experience, he should be elevated to the Court of Appeals.