

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

(Continued on page 162)

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.