

ATENEO LAW JOURNAL

A LETTER TO A YOUNG ATENEO LAWYER

My dear *compañero*:

Wherever you are, whatever you do, always remember that we, here at the Ateneo, will never forget you. This letter is a token of that remembrance.

Although your student days at the Ateneo are ended, that does not mean that Ateneo's solicitude for you is also over. When you left the Ateneo Law School to practise the law profession, you brought with you, much more than a deep knowledge of the law, Ateneo's greatest hope that you become not simply another successful lawyer but a truly Catholic lawyer whose passion for truth and justice would make your lawyering of the highest type. That abiding hope is our claim on you. That is why, Ateneo is truly there wherever you are—much more so now, that you are alone in a world replete with bitter strife.

Just as a loving mother would write a letter of admonition to a son who has left home for greater fields to conquer, so must your Alma Mater take upon herself the same task. For you are truly her son whose success she dreams about, hopes and prays for. Allow me then to speak for her in this letter.

Not so very long ago, you will well remember, we were very proud of you when news was flashed about your brilliant performance in the bar examinations. Profuse indeed were the words of gratitude that mu-

tually flowed between two joy-filled hearts—the Ateneo's, for bearing her name so very well—and yours, for having been so well trained in the law by the Ateneo and her brilliant and assiduously sacrificing faculty. Proud of this initial success in the bar you faced the Supreme Tribunal of this Republic with confidence and high resolve.

You knew, as well as we do, that the oath you were about to take was simply a legal reiteration of the basic principles you have imbibed at the Ateneo in the course of your study.

What at the Ateneo has been the object of philosophical, legal, persuasive, and practical lectures by white-robed Jesuits and Judge Yatco in your many hours of seminar and ethics classes was, now, summarized in the short and simple words of the lawyer's oath. I am proud to recall to you the firm voice of a young Ateneo lawyer—and your voice is one—reciting before the honorable justices of the Philippine Supreme Court:

“I do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients; and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion. SO HELP ME GOD.”

For I know you fully realized its import and understood its significance and was determined to live by it.

Now, that you are out in the field, the lawyer's oath to which you pledged your honor will find its acid test. Whether you succeed in living by it or not only time will tell. As a lawyer who was once young like you, let me give you this word of advice.

Never yield to the temptation of living your profession without the oath. For if you do, your mistake will be serious; your loss irretrievable. Dishonored before the eyes of men and before the eyes of God a lawyer who has disgraced himself is a pitiable sight.

Never for a moment allow the threat of disbarment proceedings to cast its malignant shadow upon you as a lawyer. Many cases are reported in the Philippine Reports about lawyers who have been disbarred for violation of the lawyer's oath. An attorney spurns his oath of office as an attorney and as an officer of the court, when he violates the confidence created by the relation of attorney and client, and when he fails to serve his client's interest, as it is his sworn duty to do.¹ An attorney who testifies falsely and who produces a false affidavit violates his oath of office, particularly that part thereof in which he disposed that he would do no falsehood in court.² An attorney who illegally appropriates the money of his client violates his attorney's oath to do no falsehood, and further shows his lack of good moral character.³ These unhappy passages in our jurisprudence would not have been written had the lawyer's oath been followed closely. Let these object lessons in disbarment awaken in you a greater determination to observe the oath to the letter. Of course, it is always much more difficult to tread upon the path of righteousness. But in return, ours will be the highest reward of honor and dignity a lawyer could expect, for—“Above all, a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty as an honest man and as a patriotic and loyal citizen.”

With this noble sentiment motivating your young and hopeful hearts strive mightily not only to observe your oath to the letter, but also to give a new meaning and added lustre to it, by performing its many duties.

¹ In re Hamilton, 24 Phil. 100.

² In re De Lara, 27 Phil. 176.

³ Villegas v. De Mesa, 40 O. G., p. 244; Topacio Nueno v. 58 Phil. 557; In re Rustia, 40 O. G., p. 2473.

⁴ Canon 32, Canons of Professional Ethics.

takings according to the standards and the values of a true Atenean.

Your plighted word to maintain allegiance to the Republic of the Philippines should transcend lip-service.

Go out of your way and give flesh and blood to that high sounding word "allegiance" by giving the best in you in matter of service to the Republic and the Filipino people.

Today, the task of nation-building is the concern of every Filipino, nay, every individual who warms himself under the heat of Philippine sunlight. Your community needs leaders to lead the people from centuries of lethargy, to the light of culture, progress and civilization. You are the much-awaited leader. You cannot escape this obligation if you are to remain true to the Ateneo spirit forged by the legions of Ateneans who answered the nation's call and gloriously gave their all, even life itself, that this nation may continue to flourish. Bagumbayan, Tirad Pass, Bataan, Corregidor, Capas, and Fort Santiago and the numberless unknown little corners of our native land have witnessed the greatness of Ateneans whose love of country was manifested by countless heroic deeds. That is the kind of allegiance to the Republic that is demanded of you.

Your knowledge of the law is a powerful instrument in your possession by which you can help establish the enduring permanence of our democratic institutions. Use it constructively by bringing the benefits which the law envisions within the reach of your fellowmen.

Support our Constitution—the laws and the legal orders of the duly constituted authorities—"in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a regime of justice, liberty and democracy."⁵

⁵ Preamble, Constitution of the Philippines.

As a practising lawyer, you also hold relationship with the courts, your clients and your brother attorneys. Maintain these relationships in a manner which befits your Ateneo manhood.

To the courts be a gentleman, always. For as an attorney you have the solemn duty to maintain the respect due to the courts of justice and judicial officers.⁶ That this solemn duty you hold towards the courts has far-reaching implications has been proved by recent events in our contemporary history.

A few months ago, you witnessed the foundations of our young republic being rocked at its very bottom. Executive bureaucracy pitted against legislative omnipotence created many intra-governmental impasses and wranglings that ominously spelled a dark future for this nation we all cherish. Political persecution and madness, personal ambitions and fortunes, the greed for more power, corruption and dishonesty in the government had dimmed the national perception of the supreme purpose for which all governments are instituted—the welfare of the people at large. Governing with a mis-directed purpose you saw a government becoming unresponsive to the needs of the people, even debasedly trampling upon the people's liberties solemnly guaranteed in our Bill of Rights. The little man in the street became a sad victim of governmental high-handedness, corruption and oppression. In his dark moments the little "tao" almost despaired but his faith in our institutions was sustained by the steady light of succor which our courts of justice continually offered to him.

To this last bulwark of our democratic aspirations and traditions he sought redress and protection. The courts did not fail him. He entered the courts of justice hungering for justice. He left it with the fill of the justice due to him under the law. The Republic has passed the crisis. All these simply prove the uncontroverted fact that an unsullied judiciary is the strongest prop in our scheme of government.

⁶ Rule 127, Sec. 19 (b), Rules of Court.

It is for the maintenance of this unique position of the courts of justice in the high esteem and regard of the people that your highest respect for it as a lawyer is demanded.

In the words of the first canon of the Canons of Professional Ethics, it is "the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance."

But this respect you owe to our courts of justice is not a negative one. It must be manifested in every phase of your conduct as a lawyer. "Unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men",⁷ we cannot hope to fulfill the high mission which our profession reposes in us.

It is for this reason that the Rules of Court in Rule 127 attempts to lay down a few of the duties a lawyer must observe in the varying phases and relations of his professional life.

Use these as the well-spring for the motives that should guide you in your practice. In your appearances before the courts for the purpose of maintaining the causes confided to you by your clients employ such means only as are consistent with truth and honor and never seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.⁸ Do away with falsehood by being at all times the champion of the truth. As an officer of the court charged with the great task of administering justice—as a man whose highest concern is to see justice done to those who seek it—never reject for any consideration personal to yourself the cause of the defenseless or the oppressed.⁹ Instead, let the courtroom resound with the righteousness of your cause while you plead the relief justly due them under the law. Especially in the defense of a person accused of a crime, by all fair

⁷ Preamble, Code of Professional Ethics.

⁸ Rule 127, Sec. 19 (c), Rules of Court.

⁹ Rule 127, Sec. 19 (h), Rules of Court.

and honorable means, regardless of your personal opinion as to the guilt of the accused, present every defense that the law permits, to the end that no person may be deprived of life or liberty but by due process of law.¹⁰ As a lawyer imbued with fairness advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which you are charged.¹¹ Strive to win your cases honestly and not thru chicanery or deceit. If you win, be humble. If you lose, let it be an honorable defeat after a good and clean fight.

To your clients be at all times a just counsellor and a faithful confidante. To be a just counsellor, counsel or maintain such proceedings only as you believe to be honestly debatable under the law.¹² To be a faithful confidante, maintain inviolate the confidence, and at every peril to yourself, preserve the secret of your clients.¹³ The relationship between your client and you is one of the highest confidence and trust and, therefore, deserves an equal measure of fidelity and devotion from you.

To your brother attorneys, be a true friend. Abstain from offensive personality which may hurt the feelings of your brother lawyers.¹⁴

In the heat of a legal fight remember that clients, not attorneys, are the litigants. Canon 17 of the Code of Professional Ethics adverts you as follows: "Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other. All personalities between counsels should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal peculiarities and idiosyncracies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided." In this connection it will be good to bear in mind Shakes-

¹⁰ Rule 127, Sec. 19 (i), Rules of Court.

¹¹ Rule 127, Sec. 19 (t), Rules of Court.

¹² Rule 127, Sec. 19 (c), Rules of Court.

¹³ Rule 127, Sec. 19 (e), Rules of Court.

¹⁴ Rule 127, Sec. 19 (f), Rules of Court.

peare's allusion to barristers when he said, "Do as adversaries do in law. Strive mightily, but eat and drink as friends!"

Above all, play actively the role of a peacemaker. As Abraham Lincoln puts it, "Discourage litigation. Persuade your neighbors to compromise whenever you can . . . As a peacemaker a lawyer has a superior opportunity of being a good man. There will still be business enough." If you do this, your lawyering can merit for you the beatitude Christ spoke about in the Sermon on the Mount when He said, "Blessed are the peacemakers for they shall be called the children of God."

As the truly Catholic lawyer we hope you to be, perform this undertaking in your oath, "I will conduct myself as a lawyer according to the best of my knowledge and discretion," with the knowledge of "lawyers who would know the law not only as an instrument of the courtroom, as a means of livelihood; but lawyers who would understand the law as a way of life, a path to the heights, where beyond the greedy watch of clients and mannerless conflicts over often sordid interests, one discerns in the tragic web of human life a pattern of divine justice, hope and compassion."¹⁵ Cultivate the discretion of "men of culture and of faith who would understand the abiding goals, passions and ideals of human life from whence proceeds the spirit of law."¹⁶ This is the kind of knowledge and discretion which should motivate your conduct as a lawyer. By so doing, you will bring forth a new light in the legal firmament—the light of the lawyer "who would look for morality in the law, for the Divine in Man, for redemption in fallen humanity"¹⁷ to the unfolding honor of the Philippine Bar, the Ateneo and yourself.

In your striving to live by the oath lift your eyes to Heaven and together with the culminating prayer

¹⁵ The Hope Is Its Architect, by Fr. Pacifico Ortiz, S.J., Guidon, January 23, 1954.

¹⁶ *Supra*.

¹⁷ *Supra*.

in your oath, "SO HELP ME GOD", pray this beautiful prayer of a young Ateneo lawyer like you:

Oh God, Who gave man sovereignty,
Let us never forget it came from Thee!
Nor let us from this power draw
The insolence to violate Thy law—
Ruling Thyself the wave and the dust,
The rule of men to men Thou didst entrust—
Pour forth Thy graces from above
To simplify statutes with Thy love;
Oh Judge of conscience, give the gift
To judges of judgment true and swift;
Admit us counsel for Thy case
O Crucified Counsel for the human race!
And make this fleeting sovereignty
A foretaste of an endless reign in Thee.¹⁸

God bless you and keep you.

Yours for better lawyering,

DEOGRACIAS T. REYES

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¹⁸ The Lawyer's Prayer, by Atty. Jeremias Montemayor.