

finds expression in brief opinions, and is enhanced by the application of hard common sense. Under his tactful leadership, the Supreme Court has not alone handed down learned opinions, but, in doing so, has kept abreast of its docket."

Chief Justice Paras is married to the former Eliza Lardizabal of Boac, Marinduque, with whom he has five children. The Chief Justice has undertaken two trips around the world, once in 1952 and again in 1954, for the purpose of observing legal systems in other nations.

## "THE BEGINNING AND THE END OF HUMAN RIGHTS"†

Ricardo Paras\*

### INTRODUCTION

I am taking advantage of this occasion with a blended feeling of pleasure and expectancy, because I realize that our fundamental human rights to be of any value should be implemented and implementation can be accomplished only with the help of such leaders as are present in this distinguished gathering.

#### *The Beginning of Human Rights*

In the very beginning of human existence, human rights also existed — rights implanted in human nature by God. Man loved justice because he feared to suffer injustice; man loved dignity — for in his dignity he found companionship with God. But man was inadequate and silent, man could not appreciate the value of his human rights — and so he became a tool of those who thrived on his ignorance; he became a cog in the machinery of human oppression; and gradually, thru the centuries, he lost the rights he never had an opportunity to exercise. Of course, religious leaders throughout the world had at one time or another dwelt extensively on the rights of man. The early Egyptians, for example, believed that immortality could be gained only by an upright life that respected the rights of others. Hammurabi's Code of 2000 B.C. provided for economic, social and civil rights. Three Chinese philosophers, Mencius, Lao Tse and Confucius, taught respectively the infinite value of the individual, the superiority of man over force, and the fact that the individual was the basic unit of civilization. The Indian Emperor Asoka taught the value of religious freedom — Mohammed preached man's possession of public and private rights. Our own Jesus Christ stressed the value of the Ten Commandments and the noble and spiritual mission of man. But rights remained a religious admonition, a

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moral factor. Political recognition was to come later — and strangely enough the first political movement began in Great Britain.

In England, there was a man who ruled only to oppress, and his people called him unscrupulous King John. And when King John made human life so valueless that to resist was much better than to exist, these self-same automatons, these creatures who had for so long bent under his ruthless yoke — rose up and demanded a formal declaration by the King of the Human Rights of those whom he ruled. Thus, it was that the Magna Carta of England came into being — an instrument drawn up by Stephen Langdon, the Archbishop of Canterbury and the feudal barons, and which King John had to sign if he wanted to remain King. The Magna Carta established the national rights of the English people by making John realize (a) that the people had their own human rights (b) that the government was designed not for the good of the King, but for the good of the people and, (c) that therefore, the people had the right and the power to compel a King to rule the way they desired him to rule — because the King himself was subject to Law. In its very essence, the Great Charter expresses the principles of limited Government.

After the Magna Carta of June 15, 1215 — there came the English Petition of Rights drawn up by Parliament in 1628 under the rule of Charles I. Among other things it provided (a) that taxes could not be imposed by the sovereign without the consent of Parliament, and (b) that imprisonment or punishment of free men could come only after due process of law. With the Petition of Rights, the King came to realize that the people had become obsessed with the idea of building a free commonwealth, where even the King could be held responsible. Thus, too, did the idea of "the divine right of Kings" so brilliantly enunciated by James I, come to a violent but natural end. In the reign of Charles II, the Habeas Corpus Act of 1679 was enacted providing that any person under arrest was entitled in the first place to be informed of the reasons of his arrest, and in the second place to have a speedy trial by a fair and impartial tribunal, otherwise he was entitled to his release and liberty.

In 1689, during the joint sovereignty of William and Mary, the English Bill of Rights was drawn up. This Bill extended the rights already possessed by the English people by providing for (a) the free election of Parliament (b) the freedom of speech of members of parliament (c) the right to petition the sovereign for redress of grievances and, (d) the elimination of both excessive bail and fines.

Somewhere else, the seeds of human unrest would not remain still and so in America, the American Declaration of Independence was born, and in France the Tri-partite slogan of "Liberty, equality and fraternity" rose to the fore after a bloody but triumphant French Revolution. But the American and the French revolutions had their philosophical basis in the

fact that "the human mind finds inferiority hard to accept in unadulterated doses"—particularly if such inferiority is the inevitable result of another's superiority due solely to heredity and kinship connections. More than an end to revolution, the Americans and the Frenchmen desired an end to the beginning of all revolutions. Thus Aristotle had taught in his book on politics — "Inferiors revolt in order that they may be equal and equals that they may be superiors. Such is the state of mind which creates revolutions." The American document of liberty held as inalienable and self-evident the rights to life, liberty and the pursuit of happiness. With this slogan as its battle cry the United States of America came into existence. The French National Assembly on the other hand guaranteed for the French People through the Declaration of Rights of Man and of the Citizens of August 27, 1789, the following political principles and imprescriptible rights (a) men are born and remain free and equal in rights (b) the aim of every political association is the protection of the natural rights of men, which are liberty, property, security, and resistance to oppressive rule, (c) public officials are responsible to the people — for a public office is a public trust, and (d) private property is sacred and cannot be harnessed by the government except in case of public necessity and always with just compensation. Since then, almost every democratic nation has inserted in its constitution — a basic Bill of Rights. Significantly, even the Soviet Constitution has a Bill of Rights and Obligations, so framed however that it represents the particular and peculiar viewpoint of the Communist Way of Life.

#### MODERN WORLD

The modern world, faced with the problems imposed by a mechanized and industrial atmosphere, has striven to uphold the rights of the common man on what may be termed an international scale. Even before the advent of the United Nations, international agreements had laid emphasis on human rights. The Geneva Convention of August 1864 and the Geneva Convention of July 1929 dwelt largely on the decent treatment of those wounded in the field and those unfortunate enough to become prisoners of war. Indeed, it may be emphasized here that these agreements gave legal status and significance to the International Red Cross. In 1934, the League of Nations drew up rules on the deprivation of liberty and, by way of declarations, established what we now term to be the "rights of the Minority."

Of course, the comprehensive Charter of the United Nations may be said to be an excellent expression, in the international sense, of man's unrelenting efforts towards complete enjoyment of his human right — without distinction as to race, sex, language, or religion. Already, various steps have been taken to insure full fruition of the Charter's avowed purposes.

Thus, the United Nations created a Commission on Human Rights composed of 18 members, the principal duties of which were to (a) prepare an international Bill of Rights to be submitted to and ratified by all members of the United Nations, and (b) to bring to the attention of said nations instances of the non-observance of human rights. On December 10, 1948, the General Assembly had the distinct pleasure of approving what we now know as the "Universal Declaration of Human Rights". Simultaneously, the United Nations created two separate entities, the functions of which are self explanatory (a) first, a Sub-commission on Freedom of information, and (b) secondly, the Commission on the Status of Women.

#### *Human Rights in the Philippines*

As Voltaire has so fittingly written, human rights should be founded on the laws of human nature. Human nature being the same throughout the world, it is no wonder that in the Philippines a struggle was fought over the centuries for the recognition of the Common Man's or "Tao's" fundamental human rights. Thus, Emilio Jacinto one of the great leaders of the Philippine Revolution urged his countrymen to "defend the oppressed and fight the oppressor." In asking our people to respect the right of others, he counselled righteousness based on love for our fellowmen. In his "Liwanag at Dilim" or "Light and Darkness" Jacinto said that "Of all the human sentiments, none is more sublime than love for the fellowmen. Without it, the peoples would disappear from the earth; and the communities, the associations and life itself would resemble the dry leaves of the tree swept away by the wind."

This struggle for human recognition is evident in the following documents of the "tao's" emancipation: the True Decalogue written by Apolinario Mabini who is often referred to in history as the "Brains of the Philippine Revolution" the Decalogue of the Katipunan also written by Mabini, and the Primer of the Katipunan, stressing the noble aims of the Katipunan and drafted by Emilio Jacinto. Dr. Jose Rizal also pointed out the glaring disregard of our people's civil liberties. The "Noli Me Tangere" and "Mi Ultimo Adios" are resonant with this sympathy for our people's long suffering. Implicit was his request that his countrymen lead lives dedicated to the righting of wrongs. In "El Filibusterismo" he asked this question — "Don't you know that a life is useless if it is not dedicated to a great idea? It is pebble lost in the field, and does not form part of the building." Other documents reiterating our rights include: The Constitution of Biac-na-Bato, which established the Biac-na-Bato Republic of November 1, 1897; the Malolos Constitution adopted by the Philippine Revolutionary Congress on November 29, 1898; the Philippine Bill of 1908; the Jones Act of 1916; the Tydings-McDuffie Law approved by President Franklin Delano Roosevelt on March 24, 1934; and finally, the Bill of Rights

of the Constitution of the Philippines adopted on February 8, 1935.

It is noteworthy that perhaps more than any other country in the world, the Philippines strives hard to observe international human rights. We see, for example, in our native shores hardly any display of the racial discrimination so unfortunately present in some other countries.

#### *Implementation Needed*

Knowing history, we also know that the future of mankind demands the full implementation of the fundamental human rights.

We know what these human rights are and what they mean. Are we ready to pay the price for preserving them? If not, we may just as well give up all discussion of the subject. Otherwise, we must begin before it is too late, to implement — to fully implement and develop and carry into fruitful reality the fundamental human freedoms.

#### *Right to Free Speech and Communication*

Let us begin with the right to free speech. Freedom of speech and of the press and of communication, so reverently guaranteed by our Constitution, can be implemented only if the LIBEL LAWS can be interpreted by our judiciary, by our newspapermen and radio men, and by the general public in the spirit in which they are conceived.

Freedom of speech was conceived so that the TRUTH may be revealed; therefore, insofar as our people indulge in gossips, in idle rumor, in sensationalism, — insofar will the character of individuals be at the mercy of an uncomprehending public opinion. The solution accordingly is *simple* — *speak only what you know to be the truth, write only what you know to be the truth.* This can be done only if we judge after we have heard; only if we condemn after we know the facts.

This of course presupposes honesty of conviction and independence of judgment. The judgment of a man, however, is often not independent or honest unless he has financial security. Thus a subordinate is usually forced to agree with the propositions of his superior — however absurd these propositions are — only because he is afraid to displease, for when a superior is displeased, the subordinate finds himself without a job — and his family finds itself in want. Thus also, it is *possible* that a newspaper may favor one man and be against another, may favor one economic theory and be against its opposite — simply because it cannot afford to displease its advertisers, its owners, its reading public, or because it has an axe to grind for past and present injustices, real or imagined.

Thus it is that freedom of speech and of the press and of communication can thrive better in an atmosphere of economic prosperity. Thus it is also that to fully implement freedom of speech, we have to fully implement

a more basic human right — the freedom from economic want. It is hard for a hungry man to be also a truthful man.

*Freedom from Economic Want*

A man has a right to be free from hunger. A hungry man is a menace to our democracy — to our way of life — for a hungry man may not respect the rights of others. And when I say hungry — I mean a deep, devastating hunger not only for the basic necessities of life, but also for its little comforts, its little luxuries — for man was meant by his Creator not only to exist — man was destined to live in peace and in dignity.

How can we implement the human rights to be free from economic want?

I will not begin with blue prints for the future — nor with the sordid problem of capital and the foreboding dilemmas of labor.

Rather I will dwell on the individual. (on us and on the members of our family.)

He is either employed or unemployed. If he is employed — why is he not financially secure? Perhaps he gambles too much, drinks too much, dances in fancy nite-clubs or maybe he cannot afford to be without a clandestine love affair. In other words *he has forgotten to save*. True it is that in this world of crass materialism and freedom of the flesh, there are many, many temptations, but as William Hickling Prescott has so fittingly said, "where there is no temptation, there can be little claim to virtue." The solution then to this initial economic problem is thrift — to free ourselves from the wants of economics, we have obviously to be economical. This indeed is obvious, but it is also obvious that if some of our countrymen suffer from economic want, it is because instead of saving, they have dissipated their money into the by-paths of sordid vice.

Then again he may not be financially secure because he does not earn enough. This brings up the question — Why does he not earn enough? He does not want to earn enough. Perhaps he is lazy, perhaps he is not ambitious — the individual who wants to earn more — how about one who desires greater material returns but who cannot get what he wants? How about him? One may answer this question: Why does he not get enough, notwithstanding his desire to receive more compensation?

Perhaps the answer is — because he does not deserve to get additional compensation. And this may be due in turn to lack of aptitude, lack of ability, lack of fundamental skills, lack of proper human relations. In the final analysis, then, one can become economically independent only if he has educated himself sufficiently to meet the imperative demands of civilization. If in this the task of self-education — he has failed to apply himself diligently and well; if, confronted with problems, he becomes a creature of indecision, unsure of every step he has to undertake; if, beset with worries, he finds himself confused and bewildered, — he has no one to blame

except himself. While, indeed, there is great ability in knowing how to conceal one's ability, "there is greater ability in knowing how to make use of one's ability." Thus, I hold that ultimately, the only way an individual can implement the basic human freedom is to continually improve himself. And when I say he — I mean not only our individual selves, but also our families, our colleges and universities, our communities, the lawyers and the courts of justice, the doctor and his patient, the politician and the economist, the orator and the writer, the capitalist and the laborer, the leader and the follower. Let our Courts provide for justice swift and unrelenting, let lawyers plead only when the law is with them, let ministers of state truly administer the affairs of the state, let labor capitalize only on legitimate needs, let capital unbelabor labor, and we who seek to improve will surely improve. As Franklin Delano Roosevelt has so fittingly stated in his 2nd Inaugural Address — "The test of progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." Unless we study to do this — we shall remain economically unsecure and thereby lose the freedom to say the truth — which basically is the freedom of speech and of expression. Without freedom of speech, all the other basic freedoms so intimately associated with it will disappear — and democracy may become an easy prey to the Community way of life.

CONCLUSION

This then is the price we have to pay for the preservation of our basic freedoms. The price is great but the reward is infinitely greater. We must learn to be moderate in our needs, and temperate in our demands. We must learn to educate ourselves better — so that our mental, moral, and physical powers may develop into one harmonious whole. With our powers fully developed we can attain economic security — freedom from material want and with it the basic desire to speak the truth. Thus only can freedom of speech, thus only can effective freedom of expression and communication, be preserved. Thus also can the nations of the world live in perpetual peace. We who long for justice and sincerity — is there justice in our hearts, sincerity in our souls? We who cry for mercy and the attributes of charity — do we have mercy in our veins, charity in our every thought? Be selfish, be arrogant, be excessive — and we arrogate ourselves into the category of tyrants. We degenerate into destroyers of human freedom. And we become, for our posterity, not "patterns to imitate, but examples to deter." This is the inexorable result of lip-service to the ideals of democracy — and with it will come the end of human rights. On the other hand, respect the rights of our family and our home, respect our cherished institutions, and respect the rights of other peoples — whether they be in the majority or in the minority — and we will have

what all of us desire, the free pursuit of happiness in a world of everlasting peace. In closing I will quote Robert Green Ingersoll in his speech on liberty:

"I am the inferior of any man whose rights I trample under foot. Men are not superior by reason of accidents of race or color. They are superior who have the best heart — the best brain. The surrender man — stands erect by bending above the fallen. He rises by lifting others."

## THE FINE PRINT IN PUBLIC SALES†

*Ernesto P. Pangalangan\**

*Hector L. Hofileña\*\**

You read every page of the newspaper one fine morning, when you're not in a hurry, and in one of the inside pages, you run across an advertisement by the City Treasurer. The advertisement consists of a list of properties in the city, with a statement of their location, sizes, assessed values, and owners. There is also a list showing the amount of land taxes still unpaid on each property. Finally, there is an announcement by the City Treasurer that if these delinquent taxes are not paid on such-and-such a day, these properties will be sold to the highest bidder at an auction or public sale some days later.

You note down the date when the sale will take place. You are interested. This is your chance to acquire property for a cheap price, at least cheaper than if you were to negotiate privately with the owner. Other people may be interested too, but they will not have your patience to sit through an auction.

You look forward to that day. If you can put in the highest bid for the lot of your choice, the owner will have only one year to redeem it from you, and then the property will be yours. But, you reason out, if the owner cannot pay the taxes for the property, how can he ever secure the money to redeem it from me? So, it's almost sure that in one year's time, the Treasurer will be giving you a deed of sale for the property. It will be yours forever.

But here's a word of advice before you make that purchase. There are fine prints in such kinds of public sales. Fine print which may not even appear in the deed of sale, but which may, nevertheless, result in your losing the property, plus the trouble of your having to sue somebody to get your money back.

So, as the auctioneer says "Going, Going, Gone", beware, buyer, beware.

† This is from the files of cases of Atty. Deogracias T. Reyes and Associates, Dean of the Ateneo College of Law.

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