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## TO ADMINISTER JUSTICE

LORENZO R. RELOVA

The law to which you and I have dedicated ourselves is a noble profession. It is the search for the truth, a passion for justice — to render to each man what is his due. It is a passion to keep alive the eternal challenge that justice must be done whatever be the cost.

The administration of justice is primarily a joint responsibility of the judge and the lawyer. The judge expects a lawyer to properly perform his role in this undertaking, in the same manner that the lawyer expects a judge to do his part. The people expects of the two a sense of shared responsibility which is a crucial factor in the administration of justice. Their relation should be based on mutual respect and on a deep appreciation by one of the duties of the other.

To the members of the bench, may I say that you have chosen a career which in truth and in fact is a vocation, a mission, an obsession, I will say, a magnificent obsession. In your hands is laid the power to set free a man suspected of murder, robbery, theft and other crimes in the book because the evidence presented falls short of a pronouncement of guilt; or the power to send him to jail to atone for the crime he has committed against society because the prosecution has fully sustained the allegations of the information.

In this mission, it is most important that we should first establish a reputation for integrity, otherwise whatever we do will be tainted with suspicion. Not only that. We will give the lawyers of the losing party the excuse that the case was lost because the judge is the friend of the winning party or that he was bribed.

There are some judges, however, whose reputation for honesty and integrity is beyond question. There are judges who are not only beyond reproach but are also beyond approach.

In this connection, what is important in our mission is, the case should be decided only according to law and evidence.

The same is true with fiscals. It is not enough that he is honest. He must also appear to be honest. May I suggest to the trial fiscals that they should decline invitations for lunch or dinner from complainants. It is

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customary of us Filipinos, out of gratitude, to invite the prosecuting fiscal after the morning hearing for what he has done for them. We should decline such invitation because, in the first place, it is possible and very likely that they even had to borrow money in coming to court. Secondly, even if the complainant in some cases has the money to spend, the effect is, the other complainants in other cases will get the impression that because they cannot afford to invite the fiscal for lunch, the latter will not prosecute the case well. The point I would like to bring out is — let everybody know and feel that his case will be well-attended to and prosecuted to the limit irrespective of the political, social and financial standing of the offended party.

The biggest problem of the judiciary today is the number of cases pending in our courts. The most frequent complaint against the administration of justice concerns interminable delay. I understand the practice these days is the client pays the lawyer per appearance in court — whether the case is called for hearing or is postponed. Could this be the reason why some, especially the have-nots, prefer to bring their case to the New People's Army (NPA) instead of to the courts?

In the Bulletin Today, issue of August 19, 1982, columnist Jesus Bigornia wrote:

"Such is NPA justice — swift and terrible. In sharp contrast to the prolonged and expensive process that the poor and the unlettered can expect from the regular courts of justice. The aggrieved obtain redress properly at NPA hands. As often as not, money talks in the courts of law. It is, therefore, no wonder that in the administration of justice, the government takes a beating while the communist-oriented NPAs are looked up to as the prosecutors of the dispossessed and the downtrodden.

"The situation is not beyond redemption, however. Should the judges of the country mend their ways and the notoriously corrupt and undesirable among them purged from the judiciary, the confidence and trust of the Filipino people in the judicial system may yet be revived. Hence, the need for the early implementation of the 1980 Judiciary Reorganization Act. Or, failing that, the prompt dismissal of the unfit from the bench, by the Supreme Court."

I will admit that everyday trial is very tiring and monotonous. But, every now and then, it is punctuated by incidents which make the day animated and lightsome.

But, integrity is not the only main goal of the proposed Judicial Revamp. It is not enough to have honest men in the system. What we also need is that kind of justice that is fair, speedy and inexpensive.

In this connection, it is worthy to note that Administrative Order No. 24, dated October 5, 1981, of Chief Justice Enrique M. Fernando, states:

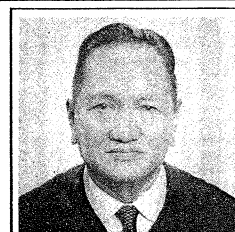
"To avoid any unwarranted slur on the good name of members of the Judiciary and the appearance of partiality or impropriety in their actions, Justices and judges as well as the court personnel are hereby prohibited from soliciting, receiving or using passes issued by transportation companies or from being exempted for the payment of the required fares whenever they make use of such facilities."

Indeed, how can we ever impress the aggrieved party and his counsel on the impartiality of our decision when they know very well that the judge and/or the fiscal get free rides on buses belonging to the adversary. May I tell you that in our positions, as judge or fiscal, any good thing done is easily forgotten; the bad is magnified, always remembered and talked about.

I would suggest that we keep in mind what Sir Edward Coke of England did in the 17th century when he was summoned and asked by the king himself whether a judge ought not first to consult the king in a case involving royal prerogative. He answered: "I SHALL DO THAT WHICH SHALL BE FIT FOR A JUDGE TO DO." As a judge or fiscal, you will have that opportunity to say to those who may want to influence you: "I WILL DO THAT WHICH IS FIT FOR A JUDGE OR FISCAL TO DO."

Finally, may I invite your attention to what one columnist said:

"The best weapon against the subversives is good performance by government officials. In the same way, the subversives' best weapon against the government is rotten performance by public servants. The task of winning the war against the subversives should, therefore, be easy. All that has to be done is for government people to do their jobs conscientiously and honestly."



Justice RELOVA

*Lorenzo Relova y Rivera was born on January 20, 1916 in Pila, Laguna. He earned his Bachelor of Laws degree at the Ateneo de Manila University. He has been a Professor of Law in the Ateneo since 1957, teaching Civil Procedure, Evidence, and at present Remedial Law Review. As Assistant Provincial Fiscal of Laguna in 1945, he rose from the ranks and was appointed Associate Justice of the Supreme Court on May 14, 1982.*