



GUILLERMO B. GUEVARA

Across Four Generations



The Cover

The image of Judge Guevara is drawn from a 1949 portrait by National Artist Fernando Amorsolo. Surrounding him are the leaders of the nations that defined the history of the Philippines during Judge Guevara's lifetime, King Alfonso XIII, President William McKinley and Emperor Hirohito. The Philippine Republic is represented by its first President, Manuel A. Roxas.



Across Four Generations



GUILLERMO B. GUEVARA



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INTRODUCTION

Across Four Generations was published by Judge Guillermo B. Guevara (1886-1987) in 1973. This new digital edition is intended to share the book to a much wider audience of interested readers and scholars. Those studying the events of the first half of the 20th century will find the subjects that Judge Guevara writes about infused with very rich detail. His commentaries on the quality of the Civil Service before and after the autonomous period (1916) give a fresh perspective to the reader, as he comments as an observer and not as a protagonist. The reviews of the book written by notable personalities like Federico Mangahas, Carmen Guerrero Nakpil and Renato Constantino in 1973 follow this Introduction.

Judge Guevara was a lawyer by profession and most of his writings were on the subject of criminology. In 1977, he decided to donate his writings as well as his book collection and memorabilia to the University of the Philippines Diliman (UPD). This collection is now housed at the Judge Guillermo B. Guevara Room inside the Gonzalez Hall (Main Library building).

It was his desire that scholars would have access to his works. Some of his books have recently been digitized and now form part of the UPD University Library's special collection. These books as well as this new edition can be accessed thru their online catalog.

The 1973 edition of this book has been augmented with additional photos that will hopefully enhance the narrative of the book. We have also added in the appendix the following: 1) photos from the family collection 2) the 1973 book launch speech done by Justice Calixto Zaldivar as well as the response of Judge Guevara and 3) the August 2020 articles about Judge Guevara written by Dr. Jaime C. Laya in his Manila Bulletin column "*Wala Lang*."

We wish to acknowledge the valuable assistance provided by the Philippine Association of Academic/Research Librarians Inc. (PAARL) in distributing this book to their institutional members. Our special thanks go to Mr. Chito Angeles and Ms. Engracia Santos, its past and current presidents respectively, in suggesting this mode. By coincidence, PAARL was founded by Ms. Marina G. Dayrit, the University librarian at the time Judge Guevara donated his books to the UPD. I also wish to thank the base work done by the Guevara family members in undertaking the 2012 edition of this book as well as other individuals who have diligently worked on this project.

VICTOR P. GUEVARA JR.

Chairman

Judge Guillermo B. Guevara Foundation Inc.

October 2020



FIRST EDITION (1973) REVIEWS

From Historians and Writers

CORAZON C. FIEL

To read Judge Guillermo B. Guevara's autobiography is an interesting and enlightening experience. His book gives us a glimpse of the historical past—the past which we hear so much about from the lips of old timers but which we know so little about. Through his eyes, the last years of the Spanish times unfold before us. Then he takes us through the early phases of the American occupation and our continued fight for independence. Through him, we closely acquaint ourselves with heroes we read in our textbooks, names, faces we seem to be distantly familiar with but whom we remotely know because they are now long dead and gone. There is Quezon, whom he admired and counted as one among his friends; Gov. Leonard Wood, under whose administration Judge Guevara served as the colorful City Fiscal of Manila. He mentions Senator Quintin Paredes and, of course, Claro M. Recto, whom he both battled with before the court. There are countless others—statesmen, writers, and businessmen—men who helped share the country's future, equally as brilliant and famous. Thru his pen, they become more than just historical figures; they become alive.

And when we read of Judge Guevara's uphill climb towards fulfillment and success, we trace the odyssey of a self-made man—from a young impressionable lad working to get himself an education, landing a job as a Spanish typist and stenographer, gaining renown as a brilliant barrister and ending up as a successful industrialist.

But while he belongs to the past, his life is still relevant, even to today's youth. Despite his continuous success and shower of achievements, he remains humble and unspoilt. He shows us what hard work, unwavering courage and a sense of foresight can do. From him, we learn that experience is a wise, old man. This is the legacy he leaves to us.



BROTHER H. GABRIEL CONNOR, FSC

ACROSS FOUR GENERATIONS is a humble, straightforward, entertaining, delightfully refreshing story of the life of a man who has loved his Filipinas as deeply as a man could. It has a genuine, personal and involved tone to it that makes it unique.

ATTY. BENITA MARASIGAN SANTOS

... without going into the intrinsic merit of this work, *ACROSS FOUR GENERATIONS* is in itself unique, for the author is practically blind.

At eighty-seven years in age, after taking in that demographic statistic, one is likely to forget the fact, for he has somehow acquired the agelessness of men and minds, especially Asians, like Mao Tse Tung or his arch enemy, Chiang Kai-shek, or the shadowy Ho Chi Minh of Indochina.

All throughout, the narrative skillfully blends history and personal experience in a tapestry of epic proportions rich in tiny colorful details... And yet, one feels that to Judge Guevara, as it is to many great and successful men, it is not the rewards at the end of the struggle that one prizes as much as the vim of the effort itself; the day-to-day relish of pitting strength and skill against the obstacles that block the desired goals, be it self-taught stenography or delivering the valedictory address in a post-graduate class at Georgetown University.



EVA ESTRADA KALAW

Interwoven among the struggles, the hopes and the visions of a Filipino student seeking his place under the sun is the fascinating story of a nation and a people evolving its destiny and its character thru seven epochs of change. One is treated to a realistic and ring-side perspective of our recent national past. The events and the personalities that comprise the historical script are presented with candor and compassionate humor. Without doubt, Judge Guevara's autobiography presents not only an insight into a people's crises, but also a commendable example of what a determined and gifted individual can do when he sets out to methodically adjust and conquer the colonial odds that stand between him and success.



FEDERICO MANGAHAS

At 87, Judge Gevara reviews the long-drawn career of a town brass-bandmaster's posthumous son — from a self-taught civil service P50 stenotypist, court decision ghostwriter, authentic prosecutor, judge, criminal law professor and scholar, pioneer backyard rubber shoes manufacturer — to the fullness of his time as innovative orderly creator of a family multi-million peso agro-industrial complex.

The tale spans practically a century of his country's history, reflecting its trying vicissitudes through the 1896 Revolution, the Philippine-American war, the pious tutelage under US democracy, the Japanese occupation, the Liberation, and Independence down to the New Society.

A bit of everything flavors the story — the Abe Lincoln log cabin fire variety of education, the Horatio Alger initiation into rigid old-fashioned yankee-style civil service, the Dewey flair for gunning after big time government grafting, the Darrow’ defense dramatics of celebrated criminal cases of the epoch, the Pauline evangelical reforming temper for the rehabilitative rather than the retributive judicial system, the positive restless spirit transforming an outdated penal code into the Code of Crimes.

It seems, incredibly, romantic. But it’s real enough, and the literate reader can easily check against the facts and fantasies of four generations. A feat in discovering and developing identity for a person and a nation from its cultural inheritance.

The Judge believes there are footprints.



CARMEN GUERRERO NAKPIL

Although I have read only a few chapters of the book, I can truthfully say that, when it is finally published, the book will communicate much of the intensely complicated and infinitely interesting flavor of the first half of this century. Both as a personal story and social history it commands the reader’s attention, amuses and reveals little-known circumstances of the Philippines’ past and otherwise makes an enduring contribution to Philippines letters.



RENATO CONSTANTINO

The memoirs of Judge Guevara contain interesting fragments of history spanning the pre-revolution period down to the present. Because of his public or private presence at various historic events, Judge Guevara’s memoirs are a welcome addition to our list of historical sources. Although he has chosen to be circumspect and restrained on the Quezon and clerical issues, the author nevertheless gives some clues to his basic stand. This can be discerned from the interpolation of commentaries in an otherwise narrative style of presenting history as he saw and lived it.

One wishes that other men similarly involved in the public affairs of their era had taken the time to write their memoirs as Judge Guevara has done.



Contents

CHAPTER ONE

Posthumous Arrival 1

CHAPTER TWO

Evacuation for Survival 6

CHAPTER THREE

Training in a Pioneer School of Nationalism 13

CHAPTER FOUR

As Neophyte Civil Servant 18

CHAPTER FIVE

Full Fledged Stenographer 22

CHAPTER SIX

A Stenographer at Large 32

CHAPTER SEVEN

First Legal Skirmishes 39

CHAPTER EIGHT

Broadening Horizons 47

CHAPTER NINE

Volunteer Aide to Freedom Fighter 52

CHAPTER TEN

The Coveted Degree 62

CHAPTER ELEVEN

Turning Points 70

CHAPTER TWELVE*Fighting Fiscal was Born 74***CHAPTER THIRTEEN***An Improvised Law Professor 82***CHAPTER FOURTEEN***The Debacle of PNB 89***CHAPTER FIFTEEN***Interlude on the Bench 96***CHAPTER SIXTEEN***Back to the Old Roost 101***CHAPTER SEVENTEEN***In the Line of Racket Busting 109***CHAPTER EIGHTEEN***Historic Debut in Washington 119***CHAPTER NINETEEN***A Cultural Tour of Europe 126***CHAPTER TWENTY***Detour to a Legal Revolution 133***CHAPTER TWENTY ONE***The Bar Scandals 138***CHAPTER TWENTY TWO***Goodbye to Government Service 148***CHAPTER TWENTY THREE***The Dawn of a New Life 154***CHAPTER TWENTY FOUR***Adventure in Politics 168*

CHAPTER TWENTY FIVE*From Prosecutor to Producer 176***CHAPTER TWENTY SIX***Exile in Baguio 184***CHAPTER TWENTY SEVEN***A Journalistic Avocation 190***CHAPTER TWENTY EIGHT***From the Ashes Like the Phoenix 196***CHAPTER TWENTY NINE***Recall to Public Service 204***CHAPTER THIRTY***Catholic Hierarchy vs. Top School Officials 217***CHAPTER THIRTY ONE***The Spirit of 1896 223***CHAPTER THIRTY TWO***Frustrated Racket Buster 231***CHAPTER THIRTY THREE***Integrated Electro-Metal and Chemical Industry 244***CHAPTER THIRTY FOUR***Epilogue 251**Appendix A 260**Appendix B 276**Appendix C 284*



CHAPTER ONE

Posthumous Arrival

The time was a decade before the Cry of Balintawak; a fact to note in after years, for it anticipated the Spirit of 1896, pride in native race and national inheritance, which subsequently became the ruling passion of my life.

I was born on February 10, 1886, in a dingy apartment-house, commonly known as *accesoria*, on Sacristia Street in Manila, opposite the convent of Binondo Church. I was baptized two days later in that church, a posthumous child of Victor Buencamino (former Guagua bandmaster) of San Miguel de Mayumo, and Mercedes Guevara of Marilao, both of Bulacan province.

My mother, with the help of her two devoted and self-sacrificing elder sisters, Tia Tiquia and Tia Petra, nursed and fed me during my infancy. We did not remain long in the house of my birth on Calle Sacristia. We moved later to an *entresuelo* owned by the Tiaoqui



Binondo Church

family on Lacoste Street (now called Ongpin), a few blocks from Sacristia. Here I grew up with the family of Don Alfonso Tiaoqui, one of the wealthiest and prominent proprietors of Binondo, whose children, Orang, Peping, and Maning accepted me as a playmate.

On Lacoste Street, my mother worked in a footwear store while Tia Tiquia peddled *sinamay* (native cloth) and Tia Petra ran a small store selling native wine (*anisado*) and native biscuits (like *puto seco*, *tinapay San Nicolas*, etc.), on the ground floor of our house, to make a living.

Mother taught me to read Spanish in the “*Cartilla*” and “*Caton*” which in those days were standard primers for children in learning the Spanish alphabet and phonics. I would sleep at night with those primers for my pillow in the belief of my mother (which I accepted)

that its contents would seep into my head by some mystic process of extra sensory perception. Thus when my mother enrolled me at the Trozo Elementary School, I already knew how to read Spanish.

The entry of my name in the register of that school showed my father's family name initial "B" (for Buencamino) and my mother's last name, Guevara, fully spelled out. My father then deceased, she must have taken a calculated risk just in case I should someday, somewhere, happen to be somebody in the eyes of the world and thus, give some luster to her name. For a poor, orphan son, mother's ambition seemed reasonable enough. Whatever was in her mind, I have been identified since then as Guillermo B. Guevara, not as Guillermo Buencamino y Guevara, which it should have been, according to contemporary practice. An English poet once wondered what's in a name, but my mother in her own way must have known.

I attended Trozo Elementary School from 1895 to 1897. Here I received my first instruction in writing, starting with simple straight lines (known as "*palotes*") and proceeding with loops and other figures to form the alphabet of the Spanish language. Here, I also gained proficiency in the four fundamental operations of Arithmetic, and in reading and reciting from Spanish primers known then as *El Monitor* (The Monitor), *El Amigo de los Niños* (The Children's Friend) and *Guia del Artisano* (Guide for Letter Writing).

El Monitor was a compendium of Arithmetic, Religion, Geography and Spanish Grammar. The classes were conducted in Spanish, a language I could mumble with tolerable accent without understanding a single word. So, for two solid years, I was conjugating Spanish verbs and parroting prayers, paragraphs and sentences from the Old Testament quoted in the Monitor's "*Historia Sagrada*".

The language problem, however, did not prevent my tender mind from absorbing the fundamentals of Arithmetic. I remember that when I left the Trozo Elementary School in 1897 on account of the outbreak of the revolution and we had to join the "*Takbuhan*" of

the civilian population, I was already adept in addition, subtraction, multiplication and division.

Outside class, there were distractions. Negotiating my way between home and school along Calle Gandara, Soler and San Jose in the district of Trozo was something of a daily adventure. On sunny days, barefoot, I would weave passage through horse-drawn carromatas and bullock carts. In the wet season, streets would be under water and children would love to improvise rafts and find it fun. It was sport for me too, sloshing in my clogs, watching out for culverts and manholes, moving on catwalks wherever available. Today, seven decades later, it isn't clear whether it is as much welcome a distraction for kids bound for school even if the potholes are bigger and deeper, thanks to modern motorized transport that makes a city commuter's nightmare.



Typical Manila street scene Binondo

Worth noting here was the positive impact of the “*palmeta*” a miniature wooden paddle on my palms and the “*bejuco*”, a rattan cane on my behind; they were standard supplementary tools of learning and discipline at that time. My stern mentor, Don Ramon Leogardo, used to repeat in a low voice that “*la letra con sangre entra*”, (knowledge comes best with sweat and blood).

Saturday and Sunday afternoons, the teacher would herd the class to church for worship and recitation of prayers like “*El Credo*”, “*Dios Te Salve*”.

***“O Maria, Madre Mia
El Consuelo del mortal
Amparame y guíame
A la Patria Celestial”***
(Oh, Mary, Mother of mine
Oh, mortal comforter
Protect me and lead me
To the Celestial land)

In May of 1897, my mother passed away, and Tia Tiquia took me over, rearing me up like her very own child.





CHAPTER TWO

Evacuation for Survival

With the execution of Dr. Rizal on December 30, 1896, the People's Revolution went out of control. By the end of 1897, the City of Manila was practically under blockade by the revolutionary forces, so Tia Tiquia and Tia Petra had to evacuate to their old original homesite in Marilao early in 1898.

That was the Guevara ancestral home, and here all members of the clan found refuge for one year, from January 1898 to February 1899, while the invading forces of Uncle Sam proceeded with their own war of conquest. Reunited in one compound were Grandmother Silvestra, known to us as Ima Bistra; Uncle Severino Guevara and his wife Tia Sela, and children Marciano (who later became the first National Treasurer of the Philippines), Pedro (future Superintendent of the Department of Drafting and Surveys, next only in importance



American soldiers on bancas in the Marilao river before the battle on March 1899

to the City Engineer), Santiago (much later to retire full colonel of the U.S. Army and to become an American citizen and resident of Washington, D.C.) and Sulpicio (future Emeritus Professor of Law of the University of the Philippines); Uncle Saturnino Guevara and his wife Tia Insang, and children Gregorio (the father of the now well-known Dr. Rosa Guevara), Isaias and Benito (later to retire as Colonel); Auntie Petra (a younger sister of Tia Tiquia, who was to pass away without any succession); Uncle Jose, and Uncle Quintin.

The Guevara homestead was a small beehive of activities for survival within its own confines; the males were engaged in farming and fishing, and the females, in housekeeping.

But my tender age of 12 was no valid excuse for idleness. My cousin Marciano, also 12, and I occupied ourselves with doing the rounds all day among substantial families in town and collecting bets in “*Jueteng*”, a gambling numbers game from which we derived ample percentage in commission. That was my first source of income. The copper coins I earned grew to a considerable amount and bulk, rather heavy for a small boy to lug around at that time, but they were a help to my hard pressed Tia Tiquia in that hour of need.

The hostilities between the American forces of occupation and the revolutionary army stationed in Caloocan broke out in the night of February 4, 1898. The ill-clad and ill-equipped army was no match to the organized invaders with their superior weaponry. Caloocan fell after 24 hours of battle; then followed Polo, Meycauayan, and consecutively, all the other towns along the railroad line to the north.

General Antonio Luna, then in command of the Philippine forces, followed a scorched earth policy in the wake of his retreat. Our only choice was to join the “*takbuhan*” (civilian exodus) further north, with myself helping carry our few possessions and my jueteng earnings in bags strapped to the ends of a “*pingga*” (bamboo pole) placed on my shoulder.

We fled Marilao on February 10 and stopped for two days in Atlag, a barrio of Malolos; then we proceeded by bulcart and on foot to Baliuag and successively to San Miguel de Mayumo, the hometown of my late father, and to Gapan, the first town of Nueva Ecija bordering Bulacan.

It was in Gapan where we were able to pause for breath for the first time since our lumbering trek from Marilao. Here we enjoyed the hospitality of an old family friend, *Aling Cencia* (Inocencia) Celis for two months. During this happy interlude, I spent my leisure playing “*tangga*” and “*Kala-hoyo*” the favorite sports of children of my age and, most of the time, watching the head of our host family, a silversmith, work at his daily occupation.

I became interested in the trade to the extent that I learned to handle the “*soplete*” — a pipe blower that keeps the flame constantly projected towards the metal for the softening or melting process.

Eventually, I succeeded not only in melting centavo coins, but in making a finger ring out of the metal. I loved to polish my copper ring and show it off to my playmates. Among them, whose image is still fresh in my mind, was a lovely lass named *Andeng* (Andrea) Jacinto. She was my first romantic interest. Some 70 years later, I discovered

that *Andeng* was a close relative who became the grandmother of the first Chairman of the National Science Development Board, Dr. Paulino Jacinto Garcia.

From Gapan, we fled to Peñaranda, then to the hinterland barrios of Papaya, Tabuating and Bicalbical, an area now occupied by the vast multi-million peso dam project on the Pantabangan River.

After the collapse of the organized resistance of the Philippine Revolutionary Forces against the American invaders late in September of 1899, we decided to return to Manila and submit to the new dispensation. At this time, our group consisting of Tia Tiquia, her younger sister Tia Petra and brothers Tio Jose and Tio Quintin, rented the upper floor of an accesoria on an alley known as Callejon Fernandez, in the district of Sta. Cruz. Cousin Marciano rejoined our group in Manila. Early in 1900, Marciano and I enrolled in the old Trozo Elementary School which was just reopened under the American Army of occupation, staffed by the same old teacher, Maestro Ramon Leogardo, and an American teacher named Mrs. Krozier. This was the first time I had a close glimpse of an American and heard the sound of English words.

Side by side with the use of the old textbooks of Maestro Leogardo, Mrs. Krozier taught us English, beginning with the alphabetsong A-B-C; the Star Spangled Banner and the Kindergarten verses which we memorized with gusto and recited with the full power of our lungs.

I bade goodbye to the Trozo Elementary School early in June of 1901 in order to enroll myself at the Liceo de Manila, little suspecting that a decade later that humble-looking schoolhouse would be historical for more reasons than one. For one thing, it became the romantic roost that sheltered the early connubial life of the legendary Quintin Paredes and his bride Victoria Peralta, besides being the birthplace of their first daughter Lourdes (Nenita), who, among other achievements was to become the third Portia ever to grace the second highest level of the Philippine Judiciary.



Escolta 1899

In 1901, my Uncle Quintin Guevara secured employment in the house of a wealthy family in Tondo — Don Flaviano Abreu and his wife Doña Saturnina, better known as *Ninay Supot*. The Abreus were in-laws of Don Felipe Buencamino, elder affluent brother of my late father. Tio Felipe, upon learning that I was still alive, a survivor of the *Gulo* (war), sent for me without delay.

The meeting with Uncle Felipe and his children, Maria, Choleng, Victoria, Asuncion, Felipito and Victor was indeed dramatic and full of pathos. I was asked by the good old man to visit him and have meals with the family as often as my school schedule would permit. Since Spanish was the language of the house, I came to understand and speak it to my advantage in due course.

Tio Felipe had other nephews besides myself under his protective wings: the future nationally known composer, Francisco Buencamino; a future dean of Filipino bankers, Delfin Buencamino; Juan Buencamino and Cornelio Buencamino.

Tio Felipe was one of the “*ilustrados*” at the turn of the century. He served as Minister of Foreign Affairs under President Aguinaldo during the short-lived Philippine Republic, and initiated the members of the Presidential family, composed of the mother, the wife, the sister and the children, to the ways of European protocol and the social graces.

He was among the first “*Americanistas*”, and together with Dr. Pardo de Tavera, Legarda, Luzurriaga, Alemani and others, organized in 1901 the Partido Federal to advocate membership of the Philippines in the American Union.

Early in 1902, he was appointed by Governor Taft as a member of the Civil Service Board, one of the prestigious positions within the



*Felipe Buencamino
(1848-1929) lawyer,
Malolos Congress
delegate, uncle of
Guillermo Guevara*

gift of the new dispensation. His house on *Calle Sagunto* (now Sto. Cristo), district of Tondo, bustled with political and social activities, affording my young and inexperienced mind full advantage and opportunity to observe important people. He had a library of legal and general literature which was to broaden my mental horizon.

Incidentally, it was in this library where my Uncle Quintin found a torn textbook entitled “*Arte de Aprender Taquigrafia Sin Maestro, Por Jose Marti*” (The Art of Learning Shorthand by Self-Instruction, by Jose Marti).

The book obviously had seen better days and its covers were missing, but the full text was intact. Uncle Quintin brought it home, and I helped myself to it; little did I realize it would be the key to so much of my progress in self-education.





CHAPTER THREE

Training in a Pioneer School of Nationalism

No sooner had the revolutionary army been crushed by the better equipped and professionally trained American invaders than a group of Filipino patriots decided to continue the fight for freedom in the field of education, convinced that education would better safeguard liberty than a standing army. This small group of intellectual revolutionists led by Ignacio Villamor (later to become President of the University of the Philippines and Associate Justice of the Supreme Court) and Enrique Mendiola organized the Liceo de Manila in June of 1900, the first private institution of learning committed to freedom from any clerical influence or intervention and to single-minded devotion to country. The school occupied a building on the site where now stands the Avenue Theatre near the corner of Soler Street and Rizal Avenue.



Enrique Mendiola



Ignacio Villamor

The faculty roster was impressive: Leon Ma. Guerrero, President of the College and Professor of Botany and Biology; Enrique Mendiola, Vice President and Professor of Mathematics; Fernando Ma. Guerrero, Professor of Literature and Rhetoric; Manuel Sitiar, Professor of Arithmetic and Algebra; Mariano Vivencio del Rosario, Professor of Chemistry and Physics; Jose Vivencio del Rosario, Professor of Geography; Hugo Ilagan, Professor of Humanities; Hipolito Magsalin, Professor of Philosophy and Metaphysics; Juan Basa, Professor of Bookkeeping and Accounting; General Benito Natividad, Professor of Spanish; Emmanuel Franco, Professor of French; and Jose Evangelista, Professor of English.

The school attracted students, many of them proving zealous nationalist activists of their own time and generation and, in due course, earning distinction in the country's development: Ramon Diokno, Teodoro M. Kalaw, Sr., Jose Escaler, Guillermo B. Francisco, Antonio G. Sison, Liborio Gomez, Arturo Garcia, Nicolas Jalandoni,

Alfredo Guerrero (who became the husband of Filomena Francisco) and Guillermo Pablo, were among the first batch of students.

Moreover, the Liceo blazed the trail of co-education in the country, the college being the first to admit female students in its regular course, among them, Filomena, Felisa, Maria and Dominga Francisco; Ildefonsa Amor and a certain Miss Pablo from Zambales, sister of Guillermo Pablo.

Like birds of the same feather, the girls invariably flocked together — compact, careful and invincible, almost everywhere around the college premises. Rizal would find it a problem to distinguish them from Maria Clara, his favorite heroine, in dress and decorum. They were my classmates in one subject, which was French. This turned out, understandably, to be my favorite and most interesting subject, close and dear to my heart. I was a susceptible teenager.

I remember the first election of the officers to constitute the Republica Escolar of the Liceo, the counterpart of present-day college student councils. I thrilled just to hear the soft musical trill of the voice of Filomena Francisco, appointed election canvasser, as she sweetly intoned the names of candidates — Ramon Diokno for President; Jose Escaler for Treasurer; Nicolas Jalandoni for Secretary.

Years later, Filomena would be the first Filipino woman to pass the tests under the Board of Examiners for Pharmacists and was to become the mother of a popular woman writer and columnist, Carmen Guerrero-Nakpil and the grandmother of a Miss International, Gemma Guerrero Cruz-Araneta. Maria Francisco would be the first full-fledged lawyer of her country, joining the bar in 1910, and her sister Felisa would be one of the deans of Centro Escolar de Señoritas.

The Liceo was hailed by the people as the nursery of future Filipino leaders raised in the best tradition of the Spirit of 1896. Many a member of the faculty, among them, Professors Manuel Sitiar and



Liceo de Manila circa 1900

Juan Basa, made it a routine ritual to begin the days' lecture with an evangelistic reference to the heroism of our revolutionists against the Spaniards and the Americans, capping it with an exhortation to keep the flame of nationalism alive.

Cousin Marciano and I were among the first to enroll as First Year students in the special course known as "*Perito Mercantil*", a sort of an abridged course in Commerce. Our subjects were Arithmetic and Algebra, Geography and Astronomy, Spanish, French and Calisthenics. We belonged to different sections.

Marciano excelled in Mathematics, capturing in due course the first prize award on the subject in a competition; I won the medal of honor in Geography.

General Natividad flunked me in Spanish and I had to take a summer course of six weeks under another teacher, Professor Mauricio Ilagan, to avoid being an irregular student the following school year. I do not blame Gen. Natividad for failing me in Spanish, for while I had gained tolerable proficiency in conversational Spanish from family contacts with the Buencaminos, the complicated rules of the Spanish Grammar and its terminology like “*gerundio*”, “*preterito pluscuam-perfecto*”, “*preterito indefinido*”, etc. were strange to me.

Ironically, twenty years later, my former professor and I would be carrying on formally in Spanish under a different situation. I was a Judge of the Court of First Instance while my former Spanish professor was a Provincial Fiscal. By force of judicial protocol, General Natividad would stand up whenever he had to address me with the sacrosanct expressions “*con la venia de su Senoria*” (may it please Your Honor); “*Su Senoria*” (Your Honor).

In our second year at the Liceo, Marciano and I took advanced Business Arithmetic; Elements of Accounting and Bookkeeping under Professor Basa; Statistics and Business Correspondence.

Cousin Marciano once more displayed his undisputed superiority in the field of figures and numbers by capturing the first in Accountancy and Bookkeeping. I finished my second year with a mark of honorable mention in my three subjects.





CHAPTER FOUR

A Neophyte Civil Servant

Marciano and I could not continue our studies to the Third Year for lack of financial support.

Early in 1903, we decided to take the Civil Service Examination which was given then either in Spanish or in English. We took the second grade examination in Spanish.

We passed the tests, and under the civil service rule, we were supposed to start with a salary of \$25 or P50 a month. Marciano was given the initial salary in the Bureau of Civil Service, and started at once as Junior Examiner. It was a very simple work which consisted of checking the spelling of dictated words against the correct printed answers.

It was a little bit more complicated in my case. The Clerk of Court of Land Registration asked if I could do some typing. He

showed me the sample; it was a technical description of the survey of an *hacienda*, a big estate. My first impulse was to say “no”, for in conscience I knew I was not ready for such a task. But the pressure of need was too much for me to give a candid answer; so I said “yes”. Then my ordeal started when the Clerk as chance examiner asked me to type a plain copy of a two-page decree of the Court of Land Registration containing a long technical description of the *hacienda*.

It was past eleven when I started typing with two fingers of each hand at a speed of not more than 5 words a minute. Noon break came for everybody but myself, and one kind and noble soul by the name of Antonio Aquino noticed the hard time I was having.

The good man approached me and asked how long I had been a typist. I told him that I had not had more than one month of experience altogether. I assured him however, that I was set to improve my typing, even if I had to work all day and night, as I needed



The Philippine Commission, 1902, Jose de Luzuriaga, Trinidad Pardo de Tavera, Luke Edward Wright, Henry Clay Ide, William Howard Taft, Benito Legarda, James Francis Smith

the job very badly to earn a living. Aquino privately helped me by typing the long technical description himself and then proudly presented it to the Clerk of the Court as my own work.

I was consequently accepted on probation. After six months, I got the initial appointment. Marciano and I agreed to split the responsibility of supporting the family consisting of our two Aunties — Tia Tiquia and Tia Petra; Uncle Severino and four additional young cousins — Pedro, Santiago, Sulpicio and Gregorio, all newly enrolled in the elementary school. We pooled our P40 each for the common family fund, keeping P10 each for pocket money. A lad of 12 rationed us lunch from Monday to Saturday of the working week. During noon breaks, I mixed with the section of stenographers and learned from their talk how well they were paid. The Chief or Senior Stenographer, Aurelio Gomez Jesus (brother of Dr. Dominador Gomez Jesus, the notorious labor organizer of the so-called *Union Obrera Democratica de Filipinas*, otherwise known as “Dr. Paypay” because an anahaw fan was his indispensable companion), was receiving P300 a month, plus the privilege of selling his notes to litigant parties at P0.50 a page. Out of a staff of about 8 stenographers, only one was qualified under Civil Service tests, the rest were holding their position in a temporary capacity with a salary ranging from P150 to P200 a month.

Among the temporary stenographers were a duo, who, years later became notable figures in Philippine politics, business, and finance. They were Quintin Paredes, who became the first City Fiscal of Manila, Attorney- General, Secretary of Justice, Speaker of the House of Representatives, Resident Commissioner to the United States, Senate President, and now Chairman of the Board of General Bank and dean of the practicing attorneys in the Philippines; and the late Pablo Lorenzo, who was to be Private Secretary to Vice-Governor Martin, Delegate to the Constitutional Convention of 1934, Secretary of Public Works and Communications, Chairman of the Board of Governor of the Development Bank of the Philippines and industrialist.

Upon learning of the fat pay envelopes of the Land Court Stenographers, I began to wonder whether someday, somehow, I could be counted among their rank and file. I instinctively retrieved the half-torn book of Jose Marti (*Arte de Aprender Taquigrafia Sin Maestro*), and swore to myself I would make my dream come true in one year's time.

With fanatical zeal, I devoted every minute of my spare moments in and outside the office, whether in the day or in the night, practicing and perfecting my shorthand strokes. To gain speed, I would importune relatives in the house like Marciano, Tio Quintin or Tio Jose to read to me the pages of *El Renacimiento* and other available publications.

By December of 1904, I could easily take down 60 words a minute. In January of 1905, I filed my application for Senior Stenographer Examination. I flunked with a 63% rating, 7 points shy of the passing grade. I renewed my study with more vigor and in March of the same year, I made the second try. This time, to the amazement of the group of stenographers in the Land Registration Court, I qualified with a grade of 71%.

The initial salary for a senior stenographer at that time was P200 a month; but unfortunately, there was no vacancy or available item in the appropriation for a senior stenographer. So, to my chagrin and frustration, I had to continue tightening my belt on my paltry salary of P80 a month as a typist.





CHAPTER FIVE

Full-Fledged Stenographer

In may of 1905, however, came the happy break for me. A member of the Philippine Commission concurrently Secretary of Public Instruction, W. Morgan Shuster, requested for the services of a qualified Spanish stenographer. The Bureau sent in my name, I being then the only one available. Mr. Shuster submitted me to a test consisting of a long dictation in fluent Spanish. Finding my transcription faultless, I was hired at once.

So I started on May 16, 1905, finding myself installed in a new office at the *Ayuntamiento*, the counterpart of Malacañang of the present day, with new responsibilities and, what was more, a higher pay.

The office of Mr. Shuster was staffed by one American private secretary, Vernon H. Petrie; two American stenographers, William T. Brenan and Thomas Cantor; and myself as Spanish stenographer.



Ayuntamiento, Intramuros Manila

An aura of stern dignity and discipline ruled the office. At 8 in the morning or 2 in the afternoon, everybody would get down to work at once from Mr. Shuster down to the janitor. None of the employees indulged in idle talk or unnecessary telephone calls. There were no technical assistants or experts in the office in spite of the fact that on the shoulders of this young, energetic and one-eyed Yankee weighed the responsibility of supervising the operations of five important bureaus: Bureau of Education, Bureau of Prisons, Bureau of Printing, Bureau of Ice Plant and Cold Storage, and Bureau of Supplies, the counterpart of the present Department of General Services.

My new boss was at that time in his early 30's, standing 6 feet tall and weighing 150 lbs. He served in Cuba in 1900 as stenographer and interpreter in Spanish and English, which job enabled him to gain a good command of Spanish. From Cuba he was transferred to Persia as an expert in customs affairs and later in the same position to the



*W. Morgan Shuster,
Secretary of Public
Information, hired
Guillermo B. Guevara
as a Spanish stenographer
in May 1905*

Philippines. In 1905, he was promoted as member of the Philippine Commission and, at the same time, Secretary of Public Instruction.

A strict budgeting of time was an admirable trait of Mr. Shuster and for that matter, of all American executives during that period of our history. All appointments of persons transacting business with Mr. Shuster would take place between 9 and 12. From 2 to 5, he would dispose of his pending work and papers, engaging to this effect the full time of the American stenographers and myself. The thoughts and words flowed from Mr. Shuster's mouth, like cascading waterfalls. He had a gift for facile expression.

I felt rather ambivalent in my new position; on the 15th and at the end of the month, I received a pay my eyes had never seen before. On the other hand, I was unhappy with the thought that my two years of education at the Liceo de Manila did not afford me the modicum of technical and cultural information necessary for a first-rate stenographer. I had to improvise then a system of self-education by acquiring, reading and studying the standard textbooks of the Liceo which I had missed in the regular course, like Casado's "*Retorica y Poetica*"; Bonilla's "*Fisica y Quimica*"; Cortazar's "*Geometria y*



Summer offices of the Philippine Insular Government in Baguio, 1909

Trigonometria"; Balmes *"Filosofia y Metafisica"*; Cesar Cantu's *"Historia Universal"*; and *"Diccionario Enciclopedico"*. They greatly enriched my vocabulary and store of general information.

The reading of these textbooks was supplemented by extensive excursion into the works of Victor Hugo, Rizal, Voltaire, Zola; Dumas (father and son), Tolstoi, Emmanuel Kant, *Ross, the Journal of the "Spanish Cortez" containing the speeches of Castellar, Sagasta, Rio Rosas, Morayta and other Titans of Spanish oratory; and last but not least, the works of Spanish novelists like Vicente Blasco Ibañez, Condesa Pardo de Basan, Juan Vaiera, Carillo and others.

One advantage my new position brought me was the opportunity to meet and mix with VIP callers of Mr. Shuster while they waited in the anteroom of the Secretary, Heads of colleges and universities and provincial governors like Quezon and Osmeña exchanged words and even pleasantries with me.

On March 15, 1906, Mr. Shuster along with the office staff went to Baguio for three months' summer session of the Philippine

Commission. The government center was housed in six cottages on top of the hill where the present Pines Hotel would be erected later.

There was one cottage for each of the following: Office of Governor General James P. Smith; Office of the Secretary of Interior, Dean C. Worcester; Office of the Secretary of Finance and Justice, Henry Ide; Office of the Secretary of Public Instruction, W. Morgan Shuster; and Office of the Secretary of Commerce and Police, W. Cameron Forbes.

Baguio at that time was already a veritable Shangri-la — no flies and mosquitoes; cool and high in the heart of a pine-clad highland region 6,000 feet above sea level and lush with ferns, orchids, and temperate-zone flora. Early in the first decade of this century, our new rulers felt that there must be a place to which they could escape two to four months of the year from the enervating lowland heat of Manila and carry on with their official and other businesses as usual. They wanted a place not unlike the Adirondacks or Wyoming



*William Howard Taft, Governor General
1901-1903*



*Luke Edward Wright, Governor General
1904 - 1905*



Kennon Road 1914

in summer, that would obviate the need of long vacations in America and thereby save the Insular Government many thousands of dollars a year. They would like to encourage soldier volunteers stationed here to remain longer without risk to their health, and keep local ilustrados home instead of their making it to Hong Kong or Tokyo to rejuvenate. Baguio, as studied by Dean C. Worcester, zoologist and empire explorer, suggested the answer.

The need for such a resort gained full strength from the experience of Governor Taft. Severely attacked by acute intestinal trouble, he took all of his 250 lbs. astride a hardy tiny pony to Baguio one time in March of 1903. Arriving there, he wired Secretary of War, Elihu Root that he stood the trip well 25 miles on horseback and 'rarified' Baguio air as bracing as in the Adirondacks or Murray Bay; and the Secretary promptly replied the next day: "*How is*

the horse?” So it followed that on June 1, 1903, the Philippine Commission resolved to develop Baguio as the Philippine-American summer capital.

A costly part of the improvement was the Benguet road system that led to it, which required some P3,000,000 to set up altogether in the early years and gave us the picturesque Zigzag Road, an engineering triumph, it was said, thanks to Major L.W. Kennon. There was no lack of critics of the huge outlay for construction and maintenance just to promote a resort for ailing American soldiers, and officials high in the ruling hierarchy.

For the most part, the inhabited portions of Baguio were occupied by the low, thatched huts of the Igorots who, as they moved around in their beads and G-strings, formed a characteristic part of the exotic Baguio landscape. The population outside these natives constituted some 2,000 to 3,000 pioneer settlers from surrounding lowland communities, mostly Ilocanos.

The first houses built by the Americans were two-floor bungalows with small windows to shut out the prevailing chill. Session Road



Harrison Road Baguio City 1910

was the main street given to business; along it were shops the most impressive of which at the time was a general store owned by a Mr. Whitmarsh, dealing largely in hardware.

The social center was a public resthouse which was a combination sanitarium and hotel-restaurant. Here were billeted select guests prominent in government, society, industry and trade; American ladies, Spanish señoritas, mestizas, and their attendants. The ladies made a gladdening sight to all. Food was American at the restaurant, served by Chinese waiters wearing their ancient queue.

My association with Mr. Shuster was pleasant and congenial but it did not last long. By September of 1907, he was summoned to Washington and for reasons I could not ascertain he never came back to the Philippines.

I was then transferred temporarily to the Executive Bureau headed by Frank W. Carpenter. My assignment fell directly under the Chief of the Legal Division, Thomas Curry Welch. The Assistant Chief was Manuel Xerses Burgos, a relative of the martyr, Father Jose Burgos. Cipriano Y. Unson, who later became Acting Secretary, and Alejo Mabanag, who later became Senator of the Philippines, and Secretary of Justice, were the leading assistants of Mr. Welch.

It was in this new office where I was initiated in transacting and coursing papers in the language of the new conqueror. They trained me to be an action clerk. This meant the preparation of routine correspondence for the signature of the Executive Bureau Secretary or the Chief of the Legal Division. It was in this office where I met for the first time the newly arrived pensionados from the U.S. — Jorge Bocobo, Francisco Delgado and others.

The Executive Bureau was the disciplining arm of the government through its Legal Division. Complaints relating to the misconduct of public officials were referred directly to this office. Action was prompt. Any municipal or provincial official as object of any complaint would receive immediate communication calling

for an explanation within 24 hours, after which appropriate investigation would proceed. Officials concerned did not take their time in making decisions. Nowadays, objects of complaints are given 72 hours to respond with an explanation why charges should not be preferred against them, and then the authorities would take their time in the hearing; the Lord knows when the penalty or the exoneration would be announced, if at all. Today's blatant lack of faith in government administration was little heard of in that earlier era.

My stay in the Executive Bureau afforded me opportunity to learn English and appreciate the morality of the new dispensation. From this legal division, I learned that *"pabagsak"* or *"palakasan"* was a grievous offense in the career of every appointive officer; and outside intervention in the transfer or promotion of any civil servant was sufficient cause for removal or demotion. Thus any act or conduct which directly or indirectly promoted the self interest of any officer was condemned.

A striking example of the application of this rigid moral principle was the administrative case of a certain government employee. The subject was enjoying the privilege of buying ice from the government plant at half the price. Like many of his companions in the office, he was taking his lunch in a small restaurant near the Bureau. Either out of gratitude or close relationship to the owner of the restaurant who consistently refused to charge him for his meal, he allowed the restaurant owner to buy government ice with his own official ticket allowance. An administrative case was filed against him. Following verification, he was removed from office with prejudice to reinstatement and was stripped of his right to pensions or retirement.

Come to think of it, it was during the pre-autonomous era (1901-1913), that the civil service was at its best in the Philippines. From my own experience starting as a fifty-peso clerk, I had to take

and pass a test at every step of my advancement; in every case it was because I was needed and qualified and not because I needed the job.

This procedure was clear to everybody seeking a place in the government service. The authority of the Civil Service Board and later of the Director in enforcing the rules of the system with respect to employment, promotion or dismissal, was complete. The result was honest and efficient government operation. It was geared fully to public service without discrimination, discounting considerations of political pressure, social prestige or family connection.

After more than a year in the Executive Bureau, I was shifted to the Court of Land Registration in 1907, with a salary raised to P233 a month. For a stenographer, I seemed to be getting ahead. Here, taking down and composing notes for court decisions, I found my interest being generated almost unwittingly in preparing myself for a career in law without formal professional education.





CHAPTER SIX

A Stenographer At-Large

By mid-year of 1907, I was re-engaged by the Court of Land Registration as full-fledged court stenographer at-large, and not assigned to any particular Judge. The court was composed then of one Judge, Honorable Simplicio del Rosario, and one Associate Judge, an American, Honorable Goldsborough.

Occasionally, judges of the Court of First Instance were assigned by the Department of Justice to help the Court of Land Registration to dispose of land cases.

For nearly one year (1908-1909), I was accompanying judges of the Court of Land Registration in disposing of land disputes in several provinces. A most notable case was the registration of 27,000 hectares of land in the name of Don Francisco Gonzalez, descendant of a Spanish *encomendero*. The trial of the celebrated case

*Treaty of Paris*

took place in the capitol building of San Isidro, Nueva Ecija with Honorable Higinio Benitez as Presiding Judge and with notables of the bar like Don Francisco Ortigas, Don Eusebio Orenze and other big lawyers participating as counsels.

It was in the course of the trial of the case that I learned the full meaning and impact of Spanish conquest upon us. Under the Regalian Theory, every square inch of our soil became the property of the King of Spain for no other reason than that Magellan chanced to land at the shores of Limasawa on that eventful morning of March 28, 1521.

In the exercise of this alleged dominical right, the King of Spain had been divesting the primitive “*Indios*” of the land of their birth in favor of religious corporations or royal favorites, Spaniards or not.

One of the lucky favorites was the ancestor of Don Francisco Gonzalez. International usage and more particularly the Treaty of Paris between Spain and the United States of December 10, 1898, having sanctioned the act of conquest and despoliation by the

colonizing powers of the 16th century, the so-called royal grant or “*encomienda*” of Hacienda Esperanza and for that matter the titles to other landed estates owned by religious corporations and other court favorites had to be sanctioned, confirmed and legalized by the Court of Land Registration.

At the time of the trial of this case, the petitioner or applicant was in his late 80’s, with white clear complexion and sharp nose indicating his Aryan-Ibero extraction. With his long beard and silvery hair, he would have made a fit and ready-model for a Michaelangelo to use in depicting a dignified Heavenly Patriarch presiding the Celestial Court — a possible art masterpiece in some historic chapel.

I chanced to visit successively the town of Bocaue, Bulacan with Senior Judge of the Court, Honorable del Rosario; the town of Sta. Cruz, province of Laguna with Judge Mariano Cui; the romantic Antipolo of Rizal with Judge Pedro Concepcion and several towns of Samar and Leyte with Honorable Isidro Paredes as the trial Judge. It was in this latter province where I met two very interesting personalities: the Judge himself and the Provincial Fiscal of Leyte, Honorable Norberto Romualdez, later to become a Justice of the Supreme Court.

Judge Isidro Paredes was then in his early 50’s, a leading member of the famous Paredes clan of Abra composed of four lawyers (Isidro, Lucas, Quintin and Geronimo), one doctor of Medicine, Jose, and Mariano, the pharmacist.

Judge Paredes may be considered the most competent and brilliant member of the bench at the time. His command of civil and criminal law was amazing. Quite often, he would cite articles of both statutes from memory; and held court from 8 to 12 in the morning and 2:30 to 5 in the afternoon everyday, except Saturday morning which he set aside for motion day. His command of the Spanish language and of the laws of the country was exceptional. Unlike the judges of the present time, Judge Paredes more often than not would continue without any let-up the trial of a case once started,



*Judge Simplicio del Rosario
(1866-1947), circa 1910*

and to the bewilderment and admiration of everybody, particularly of the members of the bar, he would render his decision on the spot with complete findings of fact and law. I was totally fascinated by the power of concentration, the command of law and the mental efficiency of the Judge. A decade or so later, when I myself became also a member of the bench, I followed closely the pattern he had set with such distinction.

The government counsel for the people was represented by able and interesting personalities like Fiscal Norberto Romualdez of Leyte. He was a leading member of the illustrious Romualdez clan. His brothers were Miguel, then Mayor of their native town of Tolosa and later of Manila; and Vicente Romualdez who was to have a daughter named Imelda.

Norberto had other distinctions that set him apart: he was an accomplished musician and poet, a scholar of Filipino culture and the arts and member of the Royal Academy of the Spanish language. It was a delight to listen to him for the clarity and purity of his diction and for the organ-like quality of his voice. He gave me every

encouragement for my side interest in bel canto and would prod me to sing for the benefit of beautiful women around.

I saw considerably of Leyte in the company of Judge Paredes and another fellow stenographer, Gabriel Pimentel — such towns as Baybay, Tacloban, Maasim, Ormoc, among others. For our social diversion, the Provincial Fiscal loved nothing better than to organize picnics and parties that gave us opportunity to see places of scenic beauty and enjoy the company of interesting people, the cream, so to speak, of local pulchritude and intelligence.

Ormoc, the richest town of Leyte, especially impressed me with the modern layout of its streets, the sophisticated Spanish style and substantial material of its bigger houses. Then there were its first families — the Mejias, Martinezes, Rosados, Larrazabals, etc. — and their full complement of attractive mestizas, Filipino-Spanish señoritas, choice colonial contributions of a former empire. A Señorita Rosado caught my adventurous eye, but then the ever present dominant thought of a tender tie with a Manila girl of the Arguelles family brought me to my senses in time. It was different with Pimentel, a *mestizo* himself and some looker. He was hopelessly smitten by a Señorita Larrazabal and got hooked eventually, which he did not mind for lack, I imagine, of any serious commitment elsewhere. The Fiscal as our host had a part in the romantic proceedings. On the sly and at the spur of the moment, he composed a poem entitled “*Once Dias de mi Vida*”, put it under Pimentel’s name, and gave it to the girl. By accidents of such character is many a man’s destiny determined.

Fitting, gay finale to the serious memorable season of judicial sessions in Leyte was the farewell party in the ancestral home of the former, way out in the far-flung barrio of Olot, town of Tolosa overlooking the Pacific. I can’t imagine a more romantic setting — the beach at the mouth of a river running out to sea, the stands of coconut palms bordering the shore, the ocean breakers sparkling in the distance. There was much gamboling in the crystal clear

waters and some target shooting in a practice shooting range close by. The picnic was graced by the presence of the close friends of the Romualdez family, the bevy of town beauties, and leading lights of the local bar — Provincial Governor Francisco Enaje, Attys. Ruperto Kapunan, Sr., Francisco Zialcita, Margarita Pongos, among others. After bidding *au revoir* to Tolosa, we sailed back to Manila.

By late November of 1909, the presiding Judge of the Court of Land Registration, Honorable del Rosario, was transferred to the 9th Judicial District comprising the Court of First Instance of Rizal, located in Pasig, and the Court of First Instance of Bulacan, in Malolos. The good judge picked me as his official stenographer in the district without any application or pressure on my part. By some inscrutable design of Providence, my selection by him was to prove decisive in what later on I became: an attorney, a judge and a jurist.

Working as court stenographer under Judge del Rosario was a most varied, interesting, and challenging experience. The Court of First Instance, unlike the Court of Land Registration whose jurisdiction is limited only to land disputes of ownership, is a court of general jurisdiction, taking cognizance of civil, criminal, admiralty and other special cases. The trials of such cases in that district everyday at the time, called for the presence of legal luminaries of the caliber of ex-Justice Fred C. Fischer, Francisco Ortigas, Sr., Eusebio Orenze, Juan Sumulong, Vicente Singson Encarnacion, Jose Escaler.

In face of the new experience and challenge, Judge del Rosario strictly budgeted his time at the rate of holding sessions every quarter in the two provinces. Believe it or not, the good Judge proved during his incumbency that one judge could dispose of all cases, civil and criminal, of two provinces.

My involvement in cases of general jurisdiction accentuated my interest in taking up law, shall we say, on the side. In other words, not as a regular student but as a law office student worker, a practice permissible under the old civil procedure.

To this end, I approached once more my good uncle Felipe Buencamino in his law office and asked him to certify that I was studying in his law office. He obliged me for three consecutive years by securing that certification on June 1st of every year beginning 1908. My uncle and I complied religiously with this certification. After the three years' required period, I took the bar examination in 1912 and passed it. I worked under Judge del Rosario in the 9th Judicial District from 1909 until 1911 when he was transferred to the Court of First Instance in Manila. During that period, he gave me every chance to improve on my potential and experience for the practice of law. He even allowed me to prepare drafts of decisions on pending cases for his final approval and signature.

An American judge by the name of Herbert D. Gale succeeded Judge del Rosario in the 9th Judicial District. To my good fortune, Judge Gale was a newcomer in the country and obviously a neophyte in Philippine laws, culture and language. His Spanish recalled the line of the famous vaudeville song of Katy de la Cruz, "*Mi Vamos America, Poco Tiempo Aqui*".

Realizing his deficiency in the language and laws, the poor Yankee had to make an effort to use Spanish in his decisions. He could not write one straight sentence in the language. For this reason, his decisions were Solomonic, running more or less as follows: "The Court finds you guilty and sentences you to '*arresto mayor*', or "*prision correccional*", etc. with no further elaboration. I thought at first that he would later supplement such a brief pronouncement with a basic statement. Obviously the judge could not do any better.

On that account, I ventured to prepare a draft of a decision in one of his Solomonic pronouncements and submitted it for his signature. The judge practically grabbed the draft and passed it for his own. In that manner, I continued virtually usurping the position of a petite judge until I was promoted in salary and position to the office of the City Attorney at the 4th Floor of the City Hall.





CHAPTER SEVEN

First Legal Skirmishes

Soon after my oath-taking as a full-fledged member of the Philippine Bar in March of 1912, I was moving from my job as court stenographer of the 9th Judicial District to accept the position of Law Clerk in the office of the City Attorney of Manila with a salary of P300 a month.

The position of law clerk was in the classified civil service and could only be filled through competitive examination. Under the Civil Service rules and regulations then enforced, the position called for a certain preparation and specialties in substantive laws (civil, penal and administrative).

On that ground, the Bureau of Civil Service objected to the confirmation of my appointment in spite of my qualifications as member of the bar and required that I take the civil service examination. I took it and, once more, made the grade.



The Manila City Hall, circa 1910

My new boss was an American by the name of Isaac Adams, an Israelite by name and unquestionably by blood and feature. He was well conversant with corporation law and Anglo-American jurisprudence and practice.

Next in rank to him was the Assistant City Attorney by the name of Jose Moreno Lacalle, who happened to be the brother-in-law of the then incumbent City Mayor, Felix M. Roxas.

Complementing the staff of the City Attorney were Alex Reyes, a new graduate from the UP College of Law and later on to become a Justice of the Supreme Court; Cecilio Apostol, a lawyer, poet and writer; a law student by the name of Eliseo Ymson; a Spanish literateur named Antonio Santos, a member of the Royal Academy of the Spanish language; and lastly, a stenographer by the name of Juan Alano who two decades later became the coconut king of the Basilan Island and member of the First National Assembly under the Commonwealth Regime.



*Felix Roxas (1864-1936),
Mayor of Manila 1905-1917*

The practice of having academicians in the office started with the first City Attorney, Modesto Reyes, a University of Santo Tomas graduate of the pre-American period school. His forte being Spanish and having a penchant for elegant expression, he wanted aides with the appropriate flair in this direction. Cecilio Apostol served this purpose perfectly and so did Antonio Santos in lesser measure.

Cecilio Apostol, although a talented member of the bar and a reputable writer in Spanish with a good command of English, never appeared in Court to represent the City of Manila or the City Attorney. Humble and unassuming, he chose to stay always in the background and kept his work completely anonymous, or put it under the name of the City Attorney or his assistants.

Twelve years my senior, Apostol was the greatest intellectual and literary influence in my life at the time and ever since. Between us developed a complete coordination of mind and spirit, He was to me the inspired mentor and sympathetic guide and I was the apt student and loyal disciple. He encouraged me in forensic discourse and developed in me a sense of style as writer in law and in every other area in which I chose to articulate honestly my thoughts and emotions.



Cecilio Apostol (1877-1938) poet laureate

I was not alone in this regard for him. He was acknowledged master to a generation raised in the Spanish language, by reason of his character.

He was an eccentric personality, quiet and self-effacing, devoid of arrogance and moral pretension. For the greater part of his stint in the government service, he chose to remain lowly in category if not in actual assignment, competence and responsibility, firmly declining promotion in position and salary.

The background of this peculiar humility went back to what may be called a traumatic experience. He had a bohemian side to his life which, in his case and according to his temperament, was never loud, aggressive and reckless. On one occasion, Apostol was with Jesus Balmori, a fellow poet, in a city house of pleasure. Imbibing spirits as customary in a place of that kind, they got into some argument that developed into what, subsequently in court, was found to be a punishable case of public disorder, resulting in the conviction of the two acers of Philippine literature of the period. The decision, on appeal to the Supreme Court, was sustained, but the Justice, aware of the literary and intellectual reputation of the erring bohemians, promptly recommended executive clemency, thus relieving them of the stigma of jail.

Apostol must have felt deeply the loss of grace and took it upon himself to atone for it since, by a complete withdrawal from any kind of conspicuous public adulation over his gifts as literary master.

In any case, I consistently deferred to him in the same manner that an up-and-coming, self-assured academician and member of the bar named Claro M. Recto took every opportunity to see Apostol for counsel and instruction in the former's own literary undertakings.

Very much later, when I became City Fiscal and had a say as head of the office, I seized the chance to have Apostol advanced from clerk (*letrado auxiliar*) to an Assistant Fiscal. I remained closely attached and grateful to him, and availing always of his assistance and advice.

City Attorney Isaac Adams found me quite helpful in Court trials. Adams, in his middle 60's was no match to younger and aggressive practitioners. His first assistant, even though much younger, was not fit for trial work either; first, because he had not had enough exposure as a trial lawyer, and second, because most of the time he would rather take to the bottle than stay sober, sharp and effective.

I am therefore almost inclined to believe that destiny created a convenient situation where I could continue to develop not only as decision drafter but as court advocate or trial lawyer. That was what happened in fact, or how it turned out.

The City Attorney under the Charter was in charge of the preparation of contracts for the City of Manila, most of which were for the purchase or expropriation of land for widening or opening of city streets, market places, school sites, and for other public purposes.

Cecilio Apostol remained the opinion and brief maker of the office, handling the Spanish or English versions with signal skill, while the court work and conduct of the trials soon became my sole assignment. Thus, for three consecutive years, 1912-1915, I became a familiar figure and presence in the city courts.

My debut as an advocate representing the office of the City Attorney was in a case involving the ownership of a submerged land in Tondo which the City of Manila claimed to be a portion of the *Estero de Vitas*, while the claimant, a Rosa de Ocampo, insisted that it was part of her land by accretion. The claimant was represented by a big name in the bar, no less than the late Don Ramon Diokno, a formidable opponent not only in the Court of First Instance but also in the Supreme Court. I won the case for the city.

There were many other cases which I defended during the three years. They served the purpose of a good preview of what was in store for me as a practicing attorney and jurist.

During this brief period, I succeeded in registering under Torrens Title all the patrimonial properties of the City of Manila and in cleaning all streets, esteros and embankments of rivers of all encroachments and squatters.

In that golden period of the City government, the building code and health ordinance were strictly enforced. No construction or



Tondo Canal, circa 1900

structure could be set up or placed in any portion of the city without any permit from the City Engineer's office or Health Department and the result was that construction of shanties by squatters were, as we know today, matters of the other world. It was then that Manila gained rightfully the reputation of being the cleanest city in Asia, a veritable pearl of the Orient.

My faithful and efficient collaborator in the task of securing Torrens Title to all patrimonial properties of the city and enforcing strictly the compliance with the building code against illegal construction and proliferation of squatters, was then the Street Superintendent, later on to become the City Engineer of Manila — the late Santiago Artiaga. Ironically, not even a small alley within Manila has been named after him to remember him by.

City Attorney Adams was succeeded in January of 1914 by Jose Escaler, a new summa cum laude graduate from Yale. He was among the most prominent bachelors in the Philippine Columbian Club and widely lionized among the Four Hundred of Manila. I was lucky enough to be accepted by him as assistant and collaborator.

In the meantime, while I grew in competence and confidence as a trial lawyer, I started to make an impression on the public mind, I began to find acceptance in the higher social circles. I was a young bachelor with P300 a month, evidently promising, rising in reputation and respectability. Thus, in due course, my name was in the Blue Register of the Philippine Columbian Association, Club Filipino, Tiro al Blanco, Sociedad de Tiradores, Manila Athletic Club, etc. I was finally in.

But there was something missing. I was a duly certified member of the Philippine Bar all right, but I could not say I came from Santo Tomas, Columbia, Cornell, Northwestern, Princeton, or Yale as, on occasion, the other fellows would brag and josh among themselves or in the presence especially of the lovely ladies. A sense of inferiority bothered me when alone or in company.

Then I happened to intimate this personal problem to a newly arrived graduate from Georgetown University, *Oyong* (Eulogio) Benitez, youngest member of the famous Benitez clan. He laughed in deep sympathy. No problem at all, he said. Just proceed to Georgetown; there I could qualify for graduate study with my certificate of membership in the Philippine Bar; then a master's degree should follow after a year. Simple. He added I could manage on \$25 a month for subsistence.

That was the life-saver and I made up my mind. I figured I would have P1,800 if I commuted my accrued leave of absence; and with that amount to cover my round trip ticket to Washington and living expenses while there, nothing should be in my way. Nothing.


And so to Washington.



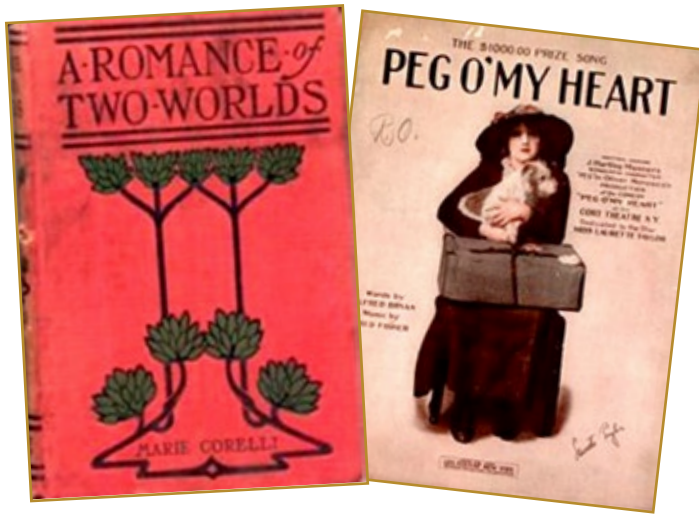


CHAPTER EIGHT

Broadening Horizons

 I left Manila aboard the S.S. St. Albans on August 20, 1915, changing passage at Hong Kong onto the Chiyo Maru and making San Francisco in thirty days. For cabinmates, I had Quijano, Villanueva, and Furbayer who were on their way to continue their studies in Chicago. My cherished company were two books, “Romance of the Two Worlds”, and “Peg of My Heart”, that *Tintang* gave me the day I bade her goodbye and she wished me Godspeed. I was a young man and considered the books worth their weight in gold.

I joined my shipmates in shopping or sightseeing at way ports en route to Hong Kong, Nagasaki, Kobe, Yokohama, Honolulu — watchful of incidental expenses, and keeping track of them, along with varied impressions aboard ship and ashore, in a diary that I kept from day to day. My friend Quijano was a good Protestant and



Books published 1886 and 1913, respectively

assiduous Bible reader; he was some kind of a shield as when we went down in Nagasaki and were met by enthusiastic fellows promising entertainment by beautiful Japanese girls.

On the boat, when I was not playing shuffleboard or watching sea and sky, or reading my book, I would be talking and getting acquainted with people of different nationalities or dancing with the ladies. I must say I liked dancing even if the music by a non-Filipino band was less than excellent. I found it to be such wholesome exercise.

With us at our table was a Mr. Morrison, a very correct Britisher, beside whom my friend Villanueva looked a trifle unpolished. There was also a Dr. Isihi, who, along with Mr. Morrison, believed the Philippines was not quite ready for independence, while a Nordic acquaintance, following a cue from me, would expand on the efficiency and thoroughness of the German army and navy. A Mr. Kellogg, at one time connected with the Bureau of Agriculture, and later with a pineapple cannery in Nueva Ecija, seemed a most sincere and broadminded American, and gave me helpful tips on San Francisco and Washington.

One day, as our ship was crossing the Sea of Japan, I decided on a daily schedule of enriching my English vocabulary from whatever book I was reading at that time. Starting with *Tintang's* "Romance of the Two Worlds" and "Peg of My Heart", I would pick up from twenty to forty to sixty new words and phrases, and set them down in a notebook and I kept this up during my time in Washington. It was a systematic exercise in self-improvement which I would never regret.

In Yokohama, I sent out postcards to beloved friends Teresita del Rosario, Asuncion Palma, Esperanza Limjap, Dr. Ongsiako, Judge del Rosario and Cousin Marciano. Writing them, I felt homesick and lonely, as pleasant recollections struck my imagination. So I sent Teresita a "Message of Life and Love"; I sent Chong a cluster of flowers to substitute for the roses I presented her on August 19; to judicious and lovely Titay, a pleasant evocation of the evening of August 16 dancing with her, taking in the tender inspiration of her spirit.



Baseball field and Healy Hall at Georgetown University, 1900

In Honolulu, I visited the Palace of Justice and attended the regular session of a district judge. I also visited the public library. The American way of life in the exotic setting of a mid-ocean natural paradise was evident all over the city, with the natives playing a very insignificant part in its political, economic and social life.

By September 20, I was in San Francisco, and for five days, under the care of friends, saw as much of the city as possible, visiting the Philippine pavilion at the San Francisco Exposition, and shopping to add on to my modest sartorial equipment in the new American setting so as to make me suitably responsive to its atmosphere. Dear friends who helped me get around in generous measure were Tomasito Reyes, Nemesio Ratia, Luisito Yangco, Tirona, and Dr. Liongson.

I left San Francisco September 25 by train passing through Reno, Denver, Chicago and arriving in Washington, September 30. On hand to meet me at the Union Station were Rufino Policarpio, acting secretary to Commissioner Quezon, Captain Dominguez of the Philippine Constabulary, and the Misses Eva and Blanca Dimas.

I registered the following day without difficulty at Georgetown University for a postgraduate course in law, fourth year, on the strength of my Philippine bar license. The curriculum included some ten subjects ranging from Legal Ethics to Medical Jurisprudence, handled by such faculty members as Professors Hamilton, Conrad, Baker, Monroe, Huges, Larkes, Minor, Garson, Woodward. I gave my first few days to writing letters home, and familiarizing myself with some city landmarks like the Union Station, the Post Office, the Washington Monument with the help of friends — Tolentino, Dr. Orendain, Jose Salcedo, “Father” Leuterio, Juan Ongsiako, Policarpio, Jose Burgos, and Concepcion. I set up myself upon their recommendation at 1404, 12th St. N.W. where Mrs. Dunbar, the landlady, charged \$25 monthly for quarter and board.

I reported to the office of Resident Commissioner Manuel Quezon at the H.O.B. (House Office Building) to work during the day as volunteer office assistant, and attended lectures at Georgetown in the evening. Meanwhile, I continued with my exercise in vocabulary building all along, listing new words and phrases in my notebook. As office work permitted, I would visit the Library of Congress, Carnegie Memorial Library and other institutions off campus for references on my subjects of study. After class, boys at home and “Father” Leuterio would gather in my room for our social hour of talk or guitar and violin music, when we had no dates elsewhere.

Sometimes, there would be family relations, friends, and government men from the Philippines passing through Washington, and we would organize small welcome or farewell parties, “causeries”, dances in our respective boarding apartments, dinners at chop suey houses and such places popular to Filipinos.





CHAPTER NINE

Volunteer Aide to Freedom Fighter

*L*ife in Washington, between doing my chores as a volunteer secretary to Commissioner Quezon and attending lectures at Georgetown left little time for much else beyond getting to know people in and outside the office and keeping in touch with the Manila home base largely by letter.

My closest association in office was Maximo Kalaw, the young, knowledgeable political scientist on whom the Commissioner relied a lot for assistance in his work in Congress and for his country's independence. I answered Spanish correspondence for the signature of Commissioner Quezon and rendered English articles into Spanish for release in Manila. At the height of the campaign for the Philippine Bill, we were kept very busy indeed but without precluding occasional improving and pleasant hours at the theaters, convivial reunions with fellow Filipinos, dancing with sweet young things, or being



Washington D.C. 1915

asked to dine by the Commissioner at his place in Chevy Chase on standard Tagalog cuisine — “*adobo*”, “*sinigang*”, “*pesa*”, “*lechon*”, etc.

Ours was a pretty conservative youth generation and with even volatile and gay Mr. Quezon for inspiration, we walked the straight and narrow path for the most part. It must be borne in mind that we had to be careful with our slender pocket resources and nothing could be more sensibly moderating to anybody’s lifestyle. Besides, on my part, there was always the pressure to improve and enlarge my vocabulary, let alone expand my horizon as a member of the Philippine Bar; I had those graduation thesis to read for and write. In no time, thanks to Judge Kincaid and Judge Blount, it was arranged for me to be admitted as attorney and counsellor-at-law to the bar of the U.S. Supreme Court. It made a pretty solemn and brief ceremony on December 9, 1915, with the justices sitting en banc.

It was a rough long course for the Philippine Bill in Congress. It had friends but it had many enemies too — in Congress and outside, as far out as in Manila, which meant that Commissioner Quezon had

his high moments and low, but he fought on with characteristic tenacity, verve and vigor.

Plugging for the Philippine Bill at the start in the Senate from early January 1916 were Senator Hitchcock, Committee on Insular Affairs Chairman, and Senator Shaforth, among others. Most striking feature of Senator Hitchcock's first discussion concerned the preamble on which Senator Cummins observed: "Suppose that he (Cummins), as a member of Congress, honestly believed it would be to the permanent interest of the Philippines to remain a State of the Union, would he not fulfill the promise or assurance of the preamble?" Hitchcock replied that he believed so.

Senator Shaforth supported the Bill by a brilliant and cogent discussion, dwelling on the capability of the Filipinos and the satisfactory conditions of the Islands, citing supporting data he had personally gathered during a recent visit there. Senator Gallinger countered with requesting insertion for the record of an article by Congressman Austin, on America's duty in the Philippines alleging unsatisfactory Philippine conditions and the natives' incapability for self-government, besides charging misuse of public money by Quezon. Several other Republicans followed in the same vein: predicting internal uprising that would follow American relinquishment of jurisdiction, in the fashion of South American republics, and enlarging with citations from the book of Dean C. Worcester, *Philippines, Past and Present*. In the House, Quezon took his turn to answer the Austin charges in a masterly manner, pulverizing them. Another senator, Mr. Poindexter, stressed that hundreds of millions of dollars spent and thousands of lives perished in the islands; it would be a pity if such sacrifice in money and lives should go for naught, abandoning the Philippines for nothing.

Sentiment in Congress grew for a more definite promise of independence, with the Clarke amendment that would give independence after two years following passage of the bill, later modified to make it four. It became clear as such sentiment developed



A poster advertising the Jones Law of 1916

in the senate especially, that it was due not so much to American altruism as to the interest of the American economy and so-called national safety.

Under such situation, Quezon started gravely considering the necessary and immediate steps to be taken at home upon passage of the Jones Bill. Kalaw and I had a long interesting talk with him one afternoon about this. Quezon thought of the need of organization of the Philippine Assembly and the Senate as provided in the Bill, the calling of a Convention to frame a constitution, and a plebiscite to get the electorate to ratify it. If the people decided for immediate independence, the legislature through a message to the President of the United States should request for it. In the meantime, according to Quezon, the army should be organized and heavy taxes imposed to accustom the people to the burden of its responsibility.

A sidelight on the course of the Bill was the approval of an amendment by Senator Groner prohibiting the sale and importation of liquor in the islands, which we thought might seriously hamper passage of the Bill. Then some friction developed between Hitchcock and Clarke and Jones as to the name of the Bill. For a time, Quezon was at a loss whether to continue to plug for immediate independence from two to four years, or work for independence to come after a longer indefinite period. He asked Osmeña to appoint a Committee of three in Manila to come over and express their views on the matter, shuddering at the heavy personal responsibility behind the tasks incumbent upon him. Quezon in such moments of self-doubt impressed me as a thoughtful man of vision and genius.

Then on February 4, the Senate passed the Bill which I thought was an act of justice. It provided for complete independence four years after its enactment.

The date was significant in Philippine political history, as I noted it then, and would remind us hence of the beginning of a policy



*William Atkinson
Jones, representative
from Virginia and
the author of the
Philippine Autonomy
Act passed in 1916*

towards the Philippines of two opposing parties, Republican and Democratic, with the Republican identified with imperialism, and the Democratic with justice and liberty. It had been seventeen years between 1899 and 1916 and it had taken that much time to make clear to the American people that the occupation of the Philippines against the will of its people was not only unjust but unwise. It was something to understand and to forgive, nevertheless; and I could bear witness that in the course of the debates over the measure, I was convinced that a great majority of the American legislators were sincere and inspired by a profound sense of justice. My joy over the Senate approval of the Bill was commensurate with my anxiety over the responsibility now to devolve upon our own people on attaining independence. It would be time to prepare for the worst and hope for the best.

Commissioner Quezon had more immediate anxieties, when the turn of the House to debate over the Bill came, with the Clarke amendment under closer scrutiny by people hostile to early independence, notably those reflecting the interest of Wall Street. Some vacillation on the part of Osmeña, after congratulating us for the Bill's successful passage in the Senate, did not escape Quezon's attention with respect to the Clarke amendment. To crystalize matters, Quezon suggested the adoption of a resolution from Manila rejecting the amendment but endorsing the original Jones Bill. Nothing as candid came of the suggestion, but by March 2 the House voted down the amendment and then approved the Bill with only a promise of independence after an indefinite period. That was what President Wilson signed in due course following the joint agreement of the House and the Senate on it. This was rather heartbreaking to Quezon who exerted every possible effort for definite early independence. Anyway, it was victory for greater autonomy and ultimate independence, and he accepted it in good grace. It seemed good enough for his people and he felt rewarded by a nation's acclamation upon his return to Manila.



Joint session of Philippine Legislature, Manila 1916

It occurs to me that it might have been to the good if we had been given the chance to proceed on our own and in complete freedom immediately following our pre-autonomous era. We were in excellent condition to continue with a system that was honest and efficient.

We had the resources, with our copra, coconut oil, sugar and hemp industries booming. The cream of our national leadership from Osmeña and Quezon down were credible in their commitment to the country's cause and interest. They still had a modicum of political innocence and idealism. If they gave any thought to the future, one could reasonably imagine that what ruled their calculations was beyond a vision of wealth and dynastic dominion; they did not have too many examples yet of oligarchic affluence and arrogance that come of sharp use and abuse of public position and office.

We had the civil service law, the standards and the experience set in a government service under strict enforcement; personnel were assigned to positions for which they were tested, and were

accordingly compensated. Hours of work were rigidly observed; there was a minimum waste of effort; there were no idlers, no freeloaders. New assignments to workers were opportunities to prove their mettle for bigger responsibilities; they were creative challenges to their potentials for greater effort and usefulness.

It was during this pre-autonomous period of conscientious, consistent and disciplined performance in government service that qualified young people had never had it so good. Then it was that equality of opportunity to everybody willing and able was a reality open to all. There has been nothing quite like it in our history under autonomy and then independence.

Our American mentors were never more determined in law and in practice to establish that reality of equal opportunity. President Theodore Roosevelt in his first annual message said: "It is important to have this system obtain at home, but it is even more important to have it rigidly applied in our insular possessions. The merit system is simply our method of securing honest and efficient administration of the government, and in the long run, the sole justification of any type of government lies in proving itself both honest and efficient."

I guess it was not meant for American altruism to set us loose in 1913. What we were given instead was Filipinization along with Francis Burton Harrison. They were welcomed enough as one big step on the road to autonomy, and then to independence which we got 33 years later.

From the sidelines after World War II, in the third year of our Third Republic (1946), I took a glance at the existing state of affairs in our civil service. I recalled that once upon a time we were made to believe that it was better to have "a government run like hell by Filipinos than another run like heaven by Americans". The author of this famous political dictum, I am sure, never thought that his figurative expression, made in a burst of nationalistic fire, would, in the course of human events, be more realistic than rhetorical.

I had the privilege of living and serving under both patterns of government, that is, of the fiery and the angelic kind. Let me recount some of the characteristics of the seraphic government that was.

At that time, the Civil Service Bureau belonged to the class A-1 category — supreme in matters of fitness, appointment, and promotion of public servants. Not even the Governor General would interfere with the rules regarding appointment, promotion, and removal. Solicited outside pressure for promotion in favor of an employee was sufficient cause for dismissal.

Public offices were not so crowded with employees, but those in the service worked every minute of their seven office hours. Regular office hours were strictly observed from the department head down to the last messenger.

Private business or sideline was taboo, I remember how my former chief, one of the most energetic and able American jurist and executive, former City Attorney Isaac Adams, lost his job without ceremony solely for having engaged in money-lending.

Official transaction was done on a strict priority basis. Officials and employees would feel insulted if any interested party should offer some tip or gift (modern cognomen, “*pabagsak*”) to facilitate business.

There was no such animal as a “*compadre*”. No publicized birthday celebrations either, of public officers, be they great or near great. Consequently, gifts from subordinate employees to officers, or from the public to the latter, were not only discouraged but outlawed. A Filipino examiner in the Bureau of Civil Service can bear me out in this. He was seriously reprimanded by the Director for having complimented the Chief Examiner on the occasion of his birthday with a turkey. The examiner tried to justify the present by pleading that it did not cost him any pecuniary sacrifice; that he himself had raised the turkey.

Official action of all sorts, whether administrative, judicial or otherwise, was forthcoming without exasperating delay. Police protection was available to all, with human sympathy and impartiality.

Because all department heads were technical men in their respective lines, there was no army of so-called technical assistants; whatever the department secretary decided was final. The Governor General would not revise nor interfere with the decision of any department not directly under him.

Last but not least, I remembered that the racket in the hands of the public officials and employees of yore was an innocent and useful instrument for health-building and not for wealth-building.





CHAPTER TEN

The Coveted Degree

*L*or all the demands of my work as volunteer assistant at the office of Resident Commissioner Quezon during the hectic days of his campaign seeing the Jones Bill through both houses of Congress, which sometimes kept us up till the wee hours of the morning, I managed somehow to follow through with my studies at Georgetown. There were occasions when I felt like begging off to be relieved of some duties so I would not be missing any lecture. But I did not do that, considering how hard Quezon drove himself to measure up to the commitments of his job. So I did my part like Kalaw and others did their own.

Luckily for me, I found my professors and their subjects of specialization challenging and absorbing and I responded with a will. They gave me most encouraging marks for my graduation papers on Roman Law, Natural and Canon Law, Legal Ethics, English and

American Constitutional Law. My lowest grade was 71% in Federal Law under Professor Huges, a passing mark on the hardest subject, and mine was the only paper that made it. On the other hand, I got 100% for my paper on English and American Constitutional Law under Professor Taylor. And I was proud of that.

To crown it all, I had my best hour when, as the only Filipino in the Post Graduate Class of 53 members, I was picked to address it at a valedictory banquet with our professors. My talk was extemporaneous. I blamed the toastmaster for misusing his authority, placing me in an awkward position to abuse a beautiful and cultivated language. Nevertheless, I told them, I welcomed the opportunity if, by addressing this fraternal crowd of beloved professors and comrades, and incidentally mismanaging the language (for which I should be forgiven) I could contribute to the formation of what should be known among us as “the Spirit of Georgetown”.

“For more than eight months,” I said, “I have been in close association with you and, during that time, I have received nothing but solid instructions from our learned professors and, from you fellows and friends, nothing but kindness, courtesy and the fraternal spirit. I will never forget your friendship; I will never forget the splendid work of this faculty in bringing our hearts and minds to the beneficent influence of a solid legal training. Thanks to their work, we can consider ourselves better fitted now to serve our family, our country and even the world. Fortunately, there is a very strong bond which shall ever keep us united in spite of distance and this is our Alma Mater, our beloved Georgetown.”

For an amateur in the English language, I thought that was a historic personal experience. Running into me days later, Professor Hughes congratulated me, dissolving any possible doubt about it in my mind.

Soon it would be early June, and I would be packing for Manila, with an authentic M.L.I. diploma tucked in my luggage. At this point,



Graduation photo of Guillermo B. Guevara, 1916

let me include a reference to my sentimental education in Washington and acknowledge an obligation to those who were generous enough to make a salutary contribution. They were friendly people and a goodly number, naturally, were ladies — sweet, respectable, attractive, helpful, educated souls. I remember some names: Ethel, Estella, Paquita Perkins, Helen, Nena, Nenita, Louise, Lydia, Gladys, Olive, Victoria, Virginia, Mar, Bettie, and Miss Compton.

Over the years some come clear and vivid enough to make the heart leap; others remain just a romantic blur. They were the kind one would meet in an office, in a library, in the park, at a dinner, in the theatre, at the homes of fellow countrymen, at a dance, at an outing. They made good company, they could talk, sing the ballad hit of the season, or dance, or speak French in exchange for your Spanish; or they could be asked or ask you to cook-ins or cook-outs in some leafy suburb.

For a young attorney-at-law solely intent on a deepening and refining of his professional equipment on a modest outlay within

a limited time of one year in a strange land, the primal part of wisdom could only be to stick close to the obligations pre-arranged objective and to controlled indulgence in inexpensive and healthy opportunities for recreation and moral growth. Thus, as I made ready to leave Washington, I could testify to a short-term education that strengthened my confidence in my professional capabilities, appreciative of a modest added store of memories to cherish of people who had been friendly, helpful, and congenial. I had my first glimpse of the American way of life, which had many features to commend it, but I would not say I would prefer it to the Filipino.

Every so often, I received letters from Teresita and my cousin Marciano, giving news of home and the heart; then I knew where I belonged — the Philippines.

I was invited to dine by a friend originally from Manila, Manolo Montes, grandson of the late Don Alfonso Montes, a Spanish journalist who had rendered more valuable service in his time than many a reputed “patriot”. In spite of Manolo’s ethnic origin and of his being married to an American girl, he felt homesick for Manila. A Philippine flag hung in his drawing room and he confided that he would be returning someday to what he considered his true homeland, with the hope to be of use to it.

Now it was June 1st and the Commissioner complimented me with a despedida dinner with fourteen guests at his home in Chevy Chase. The courtesy moved me deeply not because of his high position and office but for bespeaking his appreciation as foremost champion of our political liberty.

My last day in Washington included a date with Ethel. We saw “Somebody’s Luggage” at the Belasco Theatre and then had dinner at the Ebit; I knew then that she liked me from the bottom of her heart and was a real friend, epitomizing the “home spirit” rare in American girls.

Friends bade me goodbye at the Union Station, among them Johnny Chuidian, Pamintuan, Pinong, Severino; Rustia, Rivera, Concepcion, Ongsiako; and then I was off — by train to the West Coast and by ship to Manila. I stopped in New York where friends were on hand to welcome me and show me around — Fermin Francisco, Salvador Unson, Nicanor Reyes, Jose de Leon, Vicente Rustia, Celso Icasiano. One could not escape being impressed by its wealth and magnificence and convinced of its power affecting the world over, especially at this time of the European war.

I made other stopovers along the beaten road to places usually recommended to travelers for introductory glimpses of the country's natural wonders and the achievements of American pluck, inventiveness and industry. I saw Niagara Falls, superb example of nature's finest architecture: a bed of water one and a half mile wide, falling two hundred feet thick from a height of 1,000 feet, producing by its mists rainbows of fantastic colors. I saw Buffalo, whose 400 churches and only three salons must reflect a puritanic temper.



Streetcars in Washington DC

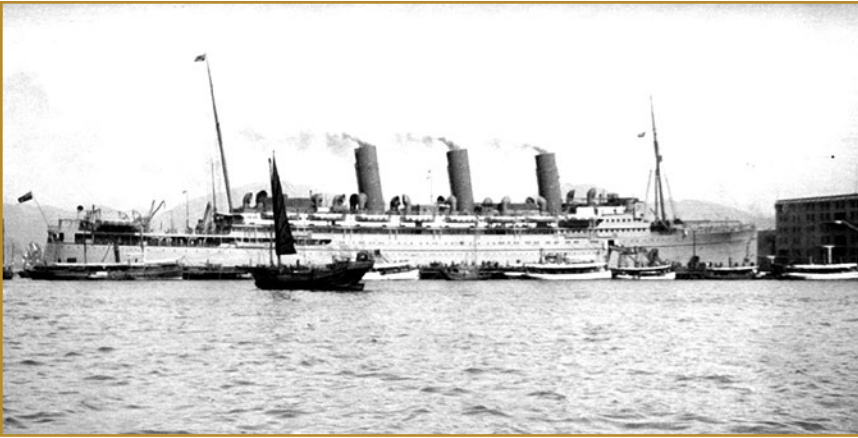
I saw Chicago and the Swift and Co. stockyards and plant, getting an idea of the processing of meat products from the slaughter of livestock to its shipment as canned ham, bacon and sausage.

I verified by personal experience that the American people are upright and just by nature and temper: I had an argument with a cabman who followed a circuitous route and then tried to overcharge me; soon a crowd and a police officer were around and unanimously gave a decision in my favor. Nobody knew I had been to Georgetown and had been admitted to the bar of the United States Supreme Court — least of all the cabdriver.

The Pacific seaboard materialized in Seattle, whose street illumination rivalled Washington and New York, making me feel at home. Here, without any guide, I visited the Navy Yard, the Washington Lock, the Public Library and the State University. It was in Vancouver where I got aboard the S.S. Empress of Asia for Manila. Here, because of World War I, there was a recruiting station at most every corner whose signs read: “Remember Belgium”, “Do your duty”. It struck me as curious that Canadians should want to fight and die for England, and I was reminded of the Chicago Stockyards. I boarded the Empress with the feeling that Canadian girls were not so attractive, open and friendly as those I met on the other side of the border — in Washington especially.

Crossing the Pacific from Vancouver to Manila was my second experience as an overseas sailor and I improved in my use of it, what with the exciting prospect of being reunited with loved ones at home.

The boat by the standards of the day was a floating palace of 28,000 gross tons, making 21 knots an hour. With me in a well-situated state room were Maximo Kalaw and Mr. Baron, Philippine Division Superintendent of Schools. There was a splendid Filipino orchestra, which to me was a definite asset on a boat, considering my predilection for social dancing. Among the fellow passengers I came to know were Justices Johnston and Moreland, of the Philippine



SS Empress of Asia

Supreme Court; Mr. Reed, the new Secretary of Commerce and Police; Mrs. Smith; Mr. Wolfson; Miss Payne, a nice-looking girl from Boston; Mrs. McCoy; Miss Debb.

I found Secretary Reed unassuming, plain-speaking and pleasant; he even believed in Philippine independence like a good Democrat. However, for some reason or other he seemed to have little understanding of Filipinization in the service of his department, reluctantly conceding it might be good policy. He had a low opinion of the civil service which I thought was one of the best contributions of Uncle Sam to the Islands at the time. Mr. Wolfson, a prototype of wild imperialism, proved open-minded about independence. Then there was Miss Debb, an old Manila resident, with whom two or three years before I would not imagine it possible to chat with at some length on equal terms.

It was July 4 when my ship docked at a Manila pier in South Harbor, and before I knew it, they were all there, hands waving as I stood on the deck trying to place people. They certainly looked happy. As I got down, their greetings rang with profuse congratulations which bewildered me. With no office news from Manila since I left Washington, I did not know what to expect about a new job at home. I had cabled Jose Escaler and Quintin Paredes from Washington but

there had been no word from them. Once home, I found out that the congratulations from my cousin Marciano and all the others had little to do with my diploma from Georgetown; they were for something else. It was to be the 5th Assistant in the new office of the City Fiscal of Manila of which Paredes was the head.



Judge Guillermo B. Guevara, Class of 1916, presenting his Code of Crimes book to the library of the Law School at Georgetown University in 1968





CHAPTER ELEVEN

Turning Points

While I was in Washington, D.C., there had been developments in the office of the City Attorney in Manila to which I was not privy and they were of far reaching consequence to the shape of my future. I came to know of their ramifications only after my return, from the intimation of Quintin Paredes himself who became the first Filipino Prosecuting Attorney of the City of Manila.

The Office of the Prosecuting Attorney was next in importance to that of the City Mayor; the last American to occupy it was a Mr. Southworth, a very big name at that time. Paredes as first Assistant Prosecuting Attorney was then considered the only one with the brains and the personality to succeed Southworth.

What greatly enhanced Paredes' standing at this time was his successful prosecution of Dr. Dominador Gomez, tough pioneer

labor leader in the opposition and a thorn on the side of the City Administration. For some violation of the Penal Code, Gomez was sentenced to imprisonment and hard labor in Corregidor, which earned him the title of “Martyr of Corregidor” among workers.

The big guns of the Nacionalista Party felt Paredes should be properly recognized on that account and accordingly charged him to create a new office which would give him greater stature. Paredes accordingly proposed the consolidation of the offices of the City Attorney and that of the Prosecuting Attorney under one head with the title of City Fiscal.

The rationale of the project was presented by Paredes to the then Secretary of Finance and Justice Victorino Mapa for sponsorship before the Philippine Commission and the Philippine Assembly.

The learned magistrate was impressed by both the economic and practical advantages that the consolidation would bring about especially after Paredes had assured the good Secretary he would



Judge Guillermo Guevara (extreme right) with his cousin Marciano Guevara (extreme left) in this (unidentified) group photo

retain the services of one of the experienced lawyers in the City Attorney's office by the name of Guevara, if only to take charge of the pending court cases in that office.

By mid-year 1916, the consolidated legal department of Manila under the title of City Fiscal was sanctioned by a joint act of the Philippine Commission and Philippine Assembly and it was in connection with the nomination of the personnel of the new City Fiscal's Office where I almost lost my job or, shall I say, my career.

Since the law reorganizing the legal department of the City of Manila called for a new appointment from the City Fiscal down to the last assistant, Paredes had to submit to the Secretary of Justice his nominees. The paper submitted to Secretary Mapa naturally was headed by Quintin Paredes himself as City Fiscal and the following as assistants: Anacleto Diaz (former Assemblyman), first assistant; Angel Roco (also an ex-assemblyman) second assistant; Mariano H. de Joya (former pensionado and Yale graduate), third assistant; Eulogio P. Revilla (former Assistant Prosecuting Attorney), fourth assistant; and Alfonso Felix (former Chief Clerk), fifth assistant.



*Victorino M. Mapa (1855-1927)
Secretary of Finance and Justice
1913-1920, Chief Justice of the
Supreme Court 1920-1921*

After gazing carefully at the list, the good Secretary remained pensive for a while and then blurted out:

“Señor Paredes, when we discussed this matter last month (December 1915), I recall your telling me of retaining one assistant whom I don’t know personally but of whom you had a high opinion — Guevara. I don’t see his name now in this list. Why? Have circumstances changed since then?”

Paredes was quick to reassure Secretary Mapa that there was no hidden or ulterior motive in submitting the name of Felix instead of Guevara. It just occurred to him (Paredes) that he was following an old precedent, of nominating the Chief Clerk for the position of Assistant Prosecutor whenever a vacancy occurs. He thought that Alfonso Felix being a Chief Clerk and also a qualified lawyer was in line for nomination.

“But your Honor,” Paredes said to the Secretary, “I’m convinced such a precedent must yield to the peculiar circumstances in the case of Attorney Guevara, he being the only one familiar with the business of the old City Attorney’s office. And to show your Honor that I have no personal interest in favor of Mr. Felix, right here, with your permission, I change the nomination.” Paredes then scratched the name of Felix and put mine in its place.

With that explanation of Paredes, I was formally nominated by the Secretary of Finance and Justice for the post of fifth assistant fiscal, and Felix naturally remained Chief Clerk of the office.

This incident as related to me by Paredes touched me deeply, considering that Secretary Mapa did not know me from Adam and he had such faith and sense of justice. My assignment to the City Fiscal’s office was a turning point in my career.





CHAPTER TWELVE

Fighting Fiscal was Born

I reported for duty on July 5. My expectation was that I would be assigned to civil cases to start with, considering my experience with them in the year before I went to Washington to study. It developed that my chief had other ideas. He gave me a big swindle case involving a Spaniard whom the Spanish speaking community would dub as a “*caballero de la industria*”, a sobriquet tailored to identify refined or sophisticated swindlers, whose name was Arturo H. Bernardo.

By the way, it is worthwhile remembering that I felt completely at home in my new job in view of the fact that the pleading as well as all the court proceedings were done and conducted in the Castillian language. I was surely at par with the accused Arturo Bernardo in the exchange of words during the examination and the cross-examination.

The assignment puzzled me. I was a newcomer absolutely untrained in criminal cases; all my experiences so far had been in civil cases. My first reaction was that Paredes couldn't be a friend in giving such a case to me, which was to set a precedence in Philippine Jurisprudence.

He noted my discomfiture and sought at once to reassure me. Our office, he said, was quite important in the scheme of the city administration; it was a veritable proving ground, providing the touchstone to test the caliber of its members. He said he was sure I had it in me and it would be to his pride to banish any doubt in the minds of people on that score. I must say it was a shrewd approach to challenge me in that fashion and I accordingly got my mind set on the job at hand.

The subject of the swindle case had a reputation as a sophisticated or refined operator with a sharp style for striking up big deals with trading houses; he would order merchandise of considerable volume payable on delivery and he would indeed pay in check and then would vanish forthwith along with the goods to some unknown address — leaving a problem with the dealers of having no funds to back the check. Up to that time in this country, nobody had been sent to jail for that kind of transaction. Under Spanish jurisprudence then controlling here such transaction would come under the category of non-fulfillment of a civil contract that would not call for criminal complaint. The long and short of this is that I proceeded with the case in court and secured a decision sentencing the man to jail for getting goods under false pretenses; the Supreme Court confirmed the decision when appealed, thus establishing for the first time a precedent in conviction for estafa in Philippine jurisprudence.

Paredes lost no time in impressing upon me how happy and proud he was for having his confidence in me thus sustained, affirming I was the newcomer who would go places. He saw to it from then on that my ego was properly stocked, assigning to me all the criminal cases I had the time to handle.



*Sergio Osmeña (1878-1961)
Speaker of the House of
Representatives 1907-1922,
President of the Philippines
1944-1946*

That was how I got to prosecute libel cases against Vicente Sotto, the wily Cebuano journalist and politician, whose weekly, *The Independent*, carrying his column. “*Sin Malicia*” was the bane of many a political figure of the day who became the target of his invidious ire as confirmed oppositionist. Most notable and biggest object of his libelous attacks was the Number One Filipino participating in the government, Speaker Sergio Osmeña of the National Assembly; he was dubbed “*El Suva de Cebu*” by Sotto. Paredes himself in due course was not spared; he became “*el Mason Jesuita*” to Sotto, who loved to call me for my part, Memong Guevarita to suggest that I was something of a stupid ass. We had a pretty lively time then, in which Sotto had his due share when I got him convicted twice for libel with a sentence of three months and six months respectively, the service of which he was spared by executive clemency.

My first libel case against Sotto concerned his defamation of a trio of prominent labor leaders whom he called “*El Bloque Cubico*”. The word “*cubico*” was derived from the vernacular term “cuba”, meaning hunchback, which referred to the trio — Hermenegildo

Cruz, the noted proletarian who happened to be afflicted by a curved spine; the other two of the trio were Lope K. Santos, the tagalog grammarian and novelist (whose *Banaag at Sikat* is a classic in Tagalog literature), and Councilor Jose Turiano Santiago whose very dark complexion earned him the despicable sobriquet of Afro-American from Sotto.

During the trial of this case, Sotto appeared as his own lawyer. In justification of the libel he published, he delivered a stirring speech in Spanish — which was the language of the court then — saying that no malice was intended to the three complainants; as a matter of fact, he claimed he was only trying to serve the interest of the laboring class and the general public in criticizing the trio. His attitude, he added, was perfectly in consonance with his origin, he being a man of the masses, a poor man, considering himself, indeed an “*obrero desde el vientre de mi madre*” (a worker since I was in my mother’s womb).

At this juncture, I could not resist interrupting the eloquent speaker and I asked the presiding judge, to strike from the record the speech of the accused on the following grounds: first, he was violating the rules of courts which prescribes that the declaration or statement of the accused must be presented to the court in the form of questions and answers, and in this case we had no questions and answers but instead we had a speech. In the second place, I said, the speech of the accused anyway was impertinent, irrelevant and immaterial to the question of whether or not the article he published was a fair criticism or a downright insult.

A discussion ensued between Sotto and myself and finally the judge ruled the statement of the accused must be presented as required by the rules of court in the form of questions and answers. The judge added however that since Sotto had no lawyer, he could present his defense in itemised form, not by generalizing but by specifying it item by item. Sotto then said he would abide by that rule; but in the meantime, he lost track of his speech and he asked

the stenographer: “Where were we, Mr. Stenographer?” At this point, I stood up again and addressed Sotto: “*Estaba usted en el vientre de su madre.*” (You were in the womb of your mother).

It was Sotto’s boast at the time that as his own lawyer he had never lost a case, bragging about how he successfully evaded conviction in 27 previous prosecutions for the crime of libel. On this occasion, the court declined to oblige him and gave him three months in jail. Luckily for him, he obtained executive clemency from acting Governor Yeater. The upshot of the case had no chastening influence on the culprit; he became more arrogant and insolent, libeling again his three former victims. In a subsequent issue of his publication, he had an editorial along with a front page cartoon where his retouched and exaggeratingly improved picture dominates the scene and points to three wretched rats as filchers in flight, saying insolently: “Should I go to jail for whipping these trio?” Yeater, in the same cartoon, stands beside Sotto and is made to say: “No. You must be pardoned.” For that cartoon, I prosecuted him again.



Pardo de Tavera



Lope K. Santos

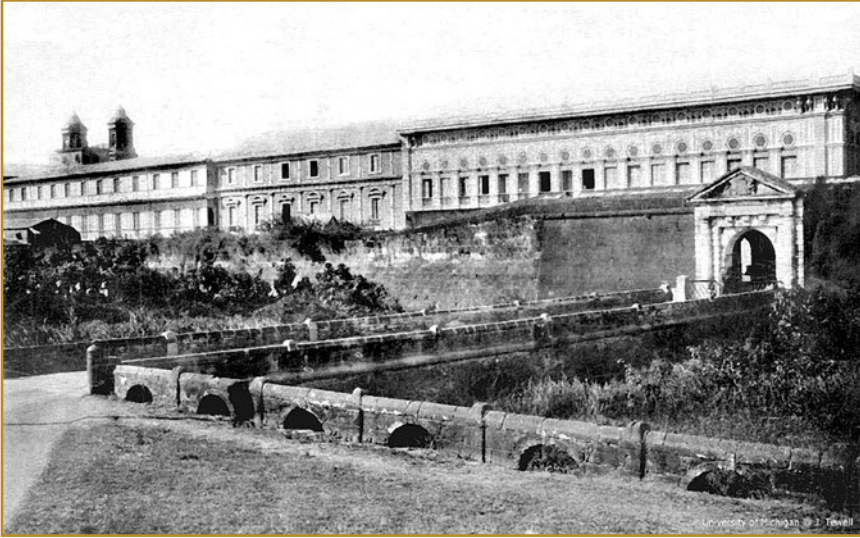


*Charles Yeater,
acting Governor
General, 1921*

The trial of the case called for some research on the meaning and implications of the word “*ratero*” as applied to the three victims; reputable scholars like Pardo de Tavera, Jorge Bocobo, Jose Romero Salas and several big names in the Manila Spanish theatre and letters were called upon to testify on the significance of the word. To Pardo de Tavera, the biggest academic name then, the word “*ratero*” as derived from “*rata*”, meaning petty thief, could be either innocent or malicious, depending on the way it is used and to whom applied. At any rate, I got Sotto convicted and, for a recidivist, he was sentenced to six months by Judge Manuel Vivencio del Rosario. A big political figure, the culprit again obtained executive clemency from Yeater avoiding jail but paying P1,000 fine this time.

These libel and other criminal cases in which I played the trial lawyer were the talk of the day and certainly gave me widening visibility in the public eye much to my encouragement and pride.

Of tremendous public impact was the case of 77 constabulary men who broke out in a riot from their Sta. Lucia barracks in Intramuros and raided the Luneta police station to avenge the death of a constabulary soldier by a patrolman in a quarrel. They killed the precinct captain and wounded several of the police. I got all the rioters convicted for sedition.



Santa Lucia Gate, Intramuros, Manila late 1900

As public prosecutor, I couldn't dodge the glare of the headlines at all waking hours if I wanted to, and from my side of it, it was not altogether unwelcome and City Fiscal Diaz, for his faith in me, must be held accountable. In today's vernacular of the entertainment world, I could be said to be getting something of a superstar in my special business. It was good for media if not for law violators.

Earlier in my time as a trial lawyer, I had been called the "fighting fiscal" and Judge Norberto Romualdez, then presiding a sala in Manila, paid me the compliment of "a fiscal (*cuyo tiro nunca hierra*) whose aim never misses its target", when introduced to a causerie among jurists. This is because almost all cases I handled in his sala wound up with conviction for the accused.

An example was a case of a policeman who happened to be partial in favor of an accused and sought to defend him by hook or by crook. The issue was whether or not the policeman jotted down in his notebook the fact of the occurrence of the case in question. It was on this occasion that I made a deep impression on Judge Romualdez of instincts as a prosecutor which to him seemed uncanny.

I was cross-examining the policeman. He denied that he ever made a notation of the occurrence. I bluffed him: “You said that it was but your habit to note down important occurrence in the performance of your duty.” “Yes, Sir”, he answered. “And in this particular instance in question, you did not precisely note down anything in your notebook. Now I notice that right now you are carrying a notebook bulging in your coat pocket.” I was just guessing, I was not sure it was a notebook at all, but there was the bulge, and the policeman was startled by my observation.


I continued: “Will you disclose before this court the notebook bulging in your uniform?” Still very much perplexed, he denied its being a notebook. I insisted: “Notebook or not notebook, will you take it out and show it to the court?” The court was watching and didn’t say a word. The policeman pulled it out and it was indeed a notebook. I leafed through it and found there was an entry on what we had been talking about in the cross-examination, including the particular date on which it happened. I asked him if it was his own handwriting and he nodded. So I asked him to read it out loud much to his embarrassment. So, there my instinct or intuition proved right and often on many occasions I would make a similar trick and succeed. I must be something of a clairvoyant with a strong extra sensory perception.





CHAPTER THIRTEEN

An Improvised Law Professor

ne day in June 1917, hardly one year as assistant city fiscal hitting right and left at the crooks of Manila and developing a reputation as a sharp criminal lawyer, I was visited by an old Marilao townmate and friend by the name of Cipriano del Carmen. I knew him to be a peddler and occasional indentor of several American commodities like insecticides, hardwares, etc., relying mostly on friends for customers.

On this particular occasion, he was accompanied by a bright, young graduate, Manuel Goyena, from the College of Law of the University of the Philippines. This Goyena was salutatorian of his class and number one assistant in the law office of Southworth, former city prosecutor.

“What can I do for you, gentlemen?” I asked them. And Cipriano answered for the two of them: “We came here, Emong, to ask your



Calle Anda, Intramuros circa 1912

assistance. We have organized a law college and would like to ask you to handle the class in Criminal Law.”

I indicated surprise, shaking my head. “How can we jibe insecticides and other oddities you’re engaged in with the sublime science of law?” That was my first observation, questioning the wisdom of the invitation to teach. My second: “I have never been an academican and what face could I have to appear before the students, teaching law, when I myself did not study law. I would not dare occupy a chair just like that.”

To which Goyena replied: “We have been following your progress as a city fiscal, as a prosecutor, and I would not approach you if I knew you could not handle the subject.”

At that time, I was not really taking academic law seriously; I was a romantic fellow. After Quezon returned in 1916 from the United States bringing the Jones Law, we continued our association and now this includes the fun of pursuing beautiful girls. We were after beautiful girls. Marriage for me would still be some years away.

From 1916 to 1918, we were always at night clubs bringing alternately different lovelies from among the Four Hundred. I didn't have and use too much opportunity to study my cases. I would go to court relying more or less on my instinct as a practical psychologist. The common appraisal of me then was that I was a psychologist and this explained me enough as an effective cross-examiner.

In those days, I was liable to believe that I was really a brilliant cross-examiner for being a quick mind reader. In fact, I felt I didn't have to prepare much for the trials; I felt my instinct would be sufficient.

And so my first reaction when invited by Goyena and del Carmen to be a professor at the National Law College on Calle Anda, a stone's throw from my office, was to decline, claiming that I didn't have the formal preparation for teaching. Giving lectures on criminal law everyday, in the second place, I hated to think, would require of me to forego the leisure and fun of nightclubbing with different girls. I was a Casanova in those days. It wasn't like that when I was in Washington, of course; I didn't have the time and the means. Now I started making P5,000 a year, very good money for a bachelor. I was able to get a secondhand Hudson sport model which gave me the distinction of being the only bachelor fiscal then with a car. It made quite an impact with the girls.

Twice Goyena and del Carmen came, insistently pleading that I teach. Finally, I acceded with the reservation that it would be on a trial basis only. The first thing I did was to go and see Paredes who had been promoted to Attorney-General through Quezon and Osmeña from city fiscal. He was then already most successful as a teacher of criminal law, but by reason of the pressure of duties of his office he was just about to give up teaching. I asked him to give me his outline and notes on the subject, which he did. I spent several nights looking through them and found that much of what I had been following by instinct in my practice at the trial courts had scientific basis judging from the notes of Paredes.

No sooner had I given my final assent to be a lecturer than the enterprising Cipriano tried to inject in the serene and dignified atmosphere of the law profession the grotesque, or shall I say, mercenary method of common trader. To my chagrin and discomfiture, I saw streamers and posters hung on all Intramuros-bound electric tramways with catchy and colorful legends as follows: “Study law at National Law College, 624 Anda Street, Intramuros. Classes begin on June 1, 1917.”

Needless to say, I demanded the immediate removal of such posters as a prerequisite for my complying with my commitment. I told del Carmen that commercial advertisement has no place in the pursuit of the law profession, not even in the recruitment of students or future law practitioners.

I delivered the first or, shall I say, inaugural lecture at the appointed hour and date with grave doubt in my mind as to whether I could ever negotiate the two important barriers which separate me from the students: first, the English language in which both of us were deficient, and second, my shaky academic foundation.

But believe it or not, my experience with the students in the first meeting was quite remarkable and most pleasant. I met in the class many congenial and brilliant youths whose inquisitive minds became a constant challenge to my intelligence. The class was attended by students who later on became national leaders like the late senator Cipriano Primicias; former Congressman Ramon P. Mitra, Sr. (the father of the incumbent Senator); the late ex-Judge and ex-Senator Nicanor Roxas; the Bilog brothers; Payawal (who topped the bar examinations three years thereafter); and others.

A couple of days after my first lecture, Goyena and del Carmen visited me in the office in order to convey to me the satisfaction of my students with the way I delivered the goods to them.

Encouraged by that report and by the successful prosecution of my court cases, I developed a keener and keener interest in the study



In April 1921, Judge Guillermo B. Guevara with the help of his wife Asuncion Palma, completed the manuscript "The Penal Code of the Philippines Annotated." The entire edition of 2,000 copies was purchased for P20,000 by a young entrepreneur Damaso Perez, who sold it for P20 a piece.

of criminal law as a science of jurisprudence and using my classroom as an experimental laboratory for communicating whatever technical or specialized knowledge I got from the books to my students. I even resorted to parables in emphasizing or dramatizing principles of law. Whenever a student or even myself found difficulty in expressing ourselves in English, I feared no compunction in telling them jokingly: *"Tagalugin na ninyo para magkaintindihan tayo!"* Laughter would follow naturally but I found out that jokes like that had oiling effect on my students.

I then also started to keep methodical notes and outline and improving them everyday.

My experience as a classroom professor in the National Law College ultimately built up my image and reputation, as an authority on criminology or penal science, and earned for me a permanent

chair in the College of Criminal Law and Criminology in the University of the Philippines, a position which I occupied from 1922 to 1942. Other institutions like Philippine Law Schools, Manila Law College and the University of Manila also solicited my cooperation and services as special lecturer in criminal law and procedure.

A favorable climate to build up my professorial image was the sudden decision to join the rank of benedicts on June 14, 1920 by taking one of the most popular coeds in the University of the Philippines, Miss Asuncion Palma, as my partner for life. *Chong*, as she was fondly known in her wide circle of friends, was one of the most charming, intelligent, congenial and understandable persons that you can be along with. Even though her training in the university was altogether foreign to the science of jurisprudence (she was a junior in the College of Pharmacy), she promoted in my mind the idea of printing in book form my notes and improved outline on criminal law.

She volunteered to jot down in long hand — for she was no stenographer at all — my dictation after dinner time with the solicitude of a working bee and fanatic fan in our destiny. Chong and I finished the manuscript in April of 1921. The title of the book is quite unpretentious: “The Penal Code of the Philippines Annotated”. Even though the title of the book connotes that it was a mere annotation in fact and in truth it was a lucid commentary of every article of the code as construed by the Supreme Court of Spain and the Philippines as amended by subsequent legislation in the Philippines. It was the first of its kind to grace the Philippine bibliography.

The first copy of the book which was foreworded by Associate Justice George A. Malcolm of the Supreme Court, came off the press on the auspicious 19th of August, the very natal day of Chong to whom understandably the book was offered by me in much the same way as the ancient Hebrews offered theirs to the temple of God as symbol of love and obedience.



George A. Malcolm (2nd row, 2nd from right). At age 35, he was appointed Associate Justice of the Supreme Court of the Philippines, where he would serve for 19 years (1917-1936). His most enduring legacy perhaps lies in his role in the establishment of the College of Law at the University of the Philippines.

The marketing of the book was contracted by a young and bold entrepreneur named Damaso Perez the elder brother of Eugenio Perez who two decades later would handle the gavel of speakership in the House of Representatives. Young Damaso purchased the entire edition of 2,000 copies for a spot cash of P20,000. Knowing as I do how weak was the purchasing power of the Filipinos, I thought that Damaso was out to deliberately lose his shirt. But I was mistaken. Damaso — Damas for short — published a half-page advertisement of the book with a reproduction of two interesting pages. I was thrilled by the format and layout of the ad but I had my serious misgivings with the P20 price fixed by Damas.

Believe it or not, in less than one year, Damas was negotiating with me the publication of more law books. I obliged Damas by granting him the privilege of publishing my second and third books, entitled “The Code of Criminal Procedure” and the Spanish edition of the Penal Code entitled “*Codigo Penal Anotado*”.



CHAPTER FOURTEEN

The Debacle of PNB

*I*t is recognized that the Philippines entered a new era when Commissioner Quezon returned to the Philippines September 26, 1916, with the Jones Law providing for a bicameral legislature and the promise of independence after an indefinite period. He was acclaimed by the nation like a conquering Radames and as no other paladin of freedom had ever been received before him; the parades, the music, the flowers, the speeches constituted an incredible tribute to a nation's leader.

It may be recalled, before I proceed further, that three years before, in 1913 when Francis Burton Harrison was welcomed in Manila to succeed Forbes as Governor General, he gave the public impression at a popular banquet that Quezon had something to do with his being selected for the job with the endorsement of Democratic Party bigwigs. Quezon as Resident Commissioner did nothing to disturb that impression and neither did Harrison from



*Francis Burton Harrison (1873-1957),
Governor General 1913-1921*

the way he liberally broadened the latitude of freedom Quezon and Osmeña exercised with respect to autonomy and Filipinization, first from 1913 and notably more so from 1916 on. This is not to imply that Harrison felt necessarily beholden to Quezon; it just happened that Harrison felt conceivably called upon to play the sympathetic political liberal within the Democratic tradition, stretching it to the extent of a dubious measure of permissiveness at the cost of orderly integrity and competence in government.

Under the Jones Law, Quezon and Osmeña set the pace in autonomy and Filipinization, initially under their equal and joint responsibility and progressively more and more by Quezon's will as he gained political ascendancy over Osmeña in the national leadership. Along with the progress in autonomy and Filipinization was the disintegration of honesty and efficiency in administration with the tolerance of then Governor General Francis Burton Harrison representing the Democratic Administration in Washington.

Before the enactment of the Jones Law and its implementation, Osmeña as Speaker of the National Assembly headed the Filipino participation in the government and had the last word in the administration second only to that of the Governor General. Osmeña lost the primacy of his position when, by some miscalculation, he chose to remain Assembly Speaker instead of running for the new Senate to become its President as originally suggested by Quezon; he thought remaining in the Assembly, a bigger body than the Senate, would be a more solid base for popular support of his primacy in political authority and would maintain in his favor the title of second personage of the Philippine Government given him by Secretary Taft when he inaugurated the Philippine Assembly.

In any case, from 1916 on, with the US joining World War I to save the world for democracy and with greater autonomy and fuller Filipinization as the watchwords of the Quezon era, it was boom time for the Philippines and the Nacionalista Party. Money flowed like water for the instant millionaires in the sugar, coconut oil, and hemp industries; corporations for the exploitation of those industries proliferated overnight; government funding for them from the Philippine National Bank was practically without limit; nationalism,



Philippine National Bank, 50 Centavos (1917). Emergency circulating note for World War I.

political and family connections became decisive in the assignment to key, sensitive and executive posts in government; distribution of sinecures as part of the spoils system took on standard form. To such beneficiaries of the era, the conditions seemed to approximate heaven compared to the spartan discipline, integrity and efficiency of the pre-autonomous period antedating Francis Burton Harrison and the Jones Law.

It may be said that politics as the bane of any administration found facilitation in its cultivation during this period of sudden prosperity. Quezon proved all too human in the unhappy sense of the term in his indulgence in the privileges and prerogatives of power. Characters with scant discipline in the responsibilities of public office found their way into his favor with hardly any moderating obstruction. It was regarded nothing unusual that certain favored individuals started the practice of reporting to office only at the middle and the end of the month to pick up their pay envelopes.

Thus it was that the impression started to develop that graft, ineptitude, gross mismanagement are inescapable concomitants of the democratic system, that while undesirable, they are part of the price to pay for a way of political life pompously and patriotically associated with autonomy and Filipinization preparatory to independence. To the holders and dispensers of power elevated by the grace of popular election, the conviction became current that anything goes with the people if they could be distracted by the proper rhetoric of nationalism and the latter-day equivalent of bread and circuses of ancient imperial times. Such concepts started to percolate into the consciousness of bureaucracy down to the lowest level, to a point where the slave loves to ape the master in the worst practices of the latter. Most everybody righteously outraged would look upon such a situation with the most pious condemnation and would end there.

Perhaps not exactly. There could be odd occasions of public revulsion, finding expression and release in aberrant or overt plots

of subversion, insurgent dissent or pocket rebellion. They would merely prove appropriate inspiration to the arbitrary instincts of dictatorship for offended political authority; and Quezon, who could charm people at will, had his opportunities and used them. It was all a part of the national experience.

That mischievous bonanza from the war came to a sudden halt when the Armistice between the allied powers in Germany was signed on the 11th day of November, 1918. Since then the fabulous orders for strategic war materials like copra, coconut oil and hemp and even sugar to the Philippines were cancelled, and as a consequence the new millionaires and local traders became bankrupt. Financing institutions, and banks especially the Philippine National Bank suffered heavy losses. With the virtual collapse of the Philippine economy, the new Republican administration in Washington sent to the Philippines a special mission, the Wood-Forbes Mission, to look into the mess created by the combined Harrison-Quezon team. The first target of the mission was the irregularities or rather the cause of the near bankruptcy of the PNB. Governor Wood engaged the expertise of an internationally renowned CPA firm in Shanghai, White and Page, to go into the books of accounts of the PNB, in its offices in Manila and its branch in Manila and its branch in Shanghai as well. The team found defalcations in both places.

Here in Manila, White and Page recommended the prosecution of the big fishes headed by the President of the bank himself, General Venancio Concepcion, including three department heads, namely: the chief of Foreign Exchange Department, the chief of the Accounting Department, and the chief of the Cashiers Division.

Of General Concepcion as PNB President, it may be mentioned incidentally that what he did in connection with the award of a loan involving a member of his family was not a purely personal and individual decision. He had consulted with the bank auditor whose opinion was that the loan would not be irregular since it would be given not to an individual related to the President of the bank but to



*Leonard Wood (1860-1927), Governor
General 1921-1927*

a corporation whose official happened to be the President's son. The court ruled otherwise in the case as prosecuted by head City Fiscal Luis P. Torres, sending the General to jail for it.

It is in connection with the prosecution of the three department heads that I came into the limelight again. These cases were originally assigned by City Fiscal Luis P. Torres to his first Assistant, Eulogio P. Revilla who, after more than one week of investigation, dismissed the complaint on the ground of insufficiency of evidence. The team of special investigators took exception to the findings of Fiscal Revilla and pleaded for a re-examination of the case. The Wood-Forbes mission took the cudgel for the accounting firm and asked the City Fiscal to reconsider his stand. The City Fiscal much to his chagrin had to designate me being next in rank to Revilla for the unpleasant task.

It was in this investigation where I realized how useful and handy were the principles of accounting and bookkeeping my former

professor Juan Basa taught me in Liceo de Manila. That training perhaps, however elementary, spelt out the difference in criteria used in the findings of my superior Fiscal Revilla and my own. After the consideration of the facts and circumstances of the cases, I dissented from the judgement made on the findings of Revilla and decided to bring the case to court. The result was the conviction of all the accused, a court victory that was hailed by the Wood-Forbes mission and placed me in focus of public attention especially in the eyes of General Wood who subsequently succeeded Harrison as Governor General of the Philippines.





CHAPTER FIFTEEN

Interlude on the Bench

As an offshoot of the unbroken line of my successful court cases, particularly the prosecution and conviction of the high officials of the Philippine National Bank, I was elevated to the bench on May 24, 1922 as Judge-at-large of the Court of First Instance, with temporary stations in Bulacan and Pampanga. For 18 months I divided my time between the two provinces: half the month in Malolos, Bulacan and the other half in San Fernando, Pampanga.

During this interlude, I fulfilled my ambition of following sometime, somehow, somewhere the example set by my much admired former superior, Judge Isidro Paredes, in the course of our judicial tour in the province of Leyte where he disposed of all cases in open court complete with pronouncement of facts and law. I tried that rather unusual feat with some apprehension at the beginning;

after a while, however, dictating extemporaneous and impromptu decisions became a matter of routine for me.

I held court everyday from 8:30 in the morning to 12 noon and from 2 to 5 in the afternoon, except on Saturdays when I set the morning for hearing motions. In spite of the fact that, residing in Pasay, I spent two hours to get from home to office, I could dispose of an average of 40 cases a month. When trial of a case was shortened by a plea of guilty or a compromise between the parties, I would put the time saved to another useful purpose such as the examination of (dusty and yellowing old *expedientes* of guardianship and administration of intestates. An interesting case in this class was that of Chiong Veloso: when I approved the final account of the administrator, I discovered that the back page of the old *expediente* carried my signature which I had written as court stenographer reported way back in 1910 in routine certification, after court proceedings, on the intestate case under Judge Simplicio del Rosario.

Experiences during my stint as Judge include occasions of varying character, depending on personalities involved and on situations ranging from the unpleasant to the embarrassing to the humorous. Proving rather unpleasant was the adjudication of the case of a wealthy minor under the guardianship of a Pampanga sugar baron who was the father of a one-time dear comrade and fellow student abroad. Examining the guardianship papers, I discovered that an income of P80,000 belonging to the minor had never been deposited in a bank nor invested in any profitable enterprise for five solid years. I reacted violently to this abuse of trust and confidence, considering the wealth of the guardian and my friendship for his son. A court order was issued to the guardian compelling him to explain within five days why he never deposited the money plus interest for five years in any bank in favor of his ward.

My assignment in Bulacan brought back to mind pleasant memories of the time I had spent working in the same court as a

simple stenographer rubbing elbows with fellow minor employees. Now they were still around in the same positions — such were Antonio Bernabe, Deputy Clerk of Court and Antonino Lomotan, Interpreter — and they remained consistently friendly and cooperative. I had quite a mixed feeling with personalities of a much higher category. There was Epifanio de los Santos, famed bibliographer-historian, Provincial Fiscal since ten years back and still was this time; and now, like my former Spanish professor, General Benito Natividad, he had to address me in court “*Su Señoría*”.

Then there were the outstanding members of the Bulacan bar: Trinidad Ycasiano, former Bulacan Governor and Dean of local practitioners; Donato Teodoro, who was Governor when I was stenographer; Graciano Natividad, a household word in Bulacan, father of the present Congressman Teodulo Natividad. I am a *Bulakeño* too, and my ancestors came from Bulacan too. For my part, all I knew now was that I was sitting on the bench and there were the rules to observe within reason.

The standards to follow in Pampanga were not any different but that fact did not make the situation any simpler for a novice on the



Epifanio de los Santos (1871-1921), noted historian, journalist and civil servant. He was appointed Director of the Philippine Library and Museum in 1925.



*Ricardo M. Paras, Jr.
(1891-1984) was the
Chief Justice of the
Supreme Court of the
Philippines from
April 1951 until
February 1961*

bench. Happily for me, I can report that the Pampanga practitioners were a socially agreeable, intelligent and upright lot for the most part, relying on no extraneous considerations in pushing their cases in open court. Outstanding among them were Ricardo Paras, future Chief Justice of the Supreme Court, Jose Gutierrez-David, the brothers Zoilo and Ceferino Hilario, Mariano Buyson Lampa — they were already reputable figures of the bar at the time and subsequently grew into more consequential roles in public affairs.

I must admit to some inner discomfiture when national figures then in private practice handled cases in which they had to plead before me — notably Quintin Paredes and Gregorio Araneta (former Secretaries of Justice) whose names were already legend in contemporary Philippine history. They had been bosses to me in not so distant an earlier day; and in a big case taken up by Don Quintin, I had to pronounce a decision that did not prove prosperous to his side. Making it certainly gave me agonizing moments but, as we say, the law is the law.

It can be said I don't remember having made a mortal enemy of anybody or any institution on the basis of actuations it was my lot and duty to take responsibility for, in my assignment as Judge of the Court of First Instance. Curiously enough, while it was the only



(Front row, left) Speaker Manuel Roxas and City Fiscal Guillermo Guevara; (back row, left) Mrs. Trinidad Roxas, (right) Mrs. Lolita Buencamino and her son Victor Buencamino Jr.

period in my life I sat on the bench, the title — of some distinction, I hope — has stuck with me since.

By the end of 1923, I was prevailed upon by my *compadre* Manuel Roxas, then Speaker of the House, to return to Manila for a new appointment as City Fiscal. For an inducement, he introduced a bill soon approved by the House giving me two additional assistants and raising my salary to P10,000 a year plus allowance a stipend higher than the emolument then of any judge in Manila. Recognizing the exceptional prestige of the position of Chief Prosecutor of the Metropolis and the opportunity of having more time to the teaching of law, I accepted the offer.

From this position, I started the drive against graft, corruption and criminality which led to my becoming official racket-buster.



CHAPTER SIXTEEN

Back to the Old Roost

I was inducted as City Fiscal of Manila in a simple ceremony on March 1, 1924. For an appointee of Governor General Wood, I was in a rather inauspicious position in view of the tense relations between him and the ruling Nacionalista Party led by Senate President Quezon; the argument between them had been mounting from crisis to crisis with no reconciliation in sight. It was, it seemed, a fight between those who were for Philippine freedom and those against. To be identified with Governor General Wood would naturally be to carry the stigma of being against, and Quezon flaunted the title of paladin of Philippine Freedom.

It was clear enough, however, that what had moved Wood to pick me as City Fiscal was my guts to proceed, contrary to earlier findings and recommendation of a higher-ranking fiscal, to prosecute and secure the conviction of three Philippine National Bank officials.



*Manuel L. Quezon
(1878-1944), Senate
President 1916-1935,
President of the
Philippines 1935-1944*

The actuations of Senate President Quezon as leader of the Filipino participation during the period of virtual Filipino self-rule from 1916 to 1921, thanks to the benevolent abdication or relinquishment of control of incumbent Governor General F.B. Harrison, were no exception to the lethal influence of graft and corruption and the wasteful and insane expenditure of public funds.

We had during the Wood regime an interlude of business-like administration at the expense, often, of Philippine autonomy.

Signal for the setting up of a better society as Wood saw it was the abolition of the Board of Control created during the Harrison period upon Quezon's inspiration. This was a triumvirate composed of the Governor General, the Senate President and the Assembly Speaker; it set the policy of all government enterprises — the PNB, Manila Railroad, National Development Company, Manila Gas Corporation, Manila Hotel, among others. Wood engaged the services of a leading American lawyer to assail the constitutionality of that Board for curtailing the Governor General's constitutional

powers to supervise, direct, and control governmental affairs. He won the case and ousted Quezon and Osmeña out of the Board. There was an impression that Wood didn't approve of government being in business and was interested in handing out the government enterprises to better managers, American businessmen for example.

Sometime in 1923, the quarrel came to a head in the case of Ray Conley, an American detective, who was dismissed by City Mayor Ramon Fernandez on the charge of bribery, with Secretary of the Interior, Jose P. Laurel sustaining the Mayor's decision. The other side of that charge was that the detective arbitrarily detained some Filipino big shot caught in a gambling raid, and Wood reinstated Conley invoking his constitutional power of supervision and control. At a signal from Quezon, the entire cabinet dramatically resigned en masse, carrying most of the nation in the conviction that only Philippine Independence, and the sooner the better, would resolve the impasse with Wood and the imperialistic Republican administration in Washington.

That resolution would still have to wait until after World War II and intervening apocalypses. Meanwhile, I was sworn in City Fiscal by the grace of Wood, dedicating the next six years to busting rackets and racketeers and appearing to maneuver between the devil and the sea. And I would be hearing of a counterpart in New York City, and that was supposed to be something of an inspiration and encouragement. I could say I never harboured notions later of running for the Presidency of the Republic.

I had worshipped Quezon years back in Washington, D.C. as volunteer buck private and aide to a freedom champion. This time, I could appear beholden to a figure of power apparently hostile to our own ethnic version of freedom. The fact is I could claim I consistently sought to adhere to my own concept of freedom in the performance of the job I had at hand of identifying malcontents and setting them off on the authentic road of liberation and regeneration under law.



*Jose P. Laurel (1891-1959)
in 1922, Secretary of the
Interior 1922-1923, Senator
1925-1931 and 1951-1957,
Associate Justice of the
Supreme Court 1936-1942,
President 1943-1945*

Unquestionably, I did not conceive Wood as a patron to whom to ingratiate oneself for being afforded hospitality in his sphere of authority. He certainly was not *simpatico*, his background as a soldier probably did not offer him latitude and opportunities to cultivate drawing room graces profitable to politicians and useful to wenching specialists.

But he inspired and earned more than passing admiration and respect for his rough hewn probity and even wry humor. As Malacañang Tenant, he sustained a severe regimen of subsistence permitting no expenditure of public funds for purely personal and family needs. For a time, his son Osborne was Palace guest and the cost was charged to the family, not to the official allowance for Palace entertainment, which amounted to only P25,000 a year. Memorable, too, of Wood was the greatest respect he had for the Filipino woman. Then to him the Filipino woman was still the “best man” in the Philippines. Then there was more than sly wit when, hearing of the court acquittal of a high fiscal officer arrested by Detective Conley



Leonard Wood with son Osborne

in a big casino, Wood said, “Congratulations! But don’t gamble and get caught again.”

In the political atmosphere generated by the contest between Wood and the Nacionalista Party of Quezon, unmistakable were the racial, economic and political overtones with ample touches of chauvinism, nationalism, patriotism, even messianism. In perspective, the atmosphere would be a recurring national experience in which bitterness is flavored with hope, and hope with bitterness; vision with cynicism, and cynicism with vision, alternating transitions between hell and heaven, and otherwise — in which Quezon himself sought to make the choice for the Filipino people, preferring hell.

It was not for me to presume grandiose capability to bring in heaven under Wood’s administration. But I could pledge as I then did, that, Wood or Quezon notwithstanding or with their understanding and cooperation, I could try to do my little part in the City Fiscal’s area of action — to broaden and deepen the community’s acceptance of the sincere observance and rule of law.

The office of City Fiscal by the special provision of the old City Charter, Philippine Commission Act No. 83, then in force at the time, was of exceptional importance in more ways than one. The City Fiscal or any of his assistants could act as inquest official and grand juror in one. Whenever a crime was committed within the city's territorial limits, the dead body in case of murder or homicide, the effects of the crime and/or *corpus delicti*, had to be kept or preserved until viewed and ordered removed by the Fiscal.

As committing magistrate, the City Fiscal then had the exclusive power of conducting the preliminary investigation of any crime within his jurisdiction with or without the presence of the accused. Under the provisions of the Manila Charter, for the City Fiscal to bring the accused under indictment, he didn't have to stage or hold formal trial as his present counterpart or municipal judge would and does; all any earlier City Fiscal needed or required to bring any accused person to trial was the existence of *prima facie* evidence against him.

Consider the current situation, some half a century later. By some tricky latter-day technicalities provided in the existing City Charter, a case may take forever to get adjudicated in Court, and justice delayed and denied has become the rule and standard. Witness the recent attempt of Senate President Puyat to sue Mayor Villegas for libel for over a multi-million pesos damage claim that has come to rest in limbo.

Small wonder children today do not wait to grow up; soon they are resorting to graffiti on the walls and marching in the streets to stir up social disaffection and worse because of disenchantment with democracy.

The great majority of the personnel of the office of my time had been familiar faces of my earlier period as Assistant Fiscal. They were First Assistant Alfonso Felix, Second Assistant Manuel Villanueva, Third Assistant Mariano Albert, Fourth Assistant Doroteo Amador,

Fifth Assistant Vicente Bautista, Sixth Assistant Francisco Albert, Seventh Assistant Sotero Rodas, and Chief Clerk Jose Ma. Paredes.

Now I was definitely back home in the old roost that provided the historic turning point in my life in the government service. What kept me awake at nights were visions of repressive outbursts or ostensibly arbitrary measures of the Governor General at the apparent expense of Filipino autonomy and leadership under Quezon's all-encompassing influence and command.

It was evident we were going through a new period of transition requiring primary stress on honesty, discipline and efficiency, and our politicians were not taking to it gracefully. The leader, through some charismatic operation, was conditioning them, and the nation at large, to a stance envisioning the practical acceptability of an open ebullient hell in place of an imposed evangelical heaven — especially Yankee or American.

I have space for a few of the high points of my period as racket buster, of which the papers of the day made a great to do in the interest of national circulation and street sales and incidentally of honest and efficient public service.

Certainly the latter was a matter of missionary passion on the part of Governor Wood and I was tempted to make a point of it as an anointed prime instrument of that passion and native seraphic. He made me feel he was counting on me in more ways than one and made no secret of it to his followers and detractors. Often he would call on me for opinion which I would interpret as counsel; he left the Attorney General consistently out in the cold, precisely on matters and cases definitely in the latter's province and office function.

I had problems on this account from the side of American subalterns of the time who could otherwise be of no little help in the matter of purposeful coordination and cooperation. It was not quite so in complete measure at first. The Manila Chief of Police of the time was an officer named Green: at the start he sought to give

me the impression that in case of difference in opinion between the police and the City Fiscal as to whether the evidence brought by the Police is sufficient to warrant a court prosecution, the matter should be left to the discretion of the court as influenced by the Police and not to the discretion of the City Fiscal. I rejected this outlook of Chief Green and told him in black and white that so long as I was the City Fiscal, no one could curtail my power to drop a case during preliminary investigation of the evidence.

Green made an issue of my stand, and with the unqualified support of Mr. Frank, Governor Wood's Secretary, presented the issue to the Chief Executive for decision.

Here once more, General Wood showed his independence of mind and character; after hearing both sides, of the Chief of Police and mine, he ruled that I was the only arbiter to decide whether a case should be brought to court or not and that the Police and the Fiscal should always act together and lend each other full-hearted cooperation in the prosecution of crimes and hoodlums in Manila; he made us not only shake hands before him but make a mutual pledge of burying axes and never quarrel again.

Green and I walked out of the office of the Governor as friends and collaborators in the enforcement of law and order ever since.





CHAPTER SEVENTEEN

In the Line of Racket Busting

Notable among the cases I prosecuted during this period of my primacy as Chief City Fiscal was the celebrated Sitiar murder case tagged by the press of the time as the “battle of the century”.

The designation was derived from the names of the personalities involved. Lawyer for the accused was Attorney Mariano H. de Joya, a formidable member of the bar, distinguished law professor and jurist. Dr. Manuel Sitiar, Jr. the death casualty in the case, a popular Manila physician of the time, was the son of my former teacher at the Liceo de Manila, Professor Manuel Sitiar — a connecting consideration that led me to handle the prosecution myself in sentimental loyalty to memories of my Liceo days. The accused was a rising politician of Calumpit, Bulacan; his wife was a patient of the physician who appeared to have dishonored her or have tried to, to her husband’s outrage.



*Mariano de Joya
(1887-1964), Associate
Justice of the Supreme
Court 1945-1946*

Crucial to the trial of the case was a handwritten note of the wife to her husband found in his person by the police — to the effect that he should desist from harming the doctor. It was brought out in the trial that the note came as an outflare from the husband upon his wife's intimation of her unhappy experience with Dr. Sitiar. One could rely on the newspapers of the day in making the most of the story with suggestive details of the trial to the public. It was the talk of every school campus and coffee shop then.

De Joya's self-assurance, in the light of his reputation as an "*abogado de campanilla*", was clear to all at the trial and before his law classes as he expatiated on the technical refinements of the jurisprudence involved in the case. It rested on his conviction that the wife's note to her husband was a privileged communication and could not be acceptable evidence, let alone serve in raising the crime from homicide to murder.

The trial judge, Anacleto Diaz, upheld my contention that the letter of the accused was admissible evidence of premeditation and consequently convicted Professor de Joya's client of the crime of murder.

Two years later, however, the Supreme Court ruled that both of us, Professor de Joya and myself, were wrong in the sense that the disputed letter of the defendant's wife was inadmissible in the

trial not for its privileged character but for the fact that it was a hearsay document. Judge Diaz' decision was modified from life imprisonment to seventeen years.

A second sensational case which I handled personally was that of the San Carlos Milling Company brought directly to my office by Chief Nevins of the Manila Secret Service and Attorneys Dewitt and Perkins.

The complaint was the estafa or swindling with falsification of commercial documents, i.e., a P200,000 check of the Bank of Philippine Islands drawn against the funds of the company.

According to the story of the Cashier of the Company, a Spanish-American mestizo named Joseph Wilson, following the disappearance of the office messenger, Alfredo Dolores, in the afternoon of September 30, 1926, he made investigation of the books and records of accounts of his office especially the desk and drawer of the absconding messenger. He then discovered that the withdrawal of P200,000 check issued from the checkbook of the Corporation against the Bank of the Philippine Islands was without any authority or consent by him as cashier of the corporation or by any of the authorized managers, Messrs. Alfred Cooper or Newman Baldwin; he also found out that the man who cashed the check and took delivery of the P200,000 was Alfredo Dolores.

He found out likewise that not only the check of Bank of the Philippine Islands had been forged, but the commercial cable of the coded message of the company to its main office in Honolulu ordering the telegraphic transfer of P200,000 to the accounts of San Carlos Milling Company in the China Banking Corporation had also been falsified; in other words, it was sent without the knowledge and consent of either the star witness or the managers, Messrs. Cooper and Baldwin.

Wilson's story said that the telegraphic transfer of funds from Honolulu to China Bank was followed by another falsified check for

the same amount of P200,000 payable to the Bank of the Philippine Islands. The transfer of the funds from the China Banking Corporation to the Bank of Philippine Islands thus enabled the culprit to make the withdrawal of the funds from the latter institution.

Wilson was smart. He answered with precision and self-assurance all questions and cross questions regarding the possible forgery of the Bank of the Philippines Islands check by Dolores, and his running away with the money. But after an intense interrogation lasting two consecutive days, he left, however, several loose ends or unsatisfactory explanation as to how Alfredo Dolores alone and by himself, without the cooperation of Wilson, could have sent the coded message to Honolulu for the transfer of the funds to China Bank taking into account that the code was kept under lock by Wilson and the two managers.

Moreover, the transfer of P200,000 funds from Honolulu main office to the China Bank for the purpose of generating sufficient funds in the Bank of Philippine Islands to cover the subsequent withdrawal by Dolores of the stolen money involves the use of a sophisticated foreign exchange operation that could not be conceived, and much less carried out by a simple messenger or janitor. Only a man with a mind and business experience like Joseph Wilson could have possibly worked out such a scheme.

This and other circumstances of more or less psychological significance led me to conclude that the principal culprit was Wilson, and that Dolores was only a minor tool used to camouflage or hide the mastermind. So after the second day of investigation on October 10, I notified Nevins that a complaint for estafa with falsification of documents would be filed against Dolores and Wilson and that the latter should be arrested.

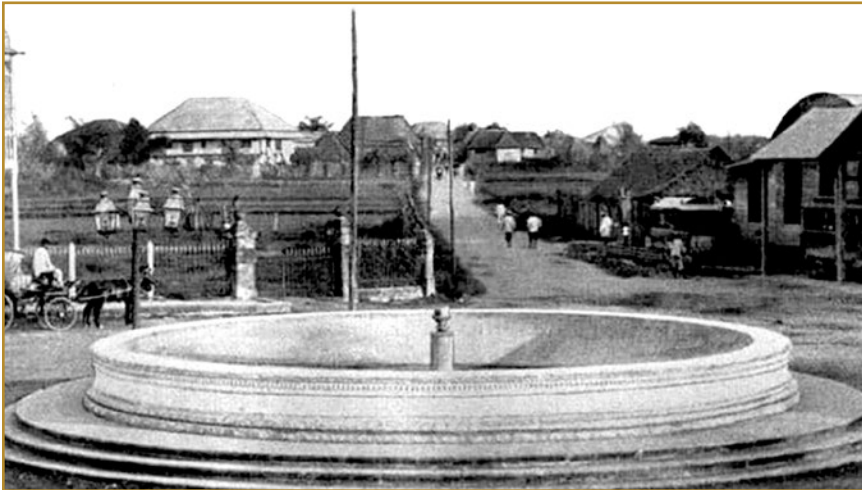
My hunch that Wilson was the principal in the scheme and Dolores was only a minor partaker was subsequently confirmed a couple of days later when Dolores was arrested by the Constabulary

in Legaspi and he made a clean-breast of it to his captor, Captain Gador of the Philippine Constabulary.

Thus, I showed to the satisfaction of the Court Wilson's primary role in the forgery, proving that he had a "good" reason for engineering it — a lifestyle of freespending and self-indulgence like a latter-day prodigal son and/or Arab sultan. The lower court gave him 8 years and the Supreme Court sustained the sentence upon appeal.

Early in my time as City Fiscal, I got into a tangle of a kind slightly different from bringing lawbreakers to heel. It concerned the Insular Auditor of the period whose name became a national household word for the dogmatic inflexibility with which he enforced what he believed to be his powers in performing his duty. I could suspect he savored the reputation he built up as righteous watchdog of the Philippine treasury a trifle above all human frailties. This American official was Ben F. Wright.

With a face and Puritan temper in the early New England tradition, he provided me occasion once, surprisingly enough, to gift him a complimentary copy of McVenn's "Good Manners and



Carriedo fountain early years



The El Deposito is the centerpiece of Manila's waterworks in 1880. Water was pumped from the Marikina river to San Juan and flowed by gravity to different points in Manila.

Right Conduct”, a standard textbook in use at the elementary level of the Philippine public school system then.

This incursion into the field of elementary etiquette rose from an attempt of the Metropolitan Water District to collect charges from the City of Manila for the water it used in the dispensation of its public services. Auditor Wright took it upon himself to pronounce that the MWD had such a right. The City denied it on the score that the District was merely successor to the city water system as set up by Carriedo during Spanish times for the City of Manila itself. It was, in short, a City property. When the question was referred to me, I took the view that the issue was not within the province of the Auditor but of a court of law in a case between two government entities. It was definitely and obviously a “justiciable” case. And so I proposed to submit an amended petition within a certain time limit as agreed to by the Auditor himself and within which he might amend his position to obviate any action inimical to law and established practice.

Instead, before I could submit such petition, Mr. Wright rushed to the press with a letter addressed to me carrying fanciful libelous imputations reflecting on my character, as follows:

“Dear Sir:

It is quite evident that I have too much faith in human nature.

In rushing through an injunction against me, before I had time to carry out my part of a proposed course of action agreed upon by you, after getting a promise from me to give you three days to amend your complaint, and after I had explicitly told you that I had asked the Treasurer not to cash my warrant so he could be restrained by an injunction instituted by you. You have violated your word and resorted to underhanded tactics for the purpose of gaining a supposed advantage.

“Possibly you forgot that such a course of action was highly unprofessional as well as most ungentlemanly.

“In dealing with you I supposed I was dealing with a gentleman as well as with an attorney. I am now wondering if my supposition was correct. Possibly you can tell me.

*Very truly yours,
(Sgd) BEN F. WRIGHT
Insular Auditor”*

Imagine my surprise reading such a communication in print and without previous notice. And so, to the glee of the papers, I dictated one of my own and sent it along with a copy of the book on elementary etiquette to the Auditor. My letter, as published:

“Sir:

You launch against me an accusation which I would have taken as a reflection on my honor were I not sure that you had been prompted by an erroneous idea about the understanding between your gracious self and me.

True it is that you gave me three days to amend my petition. But I never told you for what purpose I was going to amend it. Had you asked me what it was, I would have been frank enough to inform you that I was contemplating to include you in the petition for injunction. You must have foreseen, however, that in asking you

for time in which to amend my petition in view of your threat to draw a warrant and request the Treasurer to honor it, my intention was to prevent you from carrying out such impending action, which would have rendered useless the one already taken by me. Of course, if you lacked such foresightedness, I was not to blame for it. The fact that you asked the Treasurer not to cash your warrant would not have rendered your action any less liable to injunction. It was an unwarranted assumption of power not conferred upon you by law, which I was in duty bound, as an attorney, to prevent by all possible means. The fact also that the Treasurer might not cash your warrant did not, in my judgment, minimize the utter illegality of your contemplated action.

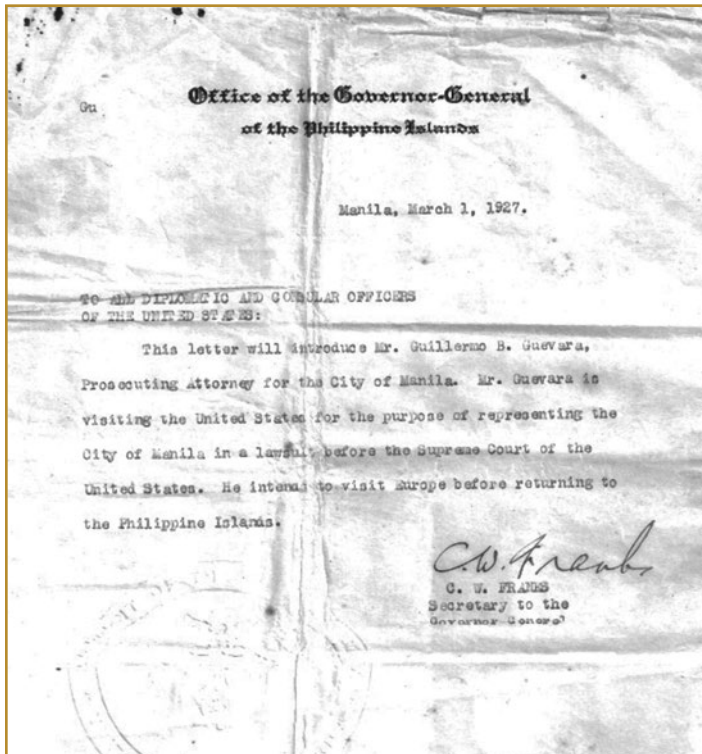
On the other hand, you did not tell me what was the course of action you intended to carry out during those three days. Your intention, however, of using the warrant, in absolute disregard of the principle governing the separation of powers, was made manifest by the fact that, as you state, you asked the Treasurer not to cash it. This was enough for me to include you in the injunction. The three days given by you were obviously in my favor had I not waited for the coming of the third day for filing it at the expiration of said period, the effect would have been just the same. You gave me the advantage of preventing your threatened action, and you are now complaining of my using that advantage.

I believe you are not qualified to give any lesson on professional ethics and gentlemanliness. For you well knew that the petition — a copy of which was in your hands during our telephone conversation — purports to contest your authority to settle and enforce the settlement of the alleged accounts, and far from refraining from taking any action in view of the writ issued which, though directed against the collector of Internal Revenue, impliedly prevented your further intervention in the matter, you stubbornly insisted on making your imaginary authority prevail by issuing a warrant covering the disputed amount. If you believe your authority to be superior to that of the legislature and that of the judiciary, I, as one

¹ Reprinted from the January 21, 1925 issue of the Manila Times

of the members of the Philippine Bar, feel it my duty to show you, as I have in fact already shown you by including you in the injunction, how grossly mistaken is the conception you are entertaining of your authority. Were there any other more expedite and effective legal remedy, I would not have hesitated in availing myself of it. Clearly, in entering into an agreement with you, I have not at all abdicated my right to obtain a remedy against your proposed action. This may not sound professional or gentlemanly in your own personal opinion, but it is surely a compliance with duty. Therefore, before criticizing the conduct of others, you had better see first whether your own is right.

I take advantage of this opportunity to send you herewith a copy of McVenn's "Good Manners and Right Conduct" and beg to call your attention to pages 181 and following, which contain elementary



rules about good manners and right conduct. Had you had an opportunity of reading this book or any other similar to it, I am sure the style and terms of your letter of the 10th instant would have been different. Believing that a perusal of this book would be useful and profitable, I am taking the pains of sending and donating the same to you.

*Respectfully,
GUILLERMO B. GUEVARA
City Fiscal***

Clearly, in the argument between the Auditor and me, the papers had a field day exploiting the fact that he was counting on the support of the hierarchy of American officialdom all the way from Manila to Washington. He had been used to having his way, relying on the evangelical certainties of his messianic temper.

So we went to our Philippine Supreme Court and argued it there. The upshot of it was that Auditor Wright discovered he could not always be right. At least so the Court decided after an argument taking the better of two years.

That was not the end of it. He ranged what we might now call the corridors of bureaucratic power right to the Bureau of Insular Affairs and the Department of War in Washington, D.C. He needed to satisfy himself that, with his seraphic intuitions and connections, he couldn't possibly make a mistake under the divine order. That development of it is another story in another chapter. Setting: U.S. Supreme Court.





CHAPTER EIGHTEEN

Historic Debut in Washington

We owe the leaders of the American period in the Philippines, at the time they were setting up a tradition of righteousness under American democracy and its Manifest Destiny in our midst, a tribute to their stubborn loyalty to it under all odds. They would reject the stigma of defeat in a cause they conceived to be concerned with the invariable and invincible morality of their decisions.

Thus it was with Auditor Ben F. Wright in the light of his formidable prestige as watchdog of our treasury. That he could be wrong on occasion in the exercise of his judgment and authority was a possibility he could not accept as within the scope of his nature.

And so in the case of the City of Manila versus the Metropolitan Water District for the settlement of the question whether or not the City should pay the latter for the water used in fire hydrants and



Judge Guillermo B. Guevara walking down the steps of US Capitol in Washington DC. Photos were taken moments after his victorious appearance at the US Supreme Court in 1927. From 1860 until 1935, the Supreme Court was located in what is now known as the “Old Senate Chamber” of the US Capitol Building on April 24, 1927.

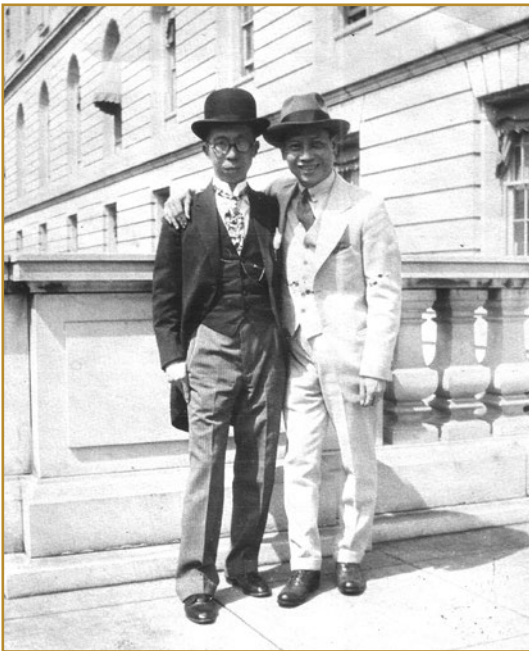
other public facilities, the decision of our Supreme Court ruling against his position did not close the question. He exhausted the facilities of the War Department in Washington to bring the case on certiorari before the U.S. Supreme Court.

The City of Manila could appear puny before the wealth and power of such resources available to the Auditor. Nevertheless, the City made an effort to respond to his challenge; the Municipal Board, upon recommendation of then Mayor Miguel Romualdez, appropriated travelling expenses and a per diem of \$10 for hotel accommodations so I could argue the case in the American capital.

Accordingly, upon receipt of appropriate notice that the case had been set for argument during the April session of the Court, I took the Empress of Russia on March 3, 1927 en route to Washington. Sole company to me in this historic mission was one person who played the multiple roles of private secretary, nurse, moral base and spiritual inspiration — the one and only incomparable *Chong*, my wife.

We had pleasant distractions of scenery, action and art on the way, most welcome assuredly to my mind as it figured out the prospects of my appearance before America's highest tribunal. We were on the Empress up to Vancouver, savoring the civilized society of a pleasant ocean voyage. We enjoyed panoramic views of glaciers in the Canadian Rockies from there on, had a stop at Niagara Falls and thrilled to the famed Amelia Gallicurci in "*Lucia di Lammermoor*" at the New York Metropolitan Opera House.

That last high moment brought a piece of bad fortune or, rather, was capped by a mishap in the form of a pretty severe attack of flu, putting me in bed for a couple of weeks. I almost lost the opportunity to appear in person before the Court in Washington, where the case was set for hearing on April 24. With my temperature reading at 39°, I made my appearance, nevertheless, responding quite adequately to the challenge and opportunity of the occasion.



Judge Guillermo B. Guevara with Commissioner Pedro Guevara at the foot of the US Capitol Building after winning the multimillion case of the Metropolitan Water District vs. The Insular Auditor at the Supreme Court of the United States.



*Snapshot taken of
Mrs. Asuncion P.
Guevara and wife
of US Resident
Commissioner,
Mrs. Idang Guevara
in Washington DC.
April 24, 1927*

April 24 was a Monday and its morning was somewhat cheerless considering that I had caught the flu a second time. It was with supreme effort of will that I finally appeared before the Court at exactly 1:30 in the afternoon. The presence of a small group of friends and compatriots was an immense boost to my morale; in the group were my own dear wife Chong, former Resident Commissioner to Washington Pedro Guevara, his wife, Idang, Alfonso Donesa (now Judge of the Court of First Instance of Tagaytay), Jesus Y. Perez (incumbent Associate Justice of the Court of Appeals), Pablo Cormista, Isaac Capayas, Claudio Secteria, Bernardo Gapuz, Luis Fernandez, Alberto Sunio and Bunuan among others.

With the Court called to order, a certain young Atty. McGuirre of the US Auditor's Office got up and began to deliver in a loud voice what to him was the Auditor's point of view on the case of the City of Manila versus the Metropolitan Water District. This young man, it turned out, was the same fellow who had sustained the theory of an older case, the Insular Government versus Ynchausti. Following a volley of reverberating stalemates in forty minutes, Chief Justice Taft, who was presiding, interrupted the speech of McGuirre to

inquire what he was trying to drive home, which left the young man nonplussed.

At this juncture, gathering courage, my eyes with feverish light, I stood up and said,

“May it please the Court?”

The Chief Justice smiled and replied, “Certainly!”

I proceeded: “The statement of facts made by my distinguished colleague is so full of inaccuracies that I feel like making a restatement of the whole controversy. Of course I do not blame him, for he has been talking of things and conditions in a place which is ten thousand miles away from home.”

Suddenly McGuirre seemed to have disappeared from focus; the nine Justices sitting in Court turned their eyes towards me and henceforth paid attention to everything else I had to say. Not one of them interrupted my narration of the facts surrounding the case, which took some twenty minutes. Then the presiding Chief Justice took it upon himself to interrogate me. Carefully I summarized the contention of the US Auditor’s Office and the counter arguments I had just delivered for the City of Manila.

To recapitulate: the power of the Insular Auditor was limited to adjusting accounts between one Bureau and another of the Philippine Government; it does not include or carry the power to adjust and decide justiciable controversy. Furthermore, the Office of the Insular Auditor could not, under any circumstances, compel the City of Manila to pay for the water from the Metropolitan Water District for the simple reason that such water belonged to the City of Manila. The water system was built by Carriedo for the City before the American regime. In conclusion, because the City of Manila was governed by its own Charter, it was therefore endowed with the power to sue and be sued.

I answered swiftly and succinctly questions from the other justices seeking further elaboration on the issue. We had consumed

some forty-seven minutes beyond the time allowed us, and with that familiar smile of his, Chief Justice Taft interrupted the exchange of questions and answers.

“Mr. Guevara,” he asked, “are you familiar with the decision of this Court in the case of *Wright vs. Ynchausti*?”

“Yes, Your Honor.”

“Then, why proceed? We are a bit pressed for time, you know.”

“In that case,” I answered, “Your Honor, I prefer to stop here and submit the case without further argument.”

With that statement I concluded what I thought was my historic debut, the first on the part of a Filipino, before the US Supreme Court. Col. Rigby, Judge Advocate of the Department of War, appearing for the Insular Government under the Governor General then, maintained the theory that since the City of Manila was only



The United States Supreme Court in 1925, (standing) Edward Sanford, George Sutherland, Pierce Butler, Harlan Fiske Stone; (seated) James Clark McReynolds, Oliver Wendell Holmes Jr., William Howard Taft, Willis Van Devanter, Louis Brandeis



*William Howard
Taft, Chief Justice
of the Supreme
Court 1921 - 1930,
President of the
United States
1909-1913*

a subsidiary of the Insular Government, it could not litigate or sue against its principal or superior — the Insular Government. It was a question I had already disposed of, and the Court through the Justices then asked firm whether or not he was aware that the Metropolitan Water District, just like the City of Manila, had its own Charter.

After an uncomfortable silence on the part of Col. Rigby, the court adjourned.

It was a vivid moment of triumph for me, of pride for my country, an unusual experience for an Asian and a Filipino at that: appearing before the highest court of his country's rulers, and winning a case against the government of his mother country.

I left the US holding its Supreme Court in highest respect in my heart for its unflinching loyalty to law — to Truth above all.

Back home in Manila, the victory I won made the headlines in all the papers. I did not know it then. Looking back, I can say I was never prouder of being a Filipino on that occasion.



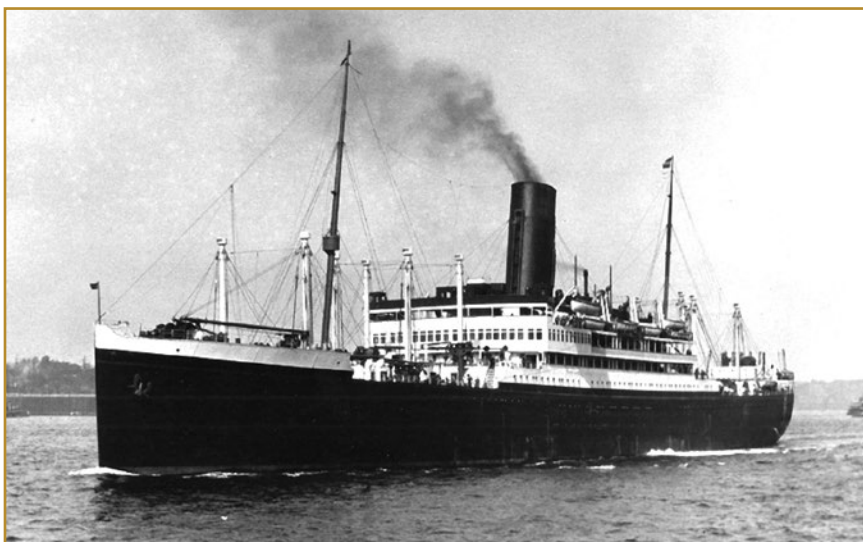
CHAPTER NINETEEN

A Cultural Tour of Europe

It was May 16, 1927, and recovering from flu, I found time to visit scenes of my graduate student days at Georgetown. A few hours before departing for New York, strolling in the shopping district at the corner of 15th and 8th Street, Washington, Chong and I paused by the shop window of a jewelry store to admire the fancy pieces on display. Our presence came to the attention of the owner, obviously a Hebrew, and he graciously invited us to come in to have a better look. A cocktail ring of platinum with three diamonds caught Chong's fancy and she made no secret of an immediate desire to own it. Informed of its price, we forthwith tried our talent in the art of haggling until we arrived at what we imagined to be the reasonable price of \$300. Then we found we didn't have the amount on hand and was confronted with the problem that our bank (Riggs National Bank) was already closed and we had to leave

shortly for New York to catch the M.V. Minnetonka for London. We told the jeweler to call off the transaction for the time being. At this juncture, he placed the ring on Chong's finger and, to our amazement, he said that since we came from the Philippines trusted by our government to carry out a mission, he felt he could trust us no less and therefore, my beloved wife should keep the ring and we could remit the payment later from New York. Incredible, but there it was — a memorable experience in faith between absolute strangers.

Upon our arrival in New York, May 20, I bought a money order and remitted the cost of the ring to the Washington jeweller. Then we boarded the Minnetonka and were seven days crossing the Atlantic, getting acquainted with a goodly number of interesting people aboard and enjoying their company. This was the week Charles Lindbergh made the historic one-man Trans-Atlantic flight to Paris, a first in aviation history, and he was the toast of the civilized world. For my own part, innocent and obscure to say the least, I was on the eve of contacts that would revolutionize my outlook on penal science



M.V. Minnetonka Voyage from New York to London, 1927

and my participation in the progress of Philippine jurisprudence in the area of criminology. I arrived in London with Chong on the same day the “Spirit of St. Louis” as piloted by Charles Lindbergh landed at Bourget Field and was welcomed in Paris by a tumultuous populace.

Coincidentally, it was also by this time, May 31, 1927 when the Supreme Court of the United States released for publication its decision in the multi-million peso case of the Metropolitan Water District versus the City of Manila orally argued by me, the first time a Filipino lawyer ever to make his voice ring in that August hall and win the case.

My principal brain-trust in the office, and an imaginative poet that he had always been, found a coincidental similitude between Lindbergh’s epoch-making breakthrough across the Atlantic and the unusual prowess of a Filipino lawyer arguing successfully a case for the Philippines before the highest and most powerful Supreme Court under the sun. This is at least what Cecilio Apostol stated in a congratulatory note to me upon my return home.

In London, now that we were on the pleasure and cultural part of our tour, we concentrated on the British Museum, the libraries, the art galleries. We also visited Madame Tussand’s House of Wax where we made the silent acquaintance of notable and notorious life-like figures of history from Caesar to Napoleon and others up to World War I, at the summit of their glory. Facing the realistic wax figures, I felt like addressing them in the fashion of Michaelangelo before his own classic sculptures: “*Parla!*” (Speak up!). The story is that Michaelangelo himself after completing his statue of Moses, practically persuaded himself that it was the Sinai lawgiver in the flesh who was right before him. London to a first-time visitor wandering among its souvenirs of ancient and modern culture was instant education in civilization and the progress of mankind from the earliest beginnings as suggested in the Old Testament. We saw the Tower of London and got a fair notion of the vicissitudes



Mrs. Asuncion Palma Guevara

of British history and royalty long before the establishment of the empire on which the sun was supposed never to set.

An unforgettable London experience was my visit to Parliament. At the entrance to the House of Lords, the guard stopped me to say that the public might look from the outside but one would need a special pass to get in, which I did not have. Presently, a distinguished looking individual came in and noting my disappointment, inquired of the guard what might be the argument about. Then he quietly wished to know who I might be and I informed him accordingly: that I was a Filipino lawyer en route home from Washington, desirous to educate myself on English law and institutions. Hearing this, the gentleman told the guard to let me in and he forthwith took charge of me as my cicerone. He spent almost an hour showing me around.

Most gratefully, I gave him my card: whereupon he gave me his own and I read: LORD ROWALLAN — a member of the House of Lords since 1895, no less!

We stayed in a flat during our London visit to regulate our expenses within bounds. Going around in the city, I often lost my bearings and would have no idea how to get to my destination. The surprising thing is that someone would always be on hand and go out of his way to lead me to my next objective or back to where I was in temporary residence. I thought that was a wonderful boom to touring strangers in London. It touched me most deeply.

We proceeded to Paris, afterwards where we spent a week, going through the standard routine with galleries, museums and libraries, broadening, so to speak, our cultural horizon all the time.

It was here in the latter part of our stay that I ran into Jose B.L. Reyes, a brilliant, young UP Law graduate, (later to become acting Chief Justice of the Philippine Supreme Court and signer of the epoch-making Quasha case) who was doing Paris after a term of graduate study and observation at the Universidad Central de Madrid. His special area of interest and study was civil law but such was the breadth of his general and legal culture that he was aware



Jose Benedicto Luna Reyes (1902-1994), also known as JBL Reyes, was an Associate Justice of the Supreme Court, 1954-1972

of the latest trends in penal science itself and its two outstanding luminaries in Spain — Eugenio Cuello Calón and Luis Jiménez de Asúa. They were apostles, evangelists or what have you, of the Italian Positivist School of Thought in penal science. J.B.L. suggested that when it came my turn to tour Spain I might do well to look them up. For his own part, he was then out to see what he could of France and Italy for what they had to offer to his adventurous mind as a civilist, before returning to Spain on his way back to the Philippines. Meanwhile he promised to send me the seminal books of Calón and Asúa and the latest works on the new gospel of social defense which lay at the core of the teaching of the Positivist School. Thus it was that a few days after my arrival in Manila, I received the two books “*Commentarios Al Código Penal Argentino*” by Asúa and the “*Ciencia Penales*” by Calón. This was sometime in August or September.

Jose Benedicto Luna Reyes (August 19, 1902 – December 27, 1994) was a noted Filipino jurist who served as Associate Justice of the Philippine Supreme Court from 1954 until 1972. Widely known by the initials “JBL”, his reputation for erudition and fearlessness was such that the popular rumor took hold that President Ferdinand Marcos awaited Reyes’s retirement from the Court in August 1972 before imposing martial law a few weeks later.

After Paris, my wife and I went on to Switzerland, visiting Berne and Geneva, and from there we proceeded to Milan and Rome. In Rome, I bought three books: Enrico Ferri’s Criminal Sociology, Lombroso’s Criminal Anthropology and Garofalo’s Criminology. The authors constituted the trinity of the Italian Positivist School. They found anthropology to be the sound basis in understanding the vagaries of human misbehavior and dealing with them accordingly.

These founders propounded the theory of social defense to supplant the old classical concept of retribution and vengeance in the administration of criminal justice. It was these three positivists who taught that the objective of penal justice is not retribution but redemptive therapy. This teaching was followed by Russia,



Judge Guillermo B. Guevara with his wife, Asuncion P. Guevara, at Bois de Boulogne, Paris


giving birth to the Russian Penal Code of 1928, and by Italy in the preparation of its Penal Code of 1930 called the Rocco Penal Code.

It was the point of view governing these Codes as expatiated in the works sent me by J.B.L. Reyes from Spain and originally advocated by the founders of the Positivist School, which radically changed my thinking in penal science.



CHAPTER TWENTY

Detour to a Legal Revolution

 Our Italian tour wound up at Genoa. Chong and I boarded the boat there that was to take us home to Manila. Our routine en route via the Mediterranean, the Suez Canal, the Indian Ocean and the China Sea, took a radical turn. I devoted practically all of my leisure time abroad, which was the greatest part of a month, to a searching, earnest reading of the Positivist School triumvirate founders: Lombroso, Ferri and Garofalo in their books in my possession. Their ideas, on the other hand, took complete possession of me and my thinking, shattering my benighted background in criminal science which I had been sharing with my students for the preceding five years at the University of the Philippines College of Law.

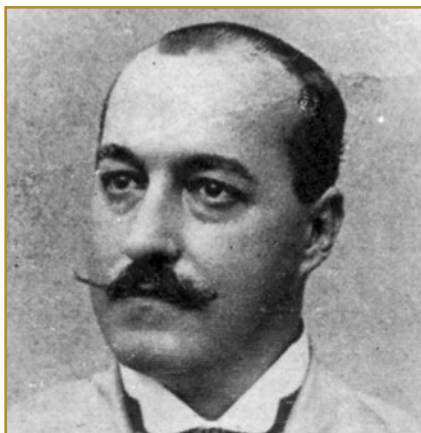
Thus, it was that upon arriving home, I immediately set upon the task of writing a new handbook on the subject of the courses I was teaching — “Essentials of Criminal Law and Criminology”.

I composed in a fury, as it were, and by the beginning of the following school year, June of 1928, it was off the press and ready for my classes. This was hardly a year after my historic chance meeting with J.B.L. Reyes in Paris.

My little book as inspired by the Positivist School naturally reflected its outlook. I took on the evangelistic responsibility to revamp the orientation in the teaching of criminal law at the UP College of Law and other schools as professor on the subject. Incidentally, it was under this new orientation that the generation of students among whom stood out such young men as Lorenzo Sumulong, Ferdinand Marcos, Arturo Tolentino and others of their age and time learned the basics of penal science in my class at the UP.

In the foreword to my book, I intimated that after half a decade of teaching criminal law, something like a remorse disturbed my conscience to own that my work as a teacher had been confined to merely explaining penal statutes or codal provisions of penal code as construed and applied by the Supreme Court, ignoring fully the fundamentals on which they should be grounded. I admitted a desire to follow a new direction in hopes of a “more fruitful and permanent profit” in learning criminal law under the new Positivist outlook. I pointed out that it was Italy, the land of Roman law and the Renaissance, upon which a new and original conception of crime, the criminal and penalty dawned, thanks to Lombroso, Garofalo and Ferri. Peru, Argentina, Cuba, Sweden, Switzerland, Czechoslovakia, Russia and others followed Italy’s lead.

Spain itself from which we inherited the Penal Code of 1870, provided enthusiastic apostles in such professors as Dorado Montero, Saldaña, Cuello Calon and Jimenez de Asua and, in the professional field, Jose Ciudad Auriol, President of the Spanish Supreme Court. The Philippines had, to its honor, two outstanding early pioneers of the new thought in a similar direction, notably the criminalist Rafael del Pan and Justice Ignacio Villamor. Their interest in



*Rafael del Pan (1863-1915)
lawyer, journalist, first
Filipino criminologist*

modern penal science bears the mark of relationship that chemistry had vis-a-vis alchemy as celebrated in the Middle Ages, Del Pan's correctional code was a development of the new criminal science theory in its infancy. Due to the abundant literature on the matter, I noted in my foreword to my "Essentials", I certainly would lay claim to no originality in contributing my effort in working out a plan of modernization of criminal science in our country.

Thus I felt then that, at the least, I could contribute a bit in my little book towards clarity and comprehensiveness in projecting the study of criminal law according to the scientific principle and the canons of jurisprudence for the benefit of our law students and the bench and the bar at home at the time.

Justice Villamor, I took some pride in noting modestly aside, in a preface to my books, observed that while I did not "dwell upon the general causes of the social phenomenon called crime, nor [attempt] to seek for the means for the decrease of criminality, [my exposition] on the essential principles of criminal law and of the prevailing theories on criminology is so suggestive and inviting that *nolens volens* one is induced to undertake the study of this modern science". I certainly could not complain against such generous encouragement.

As a consequence of the new orientation, the government thought for the first time of revising the Penal Code we had inherited from Spain. Our Department of Justice after considerable prodding ordered the revision of the Penal Code of 1870. Its instruction, however, was rather narrow and limited, including only the special penal laws promulgated by the Philippine legislature.

The Commission on Revision was composed of Anacleto Diaz, Chairman; Quintin Paredes, second member; myself, third member; M.H. de Joya, fourth member; Alex Reyes, fifth member. That was my first opportunity to expand my thoughts on modernizing our criminal law. But with the instruction to the Commission rather so restrictive, we could not even change stupid nomenclature such as “*arresto mayor*” or “*arresto menor*”, etc. In spite of the restriction, however, I was able to introduce in the Revised Penal Code (Art. IV) the theory of impossible crime, which made punishable for the first time the impossible attempt of a culpable act. That was my first success in creating a wedge for the Positivist School in our Penal Code, and I owe it to J.B.L. Reyes who put me wise to the School as a tourist in Paris.



*Anacleto Diaz (1878-1945)
Commission of the Revision of the
Penal Code Chairman*



*Quintin Paredes (1884-1973)
Commission on the Revision of the
Penal Code Member*

My second positive contribution in the revision of the Penal Code was the separation of the causes of justification from those of exemption. Under the Code of 1870 there was only one and the same thing. Up to that time, there were no distinctions in cases of justification, that is, in determining when the act is justified and when it is not. I managed at least to get in the idea where, under the Positivist School, it should be possible to distinguish the justifiable from the unjustifiable action.

Such success on my part was very limited, indeed, by reason of the inadequate background and understanding behind the promulgation of the statement of instruction for revision. In any case, it was a start and I must admit to some nerve in having the temerity to introduce new ideas and even prevailing with respect to those two points in the modernization of our Penal Code. I had the subsequent opportunities to give birth to the new Code of Crimes some three decades later.

In March of 1948, President Roxas authorized a trip abroad on my part to undertake a mission of study preparatory to a more thoroughgoing modernization of our Penal Code. I gathered materials in Europe, the US and Latin-America for the use of the Code Commission of which Jorge Bocobo was Chairman; myself, second member; Pedro Ylagan, third; Francisco Capistrano, fourth; and Arturo Tolentino, fifth. That was a really progressive and open-minded group. By 1950, the Commission had the Code of Crimes ready for action in Congress.

People later would allege it was practically my baby, considering that the rest of my colleagues in the Code Commission were all mainly civilists and the impact of their expertise concentrated largely on the revision of the Civil Code. It was never suspected by anybody that the Code of Crimes would anticipate somehow the democratic revolution of two decades later especially with respect to the maintenance of peace and order for a new society by implementing the principle of social danger and social defense.

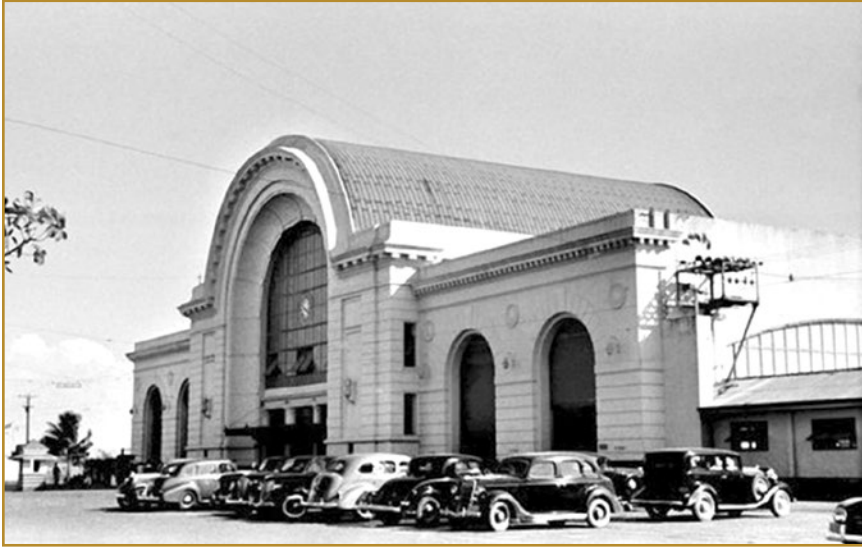


CHAPTER TWENTY-ONE

The Bar Scandals

I disembarked at Pier No. 7 in the morning of July 27 after a 28-day sea voyage from Genoa to Manila via the Mediterranean and Indian Ocean. I will not be human if I say that I was not flattered by the warm reception of admirers and friends upon my return from my triumph over Auditor Ben Wright in the United States Supreme Court legal battle. Little did I suspect that a bitter experience which would sour my existence was brewing ahead.

Soon, I re-adjusted myself to home conditions not excepting the differences in food and sleeping hours between the East and the West. I tackled, side by side with the conduct of the legal affairs of the City of Manila, my new assignment as a member of the Code Committee for the Revision of the Old Penal Code of 1870 which remained in force in the Philippines until that late day, and the



Pier 7 Manila, Philippines 1930s

preparation of the manuscript of my new book “Essentials of Criminal Law and Criminology”. As stated in the preceding chapter, the book was indeed hatched during the sea voyage with the reading of the gospel of the Italian Positivist School (Garofalo, Lombroso, and Ferri) supplemented by the works of Eugenio Cuello Calon and Luis Jimenez de Asua which my bosom friend, J.B.L. Reyes, sent me from Spain.

I was giving the finishing touch to the manuscript in the middle of the year 1928 when like a sudden, stunning thunderbolt in a clear sky the local press reported the discovery of a lawyer of clearly dubious credentials at a trial proceeding in the Court of First Instance in Tarlac presided by Judge Cayetano Lukban. The good Judge noticed that the “Attorney” of one party to the case could not express himself intelligibly in neither of the two official languages of the court, a circumstance that prompted the magistrate to ask the man whether he was a member of the bar and, if so, when he was admitted to it.

Not satisfied by the stammering reply of the man, the Judge decided to bring the incident to the attention of the Supreme Court. The preliminary findings of the Clerk of Court was that the name of the so-called Attorney Matic and his supposed signature on the Roll of Attorneys were blurred or apparently tampered with. In the wake of such findings of the Clerk, the Supreme Court immediately decided to assign the City Fiscal of Manila as the sole investigator, with instruction to spare no one — repeat, absolutely no one — regardless of consequences.

Because of the unusual authority and responsibility charged to me by the highest tribunal of the land, I felt I could not share such authority and responsibility with my assistants. And so with the help of three veteran and trusted Filipino detectives of the Manila Secret Service (at the time the National Bureau of Investigation was not yet in existence), I proceeded to conduct a personal investigation of the mess. With the cue and clues from an anonymous letter (later verified and found to be truthful) and a plain confession of some of the *crimins particeps*, I discovered that (1) Matic was a fake lawyer; his name appeared all right in the Roll of Attorneys, but the signature of Matic was visibly superimposed upon the signature of another candidate; (2) that 8 fake lawyers besides Matic were also discovered in the Roll of Attorneys; (3) that in the bar examinations of 1926 which was chairmanned by a Filipino Justice whom I revered for his unusual endowments, culture and virtue, a change or alteration in the mark given by the examiner to the composition in civil law was made by the confidential secretary after the identity of the examinee was disclosed; and (4) that two other secretaries had been furnishing interested parties for money or other improper considerations advanced information on the outcome of pending cases.

Never in the annals of the Courtrooms of the country has a display of legal talent, wit and ingenuity been made to the admiration and oftentimes amazement of the jampacked crowd that witnessed every instant of the court session.



A courtroom during the pre-Commonwealth period. Judge Simplicio del Rosario (1866-1947) in his courtroom, 1931. From 1909-1911, Guillermo Guevara served as a stenographer in Judge del Rosario's court.

The so-called “battle of the century” staged during the trial of the Sitiar murder case was a dull sham compared to the encounter between Attorneys Claro M. Recto and Vicente J. Francisco and Courtney Whitney representing the two defendants and myself representing the prosecution.

The defense admitted during the trial that the grade in the composition in civil law was changed or altered not by the examiner himself but by the confidential secretary of the Chairman Justice, claiming however that the change or alteration was made with the consent and authority of the Chairman. The defense supported its theory with the oral testimony of the Chairman himself, who in defiance of all precedents and perhaps judicial protocol, descended the stairway of the highest court in order to place himself under examination and cross-examination of the defense and prosecution.

Imagine how embarrassing it was for me to place on the carpet those confidential secretaries closely related by blood to three justices whom I venerated and idolized. Two of them were the writers of the preface to my books, paying glowing tributes to my humble self. The secretary involved in the unauthorized alteration of the bar examination was a most esteemed and admired student of mine in the UP College of Law and a former and dear classmate of my irreplaceable Chong. Imagine my ordeal and the predicament of having to disregard such powerful personal feelings and human equations! For this one moment I wished I hadn’t existed in the world. I had no role nor the slightest intervention in that unhappy drama. It had meant, to me, agonizing and faltering hours, during the hectic days of investigation and trial of these so-called bar scandals of 1927; only the recollection of the example set by Guzman “*el bueno*” who allowed his son to die in order not to fail in his duty, gave me enough courage to finish the job.

Needless to say, in compliance with my sworn duty, I proved during the trial that, first, no other composition except the one in question had been changed or altered by the accused, and second,

a few days before the alteration of the grade, the savings account of the defendants registered coincidentally a withdrawal and equal deposit of P600, not one centavo more and not one centavo less.

When the Chairman Justice consented to testify and assume the so-called responsibility for the act of his confidential secretary, I knew that he was risking everything in that game which obviously became one where a winner takes all.

And, consequently, when the court convicted the two defendants, the Chairman had to renounce his exalted position and retire from public service.

Four years later after the Supreme Court had affirmed the sentence against Mabunay and co-accused, took place what may be considered as a dramatic epilogue of this sensational story. I transcribe for the benefit of posterity the text of a petition for executive clemency as published in the front page of *The Herald* on February 2, 1934 addressed to the Governor General which by the way was promptly heeded to, running as follows:

“Your Excellency:

Several days ago I had the privilege of stamping my signature on a petition for pardon in favor of Mrs. X, now confined in the correctional institute for women at Mandaluyong. Being the prosecuting attorney who conducted the case against Mrs. X, I believed it is my duty to explain to your Excellency the reasons for which I joined the imposing array of former members of judiciary who signed the petition for pardon.

I am asking pardon for Mrs. X not because of the untold anguish and suffering she has undergone for five solid years while she was waiting for the decision of her case, nor because she did not commit the acts alleged in the complaint. I am joining the persons who are seeking pardon for her for the reason that a more cool and serene consideration of the

law and jurisprudence applicable to Mrs. X case, makes me believe that the offense committed by her was not forgery of public document, but rather a much milder offense, that is, a violation of article 210 second paragraph, of the Revised Penal Code, corresponding to article 381 of the old Penal Code.

In the course of my continuous study and investigation along criminal law and criminology, I came across lately with an interesting decision of the Supreme Court of Spain, dated December 23, 1885 (35 *Jurisprudencia Criminal*, pages. 1025-1028), holding that for the crime of falsification of document to exist, it is indispensable that there be an alteration of both, the truth and the integrity of the document. The proposition set forth in said decision of the Supreme Court may be illustrated with the case of a Judge who renders and dictates his decision to his stenographer, on a certain date, say, December 10, 1925, and the stenographer having transcribed his note four days thereafter and having dated his decision as of December 10, the Judge who signs such decision on December 14, does not incur criminal responsibility for falsification, because of the discrepancy between the date when he actually signed the decision and the date set forth on the same. In the example given, while there has been an alteration of the truth of the document in that the document is purported to have been signed on December 10, when in truth and in fact, it was signed on December 14, the alteration, however, did not affect the integrity of the document, for in truth and in fact, the decision was rendered or given by the Judge on December 10.

This interesting principle of law laid down by the Spanish Supreme Court, which has a strong persuasive force in this jurisdiction makes me doubt whether the Supreme Court, the Court of First Instance and myself were correct in

considering the facts proven in Mrs. X.' case as falsification of a public document.

As your excellency will remember, the documents altered were composition books on Civil Law and Civil Procedure. Both compositions were originally graded, not by the examiners appointed by the Court, Attorneys Francisco Ortigas and Jose C. Abreau, but by mere correctors, Messrs. Alfonso Felix, Cecilio Apostol and Marciano Guevara. There was no question that Mrs. X made the alteration of these documents without the consent and knowledge of the above named correctors, and that the alteration made by Mrs. X affected the truth of the documents. Did the said alteration affect likewise the integrity, or if we may be allowed to say, the *intrimic merits* of the composition? I doubt very much whether it did. At least I am sure that the only way for the prosecution to establish the alteration of the *merits* or the *integrity* of the documents was by the testimony of the examiners on said subjects Attorneys Francisco Ortigas and Jose C. Abreau. I have to confess that as Prosecutor I did not at the time deem it necessary to present the testimony of both examiners in order to prove that the grades placed by Mrs. X were not warranted by the *intrinsic merits* of said composition. Therefore I sincerely believe that the second important element of forgery, that is to say, alteration of the *integrity* or *intrinsic merits* of the document, has not been proven in Mrs. X case.

In justice to our Courts, I must state that this point of law was not squarely presented to them during the substantiation of the case.

I am inclined therefore to believe that the facts proven in Mrs. X case constitute rather a violation of article 210, par. 2, of the Revised Penal Code which reads as follows:

‘Art. 210. Direct Bribery. — Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of *prision correccional* in its minimum and medium periods and a fine of not less than the value of the gift and not more than three times such value, in addition to the penalty corresponding to the time agreed upon, if the same shall have been committed.

If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed such act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of *arresto mayor* in its maximum period and a fine of not less than the value of the gift and not more than twice such value.’

“In other words, the facts of the case show that Mrs. X being a public officer, in consideration of reward or promise, had agreed to commit, and in fact she did commit, acts which do not constitute a crime. Such an offense is punishable only with *prision correccional* in its minimum and medium period, that is to say from six months and one day to 2 years and four months.

According to the provisions of Act 4130, commonly known as ‘Indeterminate Sentence’, Mrs. X should be sentenced to such maximum as may, in view of the attending circumstances, be properly imposed under the present rules of said Code, and a minimum which shall not be less than the minimum

imprisonment period of the penalty next lower to that prescribed by said Code for the offense.

The penalty next lower in degree to *prision correccional* in its minimum and medium degree would be *arresto mayor* in its medium and maximum period; that is to say, from 2 months and one day to 6 months.

Mrs. X having been confined in the correctional institution for more than 2 months, I sincerely believe that she is entitled to executive clemency to say the least.

Needless to say I am making these remarks and recommendation extended to the case of her co-accused, Luis Mabunay.


Should your excellency entertain some doubt as to the proposition of law which I have discussed in the foregoing paragraphs, I am ready and willing to clear up said points of law with verbal explanation should your excellency deem it necessary.”



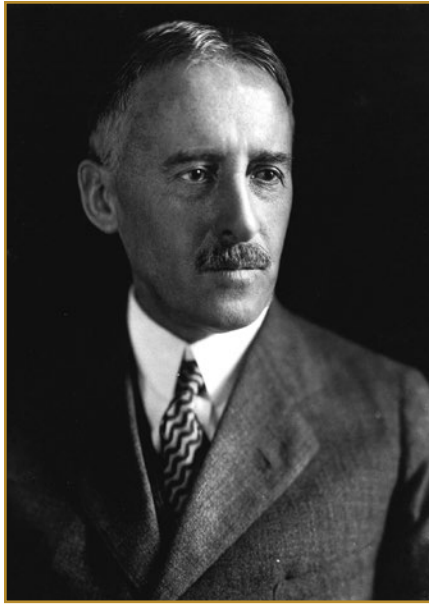


CHAPTER TWENTY-TWO

Goodbye to Government Service

trangely enough, it would seem incredible to the public that I decided to conclude my career in public office itself. It was not that it had been a strain to the point of no return; simply, I thought it was time to strike out for a fresh outlook and area of endeavor not only for the sake of my family, but towards fuller personal fulfillment which would be in no way alien to public service and interest.

I arrived at a decision after no little soul-searching. Under ordinary circumstances, the public attention generated by the newspaper headlines attending the developments in court, day to day, in which I figured in something of a stellar role could not be improved upon as food and drink to any public man's ego. I would not deny my share of susceptibility to human vanity and the pleasure derived from its gratification, the material rewards attending it



Henry Stimson, Governor General 1927-1929

included. On this particular occasion, I was less than happy for the considerations already adduced, but, I was far more disturbed indeed for a reason I had not previously accorded much thought.

This was the idea that every centavo I earned in my exertions as a lawyer however successful came from somebody else's pocket. It constituted a mere transfer of existing production and its consumption from one hand to another; I was making no contribution to the sum of production itself without which human existence would be meaningless. In other words, getting somebody sent to jail is not quite the same as planting a seed in the soil to produce a flower or a fruit to give joy or sustain life. I am not saying that a lawyer has no place in the scheme of life and society; he definitely has; but the road can be continued — towards creativity and production.

Accordingly, purely as a personal decision, with malice to nobody and no ill-will to anyone, I accepted the offer of my two leading

opponents in the bar scandal case to head a new law firm under the title of “Guevara, Francisco and Recto”.

I figured out that as a private practitioner I could someday and somewhere turn into reality my dream of being a producer. To this effect, in the morning of February 15, 1929 I announced my resignation as City Fiscal of Manila in a letter addressed to Governor General Stimson on the same day saying thus:

“In connection with my resignation and application for retirement gratuity of December 26, 1928, allow me to inform you that, upon further consideration, I have decided not to insist on my request to be granted said retirement gratuity, for among other reasons, I fear it would establish a bad precedent that might result in a desertion of the service by young and deserving persons who ought to continue lending their valuable aid to the government. On the other hand even though I believe myself to be entitled to the benefit of the retirement law on account of my 24 years of continuous service, yet I still feel strong and young enough to enter upon the law practice without availing myself of said benefit.

“Hoping that you will be kind enough to favorably consider my resignation, I would like to request that same be accepted effective at the close of office-hours today.”*

And his reply:

“I have received your letter of even date in which you requested that your resignation as Fiscal of the City of Manila be accepted effective February 16, 1929. It is with regret that I accede to your request and in so doing I feel that I should express to you the appreciation and gratitude of the Government for the valuable service that you have rendered. Your career in the government service covering a period of 24 years, and in which you have held such important offices as Judge of the Court of First Instance and City Fiscal of

Manila, has been marked with such signal success as to deserve special recognition.

With my best wishes,”**

My resignation when announced in the papers without any previous intimation to anyone, caught by surprise the supreme mogul of the Filipino participation in the government — Mr. Quezon. It was such a complete surprise that he instantly picked up his telephone and asked directly without any ceremony:

“*Emong*, what is it all about, this thing in the papers this morning? Is it true?”

“Yes, sir. I’ve served our government for some twenty-four years now. I guess it’s time to think of my own family.”

“For God’s and old time’s sake, I would think you’d have given me at least a hint. To tell you the truth, I had plans for you. I was planning to make you the next Attorney General, an office which, as you know, is hardly one step away from that heavenly sanctuary of Supreme Court Justices. After all, you’re still young; and my plans were for the immediate future.”

“I’m very grateful sir. Thank you very much, indeed, for your most generous intentions. But I’m very sorry; my plans have already been perfected, the contracts on the new law firm signed.”

We dropped the matter there — without further discussion and rancour.

It was not from a sense of ritual sacrifice of the professional do-gooder that I had declined to take advantage of the retirement law that would grant me some P20,000 in gratuity after 24 years of government service, a generous sum in those days for a starter in private life and business. I just felt, as Manuel Quezon said, that I was still young enough to exert myself on my family’s behalf and my own and to hope to make good in establishing a creative competence that would add rather than subtract to the common economy.

I sought to show in my small way that any citizen of good health, tolerable education, some experience in his chosen vocation and a modicum of community acceptance should be able to establish and develop a place of productive efficiency and respectability in his chosen environment so that he becomes a social asset.

I liked to believe at that time that I was off to a fair start with such credentials as I had gained in the course of my employment in the civil service of my country for twenty-four years. Consider, also, that my law partners were aces in the profession, although they were yet to scale new heights of public distinction in the history of the nation; both were to become senators to enrich our political experience. And to think, I was the senior partner of the firm!

Well, after that, the next thing was to bid *adieu* to my staff at the City Fiscal's office. As The Tribune reported:

"I hate to go and bid you goodbye," I said, "but I feel that in my public career I have already come to the point where I can retire with justice to the government and myself and give others a chance to do a greater service to their country.

You are all aware that on several occasions I had been strict in dealing with you, but I hope that you would realize that I was doing that to maintain a high standard of discipline in this office. Whatever success I have had in the discharge of this important office is due, in a large measure, to the enlightened cooperation and loyalty you have shown in the performance of your respective duties.

I would like to take advantage of this opportunity to impress you with the necessity of having backbone, as they say it in English, in the prosecution of your tasks. You must understand that to have backbone is not the tenacity, or the persistency, of running down the poor, the ignorant, the helpless. To have backbone means to have the tenacity and the persistency to go after the powerful, when they go wrong.

* Reprinted from The Tribune, Feb. 16, 1929

That place where you are in direct contact with the masses, that is, our branch office in the municipal court, should be carefully directed. You should make an effort to help those people as much as possible. They consist, as you know, of the poor, and ignorant people, too exacting in their demand for justice. You should be tactful in dealing with them. I recall that when I was an assistant fiscal, supervising the work of this office in the municipal court, I had my own trouble with the masses, and at times I was forced to be gross with them, but that is only human. So try to make an effort to be charitable to them, if that is necessary, to secure justice for them.”*

Thus it was, as I concluded a period in my life and started another, that even without P20,000 legitimately coming to me from the public treasury, I felt I had enough resources of my own in my own heart and experience to proceed and meet and make a future for myself in the interest of my country, my neighbors and my family.





CHAPTER TWENTY-THREE

The Dawn of a New Life

With the rumble of the tough court battles of the bar scandal trial still fairly clear in the public ear, a new chapter in my life as a private citizen opened upon the formation of a new law firm named Guevara, Francisco and Recto. The *bufete*, as it was usually called among Spanish-speaking Filipinos was the offshoot of the proposal of Vicente J. Francisco and Claro M. Recto in which they agreed to make me senior partner, presumably in the light of my age and my standing as professor of Criminal Law at the University of the Philippines.

I owe them a salute for their objectivity and courtesy as reputed stars of the bar at the time. We had played our parts in court to the best of our capability. No quarter given, no holds barred. We had staked our respective reputations and future to the limit; after all, the whole country had been watching; the press had been only too happy to exploit the opportunity profitably.



*Claro Mayo Recto (1890-1960),
Senator of the Philippines
1931-1935 and 1952-1960*

My course was clear: the honest practice of my profession as I had understood it the rough way from my abbreviated formal and improvised schooling and in conscientious public service in the government. No apologies to make. I was not departing from the rule I had learned to practice since childhood: that my neighbor's interest, in the classic scriptural sense, shall remain the primary consideration.

I would in due course be handling criminal cases of varying character and interest, but this time it would be on the side of the defense rather than that of the prosecution; it could seem this would involve a violent change of orientation, the end being to save people from jail or to spare them undue humiliation and gross degeneration, the gravity of their cases notwithstanding.

Typical of such cases were that of the killer of a provincial governor, that of a president of the Municipal Board of our metropolis accused of serious malfeasance in office, that of a provincial governor charged with rape; that of a prestigious lawyer of a queen city in the South indicted for arson; that of 12 business tycoons in Southern



A street in Vigan

Mindanao accused of a capital offense, and, last but not least, those of some members of the bench faced with grievous administrative charges.

Whether the people I defended were really guilty or not as charged, only God knows for sure. The simple fact was that all of them were spared conviction and the hot chair.

Particularly notable was the case of the woman killer of Ilocos Sur, Governor Lupo Biteng.

Before a jam-packed audience of the most adorable hometown “*señoritas*”, prominent professionals and outstanding citizens of the historic “*ciudad Fernandina*” of Vigan, after a week-long trial, the sensational case finally was submitted to Judge Ricardo Paras for decision. Modesty aside, I believe I delivered a stirring and impassioned argument historic in local court annals.

I yield to the temptation of reproducing here the English version of my peroration as subsequently published by *El Debate*, a popular Spanish daily, on February 28, 1932. Here it goes:

“May it please the court, let me proceed in the account of a perfidy, the facts and details of which are still fresh in the memory of your Honor. You have heard the recital of events straight from the witnesses, especially the report of the heroine in the tragedy which put an end to the life of Governor Biteng.

I hope and I trust that your Honor will examine and weigh the deeds and circumstances that have transpired in the present case, according to the principles of justice in the light not only of the cold letter of the law, but also of the spirit behind it reflecting the unwritten moral sanctions of other nations; such codes mold the psychology of individual human beings, determining their conduct and directing their reactions as Fate has ordered in the course of their lives. I believe that, in the case of actions springing from basic natural instincts, no sound judgment may be reached successfully unless we are acutely aware of the spirit of the law which complements and gives life to its letter.

Both the accused as well as the deceased had a bright future beckoning to them: the promise of peace and happiness for the first, and triumphs and honors for the second in politics — a career that he had embraced with zeal and pursued with excellence. But Fate with its sinister designs and ominous force suddenly twisted the life pattern of these two persons, distorting what could have been a bright destiny into a tragic conclusion. Once again, another victim has been added to the endless list of unfortunate Lucrecias and Margarets victimized by the dashing braggadocio of Don Juans and Casanovas. The urge for social prestige and image-building that sometimes adds verve and color to a political career, led the governor to seek a place amongst ladykillers and libertines of the day. Undoubtedly encouraged by previous easy conquests, and animated by the advantages aiding him to view the accused as within easy reach, the governor courted Miss Quilop, sure that she would at some opportune moment fall for him, and thus add another score of triumph to his ego. But his overconfidence betrayed him; from

the very soul of his victim surged forth Nemesis, the goddess of vengeance and retribution, the avenger of sullied purity, of tarnished honor. Rooted in respect and love of Filipino tradition, and upheld by pride in her womanhood, the spirit of Nemesis herself armed the victim with the weapon of Death annihilating her seducer.

Your Honor: All the moral codes condemn and punish the act of seduction because the universal conscience finds the perversity inherent in such action truly reprehensible. All this talk about ‘no one has the right to take the law into his hands nor should he exceed the law in the punishment of a bad deed’ is an ideal fit for saints and sages who hardly exist; an ideal inaccessible, as far as the lot of common morals is concerned.

For the present, let us leave the heights of speculation and get down to the bare facts already known and proven.

As a fact already known to all, Governor Biteng, the deceased, watched the lady, Miss Quilop, grow from an infant to girlhood, and even played childhood games with her, enjoying and sharing her innocent joys and pastimes. He was the godson of Mr. Quilop, father of the accused, so that the governor was treated like a son and member of the Quilop family. The accused called him, by virtue of his seniority, ‘*Manong Lupo*’. As a young man, the deceased was accorded special hospitality in the Quilop home: he was given a furnished room all to himself wherein he could retire, come and go as he wished, whenever he felt like visiting with them in Sta. Lucia, birthplace of the accused. The esteem bestowed on the late governor by the Quilops was such that they spent prodigally for the support of his successful candidacy during the four times that he ran for the offices of representative and governor of Ilocos Sur.

But — how does your Honor think Mr. Biteng repaid these gestures of affection and generosity? With ingratitude? No! With something worse. With double outrage and abuse, dishonoring the accused and besmirching the good name of the Quilop family.

The late Lupo Biteng started entertaining a hankering after his godsister, Segundina, around the month of May 1930. He lost no time wooing her, although the accused who was innocent of the ways of the world hesitated in accepting the offer of love from a godbrother in baptism. But after a year of assiduous pleading, and, as it were, of besieging, Segundina yielded to the persistent pleas of her suitor; she believed in the sincerity of his love and his promises of matrimony. In the short span of less than one fatal hour, when feminine illusions, weakness of the flesh, and romantic sensibility all conspired to arrest the hands of time, the crafty governor succeeded in obtaining the priceless possession of any maiden of honor — her virginity! More clandestine rendezvous followed the first one; such liberties were made possible due to the fact that the young Segundina was attending school out of town, away from her home and her parents' vigilance.

In August 1931, the accused felt the first tell-tale signs of pregnancy, and she immediately reported her condition to Lupo. He calmed her fears and reassured her that he was quite well-prepared to marry her. Segundina's condition became increasingly noticeable each week. In an effort to prove his good intentions and sincerity, Governor Biteng took the accused from school, and brought her back to her parents' house in Sta. Lucia around October of 1931, in order to appraise them of the situation, and at the same time, to ask her hand in marriage. He would have married her immediately except for the fact that he wanted to assume his office of Governor as a bachelor on the 17th of October, the day after the proposed date of the wedding.

Ironically, however, as man proposes but God disposes, Mr. Biteng conveniently needed to attend a banquet in Manila to be given by his former professor, Justice Malcolm, in honor of a few chosen alumni among whom of course, the late Governor was one.

After the celebration, the deceased although prepared to go through a wedding ceremony, thought of fixing another date, for

one reason or another, among these being the lack of a decision concerning the electoral protest against his recent election. Presumably shelved away in some remote corner of his mind was the idea still of some marriage ceremony. Consequently, Mr. Biteng fixed another date, not for the wedding, but for the decision on when exactly the ceremony was to take place. The date fixed finally was November 30, 1931. According to plans, preparations for a dinner were made in the home where the accused together with her mother and brothers were staying, and Biteng, with his mother, promised to join them later at dinner time. But on November 30 at the hour of twelve noon, the late Governor failed to appear. Instead, he sent a handwritten message (*Exhibit 1*) through his driver, saying that he had spent the previous night thinking about the marriage date, but had not yet come to a decision. He therefore begged to be excused. The issue had become both grave and momentous; hence, he needed to retreat into solitude, presumably awaiting some divine light from heaven, just as President McKinley did on one memorable occasion regarding the fate of the Philippine Islands (whether to leave the recently redeemed country to itself, or to colonize it). In short, to Mr. Biteng, his marrying Miss Quilop who was well on the family way through his own importunities became, indeed, a severe crisis.

After perhaps having been inspired by the Holy Ghost, he thought of bringing the accused to the town of Sto. Domingo in order to marry her in some secret ceremony there. Miss Quilop's mother, who was worried over her daughter's delicate condition, believed the marriage to be most urgent, and without any second thought, consented to Mr. Biteng's proposition. So the pair drove away in the Governor's car, but on the way, the deceased whose mind had been rehearsing evasions, thought of some other place, also called Sto. Domingo, but far removed from the Philippines, situated in the distant Caribbean sea. Impulsively, he decided to spend the night instead in his own house. The accused so far had been following him and his orders like a lamb. The Governor cleared whatever doubts

Miss Quilop might have by swearing to keep his promise to marry her as soon as his official duties would permit.

The next day, the accused, ashamed to face her mother without having gone through a wedding ceremony, trustingly decided to bide a little longer in Mr. Biteng's house. But the day swiftly passed into weeks, and the realization of a marriage seemed farther away. Meanwhile, ugly rumors regarding the late governor's civil status spread around until they reached the miserable girl's ears. Gossip was being whispered about that Mr. Biteng was secretly married, morganatically to a certain Miss Taqueban. The accused wasted no time pleading with the deceased, and urged him out of compassion to tell her the truth, but the governor firmly stood his ground on his bachelorhood.

The accused lived from day to day haunted by imagined fears and growing suspicions until the ominous day of January 6, 1932. After a dinner attended by the late Governor, his secretary, and the municipal President of Sinait, the accused and the deceased were left facing each other in the empty dining room. With more urgency than before, Miss Quilop demanded once and for all to know the truth — the truth behind the successive postponements of the wedding plans, the truth about his alleged secret marriage. It was indeed the moment of truth, and finding no more room for evasions nor prevarications, the late Governor simply took off his mask of falsehoods and confessed to the truth. Yes, he was indeed a married man. He had been a married man all along.

Could anyone feel the sensations running through the heart and soul of this hapless woman? No physical pain however excruciating can compare with the terror and the agony scourging her whole being mercilessly, furiously at that moment. For the revelation of the truth that she feared most, meant the annihilation of her last hopes for redeeming her moral ruin and the honor of her family. Suddenly, all her days and nights spent in alternating hope and fear, all her months of abject waiting, the bitterness of her most cherished

but unfulfilled dreams — lovely and young as they were — all these arose as spectres to surround her, to torment and taunt her, and overwhelm her. And what of the child as yet unborn in her womb? A child of disgrace already a reject, bearing the curse of ‘unwanted’ by the very society into which it was yet to be born? Would the infant like countless other outcasts be left at a door in some dark alley so that its shameful origin may be effaced?

Apparently, the late governor possessed neither sensitivity nor gallant compassion, much less the humanity to understand Miss Quilop’s mute suffering. His lifestyle had long been one of habitual egoistic self-indulgence, and in this crisis, he did not as much offer a word of comfort or consolation. Instead, in the consistent pursuit of nothing but his own good, he demanded that she continue her act of self-immolation for his sake and forgive him. Like the rake that he was, well-versed in the art of expediency, he immediately suggested what to his dense mind was the quickest solution to the problem. He asked her to affix her signature to a document, (*Exhibit 2*), confessing to having had a liaison with another man whose child she bears in her womb. In short, Mr. Biteng would save his hide and keep his good name at the expense of her absolute loss of everything.

Put a woman of the same social standing, coming from an honorable family, of good breeding and education, in Miss Quilop’s place — one who is young, fresh, lovely, whose simplicity and virginal innocence is exploited to the limit, deceived by devious means, reduced to the status of a mendicant. For the first time, the accused saw herself as she really was — a miserable beggar vainly pleading her cause before a man, who not content with injuring her body and soul, now wrenches open her raw wounds with the infamy of a greater lie, and a far greater insult. Who can aptly express the strange emotions that took possession of the poor woman? Fear and anxiety vanished from her heart, to be replaced instantaneously by contempt, loathing, and such a fury as only a woman scorned could feel — a fury of such power as to squelch all previous sweetness and

love, and consume the fibers of her whole being! You who understand the mysterious motions of the human heart, and can in some way empathize into her exasperation, her terrifying desolateness, and helplessness, her rage enveloping her whole frame — what would you expect as a turning point in this human drama? Picture her once so young and beautiful, with the promise of a bright tomorrow, secure in the hope of a respectable niche in society — now suddenly an anathema unto herself! Torn between despair and pity for the infant in her womb, yet staunch in the belief that honor is of far greater price than death, Segundina Quilop resorted to the only means of retribution at that fatal moment of blind rage and irreparable loss — to kill the assassin of her virtue and her pride.

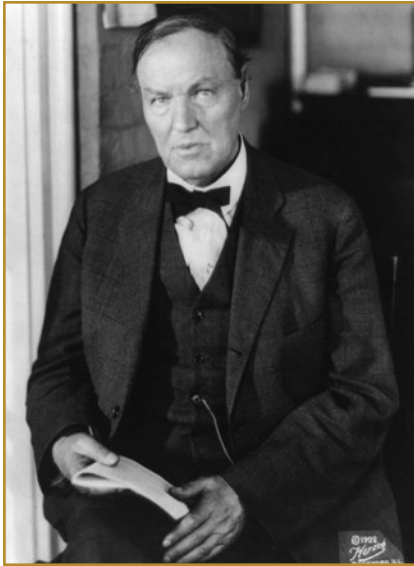
I have no doubt that in other countries not rigidly bound by laws as absurd as ours, this woman who has avenged her honor after having been duped and exploited to her utter humiliation over and over again, doubtlessly, such a woman would be absolved by a humane and forgiving jury.

The resolve to kill the late Governor Biteng could not have been premeditated although the accused in her terror and confusion was made to sign such a declaration by the Chief of Police. The decision to kill was impulsive, and ignited immediately upon the sudden revelation of truth by the deceased. Miss Quilop did not get to know about the late governor's previous marriage until the 6th of January. If she had received his confession one or two months before, then perhaps, events might have taken a different course. She would never have been content staying in his house after having left her school, had it not been for the fact that, gullible as she was, she continued believing the explanation of the deceased concerning the postponements of the marriage ceremony and his repeated denials about the rumors of his being a married man. In short, she meekly obeyed him like a child, hoping that the man whom she trusted like a god, would marry her as soon as his crowded official duties would permit. It would have been the height of the ridiculous for her to

appear in public, in her embarrassing condition, as the concubine of Mr. Biteng, if she knew he would never be able to marry her. How could she have planned his death with premeditation when before the new year, January of 1932, she loved him blindly, and believed in him implicitly? She had her doubts, true, but the late governor always managed with his smooth slick tongue, to allay her doubts and invent justifiable causes for the postponement of their marriage. The scales fell from her eyes, and she saw herself as one cruelly exploited only after the dinner on January 6th, when the governor, for lack of any more tall tales to tell, admitted to the truth that she feared most. She could have attempted to plot against his life way before January, if there had been any single serious motive for her to do so. But nothing happened because there was no single driving force to move her to destroy his life.

Furthermore, the document marked, ‘Exhibit 2’ speaks for itself, as the immediate cause on the part of the accused, for the impulse to avenge. In urging her to affix her signature to the infamy of a great lie — that of having had a liaison with another man, the late governor reduced her to a common harlot, a prostitute engaged in the obnoxious business of charms for sale, thus making Miss Quilop’s situation even more odious and despicable than before.”

When on March 15, 1931, the Judge rendered his decision in accordance with my plea for only six years imprisonment instead of the hot chair fixed for the crime of murder, the *El Debate* once more played up the story, considering the decision as an adequate vindication of an injurious affront to Filipino womanhood and had even complimented me with the sobriquet of the Filipino “Darrow”. By the way, Clarence Darrow was the greatest U.S. criminal lawyer in the early 30’s, who spared from the hot chair the two most notorious criminals of the century, Leopold and Loeb, both schoolboys from multi-millionaire families, who out of fun or strange curiosity subjected a classmate to a slow and cruel death.



Clarence Darrow was an American Lawyer who became famous in the early 20th century for his involvement in the Leopold and Loeb murder trial

Then came the case of Attorney Juan Orbeta, an outstanding practicing attorney in the City of Cebu and graduate of Washington's Georgetown University, who was accused of setting fire to the books, furniture and other personal properties of his law office for the alleged purpose of collecting insurance policy.

The damage caused on the building and to the score of businessmen and professionals occupying it amounted to millions. Because of the social position of the accused and the prominence of the victims of the fire, the week-long trial was attended by a capacity crowd rivalling that of the famous Segundina Quilop murder case in Vigan.

I took to task the government prosecutor for having swallowed hook, line and sinker the story of the star witness named Juan Royo who unashamedly admitted to the Court that he never had any lawful and visible means of livelihood, that he was the party who set the fire to the building upon instruction of Orbeta without any reward or hope of receiving compensation. My Philippic against the Fiscal in the Castilian language was jotted stenographically, and reproduced

in part by the publisher of a magazine entitled “The Public Speaker”, the English version of the oration follows:

“But what I want to say, your Honor, is that the procedure in the case of Royo will imperil the life and liberty of the inhabitants of Cebu, nay, of any community wherein this Royo may happen to reside. It will destroy the insurance business and reduce all into bankruptcy. Why, merchants do not have to be insured and pay insurance premiums. If I were insured, and the fiscal’s theory were sound, I would immediately withdraw and cancel my insurance policy. If my house is burned, all I have to do is to announce that there is a prize of one or two thousand pesos to convict the culprit. Undoubtedly, a Royo will appear, and this will then accuse someone more or less solvent. If they believe this fool Royo, if, by chance, they happen to accept his version, I would be fully compensated for my loss by the conviction of the victim of Royo. In other words, I am insured against fire without any insurance policy. This is exactly, your Honor, what they wanted to do with Orbeta in this case.

Ah! Mr, Fiscal! When the snow of Old Age shall come at last to fall and cover your head and the ardor of prosecution becomes less ardent in your breast, I am sure that you will remember these proceedings as one of the most unfortunate blunders you have committed in your official career, a blot on the good name and prestige of the inhabitants of this province — a blot which cannot be washed away even with the waters bathing the shores of this beautiful Visayan isles!

Your Honor, I have to confess that I accepted the defense of this case with no little apprehension. When Mr. Orbeta showed me in Manila a copy of the information filed against him, I immediately informed him that in this case, we have to confront an array of conspicuous personalities, of big political moguls, who in their time dispense great favors and temporal privileges of lawyers of vast prestige, besides a local Northcliff (editor of the London Times, and czar of the media in England) with high pretensions of making

and unmaking men. While on the opposite side, I see nothing but a poor accused lawyer, alone, accursed, persecuted. Nevertheless, with unflinching faith in the Lord and in the absolute innocence of this accused, your Honor, I prevailed upon myself to accept the challenge with bare hands (*con pecho descubierto*) believing as I have always believed that this Honorable Tribunal will dispense justice to all even if the heavens fall, or as the ancient Romans, say, *FIAT JUSTITIA RUAT COELLUM!*

Your Honor, modern penal codes of more advanced countries contain provisions for indemnifying the victims of silly and cruel prosecutions. The accused in this case unfortunately cannot ask to be indemnified, not only because our penal laws do not so provide, but principally because there is not sufficient gold in this whole universe that can compensate for the material and moral sufferings which the accused and his afflicted family have undergone in these proceedings. We cannot ask to be so indemnified in terms of gold and silver, but certainly, your Honor, we believe we have the right to ask, as we do hereby ask, that the accused, Mr. Orbeta, be declared innocent and acquitted without delay, with all legal pronouncements favorable to him.”

Then there was the case of a local Japanese businessman, Watanabe, whom I saved from ten years in jail for alleged violation of the Bonding Warehouse Law. He was broke at the time but he subsequently, in gratitude, compensated my service in a form that provided the real start of my life on the side of economic productivity and success, of which I shall speak of more later.





CHAPTER TWENTY-FOUR

Adventure in Politics

The transition from public prosecutor to private defender following my resignation from government service as Manila's City Fiscal, along with my family's quiet entry into industry, raising milkfish and manufacturing rubber tennis shoes, was not too difficult. Thanks to Chong's no-nonsense outlook and business acumen and Watanabe's conscientious compliance with his pledge to handle for free the operation of the shoe factory in its initial stage in return for my service to him as defense counsel before the Supreme Court, we were fairly on the way to establishing family economic competence and independence; the children for their own part were going to school and at the same time were learning the ropes, as it were, in the family's production ventures.

But some political developments at home and abroad conspired to distract me somewhat for a period, without completely drawing me



Franklin Delano Roosevelt and Herbert Hoover in convertible automobile on way to U.S. Capitol for Roosevelt's inauguration, March 4, 1933

away from the course I had set out upon as private law practitioner with continuing interest in criminal jurisprudence, while at the same time proceeding as productive enterpriser.

This was the crucial period for the peaceful but determined fight for Philippine Independence. Sergio Osmeña and Manuel Roxas as joint heads of a mission in Washington had finally succeeded to get the US Congress to approve an Independence bill, the Hare-Hawes-Cutting Act, over the veto by President Herbert Hoover, which was in January of 1933.

This development sharply divided the nation's political leadership and followers into the Pros (for the Hare-Hawes-Cutting Act) and the Antis (against the same Act). Both sides were committed to absolute, complete and immediate independence — quite an amusing situation from this distance. It was not amusing then, particularly to Manuel Quezon as the accepted head of the Filipino participation in the government. Quezon of course was for Independence, but he was against the Hare-Hawes-Cutting Act ostensibly because of some minor provisions regarding fueling stations and army bases for

the US here, which he magnified into a prospective major calamity using the art he alone could muster.

Master politician, inferior to no one, Quezon won the bitter fight against the Pros, got our Legislature to reject the Hare-Hawes-Cutting Act, went to Washington and got the US Congress and new President Franklin D. Roosevelt to approve another “Independence law” which was pretty much the same thing that Osmeña and Roxas had first obtained.

This is running much ahead of my own story, but that was about the point of the whole political contest which rocked the nation, disgusted Washington, shattered lifelong loves, inflicted many a personal ruin, running the whole gamut of tragedy, melodrama and comedy. And Quezon shone through it with characteristic ebullience and flair.

For the present purpose, I could say, like many a Filipino citizen, that I was somewhere in the picture along with others performing roles of varying proportion and significance in the play. In the light of my youthful experience as a volunteer aide to Quezon during his early years in Washington fighting for independence, when I was reasonably afflicted by hero-worship under the existing circumstances, I should have been on the side of Quezon and the Antis he led.

I was not. I was on the side of the Pros — with the Senate President Protempore Osmeña, Speaker Roxas, Resident Commissioners Osias and Guevara, Senator Benigno Aquino, University of the Philippines President Rafael Paima, etc. Of course, you could say Rafael Palma was the elder brother of my beloved wife Chong. But that is neither here nor there, really. It just happened that I was no politician in my genes and I respected those champions of freedom who, incidentally, because of their commitment to it and of their intelligence and common sense, had reason to celebrate securing the Hare-Hawes-Cutting Act, the Country’s independence, over the greatest odds



Senator Sergio Osmena and Speaker Manuel Roxas with members of the OsRox mission

which Quezon himself could not fail to recognize because of his own part.

What Quezon, in possession of his political mind, would not and never permit was any prospect that Osmeña and Roxas would get any full credit for an Independence Law, as in the case of the Hare-Hawes-Cutting Act, at his expense; that is, without his getting the supreme star billing. It must be admitted that at the time the Os-Rox Mission in Washington was in the throes of persuading the decisive Republican and Democratic Leadership of the US Congress to vote the Independence bill over the objections of outgoing President Hoover, Quezon was ruling the roost in Manila, far from the scene of action. No political glamor in that. Hence, the concoction of those Quezonian reservations about tentative minor provisions by which he justified his round rejection of the Hare-Hawes-Cutting Act and the consequent game called the Antis-Pros political war.

Meanwhile, there would be heads falling and ongoing institutions being punished. Such was the case of Rafael Palma, then President of the University of the Philippines. Students in the main at the university ranged themselves on the side of the Os-Rox Mission and the Hare-Hawes-Cutting Act, and Palma gave them permission to discuss the subject in the campus assemblies in the name of academic freedom.

Quezon was furious; he was for freedom, even academic freedom, but not for discussing the Hare-Hawes-Cutting Act freely as led by student leaders of the type of Wenceslao Vinzons, Arturo Tolentino, and Carmen Planas. Vinzons, incidentally, was to become delegate to the Constitutional Convention and martyr to Philippine Freedom outside of the concept of the Greater East Asia Co-Prosperity Sphere, Tolentino was to become President of the Senate of an independent Philippines.

But because Quezon would not brook any apparent or real opposition in the name of freedom in his securing any political objective, he would reduce the budget of the state university by one third so as to cripple its operation under Palma; Palma, who was no affluent oligarch by any standard, resigned his post in order to save the state university budget and the university itself, after exercising a progressive leadership of well-nigh a decade as one of the dominant trio with Quezon and Osmeña, in the nation's early advance to independence.

Meanwhile, the law firm of Guevara, Francisco and Recto had not been spared the corrosive impact of the political struggle arising from party factional differences over the Hare-Hawes-Cutting Act. Claro M. Recto, stalwart member of the minority Democrata Party, then under Juan Sumulong, soon enough found himself rallying to the side of Quezon in rejecting the product of the Os-Rox Mission's arduous labor in Washington. It's a moot question now whether this defection to the Quezon side of the majority Nacionalista Party came of honest conviction or of Quezon's expert blandishments, or,

again, as some observers suspected at the time, whether it was due to a kind of congenital Recto antipathy towards whatever Osmeña had something to do with.

This much was certain: members of the law firm parted ways and the firm was dissolved. Recto, on his own, subsequently found new and very substantial retainers, mostly affluent American and foreign business and industrial corporations who for obvious reasons were allergic to complete independence of the country. Apparently, a strange development for a confirmed uncompromised oppositionist since we could remember. Recto himself, however, gave the explanation some two decades later to a Quezon biographer, thus: “I’ve found the role of a minority leader extremely unprofitable and I’ve been poor long enough.” As simple as that.

The dissolution of our prestigious law firm did not exactly consign me to the poorhouse, but politics, upon my identification with the Pros under whose banner Rafael Palma consented to run for senator in his district in opposition to Quezon’s own candidate, failed to confer the blessings that made my erstwhile partner, Recto, prosperous.



Rafael Palma (1874-1939) was a Filipino politician, Rizalian, reporter, writer, educator and a famous mason in the Philippines. He also became the fourth President of the University of the Philippines. He was the brother-in-law of Judge Guillermo B. Guevara.



President Franklin D. Roosevelt signing the Tydings McDuffie Act establishing the Commonwealth of the Philippines in 1934.

I practised law with as much zest and conviction as ever, but mostly to defend clients who were Pros or Palma sympathizers, and that meant for free and, of course, for votes ostensibly. Not being on and for the side of Quezon, where all political patronage and cold cash lay, the votes ran short of their objective, it was a natural development under the circumstances in our US-taught democracy.

Palma, whose senatorial candidacy I supported under the Pros, thus lost. Quezon in a rush mission to Washington had brought home the Tydings-McDuffie Act, which was virtually the same Hare-Hawes-Cutting Act, ensuring the Antis' victory at the polls where Palma lost. Quezon indisputably proved he was no less and could be more for independence, leaving the electorate no choice under the magic of his political maneuvers. Palma had his balm for the senatorial miss; in the elections for delegates to the Constitutional

Convention the following month of June, 1934, friends submitted his name as a candidate and gave him a full measure of public vindication, which he amply sustained by his conscientious work in the Constitutional Convention.

I was not so fortunate in my own candidacy for the Convention; I ran to represent the first district of Rizal province, and missed the ship for all the votes I got in Pasay. It was so much water over the dam and I found occasion shortly after to express my public appreciation of such support as I got, avoiding any gratuitous bitterness over the reports of dubious victory for my competitors on the Antis' side. In five municipalities of the district, there were the reported manipulations of ballots in the boxes in the standard operating procedure tradition. Cold comfort; I just charged it all to experience.





CHAPTER TWENTY-FIVE

From Prosecutor to Producer

Shifting from the role of public prosecutor to that of a private practitioner, I proceeded to take on what would prove a major preoccupation of my later years. It was that of becoming a producer, growing a blade of grass, as it were, where none grew before.

Having declined a gratuity of office upon my resignation from government service, I used my modest savings to buy a fishpond in Guagua, Pampanga, where my late father had been master of the town brassband. I raised milkfish for the Manila market, largely Divisoria, and managed to keep my shirt.

In good time came a fresh occasion to expand my experience in production: the manufacture of rubber shoes. It came as an offshoot of a criminal case to which passing reference has been made in the preceding chapter — that of Katsiburo Watanabe, a Japanese



Divisoria circa 1930s

trader in Manila sentenced to ten years by a lower court for reported violation of the Warehouse Bonding Law and acquitted on five-to-four split decision in which four Filipino justices and one American (George Butte) voted in his favor and three American justices and one Filipino (Anacleto Diaz) voted against.

One night at about 10 o'clock in 1932, I was surprised by a phone call from Watanabe. I hardly knew how to take it, considering the lateness of the hour. It was to inform me that three Japanese skilled workers, disenchanted by the operations of a man who had brought them in from Japan to work, were on the point of quitting to return home and so, Watanabe asked, whether I would be willing to use them in a shoe factory project he would be ready to set up for me.

It was Watanabe's idea of paying in kind the debt he owed me for my services in saving him from jail — even if, he said, he had to spend the rest of his life doing so. Watanabe assured me that we could set up a small plant with an initial capital investment of

P15,000 for machineries and equipment to be imported from Japan, and another P15,000 as operating capital.

In a subsequent conversation, I found Watanabe's proposal theoretically feasible and economically sound. I secured the P15,000 needed for the importation of the processing equipment and machineries from Japan. I gave Watanabe the go signal; and in less than thirty-days time, the machineries arrived and were set up at once on the ground floor of a bungalow adjoining the family residence at 188 Cuneta Street, Pasay.

The upper story of the bungalow and every other available space in the compound including the garage were used either as improvised shelter for the Japanese technicians or working shops for the handful of Filipino laborers, mostly women who were initiated in this new industry bowing before the country's business and industrial circle under the name of Mabuhay Rubber Shoe Factory Incorporated and using the tradename "*Bayani*" or hero and an emblem of Andres Bonifacio's Cry of Balintawak monument. The laborers learned the Japanese technique in shoemaking with amazing speed and skill; among them were two young men by the names of Jose P. Marcelo and Tobias P. Marcelo. Jose has since become an industrial tycoon in his own right, starting with manufacturing rubber shoes. Tobias is the ice and cold storage king of the country today.

The Mabuhay Rubber, founded in July of 1934 as a family corporation composed only of my wife Chong and myself for all practical purposes, was a cottage or backyard industry, with a daily production of 300 pairs of tennis rubber shoes.

Modestly starting with that output, the Mabuhay Rubber, by the year 1936, was turning out a daily production of 3,000 low and high-cut rubber shoes, including rubber boots so convenient for the rainy season. Two years later, in 1938, the Mabuhay Rubber acquired all the assets and equipment of Manila Rubber, an American-owned rubber goods factory in Pandacan that had gone broke.



Mrs. Asuncion
Palma Guevara,
General Manager
of Mabuhay
Rubber Shoes,
featured in
Promenade
Magazine, 1934

We bought the entire plant outfit and transferred it to our Pasay place where we acquired an adjoining lot of 3,000 square meters for its site. The factory was devoted to the manufacture of gaskets, industrial rubber producers, or the so-called mechanical rubber goods such as seal rings, rubber sheets, rice polisher, rollers and other rubber parts for machineries. It was a monopoly at the time and prospered accordingly.

Subsequently, in 1938, the tiny Mabuhay Rubber Shoe Factory was reorganized into a much bigger entity named Mabuhay Rubber Corporation with an expanded capital stock of P1 million, 50% of which was fully subscribed and paid for. In the same year, I likewise bought the Asbestos and Cement Incorporated and reorganized it into the Mabuhay Industrial Enterprises manufacturing centrifugal cement pipings and asbestos roofing. A new lot and building for this

enterprise was added across the street of P. Celle. The ground floor of the new building was occupied by cement and asbestos product while the upper story housed the shoetop and shoelace making machine.

By December of 1941, the Mabuhay Rubber Shoe Factory which Watanabe helped organize nine years before as a backyard or cottage industry on the ground floor of a bungalow at 188 Cuneta Street had expanded into a sprawling enterprise in a building of five units occupying an area of 9,000 square meters (including the P. Celle — Cuneta lot for sewing shoetops) and was fully engaged in supplying the Philippine Army and the USAFFE not only with rubber shoes and rubber boots but also with raincoats, ponchos, leggings, mechanical rubber goods and special rubber items like hard rubber and rubber sheets very much needed by the navy for gaskets and packing material. In a limited way, we also started on medical rubber goods making hot water bags, tubings, surgical gloves.

On December 8, 1941, the Japanese Imperial Forces dropped bombs simultaneously on Pearl Harbor and the Philippines. By January 2, 1942, they were entering Manila as an open city, with MacArthur reduced to concentrating his forces in Bataan and Corregidor for a last stand.

Needless to say, the plant engaged as it was in the manufacture of war materials, was immediately seized; commandeered also by the Japanese army was the entire office force including the chief technician, the one and only irreplaceable Chong, and her three assistants: Vic, Cards and Rads. The entire production and output of the factory was used mainly to help sustain the war efforts of the occupation forces. The Japanese military administration supplied the plant with whatever materials they could secure from other sources, such as rubber from Basilan and canvas and other textile needs from the National Development Company.

During the Japanese occupation, Victor had proven once more the validity of the common saying that “necessity is the mother of all invention”. Out of improvised equipment in the plant, he was able to produce in commercial quantity rubber tires for animal drawn vehicles such as “calesa” and “carromata”, dog cart, circulating the city; bicycle tires both casing and tubes; and last but not least to increase production or commercialize output of hot water rubber bags complete with rubber tubings to the great relief and delight of a score of drugstores operating in Manila.

As early as 1940, I was able to sense and perceive the possible armed conflict between the military clique that ruled the Japanese empire and the United States position in the Pacific basin. The occupation of Manchuria by Japan on one hand and the ever



Manila during the Japanese period

increasing economic blockade exerted by the United States against Japan could not have been settled except by the force of arms.

Neophyte as I was in world politics and guided mostly by the instinct of self preservation, I started accumulating within the limits of our credit facilities, raw rubber, canvas, sulfur, magnesium and other materials needed for the operation of the factory. It was on account of this farsightedness when the Japanese struck the sneak attack in Pearl Harbor on the dawn of December 8, 1941, that the Mabuhay bodegas were filled to the brim and ready to sustain blockades much longer than any other factory.



Judge Guillermo B. Guevara and his wife, Asuncion S. Guevara, at their residence in Pasay

The Military Administration was accommodating to me and my family during the first three years, to the point of allowing me to engage in the buy-and-sell of real estate while Chong and the children were employed exclusively in producing supplies for the civilians as well as the army. Then the situation became critical for Japan following the successive loss of New Guinea, Guadalcanal, Hollandia and even Guam to US forces; the local Japanese command decided to take full possession of our plant including our private residence. We were ejected from Pasay. In August 1944, we sought refuge and found shelter in the city of Baguio, until the day of Philippine liberation by General MacArthur.





CHAPTER TWENTY-SIX

Exile in Baguio

Among the pieces of real property that came into my possession in early 1944 was a medium sized family hotel called Aster located on Otec Street adjoining the Baguio Theater and commanding a full view of Burnham Park and the chapel of the Protestant Evangelical Church across the street.

I decided on the evacuation of our Pasay residence and Mabuhay Factory when the Japanese military administration took possession of them. The newly acquired Aster Hotel in Baguio became handy and appeared especially suitable for our immediate need and convenience.

We set out on our exodus to Baguio on August 20 in a motor caravan consisting of one bus fully laden with foodstuffs — canned goods, rice, sugar, salt, etc. — one Hudson car and one Chevrolet coupe.



The Baguio Cathedral

My family occupied the two main suites of the Aster Hotel. The remaining six suites were occupied by well-known evacuees from Manila like a German doctor named Listner; the ace Jai-Alai player Salsamendi; a Mr. Aspillera and a Mr. del Prado.

By the later part of 1944, evacuees from Manila started to fill up all available houses on Session Road, patronizing its stores and restaurants. With plenty of stored groceries and a heavenly climate, we constituted a congenial society among whom were the Lopezes (Eugenio), the Abad Santoses (Amanda and children), the Roxases (President Manuel), the Ferias (Justice Felicisimo R.), the Zanduetas, the Taboras, the members of the Laurel cabinet, like Quintin Paredes, Claro M. Recto, Jose Paez, Teofilo Sison, Arsenio Luz, etc.

One would not suspect that the city of Baguio was heading directly for hell in a matter of a few days. Actually, December 1944

was indeed an ominous month for all of us. It was the month when President Laurel chose Baguio as a refuge for his cabinet. It was also in the same month that the Supreme Commander of the Japanese Army, General Yamashita, selected Baguio also for his headquarters. Then I knew or felt that our days of peace and happiness were numbered.

The months of September, October, November up to January of 1945 rolled by happily enough among the members of my family as we got absorbed in cultivating our backyards in the manner of what three decades later would be called the green revolution. On my part, I read what I could of publications at hand on subjects ranging from social, economic and political issues, to study projections on industrialization that would rely on the exploitation of untapped resources in water power. Outside of the prospect of any Japanese or American bomb exploding over our heads, there was no telling what would happen at any moment, any time of day or night; doing some reading was a way to try to forget fear and remain sane.

I applied myself to this activity with zeal and, in the process, updated my elementary education considerably with respect to our



Burnham Park, Baguio City

country's possibilities in economic development in the uncertain future. I learned what would prove to be a working basis of my later incursions not only into new industries but into sideline newspaper writing as postwar contributor to some papers, notably the *Manila Times*, *Evening News* and the *Manila Daily Bulletin*, pushing for one cause or the other.

Then came the 6th of January 1945 like a deafening thunderbolt from the clear summer sky; a black squadron of airplanes appeared from far away in the sky of Baguio and in less than a twinkle of the eye, the birds of death swooped down on the public market to the great horror of all. But it proved, in fact, a mere exercise in strafing on that first raid.

More strafing followed during the same month of January. The daily strafing, however, from February to April of 1945 of the American Forces developed into carpet bombing with big and heavy blockbusters of 500 lbs. The carpet bombing reduced the city to shambles. My temporary residence, the Aster Hotel, received direct hits reducing it to pure debris — the entire building and all personal properties there including food and supply of the family goods for at least six months' siege or blockade. The Evangelical Church in whose underground shelter we used to take cover likewise suffered direct hits.

The bombing was certainly intense and indiscriminate. Residential houses, churches, hospitals with conspicuous signs of the Red Cross and white fags were not spared in the bombing.

Scores of men of God and prominent American citizens, among them the former Mayor Halsema of Baguio and an all-time practitioner Allison J. Gibbs of Manila, perished during the bombings. The raid on Black Friday, March of 1944, singled out two saintly nuns, one of them a Belgian Nun in the act of fervent prayer before the altar of the Holy Family Church, and the other, Sister Lydia Isip of the Order of the Pink Sisters. This was in the village of Atab, six kilometers from the center of the city. Twenty-four hours of



*Eusebius J. Halsema
(1883-1945) was
the mayor of Baguio
from 1920 to 1937*

the day, there they were repeatedly praying “*Lord, deliver us from evil, amen.*” for the duration of the bombing. The upshot of it all was they were not delivered. The bombing, with or without God’s knowledge, hit them to eternal peace that passes understanding. I must confess to a doubt at the time of the Providence mercy and divine justice when at that crucial hour, I was spared for all my sins. But not the saintly sisters.

The irony of it all was that Yamashita’s army had completely abandoned the city of Baguio long before the carpet bombing started. Only sheer stupidity and ignorance of the intelligence services or deliberate ill will of the American invaders could explain the cruel punishment inflicted upon the civilian population.

On March 16, the day after the destruction of the Aster Hotel, wearing nothing but the barest clothes, we started to move out, Manila bound.

After covering 27 kilometers of mountain trail, we reached our first objective — the town of Agoo, La Union province. We had to lie low most of the daytime, doing our trek at night, we sought shelter



Surrender ceremonies at Baguio on 3 September 1945. The Japanese commander, General Tomoyuki Yamashita, is seated in the middle on the near side of the table.

in caves and ravines during the day. It took us 10 agonizing days to reach that municipality.

Here we enjoyed the hospitality of the Tabora and Zandueta families, resting and recuperating from exhaustion of five days of horror and tragedy brought on by the Japanese and enemy forces.





CHAPTER TWENTY-SEVEN

A Journalistic Avocation

The price of our liberation from Japan's occupation was terrific. The plant the Japanese had seized from us was deliberately scuttled, set on fire, and reduced to ashes before they abandoned it. That was on February 10, 1945 — ironically, my 59th birthday. Other properties of mine, one on Muelle de la Industria corner of El Comercio in Binondo, one in Intramuros where the Court of Industrial Relations was located and another on Taft Avenue where there used to be the Teatro Nacional were also burned.

In the wake of such horrible desolation, I swore to myself to devote the rest of my life and to use every bit of my energy and spark of my intelligence in furthering the quickest and most effective way of rehabilitating our prostrate economy.



*Citizens of Manila run for safety from suburbs burned by Japanese soldiers,
10 February 1945*

My initial activity was to contribute for general publication articles on hydroelectric power development which was my favorite subject then. One among such articles ends thus:

“One of the outstanding shortcomings of the once powerful party in the Philippines, the Nacionalista Party, for which she will inescapably stand indicted before the bar of history, is the fact that inspite of the almost unbridled power she had wielded for more than a quarter of a century, no tangible and substantial work towards self-sufficiency in agriculture and industry was undertaken by it.

Way back in 1935, when the Congress of the United States released the sum of P90,000,000 for excise tax, every fair-minded citizen of this country expected that the windfall would be used in some permanent and self-liquidating project, such as the establishment of flood control, and irrigation systems and hydro-electric plants in the drought and flood-stricken regions of the Philippines, Central Luzon, where no less than one million peasants have since time immemorial been, and still are, living in extreme

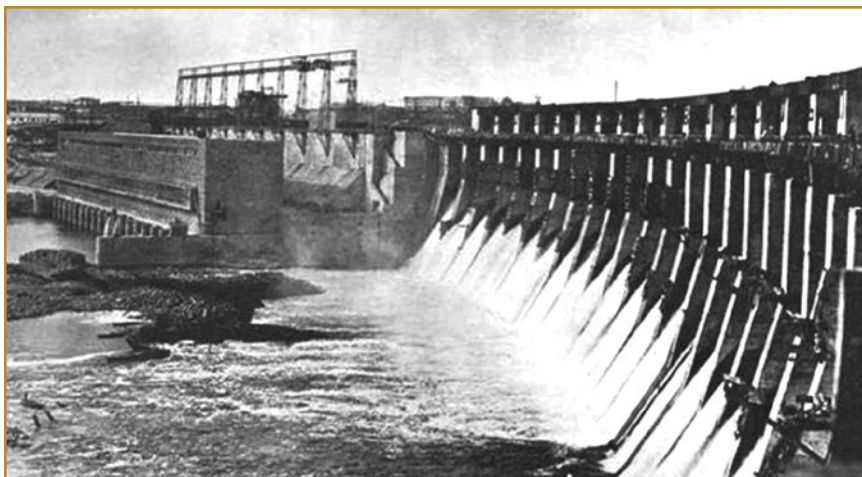
poverty due to periodical inundations during rainy seasons and scorching drought during dry seasons.

To our chagrin and dismay, that huge amount was spirited away without the government accomplishing anything tangible, except a half-planned city near Manila and a top heavy and oversized bureaucracy.

Control of waters for the triple purpose of preventing floods, furnishing irrigation, and generating power, has of late been accepted and recognized by statesmen of large vision as a means of producing the indispensable trinity of modern progress.

Thus, Stalin did not hesitate to tighten up the belts of his people and to export all available grains of wheat he could spare from the mouths of his comrades for the purpose of meeting the payment of the drafts drawn from abroad for the costly machineries and equipment imported and used by Russia in the construction of the now famous Dnieper Dam. The project cost Stalin two hundred million dollars, but it proved to be one of his most useful and luckiest investments of all time. Due to the power developed by Dnieper Dam, Russia was able to step up her war industries.

President Roosevelt, way back in 1932, foresaw and realized the importance of flood control and water power when he recommended to Congress the passage of the organic charter of the Tennessee Valley Authority at a cost of seven hundred million dollars. The whole world is now a witness to the achievement of the TVA. Generating twelve billion kilowatt hours a year, it has transformed hundreds and hundreds of miles of shallow and destructive rivers into navigable ones and has converted hitherto undeveloped regions into agricultural and industrial centers. Verily, it can now be considered as the greatest single instrument of happiness and prosperity to the millions of people residing in the vast valleys of Tennessee and Mississippi. The famous B-29, which brought Japan to her knees, would have remained in blueprint for many more years were it not for the TVA.

*Dnieper Dam*

In the blueprint for the rehabilitation of war torn China prepared by American experts, the organization of an agency similar to that of the TVA on the Yangtze River appears to be Project No. 1.

The inheritors of the power and glory of the old Nacionalista Party can certainly avoid the mistake of its predecessor and at the same time do something beneficial to posterity by establishing a sort of Tennessee Valley Authority (TVA) in Central Luzon. The new party in power has committed itself to a program of extensive and intensive production in our agriculture and industries, but to my mind, such a program, commendable though it be, would remain an empty gesture similar to that of the Nacionalista Party if nothing concrete is done to control and harness the waters of the Pampanga, Tarlac and Agno Rivers. Today, far from being truly beneficial to the farmers of Central Luzon, these rivers often give them a feeling of insecurity — they are the farmers' sword of Damocles hanging over their crops, ready to swallow them up by their uncontrolled floods and inundations just when those crops are ready to be harvested. And to the expert's eye, these rivers, when they are not in an angry mood, are power and energy wasted. Something has to be done

about them; they must be used and put to work for the people. It is a project which should be carried out regardless of its cost.

If the administration did not hesitate to formulate a loan of P400,000,000 with which to defray the expenses of the government for the next four years, we cannot see any reason why for a self-liquidating project like the one under consideration it should not negotiate a similar loan. We are sure that an application for a loan from the International Import and Export Bank of a sufficient amount for the purpose of water power development will find an easier sailing than a loan for government expenditures.

There is no justification for any fear of our incapacity to pay such a loan, for the project suggested, besides being a prevention against waters and destructions, will be self-liquidating. The harnessing of the three giants of Central Luzon, the Pampanga, Tarlac, and Agno Rivers, will directly benefit an area of 18,000 square kilometers and a population of more or less 2,100,000 souls. It will save our national economy from ten to fifteen million pesos worth of wastes and destruction annually. Besides enabling more than one million farmers to raise two crops a year instead of only one, as they have always been and still are doing, it will increase the potential industrial capacity of the country by not less than one million laborers; that is, assuming that a minimum of one hundred thousand kilowatt hours will be developed in said rivers.

Even granting therefore, that the project will involve an investment of, say, two hundred million pesos, we can see that the capital can be easily recovered in less than ten or fifteen years even in the amount of wastes and destruction saved. If we add to this item the value of irrigation fees and electric energy sold to those who will need it, we would not be overestimating should we say that the investment will return in less than ten years.”¹

Coincidentally, the multi-million peso Ambuklao Dam and the series of generators of the Maria Cristina hydroelectric power system are now positive realities.

Perhaps my frequent contribution to the metropolitan papers then, prompted Dave Boguslav to offer me a prominent place in his paper, thus marking the beginning of a front page column in *The Manila Times* under the title of “Random Thoughts”.

Ford Wilkins of *The Daily Bulletin* followed suit a couple of years later; I obliged *The Bulletin* with a regular column “In My Opinion” from 1953 to 1957.



¹As published in *The Sunday Times Magazine*, Vol. II, No. 134 (December 29, 1946), page 10.



CHAPTER TWENTY-EIGHT

From the Ashes Like the Phoenix

*W*e returned to Manila from our temporary exile in Baguio early in March of 1945. For a couple of days, I was a refugee with Chong and our five children (Vic, 24; Cards, 22; Rads, 20; Chonch, 18; and Charito, 9) in the house of my cousin Marciano Guevara in J. Basa, San Juan, Rizal. By August of the same year, I settled with my family in a newly purchased house on Calle N. Domingo of the same municipality.

Using the credit I enjoyed with the PNB, I ventured into another field of endeavor. I went into the entertainment business, building a little showhouse named “Rainbow Theater”, just a stone’s throw from the Municipal Building of San Juan. Chong once again was the body and soul of the little enterprise until her sudden death which caught us by surprise on December 27, 1946.

Her passing plunged me into the deepest despair. It did not take long for me to see that my pain and sorrow came of a full realization of what she had been to me and our children — “a truly human bee

In Memoriam



(To my dearly beloved wife, Maria Luisa Asuncion Palma)

When you breathed your last on that eventful afternoon (5:25 o'clock) of December 27, last, I must confess that I felt as if the full weight of the Universe had fallen on my whole being, producing in me, pain and sorrow which, by all standards of human endurance, were well-nigh incompatible with Christian resignation. I was plunged into this ocean of despair, when all of a sudden a weird idea struck my fancy, namely: that I must inquire into the cause, into the reason, of that unbearable pain, that fathomless sorrow. It did not take me long to understand that my pain and sorrow were directly caused by the full realization of what you were and what you would have continued to be to me and to my children—a truly human-bee which for twenty-six years and six months, had ceaselessly supplied and fed us with the honey of life.

You had given me five children made in your image and likeness; you had heroically and valiantly fought with me the battle against want and misery; you had inspired me to do every noble action in this world; in a nutshell, you had been to me everything that was lovely, noble, and useful. No wonder then, that when you passed away, my inferior ego at once longed for that same honey of life which you so generously had given me; no wonder then, that I had a hard time accepting the stark reality of your demise.

But after a second thought and a more Christian one, I felt that it would be unbecoming of a husband of a great woman like you to regret and mourn over the loss of your fruitful and enjoyable companionship, for to do so would be tantamount to insisting that you continue to feed me with your honey of life—a matter to which I have not an iota of right.

Believing, therefore, that my pain and sorrow under the peculiar circumstances of my case are tainted with egotism and sheer selfishness, I finally succeeded in overcoming my sadness, and instead, rejoice over your emancipation from the voluntary servitude which you so admirably imposed upon yourself during your brief sojourn in this world.

Ere we part, allow me and our children to render to you our last humble tribute by raising our right hands before your mortal remains and solemnly swear to revere and perpetuate your sacred memory and your saintly deeds; and to follow and emulate your way of life, characterized by self-denial, devotion to duty, and genuine love for our fellowmen. May you rest in peace and may our Heavenly Father join us together again!

North Cemetery
Manila
December 29, 1946

Guillermo B. Guevara

that, for twenty-six years and six months, had ceaselessly supplied and fed us with the honey of life". She had borne me five children in her image and had heroically sustained me in our struggle against every manner of want and adversity; she had invariably inspired me to noble action. But I also saw my sorrow and despair tainted with egotism and selfishness, and I could praise God for her release from the great sacrifices she willingly imposed on herself for my sake and our children. And so we all pledged to preserve and honor her memory by completely imitating her self-denial, her devotion to duty, her genuine love of her fellowmen.

The Pacific War left the country, my family included, in ashes. Compounding the tragedy for us especially was the unexpected passing of Chong as we sought to rise anew for a fresh start.

Heaven, luckily, works in mysterious ways. One day, Victor and I were strolling around Pasay to have once more a look at the ruins of Mabuhay Rubber and its surrounding area. Not far from the place was the depot of war surplus supplies (building materials) of the US Army at the corner of Ortigas Avenue and Dewey Boulevard (now Roxas Boulevard).

Victor and I decided to inquire from the caretaker about the contents of the depot. The caretaker obliged by showing us the huge pile of prefabricated parts of giant airplane hangars, some big enough to house B-24 and the B-29 bombers.

The creative mind of Vic worked fast on the spot. He told me that we could easily assemble and convert such hangar parts into urgently needed fireproof buildings like warehouses, auditoriums, theaters, markets, churches, etc. if we could get hold of the materials. I saw sense in Vic's idea and so I prepared myself to take part in the public bidding.

I was lucky to win the bid and so, beginning January of 1947, my children and I went into the novel enterprise of assembling hangar parts for conversion into big warehouses, gymnasiums, auditoriums, markets, and even churches. The Central Market at the corner of

Quezon Boulevard and Zurbaran, the Ateneo Blue Eagle Gym (formerly Loyola Center) and Mapua Gymnasiums and, last but not least, the giant warehouse of the San Miguel Brewery at Polo, Bulacan were among the important structures built out of these army surplus hangar parts.

The fast dwindling foreign exchange of the country had a substantial share from our army surplus transactions. In March of 1951, three of the reconstructed ARMCO hangars were exported to Taipei against a letter of credit of \$300,000 which we sold to the Central Bank at the official rate of P2.00 to \$1.00.

For a moment my children and I were dubious as to whether or not to revive the old Mabuhay Rubber Corporation or venture into another enterprise out of that substantial cash.

At this juncture, we came across a newspaper story of the National Power Corporation reporting the construction of the first unit of hydroelectric power of 25,000 KVA in the Maria Cristina area.

The National Power Corporation press release gave assurance that the power rate of the generator under construction would be



The Blue Eagle Gym is a gymnasium located in the main campus of the Ateneo de Manila University. The stadium was built in 1949.

among the cheapest in the world; in fact it would not cost more than four mills per kilowatt hour.

Remembering that calcium carbide was among the chemical products that could be manufactured advantageously at a cheap power rate, we decided to organize immediately a new family corporation calling it Maria Cristina Chemical Industries Incorporated (MCCI). Thus we were set to be the first private end-user of the Maria Cristina hydroelectric power. Time was of the essence and so we flew to Norway in the summer of 1952 to canvas for a furnace, an indispensable equipment. The well-known manufacturer Elektro-Kemisk A/S satisfied all our requirements and on December 27, 1952, a formal contract for pieces of equipment to manufacture 27 tons a day of calcium carbide was concluded between Elkem and the newly formed MCCI.

I bought a plant site at the mouth of the Agus River in Iligan City without any previous inspection of the place. I found out later that the area was a rocky hill about 70 meters high above sea level and completely inaccessible except by helicopter. The site was an unhappy combination of the Rock of Gibraltar and a New Guinea jungle enough to discourage any entrepreneur of less fanatical faith in his cause.

Three pieces of earth moving equipment namely 1HD14, 1HD10 and 1HD7 plus thousands of kilos of dynamites were made expendable for the period of 18 months time to flatten and clear the jungle and convert it to what it is today: an industrial center, proudly exhibiting to all and sundry, national and foreigners the first and only integrated electrometal and chemical plant in Southeast Asia.

Anyone who read my early newspaper contributions reproduced in Chapter 27 of this book about the urgent necessity of developing our water resources would believe that my decision to migrate to Mindanao was nothing but the natural impulse by auto suggestion, or perhaps an 11th hour attempt on my part to dramatize by example what I tried to advocate by precept.



President Ramon Magsaysay at the inauguration of the MCCI plant in Iligan City, November 29, 1954

The plant was set up and run exclusively by an all Filipino team headed by Victor, a new graduate from the UP College of Engineering.

Once more, Victor had proven his unusual practical sense, versatility and creative mind. With the exception of the furnace and lime kiln, and the electric transformer, which were imported from Norway, the rest of the equipment were locally made mostly out of army surplus material and the structures out of the airplane hangars. Helping Victor in the job of improvising parts and materials for the plant and factory building was another young graduate from the UP College of Engineering named Jess Ferrer. He is the same man, who ten years later, was to erect the PNB Building, DBP Building, the Cultural Center and practically most of the biggest and important structures in the Makati business area.

The tiny carbide plant was inaugurated by no less than the famous and unforgettable (“*My Guy*” to every Filipino), President Ramon Magsaysay on November 29, 1954 with appropriate ceremonies.

The appearance of Cristina Carbide, which was the name of the new product in the local market disturbed greatly the management of the Union Carbide Corporation which for years had been exercising complete control of the market.

Undoubtedly, the local representative of Union Carbide — shrewd businessman that he was, foresaw the near end of their monopoly, on account of protective measures which the government by law and economic exigency would be bound to enact for the newly born MCCI. Thus, early in January 1955, the local man of Union Carbide in Manila by the name of Keith Michaelson started his exploratory talk. Knowing that the Union Carbide was and still is the biggest manufacturer of calcium carbide in the world and that it possesses the best technique in its production and marketing, I was receptive to the proposal.

The first proposition of Union Carbide sounded preposterous: in exchange for their technique, trademark, and tradename plus the sum of \$10,000 they wanted an equity of 50%. I told Michaelson that his terms were unsatisfactory. After a long exchange of cables with his principal in New York, Union Carbide and I finally agreed to go on a 50-50 basis, and to that effect, the Union Carbide agreed to match our investment and expenses by buying additional shares of MCCI with cold cash and in genuine or solid US\$.

The joint venture of the Guevaras and the Union Carbide made eventful strides from ‘54 to ‘60 when the Guevaras thought of expanding the business of carbide to cover much wider field — polyvinyl chloride resins and caustic soda. The Union Carbide did not share the enthusiasm of the Guevaras in the prospect of expansion and so we went ahead and alone in the organization and founding of a separate caustic soda, chlorine and polyvinyl chloride plant but located in the same place at the Assumption Heights.



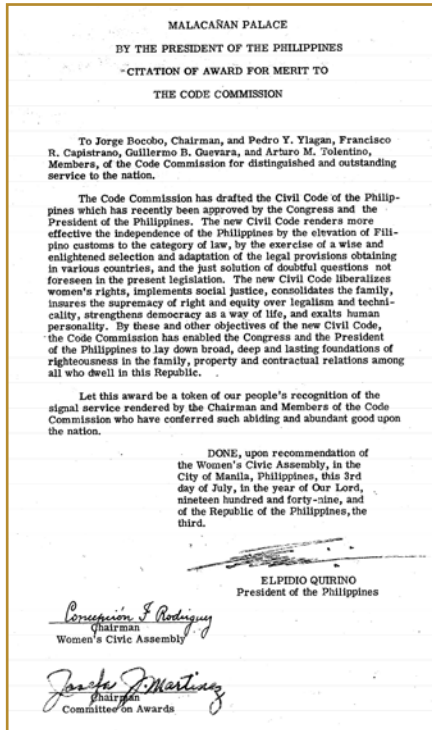
CHAPTER TWENTY-NINE

Recall to Public Service

Soon after the installation of Manuel Roxas as the first President of the Republic of the Philippines on May 28, 1946, he complimented me with two appointments: member of the Board of Directors of the Philippine National Bank, and member of the Code Commission.

I held the PNB job until the early 50's when on account of a clash I had with a sacred cow of the ruling party who was working for the approval of a multi-million peso deal obviously prejudicial to the bank and to the people, I begged to be relieved from the service.

On the other hand, my work in the Code Commission was quite congenial. I felt like fish in the water in my assignment as the chief drafter of the Code of Crimes, in view of my reputation as specialist on the subject.



*Citation of Award
for Merit to the Code
Commission, signed by
Pres. Elpidio Quirino,
July 3, 1949*

The Code Commission was created for the purpose of “revising all existing substantive laws of the Philippines and of codifying them in conformity with the customs and traditions and idiosyncrasies of the Filipino people and with modern trends in legislation and the progressive principles of law.”

It is in this Commission where I sponsored the project of a modern code for the treatment of crimes and criminals, to replace our anachronistic and outmoded Revised Penal Code. The project entitled “Code of Crimes” has had the signal distinction of having been selected as a model code by the *Congreso Penal Penitenciario* convened in Madrid on April of 1952 for the unification of the penal codes of all Spanish-speaking countries.

The following is my philosophy and motivation for proposing the new code:

“As we all know, the existing Revised Penal Code is basically the Penal Code of Spain of 1848, which considers the delinquent as an abstract entity for whom a predetermined or prefixed set of penalty is prescribed. The Code does not give any room for individualizing the treatment of the wrongdoer. Under our present system, an incorrigible delinquent stands under the same footing as the occasional violator of the law, and therefore, will receive the same repression or the same corrective measure. Much emphasis is given to the deed or to the damage caused and for that reason, the more serious the injury, the graver the penalty.

In it, retribution is the main theme or objective, social defense and social danger are secondary. The Revised Penal Code is bereft of adequate provisions for the treatment of the congenital delinquent and the socially dangerous person. It considers the service or execution of the sentence by the convict as full payment of his debt to society; and for this reason, no matter how morbid or dangerous the type of the culprit may be, he would be released and restored to social life after he had completed his term in the penitentiary.



Judge Guillermo B. Guevara poses with the Chief Justice of the Supreme Court of Spain, Dr. Jose Castan Tobeñas, in the office of the latter, May 22, 1954.

Experience has demonstrated that the service of a prison term, whether short or long, does not make the culprit any better or worse than he was before conviction; that fixed imprisonment can only be justified as a means to attain the ends of retributive justice but it is ineffectual as a means of social defense or to forestall social danger and that, last but not least, a culprit or violator of law must be subjected to undergo not only the conventional sanction in the form of prefixed or predetermined term of imprisonment but the precautionary and preventive security measures as well.

A convincing demonstration of this thesis is the big army of Muntinlupa ex-convicts, whether parolee, escapee or otherwise, which day in and day out raid and rob our homes, snatch bags, hold up trains and vehicles or kidnap for ransom.

Realizing the inefficacy of the conventional system of punishment of our century old Penal Code, the Code Commission proposes to make a forward leap in the field of modern criminology by introducing in the proposed Code of Crimes the dual system of satisfying the end of retributive justice through the imposition of a much shorter and simpler table of repression side by side with a complete system of security measures to forestall social danger.

Instead of the conventional penalties of the old Penal Code, consisting of “*arresto*”, “*prision correccional*”, “*prision mayor*”, etc., Art. 38 of the proposed Code limits to six the sanctions which may be imposed upon the violator of the Code, to wit:

- a) life imprisonment
- b) heavy imprisonment
- c) medium imprisonment
- d) light imprisonment
- e) confinement
- f) fine in a sum which is the equivalent of not less than 15 days nor more than six months’ earnings.

Fine under the proposed Code is computed not in terms of pesos but in day’s earnings. The imposition of fine in terms of pesos

runs counter to the theory of equalization of repression. A P25 fine imposed upon a P100,000 a year executive for violating the traffic regulation will not surely have the same effect of a P25 fine imposed upon a taxi driver for committing the same offense. But if the Court imposes upon a P100,000 a-year-executive a fine equivalent to his five days' earnings, the fine will surely have the same effect as that of five days' earnings that may be imposed upon a poor taxi driver for committing a similar fault or misdemeanor.

Death punishment has been retained in the Code to be imposed only in rare and exceptional circumstances under the provisions of Art. 72. The term and apportionment of the divisible penalty has been greatly shortened and simplified.

Thus, confinement is from one day to 30, light imprisonment is from 31 days to three years, medium imprisonment is from three years and one day to six years and heavy imprisonment is from six years and one day to 12 years. The new Code has done away with the complicated rule regarding the imposition of penalties in its minimum, medium and maximum period and instead, has given the Court full discretion to impose either the lower or upper half of the repression fixed for the offense depending upon the number and entity of the modifying circumstances present in the perpetration of the crime (Art. 66).

To forestall social danger arising out of morbid or dangerous types of criminals, the new Code proposes to institute for the first time in our country, rules and regulations subjecting them to strict security measures.

Only habitual rowdies or ruffians or persons judicially declared socially dangerous can be subjected to and placed under security measures (Art. 105 and 109).

A person is socially dangerous, according to Art. 107 of the proposed Code, when he shows a certain morbid predisposition, congenital or acquired by habit, which destroying or enervating the inhibitory controls, favors the inclination to commit a crime.

Such predisposition may be deduced from any one or more of the following facts or conditions;

- (1) The nature, means, object, time, place and other circumstances of the act.
- (2) The gravity of the injury or of the danger caused to the person injured by the offense.
- (3) The extent and seriousness of the alarm or apprehension occasioned by the offense.
- (4) The intensity of the criminal intent or the degree of negligence.
- (5) The motives in the commission of the offense and the character of the offender.
- (6) The criminal antecedents and in general, the mode of life, of the offender prior to the offense.
- (7) His conduct contemporary with or subsequent to the offense.
- (8) The individual, domestic and social conditions of the offender, or
- (9) Other analogous circumstances.

Under the provisions of Art. 109 par. (1), any person who has been sentenced to medium repression or higher is judicially presumed to have been declared 'socially dangerous' and, therefore, shall be subjected to undergo detentive security measures provided for in Art. 114 after he had served his term of imprisonment. The Court may also declare to be socially dangerous any convict sentenced with a lighter repression if and when such convict presents any of the signs or conditions of dangerousness enumerated above.

The proposed Code excels the Revised Penal Code in the adoption of predelictual security measure.

Article 108 enables the Court to declare, upon proper petition and showing, a person to be socially dangerous and to subject him under the operations of security measure, provided for in Art. 114

even though the subject has not yet been prosecuted, for any specific offense, when he (the subject) ‘shows any symptoms, evidences, or manifestations of habitual rowdysm or ruffianism.’

There is habitual rowdysm or ruffianism, according to the same article ‘when a person publicly and habitually through words, threats, attitudes, use of arms or any similar conduct or means, tries to intimidate others or to impose his will on them’.

This is the new and bold approach adopted by Italy, Russia, Cuba, Argentina, Peru and Spain to protect society from the anti-social activities of violent or morbid types of persons. No stretch of imagination is necessary to understand that the adoption of this type of predelictual security measure in our country would enable the government to round up and confine the big army of rowdies, ruffians, holduppers, carnappers, assassins, and other police characters who day in and day out victimize our helpless community.

In the eyes of modern criminology, rowdies, ruffians and socially dangerous persons as defined in Articles 107 and 108 are mentally and morally abnormal beings and like lepers, drunkards, drug addicts and insane persons, can be placed in psychiatric centers for



*Jorge Bocobo (1886-1965), Code
Commission chairman 1947-1962*



*Arturo Tolentino (1910-2004) Code
Commission member*

the dual purpose of therapeutical treatment and preventive security measure, provided for in Articles 93 and 109 of the proposed Code.

Under the provisions of Articles 108 and 109, it is only the Court or judicial power, after proper showing or satisfactory proof, that can declare a person to be a rowdy, ruffian or a socially dangerous person and it is likewise the same court that can only release him from the effect of security measure, after reexamination and satisfactory proof that the subject is no longer ‘socially dangerous’. Once a declaration of social dangerousness has been made by the Court, no petition for reexamination of his dangerous character can be made before six months. No reexamination could be made until after two years service of any security measures and in case of professionalism in crimes, till after five years.

Under the theory that a detentive security measure imposed upon rowdies or socially dangerous persons is not a penalty but rather therapeutical and safety measure, it is believed that no one except the court — not even the pardoning power of the President — can set free the person undergoing security measure.

Both common sense and experience advise us that the imposition of predelictual security measure upon any dangerous person is a ‘must’. We do not have to wait for these morbid and violent types of criminals to strike, rob and murder us. Their subsequent imprisonment and even execution would not do us any good. What matters and concerns us most is to prevent them from causing the harm.

The judicial declaration of socially dangerous persons is presumed or implied upon persons undergoing medium imprisonment or lighter.

But whether the judicial declaration of socially dangerous persons or habitual rowdies is constructive (Art. 109, paragraph 1) or expressly made, and whether it is predelictual (Art. 108) or post delictual (Art. 109), such security measure must be implemented

or executed by confining the subject, in the case of a professional delinquent and a socially dangerous person, in agricultural settlement or labor camp, better known as psychiatric center wherein such socially dangerous or morbid type will reside, be put to work and be placed under treatment by psychiatrists, psychologists and sociologists. (Art. 93).

Lunatics, alcoholics, drug addicts and persons suffering from communicable diseases shall also be confined in appropriate health centers and hospitals (Art. 124); while minors or juvenile delinquents shall be placed in adequate reformatories (Arts. 148 and 149).

Persons undergoing security measure under any of the circumstances enumerated above cannot leave the establishment or institution to which they have been consigned without special order, finding and pronouncement of the Court that the subjects are either no longer morbid or socially dangerous and/or they are completely cured of their physical or psychological affliction (Art. 116).

There are besides in the proposed Code many progressive measures for the improvement and rehabilitation of delinquents, like the judicial pardon or conditional sentence which empowers the Code to suspend the effect of condemnatory sentence if the subject is a first offender and the offense committed is punishable only with not more than 18 months repression provided that the offender shall have fully satisfied or repaired the injury caused. The theory behind this provision is that a forcible association of an occasional offender with members of a penal colony produces on such occasional offender loss of self-respect and dignity and more often than not, predisposes him to commit further offense. Hence, this new look in the treatment of new offenders.

There are also other liberal provisions in the execution of the prison term imposed upon for light or less serious crime punishable with not more than light imprisonment — from 31 days to three years — provided the victim is not or has not been declared by the Court to be a socially dangerous person. A prisoner under this

circumstance must fully serve in prison one-third of the sentence imposed upon him. During the second period of his prison term, the subject may be allowed to pursue his habitual trade or calling outside the prison gate, provided that he returns to prison and stays there at night time. And for the third and last period, he may enjoy conditional liberty, that is, to fully pursue his calling and live outside the prison provided that he does not commit any new offense or violation of law. Should he break this condition, the subject shall be forthwith reincarcerated for the rest of the unexpired term of his imprisonment (Art. 97).

All these progressive and liberal provisions are in line with the theory that modern society is not after vendetta or retribution. Our main and paramount concern is social defense and forestalling social danger.

If only for the few salient features I have pointed out the proposed Code would be an honor and a signal distinction in the legal bibliography anywhere in the world. But the truth of the matter is that the proposed Code brings also a greatly enriched catalog of punishable acts numbering more than 900 — compared to the 367 of the Penal Code — covering all possible mischievous and illegal acts, including the culpable or voluntary infraction of acts prohibited by the Constitution.”

The opus of the Code Commission consisted of 950 articles in 389 printed pages in a 6 x 9 book. It was forwarded by the Secretary of Justice to the Congress of the Philippines in January 1954 for legislative action.

The Code was subjected to public hearing in both houses. No serious congressional action was taken until the Third Session of the Eighth Congress when House Bill No. 1855 was approved ordaining and establishing the Code of Crimes.

The bill approved by the House was a verbatim copy of the Code Commission’s draft minus Title IV containing provisions on

security measures and the entire Book III regulating misdemeanors or contraventions. The Senate however failed to approve it for concurrence with the proposed House Bill 1855 for lack of time.

In his message to the Congress at the opening of its joint session on January 24, 1972 the President in fact recommended the approval of the Code of Crimes particularly its provisions regarding the individualized special treatment of persons socially dangerous to society.

Under the topic of “Peace and Order and National Security”, he said: “The most urgent problem of the nation today — possibly through the rest of this decade — is the problem of peace and order. All our plans for development, themselves urgent, are contingent upon our successful management of this grave national problem. Only in conditions of calm and social stability may we hope to undertake the manifold and diverse tasks necessary for sustained growth.

Peace and order, therefore, leads the agenda of government through the remainder of my Administration. I am determined that the challenge to public authority posed by criminal and lawless elements will be met this year and the next with all the power and resources of government.

At the moment, there are two elements in the peace and order problem which constitute the real menace to government and society. These are internal subversion and the rising tide of criminality in our midst. A third element, external aggression, poses no immediate threat; as a relatively remote problem, therefore, it can be regarded with no sharp sense of urgency. I am certain that we can spread over a period of time our efforts to deal adequately with the possibility of external aggression by means of defense preparations that I shall report upon shortly.

On the other hand, internal subversion and rising crime, both of them grave and existing perils, call for swift and uncompromising action.

Over the years, simple criminality, violent forms of dissent and active insurgency have combined to produce an increasing threat to authority. I am determined that this threat is met with all the resources available to government. But for this purpose, I ask that Congress lend its full cooperation. The time to meet the challenge of lawlessness, in the form of ordinary crimes, violent upheavals, private armies, and crime syndicates, is now: beyond this year may be too late. The centers of public authority, the three branches of government, have a joint responsibility to undertake at once a powerful and relentless drive against the criminal elements which have eroded public faith in the ability of government to ensure order and stability in every community around the nation.

The increasing frequency of criminal activity poses a threat not only to duly constituted authority, but ultimately to the entire social order. That is why it is my unswerving aim that the priorities in the agenda of 1972 shall be led by a program against criminality and violence. This year, and through the next, we will permit no compromise with crime and vice; I want all the resources of government to be organized and managed so as to wage full and unremitting war against those who, for one reason or another, conceive of government as an object to be scorned, abused and terrorized.

New Concept of Penology

“Let it not be said, however,” he added, “I wish to perpetuate the principles of retributive justice which is the foundation of our antiquated Penal Code. I am fully aware that the existing Code of Spain (1884), does not make it possible for society to prevent the imminent or probable harm to society by persons socially dangerous. Modern criminologists include among such persons the professional hoodlums, murderers, thieves, bag snatchers, persons suffering from highly communicable diseases, drug addicts, alcoholic and mentally deranged persons. Suspension of sentence upon first offenders of light offense is likewise absent from our anachronistic Penal Code.

Persons socially dangerous should be placed under confinement even before they have actually struck their victim, if in the judgment of the court, after proper showing and trial the subject is socially dangerous. His confinement under the circumstances is not a punishment but a precautionary and therapeutic necessity. The subject shall be released by the court upon satisfactory evidence furnished by psychiatrist or physician that he is no longer socially dangerous or dreadful.

“I urge Congress,” he concluded, “to cooperate in making this reform in our penal system possible.”

On September 23, 1972, two days after the declaration of Martial Law, President Marcos made a public announcement to that effect. Thus, by a single stroke, after a wait of two decades, the work of the Code Commission was crowned into active application and fruition, providing a firmer and lasting base for a New Society.





CHAPTER THIRTY

Catholic Hierarchy vs. Top School Officials

Absorbed as I was in our family industrial enterprise, I found time and had the interest nevertheless to enlist in a straggle of liberal minded fellow citizens to preserve and maintain public education in the interest of freedom.

In 1947, a movement to make religious instruction compulsory in the public schools was mounted by the Catholic hierarchy. To an older generation that had survived the Revolution of 1896 and was only half a century away from Rizal's martyrdom for liberty, such an objective recalled morbid visions of a most oppressive and reactionary period in our history.

Citizens of goodwill raised on the teachings of Rizal and recalling the sacrifices paid by his generation for freedom could not brook the idea and prospect of reviving that period. I shared their alarm.



Rufino Santos, Archbishop of Manila 1953-1973

The Constitution is clear enough in providing for optional religious instruction. When the National Assembly sought to amend the law in a bill in 1938, President Manuel L. Quezon vetoed it, saying: “To me, it is very clear that the National Assembly can in no manner amend the present law without violating Section 5, Article XIV, of the Constitution. Any attempt, directly or indirectly, to give religious teaching in the school an importance lesser or greater than is now accorded to it by law would be unconstitutional.”

Obviously, the intent in the Constitution is to obviate any amount of doctrinal controversy and social division that could arise from the teaching of religion as an integral part of school instruction inevitably involving sectarian differences.

Undaunted, the Catholic hierarchy in a joint pastoral letter to the members of Catholic Action on January 29, 1953, insisted that “the hierarchy as a body gives its full and hearty support to whatever sane and constructive efforts they may make to defend the constitutional

rights of our Catholic parents in regard to the moral and religious education of their children who attend public schools.”

And on February 18, 1953, in another joint pastoral letter signed by twenty-nine ranking members of the hierarchy, including five archbishops and twelve bishops, it was disclosed that “there has recently been brought to our attention evidence of the most serious kind that the Secretary of Education, Mr. Cecilio Putong, the Director of Public Schools, Mr. Benito Pangilinan, and the Assistant Director of Public Schools, Mr. Venancio Trinidad, have been since 1949, members of a secret committee for the elimination of religious instruction in the Public Schools, organized by its Grand Lodge of Free and Accepted Masons of the Philippine Islands.”

Accordingly, on March 4, 1953, a complaint presented under oath to Comelec Chairman Domingo Imperial who was authorized by President Elpidio Quirino to hear it, named the three school officials as respondents and charged them with “obstructing, defeating, sabotaging and undermining the constitutional and statutory provisions of optional religious instruction in the public schools.”

The counts against them were: (1) they were members of a special committee of the Grand Lodge for the elimination of religious instruction; (2) their membership was in violation of the sacred oath of office to uphold the constitution or the laws of the Philippines without mental reservation or purpose of evasion; (3) the Grand Lodge is opposed to any religious instruction in the public schools and the respondents have neglected and obstructed the implementation of the Constitution and the laws regarding optional religious instruction and (4) such neglect has greatly contributed to the country’s moral decadence.

The hearing of the case by the Comelec Chairman took five days of March and three days of April, of 1953, and the record of it made 480 pages.



Elpidio Quirino (1890-1956), President of the Philippines 1948-1953

This was in the last year of the Quirino Administration and a Presidential election was coming up. It was not above the church hierarchy to make political capital of the case with its constituency that constituted the vast majority of the electorate. The official hearing the case was a Knight of Columbus. It could be the ripe time to make something of the issue of religious instruction for a reputed Catholic nation. And, moreover, the country was made to understand that it was going to the dogs unless something developed to stop it. On the other side were the three charged officials who happened to be masons but as Catholics were subject to church excommunication. Along with them were the liberal and/or free-thinking sector of the population who still had fairly fresh recollections of the rank abuses of an obscurantist clerical-dominated epoch in the nation's history.

Offered the opportunity to be counsel for the defense, I accepted it. And with the assistance of Mauro Baradi, then Grand Secretary of the Grand Lodge of Free and Accepted Masons of the Philippine Islands, I stood the ground and made the best possible

use of resources at our command. This simply meant reliance on honest knowledge and full appreciation of established law and historic experience.

It was not as simple a task as thus stated, but I mustered the will, the heart and the energy to undertake it because I remembered the spirit and circumstance of our 1896 Revolution only too well and saw what was now imperative for us to do. In short, I believed in freedom in the sense of our fathers who fought and struggled and died or lived for it as opposed to a parochialism which had proved poison to our population of earlier generations dependent upon it.

Fortunately for the respondents and for me as their counsel, the spirit and the letter of the law were effectively demonstrated to be on our side. The so-called “unholy” trinity of top education officials in no way obstructed, defeated, sabotaged and undermined the Constitution and the statutory provisions on optional religious instruction in the public schools as charged.

That was the finding and decision of the investigator Comelec Chairman Imperial; and President Quirino concurred in Administrative Order No. 213, issued on September 22, 1953.

The case was of utmost importance not only to the country, not only to the charged officials, but, incidentally, to the Grand Lodge of Free and Accepted Masons of the Philippines which had been charged as “a society opposed to any religious instruction in the public schools.”

It is a credit to the time of the case, considering the political circumstances then obtaining, that it was heard and decided without prejudice and with due concurrence by President Quirino, in the light of an electoral contest only a few weeks away.

The press of the period no less reflected public opinion with justice, in editorial after editorial. Representative of this fact was the comment of *The Manila Times* of September 30 of that year:

“We congratulate President Quirino and Justice Imperial on the administration’s decision of the case against the Secretary of Education and his colleagues.

The case against Secretary Putong was an offshoot of the controversy on the issue of religious instruction in the public schools. It was thus in the nature of a test case on an issue which happily has been resolved according to Constitutional provisions and to the satisfaction, we hope, of all elements who favor the teaching of religion in state schools.

Justice Imperial’s findings show that the three education officials were innocent of the charge that they had tried to obstruct and sabotage the implementation of the Constitutional provision on the teaching of religion. His statement on freemasonry reflects courage of an official who recognizes the staunchest members of which come from Catholic ranks.

President Quirino’s concurrence also reflects courage, a virtue which a politician is hard to put to assert in an election season. The decision, we hope, puts an end to the controversy and paves the way for a cooperative approach to the vital content of the public school curriculum.”

To this late date, under a newly framed Constitution two decades after, the principle of separation of church and state remains intact and inviolate, preserving the tradition and purpose instinct in the provision for optional religious instruction in the public schools.

Under the spirit of religious ecumenism, it is possible that an ancient controversy may in time be resolved without reducing the priorities of freedom in thought as in belief. Let us wish and hope so. In the meanwhile, I remain convinced that the tradition of separation of church and state has served our people well and we do well to keep it.





CHAPTER THIRTY-ONE

The Spirit of 1896

The spirit of 1896 was a civic group organized by a number of liberal minded citizens in August 1954. The organizers included Gumersindo Garcia, Conrado Benitez, Jorge Bocobo, Faustino Aguilar, Emilio Javier, Bishop Jose de los Reyes of the Philippine Independent Church, Domingo Bascara, Juan Nabong, Jose Yap, Domingo Ponce, Ramon J. Fernandez, Roman Ozaeta, Mauro Baradi and myself.

The organization's constitution spells out the principles and objectives to which we were committed as follows:

“That the government shall embody Filipino ideals and secure the blessings of independence under a regime of justice, liberty and democracy,

That the separation of the church and the state shall be maintained forever,

That no religious test shall be required for the exercise of civil and political rights,

That no public money or property shall be applied or used, directly or indirectly, for the benefit of any sect, church, denomination or systems of religion,

That the Government shall always maintain a complete and adequate system of public education, and universities established by the state shall enjoy academic freedom,

That the national patrimony shall be conserved for Filipinos.”

We felt that the exoneration the year before of three top education officials from the charge of obstructing optional religious instruction in the public school was no signal to relax and rest on the triumph, symbolized by that exoneration, over the Catholic hierarchy. The hierarchy was continuing systematically in its effort to keep the issue alive, in hopes, no doubt, of eventual success for its concept of religious instruction. This could be under some convenient guise of implementation that would make religious instruction appear optional but in effect compulsory and Catholic-oriented.

The Spirit of 1896 would be a countering factor to that effort and elected Faustino Aguilar, the novelist, publicist and labor leader, its first president. On the first board of directors were Dean Benitez, Dean Bocobo, Dr. Gumersindo Garcia, Erailio Javier, Domingo Bascara and myself.

Faustino Aguilar died in early 1955 and I was elected to succeed him. In my acceptance speech delivered September 26, of the same year, I dwelt on the reason for being in the association. This might bear recapitulation here.

Noting the occasion as a “milestone” in the life of the society, I observed that the Spirit of 1896 came about as an effort to conserve, strengthen and protect in its own way our democracy, nationalism and independence as proclaimed by our fathers, won by the

Revolution of 1896 and now consecrated in the Constitution of the Republic.

There might be some wonderment about this claim for the society, considering that independence has been ours since July 4, 1946, by the grace of the United States and we have adopted a democratic or representative form of government.

So I said that independence is something more than living without direct interference from a foreign power, and democracy is not to be presumed just because we elect our own President and other officers to run our government.

Democracy, as I saw it, does not consist of the prevalence of majority rule alone; it is also a political process for working towards liberty, equality and fraternity. It implies likewise the assurance of the enjoyment of human and civil rights, equal opportunity for everybody and, above all, freedom of thought and religion.

I continued:

“To safeguard these rights, our Constitution, after providing for a democratic form of Government and a complete bill of rights, expressly provides in Section 7, Article III, that ‘no law shall be made respecting any establishment of religion,’ and that ‘no religious test shall be required for the exercise of any civil or political rights’.

This is the essence of true democracy, of the democracy for which our revolutionists of 1896 fought and died; the democracy which was consecrated by the Constitution of Malolos, and lastly, by the Constitution of this Republic.

Ironical as it may sound, I can tell you that we enjoyed the true essence of democracy during the American tutelage (from 1902 to 1946) more than we do under the independent Republic.

Equality before the law, strict adherence to the merit system in the public service and observance of due process of law, freedom of the state from all religious interference, were the outstanding

characteristics of the American administration in the Philippines. Under the American aegis, we were able to maintain a truly non-sectarian public educational system, establish a restricted and rational divorce law. No religious test was ever demanded for the exercise of any civil or political rights.

But no sooner was our complete independence proclaimed by the United States than all these gains and conquests in the field of true democracy were lost to the forces of reaction, which have become increasingly and dangerously active within the last decade.

Such sinister forces succeeded in terrorizing and bulldozing our Congress to delete our divorce law from the Civil Code of 1950. Not satisfied with that victory, they prodded the Administration to adopt religion as a regular subject in the public school curriculum, thus making all public schools virtually an extension of parochial schools.

But if all the above considerations are not sufficient to convince you that the spirits of Fray Damaso and Salvi are back among us, it is enough to call your attention to the fact that since the Magsaysay Administration assumed power in 1954, only men meeting certain religious standards and carefully oriented to the doctrines and objectives of the Catholic Church have been considered for the all-important position of Secretary of Education, with the evident intention of desecularizing the entire public school system.

The University of the Philippines has not been spared from the lethal influence of the reactionary forces. The U.P. of today no longer comes up to its former prestige as the nation's cultural center. Under the veto of the Church, it has become impossible to place, let alone pick, a free Filipino with the culture and courage to regenerate the State University and make it once more a focus of light and leadership for a nation sunk in social, moral and economic morass.

I believe that there is no substitute for vigilance in the preservation of what we most value as consecrated in our Constitution — freedom

of speech and thought, freedom of worship, and so on. At no time we need that vigilance more than now.

The foregoing is the answer of the Spirit of 1896 to the people who still doubt the necessity of a crusade for the preservation of our democracy.

In accepting with all humility your mandate for another two years of service, I solemnly vow to dedicate my whole being to uphold the form and substance of independence, nationalism and democracy as outlined in this brief speech.”

The Spirit was a militant and potent organization safeguarding human freedom especially religious freedom. Among the major fights in this connection was the repeal of the Department of Education order prescribing religious instruction as part of the school curricula in public schools on August 30, 1955. A monster rally was organized by the “Spirit” with the participation of civic and religious organizations that filled the Malacañang grounds to the brim.

I transcribe the banner story of *The Manila Times* of the same date of August 30 running as follows:

“President Magsaysay said yesterday he will soon decide the constitutionality of the order of the Department of Education providing for religious instruction in the public schools.

He told a big delegation, estimated at 10,000, of marchers to Malacañang yesterday that he would abide by the provisions of the Constitution in deciding the issue which has stirred the country.

The constitutionality issue is now under study by the Department of Justice.

Meantime, Secretary of Education Gregorio Hernandez, Jr. asserted that his order implementing optional religious instruction in public schools was based solely on the law and on the provisions of the Constitution.

‘I did not conjure anything out of nowhere and put it in my department order,’ the Secretary said.

In his brief remarks before the demonstrators who crowded the Malacañang grounds yesterday morning, the President disclosed that the order was being carefully studied by the Department of Justice and that decision on the matter was soon forthcoming.

Headed by Judge Guillermo B. Guevara, president of the ‘Spirit of 1896’, the large delegation which marched to Malacañang with big colorful placards, presented the President with a memorial ‘for the preservation of our heritage of freedom.’ Among the arguments set forth in the memorial in protest against the order issued by Education Secretary Gregorio Hernandez, Jr. on May 3, 1955 were:

- 1) Freedom of conscience is guaranteed by our Constitution; there can be no freedom of conscience or religion where any church dominates the entire educational system.



Judge Guillermo B. Guevara, President of the Spirit of 1896, in the act of handing to President Diosdado Macapagal the ceremonial plaque for the latter's "courage and vision in declaring June 12 as Philippine Independence Day". Also in the photo are members of the National Directorate (L-R): Dr. Albino Sycip, Dr. Juan Nabong, former Justice Roman Ozaeta, Dean Conrado Benitez, Mr. Juan Cristobal, and Dr. Gumersindo Garcia.

- 2) It is not true that the present crime wave is due to lack of religious instruction; during the first three decades of American Administration when optional religious instruction in the public schools was nil, the rate of criminality was very much lower than at present.
- 3) The way religious instruction is being given in our public schools instills hate, intolerance and disunity in the minds of the children rather than promote the belief and love of God.

In requesting for the repeal of the department order, it was a matter of sound national policy, the memorial concluded: 'This order, Mr. President, paves the way for the return of obscurantism and clerical autocracy in this country.'

The President said he was glad that the Spirit of 1896 still lived and added that the country was as much in need of it now as in the days of Bonifacio and other national heroes. He expressed gratification over the fact that they took up their grievances directly with him.

'I have always welcomed constructive criticisms,' the President said. 'Not being a God or an angel, I know I cannot be perfect.'

The delegation was composed of church and civic groups including the Federation of Christian Churches, Religious Liberty Union, Philippine Independent Church, Religious Liberty Association of the Philippines, *Legionaries del Trabajo*, Muslim Association of the Philippines, Defenders of Democracy and the *Veteranos de la Revolucion*.

Secretary Hernandez' comment on the question came in the wake of mounting opposition from several religious and civic groups which yesterday morning led a crowd that marched at Malacañang.

He said that he had no doubt that Order No. 5 which seeks implementation of religious instruction in the public schools was

well within the scope of the law. He referred to Article 359 of the Civil Code which, he claimed, was the sole basis of his order.

‘Take away Article 359 or amend the law and my department order shall forthwith go with it.’ Hernandez emphasized.

President Quezon’s veto message on the religious instruction bill of 1938, he said, clearly supports his stand. He pointed out that in the veto message the ‘division superintendents of schools were given full discretion to fix anytime during school hours for religious instruction.’”

President Quezon was then no longer around to dispute that claim of Secretary Hernandez in 1955.

Secretary Hernandez himself, at this writing, is no longer around to dispute our doubt on the correctness of his gratuitous assumption on the Quezon veto message. I now question it in the perspective of the past two decades, with respect to the Department Order against which we of the Spirit protested at the time.

All that remains is to view it with charity. The principle of separation of church and state is still valid and viable in relation to the issue of religious instruction, even if the “Spirit of 1896” has ceased to be a civic entity. I believe it has served its purpose.





CHAPTER THIRTY-TWO

Frustrated Racket Buster

Tradition in the conduct of public affairs invariably calls on every administration to give notice of a bold resolve to clean house. Succeeding President Quirino in 1954, Ramon Magsaysay felt the force of that tradition only too well.

He invited me to a luncheon at Malacañang on October 22, 1955 and forthwith, undoubtedly after most careful study and thought, challenged me with a blanket assignment as government graft buster. He reminded me of my performance in the late 1920's as Manila City Fiscal.

I could not, in conscience, ignore the challenge to serve after being assured full support ranging from him to Secretary of Justice Pedro Tuason and the incumbent City Fiscal Eugenio Angeles.

Investigate every case of venality, in the public service past and present, he said, regardless of who is hurt; there will be lots



The ruins of the Aduana/Intendencia building in Intramuros was the office of the Central Bank from 1949 to the 70s when it moved to Roxas Boulevard.

of political pressure once the clean-up starts, but go ahead. In the face of his sanguine expectations, I could only remind him that if I had any success in my earlier stint, it was because somehow the times had been different — the investigators could not be bought, the police could be depended upon, and there was a fine sense of judicial cooperation.

In any event, public reaction to my appointment was encouraging. A Fernando E. Bancad, Davao businessman, felt compelled to believe the President meant business. A Legaspi-Albay school teacher named Saturnino Punsalan praised the President for my assignment. A Baguio City resident, Miss Juanita del Rosario, hoped that my work would be more than an exercise in futility, unlike that of the Integrity Board under the preceding administration. That I was heading the Spirit of 1896 society seemed also to have favorably affected public faith.

So I took my assignment seriously enough. By the second week of December 1955, I submitted a report to the President on questionable actuations of Monetary Board members on the basis of the following charges: (1) that several members secured dollar allocation for themselves or for their relatives with the intention of peddling the

license to importers or producers; (2) that a high-ranking member was definitely established by the Import-Export Department as having secured a substantial amount of foreign exchange through pressure and influence without a definite establishment to back him up; (3) that another member was found to have secured a large amount of dollar quota during the earlier years of the import control for a relative later pinpointed as a fake importer; (4) that a member was heavily speculating in the stock market; (5) that some members were interested in following up the cases of their clients or companies with which they were connected.

I proposed that the only course for the administration was either to remove the control of imports from the Central Bank and entrust it to the hands of full-time executives entirely disconnected from commerce, trade and industry, or to relax somewhat the Code of Ethics.

The President in response had it announced that he fully subscribed to the Code of Ethics which I found to have been fully violated.

I pursued my assignment in the next months with consistent zeal. I understood my duty to look into every case of venality to embrace shenanigans within and beyond the Central Bank. It developed that the Secretary of Justice understood differently, limiting me to cases at the Central Bank, pending express instruction from the President to expand my powers outside. He never found occasion to indicate such an occasion to have come or to be forthcoming.

I did what was practical under the circumstances and within the imposed limitations, in hopes that something positively good might come of it. A year to the day after my appointment as graft buster, I decided it was time to send President Magsaysay a letter thanking him for the trust he had reposed in me. My letter dated October 21, 1956 reads as follows:

“Dear Mr. President:

When you asked me exactly one year ago today to serve you as a racket buster, I responded with the enthusiasm and faith of a confirmed crusader, believing that you wanted me to do a real house cleaning and to place behind bars all crooks, whether of the past or the present administration.

For nearly one year now, however, I have found out that I have never been asked to investigate or prosecute any big time grafter of this or of the past administration, the cases assigned to me having been limited to frauds committed in connection with the administration of the import and the exchange control system.



Judge Guillermo B. Guevara is flanked by President Ramon Magsaysay and Senate President Briones

Without the least intention of minimizing the importance of the fraud cases already brought to court by the undersigned, among them those of the Villanueva Shipping Company, Henderson Trippe (Philippines) Inc., Engineering Equipment and Supply Company, Miguela Valderrama, etc., I wish to tell you in all candor that I consider my continuation in my service as racket buster, under the present circumstances, no longer necessary.

An instance showing there is no need of the services of a racket buster is a case investigated by me wherein four big fishes were involved. Because my powers were limited by the Secretary of Justice to violations of the Central Bank Law and regulations, I brought said case to the attention of the proper authorities. But to my dismay and disappointment, no action has been taken up to the present time! I shall be glad to give more particulars of this case at your request.

I, therefore, hereby respectfully tender my resignation as racket buster or special prosecutor effective at the close of business hours on October 31, 1956. I believe that the intervening time between today and the 31st of October is sufficient for an orderly transfer of the two multi-million civil suits and 12 criminal cases, all of the Central Bank, which, single-handed and in spite of all odds, I brought to the consideration of our courts.

With the assurance of my regard and esteem, and thanking you for the trust you have reposed in me, I remain

Yours very truly,
(Sgd.) GUILLERMO B. GUEVARA”

In fairness to the President and the public curiously be puzzled by the turn taken by my later day commitment to racket busting, I wrote two more letters for purposes of perspective in its proper assessment. They could be a commentary on the principles and

processes of public affairs then in force and not necessarily limited to our beloved country.

My second letter, dated October 23, was also addressed to the President, thus:

“Dear Mr. President:

In view of your decision to have a probe of my charge that four big fishes have been unduly excluded from prosecution, and the insistence of the Secretary of Justice that he never curtailed my powers, nor did I ever request for more powers in compliance with my wishes, I feel constrained to write this letter just to set the record straight.

In the first place, the administrative order no. 176, dated October 27, 1955 reads in part as follows:

‘..Judge GUILLERMO B. GUEVARA is hereby designated to assist the City Fiscal of Manila in the investigation and prosecution of violation of circulars and regulations issued by the Monetary Board, Central Bank...’

Upon receipt of the copy of this order some three or four days after it was dated, I immediately called his attention to the fact that your instruction to me was general. I was to go after all grafters. The Secretary then told me that he would duly amend the administrative order. He never did.

As to the proposed prosecution of the four big fishes, it is interesting to note that in an earlier statement the Secretary had denied flatly having had any knowledge of my appeal for the prosecution for lack of power. Lately, however, he admitted having taken cognizance of the case, and of my letter about it of February 1, 1956, addressed to the Chairman of the Rehabilitation Finance Corporation. And now he would explain his inaction by citing the opinion of a handful of junior legal assistants regarding the insufficiency of evidence to warrant any prosecution.

In my letter dated February 1, 1956, which Secretary Tuason mentioned in his last press statement, I said among other things:

‘As you know, the loan of P1,000,000 to the Villanueva Shipping Company was granted under the most ignominious circumstances ever recorded in the annals of the Institution. The misrepresentations used were so crude and unbelievable that, without connivance or unpardonable negligence, not to say stupidity, of the RFC officials concerned, the loan could not have been secured.

As per agreement with the new assistant fiscal in charge, a formal complaint or *‘denuncia’* will be presented by the RFC at the continuation of the hearing on February 7, naming all the persons who have participated in this fraudulent loan, and the particular provision of law which is alleged to have been violated.

As you can easily surmise, there are two sets of persons directly responsible for the fraudulent loan. The first group is composed of Francisco Koh, Jose Uy Eng Kui, and Vicente Villanueva. The second group is composed of the RFC officials who through connivance or negligence recommended, or actually granted, the loan in question. Such officials are: the former Chairman, who, according to a written note attached to the voucher, authorized the release of the loan, notwithstanding the fact that it was irregular in every respect; the Governor in charge of the Industrial Department; and the chiefs and assistant chiefs of the Industrial and Credit Departments, for preparing and writing false or misleading reports on the subject.

I wish I could act as counsel and prosecutor for the Central Bank. But unfortunately, I cannot do this without express authority either from the President or from the Board of Governors of the RFC. It is for this reason that I am

limiting my action to a mere advice as to the course of action which should be followed at the resumption of the hearing next February 6.'

It is therefore clear that as early as February 1st, I was decrying my lack of power to prosecute the said case. The good Secretary, instead *ignored the whole affair* until he had to come out at this late hour with an *astonishing whitewash* of a statement that in effect has a *declaration of amnesty*.

The Secretary apparently concurs with the alleged findings of some of his legal assistants to the effect that there was no sufficient evidence against the four big fishes.

I wonder if the Secretary is aware of the fact that the legal advisers he cited in his press release have prosecuted the Chief and Assistant Chief of the Industrial Department of the RFC for having submitted a report wherein the value of the ships put as security was allegedly inflated. I wonder if he also knows that the fraudulent loan could not have been consummated without the preparation and presentation of another report equally false or misleading, as to the credit standing and capital structure of the borrowing firm. I wonder finally if Secretary Tuason was appraise of the fact that the grant of the loan in question was conditioned upon the sale of P1,000,000 worth of RFC bonds, but the loan was authorized just the same by the Chairman and Governor in charge inspite of the fact that the RFC bonds were not yet sold.

Taking all this into account, and the further circumstance that at about the time the loan was granted, slush money, P25,000 in cold cash to be exact, was found in the safe of one of the officers of the Industrial Department, who upon inquiry claimed that it had been turned over to him by the former Chairman for safekeeping. It would appear shocking

to the most elementary notion of justice to prosecute the Chief and Assistant Chief of the Industrial Department, and at the same time to let scot-free the other four officials who had participated in even greater measure in the consummation of the dirty deal. Only sheer naivete and unpardonable pusillanimity could deter a self-respecting prosecutor from taking this case to court.

Secretary Tuason claims that in the opinion of his legal assistants the evidence against the four big fishes in question was insufficient. Even assuming that his legal advisers were equipped with the same legal training, experiences and ability as my humble self, the mere fact that I was staking my professional reputation and I was enjoying your full confidence as racket buster should have prompted him to amend his Administrative Order No. 176 if only to show that the President and I could be mistaken in attempting to root out graft and corruption.

I hope this letter will serve as a pointer to whomsoever you may designate to make the prober arrive at the just conclusion of this whole controversy.

With the assurance of my highest appreciation, regard and esteem,

Sincerely yours,
(Sgd.) GUILLERMO B. GUEVARA”

Finally, on October 31, I wrote the following letter addressed to the Monetary Board.

“Gentlemen:

Last October 21, I wrote a letter to the President informing him of my decision to quit as his Racket Buster and, consequently as your Special Counsel and Prosecutor effective at the close of business hours today, October 31, 1956.

On October 22, a press release purportedly from the spokesman of the Monetary Board appeared in the local dailies to the effect that my resignation was unnecessary for the reason that the Board as of the week prior to October 21 had already decided to terminate my services.

Even though up to this late hour I have not been officially notified or furnished with a copy of such resolution, I deem it my duty, before leaving the office, to render a report of what has been accomplished by my humble self with the per diem of P50 which the Board passed without my knowledge or asking for it as early as December 1, 1955. The per diem resolution did not come to my knowledge until late in June this year.

1. The Monetary Board Cases

By verbal Presidential instruction, the undersigned had undertaken the investigation (which eventually led to the reorganization) of the Monetary Board. In the course of said investigation, a score of witnesses and documents were examined, occupying fourteen pages of legal size coupon bond paper, which were prepared and submitted to the President on December 9, 1955.

2. The Villanueva Steamship Case

I tackled also the investigation and assorting of evidence in the Villanueva Steamship Case. At the time of my intervention — early in November 1955 — this case was hanging in the City Fiscal's Office under the care of a junior assistant, who is supposed to be a "*compadre*" of one of the principal accused, for more than a year. The two assistant attorneys-in-charge of prosecution had not even finished the presentation of the first witness for the prosecution, in view of the well-conceived plan of the defense to stall for time and to present all possible obstacles to the speedy trial.

I succeeded in causing the change of the fiscal and in foiling the previous systematic method of asking for postponement without rhyme or reason.

After a flying trip to Japan and Hong Kong last May, wherein I succeeded in gathering the evidence that constitute the missing link in the chain of evidence, the notorious case was finally brought before the Court and is now ready for trial.

3. The Henderson Trippe Case

The investigation of this case was started on January 25 and ended on February 21, 1956, after occupying 190 pages of transcript of stenographic notes. As a result of that preliminary investigation, six criminal cases constituting charges for falsification of public and/or commercial documents, violation of Central Bank Circular No. 31, and estafa are now before the Court and ready for trial. As a matter of fact, the criminal cases against them, Cases Nos. 36372 and 36373, both for estafa, are now being tried by Judge Amparo of the Court of First Instance of Manila, and two witnesses for the prosecution have already testified.

4. The Valderrama Case

This case refers to the notorious ‘kickback’ operation by virtue of which the offender, under the pretext of importing decontrolled commodities from the United States, would bring in through falsification, or other fraudulent means, not more than 10% of the merchandise represented in their application for the purchase of dollars, thereby using 90% of the licensed dollars for unlawful purpose.

Valderrama is also facing estafa rap in addition to charges of the violation of Central Bank regulations.

5. *Civil Cases Nos. 30154 and 30155*

These are multi-million peso suits instituted by Henderson Trippe (Phil.) Inc. and its officers against the Central Bank and members of the Monetary Board for damage. I prepared and filed in Court, not only the answer and special defense, but also the counterclaim of P7,300,000 for and on behalf of the Central Bank and the individual members of the Monetary Board.

6. *Engineering Equipment and Supply Co. Case*

I have also initiated and actually secured through court action the seizure of evidentiary documents from Engineering Equipment and Supply Company, which have led to the discovery of imported engineering and machinery equipment which were misdeclared or misclassified for the purpose of defrauding the Government in payment of taxes. Preliminary investigation indicated that something like P400,000 is due the government for taxes after proper classification is made.

7. Most important of all is the presentation for the first time before the Court of the theory that the fraudulent device to cheat the Government of the 17% exchange tax constitutes the crime of estafa, besides involving a violation of Central Bank rules and regulations. With the presentation of information for estafa against Francisco Koh, the officers of Henderson Trippe (Phil.) Inc. and Miguella Valderrama, the Government is now availing itself of a positive remedy; for in case of final conviction, the Government will be able to recover, by way of civil liability of the defendants, the amount of the stolen 17% exchange tax. In the instant cases, the total claim under the information presented by the undersigned is P338,090.00.

8. And last but not least is the submission before the Supreme Court of this country of the briefs in the cases of ‘People vs. Henderson, et al.’ G.R. Nos. L-10920 and 10830, wherein a definite and, shall I say, last stand was made by the Central Bank on the matter of its power to establish an import control system and punish its violators.

On the previous occasion, the Board had hired an American law firm for P15,000 fees to prepare a brief in support of the legality of CB Circular No. 45. I should say that the circulars that my brief is upholding (Nos. 20 and 31) are far more vital. Circular No. 45 tends only to regulate and license the import of goods under no dollar remittance plan, while Circulars 20 and 31 control and license the entire foreign exchange business.

I am enclosing herewith a schedule of the 15 cases personally prepared and handled by me. As can be seen in this schedule, the undersigned was able to prepare and write 464 pages of pleadings, that is, complaints, information, motions, answers, rejoinders, briefs, etc. on behalf of the Central Bank.

Thanking the Board and its individual members for the trust they have reposed in me, I remain

Yours very truly,
(Sgd.) GUILLERMO B. GUEVARA
Special Prosecutor”

Ramon Magsaysay’s tenure at Malacañang was cut short by the tragic plane crash in Cebu the following year. It may have been written in the stars.

It must be noted that within his time and according to his sights, he had accomplished enough to provide material with which to establish legends of the spacious capacity of his heart for well-doing. He enjoyed a phenomenal empathy with the mass of his countrymen.





CHAPTER THIRTY-THREE

Integrated Electro-Metal and Chemical Industry

By the end of 1960, Victor and I realized the absolute necessity of expanding the tiny 27-ton daily production of carbide by using a much bigger furnace for at least 100 tons a day so as to extend our output into electro-metal (ferroalloy) and electro-chemical products (acetylene, chemicals, caustic soda, hydrochloric acid).

The project required a two-pronged attack: the first was the expansion of the carbide plant already in operation under partnership with Union Carbide on a 50-50 basis, and the second was the reorganization of the old Mabuhay Rubber Corporation into a much bigger corporate structure so as to include the manufacture of caustic soda (NaOH), hydrochloric acid (HCL), polyvinyl chloride resins (PVC). The second project was of course very much more sophisticated and complex, for it involved the acquisition of new

know-how not only in the field of NaOH and HCL but in polymer chemistry as well.

The expansion of the carbide plant was undertaken without much difficulty by Union Carbide and the Guevara interest, with the Union Carbide furnishing us financial and technical assistance in carrying out the construction of a new lime kiln and a new 100-ton-a-day carbide furnace which has been on stream since 1965.

In view of the refusal of the Union Carbide to participate in the PVC venture, the Guevaras had to go all alone by themselves using for a start the remaining assets in the name of Mabuhay Rubber Corporation. The Mabuhay was immediately reorganized with an additional capital formation of P10M subscribed and paid by a small group of friendly investors headed of course by the Guevara family, Dr. Salvador Araneta, former Congressman Fermin Z. Caram, the late Jose Paez, former Secretary Brigido Valencia and retired Justices Jose Gutierrez-David and Ricardo Paras. The new capital formation coupled with \$2,150,000 worth of reparation equipment I had obtained contributed a great deal to the consummation of this project which at the beginning seemed an impossible dream.

The integrated plant was set up by purely Japanese know-how and technique (Shin-Etsu Chemicals) and was inaugurated in June of 1965 under the most trying and adverse circumstances. To begin with, there was no semblance of protective tariff at the time. The Tariff Code enforced was that of 1907. Some of the products produced by us (ferromanganese) were not even known or classified in the outmoded Tariff Code. The very Japanese firm Shin-Etsu Chemicals that had sold us the know-how were the first to attempt against our life by dumping in the market polyvinyl chloride resins at \$200 a ton, when the current price in Japan was \$300.

On account of such dumping, the only sale we made during the first fifteen days of our operation of PVC resin was a trial order of 3 tons placed by a pre-war customer of Mabuhay Rubber Shoes later on to become the owner and fabricator of PVC plastic.

For six months, I had to play the multiple roles of financier, executive, detective and trial lawyer defending and following up the Mabuhay cases before the Tariff Commission, different banking and financing institutions, Reparations Commission and the Bureau of Customs.

The first sign of silver lining to the clouds appeared when the Tariff Commission, after six months of protracted hearing, granted our petition for a punitive dumping duty on the imported PVC resin. This victory in the Tariff Commission was followed later on by a protective tariff of 35% instead of the old 20%. Thus by the early 1966, the new integrated plant showed signs of healthy growth.

The demands for PVC and its by-products NaOH and HCL cannot be supplied by the plant's original capacity of 14,800 tons of caustic soda and 5,000 tons of PVC per year and so in 1967, Mabuhay had to negotiate for the expansion of the plant for an ultimate capacity of 7,800 tons of caustic soda and 10,000 tons of PVC a year.

The expansion featured a pier with two Chiksan loading arms, one for pressurized gas and one for pressurized liquid, with one kilometer long pipelines to the storage tank. The pier was constructed for proper handling and reception of shipments of MVC and MCCI. It likewise featured a bigger pressurized spherical tank, 18 meters in diameter, to store 2,500 tons of vinyl chloride monomer. One continuous fluidized bed dryer where complete PVC drying is affected according to product specifications was also constructed. A distillation plant was erected to purify the new monomer consisting of pumps, refrigeration unit, vinyl chloride compressor, bubble cap distillation tower, heat exchangers and instruments for controls. That meant additional four glass-line, bottom entry agitation, polymerization autoclaves and one continuous centrifuge dewatering unit. As required, they included new utilities plant consisting of one steam generator, one nitrogen gas generator, one demineralized water and air compressing plants. Addition to the polymerization catalyst was incorporated to double output. This expansion which



MCCI Corporation and Mabuhay Vinyl Corporation in Iligan City, circa 1990

constituted the most impressive visible landmark of Iligan Bay, entailed an additional investment of P12M.

Strange as it may sound, the second period of expansion of the integrated chemical of Mabuhay came at a time when practically all business and industries of the country were groaning under the cruel floating rate and *de facto* devaluation of the Philippine currency.

Through odds and ends, the project targeted its completion behind the scheduled date. Its inauguration was marked by a simple ceremony on August 11, 1972, which year, by all standards, was an epoch-making year. It was the year when — in the international scene:

American President Nixon went to Russia and China on a mission of peace and relieved a tension that had existed for two-and-a-half decades.

The new Japanese Prime Minister Tanaka, following soon, gave recognition to the most populous nation and drank a Maitai toast with Premier Chou-En-Lai, thereby, normalizing relations with the big and the mighty of the world.

The War that has no end saw the solution, and although the year-end intensification of bombings of Hanoi and Haiphong made the world ask, “What happened?” peace did come, a little belated soon after 1972.

The world family of nations, recognizing that our spaceship Earth will consume its precious water and air resources within this generation if nothing is done to restore the quality of the environment decided to meet in Stockholm on what to do about cleaning up.

Nations and chemical process industries of the world, using mercury cathode cells for caustic-chlorine production and other mercury compounds, agreed to control the emissions or phase out the use of mercury as part of that world cleanup of dangerous materials and products.

We saw the upswing or the first sign of recovery from the American, European and Japanese economic depression of 1970. This was more significant than the upset brought about by the readjustment of the strong currencies of the world against the American dollar when it went off the gold standard in August the year before.

And in our country —

The Central Luzon floods brought a disaster of such a magnitude never before experienced. Although the first reports showed that it would take years to recover, with the response of the Filipino people to rehabilitate themselves and the assistance extended by many of the peoples of the world, including some from the Communist block, the most agriculturally productive area of the country was again green by the year’s end and full communication systems were in operation as before the floods.

President Marcos saw that the old form of government could no longer serve the needs of the people and, accordingly, on September 21 decided to use his extraordinary power by proclaiming Martial Law throughout the land.

In the last quarter of the year, under his extraordinary powers, many things that could not be done before were done. Even the constitution that could not be finished was finished. The old rules were changed with new ones. Land Reform could now be implemented. Law and order was restored. The environment for tourism and foreign investment vastly improved.

While under the Mabuhay Vinyl —

The first major expansion of our Polyvinyl Chloride Plant, raising the 10,000-ton-per-year plant to more than double its size, was completed. This project, done by our own engineering staff and local contractors, was completed on schedule below its budget and operated without any serious flaw, producing products of quality at expected rates of production.

We awoke to the realities of an export potential and with the various decrees under the New Society giving incentives to new manufactured export goods, we not only prepared ourselves for export but oriented our customer-fabricators to the challenge.

If the year just passed could be marked as the turning point of the world towards a more peaceful, cleaner and more livable place, where peoples of all ideologies and races could have a better quality of life, it could also be the turning point for the Filipino people. For us, it was going to be an entirely new way of life, the beginning of a New Society.

Although we registered higher sales volume by setting up a new plastics plant, new in chemical process equipment which, because of its efficiency, turned out traditional products at a cheaper cost and at an improved quality, we made a smaller profit. We paid higher salaries and wages, employed more, paid more taxes, purchased

higher-priced raw materials, but we did not pass on all these to the public in the form of higher prices. Even though there were no price controls on our products nor did we have competition, we planned and made a smaller profit than the year before through a hold-down on selling prices.


This year will be a year of great expectations and in the manufacturing and marketing of our products, we hope to do our share, continuing a policy that includes social dividends for the people.





CHAPTER THIRTY-FOUR

Epilogue

everal momentous events of the last decade may be considered as the crowning benediction to all my lifetime efforts and ambition.

There was the sealing of the matrimonial pact with my life-long friend Teresita Salgado with whom I had been romantically linked since 1916. Then there was the completion of the expansion of the multi-million peso polyvinyl chloride and caustic soda plants of the Mabuhay Vinyl and the carbide and ferroalloy plants of Maria Cristina.

After the demise of my beloved wife Chong, I became both father and mother to five children — Victor, 24, senior student in the UP College of Engineering; Ricardo, 22, a junior in the UP College of Law; Conrado, 20, a freshman in the FEU College of Business Administration; Asuncion, 16, a senior high school student at the



Judge Guillermo B. Guevara and Mrs. Teresita S. Guevara with his eldest son Victor (bottom right) and daughter-in-law Patro Paez Guevara (bottom left). Standing (L-R) are grandchildren Bambi, Adette, Sal and Willie.

College of the Holy Spirit; and Rosario, 10, an intermediate student at the St. John's School.

At the side of their beloved mother as her remains lay in state, I vowed to provide them the best possible education and, further, to give them a second mother only after they should have attained independent livelihood with families of their own. I bade for time thus and had the opportunity and pride of giving away in marriage Asuncion and Rosario; the first in 1953 and the second in 1959. I was no less happy and proud to accompany the boys in their wedding march: Victor in 1950, Conrado in 1952, and Ricardo in 1962.

With the wedding of Rosario, I felt I had fully fulfilled my pledge to Chong. Soon after that wedding, the children had a caucus and



Judge Guillermo B. Guevara and Mrs. Teresita S. Guevara with his son, Ricardo (bottom right), and daughter-in-law Amelita Dayrit (bottom left). Standing (L-R) are grandchildren Peachy, Chips, Mia and Jerome.

arrived at the unanimous decision that it was time for me to have someone worthy to take the place of their late mother. Their one and only choice was Teresita, beloved Chong's best friend.

Thus it was that more than half a century of friendship ripened into rich fulfillment in the morning of October 15, 1959. In the best Philippine tradition, Teresita and I formally exchanged vows of love and fidelity unto the end and have been singularly blessed since.

For a person approaching the twilight of his years and being deprived of a most precious heavenly gift, his eyesight, there could be no better replacement for the loss than the understanding, tested, self-sacrificing and lovely Teresita. She has stood by my side under all weather conditions and circumstances. "In sickness and in health, for poorer or for richer, for better or for worse." Her knowledge of and taste for quality and meaningful living are signal blessings in sustaining a lifestyle for both of us that constitutes a continuing joy

of fulfillment in the years remaining to us. No person could wish and pray for anything better.

And now, let me wind up this account with a line of grateful acknowledgement to the children that Heaven has chosen to bless my mortal existence. To salute them would look like saluting myself for having been an accidental part of their excuse for being.

But God knows they are all individuals separate and distinct on their own if inextricably united by a bond that has made our common effort fruitful and rewarding beyond measure. Across the years from their birth to full maturity and flowering; they have proved jewels in the fashion of the offsprings of that legendary Roman matron Cornelia.

Victor, the eldest, is the driving, creative spirit of the Mabuhay Vinyl all the way.

Ricardo is the chief-in-command, as it were, of the Maria Cristina Industries in all the vicissitudes of its growth.

Asuncion, as my private secretary and first treasurer of the MCCI, bore a heavy brunt of its development until her marriage to



Daughter Asuncion Guevara Aviado seated, and her husband, Dr. Domingo M. Aviado with sons Carlos and Domingo, and daughters Cristina and Maria.

Dr. Domingo Aviado, a world-recognized Pharmacologist and full professor of the College of Medicine of the University of Pennsylvania.

Conrado, corporate vice president of the MCCI for public relations plays the key position in sustaining the industrial harmony and peace behind its stability and productivity.

Rosario is now the secretary treasurer of the MCCI and has fully matured into its heavy responsibilities.

All of them are integral parts of a web of responsibility for the effective management of the complex of family enterprises that include agricultural production (sugar, rice, copra, fish), maintaining a broadening experience in social involvement and service. None of them has found it imperative to run for public office but they have accepted their part to help expand opportunities to serve their fellows.

The faith that I thought I was on the point of losing when an American shell hit saintly Sister Lydia Isip but spared me and my



Judge Guillermo B. Guevara and Mrs. Teresita S. Guevara with son Conrado and daughter-in-law Medy San Agustin Guevara. Seated (L to R): Junior, Gabby. Standing (L to R) are Manny, Edgar, Jojo, Pilar, Luz and Tess.



Judge Guillermo B. Guevara and Mrs. Teresita S. Guevara with daughter Charito (bottom right) and son-in-law Danny Dimayuga (bottom left). Standing (L-R) are grandchildren Tammy, Margie, Ginny, Jaybee, Rian, and Cindy.

family the carpet bombing in Baguio, I can now affirm, still remains intact; and my children are one good, fundamental reason.

As of this writing, which is mid-1973 and the First Year of the New Society, chalking four score and seven years to my life on this good earth, I must acknowledge a generous measure of gratification. Posthumous issue to a small town brass bandmaster and his housewife turned footwear-score saleswoman in widowhood, I had my opportunities however limited and had some success in using them to advantage, with injury to no one and the service of my countrymen.

In 1970, the Guevara family interest bought off the 50% equity of Union Carbide (America) in the Maria Cristina Chemical Industries. Thus in full control of a basic Philippine Industry, I embarked upon further expansion in ferroalloy manufacture and facilitated the

fulfillment of a goal of setting up a P100M electrometal and chemical complex, securing a place in the nation's industrialization and fully developing a social orientation basically rooted in community participation and public service.

Looking back to my start as a government clerk of limited schooling, I can say I had the good fortune to have gone some way in doing my share of the day's work, earning opportunities and advantages which I felt privileged continuously to open and share with the neighbors, in the sense of the Scriptures.

I felt this way on a special occasion. This was on May 15, 1955 when I was honored by the Boys Scout of the Philippines with the Silver Usa Medal, the second highest award within the gift of that benevolent institution, then on February 10, 1962 when I was given the Gold Vision Triangle Award at the 50th Annual Meeting and National Laymen's Convention in Baguio City of the Young Men's



Judge Guillermo B. Guevara giving a speech during the awarding of Knight Grand Cross of Rizal, September 20, 1970.

Christian Association. The Citation affirmed that I was one of “a nursery of Nation Builders”. It is true enough that any lowly farmer producing a blade of grass where none grew before belongs to the same category.

At this time of my life, I guess the indulgent reader need not feel embarrassed to indulge me in proceeding on the subject in the same vein. On September 20, 1970, in the City of Manila, the Knights of Rizal thought it fit to confer upon me the highest degree of the Order, as Knight Grand Cross of Rizal. Ostensibly, this was in recognition of “*invaluable service to the Filipino people in times of peril and peace*” for “*unimpeachable integrity and dedicated public service*”, for “*outstanding and pioneering contribution to the economic development of the country*”, for “*dedicated and sustained efforts in promoting the aims and purposes of the Boy Scouts movement in the Philippines*”, for “*having founded and led the Spirit of 1896*”, for “*moral courage and uncompromising stand on behalf of the Filipino people against corruption and injustice*”, for “*progressive ideas and philosophy on penology*”, for “*untiring efforts in supporting the passage of Republic Act No. 1425 now known as the Rizal Law*”, for “*contribution in the field of legal education*”, and for “*zeal in carrying out the purposes and aims of The Order to the end that the ideals and teachings of Rizal on love of God, country and people be the gospel of every Filipino*”. That seems to state about everything.

As confirmation, on the side of such an assessment of my performance, De La Salle College, on April 9, 1972, saw it fit to grant me the degree of Doctor of Education, *Honoris Causa*.

The Civic Assembly of Women of the Philippines would take no chances about sealing the validity of all those previously specified above. Accordingly, on June 19, 1973, it decided to give me its Award of Merit, reiterating the line of the Knights of Rizal and capping it up by pronouncing me, in addition, “*a dynamic civic leader, reformist and writer*”.



Philippine Women's University Useful Citizen Award with Helen Benitez

For the record, let it be said that as a human being, let alone a citizen of the Republic of the Philippines, I trust to be forgiven if I should consider it rather late in the day to protest the good opinion coming from persons and institutions that have found rational acceptance in the life of the nation.

Time could exercise an inexorable influence in its appropriate correction in due course. We can depend on that.



Appendix A

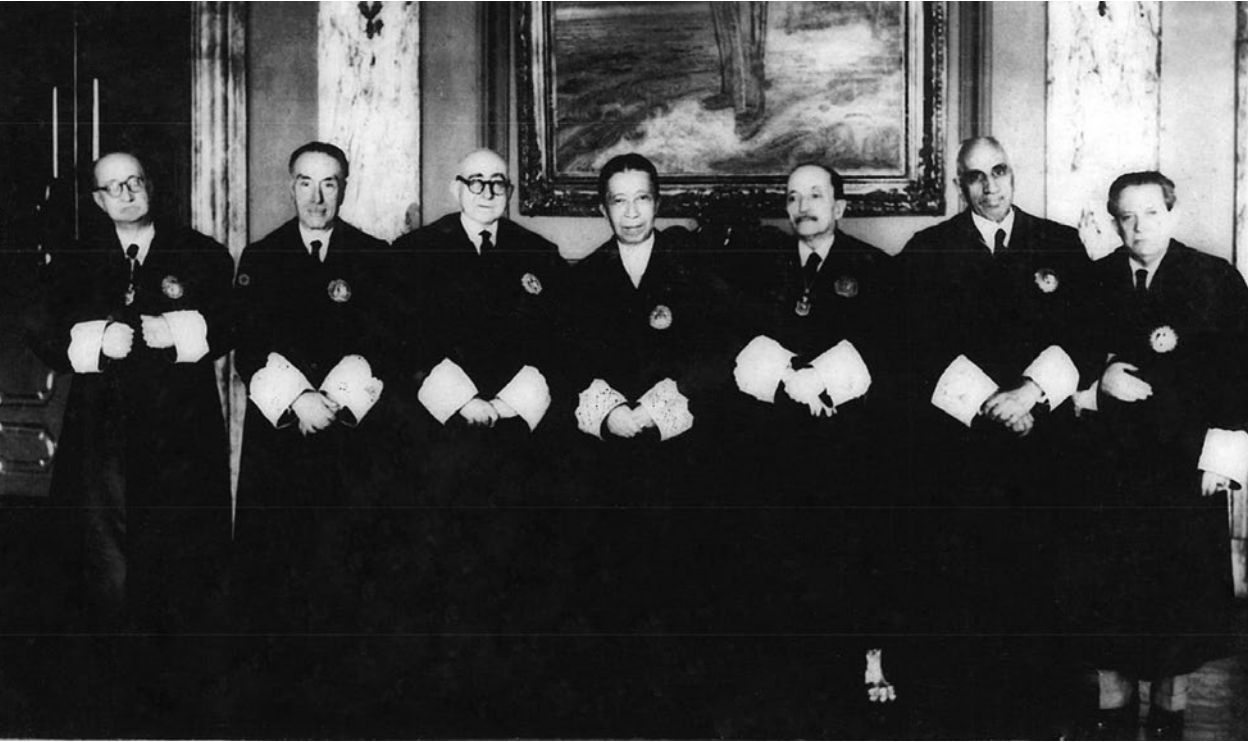
PHOTOS



Judge Guillermo B. Guevara, acting President of the Philippine Constitution Association (Philconsa) greets US Supreme Court Chief Justice Earl Warren on the occasion of the latter's visit to the Philippines as guest speaker, on the 30th anniversary of the Constitution Day, February 10, 1965

Party given by Speaker and Mrs. Jose Yulo in honor of President and Mrs. ML Quezon on February 21, 1940





Judge Guillermo B. Guevara makes a courtesy call to the Supreme Court of Spain. The Chief Justice, Dr. Jose Castan Tobeñas, and the Presiding Justices of the five branches of the Supreme Court, namely, Jose Casado Garcia, Juan Bermudez Ballesteros, Alejandro Gallo Artacho, Rafael Rubio y Freyre-Duarte, and Attorney-General for the Spanish Supreme Court, Dr. de la Plaza, pose with Judge Guevara in their court regalia. The robe worn by Judge Guevara is that of a presiding justice of a branch or sala of the Supreme Court of Spain, May 22, 1954.



Paying a courtesy call on President Carlos P. Garcia at Malacañang are (L-R) Senator Camilo Osias, Dean Conrado Benitez, Judge Guillermo B. Guevara, Senator Claro M. Recto, and President Jose P. Laurel



Reception with Vice President Fernando Lopez



Judge Guillermo B. Guevara with Senate President Gil Puyat and Don Emilio Abello Dean David J. McCarthy, Jr. welcomes Judge Guillermo B. Guevara during his visit to the Georgetown Law Center, August 29, 1979





Greeting President and Mrs. Marcos at Malacañang on the President's birthday, September 11, 1969. Judge GBG with sons Víctor and Ricardo.



(L-R) Mr. John Manning, Mrs. Trinidad Roxas, Mr. Albino Sycip, Judge Guillermo B. Guevara, General Emilio Aguinaldo, Dr. Braulio Gancy and Mr. Goldenberg, taken at the party of Vice President Fernando Lopez.



One of the last pictures of Mrs. Asuncion Palma Guevara taken at their San Juan residence. With Judge and Mrs. Guevara is their daughter Asuncion. Photo was taken July 4, 1946 as the Guevara's were getting ready to attend the inauguration of President Manuel A. Roxas.



Judge Guillermo B. Guevara with daughters Asuncion and Charito in Niagara Falls New York.



Judge Guillermo B. Guevara dancing with daughter Asuncion Guevara Aviado in Havana, Cuba 1949.



Judge Guillermo B. Guevara swimming in Timoga, Iligan City.



Judge Guillermo B. Guevara celebrating his birthday among family and friends



Judge Guillermo B. Guevara returning from foreign trip



Guevara family photo in front of Pasay house. Clockwise: Judge Guillermo B. Guevara, Victor, Conrado, Asuncion, Ricardo and Mrs. Asuncion Palma Guevara, 1935.



Judge Guillermo P.
Guevara with daughter
Asuncion, 1947



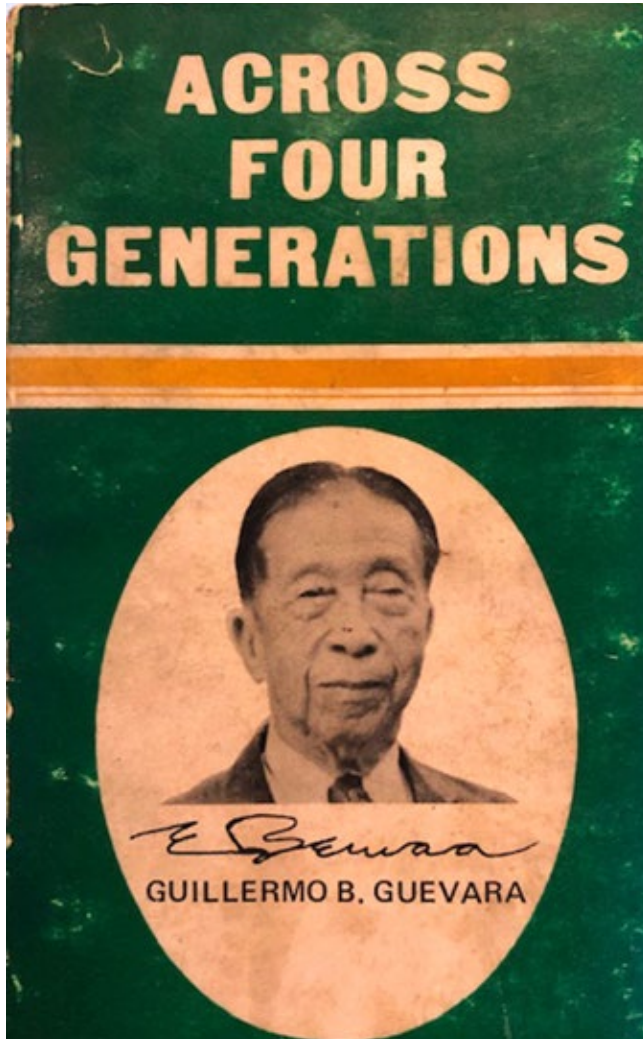
Judge and
Mrs. Guevara
attending the
25th anniversary
of Mabuhay Vinyl
Corporation in
Iligan City, 1980



Portrait of Mrs. Asuncion Palma Guevara by Fernando Amorsolo



Portrait of Justice Guillermo B. Guevara by Fernando Amorsolo



1973 Edition

A TRIBUTE TO GUILLERMO B. GUEVARA*

by Justice Cecilia Muñoz Palma

On this solemn occasion I open my remarks with a quotation from the Book of Isaiah:

*"The Lord has made a solemn promise, and by his power
he will carry it out;
Your grain will no longer be food for the enemies, and
foreigners will no longer drink your wine;
But you that planted and harvested the grain, will eat
the bread and praise the Lord;
You that tended and gathered the grapes
Will drink the wine in the courts of my temple."*

To Guillermo B. Guevara, the solemn promise of the Lord was fulfilled. To him the Lord gave a mind rich in wisdom, a strong and courageous heart, and a free and unfettered spirit. Making use of those gifts, he planted, tended, harvested, and gathered the fruits of his lifetime labor, and at the end of ten decades on this earth; it can be said that he ate of the grain and drank of the wine the Lord has promised.

His was a life which spanned across four generations and seven major upheavals in Philippine history — The Philippine Revolution of 1896, the Philippine-American War, the American Occupation, the war with Japan, Philippine Independence of 1946, the Martial Law in 1972, and the end of a constitutional authoritarianism and restoration of democracy in 1986. Could he have wished for more? I wonder.

From the very humble beginnings he rose to attain a signal niche in the annals of law and justice in our country.

With the talents God had given him, he made a firm resolve to succeed in life. Through hard work, self study and without any formal academic training he took and passed the Philippine Bar examinations in 1912, and with the aggressive determination and a consuming ambition, he enrolled for a post graduate course at Georgetown University in Washington, D.C. and earned a Master of Laws Degree in June of 1916.

Then followed years of service in the government as assistant fiscal and later promoted to become the City Fiscal of Manila and then Judge of the Court of First Instance.

It was during his service as City Fiscal of Manila during the American regime (1924-1929) that Guillermo B. Guevara displayed a dynamic personality of courage and moral integrity, an outstanding brilliant knowledge of the law and judicial procedure, and an intense nationalism and pride as a Filipino.

He was a public servant who served no master but the people and no mistress but the law and justice. He was a public servant who carried out the

Portrait by National Artist Fernando Amorsolo in 1950.

responsibilities of his office without fear or favor, not minding where the "chips" may fall.

Thus, he bequeathed to the fiscals and judges of this country a rich legacy of accountability in public office. He exemplified the principle that public office is a public trust and that public officers must serve the people with utmost fidelity, integrity, competence, and with patriotism and justice.

To quote from the Citation when he was conferred the honorary degree of Doctor of Laws by the Philippine Women's University in 1982, Guillermo B. Guevara was "an unflinching fiscal who manifested a deep and abiding sense of justice and righteousness which transcended national boundaries and horizons."

As an academician and a professor of law, author of several law books on Criminal Law and Criminal Science and Penology, "Daddy Emong" as I fondly called him, leaves to the members of the Bench and the Bar, the legal profession, the Filipino Youth and to our people, a heritage of a life of self-discipline, self-determination, incorruptible moral character, selfless dedication to the defense of the Rule of Law in the life of every human being, in order that we may all be a dynamic social force for the general welfare and betterment of the Filipino nation.

And so in addition to the signal recognition given to Guillermo B. Guevara by institutions of learning, civic and professional groups and associations for his exemplary life as husband, father, jurist, legal scholar, civic leader, a grateful people through the President of the Philippines, conferred upon him the Order of Kalantiao (First Order) in 1982. He was also cited for having given the remaining years of his life to pioneer in energy development and utilization, and land reform, by directing his many corporations to explore and utilize alternative energy sources, develop innovative products and processes and initiating his own private land reform program in his farms, thereby, promoting the welfare and general well-being of his fellowmen.

We thank you, Daddy Emong, for the legacy and heritage you have left to your children, grandchildren, relatives, friends, and the Filipino people. I thank you most especially for the inspiration and guidance you gave me from the time you recommended me to President Roxas for appointment as Assistant City Attorney of Quezon City in 1947 which position, like you, started my career in the public service. You were a light which guided my path all the way.

At this moment when we are saying our goodbyes and sending you off to your heavenly reward, we make a pledge that we whom you are leaving behind will carry on the lighted torch of justice, freedom, love of country, and faith in the Lord who promised that we shall eat of the bread and drink of the wine for which we have labored in His vineyard.

Beloved parent, counsellor and friend — Rest in Peace with the angels and your loved ones, Mama Chong and Tita Teresita, in heaven.

*Delivered at the Funeral Mass for Judge Guillermo B. Guevara, Santuario de San Antonio, Forbes Park, Makati, April 15, 1987.



Judge Guillermo B. Guevara Room inside the Gonzalez Hall (Main Library building) UP Diliman

Appendix B

SPEECHES

THE LAUNCHING OF ACROSS FOUR GENERATIONS

December 17, 1973

SPEECH GIVEN BY JUSTICE CALIXTO O. ZALDIVAR SUPREME COURT OF THE PHILIPPINES



Justice Calixto O.
Zaldivar (1908-1979),
Associate Justice of
the Supreme Court
1964-1974

“Judge and Mrs. Guevara, Chairman Ocampo, ladies and Gentlemen:

“Our nation is indeed fortunate that we have a man who, even in his late age, and in spite of his physical infirmities, has endeavored to write the book, ‘Across Four Generations’, that we are launching today. This is a book from which our youth can learn how it is to be born under obscure circumstances, but through hard work, with ambition and the spirit to succeed, one can attain greatness and be a man of great value to his country. That man who wrote the book is Don Guillermo Guevara who is with us this afternoon.

“I am not here to make commercials for the book. I am here to express what I believe is the appraisal by us who are gathered here of the value of this book. I am sure that many other Filipinos besides us, who are lovers of our country and are interested in the affairs of our government and our people, would be interested to read this book. In this book, Judge Guillermo Guevara has given our people information that is not available to us in our own time – when he wrote about our country and our people just prior to the revolution of 1896, and soon after the revolution. He tells us about the situation in our country during the early period of the American occupation when there were conflicting views on what would be the best for our country. He tells us of Filipinos who believed that our country would

be better off if it would be under the tutelage of America, and of Filipinos who had in their hearts still burning the spirit of 1896, and would not countenance the idea of our country again subjected to a foreign domination. He tells us of those Americans who came here during the first years of the American occupation who were really dedicated to help us, inspired by the spirit that President McKinley had when he prayed, when he knelt and implored God, to give him Divine Guidance on what to do with the Philippines. During the early days of the American occupation, Judge Guevara tells us in this book, unselfish service was paramount in the minds and in the hearts of our public servants. He tells us that during the American occupation merit system was the basis in the selection of persons in the public service. That was the period when he started his career in the public service – he had to struggle in order to acquire the necessary competence to serve in our government, rather than depend upon the help of his influential relatives. Judge Guevara, however, observes that as time went on, and more participation was given to Filipino leaders in the affairs of the government, the merit system deteriorated.

“There is one thing that Judge Guevara tells us about himself in his book that should inspire the youth to emulate his example. He tells us of how he, as a lowly employee, struggled to make himself a proficient stenographer and how he studied law. I believe many lawyers in the country do not know that Judge Guevara never studied law in any law school. He took the bar examinations without any certificate from any law school, because he studied law only in the law office of his uncle, the prominent Felipe Buencamino, Sr. It was not until later, when he had already distinguished himself in the practice of law, that he took advanced courses in law at Georgetown University in Washington, D.C. where he got his Master of Laws Degree. When he visited Georgetown University several years ago, his alma mater acclaimed him as one of its greatest alumni.

“I read in the book that Judge Guevara started his career as a lawyer handling cases against well-known practitioners. His ability was soon recognized, and he was made a member of the prosecution staff in the office of the Fiscal of the City of Manila. He gradually rose, to later become the head of that office. That was at the time when the Governor General of the Philippines was General Leonard Wood. The governor-general appointed Judge Guevara the City Fiscal of Manila because he saw in him the man who would not compromise with any violation of the law, regardless of who was hurt. General Wood was simply promoting what he believed was the cause of good government in our country.

“I had the privilege to witness the activities of then Fiscal Guevara. I was a student in the high school in 1920 in Manila. I read about Fiscal Guevara as he prosecuted the soldiers who figured in the riot in Intramuros. In my boyish feeling at that time, Fiscal Guevara was a hero to me. I would go to the court almost everyday to watch Fiscal Guevara as he prosecuted those soldiers. Later, it was my privilege to be one of his students in Criminal Law in the College of Law of the

University of the Philippines, and I must say that I owe partly to him what I am as a lawyer.

“Judge Guevara, as a law professor, made a special study of the system of criminal law in other countries. He is an advocate of the penal system that treats criminals not in the retributive way, but in a reformatory way. He wrote the book ‘Essentials of Criminology’ which embodies his progressive ideas on criminology. This book is recognized as a scholarly work. His prestige as authority in Criminal Law found recognition when he was chosen the head of the Code Commission which, among others, prepared the Code of Crimes. This Code of Crimes is a monumental product of his ability, and his work is recognized in many countries of the world, especially in the Latin-American countries. It is to our dismay, however, that our Congress, until the time when martial law was declared, did not enact the draft of that Code of Crimes into law. This draft prepared by Judge Guevara, however, is recognized by scholars as a valuable work, and is pointed to as a distinct improvement over the present Revised Penal Code in the Philippines. It is our hope that the draft of the Code of Crimes prepared by Judge Guevara will eventually be enacted into law and form part of the legal system in our country.

“As I said, I bear witness to some events that happened during certain periods about which he wrote in his book. Those were the days when he was the crime buster in the City of Manila, in the same way that in the latter part of his life he was chosen as the graft buster in our government. Indeed, unless one possesses the talent, the integrity and the firmness in his official actuations in office, he can not be entrusted with the task of busting crimes and graft. You will read in this book his experiences in going after the ‘big fishes’ during those times. In the celebrated cases involving persons from the highest level in our society, he disregarded his personal connections and friendship with them. He demonstrated the kind of a person he is, a man of principles and integrity.

“Judge Guevara did not limit his activities to the legal profession. He believes that one can do greater service by helping make our country economically self-sufficient. We are all familiar with the Mabuhay rubber shoes of pre-war. The manufacture of those shoes was the beginning of his industrial enterprise which, unfortunately, was ruined during the last war. But determined as he has always been to pursue what he has decided to do, after the war he rebuilt his shoe-manufacturing enterprise, and made it bigger. He embarked in other enterprises where many Filipino businessmen were afraid to venture. Now we are aware of the polyvinyl plant that he established at the site of Maria Cristina Falls in Iligan City, the only one of its kind in the country. Its products are even now exported to other countries. This is one very successful enterprise that came out of the reparations from Japan. Incidentally, I may state here that I was a member of the Reparations

Commission, the agency of our government that took charge of the procurement and administration of the reparation goods from Japan, and I know Judge Guevara is one end-user of reparation goods that did not resort to dubious ways in order to get allocation of reparation goods. It is indeed deplorable that the reparations that Japan gave to our country, which were intended for the benefit of the nation, turned out to benefit only a few persons. But the project that Judge Guevara has embarked on is one project from reparations that has contributed to the economic development of the country. That is the polyvinyl that I have mentioned. And one thing that I know, and I say it here, is that the corporation that is headed by Judge Guevara, which is the Mabuhay Rubber Corporation, is the one end-user of reparation goods that had been procured for them. And this is so because that corporation is headed by Guillermo B. Guevara, the honest man, the enemy of graft and corruption.

“Busy as he is in his enterprises, Judge Guevara had time for civic matters. There was a time when he felt that as a Filipino it was his duty to involve himself in the efforts to uphold the civil liberties of our people, particularly their right to free speech, to freedom of thought and religion. In his book he writes that at one time when the more numerous Church in our country tried to advocate the teaching of religion in the public schools contrary to the provisions of the Constitution, he enlisted his services in support of those who opposed the designs of the Church. Because he believed that religious freedom and civil liberties were in danger of being lost in our country, he founded, along with other civic-spirited citizens of our country, the association known as the ‘Spirit of 1896’. That was an association of men who believed that our people should always profess the spirit of those noble men of 1896 who fought in order to uphold the dignity of our race and the freedom of our people. ‘The Spirit of 1896’ founded by Judge Guevara was one association that will always be remembered as a great factor in the endeavors to maintain the spirit of nationalism in our country.

“Judge Guevara is a great lover of Rizal. He saw to it that a book called ‘The National Gospel’ was published. That book contains selected writings of Rizal that can awaken in the mind, and stir in the heart, of every good Filipino the noblest feelings of love of country and pride in our race. That is one little book that should be ready by our people. We in the Young Men’s Christian Association of the Philippines, of which I am the humble President, have used that book in inculcating in the mind of our young people the ideals of Jose Rizal. Judge Guevara edited and published that book, and distributed copies of the book free of charge, in his endeavors to help build in our country a citizenry that is patriotic and courageous. Busy as he is, he still finds time to undertake activities that promote the spirit of nationalism in our country. It is not mentioned in his book, but I wish to state that he is presently the Executive Vice-Chairman of the Pinaglabanan Commemorative Commission. This is a commission created by the

President of the Philippines that is now building a memorial to perpetuate the memory of our gallant countrymen who fought in the battle of Pinaglabanan at a place in San Juan, Rizal, during the Revolution. Very soon, somewhere not far from this place, you will see standing a stately monument to the heroism of those who fought in the Battle of Pinaglabanan. The premises around the monument are being converted into a beautiful park. Sometime next year that memorial will be inaugurated in fitting ceremonies. Judge Guevara is contributing his time and money for the project.

“As I said, I am not here to make commercials for the book of Judge Guevara. I must say, however, that this is one book that the members of the legal profession should read. This is one book which parents should read and transmit to their children. This is one book that businessmen should read, because in this book they can see what a man can do in promoting business in the manner that Judge Guevara has done. This is one book that every public servant in our country should read. This is one book that every good Filipino should read, to imbibe the spirit of nationalism, love of country, love of freedom, and the zeal to defend the rights of our people against abuse of power and tyranny.

“I am going to end by saying that I cannot express an appreciation of Judge Guevara better than what are stated in the citation that the Orders of the Knights of Rizal, of which I am a humble member, had given him when he was awarded the rank of the Knight Grand Cross of Rizal. He was cited ‘for invaluable service to the Filipino people in times of peril and peace; for unimpeachable integrity and dedicated public service; for outstanding and pioneering contribution to the economic development of the country; for dedicated and sustained efforts in promoting the aims and purposes of the Boy Scouts movement in the Philippines; for having founded and led the Spirit of 1896; for moral and uncompromising stand on behalf of the Filipino people against corruption and injustice; for progressive ideas and philosophy on penology; for untiring efforts in supporting the passage of Republic Act No. 1425 known as the Rizal Law; for contribution in the field of legal education; and for zeal in carrying out the purposes and aims of the Order to the end that the ideals and teachings of Rizal on love of God, country and people be the gospel of every Filipino.’

“For all that Judge Guillermo B. Guevara has done in his life that spans across four generations – his incorruptible public service, his fight against crime, graft and corruption, his contribution to the legal system of our country in the field of criminology, his contribution to the economic development of our country, his civic work in promoting nationalism and his defense of the civil liberties of our people, he is indeed one man who has a place in the roster of great Filipinos whose names we will always cherish as the BUILDERS OF OUR NATION.

“Thank you.”

THANK YOU SPEECH GIVEN BY JUDGE GUILLERMO B. GUEVARA

“Chairman Esteban de Ocampo, Mr. Justice Calixto O. Zaldivar, distinguished guests, ladies and gentlemen:

“Since I lost my eyesight some six years ago, I have been living with borrowed eyes supplied generously by a trusted and untiring secretary. It is her clear, fast and tireless reading to me of papers and documents that keep me posted on current events and maintain my correspondence with business associates and friends.

“Early this morning, I organized and compressed my thoughts in a short Thank You Speech which I dictated to Miss da Silva in the hope that somehow and somewhere I would be able to repeat to this audience what I have dictated to her; but to my chagrin, I found out that my memory could no longer retain any organized thought of some dimension, but what is worse, my hybrid voice of soprano-baso profound might even cause a riot in the audience. It is for this reason that I made a sudden decision at this moment, not only to borrow this indispensable eyesight, but also the musical and seraphic voice of my secretary.

“May I therefore call on Miss da Silva and ask her the favor of reading for me this short speech which I have prepared this morning. Miss da Silva please

“Ladies and Gentlemen:



“ ‘I cannot find adequate words to express my gratitude to Chairman Ocampo for sponsoring this affair and to Justice Zaldivar for the kind appraisal he made of my humble book.

“ ‘It would only be human of me to admit that I was exceedingly delighted to hear those glowing tributes to the point of mistaking it for a preview or shall I say, advance edition of my obituary with all the concomitant overstatement of whatever human value there is in my humble self.

“ ‘But obituaries, like the canonization proceedings before the celestial court of St. Peter, should not be accepted on its face value; not until we have heard the views of the advocates of devil or some image-breaker.

“ ‘So, if we want to play and to avoid any investigation from Camp Crame for possible charge of overpricing or overestimating human value, we better hold in abeyance our final judgment.

“ ‘Seriously speaking, I do not think the book or its author

deserves the praise it has received. The only outstanding or discernible feature in it is the extraordinary longevity of its author and the unusual opportunity given him by the all-wise Providence to witness and reckon in his own language the important metamorphosis in the social, political and economic life of the Filipino people.

“The book contains a brief but outspoken account of what a government run like heaven by Americans and a government run like hell by Filipinos could do for the people. Ironical as it may sound, the system of government ran by the early American imperialists of the type of Taft, Ide, Smith and Forbes, have happened to be the nursery of true democracy. They set the foundation of a popular and non-sectarian public school system, of a civil service based on merit and immune to the lethal virus of politics, of a judiciary that commands the respect and confidence of the people.

“ ‘Under that seraphic regime, the humblest citizen stood on equal footing with the powerful in the exercise and enjoyment of human and civil rights. I am tempted to say that the common man of the Philippines never had it so good.

“ ‘A closer analysis of the situation then and now will lead us to the conclusion that so-called American colonizers of yore were the virtual forerunner of the authoritarian democracy of the present dispensation, whose signal distinction are concern for the common man, social discipline, and investment of every centavo of public taxes for the common good.’

“Thank you, Miss da Silva, and here we separate, let me assure you ladies and gentlemen, that your presence tonight has assuaged the long mortification I have been suffering for my inability to enjoy with you the beauty and splendour of nature and see the light.

“Thank you and goodnight.”



Appendix C

**Articles from the
“Wala Lang” column of
DR. JAIME C. LAYA**

A CENTURY OF DISTINCTION

by Jaime Laya

(Published August 3, 2020; www.mb.com.ph)

Apart from aggravation, working at home during Lockdown saved three to four hours of daily travel time, part of which I spent going through my tsundoku-generated book heaps. One of the most rewarding — readable and inspiring — is the autobiography of Judge Guillermo B. Guevara, *Across Four Generations* (Manila: United Publishing Company, Inc., 1973).

Born in 1886 the posthumous son of a Guagua (Pampanga) bandmaster, he was completely orphaned at age 11. The disruptions of the Philippine Revolution and the Filipino-American War and poverty forced him to begin working at 17 after only six years of formal education. While earning a living, he made up through self-study the years of schooling he missed. Also by himself and as student office worker in a law office, he learned the law, took and passed the 1912 Bar Examination without a single day of law school. He was subsequently accepted by Georgetown University. Dividing his time between classes and serving as volunteer worker with Philippine resident commissioner Manuel L. Quezon lobbying for Philippine independence, he graduated a year later Master of Law at the head of his class.

Guevara grew in stature over the four generations of Philippine history, Spanish, American, and Japanese regimes and the Republic. Through merit, he rose from being a P40/month clerk-typist in 1903 to court stenographer, law clerk, assistant city attorney, judge of the Court of First Instance, Manila City fiscal (a position then second in rank to the mayor), successful private law practitioner, law professor, author, and acknowledged authority in criminal law and, beside it all, a leader of Philippine industry. He passed away in 1987 at age 101, a revered legal stalwart and major and pioneering industrialist.

It can be said of Guevara that he pulled himself up by his bootstraps. He mastered the shorthand that led him to the world of law; learned the subjects he missed when he left school; studied civil, criminal, and administrative law in preparation for the Bar examination, all through self-study and all the while working for a living.

Guevara was a conscientious and hard worker, guided by a commitment to excellence and the highest ethical standards. Of him it was said that his bullets never missed their targets.

Throughout his career, his reputation was one of focus and hard work, professionalism, total integrity, upholding the law without regard to money, family ties, friendship, or power. He religiously observed the stricture of the time, "... *pabagsak* or *palakasan* was a grievous offense in the career of every appointive

officer; and outside intervention in the transfer or promotion of any civil servant was sufficient cause for removal or demotion. Thus any act or conduct which directly or indirectly promoted the self-interest of any officer was condemned.”

As judge, “I held court every day from 8:30 in the morning to 12 noon and from 2 to 5 in the afternoon, except on Saturdays when I set the morning for hearing motions. In spite of the fact that, residing in Pasay, I spent two hours to get from home to the office [in Malolos, Bulacan and San Fernando, Pampanga], I could dispose of an average of 40 cases a month.” He followed the example of another judge he admired, one that only the truly expert could do: “dictating extemporaneous and impromptu decisions became a matter of practice for me.”

While assistant Manila city attorney, Guevara accomplished work that would be difficult, if not impossible, to duplicate today. He was credited with successfully registering under Torrens Title all the city’s patrimonial properties and in clearing all streets, esteros, and river embankments of encroachments and informal settlers. He also prosecuted a case that led to the conviction and imprisonment of the President and three senior officers of the Philippine National Bank. Guevara was personally responsible for building the case against the three officers.

In an unprecedented case, Guevara argued a suit in the US Supreme Court for the City of Manila versus the insular auditor. He was the first Filipino to do so and he won.

He played a key role in the celebrated Bar Scandal of 1927. A Tarlac judge had noted the incompetence of a certain lawyer. He called the attention of the Supreme Court that then ordered an investigation by the Manila City fiscal headed by Guevara. He found that the bar examination results had been falsified by the confidential secretary and relative of a Supreme Court justice.

The accused was a law student of Guevara and friend of his wife. The justice was his colleague and mentor and others involved were friends and associates. It was one of his most difficult moments but he felt he had no choice.

The confidential secretary was jailed and the justice resigned.

Guevara retired early from government and organized a successful law office with the equally brilliant Vicente Francisco and Claro M. Recto. He continued teaching law, eventually becoming UP law professor and respected authority who wrote among others, the first book on Philippine criminal law annotated with references to Spanish and Philippine jurisprudence and who drafted a proposed Code of Crimes to replace the century-old Criminal Code.

As if these were not enough, he went into industry — rubber manufacturing before World War II and after Liberation, the rebuilding of American war surplus into structures including what are still the Ateneo and Mapua gymnasias. In the

1950s, he and his son Victor Guevara founded Maria Cristina Chemical Industries, Inc. and Mabuhay Vinyl Corporation, inaugurating industrial development in Mindanao. They grew to be among the Philippines' largest corporations.

As part of their orientation programs, elected officials and civil servants whether executive, legislative or judiciary, are well advised to visit the Judge Guillermo B. Guevara Room of the UP Library. It will give them a chance to glimpse the once and — with hope — future Philippine justice and civil service systems.

Notes: (a) Guevara's early education at Trozo Elementary School was interrupted by the Philippine Revolution and Filipino-American War. When peace was restored, he attended the Liceo de Manila until he left school at about the equivalent of second year college; (b) He enumerates textbooks of the subjects he couldn't take and that he studied by himself during off hours: *Retorica y Poetica*, *Fisica y Quimica*, *Geometria y Trigonometria*, *Filosofia y Metafisica*, *Historia Universal*. He also read classic works, e.g., Victor Hugo, Jose Rizal, Emile Zola, Leo Tolstoy; philosophers Voltaire and Immanuel Kant; speeches of "Titans of Spanish oratory"; works of Spanish novelists; and (c) The UP Main Library is being renovated and the Judge Guillermo B. Guevara Room is closed until further notice.



PALADIN OF PHILIPPINE FREEDOM: A DISSENTING OPINION

by Jaime Laya

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It is a fact that history is written by winners. Thus it is that victors win because they were in the right and suffered few losses while the losers were totally annihilated. So it has been in Philippine history. Spanish friars, American officials, Japanese soldiers, one President after another have been demonized — in fairness, sometimes deservedly — by their respective successors.

Once in a while a discerning observer speaks up. Judge Guillermo B. Guevara (1886-1987) does so in his autobiography that covers a distinguished career in both public and private sectors during the American and Commonwealth periods, during which Manuel L. Quezon was hailed as “Paladin of Philippine Freedom.”

Before World War II, independence was the dominant political issue. Manuel L. Quezon was Philippine resident commissioner in Washington, D.C. (1909-1916) and successfully lobbied for the passage of the Jones Law (1916) that committed to eventual Philippine independence and created an elective Legislature with an Upper and a Lower House. Elections were held and Quezon was elected senator and became senate president. He worked well with then Governor General Francis Burton Harrison who is glowingly described in our history books as sympathetic to the Philippine cause.

In the economic field, the Philippines enjoyed a period of prosperity during World War I (1914-1918) with unprecedented demand for sugar, coconut oil, and hemp. Government financed the expansion of these industries through the Philippine National Bank (PNB). After the war ended, however, demand slumped and PNB loan losses mounted.

Washington sent former Governor General W. Cameron Forbes and Gen. (Ret.) Leonard Wood “to look into the mess created by the combined Harrison-Quezon team. The first target of the mission was the irregularities or rather the cause of the near bankruptcy of the PNB.” The outcome was the conviction and imprisonment of the PNB president and three senior officers.

Leonard Wood succeeded Harrison as governor general. Wood was often in disagreement with Quezon and vetoed numerous bills passed by the Filipino Congress. He has thus been characterized as an imperialist opponent of Philippine independence. The dispute went as far as the resignation of the entire cabinet.

Meanwhile, efforts for independence continued. Sergio Osmeña and Manuel A. Roxas were dispatched to Washington (“Os-Rox Mission”) to press for immediate independence and succeeded in securing the passage of the Hare-Hawes-Cutting

Act (1933). Among others, the Act set a 10-year independence timetable subject to Philippine Congressional ratification.

Quezon declared the Hare-Hawes-Cutting Act unacceptable and a battle ensued between the “pros” for ratification of the act (Osmeña and Roxas) and the “antis” (Quezon). Congress disapproved the Hare-Hawes-Cutting Act. The Antis won. Quezon then sailed for Washington and returned the conquering hero with the Tydings-McDuffie Act.

Guevara begs to differ. While at Georgetown University, Guevara served with and hero-worshipped Quezon then working for the Jones Law. From his front seat in the following decades, however, Guevara declares, ...Quezon proved all too human in the unhappy sense of the term in his indulgence in the privileges and prerogatives of power. ... Thus it was that the impression started to develop that graft, ineptitude, gross mismanagement are inescapable concomitants of the democratic system, that while undesirable, they are part of the price to pay for a way of political life pompously and patriotically associated with autonomy and Filipinization preparatory of independence.

To the holders and dispensers of power elevated by the grace of popular election, the conviction became current that anything goes with the people if they could be distracted by the proper rhetoric of nationalism and the latter-day equivalent of bread and circuses of ancient imperial times.

On the other hand, Guevara continues, Harrison’s successor Leonard Wood, was a straight shooter, prudent in government expenditure and intolerant of corruption. Unlike Harrison who signed into law almost everything that Congress passed, Wood vetoed bills that he felt irregular—and there were many.

Festering resentment came to a head when an American detective was dismissed by the Manila City mayor on a bribery charge. Wood investigated and discovered that it was really about a Filipino bigwig caught in a gambling raid. The detective was reinstated and “at a signal from Quezon, the entire cabinet dramatically resigned en masse, carrying most of the nation in the conviction that only Philippine independence, and the sooner the better, would resolve the impasse.”

The disputes were presented to the public as rivalry between those who were for freedom and those who were against. Guevara looks at it differently: “We had during the Wood regime an interlude of business-like administration at the expense, often, of Philippine autonomy.”

Guevara has this to say on the pros vs. antis debate: “What Quezon [...] would not and never permit was any prospect that Osmeña and Roxas would get any full credit for an Independence Law, as in the case of the Hare-Hawes-Cutting Act [...] Hence, the concoction of those Quezonian reservations about relatively minor

provisions by which he justified his round rejection of the Hare-Hawes-Cutting Act and the consequent game called the Antis-Pros political war.”

In general, Guevara adds, University of the Philippines students were pros, favoring the Hare-Hawes-Cutting Act. UP president Rafael Palma authorized discussion of the subject in campus assemblies organized by student leaders including Wenceslao Vinsons, Arturo Tolentino, and Carmen Planas. Quezon was furious and threatened to cut the UP budget by one-third. Palma decided to resign.

Quezon proceeded to Washington and returned with the Tydings-McDuffie Act, “which was virtually the same Hare-Hawes-Cutting Act.”

Guevara’s verdict: Government was run professionally by Americans during the pre-autonomous period (1901-1913) and rapidly deteriorated under Filipinos with the complacent Harrison. Leonard Wood was for good government, acted within his authority, and accordingly clashed with Quezon who had different ideas. In wanting to claim exclusive credit for Philippine independence, Quezon created the controversy of pros vs. antis, and UP and Palma became collateral damage in the crossfire.

Notes: (a) This article is based on Judge Guillermo B. Guevara’s autobiography, *Across Four Generations* (Manila: United Publishing Company, Inc., 1973; (b) Judge Guevara’s career is the subject of a previous article. With only seven years of formal education of which one year was for a Master of Laws at Georgetown University, Guevara rose in the civil service and in the law profession as judge, fiscal, professor, law author, and practitioner. He passed the Bar Examination without a single day in law school. After retirement, he shifted gears and became a successful industrialist; (c) Francis Burton Harrison was governor general from 1913 to 1921 and Leonard Wood from 1921 to 1927; and (d) In time, UP student leaders Vinsons, Tolentino, and Planas all achieved renown in the law and public service.

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Across Four Generations

GUILLERMO B. GUEVARA

2020 EDITION