



THE IBP NEWSLETTER

OFFICIAL PUBLICATION OF THE INTEGRATED BAR OF THE PHILIPPINES
15 J. Vargas Avenue, Ortigas Center, Pasig City

Vol. 5 No. 1

Special Convention Issue - March 2007

CDO: ALL SYSTEMS GO FOR 11th NATIONAL CONVENTION OF LAWYERS

Day 1 PROGRAM OF ACTIVITIES

CONVENTION PROPER
Thursday, 29 March 2007
LKKS Atrium, Limketkai Mall
Cagayan de Oro City



8:00 a.m. - 10:00 a.m. CONTINUATION OF REGISTRATION	
10:00 a.m. - 11:30 a.m. OPENING CEREMONIES: Main Program	
Welcome and Symbolic Presentation of the Keys to the City of Cagayan de Oro and Province of Misamis Oriental and Unveiling of the Treasures of Cagayan de Oro	HON. VICENTE Y. EMANO Mayor, Cagayan de Oro City HON. OSCAR S. MORENO Governor Province of Misamis Oriental
Audio Visual Presentation	e-ibp@service: resilience through evolution
Message	HON. JOSE VICENTE B. SALAZAR National President
Introduction of the Guest of Honor and Keynote Speaker	HON. ALICIA A. RISOS-VIDAL Governor, Greater Manila
Keynote Address	HON. REYNATO S. PUNO Chief Justice Supreme Court of the Philippines
11:30 a.m. - 1:00 p.m. LUNCH	
Introduction of the Guest of Honor and Luncheon Speaker	HON. JOSE AMOR M. AMORADO Governor, Southern Luzon
Address	HON. AQUILINO Q. PIMENTEL, JR. Senator, Senate of the Philippines
1:00 p.m. - 1:15 p.m. Briefing on MCLE	PROF. MYRNA S. FELICIANO Executive Director, MCLE
1:45 p.m. - 6:00 p.m. MCLE Lectures	

Chief Justice Puno to Keynote 11th Convention



The hosts are ready and all systems are GO for the 11th National Convention of Lawyers.

Newly installed Chief Justice Reynato S. Puno is the principal Keynote Speaker of this year's convention whose theme is "Lawyers and the Law: Resilience Amidst Trying Times".

The new Chief Justice has already made inroads towards strengthening the people's faith in the judiciary and our legal system with bold reforms towards addressing the perceived culture of corruption in some of our courts. Already, the Court of Appeals has suffered one casualty with the removal of one Division Chairperson from his post as Justice of the lower appellate court.

In various fora immediately after his installation as Chief Justice the Chief Magistrate has vowed to install substantive and structural reforms towards strengthening the Rule of Law.

Chief Justice Puno is a former Editor-in-Chief of the Philippine Collegian and a former TOYM awardee. He brings to the court, a solid background in Constitutional Law and a formidable intellect.

His marriage to the late Atty. Luzviminda T. Delgado has been blessed with three children: Reynato, Jr., Emmanuel and Ruth.

IBP Spearheads Movement Towards Clean and Honest Elections

STEADFAST in its commitment to the ideals of democracy thereby rising up to the challenge of uniting various sectors of society to protect the integrity of the electoral process, the Integrated Bar of the Philippines, through National President Jose Vicente Salazar, as co-convenor launched the Legal Network for Truthful Elections (LENTE) last March 23 at the IBP National Office Multi-Purpose Hall.

The highlight of the event was the signing of the Memorandum of Agreement (MOA) between and among the members of the Network with One Voice represented by its chief legal counsel Atty. Carlos P. Medina Jr. also as co-convenor of the event.

LENTE is a network of about 30 volunteer organizations and institutions comprised of lawyers, students, paralegals, laymen, and other trained volunteers called together for the purpose of taking the lead in monitoring the canvassing of election returns in cities, municipalities and provinces all over the country during the May 2007 national elections. Among the Network's member organizations are the National Movement for Free Elections (NAMFREL) and the Parish Pastoral Council for Responsible Voting (PPCRV) which have been consistently active in their advocacy for clean and honest elections the past several years.

According to Atty. Salazar, this partnership with LENTE and its member organizations "is based on the commitment of our country's legal community to our democratic ideals, and to the principle that an effective democracy begins with clean, honest

and orderly elections that reflects the genuine will of our people."

The Network calls out to other non-partisan groups and individuals in its aim to gather at least 9,600 volunteers in order to carry out the massive task of monitoring the canvassing of votes in over 1,600 cities/municipalities and 81 provinces nationwide.

In his press statement, Atty. Salazar called upon all the members of the Integrated Bar to undertake this task with the fullest resolve in order to keep alive the optimism that democracy still faces a bright future in our country.

As the May Elections is barely two months away, LENTE is currently exerting efforts in mobilizing volunteers and continuously developing its coordinating mechanism with its national secretariat based in Manila. As part of its preparation, it will also be providing intensive and comprehensive trainings, seminars and informational materials to its volunteers all over the country to ensure that they would be able to gain expertise on election laws and procedures.

The words of Atty. Salazar in his press statement indicate that it is hope in our democracy which is the driving force behind LENTE. But what actually LENTE brings to our nation is also hope for our electoral system and ultimately, our democratic way of life./

Jan Barcena



IBP National President Jose Vicente B. Salazar and One Voice Chief Legal Counsel Atty. Carlos P. Medina, Jr., Co-Convenors of Legal Network for Truthful Elections (LENTE), signed the Memorandum of Agreement in behalf of their respective organizations.



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SC enhances protection of judges, justices

THE SUPREME COURT, through the Office of the Court Administrator (OCA), and the Department of Justice, through the National Bureau of Investigation (NBI), signed a memorandum of agreement on judicial security on February 12 at the SC Centennial Building, Faura, Manila.

The MOA, signed by Court Administrator Christopher O. Lock and NBI Director Nestor M. Mantaring, is aimed at protecting judges and justices from threats to their personal safety arising from their judicial work. The MOA took effect immediately.

Court Administrator Lock has designated Deputy Court Administrator Reuben P. Dela Cruz, a former NBI agent, as liaison officer to the NBI.

Pursuant to the MOA, the NBI created Task Force Judiciary Protection as the bureau's investigating and operating unit. The TFJP, composed of NBI personnel, will "provide prompt and effective protection to judges and justices needing or requesting protection due to threats to their personal safety arising from judicial work" and "investigate thoroughly without letup until final resolution of all killings or attempted killings of judges and justices." The TFJP will also conduct site inspections and risk assessments of the SC compound, as well as the premises of the Court of Appeals, Sandiganbayan, Court of Tax Appeals, and the three pilot Halls of Justice – Manila, Cebu, and Cotabato City.

For its part, the OCA shall provide the equipment and facilities (e.g., bulletproof vests, remote video cameras) needed to protect judges and justices facing threats. Likewise, the

OCA shall reimburse the NBI for actual transportation costs, accommodation, allowance, and similar expenses for surveillance and protection to be incurred by the TFJP.

The MOA was the latest of measures drawn up by the SC to curb the work-related killing of judges. The United States Agency for International Development (USAID), through the Rule of Law Effectiveness (ROLE), is providing technical assistance by engaging the expertise of Mr. Joe Paonessa, a consultant from the US Marshals.

Thirteen judges have been killed since 1999. The latest victim was Baggao, Cagayan Municipal Trial Court Nathaniel C. Pattugalan who was shot to death by still unidentified assailants last January 19 near the Quezon Memorial Circle, Quezon City. Most of the cases remain unsolved until now. *Jay B. Rempillo, Benchmark*

CJ Puno Issues Guidelines on Proper Office Attire

The wearing of office uniforms by the personnel of the Supreme Court and Presidential Electoral Tribunal having been made optional for CY 2007, Chief Justice Reynato S. Puno ordered the implementation of guidelines on the wearing of appropriate office attire as prescribed by CSC Memorandum Circular No. 19-2000, dated October 31, 2000, providing for the Revised Dress Code for All Government Officials and Employees in the Workplace.

All Chiefs of Offices, immediate supervisors, officers and Members of the BAC for Office Uniforms have thus been made responsible for the implementation of the

guidelines, monitoring compliance thereof, and reporting and submitting cases of violations for appropriate disciplinary action.

The personnel of the Security Division have also been deputized to list down names of officials and employees who do not comply with the guidelines. Such list should indicate the date of commission of the violation and the name of the official or employee concerned, who must be informed of such violation.

Penalties for violating the guidelines are Reprimand, for the first offense, Suspension without pay for one to 30 days, one month and one day to six months, and Dismissal from the service, for the second to fourth offenses, respectively. (Memorandum Circular No. 02-2007, Guidelines on the Wearing of Appropriate Office Attire for CY 2007, February 8, 2007)

PROPER OFFICE ATTIRE INCLUDES:

- Wearing the Employee Identification Card (I.D.) at all times while on official duty
- Wearing Appropriate Footwear – Closed formal shoes, mules, slingback and peep-toe shoes.
- Observing Proper Grooming – Male employees are not allowed to sport long and unkempt hair, wear earrings and other body ornaments.

PROHIBITED ATTIRE:

- Gauzy, transparent, or net-like blouse or shirt
- Sandos, sleeveless, strapless or spaghetti-strapped blouses, tank-tops (unless worn as an undershirt), blouses with over-plunging necklines
- Micro-mini skirts (skirts above kneelength), walking shorts, cycling shorts, leggings, tights, jogging pants, capri pants, pedal pushers
- Rubber sandals, slippers, bakya
- Except on Fridays: Collarless

t-shirts for men, denim or maong pants, rubber shoes, sandals, and step-ins exposing the toes/Madeleine U.V.G. Avanzado, Benchmark

Dishonest Notary's Commission Revoked

The Supreme Court recently revoked the notarial commission of Atty. Salud P. Beradio and suspended her for six months from the practice of law for having notarized a document which she knew contained a material falsehood.

The Court found that Atty. Beradio violated Canon 1 and Rule 1.01 of the Code of Professional Responsibility when she notarized the affidavit of adjudication of a certain Alfonso Villanueva while she had personal knowledge that his claim of being the sole heir to the estate concerned was untrue. The affidavit stated Villanueva as the sole heir to his parents' estate even though there were other compulsory heirs living at the time it was executed, a fact which Atty. Beradio admitted to the Court.

"Where admittedly the notary public has personal knowledge of a false statement or information contained in the instrument to be notarized, yet proceeds to affix his or her notarial seal on it, the Court must not hesitate to discipline the notary public accordingly as the circumstances of the case dictate. Otherwise, the integrity and sanctity of the notarization process may be undermined and public confidence on notarial documents diminished," the Court said. (*AC No. 6270, Heirs of Spouses Villanueva vs. Atty. Salud P. Beradio, January 22, 2007*)/*Madeleine U.V.G. Avanzado, Benchmark*

Folklore, Fakelore, and the Ethnolinguistic Origin of the Name “Cagayan”

By Antonio J. Montalvan II

Place name explanations often border on the fantastic and the comical. Intramuros, for instance, was said to have been named “so that the Moros will not entra.” Arnold Azurin (1995) calls this cultural malpractice the abuse of folklore in our national culture, coining the term “fakelore.”

What is the folklore and fakelore of the name “Cagayan”?

The usual recourse is to cite the local legend that ascribes the name to a love story between a beautiful princess and a vanquished warrior. It was said that a slave-raiding party of Maguindanao warriors descended upon the town. The town datu, however, sends instead his beautiful daughter to meet the Maguindanao chief, Rajah Moda Samporna. Captivated by her beauty, the rajah marries her and settles in the town. Instead of conquering them, the Maguindanao warriors were conquered. They retreated in shame, traumatized by the turn of events, calling it a “place of shame.” In Binukid, “kagayhaan” is “place of shame.” Later Spanish mispronunciation, the usual much-abused alibi, is said to have then evolved into the name “Cagayan.”

The story has other variations. One identifies the princess as a Maranao and the vanquished warrior as the datu of Cagayan. Other variations claim Kagayhaan as the name of the princess. However it varies, the plot remains the same: the Moro *contravida* versus the Christianized *vida*. The consistency of that plot cannot be underestimated in the historical discourse of Christian-Moro antagonism. It is possible then that the Kagayhaan fakelore came about as a way of promoting the supremacy of the Spanish colonial masters, much in the same way the *moro-moro* used mental conditioning to prejudice the Christian population against the Moro people.

The use of Moro antagonists is a stereotype of Spanish-inspired plots where the Moro is never the victor but always the vanquished, never the protagonist but always the antagonist. The already-discarded and archaic *moro-moro* should make the Kagayhaan fakelore a source of quibble so cruelly prejudicial in these cross-cultural times.

That is one reason why the ascription of folk etymologies to place names or toponyms is at most times inaccurate and clearly devoid of historical basis, besides being sources of amusement, comedy, and ethnic inequality and social marginalization. In this case, the “place of shame” story suffers a lot from its time elements alone. Rajah Moda Samporna was indeed a real persona, but eyewitness accounts narrate that he came to Cagayan only in 1889 (Pastells). That is nearly three hundred years removed, in fact, from the Spanish colonization of Cagayan in 1622.

One of the first contrary positions to the Kagayhaan claim was that one by Bernad (1987) who cite the name “Cagayan” as having been derived from a progenitor language, long extinct, and meant “place of the river.” A subsequent check, however,

of such name in David Zorc’s Proto Philippine Finder List proved futile. Obviously, the origin of the name is beyond recall. The answer must lie elsewhere.

A good place to start the investigation is oral ethnohistory. It has already been established that the Cagayan proto people were the Proto Northern Manobo from among whom branched out today’s Higaunon of hinterland Cagayan de Oro. As in all ethnic groups of Mindanao, the Higaunon record their history by means of chanted epics, in their case, the *olaging*. The folk hero of the *olaging* is Agio, and mentions Agio’s elder brother Pamulaw as having taken as wife Yumagmag Katiguman (Opeña, 1979). The *olaging* describes her as “Lady of Kagay-an, Queen of Lambagohon,” clearly indicating Kagay-an as a place name instead of a personal name. Note also the glottal stop which today’s natives of Cagayan de Oro retain.

There is mention of the name Kagayhaan in the epic but it is the name of Pamulaw’s first daughter. One other significant light is that this is the only ethnohistorical basis of a written documented reference to the name Kagay-an as related to “Lambagohon.” Folk knowledge in Cagayan de Oro relates that the area was also known prehistorically as “Kalambagohan,” because of the abundant Lambago tress on its banks (possibly “Bago,” *Gnetum genemone* Linn. or *Fagraea racemosa*, as cited by Paredes, 1997).

Ethno-epics such as the Bukidnon *olaging* do not belong to the same category as folk legends. Although many elements in a folk epic are legendary, the entire epic is handed down from one generation to the next. Epics can only be sung by prescribed chanters. Hence, they contain a higher level of accuracy than simple folk legends. They are also chanted during special occasions.

Then the usual option is to explain place names by way of Spanish corruption of the original indigenous name. This simplistic recourse, however, which is seeing Filipino history through the colonial perspective, has long lost credibility and validity. In the case, for example, of Cagayan de Oro, the Kagayhaan proponents claim this name as having been corrupted eventually by the Spaniards to Cagayan. Another version traces the origin of the name to 1779 when the Spaniards were said to have found the bashfulness of its inhabitants. But the Spaniards were already in Cagayan in 1622.

The other way of verification is to consider comparative chronology. Two important historical documents already identified the place as Cagayan even before 1622, when the Augustinian Recollects first came to Cagayan. One was the donation of the area in 1571, only five years after the arrival of Miguel Lopez de Legazpi, as an *encomienda* to a certain Juan Griego (Fray Juan Francisco de San Antonio, 1738-1744). The

other document identified Cagayan as a cinnamon-producing region (de Loarca).

It has already been established that at the time of the Recollect arrival, Cagayan was a tributary of Sharif Kabungsuwan's great grandson, Bwisan. We know that Kabungsuwan came to Mindanao in 1480 and Bwisan was his fourth generation descendant. Cagayan then could have lost its independence to Bwisan sometime in the late 1500s. But at this time, the place was already known as Cagayan. That is another deficient time element in the Kagayhaan legend.

A third recourse would be to look at comparative toponymic nomenclature. Kagayhaan proponents have never explained why there are other places in the Philippine archipelago also named Cagayan. There is Cagayan province in Luzon, Cagayan de Mapun (formerly Cagayan de Sulu, subsequently Cagayan de Tawi-tawi) in the Sulu Sea, and Cagayancillo Island in Palawan. How is it that in these places, they do not have the same elements in the Kagayhaan folklore? Surely Princesa Kagayhaan could not have bilocated on these places too?

There are, in fact, striking geographical commonalities among the place names Cagayan de Oro, Cagayan province, and Cagayan de Mapun. In all three, there are remarkable bodies of water. Not only are there major rivers that dissect through both Cagayan de Oro and Cagayan province. Both rivers, in fact, exhibit a very similar terrain of karstic limestone topography on vertical cliffs interspersed with lush forest vegetation. It has been said that in Spanish times, Cagayan de Oro was compared to as "Cagayan el chico" (little Cagayan), a diminutive of Cagayan in Luzon where the river was known as "el rio grande de Cagayan." One historian brought up the possibility of the Spaniards having observed "geographical twins" (Burton, n.d.).

On the other hand, in the island of Cagayan de Mapun are two fresh water crater lakes which are its most remarkable natural features, Ernestine and Singuwang (Casiño, 1976). There is also a perfect circle crater bay, Jurata, with a seaward wall that opens to the sea to form a bay. Could the toponym Cagayan be associated then with water?

In the case of Cagayan province, the Ilocano word for "river", *karayan*, was said to have given the province its place name (de Jesus, 1982). It would appear that place names are determined linguistically. Hence, a useful recourse is to look at linguistic kinship or the study of cognates. It is little known, for instance, that there may be more than linguistic coincidences with Ilocano [*karayan*], Isneg [*karayan*], and Central Cagayan Agta [*keheyan*] (Elkins, pers. com., 2001). The name surely has something to do with water.

The noted linguist Richard Elkins (2001) is of the belief that there is most likely a connection between Ilocano and Manobo. "There are some features which both language sub-families share with each other that they do not share with any languages found in other parts of the Philippines." Citing the linguist Isidore Dyen, Elkins posits that this strongly hints of genetic relationship. The Western Bukidnon Manobo, in fact, pronounce Cagayan as *kegey²an* (? = glottal stop), in much the

same way that multi-generational natives of Cagayan de Oro do.

The curator of the Crisologo Museum in Vigan, a native of Cagayan province, informed me that among some old folks of the place, the name is said with a glottal stop, *Cagay-an*, much like the way Cagayan de Oro old folks say the same.

Elkins further offers the view that the Ilocano "karayan" could be a cognate of "kagay-an" because of the r-g-h correspondence found in Philippine languages (June 22, 2001). He is therefore of the position that Kagayan from a possible Proto karayan for "river" is very likely (July 4, 2001).

Elkins also offers the so-called "siak connection" (citing Dyen, July 6, 2001). Dyen once pointed out the fact that both Ilocano and many Manobo languages have the topic personal pronoun "siak," probably indicating some close genetic relationship with the North. None of the central Philippine languages (or those south from the far north) use this form. The Manobo subfamily, Dyen claims, is very likely closely related to Ilocano and its sister languages than it is to languages of other subfamilies.

But how does one bridge the great geographical divide between these two very diverse ethnic groups? The Ilocano and the Manobo are literally on two separate poles of the Philippine archipelago. We must remember that thousands of years ago, when the sea was a highway, there was only a Proto Philippine language that existed in the Philippines (Walton, 1979). We are thus of the hypothesis that in that time period, the antecedents of the Ilocano and the Manobo had some form of interaction. The name Cagayan was a vestige of that interaction.

There is also the "ag" connection that Elkins points out. In the Manobo and Ilocano, the verbal affix "mag" of Tagalog and Cebuano is "ag-." Hence, note the following comparisons.

Ilocano: *Agtugaw kayo* (sit down); *siak ti agtugaw* (I am the one who will sit down) Manobo: *Agpinuu kew en* (you will now sit down); *siak is agpinuu* (I am the one who will sit down).

Contrast this with Cebuano:

Ako ang maglingkod (I am the one who will sit down).

Such similarity seems to corroborate the possible connection between Ilocano and Manobo.

Finally, as to the nominalizer "an," this sometimes marks the location, as in: *belayan* (place of houses), *seyawan* (dancing place). In most Philippine languages, "an" functions similarly, that is, locative. Thus, Cagayan can be "place of the river."

Based on this foregoing evidence, the name kagayan is a Proto Philippine form that probably became long extinct, but continues to be manifested in its daughter languages. The bestowal of this place name to the place now known as Cagayan de Oro dates back to prehistoric or protohistoric times. Because of the wide use of the name in many ethnic regions of the Philippines, only a linguistic deduction can explain the origin of the name.

Cagayan de Oro is certainly not a condescending "place of shame," but sometimes it is good to let out a loud guffaw over the side-splitting absurdities of toponymic fictionalizing.

Seriously speaking, fakelore must not dictate the culture of identities. ■

The Integrated Bar of the Philippines hosted a testimonial dinner in honor of the newly appointed Supreme Court Associate Justice Antonio Eduardo B. Nachura on February 28, 2007 at the IBP National Office.



Supreme Court Associate Justice Antonio Eduardo B. Nachura gives his response to the tribute given by Integrated Bar of the Philippines.

IBP National President Jose Vicente B. Salazar, IBP Board of Governors and National Officers hand over a painting as token for Supreme Court Associate Justice Antonio Eduardo B. Nachura. (From left): IBP Executive Director for Planning Llewellyn L. Llanillo, National Director for Bar Discipline Rogelio A. Vinluan, Governor for Greater Manila Alicia A. Riso-Vidal, Governor for Bicolandia Felimon C. Abelita III, SC Associate Justice Antonio Eduardo B. Nachura, Governor for Western Mindanao Rogelio V. Garcia, National President Jose Vicente B. Salazar, Executive Vice President and Governor for Central Luzon Feliciano M. Bautista, Governor for Eastern Visayas Manuel P. Legaspi and Governor for Southern Luzon Jose Amor M. Amorado.



Supreme Court Associate Justice Antonio Eduardo B. Nachura with IBP National President Jose Vicente B. Salazar and IBP Past National Presidents Raoul R. Angangco (1995-1997) and Teofilo S. Pilando, Jr. (2001-2003).



Election Coalition's Meeting for the May 14 Elections

IBP National President Jose Vicente B. Salazar together with Immediate Past IBP National President Jose Anselmo I. Cadiz and NCLA National Director Rosario T. Setias-Reyes attended the Election Coalition's Meeting for the May 14 Elections last March 9, 2007.



IBP National President Jose Vicente B. Salazar with US Ambassador Kristie A. Kenney (Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines) and members of the MELO Commission on March 5, 2007, IBP National Office.



IBP National President Jose Vicente B. Salazar delivers his welcome message to the participants of the Supreme Court co-sponsored Roundtable Discussion on Rule 65 Rules of Court attended by the members of the bar and the academe.



Roundtable Discussion on Rule 65, Rules of Court

on February 23, 2007 at the Discovery Suites, Ortigas Center Pasig City

The American Bar Association-Rule of Law Initiative ("ABA ROLI"), in coordination with the Supreme Court, the United States Agency for International Development (USAID), the Rule of Law Effectiveness Project, and the Asia Foundation sponsored a series of roundtable discussions ("RTD") centered on Rule 65 of the Rules of Court. The objective of this activity is to discuss the problems brought about by the use or abuse of the said Rule, as well as to identify possible areas of reform.

American Bar Association (ABA) - Asia Law Initiative's (ALI) Conference

"Role of Lawyers, the Bar & the Bench in Preventing and Combating Corruption within the Justice System"
on February 20, 2007 in Bangkok, Thailand



IBP National President Jose Vicente B. Salazar delivers his speech "Role of Bar in Preventing Corruption within the Justice System" during the American Bar Association-Asia Law Initiative's conference on the "Role of Lawyers, the Bar & the Bench in Preventing and Combating Corruption within the Justice System" on February 19-20, 2007 in Bangkok, Thailand.



Unveiling of the VISION Marker of the Court of Appeals during the celebration of its 71st Anniversary

The marker, which was sponsored by the IBP Board of Governors as per Resolution No. XVII - 2006 -470 dated September 22, 2006, was installed in the Court of Appeals to memorialize the vision of CA Presiding Justice Ruben T. Reyes for the Court to be "Righteous, Reasonable in its decision and resolutions, responsible and Responsive to the challenge of judicial service."

The IBP contingent at the unveiling was led by IBP National President Jose Vicente B. Salazar.



Cagayan de Oro's Rich Heritage: What to See

By Antonio J. Montalvan II, PhD cand. In Anthropology

NATIONAL HISTORICAL SITES AND LANDMARKS

Makahambus Hill

The Philippine-American War was a long saga of struggle against foreign colonial suppression in the Philippines. Thousands of Filipinos died in that long war with the cherished dream of Philippine freedom from foreign masters. The Battle of Makahambus Hill was the first victorious battle against the Americans by the Filipino revolutionaries. It took place on June 4, 1900.

On the centennial commemoration of that historic battle, the National Historical Institute honored the memories of all those who fought in that battle by way of a national historical marker on June 4, 2000. The event was commemorated by way of solemn rites and marked by appropriate military honors.

Gaston Park

This park served as the public plaza when the Augustinian Recollect friars first established the pueblo of Cagayan in the year 1626. On that year, the Portuguese Recollect Fray Agustin de San Pedro built a wooden fortress on the site of this park, known as Fuerza de San Jose. Much later, it was rebuilt in stones and surrounded the town center and the church much like a little Intramuros. However, in 1875, the Spanish governor of Misamis, Jose Maria de Carvallo, demolished the fortress and used the stones to pave the streets of the growing town. Visitors to today's Cagayan de Oro wonder why no old buildings and heritage structures exist in the city. That is because they were all demolished by her colonial masters, the Spaniards, the Americans, and the Japanese who razed the whole town to the ground when they invaded it on May 2, 1942. What remains around the present park are three American-era buildings: the **Archbishop's Palace**, built in 1931, a model of Jesuit architecture in the Philippines during the American era.



Today, this has been renamed simply as Archbishop's House (although Cagayanons refer to it as *Palacio*).

Another building that has remained is the **Water Tower** that was built during the American period in the year 1922, the year inscribed in Roman numerals above the entrance capstone.

Across the northwest side of the Park is the **City Hall**, an American Colonial structure that was inaugurated by President Manuel Quezon on August 26, 1940. It stands on the site of the old Casa Real, the residence of the Spanish governor of Misamis, which was built in the 1800s and demolished in the second decade of the 1900s. A local historical marker that recognizes it as the place where the Aguinaldo Revolutionary Government was first proclaimed in Mindanao on January 10, 1899 marks this site. That day also marked the first hoisting of the Philippine flag in Misamis.

On the north side of the park is a national historical marker of the National Historical Institute, marking the site of the Battle of Cagayan that took place on April 7, 1900. The battle was part of the Philippine-American War and which saw the death and heroism of almost a hundred

Cagayan revolutionaries who fought under the banner of General Emilio Aguinaldo. The marker was installed in solemn ceremonies by the National Historical Institute on April 7, 2000, the centenary of the Battle of Cagayan.

Across the northeast side is a historical marker that marks the spot where the old Club Popular once stood. However, recent research has established that the Club Popular actually stood on the vacant lot across the east side of Gaston Park, which was the first site of the Liceo de Cagayan when it was established in 1955. The Club Popular was a local organization of nationalistic cause. It was here where hundreds of Cagayan residents signed a manifesto on January 16, 1900 signifying the town's intention to fight in the Philippine-American War in Cagayan.

The park was renamed Gaston Park in the early 1960s, after Segundo Gaston who was governor of Misamis and mayor of Cagayan before World War II.

Agusan Hill

The Battle of Agusan Hill took place on this promontory in the barrio of Agusan west of Cagayan. Here, a big number of Filipino revolutionaries perished in the Philippine-American War on May 14, 1900. Among these was the leader of the revolutionary unit in the area, Captain Vicente Roa y Racines.

On May 14, 2000, the National Historical Institute erected a national historical marker on the northern slope of the hill to memorialize the heroism of the Cagayan revolutionaries that perished in that battle.

Casa del Chino Ygua

The Chinese merchant Sia Ygua from Amoy, who settled in Cagayan in 1863, built this a house in 1882 on *Calle del Mar* (today's Apolinar Velez st.) using bricks imported from China. The bricks were transported by Chinese junks, serving as ballast for the long voyage, and were unloaded at the banks of the Cagayan River.

During the Philippine-American War, Sia Ygua supported the Filipino revolutionaries, several of whom died in the Battle of Cagayan on April 7, 1900 at the back of the house. In their memory, the National Historical Institute honored it with a national historical marker during the centenary of that battle on April 7, 2000.

LOCAL HISTORICAL SITES AND LANDMARKS

St. Augustine Cathedral

This church was first constructed of wood and nipa in 1779 and inaugurated in 1780, during the tenure of the Spanish Recollect friar Fray Pedro de Santa Barbara. On August 28, 1780, the new church was dedicated to St. Augustine as its patron. However, this structure was gutted by fire in 1841. It was reconstructed in 1845 by the Spanish friar Fray Simon Loscos de Santa Catalina using coral stones imported from China. This structure remained for exactly a hundred years, until 1945, when Cagayan was bombed by the liberating American planes. As Japanese guns were mounted on the church's rooftops, the church – then already a cathedral — was not spared by the Americans. The first bishop of Cagayan, Bishop James Hayes SJ, rebuilt the cathedral along semi-Gothic lines in 1946. For the interiors, Bishop Hayes used rare late 1800s stained glass windows donated to him by the Sacred Heart sisters of New York. The windows were said to be made by a known stained glass master from Birmingham, England, and is the only one of its kind in the entire Philippines. The cross outside, on the Cathedral patio, is the same cross erected there by the Recollect friars in the year 1888. It is the only relic that remains of the cathedral's Hispanic past.

Plaza Divisoria

This elongated promenade was built as a fire breach in the year 1901 by Cagayan's town mayor Tirso Neri. At that time, Cagayan was always gutted by big fires. To solve the problem, a divider was built along the town center in order to contain such conflagrations. Contrary to popular belief, it was not named after Divisoria in Manila. The name simply reflected the Hispanic culture of Cagayan; in Spanish, a divided highway is *carretera con barrera divisoria*.

It was here that the first Philippine president, General Emilio Aguinaldo, was welcomed by a huge crowd of Cagayanons on October 5, 1924. Visiting Philippine President Manuel Roxas was also welcomed here in 1946.

Part of Divisoria is the statue of the national hero Jose Rizal, inaugurated in the year 1916, one of the earliest Rizal monuments in the entire Mindanao. The statue was cast in Carriedo, Manila. It was donated by the rich couple Porfirio Chaves and Maria Vamenta Chaves. Its dedication begins . . . *Rizal! Te dedicamos este recuerdo. Humilde, si! . . .*

reflecting the strong patriotic fervor in Cagayan for the national hero.

Across MacDonald's Divisoria is the statue of Justiniano R. Borja, Cagayan de Oro's first elected city mayor. It was done in bronze by the National Artist Napoleon Abueva.

On the adjoining segment of Divisoria is the monument to Andres Bonifacio, below which are interred the bones of Cagayan heroes who fought in the Philippine-American War. The monument was built during the tenure of Apolinar Velez as municipal mayor in the period 1928-1931.

The last eastern segment of Divisoria is the Magsaysay monument, inaugurated in the early 1960s by then Vice President Emmanuel Pelaez and then Israeli Foreign Minister Golda Meir, later the famous Prime Minister of that country.

Xavier University – Ateneo de Cagayan

Ateneo de Cagayan first opened its doors on June 7, 1933 with 17 high school students on a two-storey wooden building in Burgos Street. Briefly before that, it existed as St. Augustine Parochial School from 1928 to 1933. It moved to its present 9-hectare main campus in 1935. During World War II, it was used by the occupying Japanese forces as a garrison and concentration camp and was the Northern Mindanao regional headquarters of the Japanese Military Command. It was severely damaged by the American bombs of 1945. On March 22, 1958, Secretary of Education Manuel Lim signed the order giving university status to the Ateneo de Cagayan. It was then renamed Xavier University – the Ateneo de Cagayan. It is the first university in the whole of Mindanao and the first Jesuit university in the entire Philippines. On August 27, 1958, the university charter was presented in public rites attended by President Carlos P. Garcia, who became the first recipient of an honorary doctorate degree *honoris causa* by the new university.

Misamis Oriental Provincial Capitol

On November 26, 1948, President Elpidio Quirino visited Cagayan to lay the cornerstone of the new Provincial Capitol of Misamis Oriental. The building was built from American funds provided for as war damage claims by the Philippine Rehabilitation Act of 1946.



NATURAL SITES

Cagayan River

A river runs through it.

Though borrowed, no other description can be more apt and can best be said of Cagayan de Oro. Though true geographically, it is also symbolic and metaphorical in more ways than one. The Cagayan River is perhaps one of the few witnesses to Cagayan de Oro history. For it is averred that the river is very ancient, believed to have been possibly formed in the period ranging between the middle Pliocene to the early Pleistocene epochs. Proof of its longevity are the deep canyons and valleys that it meanders through, chiseling the limestone cliffs over eons of time, as it wounds its way to the Macajalar Bay. Understanding the Cagayan River is an indispensable facet of the geomorphology of Cagayan de Oro.

In recent times, the Cagayan River has become a much sought-after tourist destination. It provides the course for one of only two white water river rafting in the entire Philippines (the other one being the Chico River of the Cordilleras in Luzon). No less than Philippine President Gloria Macapagal Arroyo relished the exciting natural bends of this newly emerging ecotourism destination.

Makahambus Gorge

Makahambus Gorge is part of the Makahambus Cave complex. It is a karstic limestone formation, a huge natural hole where part of the waters of the Cagayan River pass through and disappears in its crevices. ■

Resiliency and the ADR

Filipinos have always been resilient notwithstanding very trying times. It has been written in Philippine literature that the Filipino is as pliable as the bamboo. Is this equally true with the Filipino lawyer and the law?

In the recent past, the Supreme Court introduced mediation as a tool in resolving disputes before the courts, over litigation which our system does not really provide with speed. As practitioners, at least, in this part of the Philippines, and with no malice intended, experience tells us that the process of court-annexed mediation is delay in another form, wittingly or unwittingly. Very likely, the proponents of court-annexed mediation before the Philippine Mediation Center (PMC) as form of alternative dispute resolution (ADR) was lifted from the Western jurisdiction or experience, basically in United States and Canada. ADR has been practised in the US since the 1980s, or perhaps even earlier. At least, in California, disputes are also submitted for adjudication by retired judges who have organized themselves into a "private court" or private fora called JAMS, as long as the parties mutually agree to submit their dispute. It is like a private court, but the legal principle behind is the mutuality of contract between the parties. In short as long as they agree, they can have a retired judge presiding over their dispute in an ADR fashion. This is similar to our own voluntary arbitration (VA) in labor disputes, and the PMC, the only difference in our jurisdiction, the AVA and the PMC are Government entities, or Government-assisted.

So, our laws are updating to the developments in ADR. Court-annexed mediation under the PMC is going three years now. Question is, are we moving in the right direction, or are we just unconsciously prolonging the resolution of dispute, or adding burden upon the parties? I do not think that court-annexed mediation is not mandatory, but why do the courts collect the mediation fee of P 500 upon filing of the complaint? If it is not mandatory, the parties can readily refuse to submit to one when the case is called for pretrial conference, so why collect the mediation fee up front? Is it not more practical to collect when the parties do agree to submit to mediation, or make the collection a condition to court approval to the compromise, in order that the fee they pay does not go to waste if nothing happens in mediation?

Court-annexed mediation as a form of ADR is foreign-funded from Canada. Let us not lose sight of the fact, though, that before a natural person files a case in court, he should undergo barangay conciliation or mediation, as a rule, in civil cases. So, the questions arises, why do we have to have two mediation stages, one before bringing the action in court, and the other, after filing the action in court? If we have the funds for mediation before the PMC, is it not more practical, if not logical to utilize the funds to the conciliation or mediation proceeding before the barangay considering that this is the ADR at first instance, or first level? Our practice tells us, however, that more often than not, the 45-day period allocated for mediation or conciliation

proceeding before the barangay is merely allowed to lapse, before the certificate to file action is issued. This is practised, notwithstanding that a party has indicated right at the start, that he is not willing to a settlement before the barangay. Still, he has to wait for 45 days of delay. I have heard not more than once, th defense that the barangay process should be tolerated because there are not enough competent material to handle the job. Why not pour the foreign-sourced funds to the barangay ADR, then? Or, abolish the barangay mediation completely.

And how about the court-annexed mediation? After settlement fails in the barangay, and the action is filed in court, it is medaited anew before the PMC. But, just like the barangay all over again, the proceeding before the PMC is additional delay. The moment the case is referred to PMC, the assigned mediator does his initiation rites to the parties, including the attorneys, too. The mediator then gives the most oft-repeated line, that the parties need not mind the law, as long as they agree to settle, or something to that effect. On one occasion, I brought along a visiting lawyer from out-of-town where court-annexed mediation is not in use. After hearing the briefing, my firend came out shaking his head, in wonder why the mediator must declare that agreements cut before the PMC need not necessarily be legal.

Actually, court-annexed mediation is nothing new. Why? The Rules of Court on pretrial conference provides that during the pretrial conference, the presiding judge shall, with all tact and patience, encourage the parties to explore all avenues of settlement. In short, court-annexed mediation is built in under the rules on pretrial conference. So why re-invent the wheel?

More recently, judicial dispute resolution (JDR) was introduced as another mode of ADR. Like the PMC, the JDR is foreign-funded, this time by two sources, the Asia Foundation and Canada. But again, JDR is also built-in under Rule 18, rendering it unnecessary to be a separate program, obtaining separate funding. The JDR is yet another specie of unnecessary delay.

We mentioned earlier, that our present system does not really present an expeditious resolution of cases. For one, litigation is protracted, although the Rules of Court prescribe for continuous trial. In this connection, the special rules for pretrial conference and discovery promulgated by the Supreme Court introduce innovations like the "the most important witness" rule are welcome. Also, we should utilize discovery more often, like deposition, interrogatory, request for admission, request for production, etc. To my mind, these modes of discovery are very powerful and where utilized properly, will substantially cut court delays.

This is not to say that we are averse to ADR, but let us put it where it rightfully belong, like should we focus on only one stage for ADR at the barangay level and use the foreign-sourced funds to it, or should we do away with the barangay proceeding and leave the ADR pending action? If we chose the latter, why don't we bring it back within the pretrial conference? Anyway, settlement by any form is permitted under the rules on pretrial conference. And furthermore, put discovery into more effective and practical use, rather than relegate it to the sidelines like an mere ornament, or to oblivion.

We go back to the question, is the lawyer resilient to the law, or to the innovations brought by the law in the area of ADR? As litigators or practitioners, we can answer this in the affirmative, with much reservation. ■

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National President
Integrated Bar of the Philippines

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A Message From The 17th Board of Governors



eASE of access
Through our Public Service Portal project, we have tapped into the power of mobile communications and the internet.



eDUICATION
We keep lawyers informed of important announcements and legal updates via SMS, and provide information to students, volunteers, overseas Filipinos and the general public through articles on legal topics via our website and online journal.

eNERGY

We maintained an extensive calendar of activities with various IBP chapters from across the archipelago, where each interaction provided a valuable opportunity to strengthen our ties, exchange ideas, offer solutions to the pressing challenges that we face as an organization and expand our network of participation.

eNVIRONMENT protection

Through the IBP's National Environmental Action Team, we continued to mobilize our national and international network of lawyers in a serious effort towards conducting fact-finding operations, providing legal services and pushing for stronger environmental enforcement operations.



shared **e**NDEAVORS

We reached out our hands in camaraderie and alliance with distinguished legal bodies and personalities from around the world, in our shared endeavors for combating corruption, abuse, ignorance and all other threats to the speedy dispensation of justice in a free world.



eMPATHY

We recognized the dedication of soldiers who are hurt or killed in battle, or are brought to court for unreasonable charges, by signing a memorandum of agreement with the Department of National Defense to provide free legal assistance to qualified members of the Armed Forces and their families.

leadership by **e**XAMPLE

With the collective leadership and example of the 17th Board of Governors, we look forward to a more connected and invigorated IBP in the years to come. One that is renewed in its shared passion and commitment to the highest standards of service to the legal community and to the Filipino people. Through the effective harnessing of available technology... And the more active participation of its members nationwide.



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eNCOURAGEMENT

In response to the call for a stronger legal framework to defend the press and its autonomy, a RICA was signed with the Center for Media Freedom and Responsibility to give free legal assistance to the families of slain Filipino journalists, as well as members of media who suffer from all forms of harassment.



eMULATION

We continue to honor members of magistracy who have shown greatness through their examples of goodness, humility, character, and dedication, serving as models to those who come after them.

eLECTORAL involvement

More recently, the IBP partnered with civic and professional groups to create LENTE – the Legal Network for Truthful Elections – to provide free legal assistance during the canvassing of votes on the national, provincial and municipal levels in the coming May elections.



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