

Written by:  
NACIONAL, KATHERINE E.  
MANALO, RUBY THEZ D.  
TABILOG, LEX D.  
3-H

### **JOSE WRIGHT DIOKNO**

*“Do not forget: We Filipinos are the first Asian people who revolted against a western imperial power, Spain; the first who adopted a democratic republican constitution in Asia, the Malolos Constitution; the first to fight the first major war of the twentieth century against another western imperial power, the United States of America. There is no insurmountable barrier that could stop us from becoming what we want to be.”*

Jose W. Diokno

Jose “Pepe” Diokno was one of the advocates of human rights, Philippine sovereignty and nationalism together with some of the well-known battle-scarred fighters for freedom like Ninoy Aquino, Gasty Ortigas, Chino Roces, Tanny Tañada, Jovy Salonga, and few more. His life was that of a lover of books, education, and legal philosophy. He never refused to march on streets nor argue in courts. He never showcases his principles to get attention except when he intends to pursue or prove a point. He is fluent in several languages, and used some when arguing in courts, including English and Spanish. He became a Secretary of Justice when appointed by then President Diosdado Macapagal, and he was elected as a Senator of the Republic, who

won the elections by campaigning alone. And during his entire political life, he never travelled with bodyguards nor kept a gun or used one. By the time he died, he was with his family, one of the things he held precious to his heart.

## **FAMILY BACKGROUND**

The grandfather of Jose was Ananias Diokno, a general of the Philippine Revolutionary Army who served under Emilio Aguinaldo and who was later on imprisoned by American military forces in Fort Santiago together with Servillano Aquino, another Filipino General. Jose, or “Ka Pepe,” as he was commonly known during his time, was born February 26<sup>th</sup> of 1922, to Ramon Diokno and Eleanor Wright. His father was active in the legal profession and was a known political figure, serving as a councilor in Batangas and acted as campaign manager for and counsel to President Manuel L. Quezon. His father served the Senate and later on the Supreme Court, as a Justice. His mother was a mestiza who later on became a Filipina.

During the early years of Pepe’s life he met Carmen Reyes Icasiano, a Bulakeña, while at a party, where both had their dates. They later on fell in love and after two years, in 1949, they both decided to get married. They were blessed with six daughters namely: Carmen Leonor, Maria Serena, Maria de la Paz, Maria Socorro, Maria Teresa, and Maria Victoria, and four

sons namely:, Jose Ramon, Jose Miguel, Jose Manuel, and Martin Jose. The last, they took in as a two-week old infant in 1967.<sup>1</sup>

## **EDUCATIONAL BACKGROUND**

Ka Pepe grew up to be an outstanding student as he excelled in all his academic undertakings. In elementary, he graduated with distinction. During his secondary education at De La Salle College in 1937, he graduated as class valedictorian. In 1940, he earned his bachelor's degree in commerce on the same school receiving the highest honor. Within the same year, he was able to top the CPA board exams with a rating of 81.18 percent. Four years later, he took and topped the bar exams receiving a 95.3 percent rating even without finishing bachelor of laws degree.<sup>2</sup>

He was active in different organizations in De La Salle College. When he topped the CPA board exam at the age of 18, he decided to pursue law at University of Santo Tomas. He was in his second year when World War II broke. He then decided to continue his studies in the library of his father, who became his mentor. After the war, he took the bar exams. And since he

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1 Dalisay, Jr. Jose. (2011). [Jose W. Diokno: The Scholar-Warrior](#). *Jose W. Diokno: Nationalist*. Retrieved from Diokno Organization website <http://diokno.org/>

2 Joaquin, Tony. (2006). Jose W. Diokno - Nationalist and Hero. Retrieved from <http://www.thefilipinomind.com/2006/02/jose-w-diokno-nationalist-and-hero.html>

never finished his law degree he was allowed to take the exams only under a special dispensation from the Court. And together with Jovito Salonga, he topped it. And in 1961, he was designated as Secretary of Justice by President Diosdado Macapagal. Pepe gained public attention for his zeal in investigating and prosecuting the Harry Stonehill case where he clashed with powerful politicians.

## **THE YOUNG LAWYER**

After passing the bar exams, Pepe engaged in law practice. Remunerative was corporate law to him, but found it boring. When he took on some corporate cases, he realized that he preferred presentation of evidence during litigation. His passion was shown, when he handled a case before the Supreme Court, on the way he argued on a case fluently in English and Spanish that his colleagues gathered to watch and listen to him. He earned his fame for effective handling of criminal and election cases. His reputation was so pervasive and impressive that he was drafted as head of justice department by then President Macapagal.

At one time Jose Diokno acted as the legal counsel of the Nacionalista Party. He became a member of different organizations including: Lawyers Literary Club; Philippine Institute of certified Public Accountants; De La Salle Alumni Association; member board of directors of the Philippine Tuberculosis Society Inc. and American Jurisdictature Society.

Pepe also became the legal adviser of Manila Mayor Arsenio Lacson, his closest friend, who was an influential politician running for presidency. He

had successfully defended Arsenio against a charge of libel, when during the latter's radio program he made acerbic attacks; Pepe also edited a column in a newspaper that Lacson wrote.<sup>3</sup>

One of his first important cases, as it turned out, involved defending Ramon Diokno. His father ran for the Senate in 1946 during first postwar government. As his father was elected, he protested to parity rights for American businessmen during his term, a nationalist stance supported by the communist-affiliated Democratic Alliance in the Lower House and by Luis Taruc and Jesus Lava. Then an election case against him was filed by his enemies. Pepe rose to his father's defense and was able to win the case, but only at the end of the term in 1949. Their tandem must have made quite an impression; Lorenzo Tañada would later recall the Pepe in his younger years helping his father in court, the both of them blessed with remarkable photographic memories. His father was appointed to the Supreme Court after winning the case, but later on died during one of the tribunal's summer sessions in Baguio.<sup>4</sup>

## **A PUBLIC SERVANT**

Under the administrations of Presidents Magsaysay and Garcia, Jose Diokno pursued his chairmanship of committees investigating various government anomalies with boldness. It was perhaps in recognition of his

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<sup>3</sup> Dalisay, Jr. Jose. (2011). [Jose W. Diokno: The Scholar-Warrior](http://diokno.org/). *Jose W. Diokno: Nationalist*. Retrieved from Diokno Organization website <http://diokno.org/>

<sup>4</sup> *Ibid.*

sterling qualities that led the then newly-elected President Diosdado Macapagal, a Liberal Party member, to invite Diokno, a Nacionalista, to be Secretary of Justice in December 1961.<sup>5</sup>

As Secretary of Justice, he launched several campaigns against corruption in the government. All the corrupt officials during the Macapagal administration were exposed when evidence against Stonehill and his other co-accused were presented. Stonehill was a former American soldier believed to be behind the control of forty two (42) corporations including the Tobacco Corporation. To facilitate his, he bribed the corrupt officials in the government including some of the members of the cabinet and senators like Ferdinand Marcos. The case of Stonehill had become even more controversial when he was allowed to leave the country and avoid the possible charges against him. Because Diokno was determined to prosecute the case and try his conspirators in court, he was removed by President Diosdado Macapagal in his position on May 19, 1962, thirty six (36) hours after the Commission on Appointments confirmed his appointment as Secretary of Justice.<sup>6</sup>

## **AN OUTSTANDING SENATOR**

In 1963, Diokno launched his political career by running for the Senate under the banner of the Nacionalista Party. Having been a veteran campaigner for his father since the tender age of eight, he was keenly

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<sup>5</sup> Logarta, Lita, "Sharing a Dream," Mr. & Mrs., November 7-13, 1986, p.7

<sup>6</sup> Garcia, Ed. "Jose W. Diokno: A Man of Uncommon Valour," Six Modern Filipino Heroes, edited by Asucion David Maramba. Pasig City: Anvil Publishing Inc., 1993.

familiar with the workings of politics. He swept successfully into a first term in the senate and was reelected in 1969.

“On the floor of the Senate, he did not hesitate to articulate his thoughts on economic self-reliance and self-determination in the face of the continued stay of foreign military bases which, he argues, justified foreign intervention in Philippine affairs.

As lawmaker, he successfully fought the oil companies and masterminded the signing into law of the Oil Industry Commission Bill. He is acknowledged "father" of the Board of Investments and author of the Investment Incentives Act. He also authored Joint Resolution No. 2, which set the policies for economic development and social progress, and co-authored the Export Incentives Act and the Revised Election Law, among others. For his performance as legislator, Diokno was cited Outstanding Senator by the Free Press for four successive years beginning 1967.” <sup>7</sup>

## **MARTIAL LAW**

In September 1971, shortly after the bombing of Plaza Miranda, President Marcos suspended the writ of habeas corpus. Diokno resigned from the Nacionalista Party in protest. He joined the Movement of Concerned Citizens

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<sup>7</sup> Garcia, Ed. “Jose W. Diokno: A Man of Uncommon Valour,” *Six Modern Filipino Heroes*, edited by Asucion David Maramba. Pasig City: Anvil Publishing Inc., 1993., p. 57.

for Civil Liberties (MCCCL) instead and participated in marches and mass demonstrations to warn the people on the impending imposition of martial law. He described Marcos as "sitting on a throne of bayonets". A year later, his dire prediction came true.<sup>8</sup>

Diokno's vocal opposition to Marcos' actions and policies made him a "star candidate" for detention. And true enough, even before the public announcement of the imposition of martial law, Diokno was taken by 40 military soldiers from the bosom of his family in the early morning of September 23, 1972.<sup>9</sup>

"Ka Pepe", as many of his dear friends and adherents eventually called him, was jailed without charges. It is said that Diokno was one of the people Marcos feared most. "He was (feared) next to Ninoy", reflected Don CHino Roces in an interview. "He was detained for two years. That was one of the mistakes that Marcos committed."

Jose Diokno grabbed every occasion to explain with great clarity the grave issues of worsening poverty, the US bases, human rights violations and the iron rule of the dictatorship. For nearly two decades, Diokno was consumed by his eagerness to restore the freedoms that had been deprived a generation and to defend the rights of a people trampled upon by a tyrant.

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<sup>8</sup> Dalisay, Jr. Jose. (2011). "Jose W. Diokno: The Scholar-Warrior," Jose W. Diokno: Nationalist. Retrieved from Diokno Organization website <http://diokno.org/>

<sup>9</sup> Logarta, Lita, "Sharing a Dream," Mr. & Mrs., November 7-13, 1986, p.8



From the declaration of martial law, stretched the long and sometimes lonely road of that relentless struggle, interrupted only by medical treatment here and abroad to which he must have submitted with great reluctance.

The road stretched: from his imprisonment in Fort Bonifacio and solitary confinement in Fort Magsaysay during which he continued to challenge the constitutionality of martial rule to his eventual release; from his founding of organizations around causes and issues such as the Free Legal Assistance Group (FLAG), Kilusan sa Kapangyarihan at Kasarinlan ng Bayan - Movement for Philippine Sovereignty and Democracy (KAAKBAY), and the Anti-Bases Coalition, to the foregoing of an alliance with individuals, groups, political parties and mass organizations in an attempt to rally people of various classes and political parties and mass persuasions to hasten the fall of the regime.<sup>10</sup>

## **CONFINEMENT AND FREEDOM**

One night Pepe and Ninoy was blindfolded and was forced to ride in a helicopter which transported them in Laur, Nueva Ecija for solitary confinement. His family did not know where Jose had gone; the family only learned that he was transferred when the military visited their house to drop off Pepe's belongings except his papers, which the military confiscated. On September 11, 1974, two years from Diokno's arrest, Pepe was released from prison from an inexistent criminal charge. In one of his speech he stated that when Martial law was imposed, the law of the land died. He said: "And so law in the land died. I grieve for it but I do

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<sup>10</sup> Garcia, Ed. "An Unfinished Quest: Towards the Possible," The Filipino Quest: Towards a Just and Lasting Peace. Quezon City: Claretian Publication, 1988.

not despair over it. I know, with a certainty no argument can turn, no wind can shake, that from its dust will rise a new and better law; more just, more human, and more humane. When that will happen, I know not. That it will happen, I know.”<sup>11</sup>

## **RAISING THE FLAG**

After release, Jose Diokno focuses on providing legal aid to those who were imprisoned and abused by the martial-law. He used the law to liberate the people from their oppression and he organized a Free Legal Assistance Group (FLAG) on October 1974 together with Tañada, Joker Arroyo and Lichauco. FLAG became the legal partner of Task Force Detainees of the Philippines (TFDP) which is organized by the Association of Major Religious Superiors of the Philippines. He believed that “Fear of arrest still assails members of the task force. Everyone who works for TFDP knows that he may, for that reason alone, be arrested. But they have all learned to live with their fear, and not to let it stop them from doing their job – a job they believe is worth doing and has to be done. That there are lawyers who are ready to defend them and they draw strength most of all, from each other’s determination.”<sup>12</sup> In addition, he helped the Kalingas and Bontocs in the fight

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11 Manalang, Priscilla, ed. “A Nation for Our Children: Selected Writings of Jose W. Diokno”. A speech delivered by Jose W. Diokno entitled “The Law and Martial Law”. Quezon City: Jose W. Diokno Foundation, 1987.

12 Manalang, Priscilla, ed. “A Nation for Our Children: Selected Writings of Jose W. Diokno”. A speech delivered by Jose W. Diokno during Amnesty International’s Council Meeting, Cambridge, England, September 21, 1978. Quezon City: Jose W. Diokno Foundation, 1987.

to preserve their ancestral land then threatened by the government's actions to build four dams in Chico River; Farmers against their local lords; and, the Negros Nine, nine religious devotees falsely charge of the murder of Kabankalan Mayor Pablo Sola.

## **BEING INVOLVED**

Ka Pepe became chairman of the Civil Liberties Union of the Philippines (CLUP) during 1975 to 1982. It studied and announced the real reason behind the support of the United States during the Martial Law and that is to protect their monetary interest worth billions of dollars. In 1981, he co-founded Anti-Bases Coalition (ABC) together with Tañada in order to eradicate the United States military bases in the Philippines. On March 1983, he organized KAAKBAY (Kilusan sa Kapangyarihan at Karapatan ng Bayan/ Movement for Philippine Sovereignty and Democracy). In August 1983, after the assassination of Ninoy Aquino, he spearheaded Justice for Aquino, Justice for All (JAJA) movement which evolved to Coalition of Organizations for Restoration of Democracy (CORD). He also headed the Kongreso ng Mamamayang Pilipino (KOMPIL) and was part of Amnesty International. He is a member of Regional Council on Human Rights in Asia, a group of Human Rights Advocates in Southeast Asia. He is also the principal author of Declaration of the basic duties of ASEAN Peoples and Government Council 1983. He also took part in Bagong Alyansang Makabayan (BAYAN) and a member of Convenor's Group.

## **STAR OF PHILIPPINES**

One of the precious moments in the millennia of legal profession is the day when Diokno as a representative of the Covenor's Group signed the Declaration of Principles and Unity on December 26, 1984. Just like the three wise men, Jose W. Diokno gave three gifts to the one, whom he considered as the king of kings, the Filipino People, namely: 1. To release all political prisoners; 2. To make a new constitution; and, 3. To unconditionally remove all United States military installations in the Philippines upon expiration of military bases agreement. He is also the guiding epitome in the definition of Social Justice in Article XIII. Social Justice and Human Rights of the 1987 Constitution. The reason of his acts can be summed up by the speech he delivered, entitled, Human Rights Makes a Man Human, " If we do not struggle with all that we have and do all that we can to vindicate our rights. We do not only condemn our rights to death; we also condemn our hopes and our dreams, our present and our children's future."<sup>13</sup>

## **A FIGHT AGAINST CORY AND CANCER**

When Marcos' regime has ceased and the government of Cory has risen, he was appointed as chairman of the Presidential Committee on Human Rights and chairman of the government panel in charge of negotiations with the National Democratic Front. In November 1986, he is the

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13 Manalang, Priscilla, ed. "A Nation for Our Children: Selected Writings of Jose W. Diokno". A speech delivered by Jose W. Diokno entitled "Human Rights Make Man Human", 80<sup>th</sup> Founder's Day and Convocation on Human Rights, Siliman University, August 31, 1981. Quezon City: Jose W. Diokno Foundation, 1987.

signatory representing the Philippine government in the 60-day ceasefire. But such appointment by the president did not change his ideology. He believes that, "Above all, we can strengthen the President by pointing out what she is doing that is wrong. I think we weaken her if we support everything she does even when we do not agree with that she is doing."<sup>14</sup> Because of many people are out of jobs during Aquino's regime, he preached that "Many families unable to buy the food they need, justice and freedom – and had to be – denied to our people to keep the system going. What are we lawyers going to do about it?"<sup>15</sup>

Diokno's words were his principles and his bond, on January 22, 1987, he firmly resigned being part of the government while silently weeping at the death of 13 peacefully protesting farmers in Mendiola, also known as the "Mendiola Massacre". In the last hours of his life, he was asked by F. Sionil Jose, "those who were killed in Mendiola how will they ever get justice? Their fate argues for revolution." Jose W. Diokno smiled and said: "Once you

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14 Dalisay, Jr. Jose. (2011). Jose W. Diokno: The Scholar-Warrior. Retrieved from Diokno Organization website <http://diokno.org/>

15 Manalang, Priscilla, ed. "A Nation for Our Children: Selected Writings of Jose W. Diokno". A speech delivered by Jose W. Diokno during 3<sup>rd</sup> Regional Conference and Induction Ceremonies, Bicolandia-Bicol Concerned Lawyers for Nationalism, Democracy and Integrity Association, Aristocrat Hotel, Naga City, May 10, 1986. Quezon City: Jose W. Diokno Foundation, 1987.

accept violence, there is no way you can control it.”<sup>16</sup> On February 1987, he died because of lung cancer.

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<sup>16</sup> Jose, F. Sionil. “Defining Jose W. Diokno”. Retrieved from Diokno Organization website <http://diokno.org/>.

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