

# Lex Talionis Fraternitas

Lex Talionis Fraternitas, Inc. Sodalitas Ducum Futurorum is an exclusive fraternal organization founded on 29 September 1969 at the San Beda College of Law. A chapter in the Ateneo de Davao University School of Law was established in 1974. In 1983, the Securities and Exchange Commission granted the incorporation of the fraternity. Active members are also present in the San Sebastian College-Recolletos Institute of Law, Far Eastern University Institute of Law, Arellano University School of Law, and Manuel L. Quezon University School of Law. Recruitment is by invitation only and exclusive to law students enrolled either at the San Beda College of Law or the Ateneo de Davao College of Law.

## The Principle of Lex Talionis

Lex Talionis is Latin for Law of Retaliation. This concept is derived from the Mosaic law "an eye for an eye; a tooth for a tooth", which is a variation of the original concept promulgated under the Code of Hammurabi. The secondary name, Sodalitas Ducum Futurorum is Latin for Solidarity of Future Leaders.

Although the name itself suggests the Hammurabic concept of retribution justice, the fraternity does not advocate the common literal conception of Lex Talionis wherein exact reciprocal action is taken against another's action. The fraternity's Founding Chairman, Former Philippine Ambassador to the United Arab Emirates and National Labor Relations Commission Chairman wittingly remarked that the modern principle of Lex Talionis should be: If one takes away another's property, one should replace it with another of the same property.

The fraternity thus distances itself from the barbaric misconception of Lex Talionis, and instead adopts the more modern essence of retribution justice wherein justice is interpreted as a process of proportionality, where the offending conduct is measured and remedied against similar circumstances within a culture or society.

## The Grand Judex and the Troika

The head of the fraternity is called the Grand Judex. He is selected in secret by all the members present in the election called for such purpose. The nominee can only come from the San Beda chapter.

Upon its establishment in 1969, the founders agreed that there would be no single Grand Judex during the formative year of the fraternity. Since there was no single Grand Judex, the first batch was headed by three co-equal Grand Judexes collectively called "The Troika." The Troika was composed of Miguel Soriano, Rizal Guerrero, and Jose Mendoza. Mendoza currently sits as an Associate Justice of the Court of Appeals. Later on, Francisco Acosta Jr., also to become a Justice of the Court of Appeals, was elected as the first Grand Judex.

The Grand Judex is assisted by a Vice Grand Judex, a Judex of Initiation, a Judex of War, a Judex for Academic Operations, an Exchequer, and a Keeper of the Scroll. A senior advisory body, the Council of Grand Judexes, likewise takes an active part in the affairs of the fraternity and acts as the corporate Board of Directors. The Council is composed of past Grand Judexes, and is headed by a Chairman, who acts as the main adviser to the current Grand Judex. The current Chairman is Justice Francisco Acosta Jr.

## The Triumvirate and the Ateneo Chapter

In 1974, three members who hailed from the southern Philippines proposed to plant the seeds of Lex Talionis in the Jesuit-run Ateneo de Davao University School of Law. With the blessings the Grand Judex, they established a chapter in the Ateneo. These three members, Rodrigo Duterte, Joel Babista, and Alberto Sipaco Jr., would later be known as "the Triumvirate."

Duterte later on served three consecutive terms as Mayor, one term as Representative in Congress, and is currently serving his third term (for the second time) as Mayor of Davao City. Babista, on the other hand, is among the prominent law practitioners in the south, while Sipaco is at present the Regional Director of the Commission on Human Rights in Region XI.

## The Bar Topnotchers

For a young fraternity, Lex Talionis has already produced a considerable number of topnotchers in the annual Philippine Bar Examinations. The first Talion Bar topnotcher was Alberto Serrano (17th Place, 1971); followed the following year by George Eduvala (3rd Place, 1972) and Felito Ramirez (7th Place, 1972).

The list grew longer as years passed by: Felicisimo Sagun (7th Place, 1976); Spyros Osorio (9th Place, 1978); John Agbayani (18th Place, 1978); Willard Riano (20th Place, 1981); Timoteo Aquino (8th Place, 1988); Rene Tria (9th Place, 1988); Florencio Mamauag (16th Place, 1988); Samuel Dacayo (18th Place, 1989); Antonio Kho (10th Place, 1990); Albert Villaseca (11th Place, 1991); Emil Aquino (16th Place, 1995); Xerxes Cortel (16th Place, 1995); Dante Bravo (10th Place, 2001); and George Ortha II (9th Place, 2002)

## The Camaligan Incident

The fraternity went into controversy and criticism when neophyte Raul Camaligan died of physical injuries after his initiation rites on 8 September 1991. Eight members were indicted for Homicide before the Regional Trial Court of Quezon City. Upon arraignment, they withdrew their earlier plea of not guilty and pleaded guilty to the lesser offense of Reckless Imprudence Resulting in Homicide. They were convicted for this offense, but later on applied for and were granted probation.

In the landmark cases of

[[http://www.supremecourt.gov.ph/jurisprudence/2004/mar2004/..%5C..%5C1997%5Cmar1997%5Cbm\\_712.htm](http://www.supremecourt.gov.ph/jurisprudence/2004/mar2004/..%5C..%5C1997%5Cmar1997%5Cbm_712.htm) In Re: Argosino (270 SCRA 26)], [[http://www.supremecourt.gov.ph/jurisprudence/1998/jan1998/bm\\_810.htm](http://www.supremecourt.gov.ph/jurisprudence/1998/jan1998/bm_810.htm) In Re: Cuevas (285 SCRA 59)], and

[<http://www.supremecourt.gov.ph/resolutions/toC2001/..%5Cenbanc%5C2001%5Cenov%5C832.htm> In Re: Tuliao (B.M. No. 832)], the Supreme Court has allowed the members involved in the unfortunate incident to take the Bar Examinations, take the Lawyer's Oath, and engage in the practice of law. In granting these petitions, the Court took

judicial notice of "the general tendency of youth to be rash, temerarious and uncalculating."

The Court further ruled that " discharge from probation without any infraction of the attendant conditions therein and the various certifications attesting to good moral character and civic consciousness show that sufficiently proven that now morally fit to be admitted to the Bar and to take the lawyer's oath. In allowing to take the lawyer's oath, the Court recognizes that not inherently of bad moral fiber. also taken decisive steps to atone for the unfortunate death of Raul Camaligan."

However, in allowing them to enter the legal profession, the Court gave them a stern reminder that "the lawyer's oath is not a mere formality for entering the noble profession of the law. exhorted to conduct beyond reproach at all times and to live in accordance with the lawyer's oath and to abide by the Code of Professional Responsibility. As new lawyer, advised to be for others, ready and willing to render legal and other services to the less fortunate among our people."

In the Judiciary

Although majority are either into private practice or employed in prestigious law firms, a considerable number of Lex Talionis members have been elected to public offices or appointed to executive positions in the government. Likewise, a number of members sit as judges or justices of collegiate courts.

Currently, three members sit at the Court of Appeals. Justice Bienvenido Reyes was appointed on 22 August 2000.

Justice Jose Catral Mendoza was next appointed on 4 July 2003. The latest appointment was that of Justice Francisco Acosta Jr., who assumed office on 14 December 2006. Reyes and Mendoza were among the founding members of the fraternity, while Acosta was the first Grand Judex. Acosta also served as president of the San Beda Law Alumni Association, Inc.

Justice Gregory Ong, appointed 5 October 1998, and Justice Rodolfo Ponferrada Sr., appointed 23 August 2004, is also currently sitting at the Anti-Graft Court Sandiganbayan. Ong was a two-time Grand Judex of the fraternity, while Ponferrada was among the founding members.