

The Civil Code's Title on Sales: A Conflicting Hodgepodge of Civil and Anglo- American Law

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The Article opens by discussing the weak points of the Philippine Civil Code, which the Author partly attributes from hurriedly copying the provisions of American laws and attempting to integrate them with our own Civil Code provisions. Particularly, the Article examines the Title on Sales and discusses the failure of the Philippine Code Commission in incorporating the Uniform Sales Act with the provisions on Purchase and Sale lifted from the Civil Code of Spain. This was done by focusing on a specific topic – buyer's and seller's remedies – which was discussed under three areas namely: (1) Civil Code of Spain; (2) Spanish Code of Commerce; and (3) Philippine Civil Code.

The Article also highlights specific circumstances to point out the conflicts arising from constitution of the Philippine Civil Code, namely: (1) the seller's failure to make delivery; (2) buyer's failure to make delivery; (3) delay; and (4) insolvency. The Author used these situations to prove that the Code Commission failed in providing a uniform sales law for Philippine and American merchants and why it is imperative to impose revisions on the Title on Sales.