

## BOOK NOTE

CIVIL CODE OF THE PHILIPPINES, By Ramon C. Aquino. Manila: Central Book Supply, Inc., 1958. First Volume, pp. 1,680. P17.00.

The fact that several books have been written about the new Civil Code of the Philippines since it took effect on August 30, 1950, did not in the least stop the author of this book from writing this exposition of the Preliminary Title, Articles 1 to 36; and Book I on Persons, Articles 37 to 413 of the new Civil Code. Unfortunately this book was released for circulation only this year, 1958. There could be no doubt, that the bar candidates who took the 1957 Bar Examinations, where the examiner asked them to "give the exact date the Civil Code of 1889 was repealed" could have given a complete answer supported with authorities had they had the chance to read the explanation given by the author in this 1958 edition of his book. The answer to the above-quoted question appears in the explanation given by the author under Article 2.

EFFECTIVITY. — The new Civil Code took effect on August 30, 1950, or one year from August 30, 1949, the date when the June 1949 Official Gazette, wherein the Code was published, was released for circulation. (Lara v. Del Rosario, 50 O.G. 1975; Raymundo v. Peñas, 51 O.G. 139; Casabar v. Cruz, GR No. L-6705, Dec. 25, 1954; Francisco v. Urban Planning Commission, 53 O.G. 3456). The statement in Cui v. Cui, 53 O.G. 3429 that the new Code took effect on September 1, 1950 is a typographical error. See 53 O.G. 4849.

The author, Professor Ramon C. Aquino, in his effort to provide lawyers and lawyers-to-be with a thorough knowledge of the provisions of the Code, did not limit himself in "synthesizing and systematically arranging the rules and dicta found in cases to enable the user to readily grasp the prevailing doctrines governing specific factual situations" but he also incorporated in this edition other laws which have some connection with the application of certain provisions of the Code. The thoroughness with which the provisions of this Code have been dealt with is clearly manifested by his exposition of Article 48. Under this article, the author has included the provisions of the Revised Naturalization Law; Republic Act No. 530, which contains additional provisions for naturalization; Commonwealth Act No. 63, which provides for the ways in which Philippine Citizenship may be lost or reacquired; and Republic Act No. 965 which provides for reacquisition of Philippine citizenship by persons who lost such citizenship by rendering service to, or accepting commission in the armed forces of an allied foreign country, and taking an oath of allegiance incident thereto.

With the provisions of these law are notes which have been deemed necessary to help the user understand the intricacies of the laws on citizenship.

After a perusal of this volume, there seems to be only one conclusion to make. To the author, this book stands as a symbol of his quest for perfection. To the readers, "*Res Ipsa Loquitur*." The thing speaks for itself.

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LAW AND JURISPRUDENCE ON PUBLIC CORPORATIONS. By Ruperto G. Martin. Manila: Philaw Publishing, 1958. Pp. xiv, 276. P14.00.

Books are indispensable as guideposts for students in their study of the law. In order to fully understand the law, they have to take into consideration the commentaries of legal minds. These are really matters which students can not dispense with. They are to students what a bow is to the cord. This book is a significant example — it has been "specially written for the students of law". Dean Ruperto G. Martin of the College of Law of the University of the East, one of the political law luminaries in the Philippines, wrote it. The possession of this book is an indispensable necessity for every provincial, city and municipal official. It is a handy reference, and it places at the tip of their fingers all information they need to guide them in their administrative duties.

The book is divided into 17 chapters listed here in the order in which they are presented: General Principles; Nature, Elements, Kinds and History of Municipal Corporations; Creation and Organization of Municipal Corporations; Alteration and Dissolution of Municipal Corporation; Legislative Control and Executive Supervision over Municipal Corporation; Government of Provinces and other Political Subdivision; Government of the Municipalities; Municipal Council; Municipal Legislation; Powers of Municipal Corporations; Municipal Liability; Municipal Agencies; Municipal Funds and Budgets; Municipal Franchises, Utilities Markets and Fisheries; Municipal Districts; and City Government.

The author very aptly made use of the works of American authorities such as Dillon, McQuillin and Elliot and American precedents to illustrate the principles of public corporation, in the absence of materials in our own jurisprudence.

On the chapter dealing with the government of the municipalities a new case, the case of Quiatchon et. al. v. Villanueva et. al., G.R. No. L-9903, July 31, 1957, decided by the Supreme Court is cited on the question of recovery of salary by chief or members of the municipal police.

Two chapters are devoted to the discussion of the powers of municipal corporations. Many new cases are cited to illustrate the different powers

of the municipal corporations. On license fees, a new case worth mentioning is cited. It is that of *Physical Therapy etc. v. Municipal Board etc.* G.R. No. L-10448, Aug. 30, 1957 wherein it was held that "with regards to the license fees of those inimical and dangerous to public health, morals or safety, the fee may be large without being a tax."

Likewise, new cases are cited to illustrate the municipal corporations' liability for torts and problems dealing with the municipal agencies.

Noteworthy in this book is the tabulation setting forth the scale of salaries of provincial and municipal officials according to the class of the province and municipality as the case may be.

The book further contains three outstanding executive orders of President Elpidio Quirino. They are instructions regarding the organization of municipalities and barrios; Executive Order No. 465, reclassifying the provinces of the Philippines; and Executive Order No. 466 reclassifying all municipalities in the Philippines.

Reading this book, I remember what an outstanding legal luminary said about the indispensability of law books to a law student. He stated that it is justifiable for a law student to be in debt just to buy a law book necessary for his studies. To my mind, this book is one of those contemplated.

## ANSWERS TO BAR EXAMINATIONS FOR 1958

### CIVIL LAW

(Answered by Prof. Eduardo P. Caguioa)

#### I.

- (a) When did the Civil Code of Spain of 1889 take effect in the Philippines?  
 (b) When did the new Civil Code take effect?  
 (c) In what Cases may the wife bind the conjugal partnership?

(a) December 7, 1889 (*Mijares vs. Neri*, 3 Phil. 199; *Barretto vs. Tuazon*, 59 Phil. 861) or December 8, 1889 (*Benedicto vs. de la Rama*, 3 Phil. 34; *Veloso vs. Fontanosa*, 13 Phil. 79).

(b) August 30, 1950 (*Lara vs. Del Rosario*, 50 O.G. 1975; *Daney and Aznar vs. Garcia and Camporedondo*, G.R.L. — 11483, Feb. 14, 1958).

(c) The wife may bind the conjugal partnership in the following cases: (1) In general, in every case with the husband's consent (Art. 127 Civ. C. Phil.); (2) For daily expenses of the family (Art. 115 Civ. C. Phil.); (3) When the management of the conjugal partnership has been transferred to her, either by the husband or by the court (Arts. 167, 168 Civ. C. Phil.); (4) When the debt is contracted by the wife in her profession, occupation or calling and the same redounds to the benefit of the family (Art. 117 Civ. C. Phil.); (5) When the wife acts as agent of the husband; (6) Moderate donations for charity (Art. 174 Civ. C. Phil.)

#### II.

- (a) A & B, both single and without suffering from any disability to marry one another, started living together as husband and wife during the year 1945. By August 30, 1950, they had been able to save, from the earnings of B, the man, property worth P20,000.00. In 1949, a son, C, was born to them. In 1953, B, feeling that death was approaching, married A. Shortly thereafter, he died, survived by A, their son C, and his father D. By the time of his death, he had managed to increase the savings by judicious investments and by his earnings to P50,000.00. Divide his estate assuming that he died intestate.
- (b) Divide the estate mentioned above assuming that B and A had never married each other, though they had continued living together as husband and wife until B's death.

(a) B's estate consists of:

1. P20,000 — this belongs entirely to B because it was earned by him while A and B were not yet married (*Daney & Aznar vs. Garcia and Camporedondo*, G.R.L.-11483, Feb. 14, 1958) since the rule of informal civil partnership applicable in case a man and woman live together without mar-