

BOOK REVIEWS

THE CIVIL CODE OF THE PHILIPPINES—ANNOTATED AND COMMENTED ON. By Vicente J. Francisco. *East Publishing Company*. Four Volumes, 4,832 pages. 1953 Edition. P123.60.

Since the effectivity of the New Civil Code, several of the country's more well-known professors of Civil Law have published their comments and annotations on this vitally important, sometimes controversial, codification of substantive civil law in the Philippines. The New Civil Code, it will be recalled, was born of the "primary need for immediate revision of all existing substantive laws of the Philippines and of codifying them in conformity with the customs, traditions and idiosyncracies of the Filipino people." Together with the introduction of new ideas and principles into Philippine jurisprudence came conflicts with regard to the interpretation to be given the innovations and modifications that were engrafted into the New Civil Code.

In undertaking this massive work (over 4,000 pages), Dean Francisco was inspired by the need for "a more profound exposition" of the provisions of the new Code, regulating, as it does, some of the "most important rights of the country's citizenry".

The author is well-qualified to the task, for, as a Senator, he was Chairman of the Code Committee of Congress at the time Republic Act No. 386 was passed.

Dean Francisco gives an indication of his mode of treatment when he writes in his preface: "In looking into a certain law, one stops at the threshold if he looks no further

than the law's provisions, for what he sees there, would, in most instances, only tend to mislead. Provisions standing alone are hardly comprehensible; they are as drab and as wanting in significance as scattered beads or disconnected links. It is only when their underlying philosophies are considered that they acquire clarity, and only then that their relations to other provisions become comprehensible."

To the task of expounding the underlying philosophies of the New Civil Code, the author has applied himself well. A notable feature of this work consists in that criticisms of new provisions of the Code by the Bench, Bar and local commentators have been included. This is as it should be, in order to give the reader a wider perspective of the meaning and significance of those provisions, considering that the Supreme Court has not as yet had opportunity to construe them.

Another noteworthy feature of this work is, as the author mentions in his preface, the discussion of the philosophical background of some provisions and their analysis by renown Spanish legal commentators as well as contemporary members of the Code Commission; also, references to American authorities are made whenever appropriate and helpful to elucidation.

To Philippine legal literature, this work is a welcome and worthy addition.

THE REVISED PENAL CODE—ANNOTATED AND COMMENTED ON.
By Vicente J. Francisco. *East Publishing Company*. Three Volumes, 1,832 pages. 1953 Edition. P61.80.

"I have not contented myself with citing and reproducing controlling decisions, but have ventured farther afield, setting down principles and commentaries derived from philosophy and the jurisprudence of Criminal Law. I have done this...in the honest conviction that a collection of provisions of the law and decided cases must necessarily be haphazard, confusing, and in the end of little help or value, unless it is brought together and organized on the basis of prin-

ciples". Thus Dean Francisco introduces the second edition of his work on the Revised Penal Code.

Every article of the code is systematically discussed and developed. Reference to topics is greatly facilitated by the use of a topic-index at the beginning of each article, properly numbered and corresponding to a number in the body of the text. This method renders reference to any desired subject convenient, saving both time and effort.

It may well be said of this work that it is to date the most comprehensive and exhaustive treatment of the Revised Penal Code. It is made so particularly by multitudinous references to American authorities.

A distinctive feature is the inclusion of a question and answer summary at the end of every article, giving clarity to the presentation of a particular aspect or point at issue (and this is convenient for bar review purposes). All answers are based on actual cases.

There is one sad thing about this work though: there are frequent typographical errors.

HOW TO PROVE A *Prima Facie* DEFENSE. By Howard Hilton Spellman. Prentice-Hall, Inc. 602 pages. P21.00.

It is a well known principle of the legal profession that preparation is the foundation upon which success in trial is built. Most cases are won in their preparation rather than in any other aspect. It is precisely on this score that this work of Mr. Spellman may well be appreciated by members of the Bar.

This book aims to assist the lawyer from the very first moment when he interviews his client, up to the last question on direct examination during trial.

From the title, one becomes aware that this book aims to furnish the lawyer with certain fixed elements which are invariably present in certain common defenses. To that end he has set forth in alphabetical form different kinds of defenses and added thereto a citation of leading cases.

Preoccupied with the exigencies of a good defense, this book presents a series of questions and answers requiring a scant minimum of evidence but nonetheless able to establish a sufficient defense. In the last analysis, the means through which defense material is brought to the attention of the triers of fact is through the medium of questions and answers. However carefully original facts are measured against their legal consequences and however meticulously the resulting legal equation is expressed in terms of pleadings, the ultimate success of a defendant's case depends entirely upon his counsel's ability to frame questions in such wise that the answers thereto will establish the basic elements of a good defense. It is therefore no surprise that Mr. Spellman has painstakingly gathered all pertinent cases regarding every kind of defense and scrutinized accepted sets of questions and answers adequate enough to prove one's defense. In addition, pitfalls inherent in a particular set of facts are clearly indicated with regard to each defense so as to put the lawyer on his guard for any possible counter argument by adverse counsel.

Mr. Spellman has indeed succeeded, and quite effectively, to prove a *prima facie* defense of the theories which he ably advances in this interesting volume.
