

a capacity to supply its domestic needs is a sound business investment even at present when there is yet no domestic production of crude oil from our fields". Chapter Five deals with the disposition of Coal Lands. The Forest Law is discussed with the Forestry cases of the Department of Agriculture and Natural Resources and are treated under the sixth chapter. Chapter seven deals with the Fisheries Act, the last chapter with the Law on Water and Water Rights.

The book also contains a Table of Philippine Laws on Natural Resources and their requirements which is certainly of much valuable help. At the end of the book is a table of the cases cited by the author in the book and a full complement of invaluable Appendages.

It is our considered judgment that this book is truly an excellent one. It has everything that it takes. No one who takes hold of it and either skim on its surface or delve deep into its profundity can lay it down for keeps and not pat his own breast for having come across it. To be sure nobody to whom are denied the opportunities thrown open to him in the position of Commissioner of Land Registration which the author holds can be reasonably expected to produce an equally excellent book on the subject.

LAND TITLES AND DEEDS. By Antonio H. Noblejas. Manila: Villanueva Book Store, 1958. Pp. ix, 600. P\_\_\_\_\_.

As the bar examinations draw near, the foremost problem of every candidate is how to thoroughly prepare himself. What books to read, which of the numerous subjects to review first. Among the eight subjects covered by the bar examinations is Land Registration. The examination on this subject is conducted in the afternoon of the first Sunday of August. It is the second examination. Thus in every Pre-Bar review class held during the summer before the bar examinations, lectures on this subject have never been ignored by bar candidates. But the review of the subject must not be limited to listening to lectures. Students must on their own accord choose the best book on the subject and acquaint themselves with what are contained therein so as to be able to derive more from the lectures. This would also strengthen their grasp of the subject and prepare them for whatever question in the bar examination.

We recommend to all reviewees the book written by the Commissioner of Land Registration, Hon. Antonio H. Noblejas. The recommendation is not without basis. A careful study of the 1958 edition of this book Land Titles and Deeds, will reveal that the answers to the 1958 Bar Examinations on the subject are found in one way or the other in it. An example is the answer to the first question — "(a) What lands are and what are not registerable under Act 496?" which is found on page 31 of this book.

#### PHILIPPINE JURISDICTION — LANDS SUBJECT TO INITIAL REGISTRATION

(1) Private lands — Those lands which have been segregated from the general mass of the public domain by any form of grant by the State, and which are in the possession of the original grantees or their successors-in-interests. The title to the property may be in the form of a gratuitous sale, adjustment title, special grant, or possessory information title converted into a record of ownership.

(2) Public agricultural land to which claimants have acquired imperfect or incomplete title within the contemplation of Section 48 of Commonwealth Act No. 141 — Most of the lands now occupied or possessed by the people throughout the Philippines are not covered by titles issued by the Government. Hence, they have not been segregated from the public domain and are considered as public lands. However, the present possessors or claimants thereof may have imperfect or incomplete title thereto which justifies the registration of said lands in their names, provided that they fulfill all the conditions prescribed by Section 47 and 48 of Commonwealth Act No. 141. (See Republic Act No. 1942, approved June 22, 1957, amending Sec. 48 (b) of Com. Act No. 141.)

(3) Disposable public lands to which no one has acquired imperfect title — The major portion of the agricultural public lands in the Philippines may be disposed of by homestead, administrative legalization (free patent), sale, donation, exchange and lease.

#### LANDS NOT SUBJECT TO REGISTRATION

Under the law (Act 496), the following lands are not registerable by any private person in his name: (1) those devoted to general public use as for example public roads, plazas, canals, streets, rivers, banks and shores; (2) those devoted to public service as for example towns, walls and fortresses; (3) public forest; (4) mineral lands and (5) those reserved by the government for public or quasi-public purposes. It will be observed, however, that the Constitution provides that all natural resources, except agricultural lands, are inalienable (Article XIII, Section 1, Constitution). Public forests are non-alienable public lands. Possession of public forests on the part of the claimant, however long, cannot convert the same into private property (*Vaño vs. Government of P.I.*, 41 Phil. 161; *Li Seng Giap y Cia vs. Director*, 55 Phil. 693; *Fernandez Hnos. vs. Director*, 57 Phil. 929).

This book has been divided by the author into fourteen chapters exclusive of the several appendices. Each chapter is grouped into two parts. The first part covers the introduction. The second part includes the Torrens System in the Philippines which embraces its origin, validity and nature; who may apply for registration under Act No. 496; proceedings in original registration of privately owned lands, remedies available to aggrieved party in registration cases, Torrens certificate of title, subsequent

registration; voluntary dealings with registered land, subsequent registration; involuntary dealings with registered land; The Cadastral System of land registration; Public Land Act; registration through administrative proceedings; Registration under the Spanish Mortgage Law; Registration under Act 3344; Real Estate Mortgage; Chattel Mortgage; and the Appendices. In the discussions of particular topics found in each of these chapters, the author has made use of his broad experience on the matter to great advantage. He has included in this book jurisprudence laid down by our Supreme Court in its recent decisions. Legislations enacted by Congress affecting the provisions of the different laws embraced by Land Registration also appear in this book. This book indeed, to quote the author himself, "is comprehensive and all-embracing as to cover practically every inch of ground of the subject of land titles and deeds."

## ANSWERS TO BAR EXAMINATION QUESTIONS FOR 1958

### CRIMINAL LAW

*Answered by Prof. Luis B. Reyes*

#### I.

(a) Define crime; criminal law. (b) Enumerate accused person's constitutional rights; statutory rights. (c) Name a right which may be waived and one which may not be waived. State the reason or principle underlying the difference between rights which may be waived and rights which may not be waived.

(a) Crime is defined as an act committed or omitted in violation of a public law forbidding or commanding it. (Bouvier's Law Dictionary, Rawle's Third Revision, Vol. 1, p. 729).

Criminal law is that branch or division of law which defines crimes, treats of their nature, and provides for their punishment. (12 Cyc. 129)

(b) The constitutional rights of the accused are:

1. No person shall be held to answer for a criminal offense without due process of law.
2. All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.
3. In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf.
4. No person shall be compelled to be a witness against himself.
5. Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.
6. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.
7. Free access to the courts shall not be denied to any person by reason of poverty. (Art. III, Bill of Rights, Phil. Const.)