

and an index of topics alphabetically arranged, facilitating the search for topics desired.

Associate Justice Alejo Labrador of the Philippine Supreme Court, the author's professor in Evidence at the University of the Philippines, is profuse in his congratulations to Senator Padilla "for this practical and useful book, so useful to students, practitioners and judges" and hopes that "it shall receive the same appreciation as every other book that he has written." We join the eminent Justice in his congratulations. May this book continue to receive the "generous patronage it deserves from judges, lawyers and students.

THE REVISED PENAL CODE. By Luis B. Reyes. Manila: Philaw Publishing, 1958. Bk. I — Pp. ix, 647; Bk. II — Pp. iii, 724. ₱45.00 per set.

In the study of law, as in other fields of learning, the student always seeks a friend, one who would help him obtain a complete understanding of the subject matter. True, friends may be easy to find, but the best friends a student can ever find are his books — books that would give him a complete understanding of the different subjects taken in the study of law; books that would help him gain a mastery of the provisions of the law, their construction and application in the light of the most recent decisions of the Supreme Court; books that would lay the firm foundation needed when he plunges into the whirlpool of legal practice.

Considering the great quantity of books written on each of the numerous subjects included in the law curriculum, the student may find the search for his friends rather difficult. Thus we take this occasion to recommend the 1958 edition of Judge Luis B. Reyes' book on the Revised Penal Code, a book which has been improved "to make the discussion of the provisions and principles of Criminal Law more comprehensive and exhaustive and to meet the difficult questions asked in the Bar Examination nowadays". This is a book any reader would treasure, one which he may really call a Friend.

Like the 1956 edition, this latest edition is divided by the author into two books. Book One contains an exposition on what Criminal Law is in general, its sources and characteristics; commentaries on Articles 1 to 113; and Bar Examination Questions and Answers in Criminal Law. The commentaries of the author on Articles 1 to 113 covers the Date of Effectivity and Application of the Provisions of this Code, Felonies and Circumstances which Affect Criminal Liability, Persons Criminally Liable for Felonies, Penalties, Extinction of Criminal Liability, Civil Liability. Book Two contains the author's commentaries on Articles 114 to 367; the provisions of Commonwealth Act No. 616 which is An Act to Punish Espionage

and Other Offenses against the National Security; Republic Act No. 10, an Act Penalizing Usurpation of Public Authority; The Revised Election Code; and some Bar Questions and Answers in Criminal Law. Articles 114 to 367 embraces the Crimes against National Security and the Law of Nations, Crimes against the Fundamental Laws of the State, Crimes against Public Order, Crimes against Public Interest, Crimes Relative to Opium and other Prohibited Drugs, Crimes against Public Morals, Crimes Committed by Public Officers, Crimes against Persons, Crimes against Property, Crimes against Chastity, Crimes against the Civil Status, Crimes against Honor, Quasi-Offenses and lastly Final Provisions.

In explaining each article of the Revised Penal Code, the author proceeds by giving the elements of each crime, illustrating how each element is applied and discussing important words and phrases in the provision. Unlike other authors on the same subject, Judge Reyes does not limit the revision of his book merely by adding digests of new cases decided by our Supreme Court. He has taken pains in analyzing and comparing such new cases with old ones, commenting on how they should be understood in order to obtain a vivid picture of how a particular provision of the Penal Code should be applied. When two cases illustrate different applications of the same provision of the law, he does not leave it upon chance that the student or the reader would compare the two cases to find the reason for the difference, but he has dedicatedly taken upon himself the task of showing the reason for the difference. An example of this appears on pages 28 and 29, Book One of this 1958 edition, wherein after a brief narration of the facts and decisions of the Supreme Court in two cases, (the cases of U.S. vs. Ah Chong and People vs. Oanis), the author comments:

"AH CHONG CASE and OANIS CASE, DISTINGUISHED.

"In the Ah Chong case, there is an innocent mistake of fact committed without any fault or carelessness, because the accused, having no time or opportunity to make any further inquiry, and being pressed by circumstances to act immediately, had no alternative but to take the facts as they then appeared to him, and such facts justified his act of killing.

"In the Oanis case, the accused found no circumstances whatever which would press them to immediate action. The person in the room being then asleep, the accused had ample time and opportunity to ascertain his identity without hazard to themselves and could even effect a bloodless arrest if any reasonable effort to that end had been made, as the victim was unarmed. This, indeed, is the only legitimate course of action for the accused to follow even if the victim was really Balagtas, as they were instructed not to kill Balagtas at sight, but to arrest, and to get him dead or alive only if resistance or aggression is offered by him.

"Hence, the accused in the Oanis case were at fault when they shot the victim in violation of the instructions given to them. They were also careless in not verifying first the identity of the victim.

"NOTE: In apprehending even the most notorious criminal, the law does

not permit the captor to kill him. It is only when the fugitive from justice is determined to fight the officers of the law trying to capture him that killing him would be justified."

The thoroughness of the expositions on the Penal Code, which characterizes Book One of this 1958 edition, is also maintained in Book Two. In this second book the author supplements his explanation of some articles by the inclusion of other penal laws covering the same crimes mentioned in the Revised Penal Code. In his treatment of Article 117 of the Code, on Espionage, he has incorporated an outline of the provisions of Commonwealth Act No. 616 — An Act to Punish Espionage and Other Offenses Against the National Security, and with his commentaries on Illegal Associations provided for in Article 147, he has included the provisions of the Anti-Subversion Act (Rep. Act No. 1700).

To us, after comparing this 1958 edition of Judge Luis B. Reyes' book on the Revised Penal Code with other books on the same subject, the fact has become evident that this book distinguishes itself not only because of its thoroughness and its high quality but because it can be considered a true friend. A friend who will lead a student into a new life of knowledge. As Christopher Morley had said, "When you sell a man a book, You don't sell him just twelve ounces of paper and ink and glue — You sell him a whole new life."

ANSWERS TO BAR EXAMINATION QUESTIONS FOR 1958

COMMERCIAL LAW

Answered by Government Corporate Counsel Simeon M. Gopengco

I.

Define, explain or illustrate the following terms: (a) "sociedad anonima" as it existed under the Code of Commerce; (b) "Cuentas en participacion"; (c) "Factor"; (d) "Aval"; (e) loan on bottomry.

(a) A sociedad anonima is the counterpart in the Code of Commerce (Arts. 151-159) of our present day corporation. The Benguet Consolidated Mining Company was a sociedad anonima. (Benguet Consolidated Mining Co. v. Pineda, 52 O.G. 1961.)

(b) "Cuentas en participacion" is a joint account. Unlike a partnership, it has no common name, fund or distinct personality. (Arts. 239-243, Code of Commerce.)

(c) Factor is one who acts or transacts business for another, as agent or manager of a manufacturing or commercial enterprise or establishment. (Art. 283, Code of Commerce.)

(d) "Aval" is a written obligation to guarantee payment of a bill of exchange, independently of the warranty of the acceptor and indorser. (Art. 486, Code of Commerce.)

(e) Loan on bottomry is a real, unilateral, aleatory contract by virtue of which the owner of a ship borrows money for the use, equipment, or repairs of the vessel, and for a definite term, and pledges the ship (or the keel and bottom of the ship) as a security for its repayment, with extraordinary interest on account of the marine risks to be borne by the lender, it being stipulated that, if the ship be lost in the course of the specified voyage or during the limited time, by any of the perils enumerated in the contract, the lender shall lose his money. (Black's Law Dictionary.)

II.

(a) Distinguish collision from allision. (b) In collision explain the term "error in extremis". (c) In collisions between vessels at sea, explain the divisions or zones of time, and give the rules to be observed where a steamship and a sailing vessel are approaching each other from opposite directions or on intersecting lines.

(a) Collision refers to the impact against each other of two moving vessels while allision, refers to the striking by a moving vessel against one that is stationary.