

cordance with everyday procedure. In this manner the author avoids the confusion of the rules which would ordinarily arise if we treat the law as it is ordinarily treated in our law books.

In the treatment of every topic, to each of which he dedicates a specific chapter, Dean Francisco begins with the definition of the topic to be discussed followed by its illustration. Then he presents the proper procedure to be followed, supporting the same with the controlling jurisprudence on the point. Occasionally, for emphasis, he gives examples of what is "illegal" procedure. Although the main law on the subject is contained in the Rules of Court, he cites the other laws on the subject and the Constitutional provisions applicable thereto with emphasis on the constitutional rights of the accused. This is most appropriate, because as we have already learned the primary function of prosecutors is not to convict the accused but to see that justice is done.

After every topic, he presents the appropriate forms to be used; forms which, from his long experience as one of the foremost trial lawyers in this jurisdiction, he deems adequate and unobjectionable. Forms of orders issued by the court, of petitions of general acceptance, and other forms used extensively in Criminal Procedure, are illustrated.

However, after reading the book, one can not help but conclude that it was written mainly, if not solely, to serve the purposes of the accused, as it lays more emphasis on his rights under the laws and the Constitution than on the other aspects of the law. This is not surprising, considering that Mr. Francisco has gained fame as a defense counsel. His purpose has been accomplished brilliantly.

Legal scientists who discuss the law must be judged by the results of their work and not by their intentions. So judged, this book would prove enlightening not only to members of the Bar but also to students of law and the public in general. Its practical presentation and intelligent correlation of legal principles as embodied in our legislations are certain to produce results.

Fernando Grey, Jr.

THE CODE OF COMMERCE with Annotations on the Effect of the New Civil Code. By Vicente Francisco.² East Publishing Company, 1950. Pp. 325, Leather-bound, P22.50.

As its title suggests, this book consists of a presentation of the Code of Commerce as amended by our Civil Code. As we all know, upon the effectivity of the Civil Code of the Philippines, many important innovations have been introduced into our le-

(2) Dean, Francisco Law School; Member Philippine Bar; Member of Congress.

gislations, and the Code of Commerce is one of those greatly affected. Specifically, the Civil Code has repealed the Code of Commerce provisions on sales, partnerships, agency, loan, deposit, and commodatum. A single uniform law is now imposed, abolishing the distinction between the commercial and civil versions of these transactions.

In general, Dean Francisco, in this book, presents the Code of Commerce in its revised edition, incorporating the changes introduced by the Civil Code, recent legislations, and the latest jurisprudence on the matter.

However, Dean Francisco, in his manner of presentation, intimates that he intended the book not only for his professional brethren, but also for the business-minded public who may seek advice from its pages. With this consideration in mind, he proceeds with its presentation in a logical manner. He begins with the Code of Commerce provisions from Article 1 to 869, then he treats of the Salvage Act, then the Carriage of Goods by Sea Act, all these three laws being presented article by article in their chronological order.

After citing each article of the Code of Commerce *verbatim*, he presents cross-references in the same code which are very helpful for research work. Then, he cites the pertinent leading decisions of the Supreme Court with properly quoted paragraphs. And lastly, he gives his commentaries on the point, stating the effect of the Civil Code on the cited article and giving his own recommendations.

It is to be observed that Dean Francisco has still incorporated in his book certain provisions of the Code of Commerce, in spite of their express repeal by the Civil Code. This is not without a purpose, as the Civil Code has expressly provided that the Code of Commerce shall continue to govern acts done or events which took place under it. Furthermore, he provides an explanatory note before presenting such repealed provisions, stating his purpose or purposes in presenting them.

Reading the book in detail, the reader will get the impression that the author had treated it in the expository rather than in the analytical method. Thus, this text will not serve the members of the bar as fully as must have been expected by the author. However, the text may be of great help to law students. These observations can be particularly noted in his treatment of the Salvage Act, and the Carriage of Goods by Sea Act. In the latter Act, it will be observed that the author merely presents the law as it stands, without any commentaries or illustrations. In the former Act, besides the provisions of the law itself, he has cited the leading cases and jurisprudence on the point, though they are hardly exhaustive. Despite these minor deficiencies, as a whole the text will merit the favor of the public and is especially commendable because of the elimination from the text of misleading and inapplicable provisions and the addition of the latest interpretations by the Supreme Court.

Fernando Grey, Jr.