

taxation by Chester in 1925 as evidenced by Tax Declaration No. 2131 upon which plaintiffs heavily relied to establish the ownership of Chester. The evidence presented by the plaintiffs show glaring discrepancies and inconsistencies not only in the description of the boundaries of the land in question, but also in the areas. The description of the boundaries of the land in Exhibit "A" is different from the one referred to in Tax Declaration No. 2131 and the boundaries given by their witness Carreon are likewise different from those appearing in said tax declaration. Exhibit "A" referred to 33 hectares whereas Tax Declaration No. 2131 referred to 2 hectares only.

The plaintiff also failed to show that Paqueros, the predecessor in interest of Chester Wenzel, acquired the land from the Government either by purchase or by grant, or that it was private property before the Spanish conquest, or had been possessed by Paqueros since July 26, 1894. By such failure, the Court declared the land in question to be public land and part of the public domain. The fact that Wenzel declared for taxation said land in 1925, and that his widow and heirs continued his possession and paid taxes thereon, is not sufficient to give Wenzel a valid title against the government.

2. The claim of the plaintiffs to the effect that Balbina Baguio was the victim of cajolery and fraud on the part of some members of the defendant corporation is without merit for the following reasons: (a) The deed of sale Exhibit "A" was approved by the court in the guardianship proceedings and only after steps were taken to protect the interest of the minors. In this connection, the lower court in giving full faith and credit to correspondence between the attorney of the defendant corporation and those of one of the members of said corporation, was quoted by the Supreme Court: "These letters were written long before this case was filed or even contemplated, and their writers could not have foreseen that the same would one day be used as evidence in this case." (b) Balbina Baguio possessed a sufficient knowledge of English and her signatures showed that she was not unlettered. (c) If it is true that it was her understanding that the mines were being operated for her and her children's benefit, it has not been explained why she did not protest or annul the contract upon receiving mere paltry sums as dividends of their shares of stock.

Decision appealed from is affirmed:—(*Evangelina Wenzel Preston, et al. vs. Surigao Consolidated Mining Co., Inc., G.R. No. L-3832, November 21, 1952*)

BOOK REVIEWS

MEN AND MEASURES IN THE LAW. Arthur T. Vanderbilt, Chief Justice of the Supreme Court of New Jersey, p. 156.

The legal arena is a complicated scene—an entangled institution; a labyrinth of subtleties; hairline distinctions coated with the circumstances of time, person, place and thing; of wisdom; of confusion. Like the heavenly bodies that whirl and jostle in the limitless space the circumstances that grace the legal firmament move about blazing new orbits, releasing sparks of wisdom, and yet seemingly forgetful of the end of the journey—to combine that degree of liberty without which law is tyranny with that degree of law without which liberty becomes license (Heraclitus of Ephesus speaking two thousand five hundred years ago).

Justice Arthur T. Vanderbilt, in his *MEN AND MEASURES IN THE LAW*, reveals with a rare skill the deficiencies of the legal order. Harping on the same chord of Heraclitus' dilemma, Justice Vanderbilt restates that the legal order is under the obligation of helping make this world a better place to live in. But in his own words, "much need be done". There is no pessimism, however, by sketching the course of reform in substantive and procedural law through the centuries, and particularly by relating the great men of the law to its progress, he lights the pathway of the future. By utilizing history he builds hope.

This compendium of five lectures delivered on the William M. Cook Foundation at the University of Michigan summarizes and connects the results of more than two decades of observation of legal institutions and procedures. There is such a thing as law in the law books, law in action, and the law in the law schools. Justice Vanderbilt deals with all of them. He has no orchids for the modern lawyer because he is "too exclusively an expert in substantive law, neglectful of court organization and administration, averse to the practice of criminal law, and above all lacking responsibility as a leader of public opinion."

The law schools are also criticized for fundamental failures in endangering constitutional law as becoming the "exclusive property of the political scientists." Which in civil law countries the civil law is treated as a staple, the predominantly common law United States treat civil law as "an exotic and not a staple" which is an erroneous treatment according to Justice Vanderbilt.

The noted jurist steps aside for a while to answer the question:

What training, aside from the legal training, must a lawyer have? "Lawyers must be trained not only in legal techniques, but also in sociological, economic, and political background upon which the law rests."

Judicial procedure is denominated as "the stumbling block in the administration of justice." Of what use is it to a citizen to have rights if he cannot vindicate these rights because of procedural obstacles? Grappling with this question, vigorous and constructive proposals are made for the efficient administration of the courts, and the appointment and tenure of judges.

Although this book relates some specific instances which are not to be found in our legal structure, yet it will be noted that the author sounds the same fundamental notes similarly obtaining in our jurisprudence. Readable to both laymen and members of the bar, the book offers new insights into the evolution of legal methods. The book is also clear in the stress it gives to the new developments in the law that have come as a response to the new demands of the people for social protection. So that after a reading of *MEN AND MEASURES IN THE LAW*, the reader can say with propriety that Justice Vanderbilt's lectures help in an immense way to one's thinking about the functioning of the legal order.

Thus edified, two thoughts would be suggested, as they were suggested to E. Blythe Stason, Dean of the University of Michigan School—The first: "No informed person can help being appalled by the magnitude of the task confronting the legal order in the world today. The growing complexity of human affairs has generated new legal entanglements between man and man—ever increasing in geometrical ratio. At the same time the insistence of economic forces has necessitated vast increase in governmental regulation—regulating almost every man, woman, and child in the country, virtually from the cradle to the grave—and every new regulatory measure adds new controversies between the citizen and his government—all grist to the legal mill." The second: "No human intuition achieves greater stature than the men who participate in it, and the leaders must be great enough to cope successfully with the problems. To this the law is no exception."

And also the question which even as of this time, would not be amiss to ask ourselves:

Are we going to be able to produce the geniuses to solve the major problems of the future? Or is the profession so utterly inundated by the hosts of workaday details that its members cannot "see the forest for the trees"? Is the profession to give us men of great intellectual stature, with philosophical turn of mind, broad vision, and ability to lead the way? "The high soul climbs the highway, and the low soul gropes the low; and in between on the misty flats the rest drift to and fro."

THE TENURE OF OFFICE OF CIVIL SERVICE OFFICERS AND EMPLOYEES. Abelardo Subido. Editorial Services, 107 Sutor Sta. Ana, Manila, Phil. Pp. 230.

For the countless other civil service officers and employees who may some day be in the same predicament as the author was at one time, this book urgently came into existence. The author joined the City Government of Manila in January 1948, at the invitation of Mayor de la Fuente. Hardly four months after he assumed office, the City Budget for 1948-1949 was taken up for consideration with a proposal to eliminate his item, the councilors' reason was for economy. The true motive, however, was his dismissal of some proteges of some unprincipled city politicians. He was a civil service man, nonetheless, he was dropped from the city roster.

Soon after his excellency, President Elpidio Quirino was proclaimed President on December 13, 1949, an announcement in glaring headlines, appeared in the local newspapers, requiring all presidential appointees to tender their courtesy resignations. This order has no parallel in the political annals of the Philippines. It is the official tradition that only cabinet members are required to tender their resignations upon assumption of office of a new executive. The "Manila Times" editorially remarked that it was a form of a purge of politically "unreliable people. This incident the author covers in full.

While this work has been written for the benefit of subordinate officers and employees in the Civil Service who need protection, the fundamental principles set forth herein are applicable to all civil service officers and employees, because just as the tenure of office of Presidential appointees may be imperiled by dubious measures, so also may the tenure of office of subordinate officials and employees in the civil service be subjected to similar dangers.

It is the purpose of this work to study the tenure of officers and employees with absolute appointment who are not presidential appointees or elected by the people; to search for proper safeguards such as will forestall any violation of the constitutional guarantee that no officer or employee in the civil service shall be removed or suspended except for cause as provided for by law.

This book mentions a brief history of the civil service system in the Philippines starting from President McKinley's investigating commission, later called the Schurman Commission which laid the plan for the introduction of the merit system in the administration of public affairs, down to the present civil service law which had often times been the target of criticism.

In this work special mention has been made as to those persons who are civil service eligibles. Thus, the book reports that it was the intention of the framers of the constitution that the civil service should embrace all the branches and subdivisions of the government. Appointments thereto are to be made according to merit and fitness, to be determined as far as practicable by competitive examination. The only exemptions are appointments to