

BOOK NOTES

AN INTRODUCTION TO PHILIPPINE LAW. By Melquiades J. Gamboa.*
Manila: The Lawyer's Co-Operative Publishing Co., 1955. Pp. xxiv,
527. P24.00, \$10.00

The first edition of this 508-page revision of the book was originally written "to present an integrated view of the legal system of the Philippines against a background of the elementary principles of jurisprudence and the rudiments of legal history." That was way back in 1926.

And then the historic era of the 1930's came into being. And the author, writing the preface of the fourth edition on April 19, 1930, the second and third editions having been published in 1928 and 1930 respectively, took cognizance of the "important changes in the legal, political and economic life of the country. . . . Old laws have been amended, revised or repealed; new trails in legislation have been blazed. The rights of women, both civil and political, have been enlarged; social justice has been given new emphasis. A constitution, causing radical changes in the structure of the government, has been adopted, and the Commonwealth of the Philippines has been established . . . (making) imperative the revision of this work."

But it is this sixth and latest edition which concerns us at the moment.

Since the publication of the fifth edition of this book in 1947, numerous changes have been incorporated, introduced and assimilated into Philippine substantive law. A new Civil Code of the Philippines, embodying more humane and practical provisions on human relations, succession and other private substantive rights, was written by a specially appointed Code Commission and approved by the Philippine Congress, and took effect in this jurisdiction in August 1, 1950. Other important legislative enactments were also passed. All these necessitated an extensive revision of this book, because from the objective vantage point of view of the author, who for ten years stayed in the diplomatic service of his country in the United States, he "observed a definite need on the part of government officials dealing with Philippine affairs and lawyers handling matters involving Philippine Law for a concise handbook on the Philippine legal system."

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This book is what its author wanted it to be, *i.e.*, a concise handbook on the whole panorama of our legal system, from civil law to criminal law, from commercial law to constitutional law to remedial law. It also contains an erudite dissertation on the important aspects of the three legal systems, namely, the Roman, the Anglican and the Mohammedan legal system, which have seen harmonious confluence on Philippine soil.

The whole book is divided into four separate departments.

Part I, which is also the General Introduction, discusses the general nature of law; the sources of civil or state law, *i.e.*, the nature, classes and concepts and types of states and governments and man's membership and participation in them; the law and the individual, *i.e.*, the law as the delineator of rights and duties, its elements and nature and its relation to the individual; and lastly, the application of the law, *i.e.*, the classification, application and interpretation of the laws and the matter of their effectivity.

Part II presents the Historical Background of the leading world legal systems and their influence upon Philippine Law before, during and after the Spanish conquest.

Part III-A is an outline of Philippine Substantive Law, both private and public.

Under the heading of private substantive law, we find an exhaustive discussion of Persons; Marriage and Legal Separation; The Family and Family Relations; Property, Possession, Ownership, Accession; The Acquisition and Extinction of Ownership; Servitudes, Usufruct and Easements; Succession; Obligations; Contracts: Trusts, Sale, Barter or Exchange, Partnership, Agency, Loan, Deposit, Pledge, Mortgage, Antichresis and Chattel Mortgage, Guaranty, Compromise and Arbitration, Aleatory Contracts; Quasi-Contracts; Quasi-Delicts; Damages; Concurrence and Preference of Credits; and Commercial Law.

Under the title of public substantive law, the author treats of Constitutional Law, Administrative Law and Criminal Law.

Part III-B deals with the whole range of remedies found in Philippine Adjective Law, both public and private, under the over-all heading of Procedure.

In the author's own words "students of comparative law have manifested a deep interest in the meeting of the Civil Law and the Common Law in the Philippines and their blending into a unique national system . . . (which is distinctively Philippine) Laymen in general have also shown considerable intellectual curiosity as to how and to what extent the American regime has affected Philippine law. It is hoped that this (sixth) revised edition will meet those needs."

To our mind, this book should be a welcome addition to any library, layman's or lawyer's. A product of exhaustive research, erudite classifi-

cation of materials and handily arranged under self-explanatory topic headings, it is one of the few extant testaments to contemporary Filipino legal scholarship.

PHILIPPINE ANNOTATED LAWS. First Five Volumes by the Lawyer's Co-Operative Publishing Co. Manila: The Lawyer's Co-Operative Publishing Co., 1956. Vol. I—Pp. xxi, 528; Vol. II—Pp. xxi, 521; Vol. III—Pp. xxi, 499; Vol. IV—Pp. xxi, 567; and Vol. V—Pp. xxi, 443. P48.00 per volume.

For a long time we stood in need of a modern up-to-date compilation of the statute law in the Philippines. This work is the answer. At long last it has been executed with superb skill and precision by a select staff of a publishing company which has distinguished itself in the field of legal service both in this country and in the United States. It is interesting to note that the same publisher successfully undertook the publication of the Philippine Reports and the Philippine Digests.

This work is the first attempt to put together in one place the mass of general statutes scattered in annual statute volumes and old issues of the Official Gazette. Our general statutes are not only scattered in multiple and ponderous volumes, thus making legal research inherently tedious and difficult, but their copies have been reduced to rarity by age, wear and tear, and specially, by the last war. "Paper yellows and crumples with age, bindings disintegrate, even the printed word fades. And were time alone not enough, in the Philippines the ravages of war implemented the process with relentless destruction. Not alone did precious landmarks become rubble; irreplaceable records went with them, burned, hopelessly mutilated, and buried in the ashes. As a result, many of the pre-war statute books, reports of decisions, and older issues of the Gazette are now generally unavailable, and some of them are so rare as to be virtually inaccessible." This work therefore, which the reviewer believes is the greatest step towards post-war rehabilitation of our war-and-age-depleted statute books, is most welcome.

The subject of this review are the first five of an expected set of twenty volumes. The rest are still in the process of editing and printing. The publisher expects to put out, ready for use and delivery, the succeeding volumes at the rate of one volume per month hereafter.

This work undertakes three major things. First, it compiles the statute laws of the Philippines consisting of the Public Acts, the Commonwealth Acts and the Republic Acts of a general and permanent nature. Second, it annotates such general statutes with all the pertinent decisions of the Supreme Court of the Philippines down to June 1, 1955. Third, it pre-

sents a general index embracing the entire body of the Philippine Statute Law including all the Codes, the Constitution and Organic Acts.

The *Philippine Annotated Laws* (PAL) gives under obvious or popular titles, alphabetically arranged and annotated, all acts of the Philippine Legislatures, including the Philippine Commission, the "Public Acts," the "Commonwealth Acts" and the "Republic Acts," as amended and in force as of January 1, 1956. The New Civil Code, the Revised Penal Code and the Code of Commerce have been purposely excluded. For these omissions the publisher gives the following reasons: "Since there is in prospect further revision of some of these Codes, and since there are existing publications of these codes in the hands of the Bench and the Bar, the publisher feels that it is unwise to add the cost of these Codes to this set, at least until the situation is clarified or demand for them becomes manifest." In addition to all the statutes of a general and permanent nature this work includes:

- (1) The Revised Administrative Code, with history notes, cross references and editorial comment, and annotated with decisions of the Philippine Supreme Court.
- (2) The Constitution of the Philippines, annotated with decisions of the Philippine Supreme Court and the United States Supreme Court.
- (3) Certain Organic acts and treaties forming part of the juridical background.
- (4) Executive Orders of general application and currently in force.
- (5) Tables showing the distribution in the Annotated Laws of the general and permanent Acts now in force, and indicating the disposition of those Acts that are not included in this compilation.
- (6) A complete and thorough General Index to the General Statutes, the Constitution and to all the Codes now in force.

The acts have been arranged alphabetically under eighty three legal titles containing approximately 10,000 sections. "Thus such statutes as are now alive and cogent have been taken out of mere seriatim arrangement according to date of enactment and rearranged under commonly accepted legal titles, familiar to the Philippine Courts and Bar."

Outstanding features of this work are the following:

Source Notes — "Following each section of the statute under the caption 'History: Source' is given the legislative history showing the number of the Act from which the section is taken, its effective date, as well as any and all amendments thereto, identified by Act number and section."

Cross References — "Throughout the *Philippine Annotated Laws* the user will find numerous and adequate external cross references, referring