

## BOOK NOTE

CONSTITUTIONAL HISTORY (A Comparative Study of Different Constitutions). By Vicente J. Francisco. Manila: East Publishing Co., 1956. Pp. 329. P12.50.

Public officers, lawyers, law students and all citizens who value and understand the worth of the founding of documents of our history have always felt the need for a local textbook on the evolutions of constitutions or constitutional history, as the subject has been succinctly christened in the science of government. Dean J. E. White, writing an introduction to the work of William Carey Jones, *Selections From Blackstone*, said: "The stability of the superstructure depends largely on the firmness of the foundation. A student upon the threshold of his legal studies should become familiar with legal history and the sources from which our present-day law is derived." Our law libraries in the Philippines are not totally wanting in reference materials on the subject but the sad part of it is not only are they few in number but such materials are either of English or American authors, and as a necessary consequence, the subject is treated from the standpoint of their own constitutional systems. It is the need for a textbook on constitutional history which approaches the subject from the point of view of our own constitutional system that prompted the publisher to request the author "to spare some of his precious time to put together for us a suitable textbook for the course."

Dean Vicente J. Francisco divides his work into fourteen chapters. The reviewer, however, believes that the subject may be reduced into the following three main topics: "Constitutions in General," "The Development of the Philippine Constitutional System," and "Constitutional History of the United States and Nine Other Countries."

The field of constitutional history is so wide that a treatment of the subject which is limited to a single volume of moderate size, such as this, normally presupposes adequate knowledge of certain basic constitutional law principles on the part of its readers. Notwithstanding such supposition, however, the author of this book took time to discuss in the first chapter the subject of "Constitutions in General," a feature which helps the reader recall the definitions and fundamental principles of constitutional law before plunging into the field of constitutional history proper. The first chapter deals with the definition, function and purposes of the constitution; distinguishes constitutions from statutes; presents the history of the term

"constitution"; enumerates the kinds of constitutions; outlines the requisites of a good written constitution and traces its growth.

It cannot be doubted that the most notable chapter in this book is Chapter II, "The Development of the Philippine Constitutional System." The writer opens the chapter with a brief discussion on the question of whether we have a Philippine constitutional history or not. Constitutional documents during the revolutionary period are presented and their history traced, like the Constitution of Biak-na-Bato and the Malolos Constitution. Other sub-topics are: Constitutional and Political Documents by Filipinos During the American Regime; Organic Laws During the Period of American Occupation; Adoption of the Philippine Constitution; and The General Features of the Philippine Government Under the Present Constitution.

The third and last main topic, "Constitutional History of the United States and Nine Other Countries," is contained in eleven chapters. Aside from the United States, the other countries whose brief constitutional histories are included are England, France, Switzerland, Argentina, Japan, Russia, China, Spain, and Mexico. As to why these countries were selected, the author gives his reasons, e.g., Argentina — "because the potential institutions of Argentina have probably presented more stability over a period of a century than those of any other Latin American countries"; Japan — because "a study of the development of Japan's political system might at least make it possible to understand, if not condone, such system, that was responsible for so much misery among our people during the four years that it held sway in this country"; and Mexico — because of "the fact that Mexican struggles for independence somehow parallel our own struggles for political emancipation."

Except for the few scattered short comments of the author, not much of this book is original. Just as the author was requested by the publisher "to put together for us a suitable textbook for the course," Dean Francisco very truly merely "put together" excerpts from the works of several authorities, with obvious partiality to Malcolm and Laurel, Ogg and Zink, Florinsky, Faulkner and Kepner, and the *Encyclopedia of Social Sciences*.

Notwithstanding such criticism, however, in the Philippines where a local textbook on the subject is totally wanting, this book is still welcome as a first attempt to fill up that legal vacuum.