

SEC. 3. *Emergency authorization by mayors, councilors and barrio tenientes.*—When by reason of fire, flood, earthquake, typhoon, or analogous public calamity, any particular work becomes imperative, the written permit needed for the purpose may be given by the city or municipal mayor, or, in his absence from the jurisdiction, by the councilor assigned to the district where the calamity has taken place, and in the absence of the foregoing two officials from the *barrio* where the calamity has taken place, by the corresponding *teniente del barrio*: *Provided, however,* That within five (5) days from the issuance of said written permit, a copy thereof shall be furnished to the chief of police for verification of the actual existence of the emergency and another copy to the municipal or city treasurer.

SEC. 4. *Issuance of permits.*—Except in cases of emergency mentioned in the next preceding section, no work shall be undertaken by any establishment or enterprise not expressly excepted in Section 3 of the law, unless the previous permission of the Secretary of Labor is secured.

SEC. 5. *Appeal.*—Any order or ruling of the Secretary of Labor, approving or denying an application for exception, shall become final after thirty (30) days from the receipt thereof by the applicant, unless an appeal is taken by him within the period to the President of the Philippines.

CHAPTER IV.—AMENDMENTS

SEC. 1. These rules and regulations may be amended or rescinded by the Secretary of Labor at any time.

CHAPTER V.—EFFECTIVITY

SEC. 1. These rules and regulations shall take effect upon publication.

Done in Manila, this 9th day of September, 1953.

(Sgd.) JOSE FIGUERAS
Secretary

BOOK REVIEWS

JUSTICE ACCORDING TO LAW. By Roscoe Pound. *Yale University Press*. 92 pages. Distributed by Alemar's. ₱6.50.

For ardent students of the "law in its most generalized form", Dean Roscoe Pound's lectures on jurisprudence at the University of Southern California have been compiled into a compact 92-page book.

The analytical and critical attitude of the author permeates the entire work. His impelling motive seems to be a forceful vindication of justice according to law as dispensed by democratic courts in the face of the criticism that such justice is nothing more than the expressed wishes of the particular judge on the bench.

The lectures are divided into three parts. The first is an inquiry into the nature of justice; the second, the nature of law; and the third, the nature of judicial justice.

Dean Pound in the first part surveys the various ideas that have in the past been associated with justice—the Greek idea of individual virtue, the natural law theory of justice as morals, the notion of a regime of social control and the conception of the ideal relation among men. But the author, instead of putting down in definite terms the essence of justice, aligns himself with Spanish jurists of the 17th century in expounding a theory of values. This theory is intended to measure conflicting and overlapping interests to enable men to live in politically organized societies with the guidance of a working idea. One does not pontificate on what in a contentious litigation would constitute justice according to some absolute criterion. Rather, what is needed is the weighing of interests through the "process of

social engineering" so as to secure for each the maximum of self-assertion.

In the second part, the author treats of the different meanings attributed to the word "law"—the legal order, the body of authoritative guides to decision. But this body of authoritative precepts may be looked at from the standpoint of the lawmaker, of the individual subject to the precept, of the judge deciding the controversy and of the legal counsellor. Dean Pound unifies these four ideas from four different standpoints in terms of the idea from the standpoint of the judge. Since judges are expected to and for most purposes will follow and decide in accordance with the established precept, this precept can serve as a guide to conduct, as a threat, and as a basis of prediction. He debunks the contention of certain neo-realists that a regime of adjudication by authoritative precepts is psychologically impossible because human judges cannot keep purely subjective factors from influencing and determining their action. They carry too far Holmes' classic statement about the law being nothing more than what the judges say it is. The menace of the neo-realistic theory is that it leads to an idea that judges do not try to attain objectivity and ought not to try to attain it because the attempt would be only pretense. But this disregards the training the judge has had, the scrutiny to which his publicized decision will be subjected.

In the concluding part of the book, Dean Pound probes into the merits of judicial justice, after surveying the history and extinction of legislative justice. As a result of the reaction to the absolutism of monarchs, with the establishment of democratic tripartite governments, all confidence was reposed in courts to settle any and all questions. This unnecessarily dogged the courts particularly when complex questions arose with the industrial revolution. As a counter-reaction a new kind of justice administered by quasi-judicial tribunals cropped up. But judicial justice is here to stay.

LANGUAGE AND THE LAW—The Semantics of Forensic English. By Frederick A. Philbrick. *The MacMillan Co.* New York. 254 pages. Distributed by Alemar's. \$11.20.

This book is an excellent guide, both to practising and would-be lawyers, in the use and meaning of words. The author has boldly described lawyers as "students of language by profession". He has, therefore, attempted to place together, within the covers of one book,

the principles governing the "semantics of forensic English" in order to help and guide those whose profession demands a highly-developed skill in the use of language in the court-room. Semantics, as those who have had the pleasure of reading Ogden's interesting exposition on this subject may recall, is a late development in the study of of language which seeks to bring about clearer thinking by the use of correct and precise words to denote a definite meaning. The Semantics of forensic English is therefore the application of semantics to the language used in courts of justice. The author gives apt illustrations and examples of the principles he has evolved, by quoting passages from the speeches and writings of two of the best masters of forensic English—Justice Oliver Wendell Holmes and Sir Edward Marshall Hall.

The power of speech, the power to convince, to persuade, are highly-developed skills which all lawyers should strive to attain. The success or failure of a lawsuit often hinges on the forensic skill of the lawyers involved, either on the presentation of oral arguments or on the conduct of the cross-examination of witnesses. The author succeeds in his task of compiling the principles of semantics applicable to forensic English largely because of the systematic and analytical study he has made of the subject.

An excellent illustration of the approach adopted by Professor Philbrick in the exposition of his principles is that of the analysis he has made of the speech of Mark Anthony (Julius Caesar, Act III, Scene 2). In this scene, Julius Caesar has just been murdered by a band of conspirators. The author quotes passages from the speech and follows each of these with an analysis of the effect of such passages upon the Roman mob and how this effect was attained. Of the line, "For Brutus is an honorable man", the author has the following explanation: "This (the quoted statement) is intended both as irony, with the implication that Brutus is not honorable at all, and as a suggestion, that though Brutus may be honorable, it is the only good thing that can be said of him. If a man is praised at great length by the repeated application of the same adjective, and that only, it is natural to suppose that he has no other good qualities that can be held up for admiration. There is also a hint that though Brutus may be honorable, the other conspirators are not."

The author points out some of the more common pitfalls to be avoided in the use of language. Among these are clichés or trite phrases such as "last but not least", "bed of roses", "leaves nothing to be desired"; redundant, falsely emphatic and ungrammatical