

relation between them may readily be seen. The effect of each new Civil Code provision is pointed out in clear and unmistakable terms. The whole book is further enriched by the author's opinion sparingly advanced, either to supplement rulings and opinions on a particular rule or to reconcile apparent contradictions. The use of footnotes is a convincing proof that the author intends to facilitate research work. With these means on hand, resort can be easily made to cases supporting, illustrating, or supplementing the law or to any of the author's personal opinions.

Mr. Moran's Comments on the Rules of Court is a monumental accomplishment. . . . a masterpiece of research work. To the practicing lawyers, Moran's book has no substitute as a ready and valuable reference. As the author puts it in one of his forewords, it is believed "that there is enough in this edition to orientate the legal profession and the law students to the fundamental principles and intricacies of Remedial Law."

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CIVIL LAW, CIVIL CODE ANNOTATED. By Ambrosio Padilla. P. C. F. Publications, 1951, 3 Volumes, Leather Bound, P100.00

To the legal mind, no question lies unanswered; to the young legal mind, each question is a challenge. It therefore comes as no surprise for a young law student to cast his eyes on Civil Law, which from time immemorial had always presented ever recurring problems. In the Philippines, these problems have increased with the passage of the New Civil Code, Republic Act No. 386. To guide him in his quest for knowledge, the law student has depended much upon textbooks. Among the textbooks now available, Dr. Padilla's Civil Code Annotated, can readily be accepted as a helpful guide. With a thorough and brisk hand, the author has placed upon himself the arduous task of making an exposition on the Civil Code of the Philippines.

The author treats the subject matter in codal form. He begins with the first article of the Code and ends with the last. After each article an explanation is given and in most of the articles he cites interpretative decisions of both the Supreme Court and the Court of Appeals.

The explanation of each article in a more common and understandable language helps a great deal the law student whose mind has not yet been imbued with the capacity to grasp immediately the meaning and reason behind a provision of law. Moreover, the meaning and breadth of each article is more easily seen by its correlation with other articles. For every section which appears complicated a brief summary is given at the end, to give a bird's-eye-view of the matter covered. Where a provision calls for a more

graphic presentation, concrete examples are given. The meaning of the more important terms are defined and distinguished, citing authoritative sources like the Spanish commentators, Manresa and Sanchez Roman. Special laws supplementing the codal provisions are cited.

After each explanation, leading decisions interpreting an old article or from which a new provision had been derived are cited and whenever any ambiguity or contradiction presents itself, footnotes either clarify or show the contradiction. Recent decisions of the Supreme Court of the Philippines as of May, 1951, some of which are not reported but are very helpful to questions arising, are cited.

However, as to provisions altogether new, the author has merely explained or correlated them with other provisions, without making any definite statement or commentaries on the same. This "deficiency", however, was expected, for the author has deemed it advisable to limit himself, as the eminent authority on Civil Law, Justice Jose B. L. Reyes, had once said, "to what is known, accepted, and certain." But where the law or decisions are clearly erroneous or vague, the author has unhesitatingly ventured to advance an opinion. Furthermore, the book has been criticized for unnecessary citation of decisions. A careful reading however, will show that the purpose is to bring great prominence to the meaning of a provision.

The student, however, must be on his guard against the detailed manner which characterizes this textbook and should not permit himself to be lulled into a sense of false security or contentment. Confronted with the painful knowledge that the Civil Code of the Philippines harbors a great many ambiguities and contradictions, he must maintain that inquiring attitude so characteristic of a legal mind. But with due allowance for criticism, the author has, by painstaking effort, accomplished something which undoubtedly both the members of the bar and the student of law will deeply appreciate.

*Ramon Buenaventura*

LEGAL STATUS OF THE CHURCH IN THE PHILIPPINES. By Dr. Jorge R. Coquia. The Catholic University of America Press. Washington, D.C., U.S.A. Leatherbound, P8.00.

No other institution has influenced the political, social and even the economic life of the Filipino people more than the Church.— For most Filipinos, everyday life bears out the interlocking of civil law and church law. Most of the recent issues affecting the seeming conflict of the Church and the State arise from a hazy notion of the true relationship of the Church and the State.

LEGAL STATUS OF THE CHURCH IN THE PHILIPPINES, a comprehensive and exhaustive treatise by Jorge R. Coquia, A.B., LL.B., LL.M., S. J. D., is the first successful effort to correlate

the functions, rights, and laws of the Church with those of the civil state. The book goes into a thorough discussion of the legal aspects of religion in general in the light of Anglo-American constitutional principles, Roman private law, and Canon law, all of which have met and blended in the Philippines resulting in a unique juristic order.

The book ought to be of high usefulness to lawyers and Church authorities, especially in the Philippines, and to students of history everywhere," according to the Rev. Dr. Wilfrid Parsons, S.J., former dean of the graduate school of Georgetown University and former editor of the American national weekly, *America*.

Grounded upon the foundations laid by Spain which in spirit contained sound materials collected in the great codifications of Justinian, Philippine law subsequently absorbed common law principles introduced by the United States. The Filipinos, through almost four centuries of Spanish tutelage in the Christian religion, have been the recipients of Christian traditions and of natural law jurisprudence, as well as of Canon law principles as taught by the Church. With the Americans came the so-called principle of absolute and complete separation of Church and State. The Philippines, then still smarting under grievances against Catholic dogmatism, provided fertile ground for the advocates of the realist and pragmatic philosophy. In place of the principle of the Christian constitution of the State was substituted the positivist and absolutist concept of the sovereignty of the State.

The first chapters of the book marshalls historical and legal materials to show the secularist influence given by early American officials. "The separation between State and Church shall be real, entire and absolute," declared President William McKinley in his instructions to the Philippine Commission in 1900. As in the United States, this overworked and misleading phrase, has always been misinterpreted. Instead of separation and union, there should have been used distinction and cooperation, according to Dr. Coquia.

There cannot be a union between Church and State for they are distinct societies, one for the temporal happiness of man and the other for the promotion and fulfillment of his spiritual needs. An absolute separation is neither possible for the same people compose the two societies simultaneously. The citizen of the Republic is at the same time a member of the Church. The author expresses fear that the secularist attitude of public officials and a wrong interpretation of religious freedom would yet bring about dangerous results.

The first half of the book deals with the constitutional provisions of the freedom of religion as well as the statutes that promote them, citing American and Philippine cases. In the absence of precedent in Philippine courts, the author has cited English and American decisions applicable to each case.

The latter half dwells on private law, such as wills and bequests, and marriage and divorce. Inasmuch as the private law of the Philippines is still predominantly of Spanish origin, civil

law commentators like the juriconsults of the early Roman law have been offered as authorities. The book is brought up to date with the citation of the new Civil Code of the Philippines.

A big portion of the Code of Canon Law is discussed in connection with the civil law, whenever both laws seem to be in conflict.

Dr. Coquia is a member of the Philippine bar. He also took special courses in the School of Canon Law of the Catholic University of America, having had Monsignor Fulton Sheen as his tutor in Philosophy and Rev. Dr. Wilfred Parson, S.J., in Political theory and finished his advanced studies on Jurisprudence at the CUA law school, reputedly among America's best five.

The work, valuable as standard text on civil law and Church law, was written under the guidance of the Rev. Jerome D. Hannan, M.A., LL.B., J.C.D., major professor of the CUA School of Canon Law; Dean Brendan F. Brown, D. Phil. (Oxon), J.U.D.; the Rev. Dr. Wilfred Parsons, S.J., Ph. D., S.T.D., and the Most Rev. Francesco Lardone, at present papal nuncio to the Dominican Republic and Haiti, under whom the author took courses in Roman Private Law. Dr. Melquiades J. Gamboa, legal counselor of the Philippine embassy in Washington, D.C., and Justice Delfin Jaranilla, LL.D., member of the International War Crimes Tribunal, passed on the book's merits as a contribution to the science of law, and at the same time checked its accuracy on Philippine jurisprudence.

Carlos Bengzon