Sulu,[209] and in Cotabato[210] social intercourse between Muslims and Christians has borne good fruits. Let, then, the Moslem Filipinos and Christian Filipinos stay and live together.

There will be some friction, some uneasiness. *But rough surfaces are made smooth by rubbing.* There will be, then, no call for the Government to show its leveling hand as it does its work of pruning native customs and traditions and practices which have proved fatal to the nation. There will be no need of public introduction of modern, progressive ideas, manners and ways of living. Contacts with modern ideas and living as represented by the Christians will do this good office. Integrate the Muslims and Christians socially, if integration is to be attained. *For integration equals integration.* We cannot, it is easy to see, bring about integration by segregation of the Filipino people; by calling a segment thereof "non-Christians," "cultural minorities" and, even, "Moros." Let us not forget that *"a house divided against itself cannot stand."*

Immigration, amalgamation, will strike away the "oneness," the integrity, of "Moroland" and with it, all its connotations, its history and its past. If we must have integration, we cannot have a distinct, a separate "Moroland" in Filipinoland. Hence, "Moroland," this misleading term must go.

The Moslem Filipinos have not been given the attention their number deserves.[211] Let the National Government give this attention and the interest that it deserves,

Properly brought up, the *Tausogs* of Sulu could be trained into the best fighting army of the Philippines. The *Samals* with their background of the sea, and the *Badjaos*[212] who live on the sea, are the prospective nucleus for a strong Philippine Merchant Marine and Philippine Navy. The *Maranaws* with their native skill in smithery could be the best of Philippine mechanics and steelmen. The *Ilanons* of Cotabato and the *Yakans* of Basilan with their life on the farm may yet enliven our agricultural economy.

The Moslem Filipinos are capable of more distinctive contributions to Filipino strength and Philippine progress, if they can be integrated and brought up. *And they can.*

[209] *Ibid.* Gov. Leon Fernandez, Christian Governor of Jolo, Sulu, is reported to be doing good.

[210] F. Sionil Jose, *Promised Land in Mindanao.*

[211] Roces, *This Is My Own,* Manila Times, Oct. 6, 1954.

[212] The *Badjaos,* Filipino sea-gypsies, are often associated with the Moslem Filipinos (See Philippine Census Report (1903) p. 465). However, Muslims disclaim the relation. They seem to be correct. See also Beyer, Population of the Philippines in 1916 (Manila, 1917), footnote 1, p. 66.

REFERENCE DIGEST

CIVIL LAW: CAUSATION. The concept of causation in the law of Torts has been described by the author as "unscrewing the inscrutable." Causation has been, as it is today, a vexing problem. This has been due to "the difficulty of achieving a satisfactory balance between social interest in the general security as a basis of tort liability and the social interest in the individual life as the basis of limitations upon liability."

How is this balance to be preached? No hard and fast rules can be formulated. Only broad principles may be made the basis or "starting points for legal reasoning."

Tracing the history and comparing the varied theories advanced from the Fault Theory to Efficient Cause, Natural and Proximate, Direct Cause, Insulation, to "But For" Theory, the author states the problem of causation thus: to ascertain the ambit of risk created by the defendant as determined by the gravity of the threat to the general security. To ascertain this "ambit of risk" Mr. Pound advances this test: "the degree of threat to the general security, under the conditions of today, in what the defendant did or how he was doing it." (Roscoe Pound, *Causation*, 67 YALE L. J. No. 1 at 1-18 (1957). $2.00 at Yale Law Journal Company, Inc., New Haven, Conn. This issue also contains: Ward S. Bowman, *Tying Arrangements and the Leverage Problem.*)

CIVIL LAW: CULPA CONTRACTUAL IN CONTRACTS OF COMMON CARRIAGE. A & B board a TPU jeepney driven by C, which jeepney, as appears from the records of the Public Service Commission, is owned by D who actually sold said jeepney to E who in turn leased it to F who now operates said jeepney. C, the driver, under the influence of liquor, rams the jeepney against a Meralco post. What are the respective rights, liabilities, and remedies of the parties involved?

This article is a brief but concise and comprehensive answer. It traces and points out the various rights, liabilities and remedies of parties to a breached contract of carriage from the moment a person steps on the running board of a bus up to and until he is six feet beneath — and even thereafter.

Of special interest is the number of remedies available to the plaintiff.

The author lists four (4) remedies:

1. A civil case based on *culpa contractual.*
2. A criminal case with the civil aspect based on *culpa criminal.*
3. A criminal case with the civil aspect either waived or reserved.
4. An independent civil action based not necessarily on breach of contract but on account of the physical injuries received — in accordance with Article 33 of the New Civil Code. (Edgardo L. Paras, *The Concept of Culpa Contractual And Its Implications In Contracts of Common Carriage of Passengers,* 5 F.E.U. L.Q. No. 4 at 331-353 (1957). ₱2.50 at Inst. of Civil Law, F.E.U., Quezon Blvd., Manila. This issue also contains: Francisco Ortigas, Jr., *Date of Effectivity of the New Civil Code.*)

REMEDIAL LAW — INSPECTION OF DEFENDANT'S OWN STATEMENTS IN THE FEDERAL COURTS. When your client, the defendant, has made incriminating statements to government officers, your first move would be to inspect such statements to "appraise the exact extent of the damaging nature of the client's admission." A request for pre-trial discovery or inspection is in order. But on what rule shall you base such a request?

This article treats of "the power of the federal judiciary under both the Federal Rules of Criminal Procedure and the Court's inherent authority to honor requests for pre-trial inspections of defendant's statements taken by the government."

The author makes some illuminating observations with respect to the application of Rule 16 and Rule 17 of the Federal Rules of Criminal Procedure. (Irving R. Kaufman, *Criminal Discovery and Inspection of Defendant's Own Statements In the Federal Courts,* 57 Columbia L. Rev. No. 8 at 1113-1121. $1.50 at Keat Hall, Columbia Univ., New York 27, N.Y. This issue also contains: Frederick M. Rowe, *The Evolution of the Robinson-Patman Act: A Twenty Year Perspective;* J. Henry Glager, *A Functional Approach to the International Finance Corporation.*)

CIVIL LAW: TORTS — RADIATION INJURY. With the Atomic Age, there has emerged a new source of tort problems — the increased use of radioactive materials resulting in what is known as "radiation injury." "Increasing quantities of radioactive materials such as cobalt 60 and iridium 192 are being employed in routine industrial operations" so that the incidence of radiation accidents has increased proportionately

Radiation injury may be brought about either by "acute radiation exposure" which may lead to death within a short period of time or serious physical injuries or by a "low level radiation doses over a long period of time."

A lawyer having a radiation injury tort action in his hands is immediately confronted with these legal headaches: How to establish a cause of action and how to prove radiation injury. "Proof is always difficult when a highly technical subject is involved. It is even more different when many areas of the technical field are controversial or additional knowledge is being accumulated rapidly".

The author points out some very interesting methods of establishing a case on radiation injury, such tools as Pocket Ionization Chambers and Dosimotors, Film Badges records. The author even outlines a few questions which may be raised to impeach the value of "film badges." Some "principles of evidence pertinent to the proof or defense of a radiation injury as such" are reviewed and explained. (Gerald G. Hurton, *Evidentiary Problems in Proving Radiation Injury,* 46 Georgetown L. J. No. 1 at 52-71 (1957). $1.25 at Georgetown Law Journal, Georgetown University, Washington, D.C. This issue also contains: Hon. Thomas C. Hennings, Jr., *Equal Justice Under the Law;* Gothfried Dietze, *Madison's Federalist: A Treatise For Free Government.*)

INTERNATIONAL LAW — THE RIGHT OF SELF-DETERMINATION. The "Father of International Law," we are told, is the venerable Dutch publicist Hugo Grotius who wrote the monumental "De Jure Belli Ac Pacis."

The author, the Head of the UN Information Service in the Phil., however points out that "recent scholarship has tended to bring to the face the work of the Spanish writers who antedated Grotius, particularly the Dominican Vitoria," Prof. Bierly of Oxford, Prof. James Brown Seatt and Prof. Hermann Konring, cited by the author, are unanimous in their findings that Grotius in his works, was influenced by "his reading of the Spanish jurisconsults Fernando Vasquez and Diego Conrubieas, who had in their turn made use of the work of their master, Francisco Vitoria."

Who is Francisco Vitoria? He was a Spaniard whose birth coincided with the Renaissance in Europe. He joined the Dominican Order and after completing his studies in Paris, he was appointed in 1526 Primar Professor in Theology at the University of Salamanca, where he remained for 20 years until his death.

As a teacher, a Belgian Vessee speaks of him in the following words: "His erudition was incredible, his reading almost unlimited, his memory ready, he was like a miracle of nature."

As a man alive to the vital issues of the day, the author says: "to Vitoria falls the story of having first enunciated the basic proposition that no power on earth has the right to claim lawful title over the lands and properties of so-called backward peoples, or to overthrow their governments, without just cause." These words express essentially the same spirit that

animates the charter of the United Nations regarding the problem of non-self-governing territories.

It can be rightfully said, therefore, that to Vitoria belongs the distinction of having first enunciated and defended the right of self-determination of peoples, which right is now enshrined in the United Nations Charter. (Martin Arostegui, *Vitoria and the Right of Self-Determination,* 32 Phil. L.J. No. 4, at 451-457 (1957). ₱2.50 at U.P., Diliman, Q.C. This issue also contains: Perfecto V. Fernandez, *Liberty as a Function of Power;* Gregorio R. Castillo, *The Status of Social Insurance in the Philippines.*)

CASE DIGEST

SUPREME COURT

CIVIL LAW — NATURALIZATION — THE REQUIREMENT OF ENROLLMENT IN PUBLIC SCHOOLS OR THOSE RECOGNIZED BY THE GOVERNMENT OF THE CHILDREN OF A PETITIONER FOR NATURALIZATION COULD NOT BE EXACTED FROM ONE WHOSE CHILDREN ARE NOT OF SCHOOL AGE. — The Court of First Instance of Cebu granted the petition for naturalization of Yukay Oh. The Government appealed on the sole ground of the fulfillment of the educational requirement of petitioner's children one two years old and the other in the grade school only. The Government maintained that because of this petitioner had failed to give his children primary and secondary education so as to exempt petitioner from filing a declaration of intention, petitioner having resided here for more than 30 years. As such petitioner did not file the declaration of intention. *Held,* the requirement of enrollment in public schools or those recognized by the government of the children of a petitioner for naturalization could not be exacted from one whose children are not of school age. Again, while petitioner's eldest son was still in the fourth grade, it is enough that the petitioner has given all his children of school age the opportunity of obtaining primary and secondary education by their enrollment and attendance in the schools mentioned by law. YUKAY OH *v.* REPUBLIC, G.R. No. L-10084, Dec. 19, 1957.

CIVIL LAW — NATURALIZATION — CIVIL WAR IS NOT A SUFFICIENT EXCUSE FOR FAILURE TO BRING MINOR CHILDREN BACK TO THE PHILIPPINES AND GIVE THEM THE EDUCATION REQUIRED BY OUR REVISED NATURALIZATION ACT. — Petition for naturalization of Vicente Lim alias Ng Sui Tan was denied by the lower court upon the ground of lack of qualification. It was found out that he was a Chinese citizen born in Amoy, China in 1915 and came to the Philippines in 1924. He had nine children. His eldest child Geraldina who was born in the Philippines in 1939 had been staying continuously in China since 1947 and had never enrolled in any school in the Philippines. She went to China by reason of ill health and had not been heard of since the Communist overran the mainland of China. Opposition was based on his failure to send Geraldina to any public or private schools in the Philippines, as required by the Naturalization Law. *Held,* such a requirement is mandatory and the civil war in China is not sufficient to excuse the failure to bring minor children back to the Philippines and give them the education required by our Revised Naturalization Law. LIM *v.* REPUBLIC, G.R. No. L-9999, Dec. 24, 1957.

CIVIL LAW — NATURALIZATION — TO QUALIFY AS A WITNESS TO THE PROPER AND LAW ABIDING BEHAVIOUR OF THE APPLICANT, THE PERSON DOES NOT NEED