

PHILIPPINE LAW JOURNAL

VOL. VII

JANUARY, 1928

No. 6

A PRACTICAL PROGRAM OF PROCEDURAL DEVELOPMENT OR REFORM FOR THE PHILIPPINE ISLANDS

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INTRODUCTION

The Philippine Islands is the melting pot of two legal systems, the Spanish and the American. Almost immediately after the American occupation, the procedural law of the country has been changed, either because it was inconsistent with the legal institutions and policy of the new sovereign country or because the members of the Philippine Commission who made the change and codified the Code of Civil Procedure wished to have their names go down to posterity in the same way that Justinian did in the Roman law. At present, the substantive law (Civil Code, Code of Commerce and the Penal Code) is Spanish, but the adjective law (Civil Procedure and Criminal Procedure) is American, and the Philippine Islands therefore furnishes an example of how the two legal systems coming as they are from different countries can work together harmoniously among the people of a third country having an entirely different social and economic conditions from those where the laws originated.

On August 7, 1901, the First Philippine Commission enacted Act No. 190 known as the Code of Civil Procedure for the Philippine Islands, and it became effective on October 1, 1901, about three years before the enactment of the Code of Civil Procedure of Porto Rico. In their eagerness to have a new code, the members of the Commission copied here and there the provisions of the codes of procedure of different states of the American Union, and hence the code is not systematically arranged and many gaps had to be filled in by amendments of the Philippine Legislature. The principal sources of our Code of Civil Procedure are the laws of California, Mississippi, Ohio, Georgia and Vermont, but most of the provisions come from California.

During the last twenty-five years since its enactment, it has been amended by the Philippine Legislature to keep up with the modern tendency of procedural law and to minimize if not abolish the "inveterate nature of the incongruity" between the substantive law and adjective law. But in spite of these amendments, still the code is far from being perfect and should be subject to another examination and revaluation. Before sug-

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gesting the practical reforms and further development of the code, it is deemed necessary to point out the principal merits and defects of the procedural system, and on those merits and defects the reforms should be based.

M E R I T S

1. *Organization of Courts.*

The Philippine Islands being a small country, the organization of courts is not as complicated as in the United States, and hence the administration of justice is more simple and may be less expensive. Act No. 136 of the Philippine Commission established the Justice of the Peace Courts in every municipality, the Courts of First Instance in the capital of every province, and the Supreme Court of the Philippine Islands in the City of Manila. This court organization was approved by the Congress of the United States in its Act of July 1, 1902, and further confirmed in another Act of August 29, 1916, commonly known as the Jones Law.

The Justice of the Peace Courts are not of record, while the Courts of First Instance and the Supreme Court are of record. In the City of Manila, the charter of the city established a Municipal Court composed of three branches, one hearing civil cases, the second, criminal cases, and the third is the newly organized Juvenile Court which tries juvenile offenders. The Justice of the Peace Courts and the Courts of First Instance try both civil and criminal cases, and their respective jurisdictions are determined by the law creating them.

The Court of First Instance has both original and appellate jurisdiction while that of the Supreme Court is practically all appellate except in cases of extraordinary legal remedies.

Appeals lie from the decisions of the Supreme Court of the Philippine Islands to the Supreme Court of the United States in certain specified cases, and the proceeding adopted for such appeal is the certiorari.

The Justices of the Peace and the Judges of the Courts of First Instance are not elected by the people, but they are appointed by the Governor General of the Philippine Islands, with the advice and consent of the Philippine Senate. The Justices of the Supreme Court are appointed by the President of the United States with the advise and consent of the United States Senate.

The Philippine Islands follows to a certain extent the Presidential system of government, and the Secretary of the Department of Justice, who is a member of the Cabinet, has general

supervision of the judicial system in the Islands and is in charge of the administration of justice in the Justice of the Peace Courts and the Courts of First Instance, but not in the Supreme Court.

2. *Abolition of Actions at Law and Suits in Equity.*

The distinction between actions at law and suits in equity has never been in vogue in the Philippine Islands. The Spanish *Enjuiciamiento Civil* that has been in force prior to the enactment of our present Code of Civil Procedure did not recognize the distinction. So that under our law, forms of actions are abolished, and legal and equitable claims and defenses are combined into one civil action. This fusion of the two remedies is the modern tendency of the procedural system in the United States, and the State of New York abolished the distinction as early as 1848. In the Philippine Islands, therefore, we never had the difficulties as found in some states of the American Union in being non-suited for going to the wrong courts.

3. *Absence of Trial by Jury.*

Trial by jury is unknown in the Philippine Islands. In the United States, there is a tendency towards its abolition. Writers on procedural law, among whom is Prof. Clark of the Yale Law School, advocate that trial by jury should be granted only if claimed by a party and that if a party does not claim that form of trial within a certain fixed time, he is considered to have waived his right (11 Va. L. Rev. 545-550).

Trial by jury is indeed very cumbersome specially in states requiring unanimity of verdict. The historical reason for the trial by jury that a person should be tried by his peers does not have the force as it used to have because of the advance and progress of civilization and the faith and confidence that people have on the judges. The absence of trial by jury in the Philippine Islands is an advance over the procedural system in the United States, and an example that the United States Constitution does not necessarily follow the American flag.

4. *Power of the Supreme Court to Make Rules.*

One of the fundamental principles that the American Judiciary Society had in mind in adopting the Rules of Practice in 1919, is to give the court the power to make and alter the rules of pleading and practice so that the required flexibility in procedural law could be attained more easily than if the power is entirely reserved to the legislature. The system of giving the court the power to make and change the rules of practice has

been working in England, and now in vogue in New Jersey, California, Connecticut, Alabama, Michigan, Virginia and New York.

The Code of Civil Procedure of the Philippine Islands is not very behind in this respect, for Section 6 of the Code gives the Supreme Court the power to make rules, with the following provisions:

"SEC. 6. *Rules of Court.*—The judges of the Supreme Court shall prepare rules regulating the conduct of business in the Supreme Court and in the Courts of First Instance. The rules shall be uniform for all Courts of First Instance throughout the Islands. Such rules, when duly made and promulgated and not in conflict with the laws of the United States or of the Philippine Islands, shall be binding and must be observed, but no judgment shall be reversed by reason of failure of the court to comply with such rules unless the substantial rights of a party have been impaired by such failure."

By virtue of this power, rules have been adopted for the Courts of First Instance relating to motions, notice, service of process, appearance of parties, time for answer or demurrer, and prescribing the duties of the Clerk of Court. These rules have been amended from time to time and the latest are those of July 1, 1919 and December 18, 1924. Rules of the Supreme Court have also been adopted and they relate to motions, notice, printing of the bill of exceptions, briefs, calendars, hearing, and manner of appealing to the Supreme Court of the United States. These rules have also been amended several times, and the most important are those of September 5, 1919, July 16, 1923, November 20, 1923, and August 1, 1925.

5. *Joinder of Parties and Joinder of Actions.*

The latest tendency of the procedural system in the United States is to make the joinder of parties and joinder of actions more free and liberal so that the complete disposition of the entire controversy between all the parties concerned could be settled once and for all. Hence, writers on procedural law are advocating the bringing in of new parties and several of the codes of the states of the American Union have adopted this policy.

The procedural law of the Philippine Islands is very liberal

as to joinder of parties and this can be seen from the following provisions of the Code of Civil Procedure:

"SEC. 114. *Parties to Actions.*—Otherwise than as provided in this section, all persons having an interest in the subject of the action and in obtaining the relief demanded shall be joined as plaintiffs.

Any person should be made a defendant who has or claims an interest in the controversy or the subject-matter thereof adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the questions involved therein."

"SEC. 120. *Interpleading.*—Whenever conflicting claims are or may be made upon a person for or relating to personal property, or the performance of an obligation or any portion thereof, so that he may be made subject to several actions by different persons, unless the court intervenes, such person may bring an action against the conflicting claimants, disclaiming personal interest in the controversy, to compel them to interplead and litigate their several claims among themselves, and the court may order the conflicting claimants to interplead with one another and thereupon proceed to determine the right of the several parties to the interpleading to the personal property or the performance of the obligation in controversy and shall determine the rights of all parties in interest."

"SEC. 121. *Intervention.*—A person may, at any period of a trial, upon motion, be permitted by the court to intervene in an action or proceeding, if he has legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both. Such intervening party may be permitted to join the plaintiff in claiming what is sought by the claimant, or to unite with the defendant in resisting the claims of the plaintiff, or to demand anything adverse to both the plaintiff and defendant. Such intervention, if permitted by the court, shall be made by complaint in regular form, filed in court, and may be answered or demurred to as if it were an original complaint."

"SEC. 122. *Necessary Parties.*—The court may determine any controversy between parties before it if it can be done without prejudice to the rights of others or by preserving their rights for future action; but

when a complete determination of the controversy can not be had without the presence of other parties, the court must order them to be brought in, and to that end may order amended or supplemental pleadings, or a cross complaint, to be filed and summons therein to be duly issued and served."

"SEC. 118. *Numerous parties.*—When the subject-matter of the controversy is one of common or general interest to many persons, and the parties are so numerous that it is impracticable to bring them all before the court, one or more may sue or defend for the benefit of all. But in such case any party in interest shall have a right to intervene in protection of his individual interest, and the court shall make sure that the parties actually before it are sufficiently numerous and representative so that all interests concerned are fully protected."

6. *Amendments.*

One of the innovations advocated in modern codes is the free use of the power of amendments in order that justice can be administered more speedily and prevent the remanding of the case to the lower court for defects which can be cured on appeal. The parties should be allowed to correct errors and make amendments in their pleadings so as to conform with their respective claims or defenses.

The following provisions of the Code of Civil Procedure of the Philippine Islands show that the power of amendments is freely used not only in the Courts of First Instance, but also in the Supreme Court:

"SEC. 110. *Amendments in General.*—The court shall in furtherance of justice, and on such terms, if any, as may be proper, allow a party to amend any pleading or proceeding and at any stage of the action, in either the Court of First Instance or the Supreme Court, by adding or striking out the name of any party, either plaintiff or defendant, or by correcting a mistake in the name of a party, or a mistaken or inadequate allegation or description in any other respect, so that the actual merits of the controversy may speedily be determined, without regard to technicalities, and in the most expeditious and inexpensive manner. The court may also, upon like terms, allow an answer or other pleading to be made after the time limited by the rules of the court

for filing the same. Orders of the court upon the matters provided in this section shall be made upon motion filed in court, and after notice to the adverse party, and an opportunity to be heard."

"SEC. 111. *When Name of Defendant is Unknown.*—When the plaintiff is ignorant of the name of a defendant, he must state that fact in the complaint, and such defendant may be designated in any complaint or proceeding by any name. When his true name is discovered, the pleading or proceeding must be amended accordingly."

"SEC. 105. *Supplemental Complaint or Answer.*—The plaintiff and defendant, respectively, may be allowed, on motion, to make a supplemental complaint or answer, alleging facts material to the case occurring after the filing of the original complaint or answer."

"SEC. 109. *Variance.*—An immaterial variance between the allegation in a pleading and the proof shall be disregarded, and the facts found according to the evidence, and the pleadings shall be forth-with amended in accordance with the facts found, unless it has actually misled the adverse party to his prejudice in maintaining his action or defense upon the merits. When it appears that the variance is material and that a party has been misled, courts shall not dismiss the action by reason of the variance, but shall, upon such terms as may be just, order the pleadings to be forthwith amended in accordance with the facts, and determine the action upon the actual facts as established. The amendments provided in this section may be made either in the Court of First Instance or in the Supreme Court, at any stage of the action."

"SEC. 106. *Pleadings to be Liberally Construed.*—In the construction of a pleading, for the purpose of determining its effects, its allegations shall be liberally construed, with a view to substantial justice between the parties."

See also Section 122, cited above.

7. *Formal Defects and Technical Errors.*

No judgment should be set aside which does not involve the substantial rights of the parties, and if the error is merely procedural, the case should not be remanded for a new trial except

when it will bring about a miscarriage of justice. Such is the tendency of the procedural system with the end in view of making it as practical as possible.

Section 503 of the Code of Civil Procedure of the Philippine Islands provides in this respect:

"SEC. 503. Judgment not to be Reversed on Technical Grounds.—No judgment shall be reversed on formal or technical grounds, or for such error as has not prejudiced the real rights of the excepting party."

And then Section 6, cited above, also provides that "no judgment shall be reversed by reason of a failure of the court to comply with such rules unless the substantial rights of a party have been impaired by such failure."

8. *Counterclaims.*

In the Philippine Islands, counterclaims are compulsory in cases falling within Sections 95 and 97 of the Code of Civil Procedure.

"SEC. 95. Defendant Having Counterclaim.—The defendant may set forth by answer as many defenses and counterclaims as he may have, whatever their nature. They must be separately stated, and the several defenses must refer to the cause of action which they are intended to answer, in a manner by which they may be intelligibly distinguished. The defendant may also answer one or more of the several causes of action stated in the complaint, and demur to the residue."

"SEC. 97. Effect of Omission to Set up Counterclaim.—If the right out of which the counterclaim arises exists at the time of the commencement of the action and arises out of the transaction set forth in the complaint as the foundation of the plaintiff's claim, or is necessarily connected with the subject of the action, neither the defendant nor his assignee can afterwards maintain an action against the plaintiff therefor, if the defendant omits to set up a counterclaim for the same. But if the counterclaim arises out of transactions distinct from those set forth in the complaint as the foundation of the plaintiff's claim and not connected with the subject of the action, the defendant shall not be barred from any subsequent action upon such counterclaim by reason of his failure to set it up in his answer to the pending action."

By virtue of these provisions, litigants are obliged to set up those claims mentioned in the sections cited above, and hence it avoids multiplicity of suits which is one of the prime purposes of the modern codes of pleading and practice.

9. *Restriction to Relief Granted in Case of Default.*

One of the reforms advocated by Prof. Clark of the Yale Law School is to restrict the granting of relief to that claimed in the complaint of the plaintiff in case of non-appearance of the defendant. In this respect, the Code of Civil Procedure of the Philippine Islands has the following provisions:

In the Justice of the Peace Courts:

"SEC. 54. *Default.*—If the defendant does not appear at the time and place designated in the summons, judgment may be rendered against him by default, and the court shall thereupon proceed to hear the testimony of the plaintiff and his witnesses as to the amount which the plaintiff is entitled to recover, and shall render judgment for the plaintiff to recover of the defendant such sum as he finds established by the evidence to be justly due with lawful costs."

In the Court of First Instance:

"SEC. 128. *Default.*—In case a defendant fails to appear at the time required in the summons, or to answer at the time provided by the rules of court, the court shall, upon motion of the plaintiff, order judgment for the plaintiff by default which shall be entered upon the docket; and the court shall thereupon proceed to hear the plaintiff and his witnesses and assess the damages or determine the other relief to which the plaintiff may be entitled, including the costs of the action, and render final judgment for the plaintiff to recover such sum or to receive such other relief as the pleadings and the facts warrant."

10. *Proceedings on Demurrer and Judgment Before Trial.*

Section 101 of the Code of Civil Procedure provides:

"SEC. 101. *Proceeding on Demurrer.*—When a demurrer to any pleading is sustained, the party whose pleading is thus adjudged defective may amend his pleading within a time to be fixed by the court, with or without terms, as to the court shall seem just; but if the party fails to amend his pleading within the time

limited or elects not to amend, the court shall render such judgment upon the subject-matter involved in the pleading and demurrer as the law and the facts of the case as set forth in the pleadings warrant. If the demurrer is overruled, the court shall proceed, if no answer is filed, to render such judgment as the law and the facts duly pleaded warrant. But after the overruling of the demurrer to a complaint, the defendant may answer within a time to be fixed by general rules of court; and after the overruling of a demurrer to an answer the plaintiff may amend his complaint, if necessary, to meet new facts or counterclaims set forth in the answer."

So that in either case, whether the demurrer to the complaint is sustained or overruled, there is a judgment before trial and the judgment may be summary based upon the facts alleged in the pleadings. This prevents delay and gives the court a wide field for the use of judicial discretion.

11. *Pauper's Appeal.*

The poor is given an opportunity to appeal to the Supreme Court of the Philippine Islands without the necessity of complying with all the requirements of the law in ordinary cases of appeal. Section 143½ of the Code provides:

"SEC. 143½. *Appeals by Paupers.*—In case a defeated party desires to carry his action to the Supreme Court for revision and shall establish to the satisfaction of the court that he is a pauper and unable to pay the expenses of prosecuting the exceptions in the Supreme Court, and that the case is of such importance, by reason of the amount involved or the importance of the questions raised, that it ought to be revised by the Supreme Court, the judge may enter an order entitling such person to a pauper's appeal. * * * and the cause shall be heard in the Supreme Court upon the original record so transmitted without the same being copied or printed in the Supreme Court. The party so prosecuting a bill of exceptions may file a typewritten brief, and the same shall be considered by the Supreme Court with the original record in the case; * * * No fees for the Clerk of the Supreme Court shall be charged in such cases."

The law, however, does not provide for a pauper's appeal from the Justice of the Peace Courts to the Courts of First Instance. The reason for this is that in such an appeal less ex-

penses are attached because no bill of exceptions or briefs need be printed.

12. *Taking of Evidence in the Supreme Court.*

One of the greatest obstacles to the speedy administration of justice is the remanding of the case to the trial court for further and new evidence. Hence, it is advocated in procedural reforms that evidence should be taken in the appellate court which may be either in the form of affidavit, deposition or reference to a master. This procedure is adopted in England, and the Practice Acts of Massachusetts and New Jersey embody this provision of taking evidence in the appellate courts.

The Code of Civil Procedure of the Philippine Islands is again not very behind on this matter. Section 497 provides:

"SEC. 497. *Hearings Confined to Matters of Law with Certain Exceptions.*—* * * (1) If before the final determination of an action pending in the Supreme Court on bill of exceptions, new and material evidence be discovered by either party, which could not have been discovered before the trial in the court below, by the exercise of due diligence, and which is of such a character as probably to change the result, the Supreme Court may receive and consider such new evidence, together with that adduced on the trial below, and may grant or refuse a new trial, or render such other judgment as ought, in view of the whole case, to be rendered, upon such terms as it may deem just. The party seeking a new trial, or a reversal of the judgment on the ground of newly discovered evidence, may petition the Supreme Court for such new trial, and shall attach to the petition affidavits showing the facts entitling him to a new trial and the newly discovered evidence. Upon the filing of such petition in the Supreme Court, the court shall, on notice to both parties, make such order as to taking further testimony by each party, upon the petition, either orally in court, or by depositions, upon notice, as it may deem just. The petition, with the evidence, shall be heard at the same time as the bill of exceptions."

DEFECTS AND NECESSARY PRACTICAL REFORMS

After pointing out the chief merits of our Code of Civil Procedure, which have resulted from amendments made time

and again to keep up with the progress of procedural law and to go hand in hand with the changes of our substantive law, it is safe to state that our procedural system can be compared with the latest and best procedural codes of any state of the American Union and I do not think we will lose very much by the comparison.

However, it is far from being perfect and we have in the Philippine Islands our own local difficulties which may not be found in the United States. There are indeed defects and in due time these defects may be cured and other reforms may be introduced. It is my intention to point out the principal defects which I have observed in my eight years practice in the Courts of First Instance and in the Supreme Court, and I wish also to suggest the following reforms for further development of our procedural system.

1. *Limitation of the Right to Appeal.*

In the Philippine Islands there is no limit to the right of appeal. All cases, civil or criminal, irrespective of the amount involved or penalty imposed, can be appealed from the Justice of the Peace Courts to the Courts of First Instance, and from there to the Supreme Court. So that if the amount involved or the nature of the case is within the exclusive original jurisdiction of the Justice of the Peace Court, an appeal lies to the Court of First Instance and then to the Supreme Court. As a result of this absence of limitation of the right to appeal, the Supreme Court is deciding cases which should have been terminated in the Courts of First Instance. To give an idea of the cases received in the Supreme Court for its decision, I would like to cite the following from the issue of "La Vanguardia" of December 24, 1926:

"Civil and criminal cases decided by the Supreme Court from the year 1915 to the present:

1915—1041 cases	1921—1045 cases
1916—1046 "	1922—2103 "
1917— 830 "	1923—1639 "
1918—1372 "	1924—1809 "
1919—1494 "	1925—1658 "
1920—1025 "	1926—1800 " (about)"

In such a small country as the Philippine Islands, it is indeed astounding to have as many cases taken up to the Supreme Court as shown by the above figures. As a consequence of

this tremendous work which the Justices have to do and in their desire to dispose of these cases as speedily as possible and have a clean calendar for the following year, some of the decisions that have been recently rendered do not speak well of the highest tribunal of the land.

In order to remedy the situation, a necessary and practical reform is to limit the right of appeal to the Supreme Court. That is, cases which fall within the exclusive original jurisdiction of the Justice of the Peace Courts can be appealed only to the Courts of First Instance whose decision shall be final and conclusive, except when the case involves the constitutionality of an ordinance or of a law, in which case, an appeal will lie to the Supreme Court. This is the only way of relieving the Supreme Court of many unnecessary if not frivolous appeals which could have been terminated in the lower courts. There will be more speedy administration of justice and due process of law will be accomplished with greater effectiveness.

2. *Abolition of the Bill of Exceptions.*

According to Section 143 of the Code of Civil Procedure and the rules adopted by the Supreme Court for the preparation and printing of the Bill of Exceptions, the party appealing should perfect his Bill of Exceptions subject to the approval of the trial judge. This Bill of Exceptions contains the pleadings filed by the parties, the decision of the trial court, all rulings and orders made in the action. After the approval of the trial judge, the Clerk of the lower court sends this Bill of Exceptions, and the records of the whole case including the transcription of the stenographic notes of the testimonies taken at the trial, to the Clerk of the Supreme Court. The Clerk of the Supreme Court orders this Bill of Exceptions to be printed at the expense of the party appealing, and then after the same has been printed, the parties file their briefs.

This Bill of Exceptions should be abolished. It only entails greater expense to the appellant and yet the contents of the same are also found among the records sent to the Supreme Court and accessible to the Justices who may as well examine the original rather than the printed copies of the same. The filing and printing of the Bill delays rather than helps the administration of justice.

One of the recent tendencies in procedural reforms is the simplification of the practice for the appellate review, and the abolition of the Bill of Exceptions will render appeals more simple and less expensive.

3. *Abolition of Demurrers.*

The Code of Civil Procedure of the Philippine Islands provides three grounds of demurrer for the Justice of the Peace Courts and six for the Courts of First Instance (Sections 18 and 91). These grounds have been very much abused in actual practice and oftentimes they are interposed merely to gain time and consequently delays the disposition of the case.

Objections should be taken by motions so that the defects of pleadings can readily be pointed out making the procedure more practical. And then if motions are substituted for demurrers, the court would have a freer power of amendment, for motion is very much more flexible than demurrer, and all objections can be taken up at the same time.

4. *Summary Judgment.*

Our Code does not provide for summary judgment except what is referred to in Section 101 in case of proceedings on demurrer. Summary judgment is a new reform in procedural law and very practical in its application. This manner of judgment is incorporated among the Rules of Practice in New York and in New Jersey.

Since a sort of summary judgment is exercised by our courts in the manner and form provided for in Section 101 above cited, this power should be extended so as to authorize the court to render summary judgment on the following cases, namely, cause of action based on contract, express or implied, former judgment for a fixed and stated sum, goods sold and delivered, work done, and money lent, and other cases of similar nature.

The complaint for these causes of action should be supported by affidavits of the claimant or by somebody who knows the facts, stating the amount claimed and that according to his best knowledge and belief the defendant has not any defense to the action. This method was adopted in New York and seems to work very satisfactorily.

This reform will do away with frivolous defenses which are usually set up by defendants and will lessen the number of cases in the court's calendar. This reform will be specially helpful and practical in the Philippine Islands, where the Courts of First Instance hold only two sessions in a year in many provinces, and if the case is not tried in that year's session, the trial would be continued for another year, and thus the plaintiff is usually deprived of substantial justice. In procedural reform of this kind, the geographical conditions of the country and the means

of transportation should be considered, and the law should avoid unnecessary expenses of the parties and consider the fact that justice delayed is justice denied.

5. *Systematic Arrangement and Details of Procedural Law.*

One of the greatest defects of our Code of Civil Procedure is the lack of a systematic arrangement. This is due to the fact that by constant amendments during the last twenty-five years, which amendments were practically confined to the substance rather than the form, the code is not scientifically and systematically arranged. Hence, a reform towards this line is rendered necessary.

In spite of Section 6 giving the Supreme Court the power to make rules, still there are many details which are legislative in character and which should be given to the Supreme Court. The Code should be short and should embody only the fundamental principles of pleading and practice leaving the details to the Court. It is much easier for the Court to alter the rules of pleading and evidence than for the legislature, which does not know the defects of the system until after it has been told.

MANNER OF EFFECTING THESE REFORMS

To introduce these reforms is not a problem in the Philippine Islands. The Secretary of the Department of Justice is by law in charge of the general supervision of the judicial system except the Supreme Court, and as such he is empowered to suggest and recommend reforms in the procedural law. The Secretary of Justice can recommend these reforms to the Committee on the Revision of Laws of the Philippine Legislature, and also to the Supreme Court on those matters concerning the details of procedural law.

The Philippine Bar Association is not well organized and has practically no influence on the revision of laws of the Islands. The revisions and amendments are usually taken up by the individual initiative of judges and practising attorneys by recommendations to the Legislature and to the Supreme Court. The Legislature and the Supreme Court are always open to suggestions and recommendations tending towards the simplification of the procedural system of the Philippine Islands.