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Digest of RECENT DECISIONS of the Philippine Supreme Court

[In this column is presented a digest of current cases of general interest to practitioners. These decisions have not yet been published in the Official Gazette, and many of them, especially those rendered *in division*, will not so appear because not selected for official report.]

INTESTATE PROCEEDINGS—APPOINTMENT OF ADMINISTRATOR.—*Martiniano Benigno v. Hon. Bernardo de la Peña, et al., R. G. No. 38036, Oct. 15, 1932.*—Petition for certiorari to set aside an order of the respondent judge appointing one Gaspar Acacio administrator of the intestate estate of the deceased spouses Lorenzo Acacio and Norberta Benigno and to quash the proceedings taken therein as well as the civil case instituted by the administrator to recover certain properties in the hands of the petitioner alleged to belong to the intestate estate. *Held:* "The ground on which the petitioner principally relies is that the settlement of the estate of two persons can not be lawfully had in the same proceeding, and in support of this contention he cites the case of Sy Kong Ing v. Sy Lioc Suy, 10 Phil. 209. The decision of the court in that case is not in point. It was there held that one administrator cannot be appointed in one single proceeding for the estates of three different persons. In the case at bar the only property involved was the conjugal property of the deceased spouses, and in our opinion the settlement of their estates and the disposition of their property in the single proceeding was perfectly proper. Equally without merit is the contention...that the appointment of an administrator to recover the property in the possession of third persons was unauthorized by law." Petition Denied. (In banc. per Vickers, J.; all concur.) *Briefed by* F. C.

ELECTION LAW—INCORRECT RETURNS.—*P. P. I. v. Juan Villafuerte et al., R. G. No. 36097, Oct. 17, 1932.*—The defendants, who were election inspectors of a certain precinct, omitted in the returns made by them the name of Duke, a candidate for councilor, although the tally sheets kept by the accused showed that Duke had received 25 votes. Convicted for a violation of Sec. 2639, Administrative Code, defendants appeal. *Held:* To consti-

tute an offense under Sec. 2639 of the Administrative Code, the making of a false statement of the return of the election must be made willfully. In this case the record shows that the incorrect return was neither due to the wilful neglect to perform official duties, nor with the intent to change the result of the election, but was a mere clerical mistake on account of the mental and physical exhaustion of the inspectors. Defendants acquitted. (In Division of Five, per Hull, J.; Avanceña, C. J. VillaReal, Vickers, and Imperial, JJ., concur). *Briefed by* F. C.

EXECUTION SALE—PROPER NOTICE NECESSARY FOR ITS VALIDITY.—*Braulio Balagtas v. Ciriaca Arguelles, et al., R. G. No. 38036, Oct. 15, 1932.*—The plaintiffs, who were judgment debtors in a certain case, question the validity of the sale of their properties to the defendant. Notices of the sale posted Jan. 6, 1931, and the sale was made the 19th of the same month. *Held*: The sale is null and void. Neither the personal property nor the real property were properly posted in accordance with Sec. 454, of the Code of Civil Procedure. No title passes to the defendant. Borja v. Addison, 44 Phil. 896. (In Banc, per Ostrand, J.; all concur.) *Briefed by* F. C.

CRIMINAL LAW—TREACHERY.—*P. P. I. vs. Vicente Martinez, G. R. No. 36084. Oct. 17, 1932.*—Defendant was charged with less serious physical injuries. The only question is the presence of treachery. It appeared that before the injuries were inflicted, the accused asked the injured to lend him his bolo on some pretext and while the injured was bending over what he was asked by the defendant to do, the accused struck him with a rattan cane on different parts of the body resulting in injuries. *Held*: Under the facts stated there was treachery. (Sec. 2, Art. 10, Penal Code. (In Division, Per Hull, J., Avanceña, C. J., Villa-Real, Vickers, Imperial, JJ., concur) *Abridged by* P. M. KATIGBAK.

LIEN ON PROPERTY OF HEIRS.—*Inocentes Osmeña vs. Gregoria Ibale et al., G. R. No. 36816. Oct. 17, 1932.*—The court found that the estate of the deceased was indebted to the plaintiff. The court ordered the partition of the estate and subjected the part corresponding to the heirs to the lien of the plaintiff. This action was instituted to enforce the said lien. Defendants contended that the lien was invalid because it was made without the consent of the heirs as required by sec. 714, Act 190. *Held*: The case of Jamor et al. v. Jaranilla, 47 Phil. 617, is not applicable to the case at bar. Sec. 714, Act 190 is not applicable to a final order of partition of the estate wherein it may be convenient or necessary to restrict the general lien in favor of creditors upon the assets of the estate to certain particular properties if that appear to be an equitable arrangement. (In Division, Per Butte, J., Malcolm, Villamor, Ostrand, Santos, JJ., concur.) *Abridged by* P. M. KATIGBAK.

ELECTIONS—ABSENCE OF CERTIFICATE OF CANDIDACY.—*Luis Baligod vs. Marcos Añgoluan, G. R. No. 66156. Oct. 14, 1932. Facts*: Quo Warranto proceedings instituted to prevent the respondent from occupying the position of municipal president to which he had been elected. It appeared that the affidavit sworn to by the respondent was not a certificate of candidacy but one

pertaining to his expense budget. The petition was based on sec. 404, Election Law. *Held*: The lack of a verified certificate of candidacy while fatal to the recognition of the status of the candidate before election is not sufficient ground for annulling his election after the people have manifested their will. De Guzman v. Board of Canvassers, 40 Phil. 211, Cecilio v. Belmonte, 51 Phil. 540. (In Division, Per Malcolm, J., Villamor, Ostrand, Santos, Butte, JJ., concur.) *Abridged by* J. M. KATIGBAK.

STATUTE OF LIMITATIONS—OPEN ACCOUNT ITEM.—*Gutierrez Hnos. vs. Lim Pingco. G. R. No. 36776. Oct. 21, 1932. Facts*:—Action on Dec. 30, 1929, to recover balance due on current account for goods purchased prior to May 22, 1922. At the foot of Exhibit "A", which was the current account of the defendant with the plaintiff, the following appeared: "Conformo el total de mi saldo deudor aparece en esta cuenta..." This was dated May 22, 1922 and signed by the defendant. The defense was that the suit was barred by sec. 43 (2), Act. 190. Plaintiff contended that this was an action upon an agreement, contract or promise in writing which prescribes after ten years. *Held*: Exhibit "A" is nothing more than an account stated as of May 22, 1922. As plaintiffs are suing to recover the balance on open account and there is no agreement to pay said balance, the action is clearly barred. (In Division, Per Butte, J., Malcolm, Villamor, Ostrand, Santos, JJ., concur.) *Abridged by* P. M. KATIGBAK.

CERTIORARI—EXTRAORDINARY REMEDY; PETITION FOR REVIEW OF DECREE OF TITLE.—*Matias Limos and Rufino Valdez, Petitioners, v. Hon. Buenaventura Ocampo, Auxiliary Judge of the Court of First Instance of Nueva Ecija; Carmen Pacuño, Virginia Valdez, and Angela Valdez, Respondents. G. R. No. 37717, October 15, 1932.* Facts: Petition for certiorari to set aside the decree of title issued in favor of the respondents on December 11, 1929 and to be given the opportunity of a new trial to establish their title to the land. The respondent Judge, in his answer, states that the petitioners did not except to the decree of December 11, 1929, in favor of the respondents, nor that they took any action with regard thereto until Matias Limos filed his motion for revision of decree on January 20, 1932, which was more than two years after the final decree in the cadastral case and more than seven months after the certificate of title had issued to the respondents. The petitioners have not satisfactorily shown that the court below had any jurisdiction to hear and determine the motion for revision of decree filed by the petitioners on Jaunary 20, 1932. *Held*: As the petitioners had their remedy by way of appeal against the decree of December 11, 1929, and the time has long elapsed for perfecting the same, the petition for certiorari must be denied, without prejudice, however, to any right they may have to proceed against the assurance fund established by Act 496. Per Butte, J.; Avanceña, Malcolm, Villamor, Ostrand, Villa-Real, Santos, Hull, Vickers, Imperial, concurring. (*Briefed by* Q. MAKALINTAL).

LAND REGISTRATION—DEFECT OF TITLE.—*Fernando G. Almedras vs. Juan Gallego, R. G. No. 36206, October 17, 1932.*—Applicant applied for

registration of a certain lot, alleging acquisition by purchase and possession since time immemorial. Oppositor filed his opposition alleging that he was the owner. It appeared that both of them claimed title from one Ponciano Villaflor, who testified that he went to the land in 1918 while it was still a forest, and then began cultivating it. *Held*: It is unnecessary to make any pronouncement as to the conflicting claims of the applicant and the oppositor, as it is perfectly clear that the land in question was public land, and it was unoccupied until 1918, when it was cleared by Villaflor. Neither under subsection 6 of Act 1908 nor under subsection (b) of section 45 of Act 2974 did Villaflor acquire a good title to the land. Registration denied. Per Vickers, J.; Avanceña, Villa-Real, Hull, Imperial, JJ., concurring. (*Briefed by* Q. MAKALINTAL).

REGISTRATION — EFFECT.—*Bernardino Corcino vs. Segundo Rubio, R. G. No. 36612, October 7, 1932.*—Facts: Defendant sold to plaintiff a parcel of land with pacto de retro, at the same time retaining possession of the same as lessee. Before the expiration of the period of repurchase, the defendant claimed the land in his own name in certain cadastral proceedings which were held, without mention of the sale in favor of the plaintiff, with the result that it was registered as the property of the defendant. Subsequently in an action brought by one Alvarez against the defendant, the same land was attached and sold at an execution. Hence this action by the plaintiff. The trial court held that the sale of the land to the plaintiff had been consummated and that if he lost the same it was due to his own fault. *Held*: That is not true. In the cadastral proceedings the defendant claimed the land as his own without mentioning the sale to the plaintiff. If he had not done so before the attachment in favor of Alvarez, he would not have lost his right to the land. But he deprived the plaintiff of his property and therefore must pay its value.

Per Ostrand, J.; Malcolm, Villamor, Santos, Butte, JJ. concur. *Briefed by* Q. MAKALINTAL.

ATTORNEY'S LIEN—EFFECT OF PAYMENT UPON A WRIT OF GARNISHMENT.—*Ignacia Echevarria et al vs. Parsons Hardware Co., Inc., R. G. No. 36774, October 17, 1932.*—The defendant, a judgment debtor of the plaintiff, made payment upon a writ of garnishment notwithstanding a recorded attorney's lien of which it had notice. *Held*: The defense that the defendant made the payment upon a writ of garnishment cannot be considered because it did not disclose the lien of which it had full notice, hence its excuse that the sum was embargoed does not exempt or discharge it from paying to the attorney who had duly noted his claim of lien covering the amount of the judgment. (Division of Five, Per Butte, Malcolm, Villamor, Ostrand, and Santos, JJ., concurring.) *Briefed by* J. P. DE LEON.

LAND REGISTRATION—LIABILITY OF VENDOR A RETRO IN REGISTERING WITHOUT MENTIONING THE NAME OF THE VENDEE.—*Bernardino Corcino vs. Segundo Rubio, R. G. 36612, Oct. 7, 1932.*—The defendant sold a parcel of land to the plaintiff with a right of repurchase. Subse-

quently he had the land registered in his own name without making mention of the sale in favor of the plaintiff. In an action by a third person against the defendant the land was levied and sold at execution, the attachment having been recorded in the Registry on Feb. 26, 1927. On March 8, 1927, the defendant executed a document transferring his certificate of title to the plaintiff, but this could not be recorded because the attachment in favor of the third person had already been recorded, hence this action by the plaintiff. against the defendant. *Held*: The defendant not having mentioned the claim in favor of the plaintiff which resulted in the loss of his right to the land, consequently he deprived the plaintiff of his property and must be held liable thereby. (First Division, Per Ostrand, Malcolm, Villamor, Santos, and Butte, JJ., concurring.) *Briefed by* J. P. DE LEON.

CIVIL PROCEDURE—WHEN REPLEVIN WILL NOT LIE.—*Celestino Buenaventura vs. Espiridion Villegas, administrator of the estate of the deceased Diego de la Viña. R. G. No. 36081, Oct. 6, 1932.*—Plaintiff, aparcero of the deceased submitted his claim on one half of the sugar crop of the year 1919 to the Commissioners of the estate of the deceased. The claim was allowed. Sensing however, that the estate is not fully solvent and the intestate proceedings have not been concluded the plaintiff brings this action for the recovery of specific personal property. *Held*: The action of the lower court in sustaining the demurrer was correct. Plaintiff is not entitled to have the matter treated in one suit as a debt and in another to recover specific property. (Per Hull, In Division of Five, Avanceña, C. J., Villa-Real, Vickers, Imperial, JJ., concurring.) *Briefed by* J. P. DE LEON.

SEDITION—COMMUNIST UTTERANCES.—*P. P. I. vs. Crisanto Evangelista, et al., G. R. No. 35972, October 29, 1932.*—The defendants, without a permit from the town president, held a meeting of the Communist Party where they were quoted to say: "The laborers, rich and poor alike, should unite in order to obtain sufficient force to overthrow the present officialdom of the government. * * * If the Governor-General does not give us salary, we should ask him to set aside the present laws penalizing robbery and assault so that we commit them without liability and be able to support our respective families. * * * If America utilizes her armed forces to impede the proletariat from running the Philippine Government, then the time has come when we should overthrow the government by two means which constitute the ideals of the Communist Party—either *santong paspasan or santong dasalan.*" They were charged with sedition and found guilty by the lower court. *Held*: From the tenor of the words used, it is clear that they were intended to incite the hearers to overthrow public officialdom by pacific means or by force. The word "santong paspapasan", altho it does not necessarily imply the use of force, yet it could only signify the use of force in the accomplishment of the overthrow of the government. Notwithstanding this fact, it was held that the language, altho undoubtedly seditious in character, is not grossly. This explains the mild penalty imposed by the lower court which is affirmed. (In Division. Per Street, J., Villa-Real, Hull, Vickers, and Imperial, JJ., concurring.) *Briefed by* B. GOZON.

PARTITION—PROPER PARTIES.—*Rosa de los Reyes vs. Guillerma Leonardo et al., G. R. No. 35686, October 27, 1932.*—Upon the death of Pedro de los Reyes, plaintiff commenced an intestate proceeding petitioning at the same time that she be declared the administratrix of the estate of the deceased. Opposition was filed by the widow, and the Bank of the Philippine Islands was appointed administrator. Later, plaintiff and the widow came to an amicable settlement as to the manner of partitioning the estate between them. Subsequently, Olimpia de los Reyes filed a motion alleging that she be declared heiress of the deceased in representation of her deceased father, a legitimate son of the deceased. The motion was opposed by the plaintiff. *Held*: Inasmuch as in the previous case it was already testified to by the plaintiff that she is the first aunt (tia carnal) of the movant Olimpia, she cannot now be permitted to belie that statement so solemnly made for it would in effect set a premium on perjury. During the trial, it was disclosed that some months after the birth of Olimpia, she was already living with the petitioner and it was not till after a habeas corpus proceeding had been instituted by the mother of Olimpia that the custody of the latter by the petitioner was given up. Appellee Olimpia was declared an heiress and therefore allowed to participate in the distribution of the estate of the deceased.

(In Banc. Per Ostrand, J., Villamor, Villa-Real, Santos, Hull, Vickers and Butte, JJ., concurring. Justice Malcolm dissented.) *Briefed by* B. GOZON.

CONFESSIONS—THIRD DEGREE METHODS.—*P. P. I. vs. Nicolas Francisco et al., G. R. No. 36243, October 27, 1932.*—While the Trozo Band was playing in a procession, the members were assaulted. As a result one was killed, some received physical injuries, and certain instruments were damaged. The defendants were charged with robbery with homicide and less physical injuries. Prosecution relied solely on the confessions of four of them and the ill-feeling of one as the motive of the crime. *Held*: Confessions, to be admissible, must be given voluntarily and with the knowledge of the consequences incident to it. In this case, the confessions were repudiated during the trial because of the use of threat and other forms of the so-called "third degree" treatment by the constabulary. In one case, confession was obtained by particularly atrocious means, including requiring him to drink stale urine. As to the ill-feeling towards the members of the band, there was no evidence except that contained in the confessions which were not admitted.

As to the defendant who was a barrio-lieutenant, taking into consideration the facts of the case and the additional fact that he did not lay his hands upon any members except when he ran from a store and picked up the fallen musician, we are strongly inclined to give the officer the benefit of the presumption of innocence and the added presumption that his official duty was regularly performed. (In Division. Per Butte, J., Malcolm, Villamor, Ostrand, Santos, Vickers, and Imperial, JJ., concurring. Justices Imperial and Malcolm dissented in part.) *Briefed by* B. GOZON.

CRIMINAL LAW—SEDITION—WHAT CONSTITUTES.—*P. P. I. v. Ignacio Nabong, G. R. No. 36426, Nov. 3, 1932.*—Appeal from a judgment finding the defendant guilty of sedition under Section 8, Act 292, as

amended by Act No. 1692. On the occasion of a communist meeting in Santa Rosa, Nueva Ecija, the defendant uttered the following words: "Overthow the present Government and establish our government, the government of the poor. Use your whip so that there may be marks on their sides." Defendant, in his defense, wanted to show that the words were not intended to overthrow the Government by force.

Held: The language used by the appellant clearly imported an overthrow of the Government by violence, and it should be interpreted in the plain and obvious sense in which it was evidently intended to be understood. The word "overthrow" could not have been intended as referring to an ordinary change by the exercise of the elective franchise. The use of the whip, an instrument designed to leave marks on the sides of adversaries, is inconsistent with the mild interpretation which the appellant would impute to the language. It was the purpose of the speaker, beyond a doubt, to incite his hearers to the overthrow of organized government by unlawful means. The words used by the appellant manifestly tended to induce the people to resist and use violence against the agents of the Constabulary and to instigate the poor to cabal and meeting together for unlawful purposes. They also suggested and incited rebellious conspiracies, thereby tending to stir up the people against the lawful authorities and to disturb the peace of the community and the order of the Government, in violation of Sec. 8 of Act No. 292, of the Philippine Commission, as amended. It is not necessary, in order to be seditious, that the words used should in fact result in a rising of the people against the constituted authorities. The law is not aimed merely at actual disturbances, and its purpose is also to punish utterances which may endanger public order. "Such utterances, by their very nature, involve danger to the public peace and to the security of the State. They threaten breaches of the peace and ultimate revolution. And the immediate danger is none the less real and substantial, because the effect of a given utterance can not be accurately foreseen." (Gitlow v. New York, 268 U. S. 652, 666-669.) Judgment modified and affirmed.

(In Banc, per Street, J.; Avanceña, C. J., Malcolm, Villamor, Ostrand, Santos, Vickers, Imperial, Butte, JJ., concurring. Villa-Real and Hull, JJ., took no part.) *Briefed by* DOMINADOR P. PADILLA.

CRIMINAL LAW—WHAT CONSTITUTES RESISTANCE TO AGENTS OF AUTHORITY, UNDER ART. 252 OF THE PENAL CODE.—*P. P. I. v. Juan Feleo, G. R. Nos. 36427 and 36428, Nov. 3, 1932.*—These two cases arose out of the same incident. In the first (G. R. No. 36427), defendant was convicted of resistance to agents of authority in violation of Art. 252 of the Penal Code; in the second (G. R. No. 36428) the same defendant was convicted of sedition in violation of Sec. 8, Act 292, as amended by Act 1692.

In a certain communist meeting in Nueva Ecija, defendant uttered certain seditious words, which caused him to be arrested by the Constabulary. He resisted, and tried to free himself from the grasp of the agents of authority. The agents succeeded, however, after exerting force upon the defendant.

Held: No question whatever can exist over the conviction for resistance to the agents of authority, since the appellant used force to prevent the constabulary soldiers from taking him from the platform, and the words used by the appel-

lant at the time show a manifest intention to resist arrest. This phase of the case falls under Art. 252 of the Penal Code.

Judgment in G. R. No. 36427 affirmed; Judgment in G. R. No. 36428 modified and affirmed.

(In Banc, per Street, J.; Avanceña, C. J., Malcolm, Ostrand, Santos, Vickers, Imperial, Butte, JJ., concurring. Villa-Real and Hull, JJ., took no part.) *Briefed by* DOMINADOR P. PADILLA.

CRIMINAL LAW—RESTRAINT ON THE FREEDOM OF SPEECH AND OF THE PRESS.—*P. P. I. v. Juan Feleo, G. R. No. 36429, Nov. 3, 1932.*—Appellant was found guilty of sedition for having uttered the following words: "So you must imitate the French soldiers who in a battle * * * shoot their chiefs. What we want to say is for you to use the guns not against the communists but against the American Government. We do hope that when the time comes the Constabulary men and the scouts would be deserters in order to die with the reds to defend the Philippines. * * * My companions, if we all unite there will be no oppresive American Government, and they will go away if we all have a rebellious heart. * * *" The defendant contends that his conviction is in violation of his freedom of speech and of the press.

Held: There is no question that the speech was seditious, because it tended to incite the people to take up arms against the constituted authorities and to rise against the established government. It is a well established doctrine that the constitutional guaranty of the freedom of speech and of the press does not give a person an unqualified right to speak or publish, without responsibility, whatever he may choose. That a state in the exercise of its police power may punish those who abuse the freedom conferred by the constitutional provision, and whose language tends to disturb the public peace, is not open to question. (Gitlow v. New York, 268 U. S. 666.)

Judgment affirmed.

(In Banc, per Street, J.; Avanceña, C. J., Malcolm, Villamor, Ostrand, Santos, Vickers, Imperial, Butte, JJ., concurring. Villa-Real and Hull, JJ., took no part.) *Briefed by* DOMINADOR P. PADILLA.

LIMITATION OF ACTIONS—SUIT ON AN OPEN ACCOUNT.—*Gutierrez Hermanos vs. Lim Pingco, G. R. No. 36776, October 21, 1932.*—Action to recover a balance due on a current account dated May 22, 1922, for goods purchased by defendant from plaintiffs. This suit was brought on October 30, 1929. Defendant pleads the statute of limitations. *Held*: A suit on an open account comes under the second paragraph of section 43 of the Code of Civil Procedure and is barred after six years after the right of action accrues. Reversed. (In division. Per Butte, J., Malcolm, Villamor, Ostrand, Santos, JJ., concur.) *Briefed by* E. FERNANDEZ, Jr.

PETITION FOR RELIEF UNDER SECTION 513, CODE OF CIVIL PROCEDURE.—*Maria Palisoc et al. vs. Diego Locsin, Judge of the Court of First Instance of Pangasinan, and Margarita Manzon et al., G. R. No. 38095, October 17, 1932.*—Petitioners seek, under section 513 of the Code of Civil Procedure, to set aside a judgment by default rendered against them due to their failure to appear personally or thru their attorneys Aquino and De Guzman at the hearing, on the ground of lack of notice of the trial based on the fact that the notice sent to Aquino was not binding on them

because he had become provincial governor and withdrawn from the practice of law, and that De Guzman called for the letter containing the notice of the trial only after the date set for the same. A similar motion, based on section 113, was denied by the court below. *Held*: Aquino had not withdrawn his appearance in the case for the petitioners. No law has been cited which prohibits a member of the bar from continuing to practice law after he has become a provincial governor. De Guzman's failure to call for the letter containing the notice in due time was his own fault; he received the notice of the letter (registered) in time to enable him to get it and be present at the trial. Furthermore, petitioners having presented a motion in the court below praying that the judgment by default be set aside, and the motion having been denied, their only remedy was to appeal therefrom. Petition denied. (In Banc. Per Vickers, J., Avanceña C. J., Malcolm, Villamor, Ostrand, Villa-Real, Santos, Hull, Butte, JJ., concur. Street, J., did not take part; Imperial, J., dissents.) *Briefed by* E. FERNANDEZ, Jr.

ENFORCEMENT OF LIABILITY OF HEIRS FOR DEBT OF ESTATE.—*Inocentes Osmeña vs. Gregoria Ibale et al., G. R. No. 36816, October 17, 1932.*—In a previous case regarding the administration of the estate of Estanislao Ibale, the court below granted one half of the estate to the defendants herein, subjecting the same to a lien for the payment to the plaintiff herein of ₱2,500 which represents one half of the debt of the deceased to him. Plaintiff now seeks to enforce said lien and asks judgment against the defendants personally for ₱2,500. Defendants contend that the judgment creating the lien is void because it was granted on the application of the administratrix without the consent and approbation in writing of the heirs as required by section 714 of the Code of Civil Procedure. From a judgment in favor of the plaintiff, defendants appealed. *Held*: Section 714 is not applicable to a final order of partition of the estate, wherein it may be convenient or necessary to restrict the general lien in favor of creditor upon the assets of the estate to certain particular properties, if that appears to be an equitable arrangement. The lower court, however, erred in giving personal judgment against the defendants for ₱2,500. The heirs are not personally liable for the debts of the estate, in the absence of an agreement on their part to assume them. Judgment modified. (In division. Per Butte, J., Malcolm, Villamor, Ostrand, Santos, JJ., concur.) *Briefed by* E. FERNANDEZ, Jr.

The World Court *

(BOOK REVIEW)

Judge Edward Lindsey presents us with an interesting work which traces the development of agencies for the establishment of world order and the devices used in the settlement of international disputes, culminating in the establishment of the present Permanent Court of International Justice. The writer tells us that a judicial tribunal with a jurisdiction affecting independent states is only possible at a time when the world is organized for peace. The World Court has, therefore, been made a reality by the establishment of the League of Nations. "In the growing ideas of a League of Nations," Judge Lindsey says, "an International Court was generally embraced and by the time the Peace Conference met at Paris provision for such a court was included in nearly all the schemes for a League organization which were formulated in the various countries. The Peace Conference in establishing the League of Nations, incorporated an International Court as an integral part of the scheme. It did not, however, attempt to incorporate in the covenant establishing the League the provisions necessary to create the court and provide for its competence and jurisdiction. It was recognized that this was a task only to be successfully accomplished by jurists whereas the Peace Conference was composed of statesmen and diplomats." In these days of reorganization of national governments, when new schemes of departmental organization and judicial rearrangement are planned, it is well to follow the action of the War statesmen in intrusting to men qualified to deal with the matter the labor of remodelling a new system of governmental organization. In this country the petty politician, the neophyte in the legislative halls, assumes an all-wise attitude towards similar matters, believing that success in elections transforms the elected person into an expert. The consequences of such an attitude are generally disastrous, but unfortunately most of us realize but dimly this sad fact.

Judge Lindsey describes in detail the operations of the World Court and its organization. No attempt at critical analysis is made, the apparent aim being primarily to set forth "in barest outline the progress of international relations in modern times and to indicate the steps which made it possible to conceive of an international court as a practical possibility." A review of the advisory opinions and decisions rendered by the World Court during the first nine years of its life gives the reader an idea of the practical utility of this body, which to many a layman exists merely as an academic coterie of intellectuals discussing theoretical problems of no immediate bearing on the daily life and work of the millions populating this sphere. Incidentally, the revised rules of the World Court which is published as an appendix might serve as a model or a guide for the Philippine Supreme Court which is now busy overhauling the rules of courts of this land.

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* The INTERNATIONAL COURT By Edward Lindsey: Thomas Y. Crowell Co., New York: $3.75.