

BOOK REVIEWS

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Aviation Accident Law by Charles S. Rhyne of the District of Columbia Bar. Foreword by Senator Pat McCarran. Published in 1947 by the Columbia Law Book Co., 730 Jackson Place, N.W., Washington 6, D.C., 315 pages.

Although before the last World War commercial aviation in the Philippines was not extensive, two cases involving airplane accidents came up before the Supreme Court for decision. (Teh vs. Philippine Aerial Taxi Co., 58 Phil. 838; Strong vs. Iloilo-Negros Air Express Co., 40 Off. Gaz., 12th Supp. 269.) Commercial aviation is now a fact in the Philippines and air transportation being what it is, accidents are bound to happen, as they had already happened, and it is unavoidable that litigations involving such accidents will arise.

The book of Mr. Rhyne on "Aviation Accident Law" will be a very handy volume for the Philippine courts and the bar to have in the study of the legal questions that may be involved in aviation accidents. It contains a complete collection and analysis of all reported court decisions involving aviation accidents together with a reference to legislation and international conventions which have application in this field. Its table of court decisions and footnotes make it easy for the researcher to locate the original court decision.

Considering that our Supreme Court has freely drawn upon American precedents in cases involving negligence, it can be safely assumed that our courts will readily avail themselves of American precedents in cases involving aviation accidents. (See *Martinez v. Van Buskirk*, 18 Phil. 19; *Algarra v. Sandejas*, 27 Phil. 284.) The book of Mr. Rhyne will thus be a worthy addition to the libraries of our courts, lawyers, law schools and law students.

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Criminal Law, Revised Penal Code Annotated by Ambrosio Padilla, Professorial Lecturer, College of Law, University of the Philippines; Professor of Law, Manila Law College, Arellano Law College, and Ateneo College of Law. P.C.F. Publications, Manila, 1947. Pp. xxxi, 1019.

One of the chief observations of the historical school of jurisprudence on codification of the law is that it will breed a race of glossators. The proponents of codification see in this, however, a potent force for progress and experimentation not otherwise open to historical jurists. For while historical law lives along and keeps up with community life it does not provide the present with a law of the future as with a foreign law ingrafted into the local stock. Social engineering through law, however, is fast com-

ing to be a universal reality which justifies us in saying codification is here to stay.

Professor Padilla's book is chiefly an annotation of the Revised Penal Code. As an annotation, however, it is the first of its kind to be published on the subject. Other published annotations give no more than bare principles explanatory of the provisions of the Code. This book, however, contains digests of the facts of cases and the rulings in those cases. It illustrates, therefore, in a way that cannot be made any clearer, how the provisions of the Code have been applied to particular cases under certain circumstances.

For depths of philosophy and history of legal provisions one must turn to other books as the commentaries of Mr. Justice Mariano Albert or of the Spanish authors Viada and Groizard. The book, however is exhaustive of Philippine jurisprudence up to the time of publication and makes available in one book decisions of the Supreme Court of the Philippines on the subject. It also notes dissenting opinions which the author believes deserve as much or better consideration than the majority decisions. Notes and comments by the author, not going into extended discussions, explain the law as it exists.

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