

BOOK REVIEWS

CONSTITUTION OF THE PHILIPPINES, 4th Edition, by Lorenzo M. Tañada and Enrique M. Fernando. Citizens Publishing Company, Manila. 1952. 2 v. pp. 1808 P30.00.

The first edition of the book, then written by Professor Lorenzo M. Tañada, single-handed, was published in 1937. A revision was made in 1947, with the collaboration of Professor Enrique M. Fernando. Two years later, a third edition came out. The latest (fourth) edition consists of two volumes: the first published in 1952, and the second, in 1953.

Since the appearance of the first edition, quite a number of momentous questions of constitutional law, some of unprecedented nature, have come up. Moreover, the lone author of said edition—then mainly engaged in the private practice of law and in teaching the same—was re-drafted into the public service, first, as Judge of First Instance of Manila, and, later on, during the difficult days of the prosecution of political offenses in connection with World War II, as Solicitor General. Soon thereafter, Professor Tañada was drawn to the vortex of the political arena and became a prominent member of our Senate. As such, he has played—and still is playing—a leading role in controversies of the most transcendental nature, in the political and in the legal fields.

In the meanwhile, his co-author in the second and subsequent editions, Professor Fernando, had done intensive post-graduate work in the United States in constitutional, international and labor laws. Thereafter, he was chosen Chairman of the Executive Commission of the Civil Liberties Union of the Philippines. As such, and, upon the expiration of his term, as a member of said organization, and as a private practitioner, he intervened actively and gave most valuable assistance to our courts in several litigations involving unique problems of constitutional limitations, particularly civil liberties. Thus, the academic background of the writers became further enriched by their experience in the practical application and operation of the principles expounded in their book.

In the latest edition thereof, such assets have, naturally, been used to advantage. Indeed, their direct participation in many leading cases, their knowledge of the circumstances surrounding the same—some of which may not have been set forth or, even, mentioned in the corresponding decisions—and the influence exerted by them in the interpretation of the precepts applied therein, have endowed the authors with a realistic perspective, which few may claim, and which necessarily must have affected their academic view point.

Like its previous editions, the work under review remains essentially a case book. However, the materials have been increased considerably, thus requiring the publication of two volumes, instead of one. Needless to say, the latest edition is up-to-date in citations of authorities, and quotes substantial parts of important decisions and/or states the facts thereof with sufficient particularity in order that the reader may have the fullest possible benefit of the rule laid down and its *ratio decidendi*. Greater care has been exerted in segregating American cases, to differentiate the same from the peculiarities of the local jurisprudence. The history of important provisions of the Bill of Rights has, likewise, been added. Certain features of international law have been considered, also, in the preparation of the revised edition. Hence, the reference therein to regional organizations and to the Universal Declaration of Human Rights, which is appended to Volume II. More important still, the writers have taken pains in setting forth the trend of thought of our courts and those

of the United States, in connection with vital questions of political science. Accordingly, the work is not limited to an exposition of law. It, also, suggests an appraisal of the possibilities or probabilities of the future.

Other salient features are:

1. A deep comprehension of the philosophy of our political institutions and of its basic tenets, and the courage displayed by the writers in the analysis and discussion of significant problems of constitutional law and decisions rendered in connection therewith.

2. The effective elucidation of the postulates underlying our political system; the factors affecting or impairing the proper application thereof and the need of adhering thereto; and the dangers which departure therefrom may entail to the democratic way of life.

3. The impression it succeeds in giving that the Constitution is not just a machine, but a living organism, which develops and grows, under the impact of changing conditions and the influence of its environment.

Incidentally, Professors Tañada and Fernando have revealed what probably was not intended by them, but which can hardly be avoided in a work of this nature—their own attitude towards the law and society, in general, and towards democracy, in particular. It is obvious that their respect for the law and devotion to the welfare of the community is matched only by their faith in the republican system. Their conviction of its potentialities and inherent soundness is so patent, that the reader can not but feel the contagious effect thereof. In this manner, apart from being extremely useful to the bench and the bar, the book easily pricks the interest of law students. There is every reason, therefore, to believe that it may eventually have an influence comparable to that exerted by Mr. Justice Malcolm's work on the same subject, in the evolution of our political concepts.

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HANDBOOK OF LAW STUDY. By Ferdinand F. Stone. New York: Prentice-Hall, Inc. 1952. Pp. xi, 164. \$2.95.

It is rather obvious from its title that this book is not a law book in the traditional sense. There have been a number of similar books written, *e.g.*, Glanville William's *Learning the Law* and Kenneth Redden's *Career Planning in the Law* and *So You Want to be a Lawyer*, which have attempted to clear up the traditional difficulties encountered in the study of law. The problems of the beginners are many as they are real which have had a great deal to do with unnecessary floundering and failures.

Professor Stone has made it quite clear that there are three kinds of people who need this handbook in their bookshelves: (1) those who are debating whether to take up law, (2) those who have made up their minds and are preparing for the study of law, and (3) those who have entered law school and are