

## BOOK REVIEW

*LAUREL REPORT ON PENAL REFORMS* (The State of Philippine Penal Institutions and Penology). Senator Salvador H. Laurel. Chairman, Committee on Justice, Senate of the Philippines, pp. x. 272. appendices.

The task which the Senate Committee on Justice set for itself is that, in the words of the Chairman himself, ". . . by exposing the misery and the hopelessness of the forgotten Filipinos' — the thousands who now languish in jail — our society will begin to look upon them as objects of reform rather than of punishment, as human beings still entitled to our concern." This task has been faithfully accomplished by the author's style of presentation — expository, descriptive and analytical. Hence, the essence of what is attempted here is to induce the reader to learn the principles of our penal system by studying basic concepts and attitudes regarding crime and punishment as prompted by the objectives of retribution, rehabilitation and reform.

A considerable portion of the book has been apportioned to the exposition on the conditions obtaining in Philippine penology and penal institutions followed by an assiduous collation of penology obtaining in other progressive countries. The sharp regard paid to the differences is noteworthy. The thorough treatment on the history and basic tenets of penology is enlightening. This makes the book interesting and worthwhile not only for lawyers, jurists or students of law but also to lay readers. Problems attending each department of our penal institutions are presented to the reader followed by a recommendation from the Committee. The recommendations are geared towards the betterment of the present system by alleviating the meager conditions of the penal institutions with respect to the personal hygiene, clothing and bedding of the prisoners, classification of prisoners, discipline and punishment, rehabilitation methods, as well as pre-release treatment and after-care, including assistance to dependents of prisoners. Emphasis is also given on the need for a specialized personnel on the basis of character, administrative ability, training and experience.

Our Revised Penal Code which is based on the Spanish Penal Code of 1870, which was in turn based on the French Penal Code of 1810, belongs to the classical or juristic school of criminal law as distinguished from the positivist or realistic school. The classical penal system lays stress on the crime. It is primarily retributive and punitive. On the other hand, the positivist school views crime as a social phenomenon and attaches much importance to the criminal or the actor. It is reformatory and preventive and it individualizes punishment. The Committee strongly recommends the adoption

of the positivist school, that is, emphasis must be placed on rehabilitation of the prisoner rather than on retribution for his offense. An offshoot of this is the recommendation for the abolition of the death penalty. The presentation of the pros and cons of capital punishment which was lengthily discussed in the book and which finally ends with the recommendation for its abolition should engage the reader to ponder. For while the best argument for its retention is on its deterrent effect, doubts have been raised on its effectivity. Manifest regard is shown for the rehabilitation and reformation of the prisoner by recommending changes in the conditions of the prisoners inside the prison jail as well as the adoption of more scientific pre-release and after-care programs.

Another feature of the report's recommendations is the enactment of a probation law. The purpose of probation is to provide an individualized program offering a young or unhardened offender an opportunity to rehabilitate and correct himself without institutional confinement under the tutelage of a probation official and under the continuing power of the court to impose institutional punishment for his original offense in the event that he abuses such opportunity. Note however, that the Probation Act of 1935 which was declared unconstitutional by the Supreme Court was not repugnant to the Constitution per se. It was only the procedural framework entrusted to the provincial boards by which the Act was to operate that was inconsistent with the Constitution, as (1) it made an undue delegation of legislative power to the provincial boards, and (2) it contravened the equal protection of the law clause. Probation as a method of modern penal treatment is an open, progressive and more humane measure for the rehabilitation of offenders on an individualized basis. The creation of a Commission on Penology is recommended which will continuously study the conditions in our prisons as well as the modern trends in penology.

The Committee report is commendable not only for its exhaustive character but also because it is a product of first hand information. Personal visitations were made to the penal institutions in the Philippines as well as those of countries with which the Philippine penology and institutions were compared. In the short space of 272 pages, the Committee has made a survey of the prisons or jails from the days of Justinian up to the present. This remarkable feat has been attained with considerable ease.

The book is written with fair detachment in spite of the Chairman's known advocacy or partiality to civil liberties. Discriminating references have been made to standard conditions in progressive countries and to principles of modern penology. The approach of

the book is toward the reversal of our concept of and attitude toward penology. A revolution of society's attitude on the plight of our prisoners' — from arrogance to concern, from recrimination to remission — becomes an absolute necessity.

The exposition of the precise problems of Philippine penal institutions and penology cannot but prove invaluable to the lawyer and policy maker who seeks greater security and assurance of justice for the unfortunate inmates.

*Josefina D. Balingit*

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