

BOOK REVIEW

INTERNATIONAL LAW IN PHILIPPINE RELATIONS 1898-1946. by Alejandro M. Fernandez, University of the Philippines Press, Quezon City, Philippines, 1971, 470 pp. ₱20.00

The book in review *International Law in Philippine Relations 1898-1946* "grew out of a doctoral dissertation presented at Duke University in 1966." It touches on certain questions regarding the Philippines and its contacts with international law. As the title reveals, the period studied covers from the proclamation of the Philippine Republic to the attainment (or as the author aptly terms "restoration") of Philippine independence. The author reasons out that "owing to the wide scope of international law, it has been necessary to design the work within the limits of the present period coverage." Said period is "co-terminal with that of colonial rule in the Philippines."

Dr. Fernandez explores only three major areas of international law namely: 1) statehood and recognition, 2) law of state succession and the American annexation of the Philippines and 3) the nature and legal consequences of belligerent occupation.

In treating the subject matter, Dr. Fernandez utilizes mainly legal analysis. His work is not merely sprinkled with case law and legislation but is mainly a study based on legal materials. From the bibliography, the pains he has taken to search for primary sources including rare and valuable state documents are apparent. In period studies such as this, the historical approach is inevitable.

Dealing with the question of statehood and recognition, Dr. Fernandez assesses whether the Philippine Republic of 1898 satisfied the requisites of statehood. At the same time, he discusses the problems that hampered the Philippines' bid for recognition by foreign powers. The author contends with a nationalistic tone that the Philippines was a state in its own right.

On state succession, Dr. Fernandez presents the question: "Did Spain have the right under international law to make the cession over a territory over which it had already lost effective control and sovereignty." Further, the author delves on the effect of sovereignty upon public and private law, predecessor's state public debts and other financial obligations, political status, civil rights, and nationality of the inhabitants.

In this book, the author states a truism in international law: "The victors wrote the law for the vanquished."

The Japanese military occupation which reminds Filipinos of a brutal past serves well as a springboard and a framework to his discussion of the law of belligerent occupation. His study embraces the enforceability of contracts made before and during enemy occupation, legality of transactions in occupation currency and validity of judicial decisions rendered by courts set up by a belligerent state.

Dr. Fernandez accurately observes that due to those trying times of which he was an eye-witness, Philippine courts were swamped by international law cases immediately after the war.

Most books written by Filipino writers on international law follow the treatise-pattern. Some are suited only for bar examination purposes and use the simplistic question-answer type. Dr. Fernandez' book differs. It deals with specific areas. Notably, it gives an in-depth commentary.

Limited by the scope of his book, Dr. Fernandez confesses that there is more to study on the subject. He mentions that with the restoration of Philippine independence new problems concerning international law have emerged like definition of inland and territorial sea, status of forces agreement, question of jurisdiction over foreign military bases and their personnel, vested alien economic rights as parity rights, and exploitation of natural resources as off-shore oil exploration. At present, these problem areas have been the concern of activists who being disgusted with the institutions of the "Establishment" have resorted to the Parliament of the street, rallies, marches and other mass actions. With much regret, these activities have sometimes resulted in blood-baths.

In concluding his work, Dr. Fernandez advances the questions: "As the Philippines attempts to solve its problems, will the Philippine view of applicable existing rules of international law continue basically to coincide with the American view?" "Will the Philippines in its interpretation accommodate its own national interests?"

Its thick and rich set of appendixes is a great help to those who are interested in the "most important aspects of Philippine foreign relations in the first half of the twentieth century."

Dr. Fernandez addresses his book particularly to "all serious students of Philippine law, politics and history." He sincerely hopes that it "will promote a better understanding of our contemporary international relations."

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