

BOOK REVIEW

PRIVATE INTERNATIONAL LAW

JOVITO R. SALONGA, U.P. Law Center, Quezon City, Philippines. 1979
xxiii, 454 p.

Like Public International Law, Private International Law, or what is now popularly known as Conflict of Laws, is comparatively new, and one of the least developed branches of the law in this country. For that matter, it is not given the importance in legal circles that it deserves.

Before the revision of the law curriculum in the Philippines, and, the subsequent revamp of the subjects given in the bar examinations, Public International Law and Private International Law were combined as a separate bar subject. In the bar examinations now, Private International Law was combined with Civil Law while Public International Law was fused with Political Law. This revision, therefore, gave less importance to these subjects. Conflict of Laws is now treated more as civil law in nature which should not be the case.

As a result, Conflict of Laws is treated by law students and lawyers, as part of Civil Law, thus, giving a narrower concept than what it is. Actually, Private International Law is one of the broadest subjects in scope and in coverage. Private International Law covers practically all subjects in the entire range of the law such as Remedial Law, Persons and Family Relations, Citizenship, Marriage, Divorce, Contracts, Torts, Crimes, Transportation, Corporations, Crimes Against Properties, Wills and Succession, Juridical Persons and Comparative Law.

The rearrangement of these subjects in the bar examinations made the civilists happy but it was not well received by the internationalists of the country. Among the internationalists is Jovito Salonga, the author of the book now under review. One of the most competent and prestigious writers in both public and private international law, the author wrote his first edition while he was pursuing a graduate degree in the Law School of Yale University in 1950 under the famous professor Myres S. McDougal. After several editions, this book was prepared by the author as participant in the Philippine Jurisprudence project of the University of the Philippines Law Center.

This new edition is certainly a result of the long years of study and teaching the subject. Still carrying the scholarly approach, caused from the work for a doctoral thesis, this new edition is enriched with more recent jurisprudence and opinions of qualified writers. The author treats the subject in its proper concept, not as a civil law textbook, as other local writers have done. Indeed, it is really a private international law text in its broader sense including the jurisprudence and treatises throughout the world. The author analyzes judicial decisions as he also criticizes them. As will be noted, the author is particularly critical of some Philippine decisions in the light of universally accepted doctrines. The author shows his policy science oriented approach that he has learned from Professor McDougal.

A new feature in the present work is the critical analysis of the effects of multinational corporations on the developing countries like the Philippines. The book includes the statutes and Presidential Decrees to attract foreign investments in the country. (See Chapter XIX, "Business Corporations, Foreign Sovereignty and International Enterprises").

The critical and analytical treatment of the subject heavily documented from foreign sources, however, has deterred some law teachers in the country from prescribing it as a textbook in the undergraduate school. They have their own reasons. Students of law in this country are prepared by law schools to pass the bar examinations more than acquiring a broad approach to law. Some law teachers have said that the book is more fitted in a graduate course rather than as a fundamental study of Conflict of Laws.

Moreover, with the exception of U.P. College of Law, Conflicts of Law is given as a 2-unit subject. The students, therefore, hardly find time to delve deeper into the foreign materials cited by the authors.

Nonetheless, this new treatise of Dr. Salonga is indeed an excellent treatment to stress the importance of the subject and to let scholars abroad know that Conflict of Laws is after all a developed branch of law in this country. As a young developing nation, the Philippines gives full recognition and application of the basic principles of comity, courtesy and reciprocity in matters that involve a foreign element.

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