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The Church in Philippine Law: Church and State Law in the Philippines

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right at stake gave each cause an appeal that had an elemental and absolute quality.

In the case of the Muslim Pathan tribesmen, there was a long-standing tradition of obedience to leaders whom they considered God's representatives. This tradition had made them great fighters; it also provided the absolute source of dynamism for the relative tactics of satyagraha. The change from men of violence to non-violent satyagrahis was made possible because of an underlying religious orientation which did not change. It is significant that the Muslim satyagrahis called themselves "Khudai Khidmatgar"—"Servants of God."

The remarks just made do not diametrically contravene Dr. Bon-durant's position. She holds, as has been mentioned above, that human needs are Gandhi's norm of truth; in her suggestions for adaptation of satyagraha to western democracies, she calls for education in "humanist ethics"—qualified by the phrase "as apart from religion." She sees, then, the need for a quasi-stable basis (human need) for the relative tactics of satyagraha; she also sees the need for motivation (humanist ethics). We differ from her in that we hold that both basis and motivation must have an absolute quality.

One does not make an absolute commitment merely in order to make a technique effective. On the other hand, one who has made an absolute commitment will choose the technique that best implements his commitment. Hence, only one who has already made an absolute commitment can use the relative tactics of satyagraha with success.

ROQUE FERRIOLS

THE CHURCH IN PHILIPPINE LAW

CHURCH AND STATE LAW IN THE PHILIPPINES. By Jorge S. Coquia. Manila: Central Book Supply, Inc., 1959. xii, 412p.

In the year 1950, the author of this book published a doctoral dissertation at the Catholic University of America entitled *Legal Status of the Church in the Philippines*. A *pari passu* reading of both works quickly reveals the fact that the current title could quite truthfully be styled a second edition of this thesis. For example, Chapter Nine of the doctoral dissertation has become Chapter Ten of the present work, and vice versa. A careful perusal of the content of the other chapters after following through a maze of juxtapositions makes it evident that almost three-fourths of the book under review has been taken verbatim from the original dissertation. This does not in any way detract from the value of the newer work for two reasons. Firstly, the substance of the original, which was limited in its diffusion, is now available to the general public of the Philippines for

whose benefit it was principally intended. Secondly, the author has wisely and judiciously brought his material up to date, a serious necessity in any manual of a legal nature.

After an introductory chapter giving a brief historical survey of religion and religious plurality in the Philippines today, the subject of Church-State relationship in the Philippines is taken up both historically and juridically. The second chapter discusses various phases of religious liberty as upheld by the Legislature and the Courts and the following chapter offers a variety of cases on the exercise and limitation of religious worship. Two chapters are devoted to the concepts of juridical personality in the Church and its jurisdiction over its subjects. Areas of Church-State struggles are explored in the sections devoted to appropriation of public funds for religious purposes, taxation of religious property, education, and marriage. The closing chapter deals with the legal aspects of wills and bequests in favor of religious entities. There follows an ample bibliography, a table of cases, and a satisfactory index.

A work must be judged on the basis of its purpose. In his preface, the author states that his intention is to present an objective picture of the present law of the Philippines as it touches religion without entering into a philosophical discussion on the merits of the question. In this endeavor the book has achieved substantial success. Every area of Church-State contact has been touched upon and the law and cases in point skillfully brought together. Worthy of mention especially are recent developments and cases that are of importance in obtaining a clear view of the present status of this relationship. The discussion of Magsaysay's reading of the Consecration to the Sacred Heart during the last Eucharistic Congress (p. 66 ff.), the disturbances of religious gatherings in public places (p. 74), the jurisdiction of the Church over burial grounds (p. 88), religious postage stamps (pp. 145-146), the rulings of the Secretary of Justice on the use of public property (p. 147 ff.), the rights of a corporation sole as illustrated in the Davao land case (p. 191), are but several of the pertinent and interesting issues brought to light.

One glaring flaw mars the overall competence of this work. It is the English style which suffers too often from serious grammatical lapses. Their very nature and frequency would seem to indicate that they go beyond mere printer's errors. Thus the very first sentence of the author's Preface lacks a subject in its subordinate clause. The second sentence begins with a comparison which is never completed. "Islam" in the next paragraph is used instead of the adjective "Islamic." Similar grammatical lapses occur on pp. 27, 42, 49, 90, 115, 147, 162, 168 etc. Any future edition will require extensive polishing in this regard.

A few misprints are to be expected in a work with so many citations. One of the more obvious examples occurs on p. 10 wherein the

Dominican Bishop Salazar is said to have arrived in 1851. Note 64 on p. 90 should read *conscientious* instead of *consensus* objectors.

The purpose of this reference work could be achieved with less lengthy quotations in some instances. A certain amount of overlapping and repetition is also apparent. One might question the appositeness of the quotation from Murray apropos the president's reading of the act of consecration. The brief history of marriage legislation is repeated almost word for word within a few pages. Questions touching marriages are also found in a previous chapter.

A future edition would be considerably enhanced by the addition of a bibliography broken up to match the chapter headings and including not only books but articles and pertinent law cases as well. As it stands they tend to become lost in a whirl of footnotes, and a table of law cases standing alone tells the non-jurist very little. Despite some carelessness in details, this is a book which has and will continue to have value. It has set forth in bold outline the many-faceted relationship that has grown up in the course of time between Church and State in the Philippines. No doubt it should and will find a warm welcome on the reference shelf of administrators both civil and ecclesiastical.

SAMUEL R. WILEY

THE FAILURE OF THE ROMANTIC SENSIBILITY

LA VIA: A SPIRITUAL JOURNEY. By Ricaredo Demetillo. Introduction by Leopoldo Y. Yabes. Preface by Ricaredo Demetillo. Quezon City: University of the Philippines, 1959. ix, 121p.

La Via: A Spiritual Journey, the second volume of poems by Ricaredo Demetillo, is an ambitious work described in the introduction by Professor Leopoldo Y. Yabes of the University of the Philippines as "the most sustained argument in verse, and also the most serious work, ever attempted by a Filipino poet in the English language". Demetillo himself has written a preface explaining the central thesis of *LA VIA*, which is that the Church is not the true way to ultimate happiness because it make "an unnecessary cleavage between the body and the spirit". Rejecting "the Christian religion, in its institutional form", the poet propounds another way of life, a cult which regards self-knowledge as the end of existence and a subjective romantic-love ethic as a necessary condition for realization of that end.

This thesis in its negative part is not argued so much as asserted. The Church's true position on the body-soul dichotomy is misunderstood; such bolstering illustrations as (in Yabes's concurring introduction) the idea that "the spiritual bliss attained by the poet in the