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A Historical and Juridical Study of the Philippines Bill of Rights

Review Author: Ruben T. Balane and Deogracias T. Reyes

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from many sides to fill the gaps left by the departure of the majority of the friars of the older orders as a result of the feelings created by the Revolution. Numerous parishes had been abandoned for lack of Filipino priests to fill them and because of the unwillingness of the American occupation authorities to allow the return to their parishes of the remaining friars for fear of disturbances. Though the Capuchins themselves were at times the target of hostility, generally due to local political intrigues, they were able to achieve a great deal in various places to help fill the desire of the people for priests, in spite of many initial uncertainties and false starts. The author's narrative of these early years is of much broader interest than for the private history of the Capuchins, for it gives many insights into the generally demoralized and chaotic situation of the Church during the first two decades of the American occupation.

A more systematic and critical history of the Capuchin order in the Philippines still remains to be written. The present work is often anecdotal, and contains opinions and judgments on general Philippine history which are disputable. Nonetheless, the historian of twentieth-century Philippines will find valuable materials in this book. The author has incorporated information stemming from pioneer Capuchins in the Philippines with whom he had checked his narrative before the War, and he has reproduced in whole or in part numerous documents which are lost forever after the destruction of the Capuchin archives in Intramuros in 1945. He has likewise generally narrated events with a frankness and objectivity not always found in historians of recent events. For scholarship as well as for edification, this book can be useful.

JOHN N. SCHUMACHER, S.J.

A HISTORICAL AND JURIDICAL STUDY OF THE PHILIPPINE BILL OF RIGHTS.

By Joaquin G. Bernas. Quezon City: Ateneo de Manila University Press, 1971. xv, 339 pp.

The science of law cannot be properly studied without a historical consciousness. The legal scholar and the jurist, the legislator, the codifier, anyone in fact who dedicates himself to juridical study, will find history an indispensable handmaid of his profession. How else can he find the function and relevance of the law but by trying to discover its temporal and cultural coordinates among the people whose legal system he is dealing with? Law quite obviously does not exist in a void; it is not a floating set of maxims and principles hovering in an empty space; it is certainly not, in the words of Ortega y Gasset, "a hermetically sealed architectonic unit."

Unfortunately, legal scholarship in this country has too often been history-shy, and for that reason has been somewhat less than enlightening. The Bernas book has ventured to overcome this shyness and, to our mind, has eminently succeeded, and in a field of law in which the need is at present greatest.

As the nation rolls up its sleeves to restructure its institutions, the law is and should be a major area of concern. And in the area of law, what but the fundamental charter deserves more attention?

What does the Bernas book primarily achieve? In a brisk style which proves that a legal tome need not be intolerably boring, Fr. Bernas succeeds in placing the Bill of Rights, that great fountainhead of human freedom in our Constitution, in the context of Philippine history. Eschewing dull legalese, he traces the roots of the Bill of Rights to the beginnings of our national consciousness before the American era. Having thus situated it in our history, he follows its development with admirable clarity and conciseness down to our present day. This methodology he uses not only for the Bill of Rights as a whole but for each individual provision. Hence the approach is not simply legal as in the case of most studies on the matter, but historico-legal. The result is a much clearer understanding and a profounder insight into this great charter of liberty. The light shed by this kind of approach will be of considerable help at a time such as this when the role of individual and collective freedom is being restudied in the context of constitution-making.

The general reader, too, will know a little more of the Filipino identity, his values and idiosyncracies, and of the massive impact of Western, particularly the Anglo-Saxon, culture on the Filipino soul. Whether this impact has been for good or ill, or perhaps ambivalent, is, of course, not the concern of the book. But the clear and, on the whole, unbiased presentation of the facts will help the reader follow the point through and make his own conclusions.

The legal teacher and practitioner will also find in this book a keen analysis of the numerous cases which have applied, interpreted, restricted, and expanded the provisions of the Bill of Rights. As an analytical study, the book can be compared to the best in the field.

In parts, the author could have been a little less sparing in his criticism and observations, as in his discussion of the *Moncado* and *Stonehill* cases on the admissibility of illegally seized evidence. In other parts the reader may not agree with him on the extent of American influence in our law. But these parts are few.

The author has made a distinct and very important contribution to Philippine legal literature. His consciousness of history proves that law cannot be fully studied except in its historical perspective. One

hopes that more legal scholars take up the never-ending task which the author has so admirably assumed.

RUBEN T. BALANE
DEOGRACIAS T. REYES

THE SHORT, SHORT LIFE OF CITIZEN JUAN: A Play in Three Acts. By Amelia Lapeña-Bonifacio. Quezon City: University of the Philippines Press, 1971. 82 pp.

I

The Short, Short Life of Citizen Juan was begun in 1968 and completed while the author was in the Playwrights' Workshop at the Eugene O'Neill Theater Center in Connecticut in 1970. The Play was produced in Manila in connection with the Third World Theater Festival on November 25-27, 1971 under the direction of Behn Cervantes and with Nestor Torre, Jr. and Dayang-Dayang in the leading roles. The play was printed by the University of the Philippines Press in 1971. It is clear that Mrs. Bonifacio has written a piece of propaganda. It is not clear, however, whether she wanted to paint a portrait or write an allegory.

Rosalinda L. Orosa, in an article on "The Guerilla Theatre in the Philippines", (*Asian Pacific Quarterly*, Vol. 3 No. 2, pp. 43-50), has said that "The Second propaganda movement in the Philippines is on." *Citizen Juan* is not Guerilla Theater, but it is propaganda. Mrs. Bonifacio's purpose is clearly political and social reform. Her hero is Citizen Juan, a man of the people, "Kasama... Poor... Kapatid... Apo... Leader!" (Act I, Scene 2). Her villain is Don Mundo. "Don't be a child, Juan, I never lose an election as you know.... You, Juan, happened to stand in my way..." (Act III, Scene 4). "And the richest man in this town, woman, the richest man will smile his nicest smile! Because... because... by then... he owns us all! All! Every goddamned man! Every goddamned woman!... Every goddamned child!" (Act III, Scene 3). The pawns in the middle are Sima, Juan's wife, and his unborn child. "There's us... the child. That's everything." (Act III, Scene 3). The conclusion is the expected one—prayers for the dead, and flickering candles in the darkness as the curtain falls.

If Mrs. Bonifacio intended to paint a portrait her hand has faltered, and the resulting picture is blurred. It is, I imagine, a portrait of Citizen Juan. At least that is what the title tells us. But Juan never comes alive because he is not real. The Juan of Act I, Scene 3, deeply in love with Sima, young, romantic, idealistic ("A girl! My girl will give