

Book Review

REVISED PENAL CODE: by Vicente J. Francisco, East Publishing, 1952. Vols. 1 & 2, \$19.00 a volume; \$35.00 a set.

None has contributed more to the country's legal literature than Dean Vicente J. Francisco. He has written legal treatises and texts on almost every phase of the law, and always, each field of the law upon which his incisive mind has ploughed, has been enriched thereby. Every book he has written is concededly authoritative, and on more than one occasion, the Supreme Court, in its decision, made reference to some of them. And if all the legal treatises and texts he had previously written bear the impress of authority, that impress should be more marked and indelible on his latest book, the subject of which—criminal law—he is most qualified to write about. To this subject, he has dedicated a great portion of his life; to his success in its practice, he owes much of his fame as a legal practitioner. Indeed, the Dean's name has become inextricably linked, has become almost synonymous even, with criminal law. It is not surprising, therefore, that the publication of the present volume has been much awaited and so well received.

The present volume—the most recent of the commentaries on the *Revised Penal Code*—was prompted by the author's belief that it is his professional duty to make available to others, his professional experience in the practice of criminal law. "All knowledge is vain when it is kept to one's self; it becomes of any use only when imparted to others. The imparting of knowledge, however, will be ineffectual, if not done with a noble purpose. The present work, impelled as it had been by the author's sense of kinship with his fellow lawyers and by his desire: "to aid in the fulfillment of the profession's pledge to defend the innocent and bring the guilty to justice," has such a purpose. And in this sense, the book may rightly be called a "labour of love."

Dean Francisco's *Revised Penal Code* makes a welcome departure from the usual technique employed by other commentators on the penal law. The author has not contented himself with citing and reproducing controlling decisions, but has ventured farther afield by setting down principles and commentaries derived from the philosophy and the jurisprudence of criminal law. As a skillful surgeon artfully cuts to get to the affected parts of the human anatomy so that they can be removed or

IS A LAWYER . . . (Continued from page 620)

sent the extenuating facts and circumstances on his client's behalf.

Chicanery and insincerity should be no part of a lawyer's make-up in any case.

Let us return for a moment to the delightful dialogue between Boswell and Johnson. It makes wonderful reading. Is it a real answer to the question posed at the beginning of this article?

Do you, Mr. Lawyer, or indeed any human being possess the ambivalence to dissimulate in the courtroom, and to "resume your usual behaviour" when you come from the Bar? Can you throw off insincerity and dissimulation in the courtroom as though it were a cloak, subdue that dishonest portion of your thinking, and resume being a man of integrity when you return to your office?

Inevitably the two character traits contained in the one body would tend to merge. Obviously, dissimulation and insincerity will eventually overcome integrity.

Whether he walks upon his hands or feet, as Samuel John-

son argued, so' had Dean Francisco incisively cut to the deepest philosophical beds underlying each provision of the penal code. This was done, as the preface states, "not out of presumption but in the honest conviction that a collection of provisions of law and decided cases must necessarily be haphazard, confusing, and in the end of little help or value, unless it is brought together and organized on the basis of principles."

At the same time, the emphasis due to judicial interpretation and applications of our criminal law was not neglected. On the contrary, discussion of the decisional law on the subject was made more comprehensive by the manner of presentation adopted; it is made in question and answer form in the manner of Viada. The legal problem posed by every proviso in the penal code and its solution are presented in a direct, dramatic and easily understandable way. Such mode of approach makes possible a comprehensive discussion of almost all the cases decided by the Supreme Court in connection with the particular proviso in question. Thus, the book is not only an analytical study of the philosophy behind each provision of the code; it also serves the purpose of a case-book, with this decided advantage: that it is presented in a form most convenient both for the busy lawyer in the provinces who due to circumstances oftentimes beyond his control, cannot keep abreast with all the decisions of the Supreme Court, as well as for the candidate for the bar, who will find in the novel mode of approach, apt training in how to make effective answers to bar questions.

Taken all together, Dean Francisco's *Revised Penal Code* is the most comprehensive study of criminal law so far published. Each article of the *Revised Penal Code* is treated first, from its historical and philosophical background, followed by the judicial interpretations made thereof. In controversial questions, and in the absence of decisions by the higher courts on the matter, the author suggests possible solutions. In the book, one readily sees the hand of a legal craftsman; it is written in a scholarly, but readable and far from pedantic, manner. It breathes the spirit and intent of the purpose and function of our criminal law. It is compact but thorough in the treatment of the subject matter, and should be a credit to the professional library of judges and lawyers as well as to the bookshelf of students of law.

—ATTY. LOPE E. ADRIANO

son argues, may not affect the character or soul of the walker. Pleading earnestly a cause which the lawyer knows to be untrue cannot but perniciously affect his character.

Whatever the situation was in Johnson's day, there should be no artifice at the Bar. Nor should a man "resume his usual behaviour" the moment he comes from the Bar. The lawyer's usual behavior both in his office, and at the Bar and in Society, should be that of a man of probity, integrity and absolute dependability.

The argument that a lawyer should be a mouthpiece for his client, indelicate as that connotation may be, is specious and only logical to a limited extent. A lawyer should not be merely a mechanical apparatus reproducing the words and thoughts and alibis of his client, no matter how sincere or dishonest. Rather the lawyer should refuse to speak those words as a mouthpiece, unless the utterances of his client are filtered and purified by truth and sincerity.

Chicanery, dissimulation and insincerity may be words to be found in the dictionary in the lawyer's library. But they should never be found in the lawyer's heart.