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ESTANTE *BALCÃO C-1*

PRATELEIRA.....NUMERO.....



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**DOCUMENTARY HISTORY OF THE UNIVERSITY  
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*By Rev. Dr. JUAN SANCHEZ Y GARCIA*

**PSYCHOLOGICAL BASIS OF SOCIAL LIFE**

*By DAME EDMUNDE DELBEKE*

**THE HISTORY OF TAGALOG LITERATURE**

*By EUFRONIO M. ALIP, Ph. M., Ph. Litt. D.*

Every Santo Tomas Student should read this masterful treatise on our  
century-mellowed institution.



y declaró ser de edad de sesenta y ocho años y cerca de dos meses, y lo firmó de que doy fe.

**Don Diego de Baeza**

Ante mí

**El Br. Andrés de Fuentes**  
Notario Público.

**PETICION.** En la Ciudad de Manila en 20 dias del mes de Enero de 1650 años, ante el Dr. D. Juan Fernández de Ledo, Chantre de la Santa Iglesia Catedral, Juez Provisor oficial y Vicario General de este Arzobispado se leyo esta petición que presentó el contenido en ella:

Fr. Diego Rodríguez, de la Orden de Predicadores, Procurador General de la Provincia del Santísimo Rosario de esta Islas y de la Universidad de Santo Tomás de esta Ciudad, digo que a petición mia V. Md. fué servido de mandar se me recibiese información en orden al número de Colegiales que de ordinario se crían en el Colegio y Universidad de Santo Tomás, y otras cosas concernientes a la utilidad de la fundación de dicho Colegio, etc.; y porque la dicha información está ya hecha y acabada, hago esta presentación para que V. Md. se sirva de interponer su autoridad, y certificar lo que acerca de ella siente, y de las personas que en ella han jurado, etc.—Por tanto

A V. Md. pido y suplico haya por presentada dicha información y haga como tengo pedido, que en ello recibiré merced, etc., y que se me den dos o más traslados autorizados, y se me devuelva el original.

**Fr. Diego Rodriguez.**

**DECRETO.** Y vista por Su Merced dijo que daba y dió por bastante y jurídica la información presentada, y que se haga lo que pide, y por este Auto así lo proveyó, mandó y firmó.

**DOCTOR LEDO**

Ante mí

**El Br. Andrés de Fuentes**  
Notario Público.

(1) Esta Información, cuyo título está arreglado según el indice del libro, se halla original en el Archivo de la Universidad, LIBROS, tomo 37, folios 1 al 14. Hemos añadido los títulos marginales, excepto los nombres de los testigos, y la hemos copiado con ortografía moderna.

(2) Es hijo del Dr. D. Juan Fernandez de Ledo, Abogado de la Real Audiencia, y de Da. Isabel Olivares, natural de Méjico, y hermano del P. Pedro Fernandez de Ledo, que fué Profesor y Regente de Estudios en la Universidad. Fué uno de los primeros graduados; estando ya estudiando Teología volvió a cursar Artes para poder graduarse cuando el Colegio de Santo Tomás recibió la facultad de dar Grados. Se graduó de Maestro en Artes antes de 1631, por cuyo brillante examen el Arzobispo le dió una Ca-



pellanía, y de Doctor en Teología después de 1638; en 1636 ya era Juez Provisor y Vicario General del Arzobispado, en 25 de Junio de 1638 fué presentado para Tesorero y, mientras se hacía esta información, de Maestrescuela fué elevado a la dignidad de Chantre. En 1643 hizo de Vicecancelario de Santo Tomás (DOCUMENTO XV, pag. 24). Su padre había hecho de testigo en la información de 1631 publicada en "UNITAS", febrero de 1935 (DOCUMENTO XI).

(3) El testimonio auténtico de dicho poder, que le fué dado por el Rector, P. Martín Real de la Cruz, siendo testigos el P. Lector Fr. Francisco de la Trinidad, el Br. D. Francisco de Contreras y Francisco de Robles, se conserva en ARCHIVO, LIBROS, tomo 37, folio 21.

(4) Nacido en 1614, vino de España a Filipinas en 1621 con su padre el Lic. Don Marcos Zapata, nombrado Fiscal de la Real Audiencia (y después Oidor), su madre Da. Mencia de Carvajal y su hermano Don Marcos. Después de haber sido Colegial de San José y de Sto. Tomás, siendo Maestro en Artes, fué nombrado Racionero de la Catedral en 11 de Julio de 1642 y Canónigo interino en 12 de Diciembre del mismo año; mientras se hacía esta información sucedió al Dr. Ledo en la dignidad de Maestrescuela por Navidad de 1649. (ARCHIVO DE INDIAS, **Catologo de los Documentos**, n. 11543, 11867, 17589, 17632, y 17655).

(5) Sobre el P. Domingo González puede verse el DOCUMENTO XI (UNITAS, Febredo de 1935, pag. 380, nota 7) y DOCUMENTO XIX, nota 3, pag. 52.

(6) De las **Diligencias y autos hechos por el Bachiller Antonio de Fuentes Plata** (ARCHIVO, BECERROS, tomo 2; DOCUMENTO XIV) de 1640, se deduce que el Maestro Pedro de Urieta recibió el grado de Bachiller en Noviembre o Diciembre de 1636 y el de Licenciado en Artes a principios de 1641; había nacido en 1616.

(7) El P. Pedro Fernández de Ledo, hermano del Dr. Ledo y natural de Méjico donde nació en 1608 tomó el hábito dominicano el 11 de Junio de 1624 y profesó el de Agosto del año siguiente. Fué además profesor de Filosofía, Prior de Santo Domingo, Vicario Provincial y Provincial desde Abril de 1652 hasta Mayo de 1656. Murió el 15 de Octubre de 1662. (OCIO, **Compendio de la Reseña biográfica**, apéndice, pag. [68]. Después de esta fecha llegó a Manila su nombramiento de Obispo (OCIO, **Reseña biográfica**, vol. I, pag. 296).

(8) El P. Francisco Arrieta y Araujo de la Trinidad, natural de San Sebastián, España, fué Colegial de Letrán y de Santo Tomás. Profesó en la Orden Dominicana en Junio de 1632 y fué además profesor de Filosofía, Prior de Santo Domingo, Procurador General en Madrid y Roma y Obispo de Santa Marta en Colombia, en 1661, donde murió en 1664 antes de entrar en Popoyan a la que había sido trasladado (OCIO, **Compendio**, apéndice, pag. [19]; HERNAEZ, **Colección de Bulas**, tomo II, pág. 138 y 150; BAZACO, **Historia documentada del Real Colegio de San Juan de Letrán**, Manila, Santo Tomás, 1933, pag. 226). Véase el DOCUMENTO XVI, nota 11, pag. 42.

(9) El P. Fr. Diego Madera administró los pueblos de Tigbaoan en 1644, de Dumalag en 1647 y de Carcar en 1648 y murió el año 1650 (PEREZ, **Catálogo Bio-bibliográfico de los Religiosos Agustinos...**, Manila, Santo Tomás, 1901 pag. 191).



(10) El P. Fr. Andrés de Salazar administró durante 27 años en los pueblos de la Pampanga y fué Definidor en 1668; murió en 1674 (IBIDEM, pag. 121).

(11) El Ven. P. Fr. Jacinto Esquivel del Rosario nació en Vitoria en 1595 y profesó allí mismo en la Orden Dominicana en 1612. Fué Colegial y Profesor en San Gregorio de Valladolid. Llegó a Manila en 1626 y siendo Profesor en Santo Tomás aprendió el japonés y tradujo del portugués el voluminoso Diccionario Japonés que se imprimió anónimo en la Imprenta de Santo Tomás en 1630. El japonés que le conducía a Japón le asesinó en Agosto de 1633 (OCIO, **Compendio**, pag. 124).

(12) El Ven. P. Fr. Antonio Gonzalez fué natural de León donde entró en la Orden Dominicana. Después de ejercer algunos oficios en la Orden, vino a Filipinas en 1632, donde enseñó Teología y fué Rector en substitución del P. Francisco de Herrera, que había sido elegido Prior, por Mayo de 1636, oficio que dejó para ir a las Misiones del Japón, donde murió en la carcel por la crueldad de los tormentos el 24 de Septiembre de 1637; su cuerpo fué quemado y arrojadas las cenizas al mar (OCIO, **Compendio**, pag. 141; Vease ARCHIVO, LIBROS, tomo 48, fol. 350, y tomo 49 fol. 88).

(13) El P. Fr. Francisco de Paula nació en Segovia en 1597 y profesó en Salamanca en 1615. Venido a Manila en 1622 y después de aprender el chino, entró de Profesor en Santo Tomás, en 1635 fué Ministro de Chinos y ocupó el Rectorado de Santo Tomás cuando marchó a Japón el P. Antonio Gonzalez, y fué nombrado de nuevo en 1637 y en 1645, en cuyo tiempo se dió la Bula de erección de la Universidad y fué nombrado por el Vicario General de la Orden primer Cancelario de ella; tercera vez fué nombrado Rector en 1656. El General de la Orden le nombró Provincial de Puebla de los Angeles, cuyo oficio renunció. Murió 1664 antes de recibir el nombramiento de Obispo de Nueva Cáceres (OCIO, **Compendio**, pag. 117).

(14) El Ven. P. Fr. Guillermo Courtet, llamado también Fr. Tomás de Santo Domingo, nació hacia 1587 en Serignan, Beziers, Languedoc, y profesó en Albi en 1608. Llegado a Manila en 1635, después de enseñar Teología en Santo Tomás, marchó con el P. Antonio Gonzalez a Japón, donde fué decapitado el 29 de Septiembre de 1637 (OCIO, **Compendio**, pag. 156).

(15) El Ven. P. Fr. Lucas del Espíritu Santo nació en Benavente, Zamora, España, en 1594, donde profesó en 1611. Ordenado de Sacerdote en Méjico llegó a Manila en 1618 siendo destinado a Cagayán. Después de enseñar Filosofía en Santo Tomás marchó por Abril de 1623 a Japón, donde murió, efecto de los tormentos padecidos por la Fe, en 19 de Octubre de 1633 (OCIO, **Compendio**, pag. 106).

(16) El Ven. P. Fr. Domingo Ibañez de Erquicia nació en 1589 en Regil, Guipuzcoa, España, y profesó en San Sebastián. Llegado a Manila en 1611 pasó algunos años en San Carlos de Pangasinán y después en San Gabriel de Manila. Siendo Profesor de Filosofía en Santo Tomás y célebre predicador, salió con el anterior para Japón, donde, después de un tormento de treinta horas murió mártir en 14 de Agosto de 1636 (OCIO, **Compendio**, pag. 83).

(17) El P. Diego de Rivera, natural de Ronda, Cadiz, profesó en



el Convento de Córdoba, y vino a Filipinas en 1615 ejerciendo algunos años en la Provincia de Bataan. Desde 1618 enseñó Teología en Santo Tomás, donde se conserva un grueso volumen de Consultas, hasta 1623, en que salió para Japón, muriendo en el camino de un disparo casual (OCIO, **Compendio**, pag. 97; ARELLANO, **Discurso de Apertura**, 1923, pag. 23; ARCHIVO, LIBROS, tomo 173).

(18) Uno de estos dos, el hijo o el nieto, debe ser el que hace de testigo cuando este mismo testigo, como Escribano de Cámara, dió testimonio de haber sido presentado el Breve de Inocencio X en la Real Audiencia el 8 de Julio de 1648; véase en la pág. 36 el DOCUMENTO XVI, d).

(19) Véase arriba el DOCUMENTO XIX, pág. 47. En el ARCHIVO DE INDIAS existe un Expediente formado a instancias de un tal Fernando o Hernando del Castillo pidiendo, por los servicios hechos a Su Majestad en Filipinas, Islas de Terrenate y otras partes, la confirmación de las "encomiendas de los pueblos de San Salvador y la mitad del de Poetan" y que se le acrecienten hasta 1500 tributos; una Cédula Real de 29 de Agosto de 1623 le confirma" la mitad de los naturales del pueblo de San Salvador del Polo y Sanpustan y el barrio del de Ocmug, que le habían sido encomendados por Don Alonso Fajardo de Tenza" (**Catalogo**, n. 12162, 12473 y 12495).

(20) Sobre el Maestro Plata puede verse el DOCUMENTO XIV, pág. 15 hasta 23.

(21) Esta afirmación del Bachiller Flanio y la que más adelante hace sobre lo mismo el Bachiller Gaztelu, pág. 67, son los únicos datos que hemos visto sobre la enseñanza del P. Bernardo de Santa Catalina en la Catedral.

(22) Véase la nota 3 del DOCUMENTO XIX, pág. 52.

(23) Creemos que es una simple equivocación el llamar en esta nota marginal Veas al Bachiller Gaztelu.

(24) De este Martir, beatificado por Pio IX el 7 de Julio de 1867, dice el P. Aduarte (**Historia de la Provincia**, pag. 532) "que el habían criado desde niño los Frailes de Santo Domingo", y que él "no tenía padre ni madre, mas que por uno y por otro conocía solo al Padre Fr. Tomás (el Bto. Tomás de Zumárraga), que le había criado desde niño", pero creemos que nadie había afirmado que hubiera sido Manteista de Santo Tomás. Fué degollado por la fe en Nangasaki el 10 de Septiembre de 1622 (MORAN, **Relación de la vida y gloriosa muerte de 110 santos del Orden de Santo Domingo**, Madrid, 1867, pag. 155; OCIO, **Compendio**, pag. [791j]). En la Sala de Visitas del Seminario Central, anejo a las Facultades Eclesiásticas de Santo Tomás, existe un cuadro al oleo de este mártir en que se dice que fué Colegial de Santo Tomás.

(25) El Bachiller Gaztelu, pág. 68, había dicho que tenían que celebrar anualmente 200 Misas, el Capitán Núñez, pag. 63, decía 208 Misas, que corresponden a las cuatro semanales; esto es lo que estaba mandado en Capítulo Provincial de 1621 para el Convento de Santo Domingo, el Colegio de Santo Tomás y la Casa de San Telmo de Cavite (**Acta Cap. Prov.**, vol. I, pág. 117).

(26) Podemos con mucha razón suponer que este Diego de Baeza es el vendió al Colegio de Santo Tomás la parte media de la actual Plaza de Santo Tomás, donde se halla la estatua de Benavides el año 1627, mientras



que él ocupaba una hermosa casa sita en la parte de la misma Plaza que da hacia la Catedral (SANTAMARIA, **Los antiguos Solares de la Universidad de Santo Tomás**, UNITAS, Enero, 1927, pág. 521).

(27) El Mayordomo del primer Obispo de Filipinas, Sr. Salazar, del cual escribió la vida (CUERVO, **Historiadores de San Esteban de Salamanca**, vol. III, pag. 991; ARCHIVO DE PROVINCIA, MANUSCRITOS, tomo 16, fol. 143) se llamaba Don Francisco de Cervantes.

(28) Creemos que este es Crisanto de Tamayo, natural de Amusco, Palencia, España, hijo de Baltasar de Tamayo y Brígida Carros que vino a Filipinas en 1580 como criado del Sr. Salazar (ARCHIVO DE INDIAS, estante 45, cajón 1, legajo 3/19; **Catálogo**, vol. II, pag. 58, n. 2348).

(29) Apesar de coincidir en el nombre y apellido no debe confundirse con el Dr. Juan de Rentería, que hallándose en Madrid el año 1617 fué nombrado Obispo de Nueva Segovia y llegó a Manila el 5 de Agosto de 1621 (ARCHIVO DE INDIAS, estante 67, cajón 6, legajo 1; **Catálogo**, vol. VI, pag. 258, n. 10210; PASTELLS **Historia General de la Islas Filipinas**, tomo VII, pag. XL).

(30) Sobre el Dr. Sanabria vease el DOCUMENTO XI (UNITAS, Febrero, 1935, pág. 584 y 590) y el DOCUMENTO XIX, pag. 46.

ERRATA. En la pag. 69, entre las líneas 22 y 23 faltan las dos líneas siguientes: **esta Republica. Y esto responde.—A la octava pregunta dijo que sabe y consta a...**

## XXII.

### COMUNICACIONES CON LA REAL UNIVERSIDAD DE MEJICO. 1949—1655.

#### a) Carta de esta Universidad a la de Méjico

20 de Julio de 1649 (1).

Muy Ilustre y Real Universidad.

La Santidad de Inocencio X, que rige hoy la Iglesia universal, nos hizo merced por carta que para el efecto tuvo del Rey nuestro Señor de erigir Universidad en este Colegio de Santo Tomás de Manila, de que se han hecho en esta Ciudad las demostraciones de alegría y reconocimiento que se deja entender. Y por cuanto para la formalidad que antes de ahora se ha guardado en el dar los Grados se escribió de parte de dicho Colegio a V. Sa. suplicándole mandase remitir, como lo hizo, un tanto autorizado de los Estatutos, para que arrimándose esta nueva planta a tan buen árbol tuviese los frutos en todo lo posible semejantes; ahora que se ve tan favorecida de la Cabeza de la Iglesia y de Su Majestad, que Dios guarde, fuera degenerar de tan nobles principios y faltar a lo preciso de sus obligaciones gozar de esta merced sin dar parte a V. Sa. y solicitar nuevos favores de su muy generosa mano; de los cuales es el primero suplicar a V. Sa. se sirva de continuar el que esta Universidad se llame y sea Hija de tan honrosa y noble Madre, a cuyo ejemplar la instituyó Su Santidad.

Pide lo segundo se digne V. Sa. de hacer se vean los Estatutos que con ésta van, para que si en ellos hubiere algo que desdiga a lo que V. Sa. observa mande darnos aviso de la falta y luego al punto se enmiende,



remitiéndonos asimismo un tanto autorizado del estilo y forma de los oficios de Universidad, y señaladamente del lugar y puesto que tiene en la fúnebres pompas de personas reales el Rector, y si por razón de su oficio se le pone tapete, silla y cojín en Actos públicos (2).

Otrosí, por cuanto los Padres de la Compañía en virtud de unos Breves comunes a toda su Religión, sin estar pasados por el Real Consejo de las Indias, ni tener Cédula de Su Majestad para el efecto de dar Grados, los han ido dando en veinte y tres años a esta parte, y ahora pretenden proseguir como de antes, siendo así que hay ya Universidad formada en este Colegio de Santo Tomás de Manila, suplicamos a V. Sa. se sirva de dar aviso de esto al dicho Real Consejo de la Indias para que Su Majestad provea lo que más convenga, no sea que a vista de este ejemplar pretendan dichos Padres hacer otro tanto en esa Ciudad y demás partes de la Indias; lo cual es visto ser contra el derecho y autoridad de las Universidades formadas. Y el pedir esto ha sido con causa tan bastante, que después de haberse celebrado esta nueva erección y tomado pública y auténtica posesión, dieron en la Compañía un Grado de Maestro con la mayor autoridad de Paseo por la Ciudad y demás solemnidades de Universidad que se ha visto en estas Islas después que se fundaron.

Guarde nuestro Señor a V. Sa. y de muchos y muy felices años de vida, como todo este Claustro desea y ha menester para el aumento de sus dichas.

Manila y Julio, 20 de 1649 años.

B. L. M. a V. Sa. sus reconocidos Capellanes

**Fr. Martín Real de la Cruz, Rector.**

**Fr. Pedro de Ledo, Profesor Primario.**

**Dr. D. Alonso de Zapata.**

**Fr. Juan López.**

**Mo. Pedro de Urieta.**

**Dr. D. Juan Fernández de Ledo.**

**Fr. Francisco de la Trinidad.**

**El Mo. Francisco Martínez de Paz.**

**El Mo. Pedro de Arenas.**

**Mo. Antonio de Fuentes Plata**

**b) Testimonio del Secretario de la Universidad de Méjico sobre provisión de oficios.**

11 de Marzo de 1650 (3).

El Bachiller Cristobal Bernardo de la Plaza, Secretario de la Real Universidad de esta Nueva España por el Rey Nuestro Señor y Notario del Santo Oficio de la Inquisición, certifico y doy fe que en los Estatutos de Salamanca, que en esta se guardan y por ellos se gobierna y rige, el Título 56 del nombramiento del Secretario del Claustro, el párrafo primero es del tenor siguiente:

El Secretario del Claustro sea proveido por el Claustro pleno, y todas las veces que la Universidad le pareciere o a la mayor parte de él lo pueda mover y quitar con causa o sin ella; y asimismo certifico que el oficio de Maestro de Ceremonias se provee por votos del Claustro pleno.

Y el de Síndico y cobrador, pagador y administrador de las rentas y propios de dicha Universidad se provee asimismo por votos del Claustro pleno, y estos tres oficios están en el Secretario por excusar multiplicidad de ministros, como parece por dichos Estatutos, a que me refiero; y para que conste a los Señores del Claustro de la Real Universidad de Manila dí



el presente en Méjico, a once de marzo de mil y seiscientos y cincuenta años.



**DEUS VERITAS EST**

**Br. Cristobal Bernardo de la Plaza**  
Secretario

Sigue la certificación de tres Escribanos Públicos.

**c) Carta del Secretario de la Universidad de Méjico a la  
Universidad de Santo Tomás**  
20 de Marzo de 1650 (4).

**Muy Ilustres Señores.**

La que de V. S. recibió esta insigne y Real Universidad de la Ciudad de Méjico de la Nueva España (5) llegó a manos del M. R. P. Maestro Fray Diego de los Rios, Padre de Provincia de la del nombre de Jesús del Sr. S. Agustín de esta Nueva España, Calificador del Sto. Oficio de la Inquisición y Rector actual en ocasión que se estaba entendiendo en las provisiones de las Cátedras de Prima de Cánones y Decretos, y habiendo hecho la estimación y aprecio que se debe de tan ilustre Claustro, y el reconocimiento a la unión y hermandad que se propone y conoce por su Carta; y los Estatutos que con ella se remitieron, donde se muestra muy bien el celo de V. S. en el servicio de ambas Majestades para la enseñanza y educación de los sujetos que se han de emplear en el servicio de ellas, y lo docto y ajustado de ellos y sus leyes municipales, así porque se vean, ajusten y proporcionen al tiempo y circunstancias de ese Reino, como por la brevedad del despacho de la Nao, se remitieron a los Doctores Luis Jimenez de Carvajal y al Dr. y Maestro Simon Esteban de Alzate, Catedráticos propietarios de Prima de Leyes y Prima de Filosofía, para que con mi asistencia y relación por las experiencias que tengo así de mi padre el Bachiller Cristobal de la Plaza, criado que fue de esta Real Universidad cuarenta y cuatro años, como por las que he alcanzado en veinte y seis años que la he servido, se lleven ajustados al Claustro pleno para que, habiéndolos reconocido, se remitan con toda perfección el año que viene; este cuidado (de que me hallo muy favorecido) le tomo por mi cuenta con muy buenos afectos y deseos de que se luzcan en el servicio de V. S., que es el mayor logro que puedo tener, a que se llega el afecto a esa Ciudad, donde pasé el año de nueve en compañía del Tesorero Pedro de Saldierna Mariaca, y Capitán Jerónimo de Gamarra (6), mis tios, teniendo mis primeros rudimentos y estudios en el Colegio de San José, y así la estimo como propia patria.

Digo, Señor, que habiendo leído los Estatutos para enterarme en ellos y su disposición, hallo son sacados de los que ordenó el Illmo. Sr. D. Pedro de Moya de Contreras, Arzobispo y Visitador de este Reino, cuyo traslado remití los años pasados por mano de Simón de Haro, vecino de esta Ciudad, que puede ser hayan llegado a manos de V. S., y en ellos hay algunas cosas que no están proporcionadas a los de la Universidad de Salamanca, por donde hoy se gobierna y rige esta Real, y por ser lo más esencial el formulario de dar Grados le remito a V. S. en esta ocasión.

En el segundo punto y lo que se me ofrece avisar a V. S. por si no



estuviere hecho es que la Cédula de Su Majestad y Bula de Su Santidad de fundación de esa Universidad se ha de publicar con toda grandeza y ostentación, a voz de pregonero y presentarla al Sr. Gobernador en quien reside el Patronato de ella por serlo Su Majestad y representar su Real persona, y darle la posesión de Patrón para que la reciba debajo de su protección y amparo; juntamente se ha de poner en la cabeza de los Estatutos en qué año se fundó, quién era Sr. Rector, y los fundadores, Señores Doctores y Maestros, y si asistió el Sr. Gobernador, Audiencia y Cabildo y Regimiento de la Ciudad como cabeza de Reino.

El lugar de la Universidad en actos públicos, fiestas reales, obsequias y funerales de los Reyes Católicos y Gobernadores es inmediato después del Cabildo y Regimiento con prelación y preferencia al Consulado, Mesa de la Misericordia de esa Ciudad si tiene forma de comunidad, y así mismo prefiere a los Escribanos de Cámara de la Audiencia y Relatores de ella, de que remito traslado autorizado y comprobado del Auto de esta Real Audiencia, litigado en contradictorio juicio con los ministros referidos por esta Universidad (7).

El Sr. Rector sólo tiene silla en los Grados de Licenciados y Doctores y cojín, que este sirve así para la autoridad del oficio como para que el que recibiere el Grado de Licenciado y Doctor (pues ahí los da el Sr. Rector) haga el juramento y profesión de la fe; y en los demás actos son iguales los asientos con los demás Señores del Claustro.

En cuanto al litigio con los Padres de la Compañía de Jesús de esa Ciudad V. S. no tenía noticia ni traslado del Breve de la Santidad de Gregorio XV, de loable memoria, expedido por la Majestad de los Católicos Reyes Felipe II y III para que en la Ciudades, Villas y lugares **ubi non sunt Universitates Studii Generalis quae a publicis Universitatibus ducentis saltem milliaribus distant** (8), cursando en la Compañía de Jesús, los Arzobispos, Obispos y las Sedevacantes de la Iglesias den los Grados de Bachilleres. Doctores y Maestros, de donde se infiere que donde hay Universidad erigida con autoridad Apostólica y Real no ha lugar ni puede la Compañía usar de la Bula y Cédula, cuyo traslado remito a V. S. para que lo presente ante el Sr. Gobernador, que como Patrón de esa Universidad en nombre de Su Majestad no consienta haya otros Estudios ni se den Grados mayores ni menores, como se expresa en los contextos de la Bula y Cédula.

También ofrezco a V. S., remitiendome poder para ello, dar a la imprenta sus Estatutos, y remitir a V. S. los cuerpos de ellos que me ordenare. Ojala, Señor, acierte yo en servicio de V. S. a cuyos pies me ofrezco suplicándole me reciba y tenga por su ministro en este Reino, y por recomendado a la grandeza de V. S. al Capitán Bernabe de la Plaza, mi hermano, que ha veinte años está en servicio de Su Majestad en las Islas Malucas, para que esté a la sombra y protección de V. S., cuyo ilustre Ayuntamiento guarde Nuestro Señor muchos años en toda grandeza y felicidad.

**Méjico y Marzo, 20 de 650.**

Menor criado de V. S. que su mano besa

**Br. Cristobal Bernardo de la Plaza.**









**Monumento erigido por la Universidad a su Fundador Benavides el año 1891. En el fondo aparecen la Iglesia de Santo Domingo y el Colegio de Santa Rosa.**



# UNITAS

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AGOSTO, 1936

## LA ESTATUA DEL FUNDADOR DE LA UNIVERSIDAD DE SANTO TOMAS

Por el P. ALBERTO SANTAMARÍA, O.P.

*Archivero de la misma.*

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El centro de la Plaza de Santo Tomás de Intramuros de Manila fué antiguamente un solar que la Universidad compró en 12 de Noviembre de 1627 a D. Diego de Baeza, que tenía una hermosa casa enfrente del Paraninfo en el extremo de la Plaza que da hacia la Catedral, por 880 pesos, el cual solar con el resto de la Plaza que mira hacia Santo Domingo fué más tarde Cementerio y Huerta del Colegio. En 1708 la Universidad compró por 805 pesos el solar que había ocupado la casa de D. Diego de Baeza, y así toda la actual Plaza hasta el mismo límite del Colegio de Santa Rosa se dedicó para huerta de recreo de los Colegiales de Santo Tomás (1).

El Marqués de Novaliches, que fué Gobernador General en 1854 había pensado erigir una estatua a la Reina Isabel II en Arroceros, (2), pero la Ciudad, creyendo que dicha estatua estaría mejor en la Huerta de Santo Tomás acordó en 27 de Julio de 1854 pedir dicho solar al Colegio para convertirlo en plaza pública y colocar allí la estatua. La Universidad accedió a ceder el terreno a cambio del trozo de Calle de Magallanes que iba desde la Calle Postigo, o de Santo Tomás como se llamaba entonces, hasta la Calle Aduana, y que estaba cerrada hacía mucho tiempo. Larga fué la tramitación de este asunto que terminó en 16 de Octubre de 1861 en que firmaron las

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(1) Sobre esto puede verse nuestro artículo **Los antiguos solares de la Universidad de Santo Tomás**, publicado en UNITAS, en el número de Enero de 1927.

(2) FERRANDO-FONSECA, **Historia de los PP. Dominicos**, ed. de Manila, vol. V, pag. XII del final.



escrituras de conmutación (3). Creemos que mientras tanto se levantó la estatua a Isabel II enfrente de Letrán de donde después pasó a la plazoleta enfrente de la iglesia de Malate.

Convertida la Huerta en una hermosa Plaza pensó la Universidad erigir en ella a su Fundador una Estatua, a cuyo fin, siendo Rector de la misma el P. Fonseca se obtuvo del Gobernador Moriones en 18 de Agosto de 1879 la autorización para levantar en dicho sitio una Estatua al Sr. Benavides, en cuyo decreto se mandó que previamente se presentaran los planos de la obra al Gobernador Civil de la Provincia y Corregidor de Manila (4), pero pasaron varios años sin que nada se hiciera acaso por la marcha del P. Fonseca a España. Siendo Rector el P. Echevarría se comenzó de nuevo a pensar en el proyecto, a cuyo fin los Padres del Consejo de la Universidad aprobaron en 24 de Julio de 1887 los gastos necesarios para los trabajos preparatorios a la colocación de la Estatua, que comprendían el plano de la Plaza, el modelo de la Estatua o dibujo de la misma con pedestal, la reja de circunvalación, etc., para dar una idea perfecta y acabada de cómo había de quedar la Plaza después de la obra (5).

Formada una Comisión para erigir el monumento compuesta del Rector Echevarría, Nozaleda, Decano de Cánones, García, de Teología, Gómez de Jurisprudencia, Lainez de Filosofía, Nalda, de Medicina, y Madrigal, de Farmacia, como miembros más Torres y Perona como Tesorero y Rios como Secretario, redactó e imprimió una Circular a fin de recoger fondos en suscripción privada (6), cuyos ejemplares fueron enviados a algunos comisionados de la confianza del Rector para que cada uno la repartiera privadamente entre sus amigos, tanto españoles como indígenas, a quienes creyera que voluntariamente se habían de asociar al proyecto para que, según sus posibles lo permitieran y según les sugiriera el entusiasmo de su religión y de su patria, concurrieran con alguna cuota para ayudar a los muchos gastos que eran de suponer para llevar a cabo la grandiosa obra (7).

En la colección de ROLLOS del Archivo se conserva sin explicación alguna un Proyecto y Planta del Pedestal, firmado en 31 de Marzo de 1888 por Juan J. Hervás; es circular con cuatro columnas adosadas que sostienen varios escudos, uno de ellos apacere en el dibujo y es el de la Orden Dominicana; según la escala indicada en el mismo, el pedestal tendría una altura de 7 metros por 3,50 de ancho sin contar las columnas de adorno. Adjunto presentamos un dibujo del mismo.

(3) Vease el artículo antes citado, pag. 527.

(4) Así se afirma en el borrador de la Carta del Rector al Gobernador Civil de Manila de 3 de Abril de 1891 que se conserva en ARCHIVO, LEGAJOS, tomo 49.

(5) ARCHIVO, Libro de Consejos, fol. 41 vuelta.

(6) Un ejemplar impreso se halla en ARCHIVO, LEGAJOS, tomo 49.

(7) En ARCHIVO, FOLLETOS, tomo 17, fol. 215, se encuentra el borrador de la Carta (sin fecha) que el Rector envió a dichos Comisionados.



No hemos podido adquirir hasta ahora noticia de quién sea el autor del proyecto que se llevó a cabo. Creemos que el mismo, acaso con el anterior, fué sometido al Consejo de la Universidad en 19 de Septiembre del mismo año 1888, en el cual se aprobaron los siguientes puntos relativos a esta materia: la cantidad de 12,000.00 francos para el coste de la estatua, más 8,600.00 francos para el pedestal de diferentes mármoles con cuatro medallones de adorno (de bronce) en su parte superior; se rechazó el proyecto en que se propone en lugar de las cuatro (?) figuras alegóricas un genio alado cristiano en actitud de escribir, rodilla en tierra, la Historia de la Universidad en un librito de memorias; también fué rechazado el proyecto que propone tres figuras (rostros o caras) de bronce y un escudo también de bronce como adorno escultural en la otra cuarta cara del pedestal; por el contrario se aprobó el proyecto que proponía un sólo escudo grande de bronce, adorno monumental, del coste de 1,500.00 francos; finalmente se aprobaron los gastos de dirección del Ingeniero, de los cuatro medallones anejos al pedestal, y demás gastos relativos a la estatua (8).

Por el mes de Enero de 1889 ya debía estar en Manila la estatua venida de París, pues en el Consejo de 15 de dicho mes el Consejo de la Universidad aprobó los gastos necesarios para su inauguración (9), pero acaso por no estar terminados los trabajos del pedestal o del adorno de la Plaza, todavía se tardó más de dos años en inaugurarla.

En Octubre del mismo año el Rector, P. Echevarría, presentó al Consejo un proyecto de Programa de fiestas para la inauguración, que consistía en un Certamen literario-científico para Profesores, en otro Certamen literario por el estilo del que se había celebrado por el Cardenal Zeferino González para alumnos y personas extrañas, más dos o tres días de fiesta con funeral por Benavides, descubrimiento de la Estatua y Velada pública en que se leyeran algunos trabajos sobre Benavides. El Consejo en 23 de Octubre no acordó nada en definitiva, pero nombró una Comisión de los PP. Juan Vilá, Vice-Rector, Matías Gómez y Norberto del Prado, para que estudiara el asunto e informara (10), como lo hizo el día 4 de Noviembre admitiendo en principio el Proyecto, coartando las fiestas a dos días e indicando que, por razón de lo profundo de los estudios señalados para el Certamen entre los Profesores, no podría celebrarse la inauguración ni en Enero ni en Marzo, debiendo aplazarse al menos hasta la apertura del Curso de 1890-1891. Dicho Informe fué aprobado por el Consejo (11), pero terminó el Rectorado del P. Echevarría (20 de Enero de 1890) y se acabó el Curso siguiente sin que se hubiera inaugurado la Estatua.

(8) ARCHIVO, Libro de Consejos, fol. 45 vuelta.

(9) Ibidem, fol. 47.

(10) Ibidem, fol. 49 y 50, donde se pone por extenso el proyecto del Programa de fiestas.

(11) Ibidem, fol. 50 y 51 vuelta, se halla dicho Informe.



Siendo ya Rector el P. Matías Gómez, y en virtud del Decreto del Gobernador de 1879, envió aquel al Gobernador Civil de la Provincia y Corregidor de Manila una fotografía de la Estatua y los planos de su colocación pidiendo la autorización de comenzar los trabajos de colocación (12). Obtenida la autorización competente se llevó a cabo la inauguración el 2 de Julio de 1891 de una manera mucho más sencilla de lo que habían prever los anteriores proyectos de fiesta. El Acta oficial de la inauguración describe suficientemente al acto, por lo cual nos contentaremos con copiarla: "En la Sala Rectoral de la Real y Pontificia Universidad de Santo Tomás de Manila, a las 8 de la Mañana de hoy 2 de Julio de 1891, reunidos en Claustro pleno en virtud de convocatoria oficial los MM. RR. Padres, Señores Doctores y Licenciados de esta Universidad expresados al margen, bajo la presidencia del M. R. P. Vice-Rector Fr. José M. García, por estar delicado de salud el M. R. P. Rector Fr. Matías Gómez, se dirigieron al General Mayor (Paraninfo) recibiendo antes en la puerta principal al Exmo. Sr. Gobernador General Vice-Real Patrono D. Valeriano Weyler, Exmo. e Illmo. Sr. Arzobispo Dr. Fr. Bernardino Nozaleda y Exmos. Sres. General 2 Cabo Marqués de Ahumada, Intendente General de Hacienda D. José Jimeno Agius, para la Apertura del Curso Académico de 1891 a 1892 en donde, ocupando la Presidencia el expresado Gobernador General, teniendo a su derecho al Exmo. e Illmo. Sr. Arzobispo y a su izquierda al M. R. P. Vice-Rector, pronunció el Discurso de Apertura el M. R. P. Fr. José Noval, Catedrático de Derecho Natural, se dió lectura por el Secretario General de la Universidad de los nombres de los premiados en el Curso anterior; acto seguido se procedió a la solemne distribución de premios de Facultad y Segunda Enseñanza por dicha superior Autoridad y por la misma se declaró abierto el Curso Académico de 1891 a 1892 en nombre de S. M. el Rey D. Alfonso XIII (q. D. g.).

"Terminado este acto la Corporación pasó a la Sala Rectoral y el Exmo. Sr. Gobernador General, Vice-Real Patrono, Exmo. e Illmo. Sr. Arzobispo, General 2 Cabo, Intendente General de Hacienda y demás Autoridades acompañadas del M. R. P. Vice-Rector, Decanos de Facultad y Secretario se constituyeron en el Salón de recibo con objeto de inaugurar la Estatua del Ilustre Fundador de esta Universidad D. Fr. Miguel de Benavides levantada en la plazoleta o Jardín frente al Establecimiento y para ello el M. R. P. Vice-Rector presentó al Vice-Real Patrono un cordón de oro para que tirando de él descubriese ante el numeroso público y escolares la expresada Estatua, manifestándole que a petición de Filipinas y por contribución en parte de Profesores y Alumnos se había felizmente levantado aquel nuevo monumento, gloria de la Religión y de la

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(12) El borrador de la Carta enviada con este motivo por el Rector está en ARCHIVO, LEGAJOS, tomo 49.



Madre Patria, a la vez que precioso recuerdo para Filipinas y ornamento de su Ciudad, a lo que el Vice-Real Patrono, cogiendo el cordón y borla de oro contestó diciendo que a él le cabía la gran honra de levantar el velo e inaugurar la Estatua de tan benemérito Patricio y que era mayor su satisfacción porque se trataba de un Dominicano y de la gloria de una Corporación a la que mucho estimaba y que era la que más beneficio había dado al suelo filipino propagando la verdad y la ciencia y con un VIVA al Fundador de la Universidad, tiró el cordón interin la orquesta y banda militar de artillería ejecutaban la marcha de los infantes, quedando descubiertas al público el pedestal y Estatua a la vez que dos surtidores o fuentes colocadas a los lados de la Estatua esparcían abundante agua, y se dió por terminado el acto y firmó el M. R. P. Vice-Rector y los cuatro Doctores más antiguos, de que certifico" (13).

El mismo día se repartió con profusión un opúsculo anónimo con el título: *El Ilmo. Sr. D. Fr. Miguel de Benavides*, impreso en Santo Tomás, que según Artigas se debe a la pluma del P. Gabriel Martín Tembleque, Profesor de Teología de la Universidad (14).

La subscripción abierta entre los Profesores y amigos para recaudar fondos solo llegó a la cantidad de 1899,93 pesos, (15), que apenas bastaron para los trabajos de instalación e inauguración. La Universidad sacó de sus fondos la cantidad de 7850,36 pesos para llegar a la cantidad total de lo gastado que fué 9750,29 pesos. Sólo la Estatua y las fuentes laterales de la misma Plaza, contando la pérdida en el giro, costaron 775,992 pesos (16).

La Estatua que es de bronce fué fundida en Paris llevando la firma de TONY NOEL 1889, mide unos cuatro metros de altura contando el basamento, que es de marmol de diversos colores, y está rodeada de una verja de hierro con puerta hacia el Colegio de Santa Rosa. El basamento está adornado en su parte superior con cuatro escudos de bronce, el de España, el de Manila, el de la Orden Dominicana y el del Gobernador. Debajo del escudo de la parte delantera está la siguiente inscripción:

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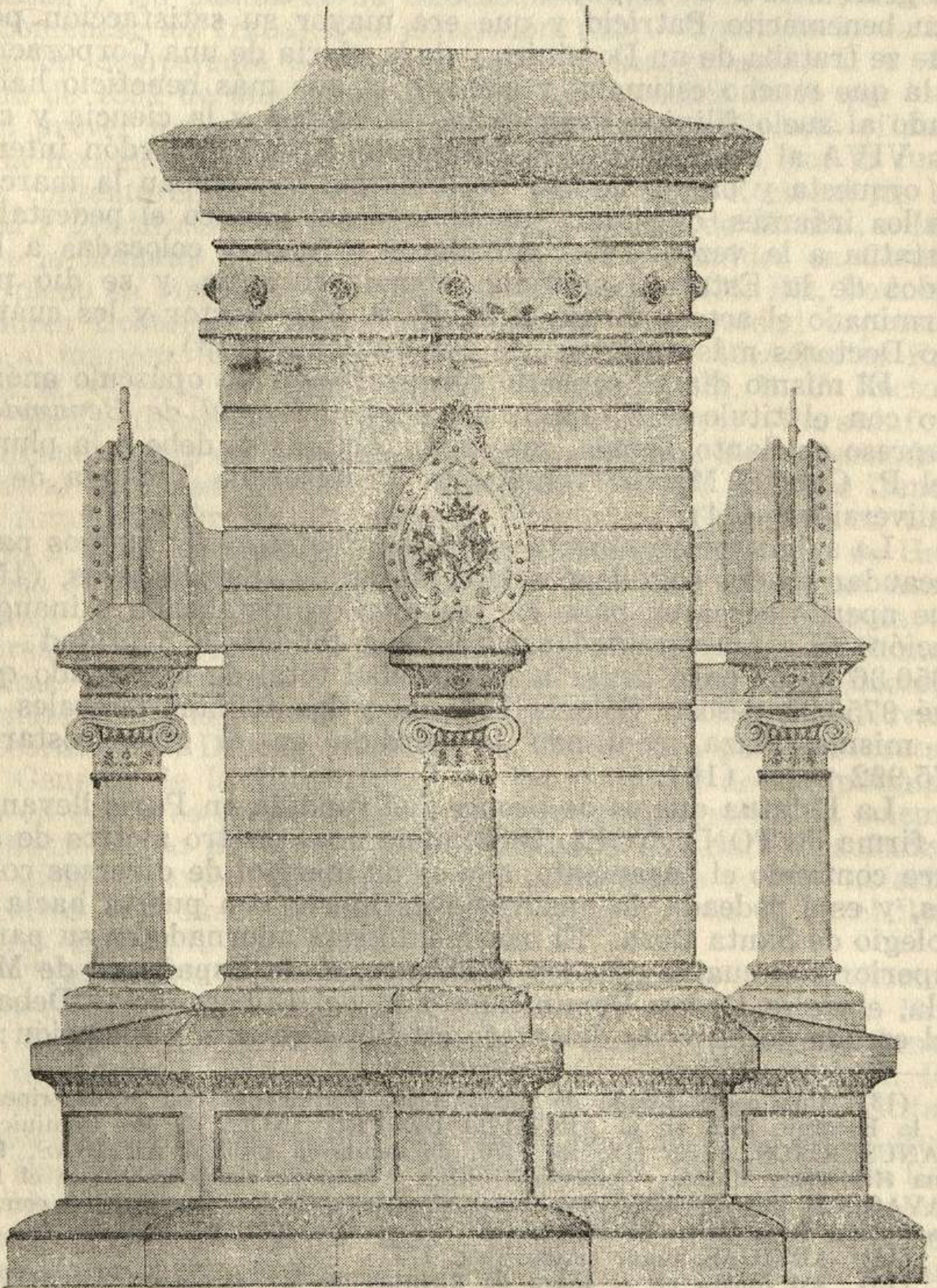
(13) Una copia simple de dicha Acta, juntamente con la descripción de la Estatua, está en el ARCHIVO DE PROVINCIA de los Dominicos, MANUSCRITOS, tomo 178, fol. 470, de donde la publicó ARTIGAS, *Resena Histórica*, Manila, "Libertas", 1911. También recordamos que el Sr. RAVAGO la publicó hace años entre algunos artículos que escribió con la descripción de la Calles de Manila.

(14) ARTIGAS, lugar citado, pag. 175.

(15) Así consta en el **Libro de Cuentas** de la Secretaría, ARCHIVO, LIBROS, tomo 95, fol. 108.

(16) *Ibidem*, fol. 108 y 116.

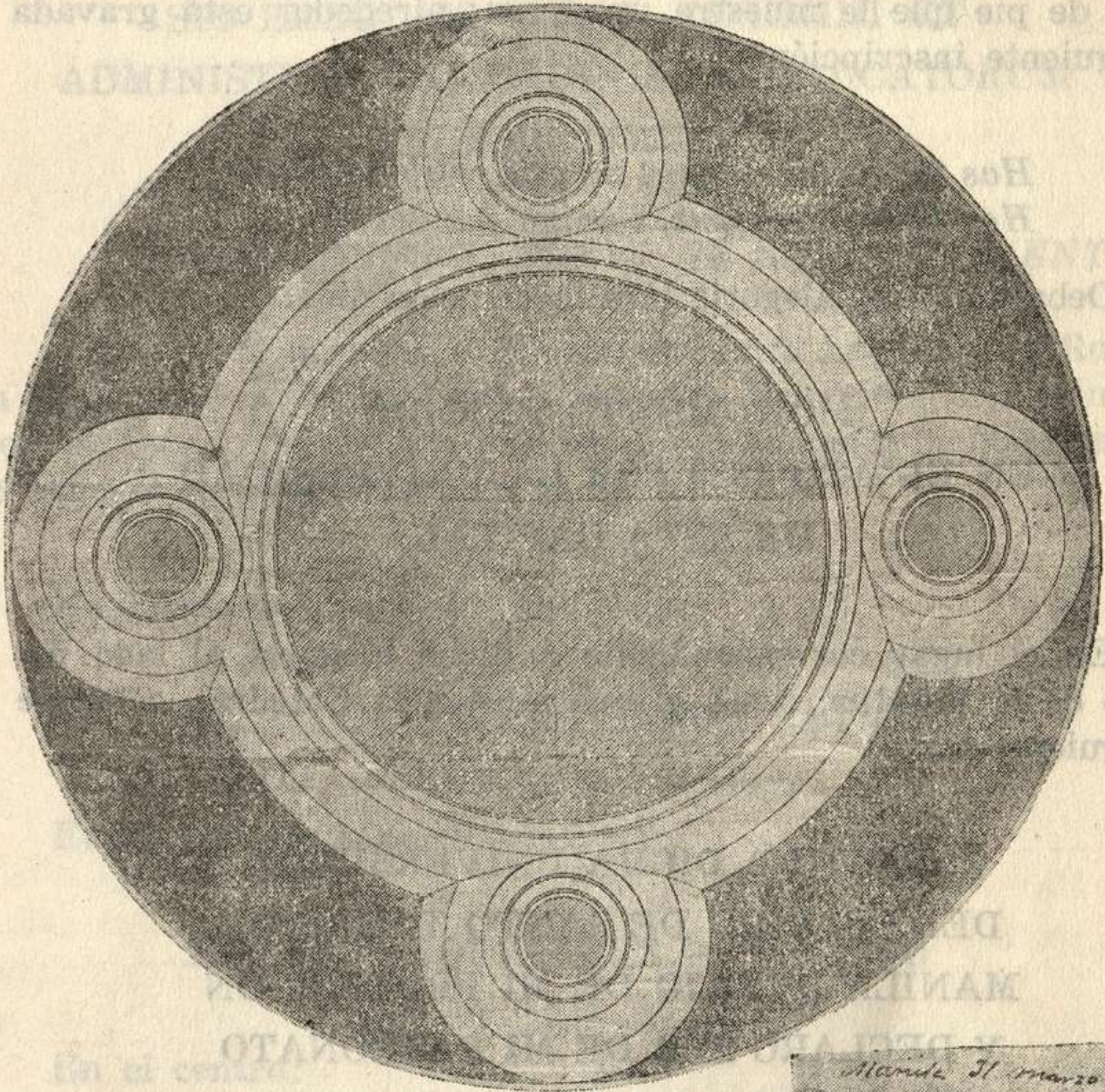




**Proyecto del Pedestal para la Estatua de Benavides por el Arquitecto Juan J. Hervás en 1888.**



PLANTA



Madrid 31 marzo 1886  
El arquitecto  
Juan Hervás

Dibujo de la Planta del Pedestal del Arquitecto Hervás.



AL RMO. SR D. FR. MIGUEL DE BENAVIDES  
FUNDADOR DE LA UNIVERSIDAD DE SANTO TOMAS  
DE MANILA.

Debajo de esta inscripción hay una alegoría de relieve en bronce que representa a Filipinas sentada en el suelo y a España de pie que le muestra una cruz; alrededor está gravada la siguiente inscripción:

*Has tenebrae cingunt mentis caligine terras,  
Hoc Michaelis opus, lumina pandet eis.*

Debajo de esta alegoría otra inscripción dice:

MONUMENTO ERIGIDO  
EN EL AÑO 1889 POR LA UNIVERSIDAD  
DE ESTA CAPITAL.

En el lugar correspondiente a dicha alegoría al lado derecho de la Estatua, o sea el que mira a la Catedral, contiene el siguiente texto:

ADMITO A DICHA UNIVERSIDAD  
DEL COLEGIO DE SANTO TOMAS DE  
MANILA DEBAJO DE MI PROTECCION  
Y DECLARO SER DE MI PATRONATO  
REAL Y MANDO A MI PRESIDENTE Y  
OIDORES...Y A LOS OTROS CUALQUIERA QUE  
POR TAL LA TENGAN Y QUE LA GUARDEN  
Y HAGAN GUARDAR LOS PRIVILEGIOS.

*CARLOS II, REAL CEDULA DE 17 DE MAYO DE 1680.*

Por el lado que mira hacia la Iglesia de Santo Domingo este texto:



NOS IGITUR... IN PRAEDICTA  
CIVITATE MANILANA IN AEDIBUS  
DICTI COLLEGII ACADEMIAM  
APOSTOLICA AUCTORITATE ERIGIMUS  
ET INSTITUIMUS, IPSAMQUE ACADEMIAM  
SIC ERECTAM CURAE REGIMINI ET  
ADMINISTRATIONI ORDINIS PRAEDICATORUM  
SUBMITTIMUS.

*INNOCENTIUS X, BREVI "IN SUPEREMINENTI".*

En la parte posterior, del lado que mira hacia Santa Rosa, en medio de los nombres del Albacea de Benavides, del primer Rector efectivo del Colegio y de los dos principales bienhechores, se halla el siguiente resumen de su vida:

En la esquina superior izquierda:

P. FR. BERNARDO DE SANTA CATALINA

En la esquina superior derecha:

D. PABLO RODRIGUEZ DE ARAUJO

En el centro:

VIRTUOSO Y DOCTISIMO RELIGIOSO FUE  
BENAVIDES, PRIMER MINISTRO DE SANGLEYES,  
OBISPO DE NUEVA SEGOVIA Y SEGUNDO  
ARZOBISPO DE MANILA, SIENDO PROCURADOR DE  
SU ORDEN EN MADRID AGENCIO EN UNION CON EL  
SR. SALAZAR EL RESTABLECIMIENTO DE LA REAL  
AUDENCIA. ALCANZO PARA LOS VECINOS DE MANILA



EL COMERCIO CON LA NUEVA ESPAÑA Y PARA LOS INDIGENAS LA CONFIRMACION DEL NATURAL DOMINIO DE SUS TIERRAS. RECIBIO ENCARGO DE S. M. C. DE PEDIR A ESTOS HABITANTES UN NUEVO RECONOCIMIENTO DE VASALLAJE A LA METROPOLI; Y AL FALLECER CON LA MUERTE DE LOS SANTOS DEJO UN LEGADO PARA LA ERECCION DEL COLEGIO DE SANTO TOMAS DESPUES UNIVERSIDAD QUE LE RECONOCE POR SU PRINCIPAL FUNDADOR. NACIO EN CARRION DE LOS CONDES (PALENCIA) EN 1552 Y FALLECIO EN ESTA CIUDAD EN 26 DE JULIO DE 1605.

Debajo, en la esquina izquierda:

D. ANDRES HERMOSA

En la esquina derecha:

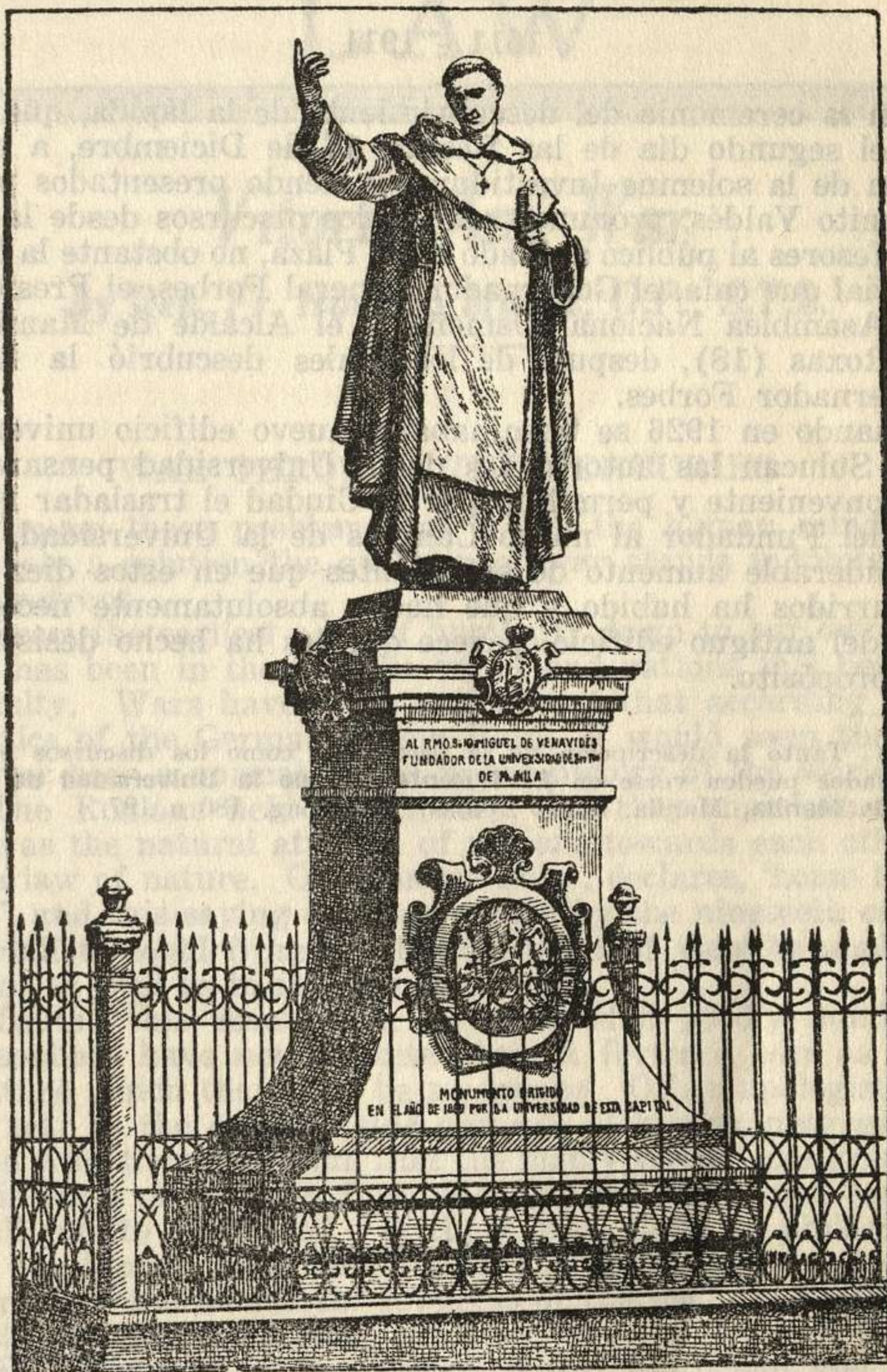
FR. BALTASAR FORT

Para completar la descripción de la fiesta inaugural debemos decir que estas inscripciones estaban adornadas con coronas de laurel, y toda la Estatua bajo un vistoso arco de follaje y flores y cubierta con una rica cortina de damasco hasta el momento de la inauguración (17).

El año 1911, con motivo del III Centenario de la fundación del Colegio de Santo Tomás, se colocó en el pedestal de la Estatua, por el lado que mira hacia Santo Domingo una Placa con la siguiente inscripción:

(17) Así se dice en la descripción citada en la nota 18.





**Dibujo definitivo del Monumento a Benavides  
levantado en 1891.**



## LA UNIVERSIDAD DE STO. TOMAS

## EN SU 3er CENTENARIO

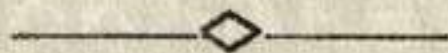
1611 - 1911

En la ceremonia del descubrimiento de la lápida, que tuvo lugar el segundo día de las fiestas, 17 de Diciembre, a continuación de la solemne Investidura, y siendo presentados por el Dr. Benito Valdés, pronunciaron sendos discursos desde la Sala de Profesores al público apiñado en la Plaza, no obstante la lluvia torrencial que caía, el Gobernador General Forbes, el Presidente de la Asamblea Nacional Osmeña y el Alcalde de Manila D. Felix Roxas (18), después de los cuales descubrió la lápida el Gobernador Forbes.

Cuando en 1926 se terminaba el nuevo edificio universitario de Sulucan las autoridades de la Universidad pensaron si sería conveniente y permitido por la Ciudad el trasladar la Estatua del Fundador al nuevo Campus de la Universidad, pero el considerable aumento de estudiantes que en estos diez años transcurridos ha habido y que hacen absolutamente necesario el uso del antiguo edificio, parece que les ha hecho desistir de dicho propósito.

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(18) Tanto la descripción de la ceremonia como los discursos en ella pronunciados pueden verse en **El Tricentenario de la Universidad de Santo Tomás de Manila**, Manila, Santo Tomás, 1912, pag. 180 a 197.





# LAW

## Vitoria And War

by Rev. Fr. Honorio Muñoz, O.P., S.T.L.

### I

#### WAR THROUGH THE CENTURIES

Among those problems for which the human mind seeks anxiously a solution the question of war stands indubitably in the forefront.

From the earliest ages of humanity down to our own times there has been in the various tribes and nations this besetting difficulty. Wars have been so frequent that according to the statistics of the German J. von Bloch, it would seem that war has ever been a normal factor in the history of the world, (1).

The Romans held this theory, for they maintained that war was the natural attitude of nations towards each other, in fact a law of nature. Ovid, as we know, declares, 'homo homini lupus', and this saying so often quoted by the nineteenth century materialists could from the Roman point of view be applied to nations as well as to individuals.

Taking this assumption for granted a goodly number of philosophers have not hesitated to put forward war as a law of nature which there can be no escape. Other apologists look upon war as the *conditio sine qua non* of human progress; for it is in war, they maintain, that the manly virtues are exercised, trial is made of courage; fortitude, abnegation and self-sacrifice are all put to the proof. Without war, German philosophers state, the human mind would stagnate, and a general sluggishness replace the wonderful progress of the modern world in all useful arts and inventions, (2).

For refutation of this aspect of war so ancient and yet so modern, another theory going to the opposite extreme, was

(1) Johan von Bloch asserts that although war cannot be considered as perpetual among civilized peoples yet if we take the entire globe we find that from 1496 B.C. to 1861 A.D. there have only been two hundred and twenty seven years free from strife, i.e. one year of peace to every thirteen years of war. (*Der Krieg*. 6. Bande. Band 1. Einl. XI).

(2) This view of many nineteenth-century German philosophers is subtly analysed by C. Nyrop in his work "Is war civilization", London, 1917.



brought forward which asserted that war is intrinsically an evil. Such was the view of those who maintained that peace was to be bought at any price. War being in itself intrinsically an evil, it could not be engaged in without transcending infamy, for it acknowledged no law, and might prevail therein against right. In the sixteenth century,—B. de Ayala tells us,—this view had quite a number of followers. "This opinion", he affirms, "is held by many, nevertheless there can be no doubt that this view ought to be rejected. For both war and peace have their own rights. And those who refuse to admit these rights and will not be convinced by any whatsoever must be forcibly brought to reason", (3).

Throughout the whole history of mankind indeed, we see these two theories in conflict, both going to the extremes in their endeavour to find a satisfactory conclusion on the indubitable fact of warfare. It is only when we examine the Doctrine of the Church on this point that we find an adequate solution of the difficulty. The Church's doctrine knows no change, and unless we believe in her Divine mission to hold aloft the lamp of truth and illumine the footsteps of mankind along the way of salvation, it would be impossible to account for the unvarying steadfastness of her traditional attitude towards war.

This doctrine cannot, however, be very readily discerned in the first centuries of the Christian Era. For the opinion of some of the early christian apologists is not by any means calculated to resolve the doubts of those of the faithful who questioned whether service in the ranks of the Roman army was consistent with their profession of faith. We must, however, be particularly careful not to confuse the theories of such writers with the definite teaching of the Church. And as the matter is one of singular difficulty and much obscurity we have focussed our attention to its consideration here.

### THE EARLY CHRISTIAN

"It has been assumed both by Catholics and Protestants," says Vanderpol, "that the early christians believed war to be incompatible with christian principles and made this a ground for refusing to undergo military service." If this were really so there would be no room for doubting that their conduct was in contradiction with the teaching of the theologians on this subject.

The above mentioned author categorically denies the issue and devotes no little time to supporting his view by arguments taken from the history of the period.

Without attempting to consider whether the author succeeds in his endeavour to conciliate the theologian's tenets on war with the practice of the primitive christians, we feel confident that the existence of an apparent contradiction between

(3) B. de Ayala "De Bello et officiis bellicis".



the conduct of the early christians up to the end of the fourth century and the views of the ecclesiastical writers during the same period in relation to this point, will not be denied. We do not mean to affirm that the opinions of these writers expressed those of the Church, nor even that they interpreted rightly the mind of the Church, but it would seem to be undeniable that there was a need at that epoch of confusion in laws and societies of some definite doctrine on this particular point.

To some it appeared that the pacific spirit of the New Law had come to supersede the contentious tendency of the old Law. Hence when we see that Celsus shows this pacifism to be in contradiction with the Old Testament the answer given by Origenes is that the weapons of Christianity are prayer and penance before the Lord. A brief survey therefore, of the conditions prevailing during the period referred to would undoubtedly throw some light on this vexed question and would not fail to illustrate its obscurity.

The refusal of the early christians to take part in the strategy of war can be justified if we bear in mind that war for them meant persecution, and further if we remember their conviction that they ought neither to defend themselves nor to contribute in any way to the promotion of conflicts and dissension. The words of Our Lord to St. Peter (4), were as vividly before their minds as before that of the Apostle. They were persuaded that the battles of the New Law were to be fought and won not with earthly weapons but with spiritual ones; prayer, renunciation, suffering, martyrdom. The spirit of the gospel was founded on love of one's neighbour for the sake of Him who died for mankind on the cross, whereas armed warfare was directly opposed to the spirit of peace. It can be understood, therefore, that the early christians found themselves subjected to a double set of rules namely those pertaining to the Christian code and those enjoined by the laws of the Roman Empire; the latter oft-times in opposition with the former, hence their courage in affronting the difficulties created by this dual control frequently in conflict. But for them, their faith was the governing law of their conscience to be kept pure and undefiled even at the risk of their lives, for God is to be obeyed before all the powers of this world. Ceasar's law, therefore, was null and void where it opposed the doctrine of Christ and christians were exhorted to brave all dangers where their faith was in peril.

Most probably there was no greater risk of losing the faith than that inherent in the military service because of its many ceremonies and functions invested with an entirely pagan idolatrous character. The numerous religious customs and sacrifices incident to a military campaign could not fail to come into conflict with the christian conscience.

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(4) Math. XXVI, 52.



Thus whenever a victory was obtained sundry sacrifices had to be offered to the gods and the soldiers were required to be present wearing crowns of intertwined leaves on their heads. An active part in the functions was allotted to the officers whilst christians who refused to take their part in the exercises were condemned to death, as instanced by the case of St. Marcellus martyred in Africa about 298 A.D. The soldiers were not, of course, expected to perform any of these duties but were compelled to be present with the crowns on their heads. Those who were christians were wont to make secretly the sign of the cross on their breasts. But it was a vexed question whether their assistance at the ceremonies was merely the performance of an act of homage to the Emperor. Hence the significant sentence of Tertulian "*Etiam si tacet illic christianus ore, coronatus respondent capite*" (5). It is obvious, however, that in itself there was no wrong in the act of paying homage to the constituted authority unless some idolatrous rite accompanied it, for, the same Tertulian had declared "*Christianus nullius est hostis nedum imperatoris, quem sciens a Deo suo constitui necesse est ut et ipsum diligat, et revereatur et honoret et saluum velit cum toto imperio romano, quousque stabit, tamdiu enim stabit,*" (6).

Another duty devolving on those bearing arms was the military oath whereby they swore absolute fealty to the Emperor and the State even at the cost of their lives. Here again two divergent opinions were apparent. Tertulian maintained that oath of fealty to a pagan emperor was incompatible with Christianity. "It bound the soul," he said, "to an earthly prince to the detriment of its obligation to God, and no one can serve two masters." Others, the majority, held that there was no real contradiction in the oath. "For the very reason that they were Christian subjects of the Emperor, they alleged, they first confessed God and then served in the ranks of the Emperor who to them represented God's authority."

If we take into consideration the habits of the soldiers and mode of life in the Roman army it is by no means strange to see primitive christians evincing some reluctance in entering military service. St. John Chrysostom avers the soldiers are ravening wolves rather than men, giving themselves up to all kinds of outrages, thefts and injustices and to such an extent that he doubts whether there is any disorder of which they are not guilty or any vice from which they are exempt. He goes on to say that they are worse than wild beasts, that they had no other aim than greed of gold or ambition or the lusts of the flesh, (7).

Almost the same language is used by St. Augustine in des-

(5) *De Corona*, cap. 88. Tertulian was already a montanist.

(6) —*Ad Scapulum*, 2.

(7) S. John, Chrys, Hom LXI in S. Math.



cribing the habits of the army and in trying to convince the christians therein that there is no excuse for them if they dare descend to the crimes of which their pagan comrades are guilty. "To wage war is not a sin; the sin lies in waging it with a view to the spoils. It is not sinful to be a soldier, for sins are only committed by free-will."

In taking, therefore, these facts into consideration it is not hard to understand the unwillingness of the christians of the first centuries to enroll themselves in the rank and file of the Roman army. But it may be that there was another more important reason for this aloofness. I mean the opinions of some of the ecclesiastical writers on the question notably Tertulian, Origen and Lactantius.

The theory of Tertulian cannot rightly be understood unless we distinguish between the two periods of his life; first as a christian, and afterwards as a montanist. The chief work which expresses his mind as a catholic is the '*Apologeticum*'. Here he does not seem to take exception to the fact of there being christians in the Emperor's army and in large numbers, for, he writes: "Vestra omnia implevimus, urbes, insula, castella, municipia, conciliabula, castra ipsa," (8). And later on: "Navigamus et nos vobiscum, et militamus et rusticamur, et mercamur, proinde miscemus artes", (9).

But in his book "*De idololatria*" (211-212) he finds he cannot reconcile military service with the doctrines of christianity. He is now a montanist and takes up an inflexible attitude. Can a baptised person enroll himself in military service, or can a soldier be admitted to baptism? By no means, he replies; and his trained mind brings up the gospel's arguments in support of his assertions. "Quomodo bellabit, imo quomodo etiam in pace militabit sine gladio quem Dominus abstulit? Nam etsi adierant milites ad Joannem et formam observationis acceperant, si etiam centurio crediderat, omnem postea militem Dominus Petro exarmando discinxit. Nullus habitus licitus est apud nos illicito actui adscriptus." (10)

Tertulian's argument, says Battifol (11), goes much farther than his thesis, since his argument absolutely prohibits christians from drawing the sword: war is therefore unlawful for them. "Licebit in gladio conversari Domino pronuntiante gladio periturum qui gladio fuerit usus? Et praelio operabitur filius pacis, cui nec litigare convenit?" (12). For the first time, the above mentioned author adds, since the preaching of the gospel a christian writer treating of warfare is rash enough to condemn it in the name of the Gospel.

This intolerance of Tertulian as we shall see is very far

(8) *Apologeticum*, 37.

(9) *ibid.* 42.

(10) *De idololatria*, 19.

(11) In the book "*L'Eglise et la guerre*". Paris. 1920.

(12) *De Corona*, 11.



from being the teaching of the Church at that period. Nevertheless it went far in influencing many of the faithful against the calling of arms.

Origen (13), and Lactantius (14), are partisans of a like theory; especially the latter. For him the precept "Thou shalt not kill" is always absolute. He holds that in no circumstances nor under any pretext whatsoever may death be inflicted on anyone.

But these writers were not alone in their determined opposition to christians serving in the army. In some of the Fathers of the Church of the epoch one can precise a similar point of view though in a more temperate form. They are careful in the expression they employ and very rarely can one trace an undisguised condemnation of warfare in its general sense. The prevailing tone in their works is insistence on the peaceful spirit of the gospel, its injunction to return good for evil, to do injury to none and to leave vengeance or redress of wrongs to the Supreme Judge God. They do not apparently condemn a war of defense though they wish to encourage christians to suffer injuries patiently following the example of Jesus Christ. Such particularly is the trend of thought of S. Cyprian, St. Ambrose and St. John Chrysostom.

None the less it is worthy of note that St. Ambrose drew up a fairly clear distinction between aggressive and defensive warfare, for he showed that everyone is entitled to take his share in the latter. He is silent however upon the point as to when it is permissible to join the former. The Roman education of St. Ambrose had left him equipped with the philosophic outlook of Cicero, who, in his "*De Officiis*" had already threshed out this point. The first consideration treating of warfare is whether it is just or unjust. "In ipsis rebus bellicis justa bella an injusta sint spectandum putetur," (15). And we are not merely enjoined not to do injury to our neighbour but what is even more we are directed to shield him from injury, because "qui non repellit a socio injuriam si potest, tam est in vitio quam ille que facit," (16). Justice therefore must be the ruling virtue in our social life. "Siquidem et fortitudo quo vel in bello tuetur a barbaris patriam vel domi defendit infirmos, vel a latronibus socios plena sit justitia." (*ibid*). Always justice for the sake of peace, for even in peace there must be justice. "Si ergo etiam in bello justitia valet, quanto magis in pace servanda est?" (*ib*) S. Ambrose, one might venture to say, is adapting and christianising Cicero's "*De Officiis*."

Such in general sense is the common doctrine of the theologians of the first four centuries of the christian era. Their influence on the faithful could not be exercised in any sphere

(13) *Contra Celsum*, Lib. IV, VIII.

(14) *De div. Institut*, cap. VI, 20.

(15) *De officiis*, I, 35.

(16) *Ibid*.



other than that of dissuading many from entering the military service. The exaggerated view of Tertulian (in his second period) of Origen and of Lactantius worked no doubt most powerfully in that sense. As military service was never made compulsory, a christian had no need to join it. On the other hand a christian could be deterred from doing so by the considerations against it which, as we have shown, were put before him.

In spite of all this we are told of the very large number of christians in the ranks of the Imperial army. I have quoted the testimony of Tertulian himself before he seceded to the montanists, and one can learn how greatly Justin praises the soldier's calling, and sees in the 'Vexilla' of the Roman standard, the sign of our Redemption. The miracle of the *Legio Fulminata* (17), again indicates how numerous were the christians in its ranks. We read of so many soldiers who being asked to sacrifice to the gods refused to betray their faith even to the point of suffering martyrdom, among them the names of Marinus and Marcellus, Julius, Maximilianus deserve special mention. The Roman martyrology tells us of over a thousand soldiers who were put to death for the faith under Diocletian. Moreover many of the Church's earliest saints had joined in the ranks of the army.

These facts are significant and reveal the attitude of the Church towards christian soldiers. Never at any time did the Church reprehend, never did she refuse baptism or communion to those belonging to the profession of arms, Battifol states. She ever exhorted christians to shun the excesses attributed to the Roman soldiery in time of victory and to avoid other vices which often accompanied their mode of life. "Miles si accedat (ad sacramenta) erudiatur nemini injuriam facere, non calumniari, contentum esse suis stipendiis; si pareat recipiatur; repugnans rejiciatur," (18).

It is true that the early Church gave no marked encouragement to the practice of arms but it is also true that she never in any way discouraged those who enrolled themselves in the military service. And when in the time of Constantine the dangers of idolatry were no longer to be faced she did not fail to honour those who thus devoted their lives to the service of the state. If we except the three *ecclesiastical writers*, Tertulian, Origen and Lactantius, no one of the early Fathers advanced any positive condemnation of warfare. On the other hand we have a multitude of army men raised to the altars as canonised saints.

Thus it can be concluded that the Church has never condemned warfare in principles; what she has done is to command

(17) Eusebius. *Historia Eccles.* lib. V. cap. V.

(18) *Constitutiones Apostolicae*, VIII, 38.



the faithful to keep within the limits of christian justice and charity. In the onward march of time we see this doctrine develop and new distinctions come into prominence especially in the fifth century under the influence of St. Augustine.

#### ST. AUGUSTINE AND HIS INFLUENCE ON LATER WRITERS.

From the period of S. Augustine the correct teaching on war becomes more and more manifest and the principles he lays down form the basis of almost all the subsequent accretions to this theory. Although St. Augustine does not treat of war professionally his views on the question can be ascertained by the various passages in his numerous works where *en passant* or in refuting certain arguments he has outlined his own opinions on this point.

When Christianity was accused by the pagans of causing through its love of peace the disappearance of that martial ardour so famous in Old Rome and thereby allowing the barbarians to overrun the world, St. Augustine quietly took up its defense and gave an adequate answer to the accusations of its adversaries in the '*De Civitate Dei*'. And whilst a passing glance at this work might induce the hasty reader to imagine that the saintly Doctor passes absolute condemnation on war there is none the less a clear warning that the distinction between a lawful and unlawful war must not be overlooked. Wars can be justly waged when they come under the ordinance of Divine Providence, such for instance as the many examples given in the Old Testament, (19).

Almighty God employs such means for the government of the world and the strengthening of the just man's faith. The resultant and the duration of wars depends upon Him who is the "Lord of all that is in heaven and on the earth."

But St. Augustine comments more particularly and in greater detail on the justice of war in his book '*Contra Faustum*'. It was when the Manicheans condemned unhesitatingly all war that St. Augustine hastened to distinguish between the various kinds of warfare. Here is the general theory he advances. War is an occurrence coming under the order of Divine Providence. Whether war is an evil or a good we have not the possibility of determining. Certainly it is a deplorable event when we consider its disastrous effects, but we know that it is for our greater good that is permitted by Almighty God, (20). Even when it appears to us to be a most unjust war we cannot doubt that although it is not ordained it is at least permitted by Divine Providence. This is what Monceaux calls S. Augus-

(19) "Bellum autem quod gerendum Deo auctore suscipitur, recte suscipi dubitare fas non est" (*Contra Faustum*. XXII, 75).

(20) (*id. ibid.*)



tine's mystical conception of war which is also closely linked up with the mysterious workings of Providence, (21).

When is war lawful apart from such as may be of Divine ordinance? In principle war is a just act; but in practice, in actual fact it is never allowable except under the stress of necessity and this necessity is dependent upon its justice. What is a just war? "Justa bella definiri solent qua ulciscuntur injurias, si qua gens vel civitas quae bello petenda est vel vindicare neglexerit quod a suis improbé factum est vel reddere quod per injurias ablatum est. Sed etiam hoc genus belli sine dubitatione justum est, quod Deus imperat," (22). It is accordingly to the Ruler whom the right pertains to make declaration of, and to carry on, war because he is the sole interpreter of the Divine will. Subjects must obey their leaders and both have to observe the rules of justice and of charity. "Hostem pugnans necessitas perimat non voluntas. Sicut rebellanti et resistenti violentia redditur, ita victo vel capto misericordia jam debetur, maxime in quo pacis perturbatio non timetur," (23) perturbatio non timetur," (24).

The end to be sought for in war is peace: "In ipsis bellis, si adhuc in eis te versari opus est, fidem teneas, pacem quaeras," (25). It must be for the sake of peace that war is entered to and waged.

St. Augustine, as we see, introduces the idea of justice into warfare: in consequence all war which should seek the aggrandizement of the Empire, the vainglory of the Prince, *et alia hujusmodi* would lack the main condition of justice without which war is not permissible, and therefore is unlawful. This view of St. Augustine does not ignore either the duties of man towards his own soul, or towards his neighbours, (26).

From these and many other passages the doctrine of St. Augustine on war becomes quite definite, and it is on it that S. Thomas erects his framework for the consideration of that question, and from which later theologians drew the particular applications suited to the needs of their own times. Vitoria especially is much indebted to the augustino-thomistic theories.

(21) In the volume "L'Eglise et la guerre", Paris 1920.

(22) Quaest. in Pentateuch. VI, 10.

(23) Epist. 189, 6.

(24) Epist. 220, 12.

(25) Combes "La doctrine politique de S. Augustine" Paris. 1927. The main works of S. Augustine dealing with war are "De Civi. Dei" "Contra Faustum"; "Epist ad Marcellinum"; "Epist 205 ad Bonifacium."

(26) In his "Social Theories of the Middle Ages" Fr. B. Jarret, O.P. quotes this as "an example of Vitoria's gentle cynicism"; but the term seems strange when applied to the sound and undoubtedly true, reasoning of the eminent humanist and it is at any rate in disaccord with the present writer's interpretation of Vitoria's meaning.



## THE MIDDLE AGES AND AFTER

From the beginning of the fourth century up to the Middle Ages Europe was almost always being ravaged by wars. Tired of this continual strife a peace movement was inaugurated throughout France, Italy, Germany and other nations at the beginning of the eleventh century and though at one time it seemed to have a certain measure of success it ultimately failed to win universal adhesion. This is not to be wondered at when we consider its real objective. Peace was the sole aim by fair means or foul, no war however just could be permitted; leagues and societies were formed for the promotion of peace; even the *Third Orders* were enlisted in the cause, for their members promised never to take up arms or enlist in war except for the defense of the Holy Church. Yet the movement was foredoomed to failure. The secular powers becoming more and more impatient of all ecclesiastical authority were a constant menace to the Church as well as to the peace of nations. Disregarding ecclesiastical censures, any incident however trifling was immediately seized as an opportunity for recourse to arms. In such circumstances the Church when attacked had to defend herself against the unjust invader. For the protection of the Church the various *Military Orders* sprang into existence in different countries. They were leaders in the Crusades for the recovery of the Holy Land from the hands of the conquering Saracen; they fought against the Moors in Spain, the Albigenses in Southern France, the followers of John Huss and Jerome of Prague in Switzerland, Germany and Bohemia. And these crusades and Holy Wars were intended to safeguard the interests of the Church.

The peace movement had found its strongest ally in the episcopacy but with the proviso that just war was permissible. The Popes themselves were active in its support often directly intervening to settle a dispute or using their personal influence for the peaceful arrangement of a quarrel. Sometimes they sent representatives to arbitrate but always with a view to a just settlement.

There would seem to have been little or no discussion on the question of war among theologians during the Middle Ages. We may, indeed, almost assume that nothing new was added to what S. Augustine and S. Isidore of Seville had already declared on this point. Gratian's insertion in the *Decretum* of over fifty texts from the Bishop of Seville had supplied the legists and apologists who followed him with abundant material for their commentaries. The theologians of the Middle Ages were often content merely to quote these texts or sometimes to offer a few notes upon them. They never propounded new arguments or offered fresh aspects of the problem of war for discussion. No, it was left to the sixteenth century theologian to the great mind whose fame and influence had already then extended far



beyond the boundaries of the Pyrenees and even to the Western Hemisphere to treat fully of this engrossing subject. We refer to F. Francis de Vitoria, brilliant humanist, acute jurist, learned theologian.

The discovery of the New World had, in effect, originated some very serious problems which the jurists and theologians of the Spanish Empire had to solve. But to some it presented no difficulty; if the newly discovered people were *infidels*, they had no right to possessions, nor to any rule over others, and were *ipso facto*, under the jurisdiction of the Emperor. Others held that the fact alone of their discovery constituted them subjects of the Emperor *whose dominion was universal*, etc., etc.

These opinions had come down from the Middle Ages when it was commonly believed that difference of religion, or paganism, was of itself a sufficient ground for taking up arms and proceeding to war. The doctrines of the Humanist School had however now brought a freshness of outlook resulting in change of ideas and aspects; the humanists were intellectuals who did not scorn to investigate new grounds and whose mission was evidently to regenerate the field of thought by distinguishing carefully between the principles of traditional doctrine and their misunderstanding and misapplication in the past.

Francis de Vitoria then was a great humanist who undertook to re-invigorate scholastic theology in Spain and thence diffuse it through her World Empire. He took up the old principles and clothed them anew with the fresh garment of philosophical humanism. Theology assumed a hitherto unknown usefulness, becoming attractive. The fundamental principles of the ancients were found to have genuine applicability to the needs of the time by the University of Salamanca following the lead of Vitoria. Other universities followed approvingly in the same direction. The missionaries who accompanied the conquerors of the New World carried with them the culture acquired in the lecture-halls of Salamanca and Valladolid. Many of them had listened to the *Relectiones* of Francis de Vitoria wherein he coldly rejects the chief erroneous theories of the Middle Ages concerning infidels; their inability to own property; the consequent right to dispossess them even by force of arms if necessary; the universal dominion of the Emperor; and likewise the universal power of the Pope.

From his chair in Salamanca Vitoria strenuously upheld the rights of the Indians against the imperialists. He never doubted either in presence of the Emperor, who occasionally attended his lectures, or before the Sovereign Pontiff to whom they were transmitted. Confident of the truth, he proclaimed it outspokenly far and wide. The Dominican students in Salamanca destined to be later the apostles of the faith and the makers of justice in the New World, were firmly trained by his ardour in the right principles of justice which they afterwards sturdily maintained against the unjust behaviour of the



conquerors and the *encomenderos*. Their minds formed by him reflected his unswerving rectitude. He knew fully well the responsibility of his position. Salamanca was at that period the magnetic pole of all learning and Vitoria the most eminent professor it had ever seen. Hence the awakening to his appeal, the acclamations which greeted him as the apostle of peace to the world, the undying fame which acknowledged him everywhere as the heroic lawyer whose counsels saved the western hemisphere and whose principles are still strong enough, if followed, to deflect from the old world the disastrous chaos with which it now appears to be threatened. For Vitoria, indeed, the brotherhood of nations as members of one family interested in each other's welfare, was the dominant idea in his conception of the universe. So strongly did he stress this point that he declared that even a war otherwise just could not become permissible if it were likely to result in universal suffering.

We have said that other universities of Spain adopted the teaching of Salamanca; but as time rolled on sundry accretions and distinctions introduced themselves which substantially differed from the Doctrine of Vitoria and of S. Augustine. The new elements introduced by Valentia, Molina and others relaxing the strictness of the principles gradually effected a change in the sound doctrine of the Salamanca School. Introduced into the theory of probabilmism war became an act of *distributive*, not *commutative* justice. And this distortion of the true concept was practically crowned by Suarez when he alleged that in doubt the side considering itself more probably right than the other can safely declare war. By means of his new theory, war becomes a decisive method of proving its own righteousness; whereas the case is exactly the contrary viz. that war cannot be declared unless there is *absolute* certainty of the right to declare it. In this manner the right explanation of recourse to war came to be misstated and the impossibility of a just war on both sides at the same time, except in the case of invincible ignorance, (as set forth by Vitoria) came to be superseded by the antique pagan theory of its possibility, (27). This distortion of the traditional view grew more readily into favour because it could more easily be made to coincide with the ambitions and aspirations of the rulers. And we know that during the nineteenth century it was the commonly received opinion. Now, however, there seems happily to be a change of view and the twentieth century apologists are going back to the old principle enunciated by the great Salamanca Doctor of the sixteenth century. His conception of war as a sentence passed on the offending nation by the legitimate court or authority seems to be coming now to the forefront with some prospect of realization in the League of Nations. Vitoria would have named it indeed the ultimate Court of Arbitration and Appeal.



Nevertheless there are still upholders of the ancient pagan theory of the right of the stronger. The materialistic theory that "might is right" is nothing else than a corollary of the Darwinian concept of man as a pure animal. "War," declares Nietzsche, "is justified in itself, not by the righteousness of its cause." According to this, victory gives full rights over the vanquished even if it is the unjust aggressor who triumphs. There is no need to stress the perniciousness of this theory.

Scarcely less disastrous in its consequences is the view that war is the natural means in the designs of Providence, for the solution of international disputes. Such fatalism makes of war a necessary adjunct of humanity and an instrument of Divine Providence for chastising man's sins. There is very little difference in the ultimate analysis between this and the materialistic theory, since both appear to agree in regarding war as a method of determining the right.

As against these two somewhat extravagant tenets, a third taking the golden mean offers itself for selection.

War, then, is not in itself an evil; but its effects are so calamitous that only in very extraordinary cases does it become permissible. To our mind the dictum "Peace at any price" cannot be maintained. Justice at all costs, yes, no doubt, for in justice peace is sought. We do not perhaps exactly say with Kant: "Fiat justitia et pereat mundus" nor more euphoniously with others. "Fiat pax, floreat mundus," but we do reiterate *justice always*. "A just war" quoting Demosthenes, "is ever to be preferred to a foul peace." For just wars are 'Jure gentium indicta et tum jure canonum tum etiam jure divino permissa!

(To be continued)





# *The Philippine Tax System*

by *Jacinto M. Kamantigue, A. B., Ll. B., Ph. D.*

## INTRODUCTION

The tax system of any country is either the result of clashes between economic classes, the consequence of the economic development of the country, the offspring of political organization, or the effect of certain policy consistently adhered to by the ruling power. The Philippines is unique in this respect as its system of taxation is not all its own but rather an imposition of two foreign countries—Spain and the United States. Just as our present system of jurisprudence is based on two bodies of laws, the civil law and the common law, or the meeting of the East and the West in the Philippines is exemplified by the two streams of laws, so our present tax system is but a combination of Spanish and American taxes. The most antiquated Spanish cedula tax is found side by side in the statute book with the most modern of American taxes, the income tax. Just also as our custom has been modified by statutory laws instead of the laws to represent the crystalization of our custom, so our tax system has modified and upset the order of our economic development instead of the system to represent the result of our economic development. Because of the free-trade arrangement with the United States provided for in the tariff law, we have provided for the needs of the Americans first before our own—we are using American goods in preference to our own. In short, we are trying to be occidentals in our mode of living and thinking when basically we are orientals. This is, of course, not all due to our system of taxation, but our economic life has been greatly influenced and affected by it.

In the following pages, the writer has endeavored to trace the development of our tax system from the pre-hispanic era to the present time, with the hope, that in the adoption of a new tax system for the Commonwealth Government or for the Philippine Republic, this short treatise will be found useful.

### **Pre-Hispanic and Early Spanish Taxation**

Before the discovery of the Philippine Islands by Magellan in 1521, very little was known of the Filipinos and much less of their form of government. Although they possessed an alphabet, and the knowledge of reading and writing was general among them none of their writings has been preserved, for they wrote only on the leaves and barks of trees. When the Spaniards first became acquainted with the Filipinos they had



no strong political or social organizations; there were no well-constituted native states, but rather a system of clans and nomadic tribes. Antonio de Morga in his "SUCESOS DE LAS ISLAS FILIPINAS" in 1609, describes the government of the natives and its revenue as follows:

"There were no kings or lords throughout these islands who ruled them over as in the manner of our kingdoms and provinces; but in every island, and in each province of it, many chiefs were recognized by the natives themselves. Some were more powerful than others, and each one had his followers and subjects, by districts and families; and these obeyed and respected the chief. Some chiefs had friendship and communication with others, and at times wars and quarrels.

"These principalities and lordships were inherited in the main line and by succession of father and son and their descendants. If these were lacking, then their brothers and collateral relatives succeeded. Their duty was to rule and govern their subjects and followers, and to assist them in their interests and necessities. What the chiefs received from their followers was to be held by them in great veneration and respect; and they were served in their wars and voyages, and in their tilling, sowing, fishing and the building of their houses. To these duties the natives attended very promptly, whenever summoned by their chief. They also paid the chiefs tribute (which they call 'buis') in varying quantities, in the crops that they gathered." (1)

Father Juan de Plasencia, O.S.F., in 1589, said of the revenue of the chiefs in some village: "The chiefs in some villages had also fisheries, with established limits, and sections of the rivers for markets. At these no one could fish, or trade in the markets without paying for the privilege, unless he belonged to the chief's 'barangay' or village." (2)

The Filipinos at that time not being constituted under a well-defined form of government but rather in congeries of small groups akin to clans could have no definite system of taxation. Their taxes must necessarily be primitive in character. They were, therefore, mostly personal service which the Filipinos willingly rendered. There were also contributions of the products of the soil, the amount depending perhaps upon the necessity of the chiefs and the quantity harvested by the subjects. Then, other chiefs levied some kind of fee or toll for the privilege of fishing in the rivers or using the markets but it was exacted only from the members of the other tribes. But what a beautiful lesson can be learned from the way those chiefs looked upon the contributions of their subjects! "What the chiefs received from their followers was to be held by them in great veneration and respect." Should not the Filipino legislators of today learn something from their an-

(1) Blair and Robertson, "The Philippine Islands" Vol. XVI, p. 119.

(2) Ibid, Vol. VII, p. 175.



cestors in the manner of disposing of public funds? Ought not the taxes paid today be also held in great "veneration and respect," something sacred entrusted in the hands of the tax collectors? If this simple rule is followed, there will not be many misappropriations and malversations of public funds.

Immediately after the arrival of the Spaniards in the Philippines in 1565 for the purpose of colonization they demanded tributes from the natives. The purpose was not so much as to raise revenue to meet the expenses of the government, but as a token of allegiance and submission of the natives to the King of Spain. No definite amount or kind of tribute was exacted but anything that the natives could give was sufficient and satisfactory to the early Spanish conquerors. Gold, however, was preferred by the Spaniards whenever the natives could afford to give it. As soon as settlements were made the natives were divided into groups, something like feudal holdings (*encomiendas*), for the purpose of assessment and collection of the tributes. Some of the *encomiendas* were allotted to the royal crown for the necessities and expenses of the royal estate. Others were granted to the Spanish conquerors and settlers.

When Legazpi became governor of the Philippines, the tributes were made uniform and the amount was fixed at eight *reales*. The natives were, however, allowed to pay it in products such as gold, cloth, cotton, rice, fowls or whatever they possessed or harvested. In 1574 the tribute collected in Manila was a piece of cloth ten *varas* in length and two *varas* wide, two *arrobas* of rice and one hen. When Perez Dasmariñas became governor of the Philippines, the amount of tribute was raised from eight reales to ten reales, and in 1851 it was again raised to twelve reales. The unit of assessment was the married couple, that is, husband and wife. The uncertainty of the payment of the tributes caused the *encomenderos* and tribute collectors to commit all kinds of abuses which resulted in untold hardships and oppression to the natives. In 1586 fifty Spanish residents of Manila sent a memorandum to the Council in Spain recommending several reforms. In connection with the collection of the tributes the council was informed as follows.

"His Majesty should be informed of the great lack of system and the confusion existing in the collection of the tributes and the many injuries inflicted on the Indians by the Spaniards and their great opportunity for inflicting them; for, as he who made the assessments in the beginning was not a lawyer, nor acquainted with the mischief that could happen later in the collections, he rendered them very confused and vexatious. Although, in its general understanding, and in the usage of the first years, it is seen that the tribute amounted to the value of eight reals paid in what the Indians possessed and desired to pay, still in certain words and clauses regarding the assess-



ments and the articles which they fix as payments for tributes—such as cotton cloth, rice, and other products of the country, or three maces of gold and one fowl—opportunity is given for the lack of system now existing, each one collecting as he pleases, with great offense to the Indians and harm to the country. x x x Thus, when the tribute is eight reals, some collect fifteen, and others twenty, twenty-five, thirty, and more, on account of the value of the articles that they demand, which they compel the Indians to search for and bring from other districts. Through this the Indians endure so great oppression and distress, that on this account, several provinces have revolted, and others will not pay except by force and with much disturbances.”<sup>(3)</sup>

### Later Spanish Taxation

The revenues of the Insular Government during the later part of the Spanish regime was usually entered under six general headings. (1) The direct taxes (*contribuciones directas*) including the personal taxes and the income tax. (2) The indirect taxes (*contribuciones indirectas*), or the customs duties. (3) The monopolies (*rentas estancadas*), including at various times the stamp taxes and the sale of quicksilver, salt, playing cards, corrosive sublimate, gunpowder, spirituous liquors, tobacco and opium. (4) Lotteries. (5) Public domain (*bienes del estado*). (6) Miscellaneous and indeterminate revenues (*ingresos eventuales*). In the discussion of these topics public domain and miscellaneous and indeterminate revenues will be omitted because they do not properly belong to the field of taxation and the proceeds from them were insignificant.

*Personal taxes.*—In 1884 the time-honored tribute, the cause of so many abuses on the natives, was repealed and its place was taken by a graduated poll tax. This new tax was collected by means of a certificate of identification known as “*cedula personal*”. It was levied on all residents of the Islands including Spaniards and foreigners, and on both male and female, from the age of 18 to 60. There were sixteen classes of *cedulas* issued, the rates ranging from nothing for certain privileged persons up to 37.50 pesos. The basis of graduation was the amount of direct taxes paid by a person, or the amount of his income as follows:

1. For persons who paid 400 pesos or more of direct taxes, or who had incomes in excess of 8,000 pesos, 37.50 pesos.
2. For those who paid direct taxes of from 300 to 400 pesos or who had incomes of from 6,000 pesos to 8,000 pesos, 30 pesos.

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<sup>(3)</sup> Blair and Robertson, Vol. VI, pp. 190-191



3. For those who paid direct taxes of 200 to 300 pesos or who had incomes of 4,000 to 6,000 pesos, 22.50 pesos.
4. For those who paid direct taxes of 100 to 200 pesos, or who had incomes of 2,000 to 4,000 pesos, 12.00 pesos.
5. For those who paid direct taxes of 50 to 100 pesos, or who had incomes of 1,000 to 2,000 pesos, 7.50 pesos.
6. For those who paid direct taxes of 12 to 50 pesos, or who had incomes of 600 to 1,000 pesos, 5.25 pesos.
7. For those who paid direct taxes of 7 to 12 pesos, or who had incomes of 200 to 600 pesos, 3.50 pesos.
8. For the wives and children of both sexes, more than eighteen years of age of all persons included in the class immediately preceding, 3.00 pesos.
9. For those who paid direct taxes of less than 8 pesos, or had incomes of less than 200 pesos, 2.25 pesos.
10. For all persons not included in the preceding classes, 2.00 pesos.
11. For military officers in active service, 2.00 pesos.
12. For wives and sons of military officers, 0.50 peso.
13. For agricultural colonists, 1.50 pesos.
14. For monks, nuns, sisters of charity and paupers, gratis.
15. For petty governor (gubernadorcillos) or municipal captains and their wives; for cabezas de barangay and their wives, and their first-born sons, gratis.
16. For European agriculturists in Paragua (Palawan Islands), gratis.

These direct taxes are the industrial and the urbana taxes treated later under the heading of income tax. The cedula was not considered a direct tax for the purpose of the above classification. Any person was permitted to purchase a cedula of a higher class than that which he was legally required to have.

The Chinese were subjected to another capitation or poll tax. The cedula issued to them were of eight different classes and the rates ranges from nothing also up to 30.00 pesos. The rates, however, were increased by several surtaxes as follows: first, there was five per cent of the price as a consumption tax; second, a number of surtaxes amounting in all to fifty per cent for the support of the provincial and municipal governments; third, a surtax of eight per cent distributed as follows: one per cent for the general treasury; two, for the cost of collection; and five, to form a fund to meet the expenses of sending to China the insolvent Chinese. The total cost of the cedulas of the Chinese was therefore: class one 48.90 pesos; class two, 40.75 pesos; class three, 32.60 pesos; class four, 24.45 pesos; class five, 16.30 pesos; class six, 9.78 pesos; class seven, 4.89 pesos; and class eight, gratis.

*The Income Tax.*—By a royal decree of June 14, 1878, a new tax was levied in the Philippine Islands on all incomes



except those from agriculture. The policy of the Spanish government in exempting from taxation the income from agriculture was to encourage and nature that occupation. This policy was carried out in connection not only with the income tax but also with other taxes. The income tax was levied under the guise of two taxes: one, on the annual rental value of the urban real estate, and was commonly known as the "urbana" tax; the other, on salaries, dividends and profits, commonly known as the industrial tax. The rate of the tax was 5% of the net income. Very small incomes were entirely exempt, and a partial exemption was granted to those above the minimum amounts.

The urbana tax was levied on all proprietors of improved city property and assessed on the annual rental value of houses and buildings. A deduction of 25% was allowed for maintenance and repairs. Since the tax was assessed on the rent, it covered not only the income from the building but also the income from the site. The owners were required to state the amount of the rent and their statements were verified by examination of the receipts in possession of the tenants. Houses that were unoccupied or that were occupied by the owners were taxed according to what they would rent for. The rent in such cases was determined by taking as a basis the average rent earned by other property leased and similarly located. If the rent could not be ascertained in that way, it was estimated at ten per cent of the selling value. Revenue officers were authorized to examine receipts, leases and other documents. From the urbana tax the following were exempted:

(1) Buildings renting for less than 26.66 pesos per annum. The reasons for this exemption are two-fold: (a) the tax would amount only to about one peso and would scarcely be sufficient to cover the cost of collection; (b) the owners of such buildings were generally poor and were already taxed in other ways.

(2) All public property, also buildings used as hospitals, asylums, and others used for charitable and educational institutions belonging to private persons, provided the use of such buildings was given to the government rent free.

(3) Buildings owned and occupied by religious communities, and those which served as residences of parish priests.

The industrial tax was more important than the urbana tax in point of scope and in point of yield. It has its origin in the four classes of licenses issued to the Chinese shop-keepers in 1828 based on the size of the shop and the character of the goods made or sold therein. The object of the classification was to apportion the tax according to the ability of the taxpayer. The amount of the tax was 100 pesos for the first class, 60 pesos for the second class, 30 pesos for the third class, and 12 pesos for the fourth class. In 1878, two new classes were added, one at 300 pesos and the other at 200 pesos per annum, and the tax was extended to all industries irrespective of the nationality of the owners whether they were Chinese,



Filipinos or foreigners. This tax attained its full development in 1890 when over four hundred different kinds of industries and occupations were enumerated. A very striking characteristic of this part of the income tax is that it was almost entirely objective. The amount of contribution required of any one person was in most cases determined by the external or superficial features of the business in which he was engaged such as the kinds of goods handled, the size and arrangement of his shop, and the importance from the commercial point of view of the town in which his business was located. In few cases, where the income could easily be ascertained, a declaration or a statement of the amount of income in money was required.

Besides the classification of industries and occupations, the rates were also divided into four classes according to the importance of the locality. The first was for Manila and its suburbs; the second, for other ports of entry and towns of over 30,000 inhabitants; the third, for towns of over 15,000 and less than 30,000 inhabitants; and the fourth, for all other towns. The amount charged in each case was always approximately the equivalent of 5% of the average annual profits.

Under this elaborate schedule, brokers were rated at (1) 30, (2) 20, (3) 15, and (4) 11 pesos. Bazzars and dry goods stores which had direct importation of wares were rated at (1) 400, (2) 272, (3) 204, and (4) 143 pesos; or at (1) 200, (2) 136, (3) 102, and (4) 71 pesos if they had no direct importation. Again, a hardware shop, with but one door and without a "godown" or warehouse, was rated at (1) 100, (2) 68, (3) 51, and (4) 36 pesos; if the shop had a "godown" or store-house, the rates were (1) 120, (2) 80, (3) 60, and (4) 42 pesos; if the shop had two doors but no "godown", the same; if the shop had two doors and a "godown", (1) 150, (2) 102, (3) 77, and (4) 54 pesos. In the same way all the industries and shops of the Islands were classed into groups according to the simplest available characteristics which would indicate in any way the size of the business done and the probable profits derived.

Among the professions, surveyors paid 12, 8, 6, or 4 pesos; dentists, 30, 20, 15, or 11 pesos, according to location; and lawyers, 150, 100, or 50 pesos, according to the category of the courts in which they practiced. <sup>(15)</sup>

*Customs Duties.*—The first tariff of a permanent character enforced in the Philippines was begun in 1828 when the King of Spain authorized the creation of a permanent tariff board to devise a system of tariff in order to increase the revenue of the ex-chequer, to nourish and protect the agriculture of the Islands, and to encourage the increase of both national and foreign commerce. The tariff prepared by the board went

<sup>(15)</sup> Carl C. Plehm, *Political Science Quarterly* Vol. XVI, pp. 691-708, and *Reports of the Taft Philippine Commission* pp. 101-104.



into effect in 1832 and consisted of some 1,100 different articles of import with their values fixed according to the unit or weights or measures. There were four rates of duty established for each article. The first or lowest rate was for Spanish goods imported on Spanish vessels; the second, for Spanish goods imported on foreign vessels; the third, for foreign goods imported on Spanish vessels; the fourth, for foreign goods imported on foreign vessels. Most of the goods were dutiable at the following rates: First, 3%; second, 8%; third, 10%; and fourth, 14%. The rates on spirits were: first, 10%; second, 25%; third, 30%; and fourth, 60%. On beer the rates were: first, 3%; second, 10%; third, 20%; and fourth, 25%. Other articles like boots and shoes, sweet potatoes, onions, beans, preserved fruits, etc., paid duties of, first 3%; second, 8%; third, 40%; and fourth 50%. Articles admitted free of duty were trees and shrubs for horticulture, gold and silver coins, horses for breeding purposes, and all machinery and implements necessary for agricultural operations. In 1857 when rice became an article of import instead of exports, it was exempted from duty. Most of the exports paid duties of 1% if reported under the Spanish flag, 2% if exported under a foreign flag for the Spanish peninsula, and 3% if exported under a foreign flag and for a foreign port.

In 1891 the tariff was revised and the most important changes made were: (1) the entire exemption from the payment of duties of all Spanish merchandise imported under the Spanish flag, (2) the increased protection afforded to the market in the Islands for Spanish wares and insular products, (3) the entire abandonment of all ad valorem duties, and (4) the reduction and practical abolition of the free list.

At the time of the American occupation, the Spanish tariff consisted of the following: (1) specific duties on imports, (2) surtaxes for harbor improvements; (3) the so-called ad valorem taxes on imports, (4) consumption taxes on certain goods; (5) miscellaneous charges on certain goods, and (6) export duties.

The tariff adopted by the board in 1832 contained virtually specific duties although the tax was collected under the guise of ad valorem duties, because the board fixed the values at which goods imported might be declared. This farce was partly abandoned in 1870, and most of the duties were calculated with reference to quantity and not with reference to value. The Royal Decree of 1891 transformed these fixed charges into regular specific duties which were continued in force until the arrival of the Americans.

As early as 1880 a board for harbor improvements (*junta de obras de Puerto de Manila*) had been established in Manila under a royal decree for the construction of harbor facilities. The board was authorized to collect a tax of 20%, in addition to the regular duties, on all merchandise. Goods originating from Spain paid this tax, although exempt from the regular



duties. But goods coming from other ports of the Islands were exempt. This tax was collected in Manila alone by the employees of the board and not by the customs house officials. Being confined to Manila, it was evaded by entering the goods at some other ports in the Islands, and sending them on to Manila as goods belonging to inter-island trade. This led to the extension of the collection of the charge in 1891 to all ports of the Islands, and the rate was reduced from twenty to ten per cent. The collection of the tax from that time on was made by the customs authorities. So, the specific duties were practically increased by ten per cent of their original amount.

For a number of years beginning with 1890, the Spanish Government had been experimenting with taxes for loading and unloading (*carga y descarga*) as a possible substitute for export duties. The result of these experiments was the establishment in 1896 of an unloading (*descarga*) tax of 2% *ad valorem* on all goods coming into the Islands, including Spain. This tax was based upon a table of fixed official values, which was drawn up for the purpose under the authority of the Royal Decree of August 16, 1895. In 1897 an extraordinary tax of 6% *ad valorem* based on the aforementioned table of official values was levied for war purposes.

By a royal decree dated August 24, 1896, certain so-called consumption taxes, to be collected by the customs authorities, were established. They took the form of additions to the import duties on spiritous liquors, beer and cider, flour, salt, vegetables, petroleum, and other mineral oils. There were, therefore, three distinct taxes levied upon all import, and four upon those articles just enumerated. The total duty of 100 kilos of salt, for example, would be calculated as follows:

Specific duty (according to the tariff) . . . . .	P .658
Surtax for harbor improvements (10% of the above duty) ..	.065
Ad valorem tax (8% on official value of .40 peso) . . . . .	.032
Consumption tax . . . . .	1.000
	<hr/>
Total duty . . . . .	P1.755

A system of tariff like this would only lead to misunderstanding of the charges, errors in the calculation of the duties, annoyance, and friction between merchants and customs house officials.

In addition to the foregoing taxes, which constituted the tariff proper, there were miscellaneous charges generally levied against vessels. These consisted of wharf charges and harbor dues of 1.50 pesos per ton of 1000 kilos on all exports, and 0.50 peso per ton of 1000 kilos on imports intended for transshipment to other ports in the Islands. There were also lighthouse dues of 0.10 peso per net ton, and stamp taxes on the ships' papers amounting to about 4 pesos.

The export duties have been in operation for many years. During the years 1891 and 1892, they were suspended; their



place having been taken by taxes for loading and unloading; but in 1893 they were restored and continued until the American occupation. The rates were low, amounting only to about 2-1/2%, and they were specific. They were levied on the principal exports of the Islands, namely, hemp, indigo, rice, sugar, copra and tobacco.

On the whole, the Spanish tariff discriminated in a marked degree against the poor and in favor of the rich as the duties fell heavily on necessities and lightly on luxuries. The typical native's dress is cotton cloth and his food is mainly rice, and these paid duties amounting to 25.6% and 18.2%, respectively, while silk and prepared foods, 20.8% and 9.4%, respectively. The duty on beer was 0.9277 peso per liter. The application of specific duties to classes containing both high and low priced goods caused a similar discrimination in favor of the rich. Thus, boots and shoes of all kinds paid the same rate, lamp chimneys and cut-glass decanters were in the same class, and fire proof safes paid at the same rate per 100 kilos as bicycles or typewriters. The taxation of articles according to their component materials operated in many cases in the same direction. For example unfinished clockworks, paid duty as common wrought iron, or at the same rate that was applied to horseshoes.

*Monopolies.*—Among the government monopolies there were included the sale of stamped papers, papal bulls, the sale of certain articles like quicksilver, salt, playing cards, corrosive sublimate, explosives, spirituous liquors, tobacco and opium, and the monopoly on cockpits.

Although the sale of stamped papers was distinctly a tax on inheritance and legal transactions, it was always classed the monopolies or "rentas estancadas". This monopoly dated back from the year 1638. The law of that year provided four classes of stamped papers, costing (1) twenty four reales, (2) six reales, (3) one real, and (4) one cuartillo per sheet. Stamped paper of the first class was to be used for all official communications of grace or favor given by Viceroy, Captains General, Mayors (Corregidores) and ministers of justice, war or revenue. If such documents required more than one sheet, the second and following sheets might be written on stamped paper of the third class. Stamped paper of the second class was to be used for the first sheets of all powers of attorney, wills and contracts of any kind; additional sheets might be on stamped paper of the third class. Stamped paper of third class was to be used for the first sheets of all judicial matters heard by the courts; additional sheets might be on common paper. Stamped paper of the fourth class, issued gratis to government offices, was to be used for official communications and for documents the cost of which fell on the poor.

Two new groups were added later, one for commercial documents such as drafts, bills of exchange, clearinghouse certificates, etc., and another to be used as receipts for payments



of fines to the state. The law took its final form in 1886 when fifty-three different kinds of stamps were provided for. According to this new law adhesive stamps were to be used for insurance policies, drafts, checks, receipts, customhouse clearances and the like. Stamped paper for official use ranged from a nominal value of 0.05 peso per sheet to 20 pesos per sheet; stamped paper for payment of fines to the state, from 0.005 peso to 50 pesos per sheet; and the value of adhesive stamps ranged from 0.05 peso to 50 pesos. The amount of stamps required was determined in contracts by the value of considerations expressed therein; in wills, by the amount bequeathed; in commissions, by the salary of the position; in commercial documents, by the value of the draft, bill of exchange, etc.; and in other cases generally, by the character of the document and the number of pages such document contained.

The proceeds from the sale of the papal bulls did not amount to much although this tax was capable of producing a large revenue if the intent of the law had been enforced. In 1813 there were fourteen different rates fixed, varying from two reales to fifteen pesos, according to the character of the indulgence granted. In 1890 the sale of the papal bulls by the state was discontinued and the same was taken over the church.

Among the articles which the government of Spain singled out on which to exercise the royal right of monopoly, only liquors, tobacco and opium assumed great importance. The original purpose of the liquor monopoly was to restrict its consumption among the natives, but when it was found out that the reduction in the price increased the net returns, the original idea was abandoned and the government went to the other extreme by encouraging the consumption. At one time the revenue derived from this monopoly alone exceeded one million pesos.

The monopoly on tobacco lasted for a whole century. It was established in 1780 and abandoned in 1881. It was the greatest of the state monopolies in revenue-producing capacity. The gross receipts in 1880-81 amounted to 6,571,200 pesos, and the net revenue amounted to about 3,500,000 pesos. The maintenance of the tobacco monopoly involved: (1) the prohibition of the cultivation of tobacco outside of certain districts; (2) the strict regulation of the amount to be raised within those districts which involved compulsory labor on the part of those engaged in its production; (3) the inspection of the growing crops; (4) the inspection and classification of the products as to quality; (5) the purchase of the entire crops by the government at a price determined by the authorities; (6) the preparation of the tobacco under government supervision; (7) the manufacture of cigars, cigarettes and snuff in government factories; (8) the prevention of contraband sales; and (9) the prohibition of the exportation or importation of tobacco except by the government.

The opium monopoly was begun in 1847. The monopoly



was farmed out by selling at public auction the privilege of establishing smoking dens for two years. Only male Chinese were allowed to frequent smoking dens and to purchase opium for smoking. The contractor was the only one allowed to sell and to import opium. This monopoly yielded a revenue of over half a million pesos in 1893-94.

The monopoly on cockpits was established in 1861. Like opium it was farmed out. The right to establish and conduct cockpits for a term of years was sold at public auction to the highest bidder. This source of revenue was surrendered to the local governments in 1891.

*Lotteries.*—Lotteries were established in the Philippines in 1850 by order of Queen Isabela II. At the beginning the drawings were periodical, but later they were made monthly. The price of the tickets was ten pesos each, but each ticket was subdivided into twentieths. Three-fourths of the receipts were distributed as prizes and one-fourth was reserved as a revenue to the government. There were 1,424 premiums given ranging from 100 pesos to 60,000 pesos. Tickets not sold were paid by the treasury. The revenue alone (not including the prizes that the government might get) amounted in one year to 800,000 pesos.

*Local Taxes.*—The revenue of the municipalities as authorized by the Maura Law, might be derived from the following sources: (1) taxes on fisheries; (2) fees for credentials of ownership of live stock; (3) taxes on deeds; (4) rents derived from public property; (5) taxes on billiard rooms; (6) on theaters and horse races; (7) on markets; (8) on slaughterhouses; (9) bridges and ferry tolls; (10) fees for use of enclosures for animals; (11) taxes for lighting and cleaning the streets; (12) a charge of 10% on the city tax; (13) penalties levied in the municipality; (14) taxes on real property; (15) commutation money in lieu of labor on the roads; and (16) such other taxes as might be decided upon in due form.

A municipality might select any or all of the above means of raising revenue and might decide the rates of the taxes to be imposed, but the consent of the reverend parochial priest must be obtained in any case. Examples of these local taxes are as follows:

Any person who desired to fish in any stream within the limits of a municipality was required to secure a permit from the municipal tribunal.<sup>(16)</sup> The charge for the permit depended upon the net used which was divided into classes. The charge for the first-class net was 2.50 pesos; for the second class net, 1.50 pesos; for the third-class net 1.00 peso; for the fourth-class net, 0.75 peso; for the fifth-class net, 0.50 peso;

<sup>(16)</sup> The municipal tribunal was the government of the town and was composed of five officers. They were the municipal captain and four lieutenants designated respectively as the chief lieutenant, the lieutenant of police, the lieutenant of fiscals, and the lieutenant of live stock.



and for the sixth-class net, 0.25 peso. The permit granted was good for one year.

Certificates of ownership of large cattle were issued at 0.15 peso each.

The municipality usually delegated a person to levy a tax on all persons using the market, the amount being in proportion to the amount and value of goods to be sold. But, as there was no fixed rate of the tax, the amount collected depended on the whim and caprice of the tax collectors. There was no receipt, so the tax collectors frequently misappropriated part of the tax. Being left independent to use their discretion, the tax collectors generally committed grotesque abuses. They harrassed and maltreated those who used the markets until they paid more than the amount of the tax and gave some of the produce for the tax collectors and their families. This market tax was commonly known as "alcabala".

Although there were no public slaughter houses in the towns of the Philippine Islands, every person who wanted to kill an animal was required to notify the municipal tribunal. This was done in order that bills and receipts might be sent for the collection of the tax. A fine was imposed for failure to give the required notice before killing an animal. The tax levied varied according to the kind of the animal killed. The following were average rates: buffalo or cattle, 1.50 pesos; sheep, 0.50 peso; goat, 0.25 peso; and hog, 0.25 peso.

The tolls charged for crossing the rivers on ferries where there were no bridges were as follows: If traveling on four-wheeled carriage, 0.20 peso; on carromata (two-wheeled vehicle), 0.10 peso; cart with springs, 0.07 peso; on loaded cart with no springs, 0.05 peso; empty cart, 0.03 peso; on horseback, 0.02 peso; on foot, 0.01 peso.

In almost all the towns in the Philippines enclosures were maintained by the municipalities for the purpose of affording people the safe-keeping of their live stock. These enclosures were watched very carefully by the stewards of the municipal tribunal. Owners of cattle or horses who made use of the enclosures had to pay 0.05 peso daily for each animal.

The municipalities were authorized by law to lease the collection of any tax except the tax on real property. The real property tax was never, however, imposed although its levy was authorized by law. After the municipal tribunal had decided to farm out the collection of certain taxes, a public auction was held in accordance with the regulations prescribed by the provincial council in this respect. The captain of the tribunal presided at the auction and he was assisted by a lieutenant and the oldest two members of the municipal council. Taxes not farmed out were collected by the "cabezas de barangays" or other officers designated by the tribunal. The members of the tribunal were personally responsible for the amount entrusted to the persons appointed for the collection of taxes.



# PHILOSOPHY AND SOCIAL SCIENCE

## *A Study of Social Legislation in the Philippine Islands*

*By Carmen G. Ledesma, Ph.D.*

(II)

### THE WORKMEN'S COMPENSATION ACT

Act 3428 as Amended by Act 3812

Compensation for injury or death suffered by a worker was first provided for by law in 1908 when Act Number 1874 or, as it is popularly known, The Employers' Liability Law, was passed. This early act which is now described as "unsatisfactory and antiquated" (1) contained interesting features, some of which have been retained in the Workmen's Compensation Act No. 3428.

The main provisions of the Employers' Liability Law are:

(1) Domestic servants and agricultural laborers are excluded from the benefits of the law.

(2) A worker may not renounce his right to the benefits provided in the law prior to the occurrence of an accident.

(3) Injuries or deaths suffered are compensable only if due to the negligence of the employer or his man in charge.

(4) Injuries or deaths are not compensable if the worker had knowledge of the defect or negligence causing the accident.

(5) Action for damages may be filed by the injured worker as if he were not an employee.

(6) Suits for damages are to have preference over all cases except habeas corpus and criminal cases on the dockets of the courts of the First Instance.

(7) Suits for damages are to be tried and decided within 15 days after final submission.

(8) In case the injured worker dies, his widow, or legal heirs, or next of kin may file a suit for damages.

(1) Bulletin of the Bureau of Labor—1929, No. 27, p. 41.



(9) Suits for damages should be filed within one year after the accident.

(10) The employer should be furnished with a written report of the action for damages within 90 days after the occurrence of the accident. Due allowance is made in case of disability to notify the employer.

(11) Proper allowance may be made by the court for the worker which his case is pending trial—with the employer being given a chance to present his side.

(12) The employer is still liable even if he consigns the whole, or a part of the work to a contractor who in turn may consign it to a sub-contractor.

(13) If the employer contributes to an insurance fund for compensation payments, the amount received by the injured worker from the fund shall be considered in deciding the compensation to which he is entitled.

(14) Damages for personal injuries shall not exceed ₱2,500.

Such are the provisions of the first law enacted providing for workmen's compensation in case of injury or death. It may be observed that those in domestic service and agriculture are discriminated against as they are in other labor legislation. It may be observed, too, that "yellow-dog contracts" in which the worker may sign away his rights are guarded against. The provision made for the worker while his case is to be tried are very considerate.

A very strong objection to the law, which was supplemented on February 5, 1915, by Act number 2473 which provided that "in all litigations instituted by a laborer or by his heirs and successors . . . neglect on the part of the employer shall constitute a presumption of the law" was the difficulty of proving negligence on the part of the employer or his man in charge and efforts were made by the laborer or his man in charge and their champions to secure the enactment of amendatory laws.

The enactment of a more comprehensive Employer's Liability Law was recommended among other things by the First Labor Congress held in Manila in connection with the celebration of Labor Day on May 1, 1913.

On May 1, 1926, the Labor Congress again passed a resolution calling for the amendment of Act Number 1874 "so as to provide liability for the Government or employers in case of death or accident met by the laborers" (1).

The Federación del Trabajo de Filipinas, at its convention held at the same time adopted a resolution calling for "better protection to victims of labor accidents" (2).

In the interest of laborers, the Bureau of Labor advocated the enactment of

"An Act reforming the present Employer's Liabil-

(1) Pamphlet on Labor Conditions in the Philippine Islands, 1927, p. 70.

(2) Pamphlet on Labor Conditions in the Philippine Islands, 1927, p. 70.



ity Act, designated as Act 1874, as amended by Act 2473, because this Act, with Sections 699 and 2607 (s) of the Administrative Code, do not give adequate compensation in every case of accident, depending upon the injury suffered, without taking into consideration whether the injury was accidental or not, casual or due to force majeure, or whether the laborer has contributed, or not, his negligence to the accident. That is, to establish the theory of professional risk sanctioned by the International Labor Conference. (1)

In answer to the growing demand for a more adequate compensation law or as the Bureau of Labor says: "to establish instead "of the unsatisfactory and antiquated "employers' liability System" a more equitable and adequate system of awarding reasonable pecuniary aid to the injured laborer or his dependents due to industrial accident" (2) the Legislature passed Act Number 3428, popularly known as The Workmen's Compensation Act" amended in 1930 by Act Number 3812.

The Workmen's Compensation Act as amended by Act Number 3812 is compulsory with regard to operation, and a combination of three types with reference to method of administration and settlement of claims, namely: (3)

- (1) Settlement by agreement
- (2) Settlement by an Industrial Commission
- (3) Settlement by the Court

Settlement, under the Law, may be made directly by employer and employee.

If this method should fail, the matter is referred for arbitration and Arbitration Division.

And if htis should fail to settle the claim for damages the matter is taken to Court by the Bureau of Labor, unless the worker wants his own lawyer to handle the case for him.

The Workmen's Compensation Act as compared to the Employers' Liability Law is more comprehensive and adequate. It is patterned after the compensation laws of Minnesota and Hawaii.

A careful analysis of the Act reveals the following provisions:

I. The Act applies to all "industrial employment for pecuniary gain" with a gross income of not less than P20,000 in the year immediately preceding the one in which the accident occurred, agriculture (except in the case of those operating mechanical implements), charitable institutions and domestic service excluded.

All industries with a gross income of less than P20,000 come under Acts Number 1874 (The Employers' Liability Law) as amended.

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(1) *Ibid* p. 88.

(2) *The Activities of the Bureau of Labor, Bulletin, 1929, p. 41.*

(3) *The Activities of the Bureau of Labor, Bulletin—1929, p. 41.*



II. The following are entitled to compensation:

(1) All those employed or working at a trade, occupation or profession exercised by an employer for the purpose of gain "except charitable institutions, domestic science, and agriculture, with, however, those engaged in "The operation of mechanical implements", entitled to the benefits of the Act, whose wage does not exceed ₱42.00 a week overtime pay excluded. (Sec. 39, article a & b of Act 3428 as amended by Act 3812).

(2) Mounted messengers in the employ of the Insular Government (Sec. 3 of Act 3428 as amended by Act 3812).

(3) Government employees and laborers employed in Government industrial concerns and public works whose salary does not exceed ₱2,000 a year (Sec. 3 & article 3 of Sec. 39 of Act 3428 as amended by Act 3812).

III. The following employees are not entitled to compensation under the Act:

(1) An employee working in a concern whose gross income during the year immediately preceding the accident was less than ₱20,000 (Sec 42 of Act 3428 as amended by Act 3812).

(2) An employee whose employment is purely casual and not for the purposes of the occupation or business of the employer (Sec. 39, article b of Act 3428 as amended by Act 3812).

(3) An employee whose wage exceeds ₱42 a week exclusive of overtime pay (Sec. 38 Article b of Act 3428 as amended by Act 3812).

(4) A public officer elected by popular vote (Sec. 39, article c of Act 3428 as amended by Act 3812).

(5) A government employee whose wage exceeds ₱2,000 per annum (Sec. 39, Article e of Act 3428 as amended by Act 3812).

IV. When injury is not compensable:

(a) If caused by the voluntary intent of the employee to inflict such injury upon himself or another person.

(b) If due to drunkenness on the injured worker's part.

(c) If due to the injured worker's "notorious negligence".

V. Accidents and illness not resulting in death are compensated as follows:

A. For injury resulting in temporary total disability.

Sixty per cent of the average weekly wage to be paid every week beginning on the eighth day of his injury until the injured worker recovers, the total period not to exceed 208 weeks nor the amount ₱3,000.

Compensation shall not be more than ₱18 nor less than ₱4 except when the weekly wage is less than ₱4 in which case the compensation shall be equal to the wage. If the injury is however total, the compensation shall be ₱4 even if the weekly wage is less. (Section 14 Act Number 3428 as amended by Act 3812).

B. For injury resulting in permanent total disability.

The compensation for this injury shall be 60% of the aver-



age weekly wage to be paid for 208 weeks. (Sec. 15, Act 3428 as amended by Act 3812).

C. For injury resulting in temporary partial disability.

A weekly compensation equal to the difference between the injured worker's average weekly wage before the accident and the weekly wage which he would be earning after, for a period of not more than 208 weeks beginning the second week of the injury, the weekly compensation not to be more than ₱10. (Sec. 16 Act 3428 as amended by Act 3812).

D. For injury resulting in permanent partial disability.

Fifty per cent of the average weekly wage to be paid for a period the length of which depends upon the nature and extent of the disability. (Sec. 17 Act 3428 as amended by Act 3812).

In case a partial disability sets in after a period of total disability or total disability begins after a period of partial ability corresponding changes shall be made in the rate of compensation.

VI. Compensation for injury or sickness resulting in death:

A. Burial expenses not to exceed ₱100 to be paid by the employer to whoever shoulders the expense, such amount not to be deducted from the compensation to be made according to the Act. (Sec. 8, Act 3428 as amended by Act 3812).

B. A weekly compensation to be paid the dependent or dependents of the dead employee the rate being based on the relation the dependent or dependents bear to the employee and the period not to exceed 208 weeks. If the compensation is paid in lump sum it shall not exceed ₱3,000. (Sec. 8, Act 3428 as amended by Act 3812).

VII. The following dependents are entitled to compensation:

(1) A son or daughter, unmarried, under 18 years of age or incapable of supporting himself or herself;

(2) The widow dependent, totally or partially upon the deceased, and incapable of supporting herself;

(3) A parent or grandparent of totally or partially dependent upon the deceased;

(4) A grandchild, or brother, or sister less than 18 years old and incapable of supporting himself and totally dependent upon the deceased. (Sec. 9, Act 3428, as amended by Act 3812).

VIII. The following are not to be considered dependents and are, therefore, not entitled to compensation benefits:

(a) A dependent foreigner leaving the Philippine Islands. (Sec. 9, Act 3428, as amended by Act 3812).

(b) A dependent foreigner who is not at the time a resident of the Philippine Islands. (Sec. 9, Act 3428 as amended by Act 3812).

IX. An employee may not sign away his right to compensation under the Act. (Sec. 7).



X. Payments may be made in

- (a) lump sum,
- (b) periodical payments, or
- (c) a combination of (a) and (b)

If in lump sum, the amount should be at least 80% of the whole amount to be paid in accordance with the Act.

XI. Expenses for medical attendance shall be borne by the employer and shall not be deducted from the compensation due the workers.

XII. Notice of an injury shall be served the employer by the employee not later than two months after the date of the injury and in case of death not later than three months after death. Otherwise no compensation shall prosper. (Section 24).

XIII. Injuries received outside by laborers contracted in the Philippine Islands are compensable under the Act and injuries received by workers contracted outside the Philippine Islands are compensable according to the law of the territory or country in which he was contracted.

XIV. The Bureau of Labor shall act as referee in all claims and disagreements upon the request of an interested party.

XV. Payments may be made directly to the beneficiary or through the Bureau of Labor.

XVI. In case the injury suffered by an employee is compensable by any person other than his employer, he shall have the option to claim from either.

XVII. Misrepresentations so as to secure false claims shall be penalized.

From the above mentioned provisions of the Act, it is seen that the Workmen's Compensation Act secures for the employee "a speedy, sure, and simple remedy" (1) by which he or his dependents may secure compensation for injury suffered in the service of the employer. No longer are compensation claims to be settled through court action alone as under the old Employers' Liability Act. The Workmen's Compensation Act by providing that claims may be settled out of court has eliminated the three major difficulties of the poor everywhere before the law which prevent them oftentimes from profiting by legislation enacted specially for their benefit. These three difficulties are given by John O'Grady (2) as follows:

- (1) The law's delay
- (2) Court costs
- (3) Expense of counsel

It is true that the Employers' Liability Act provided for the prompt trial and decision of a case within 15 days after final submission. But as the chief of the workmen's Compensation Division says, "Under the Old Employers' Liability Act damages for injuries thru accident are left to the courts for determination and after a long litigation the claimant is not sure to win unless the court finds that there is a defect in



the machinery of the employer or the accident is due to the employers negligence".

As to the court costs it may be argued that they are negligible. To a person who is well-off financially they are insignificant but to a poor laborer suing for damages caused by an accident which may incapacitate him for work, they are onerous. And as to the expense of counsel, although Act 1942 passed in 1909, just one year after the enactment of the Employers' Liability Law, provided for the free services of a defensor de officio, an injured employee suing for damages could not take advantage of the free services of these defensores de officio as the law specifically limits the duty of these to defend needy persons involved in criminal cases only.

The creation of the position of Labor attorney by Act number 2385, passed on February 28, 1914, provided laborers with free counsel, but as already pointed out the procedure for obtaining damages for injury received under the Employers' Liability Law resulting oftentimes in despair and insecurity.

The Workmen's Compensation Act guards against unfair settlements and insures to the injured worker or his dependents, in case the injury results in his death, a "speedy, sure, and simple procedure for securing damages due him or his dependents."

Another significant feature in the Act is the express prohibition against any agreement that might exempt the employer from any liability. This indeed is a boon to the helpless laborer as it guards against the introduction of the "yellow-dog contract" (1) in the field of compensation.

The rates of compensation provided in the Act are considered by some insufficient. But allowance should be made for the social and economic standards obtaining in the Philippine Islands.

The list of dependents who are entitled to compensation is rather generous and comprehensive. For instance, the word children, who are dependents under the Act, include step children, adopted children, and, even, illegitimate children provided they were acknowledged before the injury occurred. Again, the word grandson or granddaughter includes children of adopted children and also of stepchildren.

But the word widow is limited only to the one legally married to the employee. This was the decision rendered by the Supreme Court in the case of Banjero against the Atlantic Gulf and Pacific Co. The Supreme Court ruled that the term widow presupposes that there had been a marriage. A common law wife is one who is living with a man without the benefit of marriage vows or ties and, therefore, she is not entitled to compensation.

Another point that had to be taken to Court for clarification was:

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(1) A contract forced in the worker in which he renounces his right to join a trade union or to drop out if he is already a member of one.



Whether an existing disease is compensable of aggravated by the nature of the employment.

Several interesting cases of the kind have already been decided by the Supreme Court.

One is the case of Mateo Banjero vs. Atlantic Gulf and Pacific Co. This was an appealed case. Banjero was a laborer employed on board the S. S. Atlantic Gulf. The employing company presented evidence showing that Banjero was suffering from tuberculosis and that his illness was not due to his work, but the Supreme Court ruled that he was entitled to compensation because his disease was aggravated by the nature of his work.

The case of Lianero vs. San Pedro was decided in favor of the former. Like Banjero, Lianero was tubercular but his disease was aggravated and his wife who dependent on him was awarded damages.

The case of Simeon Vergara vs. Pampanga Bus, however establishes a different ruling. In the complaint, it appears that Simeon Vergara was employed by the Pampanga Bus Co. He was not in "a very healthy condition" and soon fell sick. The doctors of the company found him to be "suffering from heart trouble due to bad tonsils". He was given a sealed report of his condition to be delivered to his manager, but he failed to deliver this report and he was eventually dismissed. He then instituted action for compensation under the Workmen's Compensation Act in the Court of First Instance of Pampanga which denied his claim. He appealed his case to the Supreme Court and this was the ruling handed down by that body in a decision penned by Associate Justice George A. Malcolm:

"A disease may be an accidental injury within the meaning of the workmen's compensation act. To be thus compensable the disease must come from or be an accident or injury arising in the course of employment. A general idiopathic disease, however, is not within the compensatory provisions of the compensation act".

Further:

"Disability resulting from pre-existing disease and not from an accident or injury and having only a casual connection between exposure and illness, is not compensable. To call the sequent heart disease of the plaintiff an accidental injury would be to distort the fair meaning of the statute and the underlying principle of compensation".

The Pampanga Bus was absolved from paying Vergara's claim of ₱3,000 as compensation due him. (1)

This is a very significant ruling as it provides the employers with a very wide loophole. Considering the actual health conditions in the Philippine Islands, it will prove easy for the

(1) Tribune, January 10, 1936, p. 2.



employer to prove that the illness of an employee is pre-existing and was simply aggravated and not caused by his work.

However, in cases like these, an appeal is made to employer by the Bureau, now Department, of Labor in behalf of the worker. In its annual report for the year 1932, the Bureau recorded that "there were many cases where the employers who were not legally bound to pay compensation gave liberal amounts as donations".

A study of the cases not compensated show that non-payment of compensation was due to the: (1)

- (a) Disability lasting less than a week
- (b) Absence of legal dependents
- (c) Gross income of employer being less than ₱20,000
- (d) Abandonment of the claim
- (e) Notorious negligence of the injured.
- (f) Injured being a farm laborer not using mechanical implements
- (g) Sickness not being an occupational disease
- (h) Other causes which made the cases fall outside the purview of the Law

Of much social interest is the attitude of the employee and the employer towards the compensation idea.

The Chief of the Workmen's Compensation Division reports (2) that the "injured laborer is apt to think that a labor accident is a swell investment and that he has a chance to go on vacation with pay at the expense of the employer and the too understanding wife who finds an opportunity to improve the family budget encourages the husband to malingering or magnify the injury". The result is disappointment when the big sum anticipated is not forthcoming which leads to the suspicion that the Bureau of Labor is responsible for his receiving for his receiving little compensation". Other injured laborers cannot understand that some is necessary to determine injuries and compute the rates of compensation due them and they labor under the delusion that they are not being attended to properly by the Bureau of Labor.

Regarding the employers' attitude, the chief of the Workmen's Compensation Division says, "It is very hard to make employers understand why they should be forced to be financially responsible for an accident which occurred without their fault. They seem to think that the law is too arbitrary in telling them what to do and how much and when to pay to the injured laborers or their dependents. They find it strange why compensation expenses should be considered as costs of production. Granted that the employers understand the principles of the law, there is also that natural tendency in them to minimize compensation cost as much as possible. They may not be cooperative in the submission of reports. The company's

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(1) Annual Report, 1934, Bureau of Labor.

(2) Speech.



physician in examining the disability of the injured laborer is inclined to favor the employer who keeps him on the retainer basis".

Add to this, the difficulty of proving that a claim is just, as previous examples cited how, and the attendant maladjustments that go with sickness or injury incapacitating a worker permanently or temporarily, totaly or partially, or resulting in death, and we have the problems of compensation. After all, accident compensation may affect, altho not adequately as the amount of compensation never is equal to what the worker, if uninjured could earn, the economic loss suffered, but it cannot and never will be able to determine the financial value of pain; of the life of a beloved husband or child; of mental anguish; of disfiguration; and the like".

### THE EIGHT HOUR LABOR LAW (Act Number 4123)

In an answer to repeated demands for a law regulating the hours of work for laborers, the Philippine Legislature enacted on December 9, 1933, Act Number 4123 popularly known as the Eight-Hour Labor Law. The author of this law is the now Secretary of Labor, Hon. Ramon Torres, noted for his labors in behalf of the working class.

The demand for an Eight-Hour Labor Law was first voiced in a resolution adopted along with two others (1) by the First Labor Congress held on May 1, 1913, in connection with the celebration of Labor Day. This demand for an eight-hour working was subsequently reiterated in the congresses held as well as in conventions of Labor Organizations. The Bureau of Labor championed the cause and accordingly recommended the enactment of such law. However, it was not until 1933 that the much desired law was passed.

Act Number 4123, or the Eight-Hour Labor Law, shows the following features:

1. Limitation of the working day to 8 hours daily for (a) laborers who habitually do hard work requiring great physical effort", and (b) laborers "who work under normally difficult, dangerous or unhealthful conditions" (Section 1).

2. The working day may be lengthened or shortened by the Commissioner of Labor (2) with the advice of two representatives of the laborers and two also of the employers, making thus an allowance for:

(a) Lack or insufficiency of competent laborers for a certain work in a locality

(b) Inconvenient or undesirable conditions resulting from the limitation of the working day to 8 hours daily

(1) One demanding a child and woman Labor Law and the other Employers' Liability Law.

(2) Now Secretary.



of the city's working people, makes them darners and consumers, and stabilizes the local industrial situation".

The advantages to the company discovered by the Kellogg Company, it frankly admits, were "almost as impressive"; namely:

"Increased daily production from the plan as an operating unit, due to increased production at every station or task, slight in itself but considerable in the aggregate.

"Elimination of meal periods, with their waste, and the expense of a large cafeteria.

"Increased return from the capital invested in plant and machinery, owing to the increased rate of plant operation.

"Opportunity for reorganizing the working force to rectify inequalities and fit all "pegs" in appropriate 'holes'.

"Decreased overhead due to the fact that the factory produces more packages of cereals per dollar of overhead than under the eight-hour shift". (1)

It may be argued that the Kellogg Company is a very big company and can afford to experiment with a short working day, but undoubtedly if a smaller concern were to try it, some, if not all, of the above mentioned advantages would be realized.

A moderately short working day benefits not only the employee alone, but also society as a whole.

The more humane existence which it makes possible improves the workman's morale, health, and physique; interest in the family and the home is fostered; the moral degeneration that so often accompanies excessive labor weighing down the worker is prevented; interest in self-improvement and social intercourse is aroused; and general contentment and happiness is very happy result.

In fixing the hours of labor at eight daily, the Philippine Legislature simply followed the general demand of workers all over the world for an eight-hour working day, for, it seems that it is the period considered just to both employer and employee.

However, it should be borne in mind always that eight-hour a day is intended as maximum and not as a minimum period. For, as the Holy Father Pope Leo XII has said in his encyclical letter *Rerum Novarum*:

"It is neither justice nor humanity so to grind men down with excessive labor as to stupefy their minds and wear out their bodies. Man's powers, like his general nature, are limited, and beyond these limits he cannot go. His strength is developed and increased by use and exercise, but only on condition of due intermission and proper rest. Daily labor, therefore, must be so regulated that it may not be protracted during longer hours than strength admits. How many and how long the intervals of rest should be, will de-

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(1) Reproduced as quoted by E. J. Ross "A Survey of Sociology" pp. 233-234.



vailing notion that a shorter working day would mean a decreased rate of production which would be offset only by employing another shift at extra expense; and the latter, because they considered it, as workers of other countries did, an intrusion upon their freedom to make free contracts. This point is very clearly explained by Pope Leo XIII in his encyclical letter "Rerum Novorum" or in English, "The Condition of Labor".

"In all agreements", says the Holy Father, "between masters and work people, there is always the condition, expressed or understood that there be allowed proper rest for soul and body. To agree in any other sense would be against what is right and just, for it can never be right or just to require on the one side, or to promise on the other, the giving up of those duties which a man owes to his God and to himself". Besides the Eight-Hour Labor Law does not prohibit the employers from cutting down the employees' wages to offset the extra expense of hiring extra workers, so many employees objected to its application as it would mean reduced wages for them.

However, times and expense have dispelled these misgivings regarding the law. Employers have not made the drastic reductions in wages feared by the workers and the enormous decrease in the rate of production did not materialize.

Of interest to employers should be the findings of the Kellogg Company of Michigan which introduced in December 1930, a six-hour day. Its findings are contained in a pamphlet "what of the Six-Hour Day?" The adoption of a six-hour working day revealed certain advantages "which were not so obvious to them under the old arrangement." These advantages were:

"More leisure for recreation (embracing both rest and play).

"Opportunity to cultivate farms or gardens, especially by those living on the outskirts of the city, affording them both wholesome exercise and a supply of fruits and flowers, vegetables and dairy products for their tables.

"Time to pursue educational courses, music or other cultural studies.

"Increased incentive to prepare for managerial jobs, as the change from three to four shifts makes necessary an additional full staff of managers, foreman, foreladies, etc.

"Less fatigue due to smaller number of hours of work daily, and longer periods of rest between, resulting in a more healthy, ambitious, alert, and aggressive working force.

"Opportunity for mothers who must support children to earn a living and yet have ample time at home to care for their families.

"Decreased cost of living on account of being able to have all meals at home.

"Greater assurance of a steady job due to the fact that the increase in the number of workers employed absorbs more



of the city's working people, makes them darners and consumers, and stabilizes the local industrial situation".

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pend upon the nature of the work, on circumstances of time and place, and on the health and strength of the workman. Those who labor in mines and quarries, and in work within the bowels of the earth, should have shorter hours in proportion as their labor is more severe and more trying to health. Then, again, the season of the year must be taken into account; for not infrequently a kind of labor is easy at one time which at another is intolerable or very difficult. Finally work which is suitable for a strong man cannot reasonably be required from a woman or a child.... As a general principle, it may be laid down, that a workman ought to have leisure and rest in proportion to the wear and tear on his strength, for the waste of strength must be repaired by the cessation of work."

Sounder principles on the length of the working day, there are none. If the Eight-Hour Labor Law would only be taken and applied in the sense in which it is intended, it would indeed, be a blessing to the harassed worker.

A few words should be said regarding the application of the law with respect to woman and child labor. As explained on the chapter on The Women and Child Labor Law, workers, both male and female, less than 16 years of age are prohibited by the Woman and Child Labor Law from working more than 7 hours a day or 42 hours a week. Now, all those over 18 years of age, be they female or male workers, come under the Eight-Hour Labor Law. But since the adult female workers do not engage in the occupations coming under the purview of the Eight-Hour Law their working hours, therefore, are unlimited and left solely for the employer to determine, with or without, their convenience being consulted.

The Bureau of Labor (1) has advocated the enactment of an eight-hour labor law for "women and children". (2) It also advocated, before the Eight-Hour Labor Law was passed, the enactment of a law (3) which would, among other things, limit the hours of labor of women engaged in certain industries after the Sixth Month of pregnancy to seven daily.

Evidently, these suggestions were not considered of sufficient importance to be included in the Eight-Hour Labor and so the adult female workers are without the protection enjoyed by the adult male workers under the Eight-Hour Labor Law, and the minor worker under The Woman and Children Labor Law.

A very simple and expedient way of extending this protection to the adult female worker is to enact a law amending The Woman and Child Labor Law so as to limit the working not only of minor workers but also of adult female workers.

(1) Now Department.

(2) The Activities of the Bureau of Labor, Bulletin No. 27, 1929, p. 99.

(3) Ibid, p. 68.



# SCIENCE AND ENGINEERING

## Non-Euclidean Geometry

By Gilda Salindon, M. S.

Euclid's treatment of elementary geometry has remained substantially unchanged except as to the addition of some theorems until the birth of non-Euclidean geometry in the 19th century. During this century very remarkable generalizations have been made, which reach to the very root of geometry. The axioms have been searched to the bottom, and the conclusion has been reached that the space defined by Euclid's axioms is not the only possible non-contradictory space. Euclid proved (T 27) that "if a straight line falling on two other straight lines make the alternate angles equal to one another, the two straight lines shall be parallel to one another. Being unable to prove that in every other case the two lines are not parallel, he assumed this to be true in what is generally called the fifth postulate. Under the term non-Euclidean geometry we shall understand a system of geometry which is built up without the use of Euclid's fifth postulate.

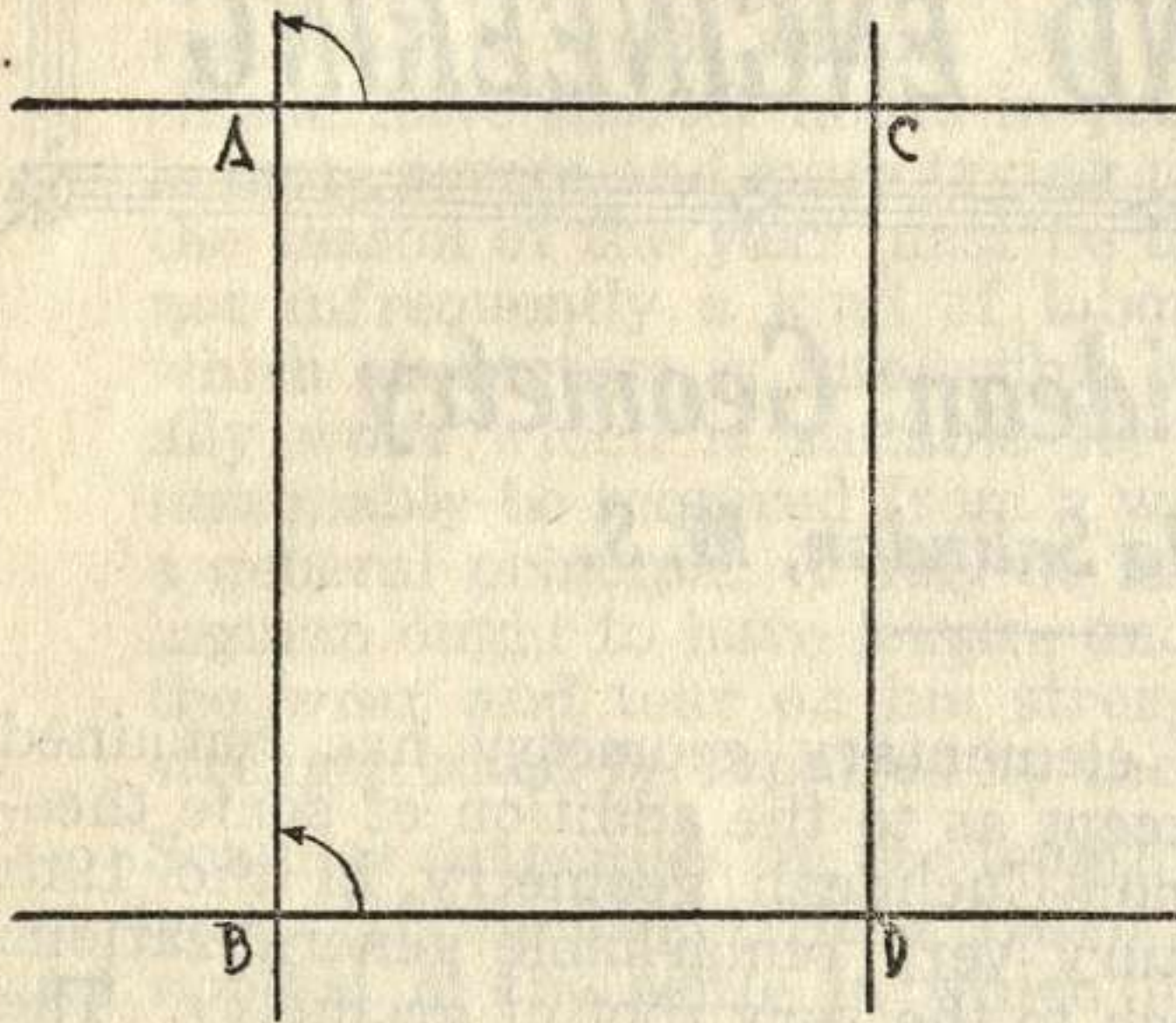
The question of Euclid's postulate relating to parallel lines has occupied the attention of geometers ever since the Elements was written. After centuries of desperate but fruitless attempts to prove the postulate, the idea that a geometry might be built up without assuming it dawned upon the minds of several mathematicians. The first scientific investigation of this part of the foundation of geometry was made during the seventeenth century. The movement to replace the postulate by a more satisfactory one attracted attention when taken up, at that time, by John Wallis.

*John Wallis* (1616-1703)—He gave a proof of Euclid's postulate. But his proof depends upon the assumption, that *if there is given a triangle in a plane, we can construct a triangle similar to it and of as large an area as we please.* which is practically equivalent to Euclid's. Indeed, he might have simplified his assumption. It would have been sufficient, if it were possible to construct one triangle similar to a given triangle.

*Girolamo Saccheri* (1667-1733)—He gave a proof of the postulate using the method of *reduction ad absurdum*, a form



of proof well known and common even in Euclid's time. He made an assumption contrary to Euclid's postulate and tried



· FIGURE · 1 ·

to show that it led to an absurdity. He considered two parallel straight lines AC and BD crossed at right angles by a third line AB (Fig. 1). On the lines AC and BD he laid off equal distances AC and BD on the same side of AB, and joined the extremities of the segments so formed by a fourth line CD. He could show, without the use of the fifth postulate that the two new angles thus formed were equal. Hence angles

were (a) both right angles or (b) both obtuse, or (c) both acute. He proved readily that they could not be both obtuse. He then made the assumption that both were acute. He derived property after property—for instance, that the sum of the angles of a triangle is less than two right angles—without coming to any contradiction. He found that if there were a single triangle in a space the sum of whose angles is two right angles, then Euclid's postulate would follow as a consequence from it. The deductions soon became very complicated, however. He supposed that they involved some contradiction, although there was not any, and that Euclid's postulate was therefore established. Although he did not realize that he could not prove Euclid's parallel postulate, yet he is the *first to develop a body of theorems of non-Euclidean geometry*, being the first to consider seriously the possibility of other hypotheses. In this way, his work may be looked upon as a precursor of Lobachevsky's doctrine of the parallel angle.

*Johann Heinrich Lambert* (1728-1777)—He was the next to question the validity of Euclid's postulate, in his *Theorie der Parallelinien*, the most important treatise on the subject between the publication of Saccheri's work and the works of Lobachevsky and Bolyai. In it, he showed the following:

1. The failure of the parallel postulate in surface—spherics gives a geometry with angle sum greater than 2 right angles.
2. In order to make intuitive a geometry with angle-sum



less than 2 right angles we need the aid of an "imaginary sphere (pseudo-sphere).

3. In a space with angle-sum differing from two right angles, there is an absolute measure (Bolyai's natural unit for length.)

*Adrien Marie Legendre* (1752-1833)—His elements of geometry which appeared in 1794 had a generous reception in various countries and it ranks as one of the best text books ever written upon the subject. It was generally adopted on the Continent and in the United States as a substitute for Euclid. He sought to rearrange the propositions of Euclid separating the theories from the problems and simplifying the proofs without lessening the rigour of the ancient methods of treatment. In it he contributed also to the theory of non-Euclidean geometry but failed to make any note-worthy advance. Much attention was given by him to the subject of parallel lines. In the earlier editions of his Elements, he made *direct appeal to the senses* for the correctness of the parallel postulate. He then attempted to demonstrate it but his proofs did not satisfy even himself. "In Vol. XII of the Memoirs of the Institute is a paper by him, containing one of his attempts at a solution of the problem". Assuming space to be infinite, he proved satisfactorily that it is impossible for the sum of the three angles of a triangle to exceed two right angles; and that if there be any triangle the sum of whose angles is two right angles, then the same must be true of all triangles. But in the next step, to show that this sum cannot be less than two right angles, his demonstration failed. If it could be granted that the sum of the three angles is always equal to two right angles, then the theory of parallels could be strictly deduced.

It was not till 1823 in the twelfth edition of his Elements that Legendre claimed he had proved the parallel postulate. But in proving it he made use of *another assumption* which seems evident and fundamental. The assumption is as follows: Given two half lines issuing from a point O, and any point P in the same plane with them, a straight line can always be drawn thru the point P and intersecting both the given half lines.

*Carol Friedrich Gauss* (1777-1855)—As early as 1772 he had started on researches concerning the fifth postulate of Euclid. His letters show that in 1799 he was trying to prove *a priori* the reality of Euclid's system. In 1829 he wrote to Bessel, stating that his "conviction that we cannot found geometry completely a priori has become, if possible, still firmer", and that "if number is merely a product of our mind, space has also a *reality beyond* our mind of which we cannot fully fore-ordain the laws *a priori*." In another he expressed himself to the effect that he was becoming more and more convinced that the fifth postulate of Euclid cannot be proved *without an addi-*



*tional assumption.* He is then the first to affirm the impossibility of proving it. In his correspondence with Heinrich Christian Schemacher (1831-1832), the astronomer, he asserts that he had thought out a theory along the same line as Lobachevsky and Bolyai intimating that he was himself in possession of the principles of non-Euclidean geometry, but the publication of their works seems to have put an end to his investigations. His statements on the subject is as follows:

"I will add that I have recently received from Hungary a little paper on non-Euclidean geometry in which I rediscover all my own ideas and results worked out with great elegance. The writer is a very young Austrian officer, the son of my early friends, with whom I often discussed the subject in 1798, although my ideas were at that time far removed from the development and maturity which they have received from the original reflections of this young man. I consider the young geometer, Von Bolyai, a genius of the first rank".

In another letter written on November 8, 1824, to one Taurinus, who, two years, later, published a *Geometrie prima elementa* (1826), he remarked:

"The assumption that the sum of the three angles is smaller than  $180^\circ$  leads to a new geometry (non-Euclidean, which term is due to Gauss) entirely different from ours (the Euclidean)—a geometry which is throughout consistent with itself, and which I have elaborated in a manner entirely satisfactory to myself, so that I can solve every problem in it with the exception of the determining of a constant which is not a priori obtainable."

*Nicolaus Ivanovitch Lobachevsky* (1793-1856)—While Legendre endeavoured to establish the parallel postulate by rigid proof, Lobachevsky assumed the contradictory of that postulate so that he and J. Bolyai were the first to work out systematically a non-Euclidean geometry. His views on the foundation of a geometry which should not depend upon the Euclidean postulate of parallel lines were first made public in 1826 thru his lectures. He set forth the principles of his famous doctrine of parallels in articles printed in the *Kasan Messenger* for 1829. His complete theory was published in 1835 under the title "*New Elements of Geometry.*" His idea is based on the *assumption that thru a given point an indefinite number of lines can be drawn in a plane, none of which cut a given line in the same plane.* We see then that the conception of a non-Euclidean geometry came into being only after centuries of vain attempts to prove the truth of Euclid's postulate.



*Johann Bolyai* (1802-1860)—Nearly simultaneously though quite independently of Lobachevsky, Johann Bolyai deduced a similar system of geometry which he called “absolute geometry.” He worked out the theory of parallels and set it forth in “The Science Absolute of Space”, an appendix to his father’s chief mathematical work. In it he gives a clear discussion of the validity of Euclid’s postulate of parallels and presents a non-Euclidean geometry.

*Lobachevskian Geometry*—We have seen how almost at the same time Lobachevsky, Bolyai, and Gauss reached the conclusion not only that the parallel postulate could not be proved, but that a logical system of geometry could be constructed without its use. The system of geometry common to these three writers we should call the Lobachevskian Geometry since Lobachevsky was the one to develop it most fully. They retain all the assumptions of Euclidean geometry with the exception of the parallel assumption which they replace by the following one.

“Through any point in the plane there go two lines parallel to a given line.”

The first twenty-eight propositions of the first book of Euclid are then true.

We shall now consider the characteristic definitions of this geometry.

*Parallel Line*—Let  $PQ$  be any straight line and  $A$  any point not on  $PQ$ . Through  $A$  there passes a set of lines intersecting  $PQ$ , since any point on  $PQ$  may be joined to  $A$ . It is conceivable that there may be other lines thru  $A$  which do not intersect  $PQ$ . In that case, there will be lines such as  $AL$  and  $AK$ , not intersecting  $PQ$  and forming the boundaries of the set of lines which met  $PQ$ . Such lines are said to be *parallel to  $PQ$* .

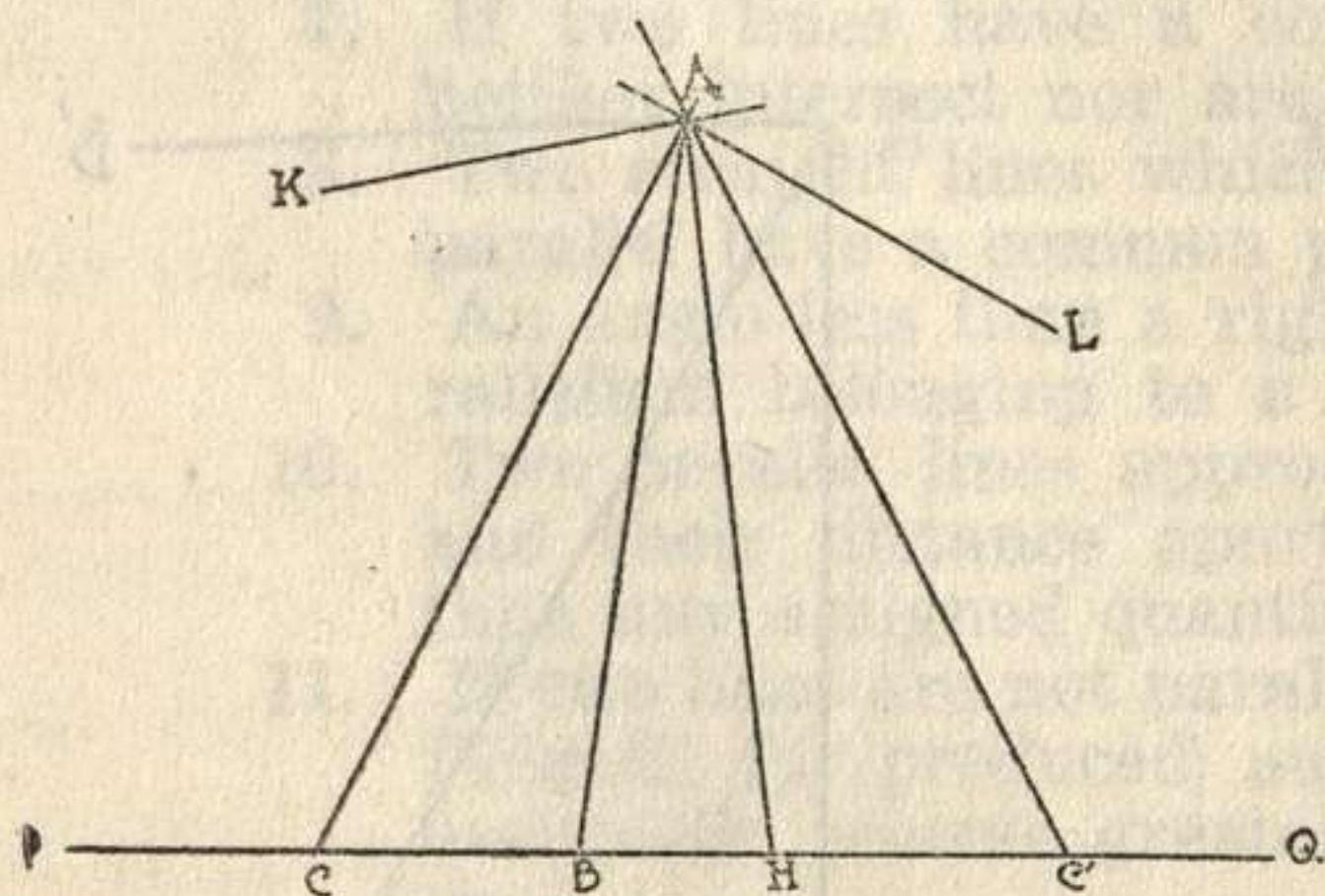


FIGURE 2

Otherwise expressed: Let  $AB$  be any line thru  $A$  intersecting  $PQ$ . The line  $AL$  is said to be *parallel to  $PQ$*  at the point  $A$ , if

- (1)  $AL$  does not intersect  $PQ$  no matter how far produced.
- (2) Any line thru  $A$  in the angle  $BAL$  does intersect  $PQ$ .



This definition of parallel lines is more general than that of Euclid. It considers only those portions of the lines  $AL$  and  $PQ$  which lie on the same side of  $AB$ . In other words, the directions of lines are important. Thus  $AL$  is parallel to  $PQ$  and  $AK$  is parallel to  $QP$ .

*Angle of Parallelism*—The angle  $HAL$ , where  $AH$  is perpendicular to  $PQ$ , is called the *angle of parallelism* for the distance  $AH$ .

*Equivalent Figures*—Those which may be divided into parts which are congruent in pairs. (Congruence takes the same meaning as that found in Euclid's geometry).

We shall next give some of the theorems; 4, 5, 6, and 7 being of vital importance in subsequent proofs.

1. A straight line maintains the property of parallelism at all its points.
2. If a line is parallel to another line the second line is parallel to the first.
3. If two lines are parallel to a third, they are parallel to each other.
4. Let  $AB$  and  $CD$  (Fig. 3) be two parallel lines cut by a third line  $AC$  and let  $A'B'$  and  $C'D'$  be two other parallel lines cut by a line  $A'C'$ , and let angle  $DCA = \text{angle } D'C'A'$ ; then
  - (a) If  $A'C' = AC$ , angle  $C'A'B' = \text{angle } CAB$ .
  - (b) If  $A'C'$  is less than  $AC$ , angle  $C'A'B'$  is greater than  $CAB$ .
  - (c) If  $A'C'$  is greater than  $AC$ , angle  $C'A'B'$  is less than  $CAB$ .

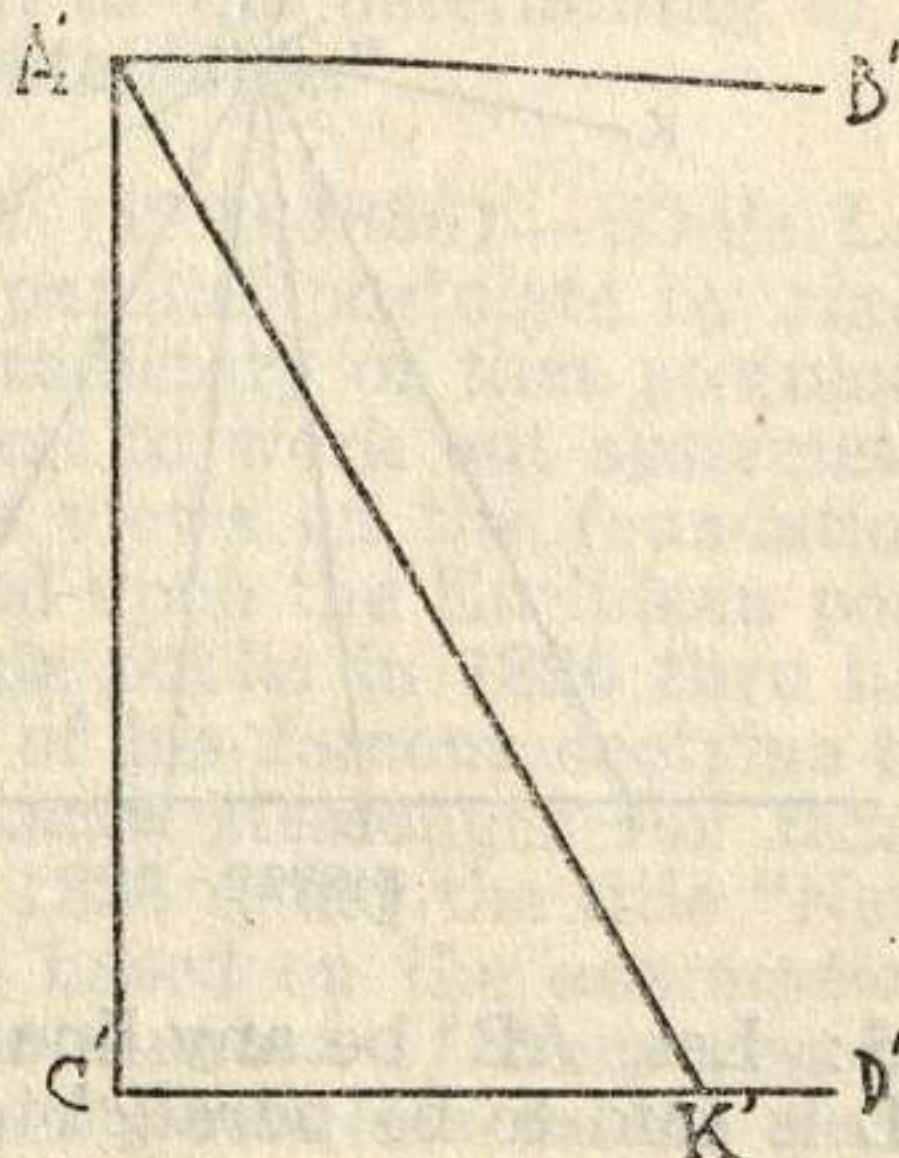
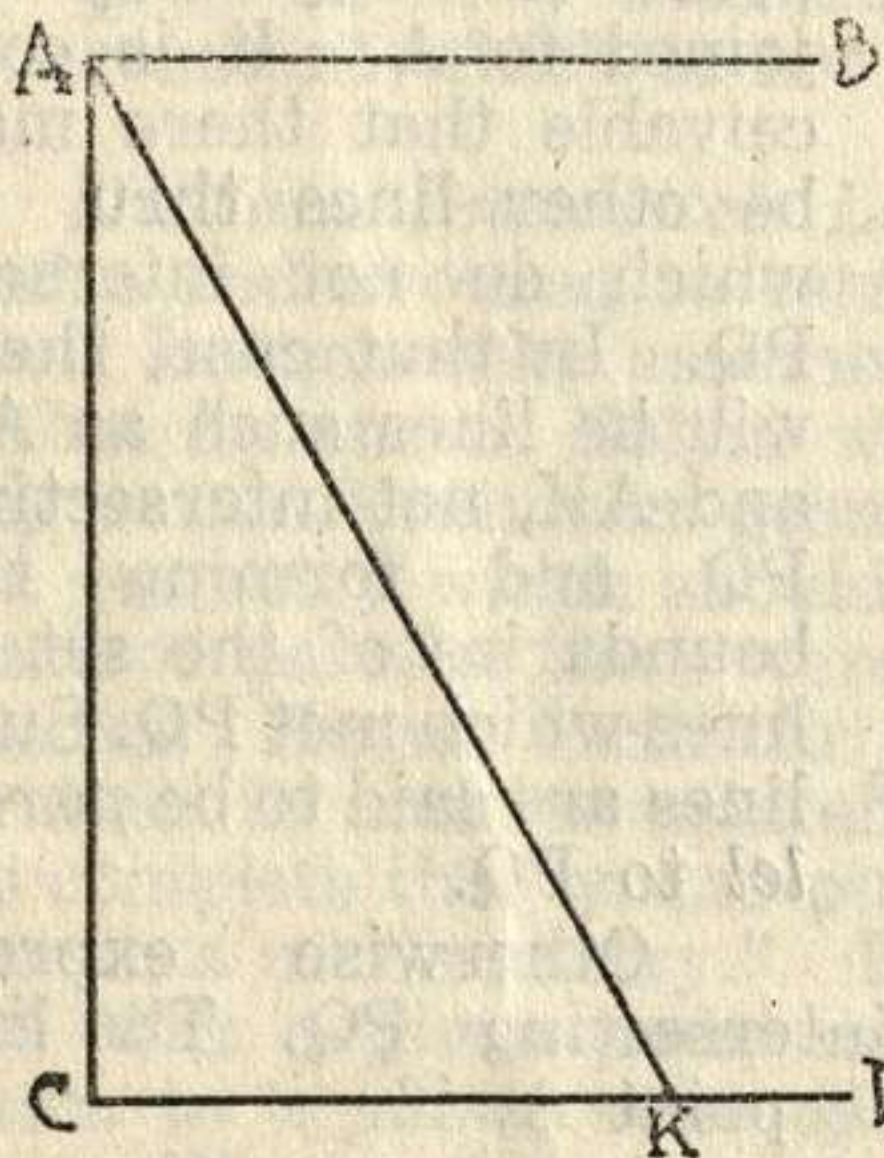


FIGURE 3



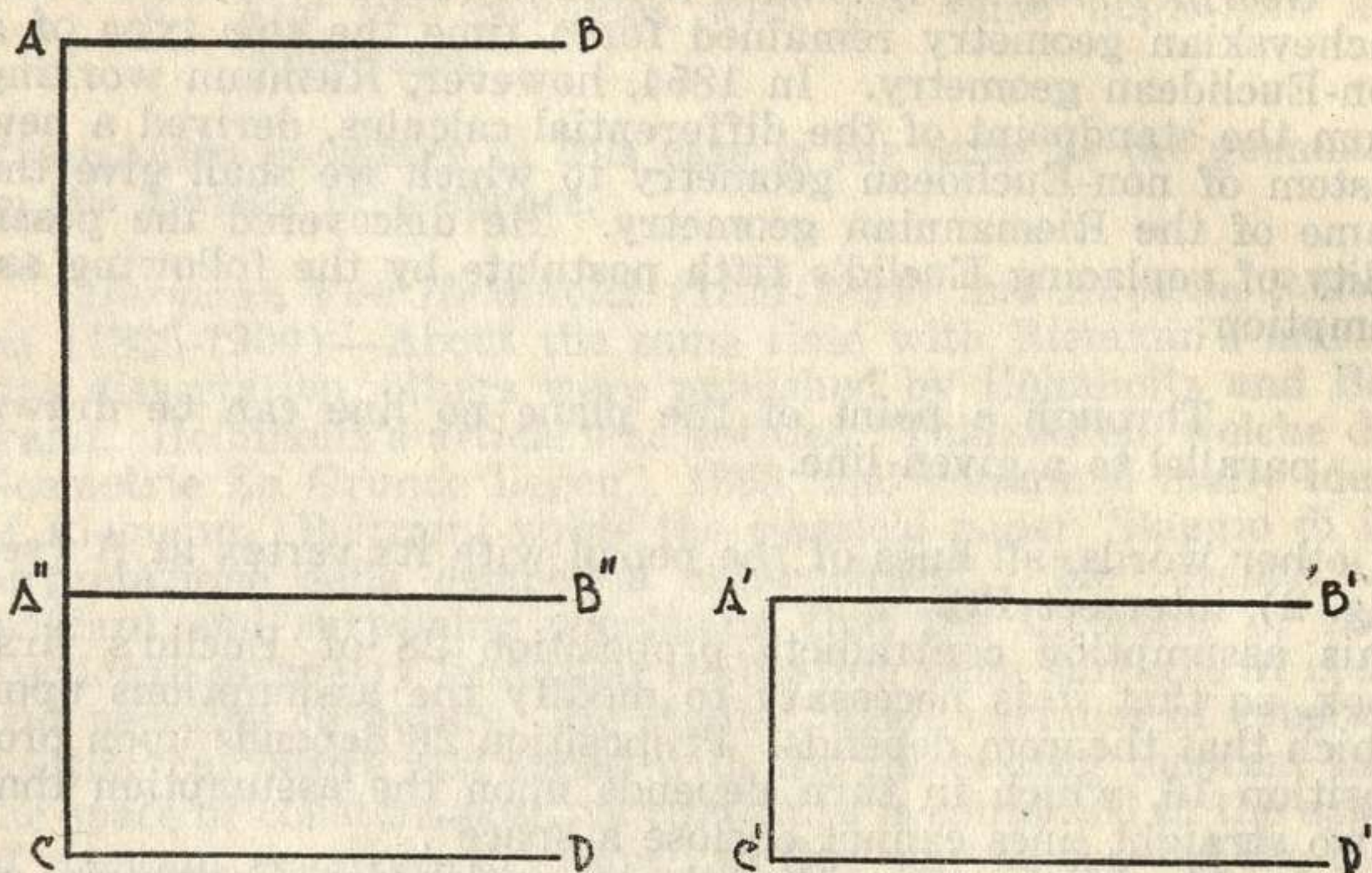


FIGURE 4

5. Let  $AB$  and  $CD$  (Fig. 3) be two parallel lines cut by a third line  $AC$  and let  $A'B'$  and  $C'D'$  be two other parallel lines cut by a line  $A'C'$ , and let angle  $CAB = A'C'B'$  and angle  $ACD =$  angle  $A'C'B'$ , then  $AC = A'C'$ .
6. The angle of parallelism is fixed for a fixed distance and decreases as the distance increases.
7. If two lines have a common perpendicular they neither intersect nor are parallel.
8. Two straight lines which neither intersect nor are parallel have a common perpendicular.
9. An angle less than a right angle is an angle of parallelism belonging to a certain distance.
10. Two parallel lines approach each other continually and their distance apart eventually becomes less than any assigned quantity.
11. If two lines are not parallel they will diverge if sufficiently far produced, and their distance apart will eventually become greater than any assigned quantity.
12. The sum of the angles of a triangle is always less than two right angles.
13. Two triangles are equivalent if a side and the sum of the angles of one are equal to a side and the sum of the angles of another.
14. Any two triangles with the same angle-sum are equivalent.



*George Friedrich Bernhard Riemann* (1826-1866)—The Lobachevskian geometry remained for a time the sole type of a non-Euclidean geometry. In 1854, however, Riemann working from the standpoint of the differential calculus, derived a new system of non-Euclidean geometry to which we shall give the name of the Riemannian geometry. He discovered the possibility of replacing Euclid's fifth postulate by the following assumption:

Through a point of the plane no line can be drawn parallel to a given line.

In other words, all lines of the pencil with its vertex at A (see Fig. 2) intersect PQ.

This assumption contradicts proposition 28 of Euclid's first book, so that it is necessary to modify the assumptions upon which that theorem depends. Proposition 28 depends upon proposition 16, which in turn depends upon the assumption that "two straight lines cannot enclose a space".

In his "Ueber die Hypothesen welcher Geometrie zu Grunde liegen, Habilitationsschrift", he develops the notion of  $n$ -ply extended magnitude and the measure-relations of which a manifoldness of  $n$  dimensions is capable, on the assumption that "every line may be measured by every other." He applied his ideas to space. He suggested a surface of negative curvature, thus leaving Euclid's geometry on a surface of zero curvature midway between his own and Lobachevsky's. He distinguished between "unboundedness" and "infinite extent". According to him we have in our mind a more general notion of space, that is, a notion of non-Euclidean space; but by experience we learn that our physical space is, if not exactly, at least to a high degree of approximation, Euclidean space.

*Riemannian Geometry*—We shall now consider a few important results of the Riemannian assumption.

1. All lines perpendicular to the same straight line meet in a point at a constant distance from the straight line.
2. As corollary to the above theorem we have: all straight lines are of constant length.
3. All lines which pass thru a point  $O$  meet again in a point  $O_1$ , such that the distance  $OO_1$  is constant.
4. The sum of the angles of a triangle is always greater than two right angles.
5. Two triangles are equivalent if a side and the sum of the angles of one are equal to a side and the sum of the angles of another (same as in Lobachevskian geometry).



6. Any two triangles with the same angle-sum are equivalent.

Riemannian geometry in this case is the same as the geometry on the surface of a sphere.

*Hermann Von Helmholtz* (1821-1894) and *Eugenio Beltrami* (1835-1900)—About the same time with Riemann's marvelous dissertation, others were published by Helmholtz and Beltrami. Helmholtz's article was entitled "Thatsachen, welche der Geometrie Zu Grunde liegen", 1868, and contained many ideas of Riemann. Beltrami wrote the classical paper "Saggio di interpretazione della geometria non-euclidea". He reached the brilliant and surprising conclusion that the theorems of non-Euclidean geometry find their realization upon surfaces of constant negative curvature. He studied, also (surfaces of constant positive curvature and ended with the interesting theorem that the space of constant positive curvature is contained in the space of constant negative curvature. In this way he showed the connection between the measure of curvature and the geometric assumption and established the impossibility of proving the parallel postulate.

These researches of Beltrami, Helmholtz and Riemann culminated in the conclusion that on surfaces of constant curvature we may have three geometries.—the non-Euclidean on a surface of constant positive curvature, the spherical on a surface of constant positive curvature, and the Euclidean geometry on a surface of zero curvature. The three geometries do not contradict each other, but are members of a geometrical system. Klein (1871) has called these geometries the elliptic (Riemann's), parabolic (Euclid's) and hyperbolic (Lobachevsky's).

#### Criticism :

1. The development of non-Euclidean geometry tended to irradicate the all too common feeling that the fundamental conceptions of geometry are *fixed and unalterable* for all times; and, in particular that Euclid's parallel postulate, however evident centuries of tradition have made it seem to us, is not the only conceivable one for an abstract system of elementary geometry. In a word non-Euclidean geometry cleared up obscurities in the fundamental concepts and greatly extended the field of geometry.
2. Non-Euclidean geometry counteracted the natural effect of Euclid's work on the subject which was to give rise to the feeling that *elementary geometry had attained perfection* and that the next step in the progress of this science must be in the direction of some kind of higher geometry or else in the field



of mensuration. The remarkable results of the mathematical investigation of Lobachevsky, Bolyai and Riemann which relate to the foundations of geometry have proven that the subject is growing and changing at the bottom as well as at the top.

3. It settled the problem relating to the validity of the propositions derived from a given set of assumption. We often hear the opinion expressed that a mathematical proposition is certain beyond any possibility of doubt by a reasonable being. We see that such is not the case. It is now clear that the truth of a proposition is *relative* not absolute for its validity depends upon what set of assumptions we make at the outset in order to get started.
4. Non-Euclidean geometry has made us realize that axioms and postulates are not *a priori synthetic judgements or self evident truths* imposed upon our minds, with which we must necessarily begin any rational development of geometry. But they are simply *statements accepted without proofs*. They are but mere *conventions or agreements* we make to be the basis of the considerations in hand.
5. Non-Euclidean geometry contributed powerfully to the victory of logic over excessive empiricism.





# NEWS AND NOTES

## UNIVERSITY CURRENT NEWS

**Now Rector Stresses Religion in Inaugural Address.** — In his inaugural address on July 25, the Very Rev. Fr. Silvestre Sancho, O. P., new Rector Magnificus of the University, stressed the importance of religion before a capacity crowd of government dignitaries, U.S.T. faculty, students and visitors that packed the paranympus of the main building. Francisco Romualdez, speaking for the university, voiced the students' welcome.

The Very Reverend Father Rector thoroughly emphasized that he would inject Catholicism in every department of the University, that he would make the students good Catholics first and above all, and then work to make them good in their line of professional endeavors. Strict discipline in morals and conduct and the fomenting of the Spanish language because of its importance will be rigidly carried out by the new head of the oldest university under the American flag. With the pledged cooperation of the students, it is predicted that Rev. Father Rector Sancho will perform duly a very successful administration.

A welcome banquet in the gym given in his honor by the faculty club followed the inaugural ceremonies. President M. Mañosa of the said club and Prof. Jose M. Hernandez delivered a welcome message and a witty after-dinner extemporaneous respectively. The Rev. Rector gave the closing remarks once more reiterating his desire for a model and militant catholic spirit in our Catholic university.

**U. S. T. Accepts Washington U. Challenge in Forensics.** — Professor Pompeyo Diaz of the College of Law and mentor of the local debating society, warmly accepted a challenge of the debaters from the University of Washington for a forensic clash in the near future when they invade Manila. The challenge sent to the Pontifical University was contained in a memorandum that included a list of propositions and subjects which the American debaters are ready to dispute about.

The local members of the debating club, realizing that the challenge would be a red-lettered event in their activities, have rounded up their forces to contend against the debaters from abroad. Some candidates got their dreams nipped in the bud when confirmed rumors were bruited around the campus that Prof. Diaz definitely decided that the Santo Tomas team will be composed of Sofronio Quimson and Feliciano J. Ledesma. The club adviser also revealed that Juan T. Ataviado of the Law college, will act as alternate.

Up to press time, nothing definite is known except that the challenge is readily welcome and accepted and the local team is tentatively chosen. The U. S. T. Debating Club is preparing to send a memorandum of propositions to the invading debaters on which Santo Tomas will willingly contend. The



invading team will stay also for a series of lectures on sorts and sundry in the city.

**Nippon Students U. S. T. Guests.**—The members of the Japanese Students' Goodwill Tour to the Philippines were guests of a lively literary-musical program offered by the U. S. T. students in the paranympus of the main building in Sampaloc on July 30. The eighty-one Nipponese youths, which composes the first of a series of Japanese educational tours to the Islands, thrilled to the warm reception of welcome.

Feliciano J. Ledesma, who stressed his belief in the sense of justice in the future of the youth of Japan, brought the Nippon goodwillers into the hearts of the university students with a well-applauded oratory of welcome. The Very Rev. Fr. Silvestre Sancho, O. P., Rector Magnificus of the university, Rev. Fr. Juan Calvo, O. P., Henry C. Quema and two leaders of the Japanese Students' tourists delivered timely speeches. Messrs. Francisco A. Romualdez, Vicente Alvarez, Jr., Roberto Posadas, Jose C. Guevara, Miss Mina Custodio and three Nippons who sang a Japanese collegiate song, furnished musical numbers.

The Manila guests were headed by Ken Sato and Ichitaro Takata of the "Osaka Mainichi" and the "Tokyo Nichi-Nichi," powerful newspapers with millions of subscribers published in Japan. Refreshments were served the visitors after delightfully inspecting the modern and spacious halls of the university buildings.

### STATISTICS ON RELIGION

The following religious statistics, contributed by the Rev. V. H. Krull, C. P. P. S., will, we are sure, prove interesting and enlightening to our readers:

Upon the command of His Holiness Pope Pius XI a **Catholic World Atlas** was prepared and published. This was done by F. C. Streit for the Society for the Propagation of the Faith. This book contains a geographical and statistical description with maps of the Holy Roman Catholic Church. The exact number of Catholics in the various parts of the world are given. We summarize the number of Catholics in

All Europe . . . . .	208,881,598
All America . . . . .	199,096,603
All Asia . . . . .	16,535,812
All Africa . . . . .	5,329,455
Australia and Islands . . . . .	1,584,541
<hr/>	
Total No. of Catholics . . . . .	431,428,009

Those who believe in the one true God are:

Jews . . . . .	16,000,000
Catholics . . . . .	431,428,009
Greek Orthodox . . . . .	127,000,000
Protestants . . . . .	171,000,000
<hr/>	
Total . . . . .	745,428,009



Other religions in the world are:

Mohammedans . . . . .	219,000,000
Buddhists . . . . .	135,000,000
Hindus . . . . .	210,000,000
Confusianists . . . . .	301,000,000
Shintoists . . . . .	21,000,000
Animists . . . . .	136,000,000
<hr/>	
Total . . . . .	1,022,000,000

The above total are neither Jews nor Christians.

The total number of believers in God are . . . . .	1,767,428,009
The number of people in the world according to the <b>Catholic World Atlas</b> of 1929 is . . . . .	1,940,744,350
Deduct the number of believers . . . . .	1,767,428,009
from the total number of people in the world and we find, if figures are correct, that there are unbelievers or people without religion in the world today.	173,316,341

It is high time that Jews and Christians unite in an effort to enlighten those who are without any belief and knowledge of God.

**The Sign**

**GILBERT CHESTERTON**

The obituary writer, in composing his record is obliged sometimes to draw largely on charity—at the expense of strictest accuracy. But when it is said that the death of Gilbert Chesterton is a universal loss, the tribute is diluted with no reservation. Because he held certain unpopular positions firmly and defended them brilliantly, he spent a large part of his life in controversy. But those who tilted with him would be the first to say that the whole literate world is poorer because this Catholic artist has passed on.

He belonged, spiritually, to the England of Samuel Johnson and the coffee houses. With a nostalgic affection he perpetually harked back to a vanished world, when all Europe was Catholic, when England was Mary's Dower, when a knightly ideal prevailed, which was sinned against sometimes, but valid in the ideal.

He hated the dirt and the clutter of commerce. He hated the iniquities which created a proletariat—a landless peasantry working for hire, machine-tenders who were regarded as other machines. So, with Belloc, he urged his system of distributism.

In all press accounts these days, a familiar title of Chesterton's is recalled, "Prince of Paradox."

He was a master of paradox, if the term is correctly defined. But if critics mean that Chesterton was merely clever, merely a sophist of peerless genius, they insult a conscience which never compromised and an intellect inferior to no other in English letters. Gilbert Chesterton was a penetrating and honest thinker.



He started only because the world of books is cluttered with slovenly thinking. Because he thought behind shibboleths to their kernel of wrong principle, he seemed at times a veritable master of illusion, a magician amazing small boys. But that was because he destroyed illusion, and uncovered the truth which had been hidden by illusion.

English to the core, he fought, with Hilaire Belloc, against the inveterate lie that the Catholic Church is "alien." Insistently he instructed his countrymen in the elemental history of their nation—that England had once been all Catholic, really and heartily Catholic, and that the faith comes now to England as an exile returning.

### THE AGE OF THE EARTH

In calculating the age of the earth, geologists and physicists have relied principally on radioactive rocks—radium and uranium ores. Scientists knew that in one year one gram of uranium disintegrated, depositing 0.000000000125 gram of lead. Thus by calculating the amount of uranium-lead in the ore they could check back to find the age of the rock.

But this procedure still left one gaping hole in the column of precise figures. How long did our planet exist before it cooled from a gaseous state into solid rock? Because of this unanswered question, estimates of the earth's antiquity varied from one to ten billion years.

Sometime in Rochester, N. Y., at the annual Summer meeting of the American Association for the Advancement of Science, two University of Rochester physicists—Drs. Thomas R. Wilkins and Wilbur B. Rayton—brought forth the most ingenious method yet devised to determine when the world roared into being.

After taking thousands of pictures of alpha particles—units of radiation—spewed out by the three types of uranium, they concluded that each had definite periods of life. Actino-uranium, for example, lived a much shorter time than uranium 1—a form of the mother mineral. Using this and other obscure facts, they calculated that the huge fireball that whirled off the sun to make the earth contained one part of actino-uranium for every ten parts uranium. Knowing this, plus the rate of decay of the two minerals, plus their prevalence today, it required only routine mathematics to place the earth's age as well as that of the rest of the solar system at 2,500,000,000 years.

### THE ENERGY LINKING ATOMS IN MOLECULES

A new experimental step which should aid the development of a better theory of how the atoms in a molecule are linked together was described recently by President James Bryant Conant, of Harvard University, before the Sixth National Organic Symposium of the American Chemical Society.

In previous research, Dr. Conant explained, the energy changes involved in the linkages of the atoms in molecules of organic compounds has been found by burning the compounds and measuring the heat given out. The new Harvard experiments, conducted by Professor G. B. Kistiakowsky with Dr. J. R. Ruhoff, W. E. Vaughan, H. A. Smith and H. Romyn, obtain the amount of heat liberated directly, said President Conant.



"The first example chosen for study was the reaction of a molecule of hydrogen with a hydrocarbon which is deficient in hydrogen; that is, an unsaturated compound," said Dr. Conant. "When the two molecules come together in the presence of a catalyst they combine and heat is evolved; this heat, which is a measure of the affinity of the carbon compound for the extra hydrogen, is measured directly in the new procedure.

"The values thus obtained are much more reliable than those previously available calculated from the heats of combustion. Because of the increased accuracy, slight differences in the affinity of different compounds for hydrogen were revealed. The explanation of such variations in affinity which occur with changes in the mode of linkage of the atoms in a molecule is a theoretical problem of much importance. When more accurate data are available from the studies in progress, it should be possible to develop to a better stage the fundamental theory of the linkage of atoms in molecules."

Dr. Conant was emphatic in his statement that he himself had not carried out the research program, explaining that the press of administrative duties prevented his active participation. His contribution, he pointed out, was made three years ago when he and Professor Kistiakowsky planned the five-year program financed by the Rockefeller Foundation.

#### THE LIGHTEST SOLID

The lightest solid material ever made by man or found on earth has been produced at the Franklin Institute's Bartol Research Foundation laboratories at Swarthmore, Pa. It is a variety of lithium, lightest metal. It is lithium of atomic weight 6, the lightest of the two kinds of isotopes of this element. By comparison iron of atomic weight of over 55 is extremely heavy. This lightest solid is less than twice as heavy—atom for atom—as the gas helium used by the U. S. Government to inflate its airships.

The production of the world's lightest solid was achieved by Dr. L. H. Rumbaugh, who used electromagnetic means in the Swarthmore, Pa., laboratories. Dr. W. F. G. Swann, director of the laboratories, gave the first hint of the achievement in a lecture before the New York Electrical Society on January 5. Only the merest speck of material has yet been obtained, but as the result of four years of research there is hope of ultimately concentrating, in usable amounts, the rare isotopic varieties of the elements.

Heavy hydrogen, or deuterium, the heavyweight isotope of common hydrogen was the first of the chemical isotopes to be concentrated. For its identification and concentration Professor Harold C. Urey, of Columbia University, recently won the Nobel Prize in chemistry. The only other isotope ever concentrated in usable amounts is that of the gas neon, widely used in the red advertising signs, which was produced recently by Dr. Gustav Hertz in Germany. Concentration of solid isotopes is much more difficult than that of gaseous elements.

Dr. Rumbaugh's apparatus ionizes lithium so that the atoms have electrical charges upon them, and then shoots them into a magnetic field which acts as a sorter to spread different weight isotopes out onto a collecting strip. The magnetic field also acts as a lens to concentrate the ion beam into tiny deposits.



The "lightest" solid as a variety of lithium stands next to hydrogen and helium in the chemist's table of atomic weights. The relative weights of hydrogen, helium and lithium as determined by chemical tests are roughly as one is to four is to seven. Actually hydrogen's atomic weight is 1.0078 and the gas is composed of hydrogen of atomic weight 1, deuterium of mass 2 and a trace of hydrogen of mass 3, all mixed in such proportions that the average atomic weight comes out to be 1.0078. Similarly lithium's real atomic weight is 6.940, composed of a mixture of lithium of mass six and lithium of mass 7, with the mass seven variety, of course, greatly predominating.

### THE NEW TELESCOPE FOR THE CALIFORNIA INSTITUTE OF TECHNOLOGY

The largest unit of the great 200-inch diameter telescope being built for the California Institute of Technology has arrived at Pasadena after an ocean voyage from the East by way of the Panama Canal. It is the lower end of the telescope tube, weighing 19 tons, which will eventually be the containing unit for the block of glass soon to be shipped from the Corning Glass Works.

Los Angeles and Pasadena, with their proximity to Hollywood, have seen queer sights, but few more strange than the wood-created telescope unit being hauled slowly through the streets. It looked like some gigantic cheese, projecting over each side of the trailer by more than five feet.

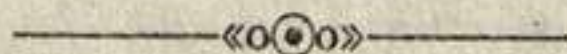
The trip from San Pedro harbor to the laboratory at California Institute of Technology took five hours, an average of only five miles an hour. Only the widest streets could be used. Three more hours were spent in maneuvering the trailer up a ramp and around close clearances, with sometimes only three inches to spare, into the huge room where the frame is to be used first as a cell to hold the great glass disk while it is being ground and polished on the 100-ton machine built especially for the purpose.

Once inside the grinding room, further skidding over greased steel plates was unnecessary. A great crane already tested with 60-ton loads picked up the unit and put it in place.

After serving as a holder for the glass disk during the mirror grinding, the frame will be moved to Mount Palomar, where the new observatory is being built. In the meantime, however, the rest of the telescope must be constructed.

Next job in making the world's largest telescope is to finish the grinding machine by the time the glass disk arrives from the East so that the tedious and long optical work can proceed without interruption.

By the time the optical grinding is finished it is hoped that the observatory buildings and mechanical parts will be completed so that the whole instrument can be put into service. Several years will be needed for the whole plan even if all goes well.





## EXCHANGES

CENTRAL-BLATT and SOCIAL JUSTICE—Vol. XXIX, No. 1: **Man—A Trilogy** by H. C. E. Zacharias. Man's nature, though one, involves the interplay of three essential, reconcilable elements: body, soul, spirit. It is the study of this body, the material element in man's nature: how the body is related to the soul as its instrument, offering it the opportunities to develop the powers latent in it (the soul); how, on the other hand, the body, in the hands of God and of human beings can be moulded and dominated—this is what the author gives us in this first of a series of articles which aim to give an accurate account of man's true nature, which knowledge is indispensable linked with the formation of accurate scientific concepts. **Racial Betterment** by C. Bruehl, Ph. D. This is a clarification of the stand of Catholic Ethics concerning the problem of race betterment: that, as to the end, which is good, the Church presents no opposition at all because she has no reason to do it; but that, what she disapproves and condemns are the unnatural means, practices that are ordinarily followed to accomplish such ends. The idea of social responsibility—its meaning and implications—is pointed out as the most efficacious solution for the eugenic problems. **New Deals, Past and Present** (XXII) by F. P. Kenkel. Political issues are not the only things that repeat themselves, for governmental policies also take a

part in the cycles of economics.

The early peoples, among them the Romans and Germans, found it beneficial to have the gov't take over the task of distributing corn and other foodstuffs to the masses. But by 1800, this work by the government ceased due to the newly accepted theory that the task was too costly and that "the state should not interfere with the economic activities of its citizens." At present, there is a new movement to turn back to the old times when there was public ownership of all institutions. This is brought about by three causes namely, the abuses of those controlling the monopolies, the nature of certain undertakings which can be served by the government, and the influence of Marxian principles in favor of public ownership.

The author is not in favor of either complete public ownership or individual ownership. He is of the opinion that every policy submitted for solution should be received without prejudice but should be considered in the light of its merits or demerits.

The author clearly explains the causes of soil butchery which he attributes partly to the cheapness and abundance of lands, and partly to false doctrines and practices favoring capital. He believes that the problem may be partially solved if only would be guided by Christian ideas...

E. M. G.



CENTRAL BLATT and SOCIAL JUSTICE, Vol. XXIX, No. 2: **Five Years Afterwards**—A. H. C. As an invitation to Catholics to consider seriously the most vital proposals laid down by His Holiness Pius XI in his encyclical "On the Condition of Workingmen", this article has its reason for being. The solution to the labor crisis as pointed out by the Pope is this: "the reestablishment of occupational groups or estates and organizations of the nature of guilds." **Man (II)** by H. C. E. Zacharias: After a study of man's body, the material side of his nature, the author in this article studies the relation between his individuality and his sociability, which relation involves the study of man's soul in its temporal aspect, in its environment, for, "though the human soul is rational it is nevertheless earth-bound." In what sense is it earthbound? In the sense that its development presupposes the action of society upon it, and society is, of itself, material, temporal; while human society, in turn, calls for the spiritual element, which is man's intelligence, for, society cannot exist without authority, neither can it develop without the rational element. **New Deals, Past and Present (XXIII)** by F. P. Kenkel. Of nation-wide importance is the question of soil conservation—a question which should have the utmost consideration not only of the farmers but also of every citizen. The practice of soil exhaustion is very detrimental to the American nation as a whole, for, besides sapping the fertility of the soil, it deprives the generations yet unborn of their means of clothing and nourishment.—**J. L.**

"GREGORIANUM". Anno XVII, Fasciculus II, 1936.—**Réfle-**

**xions sur la Constitution "Deus scientiarum Dominus"**. Hace mas de tres años que la Constitución ha entrado en vigor. El profesorado católico ha podido ver en la práctica constante los resultados obtenidos; las dificultades que su meditación hace manifiestas. Intenta el autor de este artículo, P. Boyer, analizar de nuevo las mismas y darlas una solución, que no deja de tener su mérito. La excesiva divagación a causa del número grande de materias diversas se evitará guardando en cada facultad la jerarquía natural de las disciplinas. El número de horas de clase, la extensión de las explicaciones, los exámenes deben tener presente ese fin. Las mismas vacaciones deben englobarse en ese plan.—**Fides catholica S. Ioannis Chrysostomi et recens quoddam opus auctoris orthodoxi**. Examina el autor, T. Spacil, la obra recientemente publicada del Prof. ortodoxo, Jansik. La orientación de la Teología moderna acepta como uno de sus temas favoritos el estudio comparativo de la Teología Griega con la Latina. Es notable la obra criticada desde este punto de vista. Como todos los autores, representantes de la Iglesia Ortodoxa acepta en S. Juan Crisostomo muchos testimonios teológicos, los cuales no discrepan de la doctrina latina; otros hay que favorecen a la Iglesia Ortodoxa, según él. Es la parte debil del trabajo que el articulista refuta con multitud de datos.—**Die alteste Abkurzung und Kritik vom Sentenzenkommentar des hl. Bonaventura ein Werk des Richardus Rufus de Cornubia**, por el P. Pelster.—**La structure logique de l'induction**. Analiza con claridad el P. Siwek, la naturaleza, leyes y modo de obrar de la inducción, desde el punto de vista lógico de su certeza y principios básicos.—**De op-**



timismo universalis secundum S. Thomam. A. Rozwadowski expone la teoría tomista declarando los lugares clásicos del Angélico.—**Solidarismus, Einzemensch, Gemeinschaft**, por Gundlach, S. I.

ANNALES DE L'UNIVERSITE DE PARIS.—Ile. Année, No. 3, Mai-Juin 1936.—**Faculté de Pharmacie**. Relación anual por el Decano. Escuela de Medicina y Farmacia de Reims: relación anual.—**L'Organisation de la Recherche sociale en France**. C. Bouglé estudia la orientación, que en Francia van tomando los estudios de Sociología. Es una de las ramas del saber, que hoy se estudia con más ahinco, en la que el número de investigadores es mayor. Las publicaciones se han multiplicado, pero para trabajar y estudiar de una manera sintética los problemas sociológicos necesita alistarse entre los estudiantes de la Facultad de Letras, en la que han relegado en Francia los mismos. La base documental para el escritor es muy amplia. En Francia se han multiplicado los Institutos, que pueden servirle estadísticas y datos para ello; en Bélgica, Holanda, Alemania y Austria acontece lo mismo. Las monografías, escritas acerca de diversos tópicos sociales, sobre las costumbres sociales de las naciones, de las diferentes colonias, ofrecen un interés social extraordinario. Pueden, pues, ya los sociólogos no sólo teorizar, sino construir sistemas explicativos y crear una Sociología general a base de hechos reales.—**Les Instituts de l'Université de Paris**. Relación anual.—**Vie scientifique**. Trabajos y publicaciones.—**Chronique de l'Université**. Discurso del Rector Charlety con motivo de la inauguración del monumento al Prof. Pinaré en el Colegio de Puericultura.

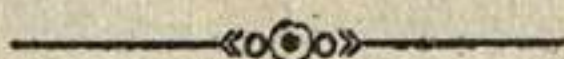
LA CIENCIA TOMISTA. Marzo-Abril, 1936. **La retractación de las censuras favorables, al "Catecismo" en el process de Carranza**. Hay en el famoso proceso de Carranza un punto que llama notablemente la atención de los historiadores: el cambio de actitud, que tomaron en él prelados tan ilustres como Pedro Guerrero, Francisco Blanco y Francisco Delgado, y teólogos de renombre, como el P. Mancio y el doctor Barriovero, después de haber sido avocada la causa al tribunal de la Inquisición Romana. Estos ilustres sabios, que en un principio habían censurado tan favorablemente a Carranza, ahora retractan su fallo absolutorio y se convierten en sus más duros impugnadores. Con la erudición que posee en estas materias, y el excelente criterio histórico con que procede en estos casos, el P. Beltrán de Heredia estudia aquí este punto, tomando por base la correspondencia, "hasta el presente inexplorada e inédita en su mayor parte", que a este propósito mantuvo el Gobierno español con sus representantes en Roma. Si por una parte es admirable la independencia y entereza, con que procedía en este asunto el gran Pontífice Pío V, por otra no lo es menos el empeño, que tenían los teólogos de acá (la Inquisición española) en mantener las censuras desfavorables, que habían emitido sobre el particular. Desgraciadamente la diplomacia, las razones de Estado y las mismas pasiones prevalecerán sobre la justicia y harán que no se de nunca la sentencia absolutoria, que sin duda hubiera dado en este caso el Papa Pío V.—**El P. Lagrange y la Exégesis Católica**, por el P. V. Berecibar. Indicados los méritos indiscutibles del gran Maestro, el P. Berecibar presenta a los lectores tres puntos en los que resplandece



la intuición genial del P. Lagrange y su profundo dominio en las materias exegéticas: a) **"método que se ha de emplear en las investigaciones de la Crítica textual;** b) **naturaleza y valor** de las distintas correcciones, y c) **sentido exacto de la autenticidad** de la Vulgata.—**En torno de algunos grandes dramas lópicistas:** relaciones de los mismos con el "Tejedor de Segovia" (primera parte) y el doctor Ramón, por el P. J. L. Tascón.—**Boletines de Historia de la Filosofía,** P. G. Fraile, y de **Derecho Canónico,** P. J. Palacios.—**Cronica de España,** P. Carrión y **Bibliografía.** S. A. M.

LA CIENCIA TOMISTA—Mayo-Junio, 1936.—**Cayetano y la Tradición Teológica Medieval en los problemas de la Gracia,** por el P. V. Carro, O. P. Continuando la serie de publicaciones, que en estos últimos tiempos han aparecido en torno al gran comentarista de Santo Tomás, el P. Carro emprende en este su estudio la tarea, nada liviana, de examinar la posición de Cayetano enfrente a los problemas de la gracia. En este artículo, de carácter introductorio, traza a grandes rasgos el panorama teológico medieval, que considera preferentemente bajo el punto histórico, y nos da el programa de los artículos restantes. Por vía de introducción y con pluma fácil y galana, perfila la figura del insigne comentarista de Santo Tomás, dándonos en una densa nota los principales datos

cronológicos de la vida de Cayetano. Con tino y rigurosa imparcialidad afirma que Cayetano no es el único artífice del renacimiento teológico, aserción que hacemos nuestra por considerarla como una legítima consecuencia de este estudio y además porque, como dice el mismo P. Carro, también nosotros somos enemigos de personificar en una gran figura méritos que sobrepujan la capacidad humana.—**La retractación de las censuras favorables al "Catecismo" en el proceso de Carranza,** por el P. V. Beltrán de Heredia. En este segundo y último artículo se relatan las vicisitudes por que pasó el proceso de Carranza durante el pontificado del sucesor de San Pio V, Gregorio XIII, durante el cual dicho proceso comenzó a tomar otro giro, con íntima satisfacción de los agentes españoles. Los documentos, que aporta el P. Heredia explican esa retractación, triunfo, nada glorioso en verdad, de la diplomacia de Zúñiga. En el ánimo de San Pio V y del mismo Gregorio XIII hacían impresión las censuras favorables de aquellos Prelados y Teólogos españoles: de ahí la solución, que se le ocurrió a Zúñiga, y que comunicaba a Felipe II en su carta del 4 de Diciembre, 1573: "sería de grandísima importancia que los que los aprobaron (los escritos de Carranza) se desdijesen". **Boletín de Derecho,** P. J. M. Palacio y de **Sagrada Escritura,** P. Berecibar. **Crónicas de España, Mejico y Filipinas.** **Bibliografía.** —S. A. M.





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