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UNITAS

SEPTIEMBRE, 1936

*Los Grados de Mestizos Chinos
en la Universidad de Sto. Tomas**Por el P. Alberto Santamaría, O. P.**Archivero de la misma.*

Los Padres Manuel Arellano (1) y Juan Sánchez (2), hablando del alumnado de la Universidad, hacen resaltar la cuestión de los Grados a mestizos chinos, creyendo que la cuestión principalmente se trató para los Grados de Bernardo Justiniano y Pedro León de Arcega en 1785. En realidad el punto ya estaba resuelto antes, aunque las dificultades que tuvieron estos Bachilleres para licenciarse deben atribuirse también a su cualidad de mestizos chinos. En este artículo vamos a dar una idea de los trámites que ocurrieron con este motivo, corrigiendo al mismo tiempo algunos errores históricos en que incurrieron dichos historiadores, que, aunque tuvieron a mano los documentos, no los examinaron con el detenimiento debido.

En dos épocas diversas ocurrió la cuestión de dar Grados académicos a mestizos chinos: la primera duró desde Marzo de 1773 hasta Abril de 1777 durante el Rectorado del P. Fr. Juan Fernández, siendo promovida por la petición de Grado de Licenciado y Maestro en Artes del Bachiller D. Francisco Borja de los Santos, Decano del Colegio de San Juan de Letrán, a la cual se unió más tarde la petición de los mismos Grados del Bachiller D. Dionisio Vicente de los Reyes, Colegial de Santo Tomás. La segunda fué promovida por la petición de Grados semejantes, durante el Rectorado del P. Fr. Domingo Collantes, el 17 de Enero de 1785, de los Bachilleres D. Bernardo Juan Justiniano y Pedro León de Arcega, y terminó el 14 de

(1) En el Discurso de Apertura de la Universidad en 1923 con el título: **Influencia de la Universidad de Santo Tomás en la civilización filipina**, Manila, Santo Tomás, 1923, pág. 32, 33.

(2) En el Discurso de Apertura de 1928 que trata de la **Sinopsis histórica documentada de la Universidad de Santo Tomás de Manila**, Manila, Santo Tomás, 1928, pág. 71, 72.

Abril del mismo año, en que ambos recibieron el Grado de Licenciado en Artes.

Ambas cuestiones están relacionadas con la cuestión de los Estatutos de la Universidad, con la diferencia de que se trató incidentalmente de los Estatutos con motivo de la primera, mientras que la segunda cuestión fué incidental cuando se trataba de la formación de los Estatutos de P. Amador, y sin tratarse directamente de la capacidad de los mestizos para los Grados, que, como se ha dicho, ya estaba resuelta definitivamente.

Nacido Francisco Borja Mariano de los Santos en Santa Cruz de Manila en 1754, entró de Colegial en Letrán el 14 de Junio de 1768 juntamente con sus hermanos Mariano, Manuel y Casimiro (3), donde llegó a la dignidad de Decano de los Colegiales. Después de haber estudiado Artes y Teología en la Universidad se graduó de Bachiller en Artes el 13 de Diciembre de 1770 (4), dedicándose después a los Cánones, en que recibió el Grado de Bachiller el 1 de Diciembre de 1775 (5). Dignisio Vicente de los Reyes, nacido en Binondo (6), tomó la beca y juró los Estatutos en el Colegio de Santo Tomás el 26 de Enero de 1772 (7), graduándose de Bachiller en Artes el 10 de Febrero (?) de 1772, y de Bachiller en Teología el 10 de Marzo de 1775 (8), pasando después a estudiar Cánones (9).

(3) OCIO, **Compendio de la Reseña biográfica**, Manila, Santo Tomás, 1895, Apéndice, pag. [25]; BAZACO, **Historia documentada del Real Colegio de San Juan de Letrán**, Manila, Santo Tomás, 1933, pág. 229.

(4) **Libro de Asiento de Grados desde 1720**, fol. 66, vuelto (ARCHIVO, LIBROS, tomo 82).

(5) Aunque no aparece su Grado de Bachiller en Derecho Canónico en el **Libro de Asiento de Grados** citado, se encuentran las Diligencias hechas para obtenerlo en ARCHIVO, BECERROS, tomo 5, fol. 82, en que se le señala el día 1 de Diciembre para darle el Grado dicho. Por otra parte el P. Amador, que en dichas Diligencias da testimonio que el candidato ha cursado tres años de Cánones con el P. Nicolás Cora y otro con él, afirma categóricamente: "se dedicó con anhelo al estudio de los Cánones y Leyes, dando entero cumplimiento a las funciones literarias con suma complacencia de sus Maestros, ya en los actos privados como semipúblicos, por lo cual, concluidos y aprobados sus Cursos, fué promovido al Grado de Bachiller en Sagrados Cánones" (ARCHIVO, LIBROS, tomo 51, folio 380).

(6) OCIO, **Compendio**, Apéndice, pág. [16].

(7) **Libro nuevo de Asiento de los Colegiales**, fol. 9, vuelto (ARCHIVO, LIBROS, tomo 11). Juntamente con él tomó la beca el mestizo Juan de Aramburu, que después se graduó de Maestro y Doctor y fué Rector del Colegio de San José.

(8) Está registrado en el **Libro de Asiento de Grados** antes citado, fol. 74, vuelto. También se encuentran las diligencias en ARCHIVO, BECERROS, tomo 5, fol. 61.

(9) Así lo afirma el P. Amador (ARCHIVO, LIBROS, tomo 51 fol. 380).

Como se ve no había dificultad alguna para darles los Grados de Bachiller, pero cuando, al final del Curso 1772-1773, pımayoría de votos, se negó a admitirle con las providencias de 9 de Marzo y de 27 de Octubre de 1773, indicándole las causas dió el Bachiller Borja se le señalara día para tener las Relecciones, previas al Grado de Licenciado en Artes, el Claustro, por que había habido para rechazarle en otra providencia de 18 de Noviembre del mismo año. Entonces el Bachiller Borja acudió a la Real Audiencia para que declarara que su cualidad de Mestizo Asiático no era óbice para excluirle de los Grados, y así comenzó la cuestión judicial entre el Bachiller y la Universidad, a la cual parece que representaba como Abogado el Sacerdote y miembro del Claustro Maestro D. Esteban Paredes (10). Instruido el expediente, la Real Audiencia "mando dar vista al Sr. Fiscal con el expediente, a cuya instancia, habiéndose puesto testimonio de la Bula de erección de la referida Universidad, de la Real Cédula con que la admitió S. M. bajo de su Real Protección, del Formulario de Grados, y de sus Títulos, y posteriormente exhibídosele los originales con los Estatutos que la regían, vino pidiendo (*en 8 de Julio de 1774*) que se procediese de nuevo según las leyes a la formación de la nominada Universidad, que se suspendiesen los Grados (*mientras*) se verificaran institutos (*Estatutos*) legítimos, y que el ser Mestizo Asiático el Br. Borja no le podía embarazar para obtener Borla en la dicha Universidad." Visto por la Audiencia el expediente, y teniendo en cuenta otras cosas relativas al asunto "por Real Auto de 19 de Enero de este año (1776) se mandó: Que no ocurriendo al Rector y Claustro de la Universidad de Santo Tomás otro justo motivo para dejar de admitir al Br. D. Francisco Borja al Acto de Relecciones, previo a poder obtener el Grado de Maestro en Artes, que el motivo de ser Asiático de origen, que le admitiese; pero siendo otra la causa de la denegación, que instruyera de ella a esta Audiencia... Y sobre la formación de la referida Universidad y de sus Estatutos que pedía el Sr. Fiscal, que nada se innovase por ahora, y que se devolvieran al nominado Rector los documentos originales que exhibió..." (11).



Así termina la primera fase de la cuestión. Hasta ahora Borja había peleado contra la Universidad, aunque no precisamente contra el Rector y los Profesores Dominicanos que le educaban en su Colegio de Letrán y acaso le dirigían en su pleito, sino contra el Claustro donde tenían mayoría de votos los Graduados seculares; en adelante son algunos miembros del Claus-

(10) Esto parece indicar el Rector P. Juan Fernández en uno de sus escritos con motivo de esta cuestión (ARCHIVO, LIBROS, tomo 51, fol. 277).

(11) Los dos textos copiados se hallan en la Carta que la Real Audiencia escribió el 23 de Mayo de 1776 al Gobernador Anda (ARCHIVO, LIBROS, tomo 46, fol. 12).

tro los que pelean contra la Universidad en daño de ésta y de los mestizos chinos, arrastrando a la pelea al Gobernador Anda en favor de los Graduados rebeldes contra la Real Audiencia que se puso de parte de la Universidad y de los mestizos. Aunque no hemos podido ver el Expediente seguido, se nos da una idea de los sucesos bastante completa en la decisión final que emitió el Rey Carlos III en su Cédula Real de 7 de Diciembre de 1781 que da la razón a estos últimos reprobando la actitud del Gobernador Anda, ya difunto y confirmando el castigo de los Graduados rebeldes a la Universidad. También hemos podido examinar las copias de algunas piezas destinadas al proceso y otras narraciones particulares en que se completan las noticias y particularidades que faltan en dicha Cédula; además los libros oficiales de estudios nos dan los datos relativos a los actos académicos de los mestizos hasta que salieron graduados de Maestros.

Habiendo comunicado el Escribano Receptor al Rector en 22 de Enero de 1776 que tenía un Documento de la Real Audiencia que leer ante el Claustro y señalado el día 6 de Febrero para que viniera a leerlo (12), estando reunidos todos los miembros del Claustro con motivo de la fiesta del Cíngulo (28 de Enero), el Rector leyó en privado una copia que poseía del Decreto de la Real Audiencia (13) para que estuviesen enterados y prevenidos para cuando el Receptor fuera a notificarlo (14). El Doctor D. José Antonio Correa dijo que cuando el Rector mandara la Circular para el Claustro del día 6, ellos buscarían pretextos para eludir o diferir por mucho tiempo la notificación, con cuyo parecer se conformaron el Dr. D. Francisco López Perea, el Dr. D. José Patricio de Molina, el Dr. D. José Rodríguez Varela y el Dr. D. Ignacio Salamanca; los Maestros Paredes y Moguel parece que no se hallaban presentes. A esto respondió el P. Amador que en ocho días tenían bastante tiempo para pensar lo que tenían que responder "porque no venía bien a un cuerpo como aquel valerse de trampas que corriesen entre particulares, y lo mismo los demás Lectores" que eran los Padres Fr. Francisco Antolín, Fr. Domingo Collantes, Fr. José Muñoz y Fr. Francisco Piñero. Pasada la Circular, se excusaron todos los Graduados seculares; el Rector pasó una segunda diciendo que estimaría asistiesen todos, pero casi todos se excusaron de nuevo menos el Maestro D. José Vicente Figueroa y el Maestro D. Angel Mo-

(12) En la misma Carta, fol. 13.

(13) Acaso sólo por esta copia leída por el Rector tuvieron noticia de la providencia los Graduados, de los cuales se lee en la misma Carta: "sino que formando cábalas, noticiosos sin duda de la Real Determinación por medio de algún cuidado o descuido de la enfermedad regional cuasi incurable que reina en esta Curia de revelarse las providencias antes de tiempo" (Ibidem).

(14) **Juicio imparcial de ojos y coolres** (ARCHIVO, LIBROS, tomo 46, fol. 113, vuelto).

M. R. P. Rector y Cancelario.

El Br D. Franco Borja de los Santos Colegial del R. Colegio de S. Jua
 Secran de esta Ciudad, ante V. P. M. R. en la mejor frã, que en dño lugar ha
 me presento, y digo. Fue, por quanto la R. Audiencia de estas Yslas s
 servido de declarar no ser impedimto para obtener grados de Doctor y
 en qualquiera facultad el ser Mestizo Asiatico: y porque considero, q
 ver sido solo este el motivo de haverse opuesto a mi pretencion esta
 Pontificia universidad: se ha de servir V. P. M. R. de admitirme a
 previo, que llaman de Elecciones, y demas diligencias hasta la co
 cion del grado de Mro en Artes, dignandose al mismo iño de asig
 el dia en que las he de tener. Para lo qual
 A V. P. M. R. pido y suplico, se sirva mandar proveer segun Ue
 do, de que recibire merced, y gra etcz.

Francisco Borja
 de los Santos



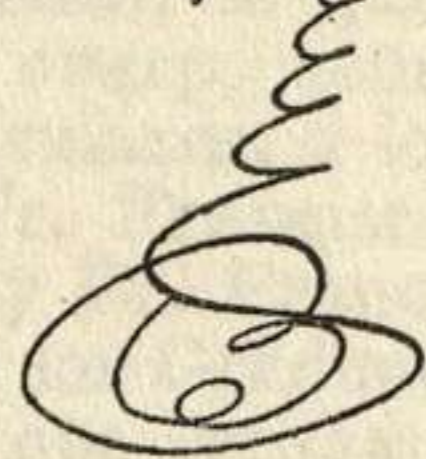
**SEGUNDA PETICION DEL BACHILLER BORJA
 PARA CONSEGUIR LOS GRADOS MAYORES.**

(ARCHIVO, BECERROS, tomo 5, fol. 92).

M. R. P. Rector y Cancelario .

D. Dionisio Vicente de los Reyes Collegial de este de Sto Thomas ante V.
 P. M. R. en la mejor forma, que en Dño lugar haya me presento, y digo = Fue
 por quanto estoy canonicamente graduado de Bachiller en Philosophia como
 consta por el titulo, que adjunto presento; y declarado por un Superior Auto
 de la Real Audiencia de estas Ylas, no ser impedimento para el ascenso,
 a grados mayores el ser de nacion Mestizo asiatico: por tanto a V. P. M. R.
 pido, y suplico se sirva de concederme licencia para tener el acto de releccio-
 nes para la Licenciatura en Artes, señalandome dia para ello; y para
 conseguirlo
 A. V. P. M. R. pido, y suplico, que aviendome por presentado, se digne
 de mandar, y proveer como llevo expresado, gracia de que viviere a-
 gradecido &c.

B. Dionisio Vic.^{te} de los Reyes.



**PETICION DEL BACHILLER DE LOS REYES
 PARA CONSEGUIR LOS GRADOS MAYORES.**

(ARCHIVO, BECERROS, tomo 5, fol. 95).

guel, los cuales, juntamente con los Catedráticos, estuvieron presentes a la lectura del Decreto, al cual juntamente con el Rector dieron asentimiento. (15).

El día 16 de Febrero los Bachilleres Borja y Reyes, aduciendo que "la Real Audiencia de estas Islas se ha servido de declarar no ser impedimento para obtener los Grados de Doctor y Maestro en cualquiera Facultad el ser Mestizo Asiático" vuelven a pedir al Rector les señale día para tener las Relecciones, el cual señaló para Borja el día 25 de Febrero y para Reyes el día 3 de Marzo (16). Tenidas las Relecciones, piden respectivamente en 28 de Febrero y 6 de Marzo día para la Aperción de Puntos para el examen de Licenciados y para fijar los Edictos correspondientes; tanto los Graduandos como el Maestro de Ceremonias y después el Secretario y el mismo Rector invitaron a todos los del Claustro para presenciar el examen, y sobre todo el último les escribió una carta el día 11 de Marzo afeándoles el no haber asistido a la solemne fiesta de Santo Tomás celebrada por la Universidad el día 7 de Marzo en la iglesia de Santo Domingo (17). El examen de Borja se tuvo el día 11 de Marzo, para el cual, como no asistieron los Doctores y Maestros, el Rector nombró como Padrino al Catedrático de Cánones P. Amador y como Examinadores a los dos Profesores de Teología y a los dos de Artes. Aquella misma mañana habían acudido los Doctores Correa y Salamanca al Gobernador para que impidiera el Grado, aunque no pudieron obtenerlo (18), y al salir del Grado, que confirió, por comisión del Rector, el Arzobispo D. Basilio Sancho de Santa Justa y Rufina, encontraron a las puertas de la Univeersidad un pasquín contra el

(15) Ibidem. No estamos absolutamente ciertos de si fueron el Dr. Correa y el P. Amador los que dijeron lo que en el texto se les atribuye, pues en dicho escrito se habla de las personas señalándolas con las letras del alfabeto. Sobre la no asistencia de los Graduados para oír el Decreto de la Real Audiencia habla el Rector en su Informe a la misma de principios de Junio de 1776 (ARCHIVO, LIBROS, tomo 46, fol. 15), y se repite en la Cédula Real de 7 de Diciembre de 1781 (ARCHIVO, LIBROS, tomo 56, fol. 2).

(16) Esta entre las diligencias de Grados (ARCHIVO, BECERROS, tomo 5, fol. 92). De esta petición ofrecemos una fotocopia a los lectores en este número.

(17) Los documentos sobre estos actos académicos se encuentran entre las diligencias citadas en la nota anterior fol. 98 y 107. De la Carta del Rector de 11 de Marzo hablan tanto el Maestro Paredes en su petición de 18 de Marzo de 1776, como el Rector en el Informe citado y el Ruego y Encargo al Rector enviado por el Gobernador el 18 de Marzo del mismo año.

(18) Así se afirma en el **juicio imparcial** antes citado, fol. 114. En él también se afirma que en la víspera de la fiesta de Santo Tomás habían convenido los Doctores y el Maestro Paredes en no asistir con el Claustro a la iglesia de Santo Domingo.

Rector, donde se hacía alusión al origen asiático del graduado (19).

Invitados de nuevo los Doctores y Maestros por Reyes y oficialmente por el Maestro de Ceremonias y el Secretario para el examen de Reyes, que había de tener lugar el día 18 de Marzo, como todos ellos se negaran a asistir, el Rector, en virtud del juramento que le habían hecho de obedecerle *in licitis et honestis*, les mandó asistir bajo pena de censuras (20). El mismo día 18 el Maestro Paredes acudió en su nombre y en el de los demás Graduados al Gobernador con un escrito quejándose de la ilegitimidad de los Estatutos de la Universidad pidiendo que el Gobernador, como Vice-Patrono, los mandara recoger, y mientras tanto prohibiera el dar Grados; al mismo tiempo se quejaba de la nulidad del Grado de Borja y de la Carta conminatoria que el Rector les había pasado aquel mismo día, aunque ellos evadieron la citación (21). El Gobernador entonces sin oír a nadie más, envió al Rector un Ruego y Encargo "en cuya virtud, de parte de Su Majestad, ruego y encargo exhiba los Estatutos de esa Universidad, Cédulas y Bulas de su erección, como también una Carta Circular que con fecha 11 del corriente se dice haber V. R. dirigido a los Graduados, y en el ínterin por esta Superioridad no se provee lo conveniente para el buen régimen y gobierno, V. R. no usará de las facultades de dichos Estatutos, Cédulas, ni Bulas a excepción de la prosecución del uso y ejercicio de Cátedras (22). El Maestro Paredes acom-

(19) Todo esto consta en el **Libro de asiento de Grados**, antes citado, fol. 76, donde se dice que fué aprobado **nemine discrepante**. El Padrino, P. Amador, dice (ARCHIVO, LIBROS, tomo 51, fol. 380, vuelto) hablando de ambos Bachilleres, que "admitidos al examen, que comunmente se llama Noche Triste, en ella manifestaron ambos los quilates del ingenio de que Dios los ha dotado, pues durando la palestra en cada noche cinco horas, fué tanta la erudición que derramaron en las pruebas con establecieron su aserto, la sutileza en las respuestas a los 16 argumentos que a cada uno se les pusieron, que sus Maestros unánimes confesaron que habían vencido sus esperanzas, pues no juzgaron jamás estar tan llenos, siendo así que por el espacio de muchos años habían experimentado sus talentos". Añade que estos exámenes fueron más difíciles porque en lugar de argumentarles los Graduados, les argumentaron los Catedráticos "que tienen más vivas las especies, y por consiguiente fueron los argumento más delicados".

El pasquín, cuyo texto no hemos podido encontrar, fué enviado por el Rector, como Documento n. 6, con el Informe escrito por orden de la Real Audiencia a principios de Junio, y formó parte del Expediente, pues de él habla el Rey en su Cédula de 7 de Diciembre de 1781.

(20) De esta Carta conminatoria habla el **Juicio imparcial** ya citado, y el Maestro Paredes en su petición al Gobernador de 18 de Marzo de 1776, quien añade que se les amenazaba también con multa pecuniaria.

(21) ARCHIVO, LIBROS, tomo 46, folios 3 y 4. Está firmado por el Dr. Correa y por el Maestro Paredes.

(22) *Ibidem*, fol. 5.

pañó al Receptor hasta las puertas de la Universidad, y entonces llamó al Secretario para que le intimara la orden del Rector bajo censuras (23). Oído por el Rector el Ruego y Encargo presentó aquella misma tarde un escrito al Gobernador haciendo ver el bochorno que se seguiría a la Universidad, dada la publicidad del Decreto de la Real Audiencia permitiendo graduar a los Mestizos, y estando todo preparado para tener el examen aquel mismo día, si no se llevara a cabo, suplicando del Ruego, y apelando en caso contrario ante la Real Audiencia. El Gobernador proveyó por escrito que se diera el Grado, pues no era su intención impedirlo, sino sólo suspender el uso de los Estatutos; el Rector insistió pidiendo el uso de los Estatutos, sin el cual era imposible el conceder el Grado, por lo cual los devolvió el Gobernador (24), y así pudo Reyes examinarse y graduarse en los días 19, 20 y 21 de Marzo con la misma falta de Doctores y Maestros y con los mismos examinadores del Grado de Borja (25).

—«o©o»—

Obtenido el Grado de Licenciado por los Bachilleres, comienza una tercera fase de la cuestión, en que ya no se trata de los Grados a los Mestizos, sino de la legitimidad de la erección de la Universidad y de sus Estatutos, sobre lo cual, apesar de lo pedido por el Abogado Fiscal, había la Real Audiencia mandado que nada se innovase por entonces. De aquí resultó un conflicto de competencia entre la Real Audiencia, que pretendía ser la misma causa y por lo tanto a ella pertenecía el terminarla, mientras que el Gobernador pretendía ser una nueva cuestión sometida legítimamente al Gobernador, como Vice-Real Patrono de la Universidad.

En el parecer emitido por el Fiscal en la primera fase de la cuestión éste había hecho alusión a la Real Cédula, recientemente llegada a Filipinas, de Carlos III de 23 de Diciembre de 1774, en que se dan normas para el destino de las temporalidades de la Compañía de Jesús suprimida, y precisamente al número X que decía: "El destino de los Edificios materiales es de suma importancia teniendo por objeto la enseñanza y hospitalidad de españoles e indios, y que se lleven buenos libros de Europa, pidiéndolos a este efecto, y fomentando sobre todo la erección de Universidad, sin facción ni espíritu de partido, de las diferentes Escuelas; de manera que aquellos naturales estudien con buen método y reciba con rigor de examen los Gra-

(23) **Juicio Imparcial**, fol. 114, vuelto. El Rector por su parte dice en el Informe citado que el Maestro Paredes entregó al Secretario en esta ocasión un papel en que, sin nombrarle, insultaba al Rector (*Ibidem*, fol. 16).

(24) Así lo dice el Rector en su Informe de principios de Junio. En **Juicio Imparcial**, fol. 115.

(25) Consta en el **Libro de Asiento de Grados**, fol. 76, vuelto; las diligencias están en **ARCHIVO, BECERROS**, tomo 5, fol. 107.

dos después de haber completado sus Cursos" (26). Para poner esto en ejecución parece que ya se habían dado algunos pasos reservados entre la Real Audiencia y el Gobernador; pero estas órdenes se habían hecho públicas, como se deduce de las siguientes palabras de la Carta de la Real Audiencia al Gobernador de 23 de Mayo de 1776: "trayendo además de esto a la memoria las varias órdenes que V. S. y nosotros tenemos de tratar sobre erección de nueva Universidad, y que debiendo estar reservadas en nosotros mismos hasta su debido tiempo, incautamente se han dado al público por el Abogado Fiscal en esta ocasión" (27). Teniendo esto en cuenta y la petición que antes había hecho el Abogado Fiscal, el haber acudido los Doctores y Maestros rebeldes al Gobernador con la finalidad de impedir los Grados a los Mestizos, impugnando la erección de la Universidad y la legitimidad de sus Estatutos, que era una sólo cuestión, era una amenaza de muerte a la Universidad de Santo Tomás, perdiendo los Dominicos la egemonía de la enseñanza que entonces gozaba, mientras que los dichos Graduados tenían la esperanza de formar parte principalísima en la futura Universidad del Estado. De aquí que el Rector y Catedráticos de Santo Tomás tuvieran grandísimo empeño en defenderse contra los Graduados rebeldes haciéndose fuertes con la actitud de la Real Audiencia contra el Gobernador.

Habiendo resultado inútil el primer Ruego y Encargo del Gobernador al Rector de 18 de Marzo de 1776, el Gobernador pasó al Fiscal la petición antes presentada por el Maestro Paredes en nombre de los Graduados, cuyo parecer de 15 de Abril se redujo a conformarse con la demanda en cuanto que los Estatutos se declararan ilegítimos y nulos, y que no diese el Rector Grados hasta que se erigiera nueva Universidad conforme a la Real Cédula de temporalidades (28), con lo cual se conformó el Gobernador despachando el 24 de Abril segundo Ruego y Encargo al Rector en que de nuevo pedía los Estatutos, Cédulas y Bulas, prohibía dar Grados, pero sin hacer novedad en las Cátedras, que debían seguir como antes ganando los alumnos sus Cursos. El Rector apeló a la Real Audiencia y pidió testimonio de ello para su prosecución, todo lo cual le fué negado, por lo cual acudió en 10 de Mayo a la Real Audiencia por medio del Procurador de causas de ésta, Alejandro Rodríguez de Adame (29), y habiendo aquella dado pase al Oidor Fiscal en Auto de 13 de Mayo, éste opinó en 18 de Mayo que debía llevarse a cabo el Decreto de la misma Audiencia de 19 de

(26) Esta Cédula Real se halla impresa en el libro titulado **Litigio del Colegio de San Jose**, Manila, Mayo de 1902, pag. 336.

(27) ARCHIVO, LIBROS, tomo 46, fol. 12.

(28) El parecer del Fiscal, Lic. Villa Señor, está incluido en el Ruego y Encargo del Gobernador Anda, cuya copia se halla en el Libro citado, fol. 5, vuelto, hasta 7, vuelto.

(29) Se encuentra en el mismo Libro, fol. 7, vuelto, hasta 8, vuelto.

Enero y que se pasara oficio al Gobernador que, "sin que sirva de reparo la pantalla propuesta con motivo de Real Patronato", no admitiera escrito alguno sobre esta causa, pues debían acudir a la Real Audiencia donde radicaba la causa, y que el Escribano de Cámara remitiera los autos que se formaron a consecuencia de lo pretendido por el Maestro Paredes (30). Dada la provisión en este sentido en 20 de Mayo (31), se escribió al Gobernador una larga Carta en que se narraba todo el pleito seguido en la Audiencia desde Enero de 1774 por el Bachiller Borja, recalcando el hecho de que recurrían al Vice-Patrono contra los Estatutos y la Universidad para el fin de impedir el Auto de 19 de Enero y que los Mestizos no pudieran conseguir Grados académicos (32).

A esta Carta contestó el Gobernador manifestándole que siendo distinto el punto de la pretensión de Grado de Don Francisco Borja de los Santos de el de la formación de Estatutos, a él el correspondía privativamente el conocimiento de éste como Vice-Patrono Real, y que así por esto como porque no debía tenerse por incidente de la enunciada causa, esperaba que la Real Audiencia sobreseyese en su conocimiento (33). Pasada esta respuesta al Oidor Fiscal, la Real Audiencia en 5 de Junio ordenó que informara el Rector de la Universidad sobre si se había cumplido en todas sus partes el Real Auto de 19 de Enero, acompañando todos los instrumentos que pudieran tener relación con el caso y lo que condujese al beneficio de los estudios; a lo cual contestó el Rector historiando los diversos acontecimientos, antes narrados, ocurridos en los exámenes de Borja y de Reyes, e indicando que a causa de los Ruegos y Encargos recibidos no habían podido recibir el Grado de Maestro, por lo cual creía que no se había dado cumplimiento al Real Auto en todas sus partes (34).

A este tiempo deben pertenecer varios escritos relativos al asunto, cuyos borradores se conservan en el Archivo de la Universidad. Uno de ellos, que parece ser el más antiguo, es un estudio particular sobre la cuestión, y no parece ser hecho

(30) Tanto el Auto de 13 de Mayo como el parecer del Oidor Fiscal, D. Emeterio Cacho Calderón, están a continuación de los documentos anteriores.

(31) Esta provisión está en el mismo Libro, fol. 10.

(32) Está a continuación del documento anterior, y lleva las firmas de los Oidores D. Juan Antonio Vruñuela, D. Juan Francisco de Anda y D. Juan Bautista Bonilla y Jimeno; su conformidad con el original está certificada por José Suosa Magallanes.

(33) No hemos visto esta Carta, ni sabemos qué fecha llevaba; el párrafo copiado está en la Cédula Real de 7 de Diciembre de 1781.

(34) Copia de esta respuesta, algo incompleta, está en ARCHIVO, LIBROS, tomo 46, fol. 15 y 16. Por el resumen que de ella hace el Rey en la Cédula Real citada, se deduce que faltan muy pocas palabras en esta copia.

para presentarlo ante ningún tribunal; lleva por título: "Oportuna respuesta del Rector de Santo Tomás a una importuna presentación y denuncia de algunos que se dicen Graduados de la Universidad de Santo Tomás y son unos verdaderos desertores de ella, como que han querido levantar cabeza contra la legítima y su ilustre cuerpo" (35). En este escrito va respondiendo punto por punto al escrito del Maestro Paredes y a un escrito del Fiscal sobre las quejas que tienen los Graduados del Rector y las razones que alegaban contra la legitimidad de los Estatutos. Otro escrito, que lleva la nota marginal: *Papel del Rector, Fr. Juan Fernández*, que tampoco parece haber sido hecho para ser presentado a la autoridad, responde a las objeciones contra la legitimidad de la erección y de los Estatutos (36). Otros tres escritos, que parecen borradores y estaban destinados a formar una respuesta completa para presentar a la Real Audiencia, fueron escritos, según sendas notas marginales, por diversos Catedráticos: el primero por el Lector de Vísperas de Teología P. José Muñoz, lleva por título: *Los Estatutos de esta Pontificia y Regia Universidad de Santo Tomás de Manila son legítimos* (37). El segundo, debido a la pluma del Lector de Cánones, P. Amador, y es verdaderamente magistral, recopila su contenido en la siguiente forma: *El segundo punto es si los Mestizos de Sangley, esto es, si los hijos, nietos y biznietos de los Chinas cristianos que contrajeron matrimonio con Indias y Mestizas, y que gozan del honor del vasallaje de Su Majestad Católica, pueden ser admitidos a los Grados mayores en la Universidad* (38). De este escrito, quitando lo que tiene de cuestión particular, está sacado el *Dictamen jurídico* de que hablan los PP. Arellano y Sánchez, quienes lo atribuyen equivocadamente al Rector P. Collantes, pues la substancia debe atribuirse al P. Amador, y está escrito en 1776 en que era Rector el P. Juan Fernández, en cuyo nombre están escritos estos documentos (39).

"Por muchos y varios medios, Señor (dice el P. Amador), se adquiere la nobleza, pues si atendemos a nuestro origen, todos somos iguales según las divinas Letras (Malach., Cap. II: *nunquid non pater unus omnium vestrum?*) La nobleza o es heredada o adquirida, división admitida por el común de los Doctores de ambos Derechos... El segundo modo por el cual se adquiere la nobleza es la Ciencia. Esto es tan cierto como que está fundado en el Oráculo divino (Sap., cap. VII: *In sapientia enim vera nobilitas consistit*). La nobleza la llaman muchos

(35) Este escrito, que está incompleto, se halla en ARCHIVO, BECERRROS, tomo 10, fol. 128 a 147.

(36) Este segundo escrito del Rector Fernández comienza: "En vista de los documentos exhibidos por el Rector, el Maestro D. Esteban Paredes..."; está en ARCHIVO, LIBROS, tomo 31 fol. 266 hasta 289.

(37) Este corto escrito se halla en el Libro citado, fol. 258 y 259.

(38) Está en el mismo Libro, fol. 379 hasta 385.

(39) En el mismo Libro, fol. 369 hasta 378.

autores hija de la Ciencia, pues por ésta se adquiere aquella, como consta de nuestro Derecho Español... Es cierto que la nobleza por la ciencia no se adquiere hasta que por un público testimonio de idoneidad se manifiesta ser un sujeto científico: este testimonio es el Grado de Doctor o Maestro que se confiere a los beneméritos, de modo que el mismo acto de graduar es darle un título para ennoblecer; más ¿quién negará que el que por el discurso del tiempo ha dado muestras de su ingenio, ha mostrado su aplicación, y por unánime voz de sus maestros es digno del honor del Grado, este tal, quien dirá que no tiene derecho de justicia a la nobleza que se adquiere por la Ciencia, y que será un manifiesto crimen contra equidad el negarle el justo y público testimonio que pretende?... Parece Señor, queda suficientemente probado que los Mestizos Asiáticos por ningún Derecho están excluidos de los honores del Grado, antes bien están declarados por capaces para obtenerlo; por lo cual pasa el Rector a establecer la segunda parte de su aserto en este punto, que es que los dichos Mestizos, por serlo, no están comprendidos en las exclusiones del Derecho..."

El tercer escrito, debido al Lector de Prima de Teología P. Collantes, indica su contenido en la siguiente forma: *Finalmente, Señor, está ya el Rector en el empeño de hablar del Real Patronazgo, y que V. Illmo. Sr. Presidente no goza del privativo en este asunto, que es lo último prometido*", donde, después de las explicaciones jurídicas necesarias, demuestra que, aunque el Gobernador es el verdadero Vice-Patrono de la Universidad, esta cuestión debe tratarse, según las leyes, en la Real Audiencia, y que debe cumplirse en su totalidad el Decreto de 19 de Enero (40).

Finalmente, hay en el Archivo otro escrito sobre este asunto, de carácter festivo, con el título: *Juicio imparcial de ojos y colores*, en que describe el hecho sobre el Grado de Borja, citando a los Doctores, Maestros y Catedráticos por las letras del alfabeto, indica las quejas de los Graduados, y se extiende sobre el punto principal, o sea sobre la ilegitimidad de los Estatutos (41).

Volviendo al hilo de nuestro asunto, la Real Audiencia, con-

(40) En el mismo sitio, fol. 260 hasta 265.

(41) En ARCHIVO, LIBROS, tomo 46, fol. 113 hasta 120. Hablando el autor en el segundo punto sobre la queja principal que tenían los Graduados, o sea que los candidatos a los Grados eran mestizos chinos, dice: "Quéjense del Licenciado Borja que, siendo un mestizo de Sangley, haya tenido valor para pleitear con su madre la Universidad y contra los Doctores españoles; suponen que el pleito no fué contra los Lectores. ¿Será porque los Lectores no son españoles? Mas a la verdad son los únicos que tienen instrumentos comprobativos de serlo de cuatro costados, de abuelos, bisabuelos y tatarabuelos, paternos y maternos, lo que ninguno de los Doctores podrá establecer. Naveguemos por su línea materna: que me mienten si a poco trecho no hallamos el Bajo de Bulacán y el Escollo de la Pampanga, y tal vez algún arrecife tetro. Por su abuela materna quie-

formándose con lo que propuso el Oidor Fiscal en 14 de Junio de 1776 (42), expidió el día siguiente un Auto declarando no haberse cumplido el Auto de 19 de Enero, y que se pasase segundo oficio al Gobernador para que, inhibiéndose del conocimiento de la causa en que insistía mandase a su Escribano entregase los Autos a fin de que el Rector y sus colitigantes siguiesen sus derechos en ella, donde se habían empezado sus recursos, y que en el caso de negarse a ello se diese cuenta al Rey en desagravio de su jurisdicción, regalías y facultades, cometiéndolo también al Oidor D. Juan Bautista Bonilla y Jimeno información sobre el proceder en este asunto del Maestro Paredes y los demás Graduados que le siguieron en sus pedimientos, y mandando se notificase al Rector que hiciese guardar el dicho Auto de 19 de Enero, y por lo que tocaba a los mencionados Doctores y Maestros se les privase de voz activa y pasiva en el Claustro de la Universidad, reservando para su tiempo las demás providencias que tuviese por justas (43). Habiéndose comunicado a los castigados esta resolución el día 17 de Junio, elevaron a la Real Audiencia el día 19 un escrito por medio del Procurador Luis de la Rosa suplicando de la pena y en caso necesario protestando ante el Rey (44), cuyo escrito fué rechazado como ilegal e injurioso a la autoridad de la Real Audiencia (45).

bra luego en éste el Maestro F. (Paredes); todos la conocieron la pinta, su padre no vino de España sino por acueductos algo turbios. Lo mismo, por lo que respecta a esto último, se verifica del Dr. B. (Correa, que era natural de Méjico). Del Dr. A. (López Perea) pasemos a Dilao; del Dr. C. (Molina, mestizo) no podemos decir otra cosa más que pleitea contra su propia madre. Del Maestro J. (Moguel, secular) todos conocen a la nigricante esposa. ¿Estos son los españoles que desdeñan la compañía de los mestizos?». A esto hace también alusión el Rector en el escrito **Oportuna respuesta** (ARCHIVO, BECERROS, tomo 10, fol. 131, vuelto) diciendo: "¿Contrajeron esta ilegitimidad (los Estatutos) ahora por haber servido de molde al Grado de uno de origen de sangley? Mas si por ese han contraído esa ilegitimidad, cree el Rector que días ha la contrajeron; pues días ha que sirvieron de formulario a Grado de quienes corre por sus venas, no digo sagre de sangley, sino aún de negro. No nos den margen a que trasteemos genealogías".

(42) Este parecer del Oidor Cacho está en ARCHIVO, LIBROS, tomo 46, fol. 18.

(43) El Auto de la Real Audiencia, la convocatoria de Graduados y Catedráticos y el testimonio de su lectura, más la respuesta y súplica oral de los Graduados, está en el Libro ultimamente citado, fol. 20.

(44) Está este escrito en el mismo Libro, folio 22.

(45) Así se dice en un escrito que se halla a continuación de los documentos anteriores (fol. 26) con el título: **Continuación del hecho**, que narra los acontecimientos desde el 15 de Abril hasta la muerte del Gobernador Anda. Hay añadida una nota del P. Collantes hasta el 8 de Julio de 1777.

Noticioso el Gobernador D. Simón de Anda de la resolución de la Real Audiencia, dirigió a ésta un segundo oficio en 25 de Junio recordándole las razones que le asistían para no sobreseer en el conocimiento del recurso de los Graduados, ni en las providencias que tenía dadas, por no considerar en ellas agravio contra el Rector y Universidad; añadiendo la grande novedad que le había causado la notoriedad de su Auto que manifestaba los empeños de sostener las mismas ideas de aquel en la práctica de sus reglas y estatutos, opuestos diametralmente a las Leyes, y a hacer sus providencias no solamente ilusorias sino despreciadas, concluyendo con decir esperaba le satisficiera prontamente a estos reparos sin dar lugar a que procediese (no sin dolor) a practicar lo que le correspondiese y pareciese a propósito para dar a conocer la autoridad y regalías del Gobierno de su cargo. (46). Viendo la Real Audiencia que en las últimas expresiones se contenían amenazas, después de oír al Fiscal, determinaron pasar en cuerpo a la casa del Gobernador, como lo hicieron, manifestándole en términos fuertes sus quejas y resentimientos por dichas cláusulas, y las razones que tenían para no ceder del conocimiento de la causa; a lo que respondió el Gobernador que habían dado un significado equivocado a las mismas, y que si creían que los Graduados habían procedido con dolo al elevarle sus recursos, podía el Oidor nombrado continuar en la sumaria a cuya vista y relación estaba dispuesto a asistir como Presidente que era de la Real Audiencia (47).

Prosiguiendo el Oidor en la sumaria, se pidió al Sr. Arzobispo información sobre cuántos Curas españoles, cuántos indios y cuántos mestizos había en el Arzobispado y las causas de por qué había tan pocos españoles; también se pidió al Rector y Catedráticos información sobre el número de estudiantes españoles, indios y mestizos, y cuántos Graduados había de origen asiático y la causa de haber descendido de seiscientos que había tres años antes a trescientos que entonces había. A esto respondió la Universidad que no era una sola la causa: que an-

(46) Esto dice la Cédula Real de 7 de Diciembre de 1781 y el escrito citado en la nota anterior, donde se añade esta otra parte de la respuesta: "Item, que a no haber el Rector interpuesto su Recurso, ya estuvieran los Estatutos legitimados, que no era menos amante del bien común y progresos de la juventud que los Señores (Oidores), y así había encargado al Rector prosiguiesen las Cátedras y se ganasen Cursos; que a no haberlo hecho así el Rector, hubiera sabido aquel Gobierno tomar las providencias convenientes". Si se tienen en cuenta los proyectos antes historiados de hacer una nueva Universidad, muy negligentes hubieran sido el Rector y los Lectores si no hubieran recurrido a todos los medios posibles para que esta cuestión se terminara en favor de la Universidad de Santo Tomás y sus Estatutos.

(47) Cédula de 7 de Diciembre de 1781 y **Continuación del hecho**, fol. 28.

tes había muchos filipinos que querían aprender el español como único medio de lograr sus ascensos políticos y civiles, y que una vez conseguido, se retiraban del estudio; además que sus padres "han visto que para llegar sus hijos al sacerdocio necesitan de mucho tiempo, muchos trabajos y mayores gastos, sin hallarse con la recompensa que esperaban, ni los honores prometidos con la continencia y sujeción, yugos intolerables e insoportables de los naturales, amigos de la libertad y ociosidad, que fomenta el hallarse fácilmente con cualquier cosa... pues un poco de arroz con un trapo que vestir, así como no está ningunos estados bajo de la tierra, así les deja muy contentos y alegres"; que aspiran pocos españoles al sacerdocio por la facilidad con que la carrera del comercio los mantiene con esplendor; y que por lo relativo al último año las voces de *no hay estudio*, de que los chicos son gustosísimos y facilísimos de creer, habría sido causa de que se demorasen en asistir a los cursos (48).

Viendo los Graduados el mal estado de su causa, presentaron el 3 de Julio un escrito a la Real Audiencia protestándose obedientes y sumisos a su autoridad, dando algunas explicaciones sobre su no asistencia a las funciones de la Universidad y de sus recursos ante el Gobernador, y desistiendo de su anterior protesta que había sido creída como falta de respeto a la Real Audiencia, pero insistiendo en la súplica acerca de la penas que ésta les había impuesto (49). El Dr. Salamanca ya se había presentado para dar por nulo aquel escrito por haberse hecho sin su noticia, separándose de la protesta, aunque insistiendo en la súplica (50). En consecuencia del Auto de la Real Audiencia de 5 de Junio, y después de una petición de los Mestizos del Grado de Maestro, mandó el Rector en 30 de Julio fijar los Edictos correspondientes, lo cual, sabido por el Gobernador, despachó tercer Ruego y Encargo al Rector llamando lo hecho atentado contra los dos primeros Ruegos y Encargos, que no diese Grados hasta que *por su parte* se le diese aviso, que enviase los Estatutos, protestando los escándalos que se seguirían de las Providencias que precisamente tomaría para manifestar la autoridad de su oficio. El Rector lo presentó a la Real Audiencia como gravoso y contrario a sus decisiones, y ésta respondió: *Guárdese lo proveído por Auto de 19 de Enero y de 5 de Junio*. No habiendo el Rector respondido, envió el Gobernador cuarto Ruego y Encargo pidiendo respuesta, y ésta fué haberle sucedido lo mismo y por las mismas razones que

(48) **Continuación del hecho** (ARCHIVO, LIBROS, tomo 46, fol. 28-29).

(49) Este escrito, firmado por los Dres. Perea, Correa, Rodríguez Varela, y Molina, y los Maestros Paredes y Moguel, se encuentra en ARCHIVO, LIBROS, tomo 46, fol. 23 y 24.

(50) **Continuación del hecho**, fol. 29, vuelto.

con motivo de los dos primeros (51). Los Edictos no tuvieron efecto por entonces.

Estando así las cosas, el Gobernador envió en 2 de Agosto relación al Rey de todo lo acaecido (52); y terminada la su-
maria del Oidor, con parecer del Fiscal, falló la Real Audiencia la causa contra los Graduados, condenándoles a privación por un año de voz activa y pasiva en el Claustro, al Maestro Angel Moguel, que era seglar, en lugar de desterrarle como parecía justo, que se mantuviese preso en Manila y Arrabales, y enviando provisión al Sr. Arzobispo para que castigara a los demás Graduados que eran sacerdotes; al mismo tiempo comunicó al Gobernador la sentencia (53). El Sr. Arzobispo les impuso el 27 de Octubre diez días de ejercicios espirituales en el Seminario, menos al Maestro Paredes, a quien impuso treinta días (54). El Dr. Salamanca se presentó para cumplir el castigo, por cuyo mero hecho se le dió por cumplido; los demás apelaron al Sr. Obispo de Nueva Cáceres como Delegado de Su Santidad, quien les admitió la apelación y fué proseguida a principios de Noviembre. El padre del Dr. Varela, queriendo vindicar el honor de su hijo, pidió al Sr. Arzobispo hiciera informe de su vida y costumbres, y siéndole por dos veces repelida esta petición acudió al Gobernador el 31 de Octubre para que enviara al Sr. Arzobispo Ruego y Encargo en este sentido, pero el Gobernador había muerto el día anterior en el Rio de Cavite, quedando como Gobernador interino el Teniente de Rey D. Pedro Sarrio, que protestó ser amigo de la paz (55).

El nuevo Gobernador, siguiendo las instrucciones reales que se habían dado al anterior, expidió un Auto el 16 de Noviembre enviando todo el Expediente y otros documentos al Oidor Fiscal, y con el parecer de éste y el voto consultivo de la Real Audiencia, determinó en 7 de Diciembre se devolvieran al Rector los Estatutos y Diplomas con Ruego y Encargo para que usara de ellos y sin dispensar en nada el rigor de la disciplina y de los años prescritos para ascender a Grados, y que no los diera sino a los verdaderamente acreedores a ellos, y se diera cuenta a Su Majestad enviándole copia del Expediente para su definitiva determinación. Este Decreto fué enviado al Rector con Carta del Gobernador de 28 de Enero de 1777 (56), y así pudieron recibir el Grado de Maestro los Mestizos el 13 de

(51) Ibidem, fol. 29 y 30. No hemos hallado el texto de estos dos Ruegos y Encargos.

(52) La cita el Rey al principio de su Cédula de 7 de Diciembre de 1781.

(53) Cédula citada y **Continuación del hecho**, fol. 30.

(54) En los lugares citados en la nota anterior.

(55) Ibidem. Aquí termina el escrito **Continuación del hecho**.

(56) Del Auto de la Real Audiencia habla la Cédula Real citada. Este Decreto incluido en la Carta del Gobernador se halla en ARCHIVO, LIBROS, tomo 51, fol. 256.

Abril del mismo año (57). Catorce días después ambos Maestros tomaban el Hábito dominicano, dedicándose Borja al ministerio en Cagayán y Reyes en Ituy (58).

Terminado el pleito y ganada la causa por los Mestizos y la Universidad, faltaba hacer desaparecer todas las rencillas personales, y esto se hizo después de celebrado el Capítulo Provincial de los Dominicos el 20 de Abril de 1777, en que salió Provincial el anterior Rector P. Juan Fernández y Rector el P. Collantes, pues con motivo de su elección pasó el Provincial a visitar a los Graduados, que le devolvieron la visita; el Rector introdujo el 8 de Julio un escrito en la Real Audiencia pidiendo que se les restituyera la voz activa y pasiva por ser así necesario para su intervención en los exámenes (59). Así quedó restablecida la paz terminando los sinsabores que habían padecido por más de un año continuo.

Finalmente por Junio de 1784 llegó en la Fragata San José una Real Cédula del Rey dirigida a la Real Audiencia y otra de tenor parecido al Gobernador con fecha 7 de Diciembre de 1781, en que, después de hacer un detallado relato de todo lo ocurrido, alaba a la Real Audiencia por su proceder, menos por haber ido en cuerpo a quejarse al Gobernador, de quien dice que no procedió bien al prohibir los Grados de los Mestizos y al querer proceder sólo en la cuestión de la Universidad, y ordenando que los oficios de la Real Audiencia al Gobernador fuesen respetuosos, que se reprenda al Oidor Fiscal por sus expresiones inmoderadas sobre el mismo, que la Universidad haga nuevos Estatutos y los someta a la aprobación del Gobernador con voto consultivo de la Audiencia para ser confirmados definitivamente en el Consejo de Indias, manifiesta su real agrado por lo hecho por el Gobernador Sarrio, y encarga se le dé cuenta del cumplimiento de sus órdenes (60). Con esto quedó

(57) Las diligencias se hallan en ARCHIVO, BECERROS, tomo 5, fol. 113; el Acta del Grado (incompleta) en ARCHIVO, LIBROS, tomo 82, folio último.

(58) OCIO, **Compendio de la Reseña**, Apéndice, pág. [16] y [25].

(59) Así lo dice el P. Collantes en la nota añadida a la **Continuación del hecho**.

(60) De esta Cédula Real, tantas veces citada, hay dos redacciones oficiales, una dirigida al Gobernador D. José Basco y Vargas, cuya copia auténtica se encuentra al principio del Expediente para la formación de los nuevos Estatutos de 1785 (ARCHIVO, LIBROS, tomo 56, fol. 1-7); otra, dirigida a la Real Audiencia, con las variedades necesarias, cuya copia se encuentra en ARCHIVO, BECERROS, tomo 10, fol. 234, y también está impresa en **Fundación del Colegio y erección de la Universidad de Santo Tomás de Manila**, Manila, Santo Tomás, 1814, pag. 28. De este raro impreso filipino hay un ejemplar en ARCHIVO, FOLLETOS, tomo 16, incompleto, y otro completo en ARCHIVO DE PROVINCIA de los Padres Dominicos, MANUSCRITOS, tomo 13.

definitivamente resuelta la cuestión de si los Mestizos eran o no capaces de ascender a los Grados académicos.

La cédula Real de Carlos III de 7 de Diciembre de 1781 había resuelto la cuestión sobre la habilidad de los mestizos chinos para poder conseguir Grados académicos en la Universidad de Santo Tomás, pero una determinación del Soberano no es suficiente para convencer a los que tengan opinión contraria ni para vencer su oposición; si en la teoría se acepta, se buscará en la práctica alguna razón para continuar oponiéndose. Acaso por esta repugnancia de los anteriores miembros del Claustro fueron enviados a ejercer el ministerio en lugar de dedicarlos a la enseñanza los ya entonces Dominicos Maestros en Filosofía Borja y Reyes; en dicho año el primero estaba en Abulug y el segundo había muerto (61). Llegada dicha Cédula a Manila en Junio de 1784 y mandada poner en ejecución el 19 de Julio (62), fué enviada al Claustro por el Gobernador General Basco, para el cumplimiento de lo que se refería a formar Estatutos de la Universidad, al Claustro en 14 de Diciembre (63) y aceptada en la Junta General del mismo el día 17, se determinó en la misma dilatar el tratar de la formación de Estatutos hasta después de Reyes del año siguiente 1785 (64) y fueron citados los miembros del mismo por carta del Rector de 13 de Enero para el siguiente día 17 (65).

En dicho día dos mestizos chinos, Bernardo Juan Justiniano y Pedro León de Arcega, Bachilleres en Filosofía, acaso teniendo conocimiento de lo que se proyectaba, recurrieron al Rector pidiendo los admitiese al examen de Licenciado en la misma Facultad, con lo cual comenzó la segunda cuestión de que nos proponemos hablar brevemente (66).

Bernardo Juan Justiniano, nacido el 7 de Junio de 1764 de Ignacio Yongco y Teodosia Bernarda, vecinos de Binondo, fué bautizado diez días después en San Pedro Macati siendo su pa-

(61) **Acta Cap. Prov.**, vol. II, pag. 513 y 521.

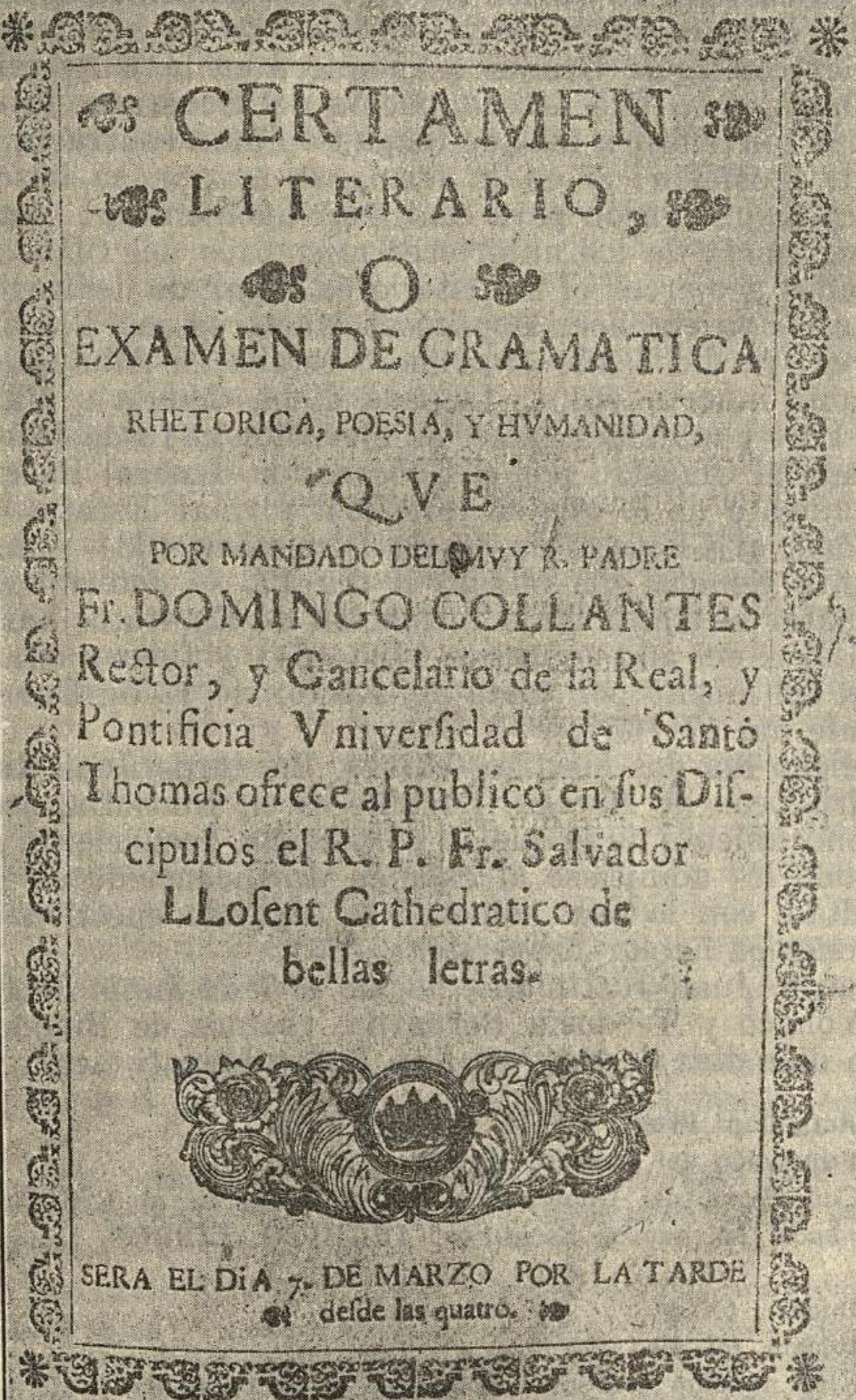
(62) **Fundación del Colegio**, Manila, 1814, fol. 31.

(63) Con Carta del Gobernador que se halla en el Expediente formado para hacer los nuevos Estatutos, ARCHIVO, LIBROS, tomo 56, fol. 7.

(64) *Ibidem*. fol. 9.

(65) *Ibidem*, fol. 10.

(66) Esta petición con los documentos presentados de fe de bautismo y testimonios de los Profesores forma parte del Expediente para recibir los Grados de estos Bachilleres; pueden distinguirse en tres partes: la primera contiene los documentos antes de presentarse a la Real Audiencia, la segunda el expediente de la Real Audiencia, y la tercera la Información jurídica seguida ante el Rector para probar que no eran infames. A esta última la llaman impropriamente **simulacro de juicio, juicio simulado** los PP. Arellano y Sanchez en los lugares citados en las notas 1 y 2 (ARCHIVO, LIBROS, tomo 51, fol. 188).



CERTAMEN

LITERARIO,

O

EXAMEN DE GRAMATICA

 RHETORICA, POESIA, Y HUMANIDAD,

QUE

 POR MANDADO DEL MUY R. PADRE

FR. DOMINGO COLLANTES

 Rector, y Cancelario de la Real, y


 Pontificia Universidad de Santo

 Thomas ofrece al publico en sus Dis-

 cipulos el R. P. Fr. Salvador

LLOSENT Cathedratico de

 bellas letras.



 SERA EL DIA 7. DE MARZO POR LA TARDE

 desde las quatro.

**PORTADA MUY REDUCIDA DE UN GRANDIOSO PROGRAMA
 LITERARIO EN 1779 EN QUE TOMO PARTE
 BERNARDO JUSTINIANO.**

drino Bernardo Juan (67); entró de Colegial en Letrán en 1776 (68), y después de cursar en Santo Tomás tres años de Artes, fué graduado de Bachiller el 18 de Diciembre de 1783 en que defendió un Acto Mayor según las Conclusiones previamente impresas (69). Pedro León de Arcega nació el 29 de Junio de 1766 de Francisco Tico y Andrea Pascuala y fué bautizado en el Puerto de Cavite el 6 de Julio, siendo su Padrino el Ayudante D. José Arcega (70); se graduó de Bachiller en Artes el 26 de Enero de 1784 siendo alumno externo del Colegio de San José (71). En la petición de examen de Licenciado añade a las indicaciones ordinarias: "pues promete con todas veras y bajo de juramento (si fuere necesario) guardar el debido decoro y la decencia correspondiente a tan honorífico Grado, para lo que tiene pendiente ante el Superior Gobierno pretensión de la Beca del Real Colegio del Sr. S. José, y en caso de no conseguirla, no pasará a borlarse sin estar primero con el vestido talar" (72).

Presentadas como se ha dicho las peticiones de examen, el Rector dió la providencia: *al Claustro de hoy*, aunque hubiera podido admitirlos por sí mismo, lo cual hizo "no por ser los pretendientes Mestizos Asiáticos o de Sangley, como quiera que en el Claustro pasado de 17 de Diciembre de 1784 años se había obedecido la Real Cédula en que Su Majestad declaraba no ser impedimento para el Grado, sino por ciertos reclamos que le habían hecho varios individuos del Calustro, especialmente sobre haber sido sus padres desterrados por infidentes al Rey en la guerra pasada" (73). En dicho Claustro el Rector propuso o que se hiciera una Información jurídica con Comisionados y Promotor Fiscal, o el Interrogatorio ordinario de limpieza; algunos propusieron que se difiriese la información hasta los nuevos Estatutos, y esto último salió aprobado por trece votos contra seis (74), por lo cual se les dió la providencia: *ocurra esta parte en formándose nuevos Estatutos* (75). El día

(67) Se halla la fe de Bautismo, extendida por el Bachiller D. Facundo Marino el 17 de Agosto de 1780, *ibidem*, fol. 186.

(68) BAZACO, *Historia de Letrán*, pag. 221.

(69) No se halla en el Archivo el Libro de Asientos de Grados correspondiente a este tiempo, pero dicho día es el que se le señaló en la diligencias que se hallan en ARCHIVO, BECERROS, tomo 5, fol. 302.

(70) La partida de Bautismo, extendida en 11 de Octubre de 1784 por el Bachiller D. Juan Gregorio de la Peña, se halla en LIBROS, tomo 51, fol. 190.

(71) Véase toda la nota 69, fol. 358.

(72) ARCHIVO, LIBROS, tomo 51 fol. 197.

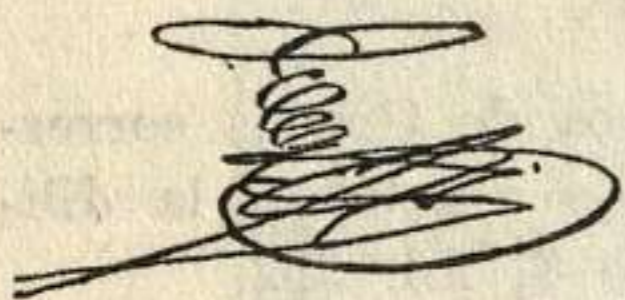
(73) Así lo dijo el Rector en el Claustro de aquel día (LIBROS, tomo 56, fol. 8) y se repitió en el Informe del Claustro a la Real Audiencia de 4 de Febrero de 1785 (*Ibidem*, fol. 18); LIBROS, tomo 51, fol. 206).

(74) LIBROS, tomo 56, fol. 8.

(75) LIBROS, tomo 51, fol. 188 y 197.

..... y
 M. D. P. D. y Cancellar.

Los D^{os} D. Bernardo Justiniano Colegial del R^o Colegio de S. Juan de Letran, y D. Pedro Leon de Arcega - Alumno del Real Colegio del Señor S. Josef, ante Y. P. M. D. se presentan, y dicen = Que habiendoseles hecho saber el ultimo Expediente del 17. de corriente, para que ocurran ante Y. P. M. D. en seguimiento de su pretencion e spues de la formacion de los nuevos estatutos, que esta para hazer la Universidad, y considerando el gravamen que se les sigue, y la injuria, que se les hace en no admitirlos al grado que pretenden antes de la formacion de dichos estatutos, supuesto que tienen hecho sus estudios, y vencidos los actos previos, que se requieren para dicho grado, y tambien hallarse presentados para el; a instancias, y estimulo de nuestros mismos Maestros, y Cathedraicos con consentimiento, y voluntad de Y. P. M. D. dicen que reproduciendo Escritos anteriores, y piden a Y. P. M. D. que se sirva revocar el ultimo Decreto en atencion a las causas que en ellos, y en el presente Escrito manifiestan afin de que no se les haga la injuria de comprehenderlos en los Estatutos que aun no estan formados teniendo ya hecho sus trabajos literarios antecedentemente en la R. C. A., y Pontificia Universidad a satisfacion de sus Maestros, y estando ya Omnibus paratis para recibir el dicho grado. Por tanto a Y. P. M. D. piden, y suplican que habiendoles por presentados se sirva proveer segun lleva pedido que sera mucha merced, y gracia, y etc.



13.º Pedro Leon de Arcega
 Bernardo Justiniano

SEGUNDA PETICION DE LOS BACHILLERES
 JUSTINIANO Y ARCEGA PARA CONSEGUIR LOS GRADOS.

(ARCHIVO, LIBROS, tomo 51, fol. 199).

siguiente hicieron ambos una petición conjunta al Rector para "que se sirva revocar su último Decreto en atención a las causales que en ellos (los escritos anteriores) y en el presente escrito manifiestan, a fin de que no se les haga la injuria de comprenderlos en los Estatutos que aún no están formados, teniendo ya hechos sus trabajos literarios antecedentemente... a satisfacción de sus maestros y estando ya *omnibus paratis* para recibir el dicho Grado". El Rector decretó: *guárdese lo proveído* (76).

La guerra de que se habla es la que hubo entre España e Inglaterra de 1761 hasta 1763 durante la cual los ingleses tomaron Manila el 5 de Octubre de 1762, y en la cual los chinos del Parián y de Pangasinan ayudaron al enemigo, por lo cual una Real Cédula de 17 de Abril de 1766 mandó expulsarlos del país. Hecha la primera expulsión en 1767 de una manera arbitraria, se procedió a una segunda en 1769, imponiendo a los no traidores, que no estaban incluidos en la orden de expulsión, la obligación de abandonar el comercio y dedicarse a la agricultura, por lo cual muchos voluntariamente dejaron el país (77).

Comunicada la decisión del Claustro a los interesados, recurrieron a la Real Audiencia por medio del Procurador de causas Tomás Alfonso, quejándose de la injuria que se les hacía con hacerles esperar hasta que estuvieran formados los nuevos Estatutos, pues pasaría mucho tiempo mientras se formaban, se consultaba sobre ellos a la Real Audiencia y se aprobaban interinamente por el Gobernador como mandaba la Real Cédula de 1781 (78). Pasada la petición a la Sala en 27 de Enero de 1785, ésta pidió el mismo día informe del Rector y Claustro sobre la materia (79), y juntado el Claustro el día siguiente, se encargó la redacción a los Maestros Callejas y Figueroa con el Concurso del Rector, que fué aprobado y firmado en el Claustro de 4 de Febrero, dando las razones que habían tenido para la providencia impugnada, negando que estuviera todo preparado para el examen, pues los Bachilleres no cumplían con los Cursos requeridos (dos años de Teología) hasta pasada la Cuaresma, mientras que los Comisionados para formar los Estatutos (Dr. Varela y P. Amador, nombrados el 17 de Enero) decían que estarían prontos en el Mayo siguiente (80). Recibido el informe, la Real Audiencia mandó en 10 de Febrero: "El Rector y Claustro de la Real Universidad de Santo Tomás,

(76) Ibidem, fol. 198.

(77) Algunos de estos datos se indican en la exposición de los Bachilleres de 3 de Marzo de 1785; ibidem, fol. 225 hasta 233.

(78) Ibidem, fol. 201, vuelto, hasta 205; LIBROS, tomo 56, fol. 14 a 17.

(79) Ibidem, fol. 205 y fol. 17 respectivamente.

(80) Ibidem, fol. 207 y fol. 19 respectivamente.

sin esperar la formación de nuevos Estatutos proceda a conferir los Grados que solicitan los Bachilleres Don Bernardo Justiniano y Don Pedro León de Arcega en la misma forma que se ha observado con los demás Doctores graduados de que se compone el Claustro" (81), el cual Decreto fué comunicado al Claustro en 11 de Febrero y el día siguiente a los interesados (82).

En el mismo Claustro de 11 de Febrero algunos miembros pidieron que se nombrara Síndico Fiscal y Asesor para hacer una Información Jurídica, otros que se tomase la información sin Asesor ni Síndico, y otro que se les graduara sin información, determinando el Rector lo primero por haber sido propuesto por la mayoría, en cuya consecuencia fué nombrado Asesor el Dr. Varela, substituto el Dr. Veyra y Síndico Fiscal el Maestro Moguel (83). El 16 de Febrero presentaron los Bachilleres el Interrogatorio por el cual habían de ser examinados los testigos, a saber, primero, si dichos testigos se hallan comprendidos en las generales de la ley; segundo, si conocen al presentante y si conocieron a su padre y especialmente en tiempo de la guerra británica; tercero, si saben que el presentante haya cometido algún delito por el cual haya incurrido en infamia vulgar; y cuarto, si saben que su padre haya sido infidente al Rey, o se haya juntado con los traidores de su nación en tiempo de la guerra británica.

Obtenido el permiso de las autoridades eclesiásticas y militares para que juraran sus súbditos, fueron interrogados por Justiniano el Br. D. Domingo Antonio Pérez, Coadjutor del Parian y Capellán de las Recogidas, los Capitanes pasados de San Pedro de Macati D. Ignacio Bernardo, D. Bartolomé de Leiva, D. Juan Gervasio y D. Francisco Mesina, y el Alcalde de Arroceros D. Vicente Posada, y por Arcega el dicho Br. D. Domingo Antonio Pérez, el Coronel y Castellano de Cavite D. José Farauco y los vecinos D. Juan Antonio Bustamante, D. Gervasio del Rosario y D. Honorato Soriano (84). Terminado el examen de los testigos, hicieron los Bachilleres su Alegato el 22 de Febrero pidiendo se les admitiera al examen por no haber resultado de aquel nada contra ellos (85), a lo cual respondió

(81) LIBROS, tomo 51 fol. 208, vuelto.

(82) Ibidem, fol. 209; LIBROS, tomo 56, fol. 20.

(83) LIBROS, tomo 56, fol. 21.

(84) LIBROS, tomo 51, fol. 211 a 220. Ignacio Bernardo "a la cuarta dijo que todo el tiempo de la guerra se mantuvo dicho Ignacio (Yongco) en San Pedro Macati, y cuando le iban a buscar los Sangleyes alzados del Parian se huía al monte disfrazado de indio, y después de la guerra se desaparecieron los alzados del Parian, pero dicho Ignacio abrió su tienda de mercaderías en el Parian, en donde estuvo hasta la expulsión que lo llevaron de montón sin dejar más que a los muy viejos, y todavía hizo tres viajes a Manila hasta que murió en China, dando siempre buena cuenta y sin perderse una hilacha" (fol. 213, vuelto).

(85) Ibidem, fol. 221.

el Síndico Fiscal el día 26 de Febrero: que estaban sólo para terminar el primero de Teología, pues el último año de Goudin de Filosofía no debe computarse como primero de Teología; que sus padres deben considerarse como traidores a la patria porque en tiempo oportuno no se justificaron de tal nota, y que no se debe admitir la actual información porque es cosa juzgada por la autoridad competente y aprobada por el Soberano; que de la misma no se prueban todas las cualidades de nobleza y limpieza de sangre que se requieren para los Grados mayores en las Universidades; y que por lo tanto se opone a que se gradúen, sin que esto sea ir contra la Cédula Real de 1781 (86). Los Bachilleres respondieron el día 3 de Marzo: que siempre se había considerado el tercer año de Goudin como primero de Teología; que a sus padres no se les hizo información ninguna, sino que ellos voluntariamente se marcharon porque querían continuar con su comercio en lugar de someterse a la condición de que se dedicasen a la agricultura, y que por lo tanto no se verifica lo mandado en la Real Cédula de expulsión que dice: *uniéndose con el enemigo de la Corona tomaron armas contra ella y mis vasallos*, para el cual delito se requiere en las leyes que sean *oidos y vencidos*; que no habiendo declaración de infidencia contra sus padres, el admitirlos a los Grados de ningún modo puede ir contra sentencia alguna firme; y que por lo tanto se les debe admitir a los Grados pedidos (87). Pasada esta respuesta al Fiscal, se excusó de contestar; pasado todo el expediente al Asesor, también se excusó por sus accidentes; pasado al Asesor sustituto, pidió también excusa por no poder asesorar; por lo cual el Rector proveyó: *Al Claustro con el Expediente*, y reunido el Claustro en 11 de Marzo declaró la información por bastante y mandó fijar los Edictos correspondientes (88).

Fijados los Edictos, y dada la preferencia a D. Lázaro de la Rosa que había reclamado mayor antigüedad, hizo Justiniano el examen de la noche triste el 10 de Abril y Arcega el 13 del mismo mes, recibiendo ambos la Muceta con la solemnidad acostumbrada el día 14 de Abril de 1785 (89).

No hemos encontrado nada más relativo a Arcega, pero de Justiniano sabemos que se bachilleró en Leyes el 8 de Enero de 1788, se licenció el 19 de Enero de 1795 y el 26 de Abril recibió la borla de Doctor (90). Habiendo quedado vacante la Cátedra de Instituta, fué nombrado interinamente el 10 de Di-

(86) Ibidem, fol. 221, vuelto, hasta 224, vuelto.

(87) Ibidem, fol. 225 hasta 233, vuelto.

(88) Ibidem, fol. 234 y 235; LIBROS, tomo 56, fol. 22.

(89) LIBROS, tomo 51, fol. 237 hasta 240.

(90) Estos datos aparecen en el **Libro de Asientos de Grados, BECERROS**, tomo 5, fol. 369, y tomo 6, fol. 4 y 6.

ciembre de 1803 (91). Finalmente el Arzobispo Sr. Zulaibar le nombró el 28 de Febrero de 1805 Defensor del Vínculo y Asesor de la Visita en Julio del mismo año (92).

Creemos que, después de estas muestras de aprecio que recibieron los Graduados Mestizos Chinos, no volvió a suscitarse ninguna otra cuestión semejante en nuestra Universidad.



(91) La presentación del Rector y el nombramiento están en ARCHIVO LIBROS, tomo 51 fol. 251 y 253.

(92) ARCHIVO, LIBROS, tomo 34, fol. 4 y 8.

LAW

The Philippine Tax System

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

(Continued)

THE SYSTEM PROPOSED BY THE PHILIPPINE COMMISSION

After the American occupation of the Philippines, President McKinley appointed a commission to study the condition of the Islands and to establish a civil government therein. In his instruction, the President charged the Commission as follows:

"In all the forms of government and administrative provisions which they were authorized to prescribe, the Commission should bear in mind that the government which they are establishing is designed not for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace and prosperity of the people of the Philippine Islands, and the measures adapted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent with the accomplishment of the indispensable requisites of just and effective government."

In regard to taxation the Commission was specifically instructed as follows: "It may be well that the main changes which should be made in the system of taxation and in the body of the laws under which the people are governed, except such changes as have already been made by the military government, should be relegated to the civil government which is to be established under the auspices of the Commission. It will, however, be the duty of the Commission to inquire diligently as to whether there are any further changes which ought not to be delayed; and if so, they are authorized to make such changes, subject to your (Secretary of War) approval. In doing so they are to bear in mind that taxes which tend to penalize or repress industry and enterprise are to be avoided; that provisions for taxation should be simple, so that they may be understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden." (17)

(17) President McKinley's Instruction to the Philippine Commission.

In its investigation of conditions in the Philippines, the Taft Philippine Commission found out that the land in the Philippine Islands had, up to the time of the American occupation, remained essentially free from taxation; that the fact that the owners of the land had been especially powerful in determining the policy of the government might have had much to do in establishing such a condition of affairs; that the result had been to relieve the bulk of property of many persons from taxation and by that much increased the burdens of those whose property was not in land; and that, inasmuch as a large amount of the property of the rich had consisted in land, the exemption of this form of property from taxation had directly favored the rich at the expense of the poor. (18) Due to this condition of affairs the burden of furnishing the required revenue was thrown on industrial and commercial pursuits, and consequently the taxes bore heavily on the poor.

Acting under the instruction of President McKinley, the Commission announced the policy it would pursue in regard to internal taxation in its report to the Secretary of War as follows:

"The subject of taxation has been made the object of especially careful attention. The effect of the Spanish system was to throw practically the whole burden on those who could least afford to bear it. The poor paid the taxes, and the rich, in many instances went free, or nearly so, unless they were unfortunate enough to hold office, and thus incurred responsibility for the taxes of others which they failed to collect. There was considerable number of special taxes, many of which were irritating and offensive to the people, and yielded, at the best, a pitifully small revenue.

"In dealing with the question of taxation it has been our purpose, first, to do away with all taxes, which, through irritating those from whom they were collected or through the small amount of resulting revenue, were manifestly objectionable; second, to remove the so-called industrial taxes, except where levied on industries requiring police supervision; third, to abolish special taxes, such as the tax for lighting and cleaning the municipality and the tax for the repair of roads and streets; fourth, to provide abundant funds for the legitimate needs of the township by a system which would adjust the burden of contribution with some reference to the resources of those called upon to bear it." (19)

In regard to the customs tariff, the Commission also found out that the duties imposed had been in some respects burdensome, and, while producing a large revenue, had been unjust in their operation upon many classes in the community; that the duties upon necessaries of life were generally high, while those upon luxuries were usually low; and that the tariff in its practical operation was not adapted to encourage the import-

(18) Report of the Taft Philippine Commission, pp. 101-104.

(19) Report of the Taft Philippine Commission, p. 39.

ation of goods produced or manufactured in the United States. (20) In the revision, therefore, of the tariff, the policy adapted by the Commission was: (1) to give reasonable encouragement to the productions and manufactures of the Philippine Islands; (2) to reduce greatly the cost of importing the necessaries of life, particularly those produced or manufactured in the United States; (3) to increase the duties upon luxuries; (4) to free from duties certain articles imperatively needed in the Islands; and (5) to make the duties specific instead of ad valorem to the fullest extent that was practicable.

At the beginning of the American occupation, the Spanish taxes were continued by the military government, but as soon as the civil government was instituted, the policy enunciated by the Commission was gradually accomplished. All the Spanish taxes were not, however, repealed and some of them still survive today.

THE CUSTOMS TARIFF

During the latter part of the year 1900, the Philippine Commission embarked upon the work of the revision of the tariff. Public sessions of the Commission were held for the discussion of the various schedules and in which the views of the local importers and consumers were received and considered. A bill was then drawn and forwarded to Washington for correction, modification and approval by the Secretary of War. Upon the return of the proposed bill, and on September 17, 1901, the new tariff law was enacted to become effective on November 15, 1901. This law is contained in the Act of the Philippine Commission No. 230. In the new tariff, articles subject to duties were divided into thirteen classes, each class subdivided into groups, and each group into items. The duties imposed were all specific, ranging from one cent gold to one hundred dollars gold on each article. Needless to say the new tariff was devised to furnish the needed relief to businessmen and consumers. And the Commission expected a probable reduction of the revenue for a time, but it confidently hoped that ultimately the consumption would be so increased and the people would acquire new wants that the revenue would at least be as much as under the then existing tariff.

The expectation of the Commission came true, for "the large reductions that were made in the duties imposed upon the necessaries of life, and the important free entry list upon articles imperatively needed in the islands operated to reduce the income materially". (21) The hope, however, for the reduction of retail prices and the increase of consumption was not realized. This unexpected result was later explained as the outcome of the fluctuations in currency. This experi-

(20) Report of the U.S. Philippine Commission, 1901, part I, p. 121.

(21) Report of the Philippine Commission, 1902, Part 2, p. 712.

ment was again tried about the middle of the year 1919 when there was a scarcity of rice and its price soared high beyond the reach of the laborers. The duty on rice was removed, but the removal did not have any effect whatsoever on the reduction or removal of duties on imported articles will have no immediate effect on the retail prices of such commodities. So in the recent rice crisis, the Government did not remove anymore the duty on rice, but allowed merchants under contract to import rice, free of duty, for delivery to the Government and Government Agencies distributed the rice to the people at cost, in accordance with the provisions of Act No. 4198 of the Philippine Legislature.

The effect of the reduction in the new tariff upon the importation of certain articles, although other causes operated to increase their amount, was given in 1901 as follows:

The reduction of duty upon wheat from 47 cents per 100 kilos to 25 cents per 100 kilos had no effect on the amount imported as there was practically no wheat imported under either schedule. The reduction of duty on wheat flour from \$1.63 per 100 kilos to 40 cents per 100 kilos increased the importation of that commodity from 114,000 to 151,000 barrels. The former duty on forage, hay and bran, was 14 cents per 100 kilos, and the duty in 1901 was 5 cents per 100 kilos, and the importation increased from 700 to 3,000 tons. The former duty on canned fruits was 15 cents per kilo; the duty in 1901 was from 2 cents to 4 cents per kilo, and the importation increased from 42,000 to 700,000 pounds. The former duty on canned meats was 15 cents per kilo; the duty in 1901 was from 5 cents to 20 cents per kilo, and the importation increased from 6,000 to 165,000 pounds. The former duty on hams was \$9.13 per 100 kilos; it was reduced to \$3.00 per 100 kilos, and the importation increased from 692,000 to 1,800,000 pounds. The former duty on lard was \$9.13 per 100 kilos; it was reduced to \$1.60 per 100 kilos, and the importation increased from 1,200,000 to 2,000,000 pounds. The former duty on canned salmon was 15 cents per kilo; it was reduced to 8-1/2 cents per kilo, and the importation increased from 8,000 to 1,500,000 pounds. The former duty on unhusked rice was 59 cents and husked 63 cents per 100 kilos; it was reduced to 40 cents and 50 cents per 100 kilos, respectively, and the importation increased from 194,500,000 to 340,000,000 pounds. (22)

Another characteristic of this tariff is that although no special rates were imposed on goods imported from the United States, the dutiable articles were so described as to give American products an advantage over the goods imported from other countries. These discriminatory provisions are found in connection with textiles, wine, beer, and canned goods. Commenting on this tariff, Colonel Edwards, former Chief of the Bureau of Insular Affairs, said:

(22) Report of the Philippine Commission, 1902, Part 2, pp. 712-713.

"While no different duty in favor of American products is openly mentioned the articles were so described in the tariff as to allow an advantage to American goods." (23)

This must be so as the Philippine Commission in its investigation found that the Spanish tariff in its practical operation was not adopted to encourage the importation of goods produced or manufactured in the United States. This manifestation of purpose would have been more open in the tariff had it not been for the provisions of Article IV of the Treaty of Paris which provided for the admission of the Spanish goods into the Philippine Islands on the same terms as those of the United States for a period of ten years.

During this time, the Dingley Tariff was in force in the United States and its full rates were applied to products imported from the Philippine Islands. There were elements in the Islands including prominent business men, high government officials, and the members of the Philippine Commission who asked for the reduction of fifty per centum of the rates of the Dingley Tariff. On the other hand, the American sugar and tobacco interests, fearing the competition that the Philippine sugar and tobacco might offer, opposed any reduction in the rates of the Dingley Tariff. As a compromise, the Congress of the United States passed on March 8, 1902, the Tariff Act of 1902 which levied 75% of the rates of the Dingley Tariff on goods imported from the Philippine Islands which were not in the free list. This tariff act further provided for the subtraction from the import duties collectible in the United States of any export duty paid on the same goods going to the United States. It was also provided in the act that Philippine exports which were in the free list of the United States tariff should be entirely exempt from any export duty in the Philippines. The act finally provided that all duties and taxes collected in the United States upon imports from the Philippines and upon foreign vessels coming therefrom should constitute a separate fund and paid into the treasury of the Philippine Islands.

According to José Ma. Espino, one of the most important effects of the Tariff of 1902, was the increase in the amount of hemp shipped from the Philippines to the United States. However, according to the same writer, the benefit derived from this increased exportation of hemp, as a result of the tariff, did not compensate the evils arising therefrom. Hemp was in the free list of the United States tariff, so that no export duty was levied upon its exportation to the United States. The exemption from export duty doubtless enabled the rope manufacturers in the United States to obtain hemp at a lower price than they had ever obtained before, thus giving them

(23) Quoted by Mr. Jose Ma. Espino in his article on *The American Tariff Policy in the Philippines*, published by the Institute of Pacific Relations, Manila, 1933.

an advantage over the rope manufacturers in other parts of the world who used Manila hemp. Mr. Espino then quotes Mr. J. H. Blount who wrote that the objects of the act were "to enable the American Hemp Trust to corner and control the Manila hemp industry," and "to favor Americans interested in exporting hemp from Manila to the United States as against Europeans exporting it to England and other foreign countries." Another writer quoted by Mr. Espino says that "the substance of the hemp part of the Philippine Tariff Act of March 8, 1902, remains upon the statute book of the United States to the shame of the nation." (24)

In spite of the apparent liberal provisions of the Tariff Act of 1902, some residents of the Philippines and American businessmen agitated for its revision. So on March 3, 1905, the Congress of the United States passed an act amending the tariff of the Philippine Islands. This act is generally called "The Philippine Tariff Revision Law of 1905". It was practically a reenactment of the Commission's tariff law except that some of the articles heretofore admitted free of duty were included in the taxable list, the duties on some of them decreased, and the specific duties on others made ad valorem. There were also increases of duties on some of the articles, notably on rice. Among the articles admitted free of duty were trees, plants, vegetables, fruits, gold, silver and iron ores, books, magazines, and newspapers. Specific export duties were levied on hemp, indigo, sugar coconuts and tobacco.

The same "refund" provision of the Tariff Act of 1902, and the 25% reduction in the rates of the Dingley Tariff for goods entering the United States were kept in tact. However, the Tariff Revision Law of 1905 contained discriminatory provisions, giving favorable treatment to the products of the United States. As stated by the Ways and Means Committee of the United States Congress when the bill was presented on February 13, 1905:

"The general purpose of the bill, as of the former Act, is to give the United States what benefit there are arising from classification of goods. There is no preference given to goods coming from the United States for the reason that by the terms of the Treaty of Paris Spain would have to a similar preference on goods imported from Spain to the Philippines until January, 1909".

To encourage the importation of American cotton manufactures in the Philippines, a bill was introduced in Congress to amend the Philippine Tariff Revision Law of 1905. The Merchants' Association of New York had proposed the amendment, manifesting that "the needs and requirements of the American manufacturer should be considered primarily and fundamentally in any tariff imposed upon American goods going to the Philippine market".

(24) Mr. Espino's article mentioned before.

The amendatory act was passed on February 26, 1906, providing for comparatively low rates of duties upon cotton goods which were produced in the narrower looms in the United States and on certain classes of shoes. Under the Act of 1906, coconuts were exempt from the payment of the export duty.

After the expiration of the ten year period provided for in the Treaty of Paris, the free-trade advocates renewed their campaign for a free trade relation between the Philippines and the United States. As a consequence, the Philippine Tariff Act of 1909 was passed by Congress on August 5, 1909. A complete innovation was introduced in this law by providing for ad valorem as well as specific rates or assessing either ad valorem or specific whichever is higher.

On the same date, August 5, 1909, another tariff act for the United States was passed by Congress. These two acts established the free-trade relation between the United States and the Philippines. Sec. 5 of the United States tariff provided for the free entry into the United States tariff of Philippine products (except rice) and manufactured articles if they did not contain foreign materials to the value of more than 20% of their total value. The free entry of sugar was limited, however, to 300,000 gross tons, tobacco wrapper to 300,000 pounds, tobacco filler to 1,000,000 pounds, and cigars to 150,000,000 pieces.

Any excess on the above-mentioned amount was subject to duty like rice. On the other hand, all articles, except rice, coming into the Islands from the United States, were admitted free of duty. So according to Mr. Espino, the so-called free trade is not free trade because it is not complete or absolute; it is unequal; it is unfavorable to the Philippine Islands; and there is no just reciprocity and equality of benefit. And if the present limitations and the different taxes levied on our products are taken into consideration, the present trade arrangement becomes one-sided.

The Philippine Tariff Act of 1909, as amended by the Acts of Congress of October 3, 1913, September 21, 1922, and June 17, 1930; and the Acts of the Philippine Legislature Nos. 2778, 2779, 2872, 3057, 3218, 3429, 3515, 3671, 3818, 3821, 3914, 3916, 3917, 3918, 4034, 4036, 4037, 4038, 4053, 4064, 4124, and 4198 is still in force today. Notable among these amendments are the United States Tariff Act of 1913 which abolished all export duties on Philippine exports, and the Jones Law of 1916 which expressly prohibited the levy of export duties in the Philippines. Among the acts of the Philippine Legislature amending the tariff, Act No. 4034 has a far reaching effect. It is provided in this act that in the liquidation of duty, the currency of the invoice will be reduced to the money of account of the United States upon the basis of the values of foreign money stated in the law. The law further provides that whenever merchandise imported into the Philippine Islands is invoiced in the currency of the United States

or of the Philippine Islands such currency must be converted back into the proper foreign currency at the buying rate of exchange as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury of the United States, and then be reconverted into the currency of the United States or of the Philippine Islands at the value of the said foreign currency. The law finally provides that the Governor-General, (now the President of the Philippines) upon recommendation of the Secretary of Finance, may by proclamation, fix for the purposes of the act the value, in the Philippine currency, and its equivalent in money of the United States of America, of the value of the currency or currencies of foreign countries when said value is changed or is not covered in the act.

The object of this amendment was to check the downward trend of the customs collections due to low prices of imported commodities on account of the depreciated currencies of many foreign countries. There was a time when the rates of exchange of foreign currencies were fast falling, and in order to protect the revenue of the government, this measure was adopted. The act did not aim to increase the rates of duties, but only to maintain them where they were when the rates of exchange were normal. This measure was effective as long as the American dollar remained in its former value. After its devaluation, the buying rates of exchange of many foreign currencies rose even greater than the values of such foreign currencies prescribed in act No. 4034. As a result, and under the present procedure of liquidating customs duty, importers find different ways of paying less duty. The first is when the goods are invoiced in the currency of the country of origin and when the buying rate of exchange of that currency is higher than the rate prescribed in the law. For example—The value of a certain importation from England at the time of exportation therefrom on August 27, 1934, is L1,000.00. At the buying rate of exchange on that day of \$5.061490 per pound sterling, the value of the merchandise, converted into the currency of the United States, is \$5,061.49. If the rate of duty is 50% ad valorem, the amount to be collected thereon will be \$2,530.75. On the other hand, at the rate of \$4.4665 per pound sterling prescribed in the present law, the value thereof is \$4,866.50, and duty thereon will be \$2,433.25. The difference between \$2,530.75 and \$2,433.25 (duty under the parity law) is \$97.50 (equivalent to 3.853%), which amount the Government fails to collect under the present law.

The second way occurs when importers take advantage of the rates of exchange of some foreign currencies which are higher than those prescribed in the Parity Law, and cause their goods to be invoiced in the currency of the United States or of the Philippine Islands. For example—Goods imported from Germany on March 15, 1934, has a dutiable value of \$1,000.00,

United States currency. The proper foreign currency in this case is the Reichsmark, the buying rate of exchange of which on the date of exportation is \$0.397071, while the value given for said currency in Section 6 of the Philippine Tariff Law, as amended by Act No. 4034, is only \$0.2382. By following the required conversions, we obtain a value of 2,518.45 Reichmarks ($\$1,000 \div \$0.397071 = \text{RM } 2,518.45$), which amount, when reconverted into the United States currency at the prescribed rate of \$0.2382, becomes only \$599.89. If the rate of duty on the merchandise is 50% ad valorem, the revenue that can be collected under the present Tariff Act is only \$299.95, instead of \$500.00, or a difference of \$200.05 (equivalent to 40.01%).

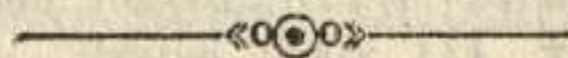
The Third way is when the exporters in foreign countries invoice their shipments in another foreign currency to enable importers in the Philippines to pay smaller amount of duties. For example—A certain quantity of Japanese silk goods had a foreign market value of 1,000.00 Yen (Y) on March 13, 1934. The buying rate of exchange of the yen on that date was \$0.300785. At the stated rate, the exporter would get \$300.79, United States currency for his goods. If the goods in question were imported into the Philippine Islands and invoiced in Y 1,000.00, the value thereof for tariff purposes, at the prescribed rate of \$0.4985 per yen, would be \$498.50, and the duties thereon at the rate of 50% ad valorem would amount to \$249.25. To enable the Philippine importer to pay a smaller amount of duties, the exporter in Japan would invoice his merchandise not in Japanese currency, but in some other foreign currency, say French franc, the buying rate of which on the date of exportation was \$0.065786. The exporter would then invoice the merchandise at 4,572.25 French francs, which is the equivalent of \$300.79, which in turn is equal in value to Y 1,000.00. In the liquidation of duty, the stated amount of 4,572.25 French francs, when converted into the United States currency at the prescribed rate of \$0.0392 for 1 French franc, would be \$179.23. At the rate of 50% ad valorem the duty thereon would be only \$89.62, whereas the amount properly due is \$249.25, or a difference of \$159.63 (equivalent to 64.05%).

Lastly, when exporters in a foreign country export goods of another foreign country and invoice them in the currency of the latter country. As this case is not covered by the Parity Law, the payment of part of the duty may be evaded. For example—A shipment of Y 1,000 worth of Japanese rayon piece goods, if coming directly to the Philippines from Japan, would be assessed the 60 per cent ad valorem duty on a value of U. S. \$498.50 (the equivalent to Y 1,000 under the Parity Act). If these same goods were transshipped through Hongkong, they would be invoiced to the Philippine Importer at H. K. \$623.15, the equivalent (on September 19, 1935) of Y 1,000 plus transshipping costs estimated at 10 per cent. (The Federal reserve bank rate of exchange on September 19, 1935, of Y 1 is \$0.2875,

and of 1 Hongkong dollar, U. S. \$0.5075). Under the parity act, H. K. \$623.15 equals U. S. \$278.49. Hence, the duty on the transshipped goods would be 60% of U. S. \$278.49, for U. S. \$167.09; whereas the duty on the goods shipped directly would amount to U. S. \$299.10 (60% of U. S. \$498.50), a difference of U. S. \$132.01 (equivalent to 44.14%).

Further amendment, therefore, of the tariff is imperatively needed. This and the future trade relation with the United States are the tariff problems confronting the Philippines at present. It should, however, be borne in mind that any increase in tariff rates to protect American products and industries will be detrimental to our revenue and will constitute an additional burden to the consumer. High tariff duties, for the purpose of eliminating competition between foreign and American goods, will reduce the importation of such foreign goods and increase the importation of similar protected goods from the United States. As the volume of dutiable foreign goods will be reduced, the amount of collectible duties will thereby diminish. The elimination of competition, coupled with the inherent high prices of American goods, will raise the prices of commodities sold in the local markets to the detriment of Filipino consumers.

As a source of revenue, customs duties possess the great virtues of high productivity, convenience of payment, and cheapness of collection. They have, however, great defects in that they are regressive in character because in order that they would yield large revenue, they must be levied upon goods of general consumption, and once they are levied on such commodities, persons of moderate income will spend a greater portion of it than the rich, hence the tax is regressive. They are inelastic, because whenever the government needs more money, it cannot get it by raising the rates of the tariff because industrial conditions will be disturbed. They are uncertain and unreliable because they can never be depended upon. In time of peace when the expenses of the government are regular, the revenue derived from customs duties may sometimes be depended upon; but in time of war when more money is needed, the customs duties fall far short than the ordinary need, nay, they may even produce nothing. Again, the customs duties bring redundancy of revenue in time of commercial and industrial activity, and insufficiency and instability of revenue in time of stress and depression. Finally, the income from this source is determined, not by government need but by the character of temporary industrial and commercial conditions. As a consequence, in war the current public income has proved utterly insufficient, unstable, and inflexible; in time of peace, it has shown itself extremely uncertain, fluctuating with every crisis and even with the changes in the policy and conditions of foreign nations.



PHILOSOPHY AND SOCIAL SCIENCE

Notes on the Philosophy of Kant

By Joannes Maurer, Ph. D.

(Continued)

Immanuel Kant was born on April 22, 1724 at Koenigsberg and died in the same town on February 12, 1804. His parents are said to be of Scotch descent, but Kant was entirely German, not only in his education, but even more so in his character. He led a life in which philosophy was the sole interest. As a youth he was greatly fascinated by the teachings of Isaac Newton and Christian Wolff. After some years of employ as a private tutor, then instructor and writer on physics, he was appointed to the chair of philosophy in his home town. Soon he began to find his teachers inadequate, and as a consequence he began to evolve an independent system, which was to make him famous and one of the most influential philosophers of all times.

Indeed, no serious student of philosophy can, in our times, afford to pass by Kant. This does, of course, not mean, that one must become and remain a follower of his philosophy. A conscientious criticism seems indeed better indicated and more worthy of this great mind, than any all too ready dogmatic acceptance of everything he said.

As professor of philosophy Kant followed in the first years mainly the teachings of Christian Wolff of the University of Halle. Wolff professed to follow the philosophy of Leibnitz, but in fact he merely retained the latter's terminology and renewed the dualism of Descartes, i.e., extended and non-extended substance, essential difference between sensation and the act of thinking, antithesis between spirit and matter etc.

Kant's entire philosophical system is centered around the question: "What can we hope to achieve with reason alone, when all the material and assistance of experience is taken away?" More precisely this question is put in three parts: 1) what can we know, 2) what must we do, and 3) what can we hope for? The answer to the first part, Kant gives in his book entitled "The Critique of Pure Reason", while he answers the second one in his "Critique of Practical Reason," and the third part-question finds its answer in "Religion within the

Limits of Pure Reason". (In this latter work Kant sees the foundations of Religion not in the proofs of a speculative-metaphysical order, but in the practical need we feel, to make the code of our laws the expression of the divine will, and consequently to believe in God as the author of our moral order.)

As was already said, Kant began to evolve his philosophical system as a consequence of his reading Hume's books, the pernicious theories of which he wanted to prove as false. Thus he started to investigate the operations of the human intellect and to inquire critically, whether the human mind could possibly have any objective knowledge at all and, more specifically, whether reason could know the metaphysical, suprasensible, and what it could know of the thing-in-itself. After twelve years of untiring research he gave his answers in his famous "Critique of Pure Reason", of which the first edition appeared in 1781. We may sum up its results as follows: 1) Metaphysics, i.e., the science of suprasensible things or of things in themselves has no objective value, 2) our cognition is phenomenal not noumenal, 3) Mathematics and Physics are sciences of intraphenomenally objective value.

Hume had asserted that all our cognition is phenomenal and that neither intellect nor experience furnish us any element of universal and necessary cognition. He admitted the principle of causality to be of a certain universality, but nevertheless denied its objective value as well as its necessity. Hume believed it to be formed by the law of association, hence he regarded it as a fiction of the mind and in no way a real principle. Kant taught with Hume that we cognize phenomena only and that neither the intellect nor experience, which latter represents singular and contingent beings only, could supply any universal and necessary element of cognition. But in opposition to Hume, Kant believed the principle of causality to be absolutely universal and necessary—in the world of phenomena, well understood.

Kant, like Descartes, began his critical and rationalistic investigation of the reason by drawing into the center of his system the judgment: "I think." But he realized more fully than had Descartes that with this recognition of the function of thinking nothing is as yet known and proved about the nature and existence of the one who thinks. He recognized that the judgment: "I think" implies assent to the other judgment: I am I, but that therewith what "I" am has not yet been made clear. Kant, for this reason, set out to define the notion of thought more adequately and thus established himself primarily as a critic of philosophical assumptions.

What he noted first of all were general characteristics of thinking. Thought, as far as the individual is concerned, is a homogenous synthetic function. Are there more than one individual, thought is comprehension—it remains one and the same functional organization in those otherwise variously en-

dowed with reason. Kant made a distinction between understanding and reason: "All our knowledge originates in our senses, proceeds from that to the understanding and thence to reason... Understanding may be defined as the faculty of reducing phenomena to unity by means of certain rules, while reason is the faculty of reducing the rules of understanding by means of certain principles."

All acts of thought are synthetically and inwardly correlated to one another. Outward it is attentiveness to various and manifold subjects. Thought establishes harmonious correlations of manifold individuals who are unifiedly concerned with manifold objects. Thought is the material location of ideal objects and the form of all varieties of knowledge. Its object is always "something", which later is either of one kind, of many kinds or of all kinds, it is either matter or form or formed matter. Thought directed toward this "something" either compares or distinguishes, it therefore examines the objects as to their harmony or opposition... in short thought compares according to Quantity, Relation and Modality. (cfr. S. Behn, "The Eternal Magnet").

As was already stated, Kant's central question was: What can we hope to achieve with reason alone, i.e., when all the material and assistance of experience is taken away? In answering this question Kant makes a distinction between three cognitive faculties: sensibility, intellect and reason. In each one of these three faculties he furthermore distinguishes a formal and a material element. Let us now shortly examine what Kant taught with respect to the cognition attainable by these three faculties.

1) SENSIBILITY.

The material element of sensible cognition, according to Kant, are impressions caused in us by causes which are either outside or inside of ourselves. These impressions are something purely subjective, their efficient cause is and remains utterly unknown and even unknowable to us. The formal element of our sensibility is space for external, and time for internal sensations.

Space and time are pure and a priori intuitions, i.e., they in no way derive from experience, nor are they the result of any other mental operation. They are inborn and logically prior to the sensations, so that without them no sensation would be possible. With this logical priority Kant does not, of course, mean to assert that we know space before we know sense objects. What he really means may perhaps best be made clear by the following example: the image on a photographic film may be said to be present before the film is actually developed. As soon as the necessary acids and liquids are applied the image will come up. Just in the same way, as soon as the sense-objects are applied to the sensibility, the forms of space and time will appear. The spacial appearance, therefore, accord-

ing to Kant is due not to the things sensed being spacial, but to the constitution of our senses, which, so to say, turn out all sensations with the pattern of space. That the spacial appearance is due to the constitution of the senses and not to experience, is argued by the fact that space is a general form which applies universally to the whole material world. But what we experience are only singular, particular—and not universal—things. These particular things cannot contain nor transmit to us the universal... and here already Kant really succumbed to the scepticism of Hume, which to combat was the primary aim of his "Critique of Pure Reason."

But let us hear Kant himself: "Space is not an empirical concept, derived from external experience. For in order that certain sensations be referred to something outside of myself, i.e., to something in a different part of space from that where I am, again, in order that I may be able to represent them as side by side, that is not only as different, but as in different places, the representation of space must be already in me. The representation of space cannot, therefore, be obtained through experiencing the relations of external phenomena, but, on the contrary, this external experience becomes possible only through the representation of space (18). "Space does not represent any quality of objects by themselves, nor does it represent objects in their relations to one another, that means space does not represent any determination inherent in the objects themselves and would remain even if all the subjective conditions of intuition were removed" (21). "We maintain the *empirical reality* of space but at the same time its transcendent reality, that is to say we maintain that space is nothing, if we leave out of consideration the condition of possible experience... with the exception of space there is no other subjective representation referring to something external that would be called a priori subjective" (22).

"Space is a necessary representation a priori forming the very foundation of all external intuitions. It is impossible to imagine that there should be no space without objects to fill it. Space is therefore regarded as the condition of the possibility of phenomena, not as a determination produced by them. It is a representation a priori which necessarily precedes all phenomena. On this necessity of an a priori representation of space rests the apodictic certainty of all geometrical principles and the possibility of their construction priori... space is not a discursive or so-called general concept of the relations of things in general but a pure intuition. For, first of all, we can imagine one space only, and if we speak of many spaces, we mean parts only of one and the same space, nor can these parts be considered as antecedent to the one and all embracing space, and, as it were, its component parts out of which an aggregate is formed, but they can be thought of as existing in it only. Space is essentially one, its multiplicity, and therefore

the general concept of spaces in general, arises entirely from limitations. Hence it follows that with respect to space an intuition a priori, which is not empirical, must form the first foundation of all conceptions of space" (21).

In the same manner time is regarded by Kant as an a priori pure intuition of sensibility: "Time is not an empirical concept deduced from any experience, for neither co-existence nor succession would enter into our perception if the representation of time were not given a priori. . . . Time is a necessary representation on which all the intuitions depend. We cannot take away time from phenomena in general, though we can well take away phenomena out of time. . . . All phenomena may vanish, but time itself—as the general condition of their possibility—cannot be done away with. On this a priori necessity depends also the possibility of the apodictic principles of the relations of time, or of axioms of time in general. Time has one dimension only, different times are not simultaneous. . . . Time is not discursive or what is called a general concept, but a pure form of sensuous intuition. . . . The proposition that different times cannot exist simultaneously cannot be deduced from any general concept. Such a proposition is synthetical, and cannot be deduced from concepts only. It is contained immediately in the intuition and representation of time. . . . Time is not something existing by itself, or inherent in things as an objective determination of them, something that might remain when abstraction is made of all subjective conditions of intuition. Time is the formal condition of all phenomena whatsoever. Space, as the pure form of all external intuition, is a condition a priori of external phenomena only. But as all representations whether they have for their objects external things or not, belong by themselves, as determinations of the mind, to our inner state, and as this inner state falls under the formal conditions of internal intuition, and therefore of time, time is a condition a priori of all phenomena whatsoever, and is that directly as a condition of internal phenomena—of our mind—and thereby indirectly of external phenomena also."

"Time is certainly something real, namely the real form of our internal intuition. Time therefore has subjective reality with regard to internal experience, i.e., I really have the representation of time and of my determination of it. Time, therefore is to be considered real, not so far as it is an object, but so far as it is the representation of myself as an object. Time and space therefore are two *sources* of knowledge from which various a priori synthetical cognitions can be derived." (30 and 31).

We see clearly from the quotations given above that in Kant's doctrine space and time are something purely subjective, the forms and conditions "sine quibus non" of our sensibility. Without them we can have no sensation, but with them—working in the Kantian sense—our sensations are without

any objective value. Because, if space and time are pure a priori forms, then the thing in itself does not exist in space nor happen in time. *It only appears to us thus.* We therefore do not know the thing as it is in reality, but only as it appears to us, or to use the terminology of Kant, we do not know the noumenon, but the phenomenon only. Thus our cognition is something purely subjective, as it is obtained not by the so-being of things outside of the perceiving mind, but it is caused in us according to a priori forms and laws of cognition.

Later on we shall answer Kant's arguments on sensible cognition as well as his conception of space and time. It seems more advisable, though, to do this in connection with a general refutation of Kant's philosophical views. Let us, therefore first try to understand his doctrine on the two remaining cognitive faculties, viz. the intellect and reason.

THE INTELLECT.

The intellect, in Kant's conception is the faculty to form judgments. Our sense impressions yield us only a manifold, unordered and wild jumble of impressions. These impressions have to be informed by the intellect, otherwise, they would remain utterly meaningless to us. They are, in themselves only a wild chaos to which a definite structure is to be given by the spontaneous operations of the mind, which reduces, groups, unifies and interpretes the impressions by asserting the mental forms. These mental forms are the categories, so that we have the following situation: the material element of the intellect (as one of the three cognitive faculties) are the impressions, or as Kant calls them, the intuitions of sensibility, the formal element are the categories. It is important to note here the difference of the Kantian conception from the view held before him. Formerly these categories were thought of as *objects* of cognition, while for Kant they become *sources* of knowledge.

These "forms of the intellect" are inborn principles, because they are necessary and universal, qualities which according to Kant preclude the possibility of having been derived from experience. They shape the unconnected impressions into a meaningful appearance of a world. There are twelve categories, their number deriving from a simple analysis of the twelve different species of judgments. Kant believed that all thought is judgment and that therefore the different types of judgments must show forth the different modes in which the human intellect can form its knowledge.

These are the different forms of judgment with their corresponding categories:

| <i>FORMS OF JUDGMENTS:</i> | <i>Corresp. Category:</i> |
|--|-----------------------------|
| <i>According to quantity:</i> | |
| Singular—This S is P—(Peter is learned) | Unity |
| Particular—Some S is P—(Some men are learned) | Plurality |
| Universal—All S is P—(All men are mortal) | Totality |
| <i>According to quality</i> | |
| Affirmative—S is P—(Man is mortal) | Reality |
| Negative—S is not P—(The soul is not mortal) | Negation |
| Infinite—S is not P—(The soul is immortal) | Limitation |
| <i>According to relation</i> | |
| Categorical—S is P—(God is just) | Substance and Attribute |
| Hypothetical—If S is P, Q is R— (If God is just He will punish the sinners) | Cause and Effect |
| Disjunctive—S is P or Q—(Either the Greeks or the Romans are the greatest people of history) | Reciprocal Action |
| <i>According to modality</i> | |
| Problematic—S may be P—(Perhaps on some stars men live) | Possibility — Impossibility |
| Assertoric—S is P—(The earth is round) | Existence — Non-Existence |
| Apodictic—S must be P—(God is necessarily just) | Necessity—Contingency |

The infinite form of judgment.—S is not—P can hardly be defended, as all judgments are either affirmative or negative, the disjunctions of which is complete. That Kant nevertheless put this form suggests very strongly his desire to obtain and to conserve a harmony of (12).

This technical classification of the categories is best understood if explained on an actual experience. Let us therefore take a simple example of such a possible experience: I watch a train passing by. What happens,—if Kant's theories are correct,—may be described as follows: The train itself, i.e. the engine, trucks and carriages exert stimuli which I perceive through sensibility. Through the inborn intuition of space I refer that manifold—which later on, after my intellect has reduced it to unity and meaning, I shall call a train passing by—to as being outside of myself, and thus a first order in the chaotic manifold of my successive impressions is established.

But because these impressions are perceived as such and as succeeding each other, time also reduces to some order. Thus my experience has been "spaced" and "timed", space being the form of outer, and time that of inner experience.

Through this work of the two forms of intuition we are thus enabled to place the train in relation to the surrounding objects and to give to our impressions a definite place in the flow of conscious events.

Yet with this first order, only the way is paved for that synthesis which we call an "experience". By the co-operation of the manifold and the intuitions of space and time, I am given a sensation only, i.e. nothing more than a "blindly self-centered" event in consciousness. A whole series of such sensations, as I might have in the presence of a moving train, would be nothing but a series of single, isolated events in consciousness. The single instants of sensations must be brought together, they must be united and welded into a compact, structural and intelligible whole. This work is achieved by the application of one or—as the case may be—of several of the forms of the intellect, the categories. Thus, for instance, when I see the train, I notice, as Kant believes, through the application of two of the categories of quantity, that the object is both: *many* in kind and *one* in function—with other words, that many cars are made up into one train.

Similarly I may apply other categories—depending on the extent of my observing reflection. Thus, applying the category of causality, I note that the motion is due to the burning of some material, which produces explosions in the engine, which later, in turn, produces rotation.

Of course, the whole operation, which Kant here analyzes, is performed with all possible rapidity and immediacy, which later largely depend upon the training given to the mind in performing such operations. Our sensorial consciousness, then, yields us nothing more than a "mere series of pulses, each pulse being unaware of the others." "Thoughts without contents are empty, intuitions without concepts are blind." It is the function of the a priori equipment of the mind to constitute "unities, orders, sequences and identities" out of the raw material of sensorial consciousness, which later has been given through the co-operation of the manifold and the pure forms of intuition, space and time.

Kant, therefore, separates the intellect from the senses. In order, now, to explain why our intellect is forced to apply to the sense-manifold these concepts rather than others and thus unify and interpret the "blind and self-centered events in consciousness" this way rather than any other, he had to invent some sort of a nexus, which would join again what he functionally separated. This nexus was found by Kant in a process called "Schematismus" of which he himself asserts that it is "an art, hidden in the depth of the human soul, the true sense

of which we shall hardly ever be able to understand." This schematismus functions through imagination, in that the latter forms from the sense manifold some common images. These images or "schemes" are harmoniously related to the categories and are effected by imagination with the help of the notion of time.

Time, as a series of moments expresses *quantity*, if all moments are thought of it represents *universality*, if only some moments, we have *particularity*, if only one, we have *singularity*. Time, again, if considered according to what it contains, represents *quality*, time, filled with events, represents *reality*, empty, it means *negation*, time furthermore, is the symbol of the notion of *relation*. Permanence in time stands for the category of *substance*, succession of moments express *cause* and effect, simultaneity represents the notion of *reciprocity*. Time also represents *modality*, what corresponds to the conditions of time is *possible*, what exists in definite time is *real*, what is eternal is *necessary*. Thus, in the philosophy of Kant, time, working with imagination to effect the "schematismus", becomes, so to say, the interpreter between sensibility and intellect.

With this schematismus, then, operating, our intellect groups, unifies and gives a structure and meaning to the manifold of the sense impressions and thus comes to form judgments. In his general classification of judgments Kant retains the old names, but—as he does so often—he gives to these old names a new meaning. He divided all judgments into analytic and synthetic. The synthetic judgment then was further subdivided into synthetic a priori and synthetic a posteriori.

In an analytic judgment the predicate is contained and implied in the subject. It is, therefore, of a merely explanatory nature and in no way extends our knowledge. (Kant's definition of analytic judgments is false, because also these judgments must be called analytic, in which the predicate, though not contained in the subject, is an attribute, which results necessarily from the nature of the subject. Thus: "A triangle is a figure having its interior angles equal to two right angles" is an analytic judgment.)

Synthetic judgments Kant calls those whose predicate is not contained in the subject, but only somehow connected with it. As examples he brings the following: If I say, all bodies are extended, I make an analytic judgment, because "extension" is contained in the concept of body. But if I say, all bodies are heavy, the judgment is synthetic, because the concept "heavy" is not included in the concept body. Synthetic judgments, for this reason, extend our knowledge.

As said before, the synthetic judgments are either a priori or a posteriori. All empirical judgments are synthetic, and as they depend upon and derive from experience, they are a posteriori. An example of such a synthetic a posteriori judgment

would be: "Manila is a port." All the ordinary judgments we make in amassing the data of particular sciences are of this variety. But there are also, Kant believed, synthetic a priori judgments—and these have become rather famous since Kant's "Critique of Pure Reason." In physics, p.e., we say that the quantity of matter in the universe remains unchanged. Such a proposition is general and conveys the idea of necessity. It thus cannot be analytic, but must be synthetic. As experience teaches us the singular only, and never the general, such a proposition cannot be a posteriori either—and thus it is synthetic a priori. Or the statement: all which happens has its sufficient cause, is universal, necessary, synthetic and, because of its universality, a priori. Kant shows with this explanation that he really never overcame the scepticism of Hume, who taught, that experience is an affair of particular acts or events, which, even if collected by the thousands, give us nothing more than thousands of particular facts, and thus never allows us "to move outside of the charmed circle of particularity."

We thus see that for Kant the origin of knowledge is twofold. Partly it is a posteriori and partly a priori. If all knowledge begins with experience, it does not follow that it all originates from experience. It is indeed partly caused by the activity of objects—things in themselves—upon our senses, but partly also by the "synthetic activity of our minds which by combining and separating the ideas which have thus arisen, converts the raw material of sensible impressions into that knowledge of objects which is called experience." In his introduction to the Critique of Pure Reason, Kant says: "Experience never bestows on its judgments true or strict universality, but only the assumed or comparative universality of induction. So that, properly speaking, it merely says that, so far as our observation has gone, there is no exception to the rule. If therefore a judgment is thought with strict universality, so that there can be no possible exception to it, it is not derived from experience, but is absolutely a priori... and it is easy to show that in human knowledge there actually are judgment that, in the strictest sense, are universal, and therefore purely a priori."

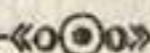
Kant's postulate of apriorism is thus made in the interest of universal and necessary judgments, the existence of which latter he recognized as a fact. To understand how Kant came to accept such theory, which so clearly contradicts the testimony of our consciousness, we must remember that it was Kant's intentions to repel the attacks of scepticism, especially in the definite form given to sceptic tendencies by Hume. It will be recalled that Hume divided all knowledge into "relations of ideas" and "matters of fact". Matters of fact are derived from experience, they are disconnected, particular and thus cannot give universal propositions. Relations of ideas, as p.e. in mathematics are universal, because they belong to the ideal order and are revealed only by the operation of thought itself. Hume's

particular difficulty consisted in his inability to find a bond of connection between ideas and facts. So he concluded that matters of fact alone are real and that relations of ideas are mere mental notions without objective validity.

This conclusion of Hume was very unsatisfactory to Kant, who realized the fact that whether p.e. mathematical notions were of objective value or not, they were certainly applicable in experience. Kant was struck by the contrast between the certainty of results in physics and mathematics on one side and the insecurity of metaphysics on the other. Why is it he asked, that metaphysics has been kept groping about while the experimental sciences had hit upon a sure path? He then remarked that in physics and mathematics reason forces nature to conform to a definite and pre-conceived plan. Nature is intelligible only by means of what reason itself has put into it. The scientist forms his conceptions a priori and forces the data to conform to these pre-conceived ideas, in the light of which later he interprets nature. This principle of a priori categories Kant generalised, by postulating that in all knowledge *the object conform to the mind and not the mind to the object.*

With this postulate Kant's philosophy receives its aprioristic stamp, which, as we shall see later on, necessarily leads to the other element of the typical Kantian solution of the problem of cognition, namely Immanence. To this "Copernican Revolution" of Kant is also due, in the last analysis, the subjectivity of the axioms of absolutistic philosophy, which after Kant—and even up to our time—was and still is—so widely taught and followed.

(To be continued)



A Study of Social Legislation in the Philippine Islands

By Carmen G. Ledesma, Ph.D.

(Continued)

LEGISLATION ON UNEMPLOYMENT

(Acts Number 4095 & 4154)

The only laws in the Philippine Islands providing for the relief of unemployment are Act Number 4095 and Act Number 4154.

The first provides for the appropriation of the sum of ₱30,000 for the aid of the unemployed and other persons seeking relief. It was approved on November 29, 1933.

The second law was approved on December 1, 1934 and provided for the appropriation of the sum ₱50,000 for the aid of the unemployed and other persons seeking relief.

There are however, some laws that have been enacted which indirectly help relieve the unemployment situation in the country. The most important of these is Act Number 4197, popularly known as the "Colonization Act" which is intended "to facilitate and promote the occupation and cultivation of public land." For this purpose the sum of ₱1,000,000 was set aside. This law was approved on February 12, 1935 and is now in operation, it might be added.

While we do not agree with the Bureau of Labor that "one of the principal duties of every government if not the most important duty is to give work to *all* who need it" (1) yet we admit that something must be done by the government to help private entities relieve unemployment in the country.

There is really no reason why there should be unemployment in the Philippine Islands. The actual population is far less than that the country can support being between 13,000,000 and 14,000,000 as against the over 90,000,000 of Japan, a country of almost the same size as the Philippine Islands but with no unemployment problem. The natural resources of the country for the greater part still unexploited, are vast and rich. As someone has said, "Truly you are children of God".

But the fact is that in the country unemployment exists and so alarming were the proportions it was assuming that the government was constrained to provide for its relief.

Many reasons have been assigned to the existence of unemployment in the Philippine Islands. Of these two stand out.

(a) The World Depression which did not fail to visit the country, and

(1) Annual Report, 1934.

(b) The abandonment of the farm for the cities and towns.

Like the people of other countries, the Filipinos have been attracted to the cities and towns. The result was overcrowding. When the depression came, naturally many in the cities and towns, which are the industrial centers, were thrown out of employment and suffered want and privation accordingly.

Their precarious plight aroused the sympathy of Governor-General Frank Murphy (1) who created a committee to make a survey of the situation and of the best means of remedying it. As emergency relief measures, he recommended that the unemployed who had relatives or friends in the provinces be provided with free transportation facilities and those who had none be given a chance to cultivate truck or truck gardens. These suggestions of his, together with others, were acted upon. Several transportation companies offered free passages to a limited number who immediately availed themselves of the chance to go back to their provinces for back home they would not starve. Social welfare organizations made arrangements for carrying out the other suggestion and not a few were provided with little lots to cultivate.

The Bureau of Labor as guardian and protector of the laborers recommended a total of nine measures to remedy unemployment. Among these recommendations are: (1)

(1) That, as an emergency measure the government enact a law, or otherwise ask for the help of the employers so that, through their cooperation, such as the adoption of certain measures, the number of unemployed persons would not increase and the effect of unemployment would be mitigated. (2)

(2) That the Philippine Legislature appropriate funds in the amount of ₱20,000,000 for public works of utmost necessity specially the construction or repair of roads that are necessary. (3)

The answer of the Philippine Legislature to these and other demands was the enactment of Act 4095 appropriating, as stated previously, ₱30,000 for aid to the unemployed, and Act 4154 making an additional appropriation of ₱50,000.

These amounts are to be spent in such a manner as "to relieve and succor persons who are in distress due to unemployment, and other persons found deserving of material aid." Section 2 of both laws provide that "the amount shall be expended by the Director of Public Welfare or any relief agency under the supervision of the Bureau of Public Welfare subject to such rules and regulations as the Secretary of Public Instruction may approve."

Accordingly, the Director of Public Welfare drew up rules and regulations for the spending of the money and upon their

(1) Now American High Commissioner.

(1) Annual Report 1932.

(2) First recommendation.

(3) Fifth recommendation.

approval begun the distribution of aid to the unemployed. It may be mentioned here that the work is largely in the hands of the Associated Charities, a semi-public organization.

The relief made possible through the operation of Acts 4095 and 4154 is temporary, good only as an emergency measure to relieve the distress caused by unemployment. The unemployment problem, like all other social problems, is a very complicated one and no sure-cure or panacea for it has yet been found, but if the Philippines is to remedy the situation a more constructive measure must be taken. Many have advocated the "back-to-the-farm-movement". Act 4197 passed on February 12, 1935 embodies this principle, but if it is not properly enforced it will result in failure as similar movements have failed in the past.

OUR LAW ON WOMAN AND CHILD LABOR

We have only one law that regulates woman and child labor in factories, workshops and other centers of labor in the Philippine Islands. This law is Act Number 3071 entitled "An Act to Regulate The Employment of Women and Children In Shops, Factories, Industrial, Agricultural, and Mercantile Establishments And Other Places of Labor In the Philippine Islands; To Provide Penalties For Violations Hereof, And For Other Purposes."

It was passed by the Philippine Legislature on March 16, 1923.

Below are reproduced the provisions of the Act in full:

SECTION 1. It shall be unlawful for any person, firm or corporation to employ females or males below the age of fourteen years as laborers in the mines or in places of labor where explosive are used or manufactured.

SECTION 2. Any person, firm or corporation owning a factory, shop or industrial or mercantile establishment, shall be obliged to provide and place in its establishment, for the use of its laborers, seats proper for women and children and permit them to use said seats during the hours when they are free of work and during working hours, provided they can perform their duties in this position without detriment to efficiency. Laborers shall be allowed not less than sixty minutes for their noon meal.

SECTION 3. No person, firm or corporation shall employ nor permit the employment of any person below the age of sixteen years for work in its shops, factories, commercial or industrial establishment or other places of labor for more than seven hours daily or forty-two hours weekly. It shall be the duty of every employer to post signs in the most conspi-

cuous places in each room where minors are working, stating the hours during which these are authorized to work.

SECTION 4. No person, firm or corporation shall employ nor permit the employment of any boy or girl below the age of fourteen years in its factory, shop, commercial or industrial establishment or other place of labor on school days, unless such child knows how to read and write. Every employer shall be obliged to have in his establishment a duly certified copy of certificate of each of his laborers below the age of eighteen years while such laborer is employed by him.

SECTION 5. It shall be unlawful for any person, firm, or corporation licensed to establish a bar to employ or permit the employment in said bar females under eighteen or males under sixteen years of age.

SECTION 6. It shall be unlawful for any person, firm or corporation to employ women in factories, shops and similar places of labor where the nature of work requires the employee to work always standing.

SECTION 7. It shall be unlawful for any person, firm or corporation to employ or permit the employment of persons below the age of sixteen years in departments or divisions of their factories, shops or other places of labor where work is being done in connection with the preparation of any poisonous, noxious, explosive or infectious substance.

SECTION 8. It shall be unlawful for any person, firm or corporation to employ or permit the employment in his factory, shop, commercial or industrial establishment, or other place of labor of persons below the age of eighteen years for performing any work not specified in this Act which involves serious danger to the life of the laborer.

SECTION 9. Any person, firm or corporation owning, leasing or managing a factory, shop or place of labor of any description shall be obliged to establish for the use of its laborers separate and suitable closets and separate lavatories for males and females, and to provide at least one dressing-room for the women and children: PROVIDED, That the Director of the Bureau of Labor shall be authorized, in his discretion, to exempt from this provision small shops which, on account of their small capital, cannot comply with the provisions of this section.

SECTION 10. No person, firm or corporation shall employ or permit the employment in its factory, shop or other place of labor of any person below the age of sixteen years as operator of elevators, motor-man or fireman, or to clean machinery, work underground, or do similar work.

SECTION 11. It shall be unlawful for any person, firm or corporation to employ or cause the employment of persons below the age of sixteen years in billiard rooms, cockpits or other places where games are being played with stakes of money or things worth money, and in dance halls, stadiums or race courses as "bailarinas", boxers or jockeys.

SECTION 12. No person, firm or corporation shall employ in its factory, shop or other place of labor, or permit the employment therein of any person below the age of sixteen years, to work before six o'clock ante meridian or after six o'clock post meridian.

SECTION 13. "DECLARED UNCONSTITUTIONAL BY THE SUPREME COURT IN THE CASE NO. 22008, "THE PEOPLE OF THE PHILIPPINE ISLANDS" vs. POMAR." Every person, firm or corporation owning or managing a factory, shop or place of labor of any description shall be obliged to grant to any woman employed by it as a laborer who may be pregnant, thirty days vacation with pay before and another thirty days after confinement: PROVIDED, That the employer shall not discharge such laborer without just cause, under the penalty of being required to pay her wages equivalent to the total of two months counted from the day of her discharge.

SECTION 14. It shall be unlawful for any person, firm or corporation to employ or permit the employment of persons below the age of sixteen years for the sale of medicines and drugs in a pharmacy or for any work that may affect the health of the public.

SECTION 15. Any person, firm or corporation violating any of the provisions of this Act shall be punished by a fine of not less than fifty pesos nor more than two hundred and fifty, or by imprisonment for not less than ten days nor more than six months, or both, in the discretion of the court.

In the case of firms or corporations, the presidents, directors or managers thereof or, in their default, the persons acting in their stead, shall be criminally responsible for each violation of the provisions of this Act.

SECTION 16. This Act shall take effect on its approval.

Approved, March 16, 1923.

A careful study of the provisions of Act Number 3071 will show that it regulates employment of women and children in centers of labor, but that it does not give adequate protection to these women and children, who records show, are driven to

work generally by necessity. The more important deficiencies of the law are:

First:—As indicated in the copy of the act above, Section 13 is no longer in force. In fact, it had practically no chance to function. Act Number 3071 was passed on March 16, 1923 and Section 13 of the law was declared unconstitutional in a decision handed down by the Supreme Court on November 3, 1924.

The case arose over the demand of a certain Macaria Fajardo a cigar-maker in the La Flor de la Isabela, cigar and cigarette factory, for wages due her in accordance with Section 13 of Act Number 3071.

The defendant, Julio Pomar, in his capacity as “manager and person in charge” of the factory was accused by the Prosecuting Attorney of Manila of violation of Section 13 in connection with Section 15 of Act Number 3071.

The complaint against him alleged:

“That on or about the 27th day of August, 1923, and sometime prior thereto, in the City of Manila, Philippines Islands, the said accused, being the manager and person in charge of La Flor de la Isabela, a tobacco factory pertaining to La Compania General de Tabacos de Filipinas, a corporation duly authorized to transact business in said city, and having, during the year 1923, in his employ and service as cigar-maker in said factory a woman by name of Macaria Fajardo, whom he granted vacation leave which began on the 16th day of July 1923, by reason of her pregnancy, did then and there willfully, unlawfully, and feloniously fail and refuse to pay to said woman the sum of eighty pesos (P80), Philippine currency, to which she was entitled as her regular wages corresponding to thirty days before and thirty days after her delivery and confinement which took place on the 12th day of August 1923, despite and over the demands made by her, the said Macaria Fajardo, upon said accuser, to do so.”

The Lower Court in which the complaint was presented found the defendant guilty and sentenced him to pay a fine of P50.00, in accordance with the penalty provided for in Section 15 of Act Number 3071 to suffer subsidiary imprisonment in case of insolvency and to pay the costs.

The defendant appealed the case to the Supreme Court presenting the question whether or not the provisions of Section 13 and 15 of Act Number 3071 are “a reasonable and lawful exercise of the police power of the State”.

After citing several decisions in which the police power of the state is defined with reference to it is pointed out, particular cases and examples, the Supreme Court decision pro-

ceeded to analyze the point raised in the appeal. This analysis of the point in question is reproduced below to show the various reasons why the Supreme Court considered Section 13 invalid.

"Section 13 creates a term or condition in every contract made by every person, firm, or corporation with any woman who may, during the course of her employment, become pregnant, and a failure to include in said contract the terms fixed by the law, makes the employer liable and subject to a fine and imprisonment. Clearly therefore, the law deprived every person, firm, or corporation owning or managing a factory, shop or place of labor of any description within the Philippine Islands of his right to enter into contracts of employment upon such terms as he and the employee may agree upon. The law creates a term in every such contract without the consent of the parties. Such persons are, therefore, deprived of their liberty to contract. The constitution of the Philippine Islands guarantees to every citizen his liberty, and one of his liberties is the liberty to contract."

*Second:—*The law account of *the necessities of only one party to the contract*. It ignores the necessities of the employer by compelling him to pay not less than a certain sum, not only whether the employee is capable of earning, but irrespective of the ability of his business to sustain the burden, generously leaving him, of course, the privilege of abandoning his business as an alternative for going on at a loss. Within the limits of the minimum sum, he is precluded, under penalty of fine and imprisonment, from adjusting compensation to the differing merits of his employee. It compels him to pay at least the sum fixed in any event, because no service of equivalent value from the employee. It (the law) therefore, undertakes to solve but one half of the problem. The other half is the establishment of a corresponding standard of efficiency; and this forms no part of the policy of the legislation, although in practice the former half without the latter must lead to ultimate failure, in accordance with the inexorable law that no one can continue indefinitely to take out more than he puts in without ultimately exhausting the supply. The law takes no account of periods of distress and business depression, of crippling losses which may leave the employer himself without adequate means of livelihood. *To the extent that the sum fixed succeeds the fair value of the services rendered, it amounts to a compulsory exaction from the employer for the support of a partially indigent person for whose conditions there rests upon him no peculiar responsibility, and, therefore, in effect, arbitrarily shifts to his shoulders a burden which, if it belongs to anybody belongs to the society as a whole.*

Third:—“The feature of this statute which, perhaps more than any other, puts upon it the stamp of invalidity is that it exacts from the employer an arbitrary payment for a purpose and upon a basis having no casual connection with his business, or the contract, or the work the employee engages to do. The declared bases, as already pointed out, is not the value of the service rendered, but the extraneous circumstance that the employer needs to get a specified sum of money to insure her subsistence, health and morals. The necessities of the employee are alone considered, and these arise outside of the employment, are the same when there is no employment, as great in one occupation as in another.”

From the foregoing excerpts from the decision of the Supreme Court it may be seen that Section 13 of Act Number 3071 was declared unconstitutional for the following reasons:

1. That this section of Act Number 3071 deprives the contracting parties of their liberty to contract.
2. That this section of the law in question is one-sided; and
3. That it exacts payment for something for which the employer has no responsibility, and which has no “causal connection with the business.”

It should be noted, in passing that the decision assigns the responsibility of providing for female workers on “society as a whole”.

Accordingly, the sentence of the lower court was declared revoked, the complaint dismissed, and the defendant discharged from the custody of the law with costs de officio.

This decision was signed by the Justice Street, Malcolm, Avanceña, Villamor, Ostrand, and Romualdez.

Second: Act Number 3071 does not regulate the working hours of female workers over 16 years of age. It is true that Act Number 4123, known as the Eight-Hour Labor Law which was passed in 1933, applies to female workers as well as male workers. But taking into consideration the different occupations to which the application of the Eight-Hour Labor Law is limited, we find that female workers over 16 years of ages do not come within the purview of the law. As the Annual Report of the Bureau (now a Department) of Labor for the year ending 1934 points out:

“So far no female whose age was 16 years or over and whose work may be considered as coming within the purview of the said law (Eight-Hour Labor Law) has yet been found by this Office.”

A study made by the Woman Labor Deputy of “Women in Industries in Manila” reveals that

“of the 1001 women included in the study, 684 or 68.33 per cent worked 9 hours a day; 276 or 27.53 per cent had a schedule of 8 hours; 16 or 1.59 per cent had 7

hours; 11 or 1.09 per cent had less than 7 hours; they being part-time workers; 7 (.007 per cent) worked 10 hours and 7 (.007 per cent) labored for 11 hours daily.

Third: Although Act Number 3071 limits the working hours of workers below 16 years of age to not "more than seven hours daily or forty-two hours weekly" it does not take cognizance of the fact that the different occupations in which these minors engage do not involve the same degree of physical, mental and moral strain, and that although the maximum of 7 hours allowed by the law may not produce any undue strain in one occupation, the same period of labor might cause undue exertion in another occupation.

To illustrate:

Seven hours daily labor may cause little or no undue strain, in such a light task as ribboning gowns in embroidery factories, but the same period spent daily in a button factory where the air is thick with the dust of the bones or shells out of which the buttons are made will prove injurious to the young worker's health. Again, 7 hours daily labor in the sack and umbrella repairing factories where dirty and dusty sacks and umbrellas are repaired do not produce the same deleterous effects as 7 hours a day spent washing bottles in soft drinks factories.

Of course, the law intended 7 hours daily or forty-two hours a week as a maximum, but what is intended as a maximum limit may be taken as minimum limit by employers of minors.

According to the annual Report of the Bureau of Labor for the year ending 1932, the "regular working hours in almost all factories are 8 to 9 a day and less on Saturdays".

Fourth: The age limit 14 at which a minor maybe allowed to work is limited only to the illiterate; i.e., a minor, less than 14 years of age may be allowed to work if he knows how to read and write.

Now, considering that under normal conditions, a child learns to read and write usually at the age of eight, we can see then how ineffective is the protection to minors afforded by law. Furthermore, if the purpose of the law is to save a young child from the stultifying effects of too early labor, this loophole in the law defeats its purpose.

Fifth: The law affords absolutely no protection for a large number of woman and child workers—those in domestic service.

As may be readily seen from the title of Act Number 3071, women and children in domestic service do not come within the purview of the law.

Sixth: Section 2 and Section 6 seem to contradict each other. Section 6 makes it unlawful for women to be employed

in places where the nature of the work requires them to be in their feet all the time. Section 2 requires employers of women and children to furnish them with seats, but they may use these seats during working hours only if they can perform their duties in this position without detriment to efficiency.

Now if the law has its defects, it has also, its good points.

In the first place: it prohibits night work for children.

Second: It protects them from certain dangerous occupations which may impair their health or corrupt their morals.

Third: It protects the health of the public (Section 14).

Fourth: It prescribes certain working conditions which contribute to the comfort and convenience of the women and children.

To make the law more adequate that it may more effectively protect woman and child workers, and also to cover certain anomalies discovered by the Bureau of Labor in the enforcement of the Law on woman and child labor, the following amendatory laws have been submitted for consideration:

1. An eight-hour law for women and children (1)
2. A law absolutely prohibiting minors under 12 years of age to work for consideration (2)
3. A law compelling employers to adopt safety measures in their plants for their laborers against accidents (3)

As things are now, the Bureau of Labor can only make suggestions and recommendations in guarding or promoting the safety of the workers.

4. To transfer the authority to license cabarets from the local officials to the Insular authorities (4).

Although the Woman and Child Law prohibits expressly the employment of girls below 16 years of age (Section 11) in cabarets as bailarinas or dancers, the Bureau of Labor has found that this provision is oftentimes violated. The Bureau of Labor realizes fully the immoral influence of cabarets on minors and has always made it a point to conduct special investigations of these places established in different towns outside of Manila. But, it seems, that violations of the law continue.

In the latest report of the Department of Labor (for the year ending 1935) we read:

“As a result of various complaints received by this Office regarding illegal employment of bailarinas, re-inspection was made of some cabarets for the purpose of putting an end to repeated violations of the law”.

The request made previously for cooperation on the part of provincial governors in enforcing Section 4 and 11 of the Woman and Child Labor Law, and, also, Section 20 of Act Number 3957, was reiterated.

(1) Bulletin of the Bur. of Labor, 1929, No. 27.

(2) *Ibid*

(3) *Ibid*

(4) Report of the Dept. of Labor for the year ending 1935.

The reinspection of the places amusement called cabarets show that many of the bailarinas were induced to leave their homes under artful promises by unscrupulous persons who deal in the odious illicit white slave traffic.

The difficulty of enforcing Section 11 of the Woman and Child Labor Law is enhanced by the girls' efforts to hide their true identities and places of birth, thus making it difficult for the authorities to determine their true ages.

In the opinion of the Department of Labor, the problem of enforcing the law would be minimized if its recommendation of transferring the authority to license cabarets to the Insular authorities were adopted into law.

It is imperative that the deficiencies of the Woman and Child Law be remedied as soon as possible.

For women and children to labor for their daily bread is contrary to their nature.

"... a woman," says the Holy Father, Pope Leo XIII in his encyclical letter RERUM NOVARUM, "is by nature fitted for homework, and it is that which is best adapted at once to preserve her modesty, and promote the good bringing up of children and the wellbeing of the family."

"And, in regard to children, great care should be taken not to place them in workshops and factories until their bodies and minds are sufficiently mature. For just as rough weather destroys the buds of spring, so too early an experience of life's hard work blights the young promise of a child's powers, and makes any real education impossible."

Although, here in the Philippines woman and child labor has not yet assumed alarming proportions, yet there is no reason why the women and children, who generally are driven to work by necessity, should not be given adequate protection.

A previous study that I have made of the Woman and Child Labor Problem in the Philippines has shown me that:

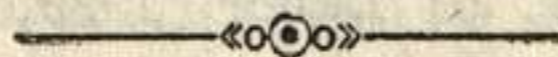
(a) The wages of woman and child workers are "exceedingly low"

(b) The hours of labor except those limited by the law are rather long

(c) That working conditions are not so healthy as they could be, although woman and child workers are usually engaged in work suited to their capacity.

(d) That there are large numbers of workers that do not come within the purview of the law and so are deprived of whatever protection it affords.

(e) That organizations exclusively for them are few, and individual female members of labor organizations are equally few, thus, leaving them totally dependent upon the law and its enforcement for protection.



PHARMACY

Philippine Trees, Past, Present, and Future^(x)

By **William H. Brown**

Formerly Director of the Bureau of Science

I deem it a great honor and privilege to be invited to address the students of Sto. Tomas University on the occasion of their first observance of Arbor Day. To me there has always been much of romance and tradition in connection with this ancient and distinguished university which has maintained a high standard of scholarship from a time before any American university was founded, and which is still a growing and vigorous university giving the best of facilities to its students. It is therefore a great pleasure to be with you today.

On this particular day I suppose we should think and talk of trees, and so I will attempt to give a very hasty sketch of Philippine trees, past, present, and future.

Several thousand years ago when the Filipinos first came to the Philippines they found a land covered with magnificent forests of trees. First, let us see how these trees came here. Geologists tell us that the formation of the Philippines was due to the great pressure of the Asiatic continent which caused the land around the continent to rise up in curves, something like what happens when we press down on the wet sand of a beach with our feet and the sand rises up in front of our toes.

In very ancient geological time, Luzon was connected by land through Formosa to the Asiatic continent. Along this land bridge there traveled a few northern trees, such as the pine, which are still at home in the cool highlands of northern Luzon. Along with them came numerous other plants, with some of which you are familiar. These include the Benguet lily, the wild rose, Azalea, wild strawberry, raspberries, and various other temperate zone plants which abound in the Mountain Province. This land bridge must have disappeared far

(x) Delivered before the Pharmacy Students on the occasion of the first "Bird and Arbor Day" celebration in U.S.T.

back in the history of the Philippines because in Formosa we do not find trees of the lawaan family. This family includes such well-known species as lawaan, apitong, tanguile, guiyo, almond and etc. The lawaan family dominates the Philippines and the Indo-Malayan region in general, and conditions in Formosa would seem to be ideally suited to it. The absence of this great family from Formosa would seem to show that the land connection with Formosa must have disappeared before this family became prominent in the Philippines.

The principal routes by which trees came to the Philippines were from the Malayan regions by way of Borneo and Celebes. The seas which separate Celebes and Borneo from the Philippines are shallow and at various time there have been land connections between Palawan and Borneo and between Mindanao and Borneo and Celebes. This was particularly true during the great ice age when much of the water of the oceans was held in the great northern ice cap and the sea level was, consequently, considerably lower than at present. At this time, land connections between the various islands of the Philippines were general and there were also connections between the Philippines and Borneo and Celebes. This facilitated a great migration of trees from the south toward the Philippines and made possible the development of the great Philippine forests.

Perhaps a more interesting question is as to the kinds of trees the Filipinos found when they first came to the Philippines, the forest trees were, of course, much the same as at present; but most of our fruit and shade trees were not here at all. Perhaps the only fruit tree which occurred in the central and northern Philippines and with which we are generally familiar today, was the mabolo. The catmon was then a popular fruit as it was when the Spaniards first arrived. With the disappearance of the forests from what are now cultivated areas, the catmon became rare.

The Filipinos themselves seem to have come from two general regions; from what is now Indo-China and from the Malayan region. Those from each region brought a considerable number of trees. Trees brought by the Filipinos include the santol, lansones, rimas, calamanse, macopa, duhat, lucban, dayap, and naranjita.

The advent of the Spaniards marks the beginning of a great period of introduction of useful trees. The Spaniards sailed the seas of the world while the Spanish fathers were very greatly interested in introducing useful plants, and they had much of the world from which to draw. From India they brought the mango which was quickly spread all over the archipelago and was soon regarded as a native. Much later they brought in coffee, a native of southeastern Asia and northeastern Africa. Their introductions from America were particularly important, and were facilitated by the fact that for many

years the Spanish galleons sailed between Mexico and the Philippines. From America they brought such well known trees as guava, guayabano, anonas, camanchili, casoy, sirhuelas, cacao, and papaya, as well as many useful fruits and vegetables including the sweet-potato, casava or camoting-cahooy, pineapple, squash, patani, and peanut.

The Chinese were vegetable growers at a very early date and they raised the vegetables for the early Spaniards. They introduced a number of vegetables such as batao, sitao, garlic, pechay, and cucumber, but no trees. During the Spanish times most of our shade trees were introduced and these include such well-known examples as the rain tree, commonly called acacia, from tropical America; and the fire tree or caballero which is native in Madagascar.

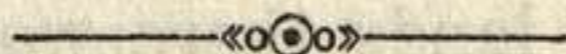
As population increased in the Philippines and cultivated areas became larger and larger every year, trees were cut down to make way for cultivated fields. Thus the environmental conditions changed very greatly as forests keep out sun and wind. These changes made conditions much less favorably for the native Philippine trees and much more suitable for plants which grow in drier and more open country. The result has been a tremendous change in the vegetation of the cultivated areas in which native plants, and particularly trees, have been replaced to a considerable extent by foreign species which naturally grew under drier conditions than did the native ones. A great number of these have come from America. As examples we may cite the guava and the ipil-ipil which have spread in the Philippines until they are regarded as native. Incidentally the same is true in regard to weeds which are largely foreign introductions.

The cutting down of the fine forests of the flat lowlands to make way for fields of rice and sugar cane and plantations of coconuts and abaca has been very desirable and necessary for the growth of the nation. At the same time there has been considerable destruction of forests which is undesirable. This has been particularly the case on steep hillsides which do not make good agricultural lands. After the trees are removed from such areas the vegetation is usually burned repeatedly. These fires kill most tree seedlings while they leave the underground stems of the cogon practically unharmed. The result is that considerable areas of cogon lands have developed. In some provinces these are very extensive. This is bad for a number of reasons. The cogon land is very unproductive while the forest which it replaces produced timber and other valuable products. Again the land which is in grass is not as suitable for agriculture as is that which is in forest. Moreover, grass land is not only unproductive but a real menace for it is in the grass lands that swarms of locusts develop and if there were no extensive grass lands there would be no more trouble with locusts.

Having traced very briefly the history of our trees we may now take stock of our trees at present. There are still vast areas of fine forests which produce excellent lumber. These are most valuable assets. There are extensive areas from which forests have been removed and which are now unproductive grass lands. These can be returned to forests. They would themselves become forests in a few years, if the grass was not burned. Fires, as we have seen, kill the seedlings of trees but leave the under-ground stems of grasses particularly unharmed. For this reason grass lands remain grass lands as long as they are burned but will become forests in a comparatively few years if fires are excluded. A much better and quicker method would be to plant trees in such areas. The best species of trees could be planted and forests of very great value produced. The Bureau of Forestry has already undertaken this task and is doing noble work but is greatly handicapped by lack of funds for these projects.

When we turn to fruit trees we will find that we have a great collection introduced from all over the world, and this includes nearly all of more valuable cultivated species. Introductions are still being made but these are mostly improved varieties rather than new kinds. For example, large and improved variety of chicos and guavas have been introduced recently and are now beginning to bear fruit.

We see that before the advent of men in the Philippines, natural processes, working through vast time, produced great forests of valuable trees. The various people that have come to the Philippines have brought valuable trees with them, and in the past men have successively introduced a great variety of useful trees. We have the foundation on which to build but it is up to the present and future generations to develop the tree resources. The great forests should be used but they should be protected and not destroyed. We can take lumber from them without destroying them, and see to it that they continue as an asset for future generations. We can replace those grass areas which are not suitable for agriculture with forest and thus enrich the nation. We have a great variety of fruit trees, yet we find that fruit is scarce and high priced. Fruit trees should be planted much more extensively so that the fruits may be abundant and within the reach of all. This would certainly add to the health and happiness of the people. We can improve fruit and other useful trees by introducing better varieties, by breeding, and by proper cultivation. In these ways we can vastly increase the good qualities and productivity of our trees. If the present generation does its part in this most useful work, it can confer an inestimable blessing on future generations.



SCIENCE AND ENGINEERING

La Zonificación de Manila

Por Manuel Mañosa

Miembro del Comité de Zonificación

Zonificar una Ciudad es dividirla en un cierto número de partes o Distritos, cuyos usos, completamente diferentes, han sido previamente determinados. Es una medida municipal de fase relativamente moderna, que tiende a mejorar y facilitar la vida en las poblaciones urbanas. De su cuño son: el reglamentar la altura de las edificaciones; el control policiaco del tráfico; el establecimiento de clínicas médicas para los menesterosos, de escuelas de sordo-mudos, de campos de recreos; la inspección de piscinas, la elaboración de alimentos, el mantenimiento de establos etc. de cuyos beneficios ya disfrutamos los que habitamos en Manila. El moderismo demanda hoy día mayores facilidades tanto en el orden público como en el privado. Y por esto la vida urbana ya no puede permitir el uso de la propiedad al libre albedrío de los propietarios. La nueva norma es restringirla hasta subordinarla al bienestar colectivo. Esta es en líneas generales el propósito de la ordenanza de zonificación; y su fin primordial es proteger y fomentar la salud y el bienestar de los habitantes.

Como materia de ley u ordenanza debe contener requerimientos prohibitivos como también ciertas disposiciones estimulativas. Prohibitivas en cuanto no tolera el uso de cualquier medio en la forma que pudiera causar alguna molestia o un mal al vecino. Y estimulativas cuando asegura e impone por medio de reglamentos mejor saneamiento general y una homogeneidad en la estructura material y social de cada Distrito.

Su origen procede del siguiente simple raciocinio: "Si una residencia se planea por qué no se han de planear las ciudades? ¡Tan vivienda es la una como la otra!" A esta actividad Municipal se la ha denominado Urbanismo (City Planning). Pero

la aplicación de esta Ciencia no fué lo suficiente para resolver los males de que adolecen las ciudades, pues estas una vez planeadas, cada propietario se halla libre de hacer casi lo que viene a sus intereses, mientras no se salga fuera de los confines de su propiedad. Y los urbanistas se dijeron "Si las costumbres no permiten a ningún inquilino de vivienda a dormir en la cocina, ni poner un piano en el baño, por qué hemos de permitir construir fábricas a lado de nuestros hogares y obligar a nuestras familias a vivir en medio de los ensordecedores ruidos de fábricas, envueltos en gases asfixiantes, polvos y demás residuos de las industrias?" Pensar que este problema municipal pudiera afectar una propiedad adquirida con los ahorros acumulados a costa de grandes sacrificios, no solamente implicaría una ruina económica, sino también una destrucción de un hogar y del futuro bienestar de una familia.

Manila, Capital del Archipiélago Filipino, está hoy día envuelto en un problema similar. Sus condiciones urbanas no satisfacen a los higienistas. De ahí que se haya pensado en la necesidad de zonificarla. Ya desde el tiempo del Ex-Alcalde Hon. Ramón Fernández en 1918 se trató de llevarla a cabo. Pero antes como ahora, se dió y se dá demasiada importancia a los requerimientos restrictivos o prohibitivos de la ordenanza dejando los beneficios que se han de derivar a un lado; y de allí las dificultades con que se tropiezan y la casi imposibilidad de aprobarla. Se alega entre muchas razones, que es una legislación de clase y que penaliza al residente de pocos recursos y al modesto propietario, puesto que el rico puede situarse en la zona que más le agrada mientras que el pobre no lo puede hacer. Y de aquí el error. Antes al contrario el espíritu de la ordenanza es precisamente para proteger y favorecer a estos últimos; lo prueban concluyentemente los resultados obtenidos y las experiencias de otras ciudades zonificadas. Las ciudades más importantes de casi todas las naciones lo están hoy día.

Viendo los inmensos beneficios que los habitantes de Manila obtendrían con una ordenanza de esta naturaleza el Ex-Alcalde D. Tomás Earshaw la prohijó de nuevo, poniendo todo su celo y empeño administrativo para llevarla a cabo. Creó un Comité técnico para que demarcara las diferentes zonas de que se compondría la ciudad y para la redacción de la correspondiente ordenanza. Y este comité, formado por elementos representativos de la banca, de la Industria y del Comercio y de los expertos del Gobierno, despues de estudiar el pasado y las

nuevas perspectivas de nuestra vieja ciudad, compilar y analizar concienzudamente su sorprendente desarrollo estructural, social, y económicos, y finalmente interpretar las actividades y tendencias de los residentes, formuló e imprimió un plano tentativo para que sirviera de base y conocimiento público. Después de cinco años largos y consecutivos de trabajos e investigación de audiencias públicas y consejos, se redactó al fin un proyecto de ordenanza al que se unía un plano representativo distinto del anterior, de la propuesta zonificación de Manila. Era la recopilación del trabajo de nueve Sub-Comites que se encargaron de desmenuar los varios aspectos de un proyecto de zonificación; unos se dedicaron a la parte histórica y sociológica de Manila, otros de resolver los inconvenientes que presentaban algunos propietarios, de estudiar la necesidad de recesos, del aspecto sanitario, de planeamiento y de redacción. No se puede negar de que este proyecto contaba con el placer general de todas las partes interesadas pues consultó con todos; no necesitaba pues más que los retoques necesarios del legislador para compaginar las ideas técnicas con las administrativas y legales que pudieran entretener los Honorables Concejales.

Las medidas que se proponían en la ordenanza lo recordamos muy bien, no requerían ninguna reconstrucción de ninguna finca en ningún lugar, ni total ni parcialmente; tampoco imponían gravámenes a ninguna mejora existente, ni siquiera en los usos a que se les destinaba en el momento de su presentación; ni requería de algún residente, ninguna restricción inmediata. Todo su fin era proseguir hacia adelante con las actividades presentes, ordenarlos lentamente mediante la educación y costumbre, hasta llegar a una extinción natural o hasta su conformamiento con el objetivo preconcebido por el comité. Todo el plan no consistía más que en una anticipación al estilo del plano Burham de la Ciudad, de las futuras necesidades de las varias zonas de que se compondría Manila, con el fin de que sea más sana y comfortable, más útil y bella. Nada de violencias ni de urgencias; se respetaban todos los derechos individuales adquiridos en el pasado. Solamente reglamentaba lo nuevo en materias de construcción y también el uso a que se les podía dar, para el beneficio del porvenir. En una palabra el plano que se proponía adoptarse demostraban las líneas de menor resistencia para conseguir un ideal futuro de Urbanización. En caso contrario y llevada la medida drásticamente, no hay duda, no

solamente impondría grandes sacrificios de carácter privado sino que también constituiría una verdadera carga municipal.

Pero por razones de alta democracia de nuestro gobierno, los miembros de la Junta Municipal de la Ciudad, creyendo la materia a su alcance, quisieron estudiar el proyecto por si convocando nuevas audiencias públicas, buscando la opinión de las masas y de los inquilinos; Algunos de sus miembros llegaron hasta alabestrar los ánimos mediante declaraciones a la prensa diaria. Uno dijo que era preciso establecer una zona sin ninguna restricción, con el fin de permitir el establecimiento de galleras y cabarets; otro abogó por el establecimiento de cuadras y de salones de recreo (bowling alleys) en la zona residencial de la Clase "A"; etc. etc. Después de algún tiempo de tanto ruido se presentó un caso concreto: la existencia de una de las industrias más grandes y prósperas de la ciudad, dentro de una propuesta zona residencial la cual era objeto de protesta por parte de un prominente y también pudiente residente. Por el mismo proyecto de ordenanza si se pesaban los méritos de cada parte, se veía que así como a la una le asistían los derechos adquiridos por su construcción con mucha anterioridad a la presentación de la ordenanza; la otra invocaba el mismo espíritu de zonificación y por tanto de aislamiento de actividades. Y de aquí partió la creencia de la necesidad de limitar el período de tolerancia o de enforzamiento de "transición" le han llamado, para compaginar ambos intereses. Tentativamente se pensó en un periodo de 5 años como tiempo razonable, después del cual la industria en cuestión, que representa una inversión de varios millones de pesos, tendrá que desmantelarse y reconstruirse en la zona correspondiente.

¿Ahora preguntamos, es esto acaso equitativo? Para esto son las ordenanzas de zonificación. ¿Mientras esperamos los vecinos y expectadores, tenemos derecho a preguntar, ¿quien de las partes vencerá? La ordenanza, en una forma u en otra, se aprobará no hay duda, por nuestra Honorable Junta Municipal. Pero... a que distancia van a quedar las medidas propuestas por el Comité de Alcalde Earnshaw? Lástima de cinco años de trabajo! ¡Cuánto dinero tirado! ¡Cuánto tiempo perdido!...

NEWS AND NOTES

UNIVERSITY CURRENT NEWS

Arnacal Receive Honorary Degrees At Special Investiture.—Lieutenant Colonels Antonio Arnaiz and Juan Calvo were conferred upon the degrees of master of science in aeronautical engineering, honoris causa, by the University of Santo Tomas on Sept. 12 in recognition of their achievement in completing the intrepid Manila-Madrid flight. A banner crowd witnessed the solemn investiture of the two flyers by His grace, Mons. Michael J. O'Doherty, archbishop of Manila, prominent Filipino leaders government officials and businessmen of the city.

Promptly at 5:30 in the afternoon, the Arnacal investiture program started with the entrance into the paranymphus of Arnaiz and Calvo accompanied by Rev. Fr. Rector Silvestre Sancho, O.P. Praising the two aviators for their courage in undertaking the Manila-Madrid flight and declaring that their achievement will stand forever as the stepping stone for a more brilliant future of aviation in the islands, Prof. Alberto Guevara invoked the Father rector to honor Arnaiz and Calvo with the honorary degree of master of science in aeronautical engineering. "Caivo, Arnaiz, the solemn investiture that I have the honor to petition for you this afternoon is but the reflection of a national sentiment, which wishes to reward the services of those who, with a strong determination, applied all the discoveries of science to mold a legitimate glorifying ambition for the nation and for the faith," he concluded.

Fr. Sancho spoke of the achievement of Arnaiz and Calvo as an event for national pride before bestowing their hoods. "The Manila-Madrid flight, he said, was a personification of the desire of the Filipino people to strengthen its ties with the mother country, Spain. The program was concluded with a speech of thanks from both the two distinguished flyers.

Department of Religion Granted College Status.—Because of its increased activities the Department of Religion of the University was lately granted the status of a college by the Very Rev. Fr. Rector. Fr. Cecilio de la Pinta, O.P., until recently the department's head has been designated dean of the newly created college.

The increase of the religion faculty, the introduction of advanced courses in religion, the intensified campaign for more catechetical classes, and other activities rendered necessary the Fr. rector's action.

COMUNICACIONES.

Real Academia de Ciencias
Exactas, Físicas y Naturales
Madrid, España

18 de mayo, 1936

Rdo. P. S. Tamayo, O.P.

Mi distinguido amigo:

He recibido su amable carta y le agradezco las frases de elogio que dedica a mi libro sobre Filipinas. Por mi preparación y aficiones, no era yo el indicado para tal propósito; pero al ser invitado para dar conferencias sobre mi viaje noté tal curiosidad de las cosas de Filipinas que me decidí a publicar mis impresiones cosa que hice con gusto y cariño porque así reviví los días agradables que pasé en ese remoto país.

Recibo puntualmente y leo con gran interés su admirable revista UNITAS, digna de ser más conocida y estudiada entre nosotros. Mucho le agradezco la atención de enviármela.

.....

Rogándole que de mis cariñosos recuerdos a todos los profesores de esa Universidad, me reitero de V. afmo. s. s.

q. b. s. m.

JULIO PALACIOS

Señor Director de "UNITAS"
University of Santo Tomás
Manila (Filipinas)

La Plata, Julio 2 de 1936

Muy señor mío:

Entre las numerosas revistas científicas, ya sean de índole químico-farmacéutica o de carácter general, que, de países hermanos, llegan a esta Biblioteca, aun no figura "Unitas". Dado la necesidad que sienten nuestros profesores y alumnos de estar continuamente al corriente de lo que se hace o escribe en los países hispano-americanos, y de intensificar, por ende, las relaciones científicas entre las repúblicas hermanas, me permito proponer a Vd, un canje de publicaciones entre esa revista y nuestra Revista de la Facultad de Ciencias Químicas. Por lo tanto, y para comenzar el intercambio en espera de su decisión que espero será afirmativa, le remitiré, dentro de breves días el último número de nuestra publicación que está por aparecer.

Aprovecho esta ocasión para saludar a Vd, con mi consideración más distinguida.

S. CANALS FRAU
Bibliotecario

MEDICAL TIME-TOPICS
By PABLO T. ANIDO, M.D.

NOTE:—Beginning with this issue, *THE UNITAS* sets out to explore what is happening in the realm of medicine and surgery in order to bring to you authentic, authoritative and outstanding medical topics of the month.

Medical science never stands still; it restlessly urges forward and the doctor must follow if he wishes to keep astride of the times. With this service, it is hoped that the busy doctor can broaden his medical horizon and keep abreast of the forward march of medicine without wasted time.

—EDITOR

Heart trouble is often caused by the failure of one of the nerves, which regulates the pulse, to "time" properly. The result is "fibrillation", a frequently fatal condition.

Dr. Louis H. Nahum of the Yale School of Medicine, finds it is possible to prevent this condition by operation on the "accelerator" nerve, as well as on the adrenal glands, which are the "speeder up" of bodily action.

One disease can cure, or lighten the attack of another. For instance, malarial fever is found to be remedy for syphilis. Dr. E. W. Klinefelter reports cases of three children who were suffering from whooping cough in a severe form, and were suddenly found to have mumps, with swelling of the face and high temperature.

The coughing stopped suddenly and the two diseases seemed to overcome each other and leave no after-effects. It had been previously reported that chicken-pox and measles also seem to have checked the whooping cough in patients who had both.

To distinguish human blood from that of an animal has long been possible with the microscope; but to tell one man's blood from another seemed to be impossible. In late years, however, it has been found that all human blood is in four groups (a test for which is necessary before venturing to transfuse blood from one person's veins into another). So, the Paris police have called doctors to compare blood, lost by a fleeing criminal, with that of a suspect.

The physicians accordingly not only identified the blood groups of the two samples, but performed a Wassermann test (for syphilis). While this does not furnish positive identification, it lessens the possibility of error.

While garlic is rather in ill favor for its strong odor, for hundreds of years it has been esteemed by many European people as conducive to health. Dr. Ernst Meyer, a German physician, finds that it is beneficial in cases of high blood pressure, which it overcomes rapidly—perhaps by stimulating the bowels to purify themselves.

He finds it especially useful in the case of those who smoke too much. Other physicians consider it strengthens the nervous system.

Many children are born with defective hip sockets, and grow up lame. However, if this can be discovered in time, it can be overcome, by causing the child's legs to be spread, and permitting the soft hip bones to grow in the proper direction.

Prof. Putti, an Italian scientist, devised this method; and now Drs. Kleinberg and Lieberman of New York have discovered a way (by taking X-ray pictures at two different angles) to find whether a new born baby's hip sockets are normal or require this treatment.

Three years ago Dr. Edgeworth was bedridden, entirely helpless, dependent on the constant aid of nurses, scarcely able to swallow. Then she discovered, accidentally that ephedrin gave her renewed strength. Daily doses of six-eighths of a grain of this drug, familiar to hay-fever and asthma sufferers, now enables her to live a life of some usefulness which is comparatively comfortable and pleasant.

The discovery of ephedrin was dramatic. For over five years she had suffered from the disease, gradually getting weaker and weaker. Different treatments were constantly tried by her physicians.

One of these, a serum treatment caused a severe reaction. To help her recover from the effect of the serum, ephedrin and epinephrin were given her. She noted a return of strength almost immediately. While she suspected the ephedrin, her physician ascribed her improvement to the serum treatment.

When she stopped taking the ephedrin, she relapsed to her former state. More serum treatments did not help. Then she insisted on trying the ephedrin again, and from repeated trials, she found that it really did help her. The ailment from which she suffered is known by the Latin name of *Myasthenia gravis*.

At about the time Dr. Edgeworth was discovering the value of ephedrin in treating her own case of this disease, physicians on the staff of the Mayo Clinic learned from a German scientist, Prof. Karl Thomas of the University of Leipzig, Germany, that glycine, a constituent of many proteins was useful in treating a similar condition in children in which the muscles waste away. While they did not find the new drug very helpful to the children, the Mayo Clinic physicians decided to try it in cases of *myasthenia gravis*. These patients were greatly helped by glycine. When Dr. Edgeworth reported her use of ephedrin the Mayo Clinic patients were given that drug in addition to glycine, with additional improvement.

Bone cancer is now being treated successfully with arsenic. The latest patient to receive this treatment, a woman twenty-two years of age, was affected with a cancerous condition of the thigh. High voltage X-ray treatment did not improve her condition and the thigh bone finally fractured. The radiation treatments were discontinued and the first doses of arsenic administered. An X-ray picture a year later showed that the fracture had reunited. Sometime later the tumor receded further and the bone lime began to repair. The patient is now in good health, free from pain, and carrying on her usual household duties.

No secondary cancerous growths in other parts of the body occurred, a fact which is considered of extreme importance. It is unlikely that much will be drawn from a single case but if it eliminates the need for drugs, it will be a great boon.

It is being suggested that it is possible to control the growth of cancer by means of electrical currents. A direct positive current coming in contact with a tissue causes the death of the tissue if the current is of sufficient intensity. It should thus be possible to stop the growth of the cancer or produce its death, as circumstances deem desirable.

Dilaudid, new pain-relieving drug which has been hailed as substitute for morphine, should be used cautiously until it has been studied further, doctors are warned.

The warning appeared in a report by Dr. Nathan B. Eddy of the University of Michigan to the American Association. The report was published in the Association's journal. Dr. Eddy has been engaged in studies of narcotic drugs in an investigation sponsored by the National Research Council.

Dilaudid is known chemically as Dihydromorphinone hydrochloride. It is closely related to morphine. Notably, it has been said to be less likely to lead to habit-formation than morphine.

In a review of the subject, Dr. Eddy found that cases of addiction to dilaudid have been reported. Experimental studies of the drug have not yet established whether or not it is habit-forming. Investigation of this point is now being made by Dr. Eddy and associates. Meanwhile, he suggests that physicians should avoid prolonged use of the drug until more is known about its pharmacologic properties. He said they should use it with as much caution as they would morphine.

It is especially necessary to eat lightly while the mind is laboring under stress and strain, and when the nervous system is upset. Well-balanced moderate meals of milk, fruits and vegetables that are easy to digest and assimilate will cure you if the depression has brought excessive worry or if you are "run down". Physical fatigue is caused in most cases, by auto-intoxication, the poisoning of the body which comes from absorption by the blood-stream of the toxic end-products of digestion resulting from heavy consumption of starches and proteins. A milk and vegetable regimen, according to the French dietitian, Dr. Pion, will assist in clearing the intestines and wash out the liver and kidneys of the individual suffering from auto-intoxication. This diet will bring energy and vigor which affect mind as well as body. Weak will and poor memory will diminish and disappear if the disease has not been chronic for too long a time. At the age of forty it becomes essential to cut down the amount of protein consumed to the muscular labor performed, body build, climate and seasons. A fruit, vegetable and milk diet with small amounts of spices and proteins will usually be sufficient for the man who takes no physical exercise, and leads a normal life.

Malaria, it is well known, counteracts the dread venereal disease, syphilis; perhaps because the heat of the fever is destructive to the germs. "Radio fevers" are now used to fight syphilis. Likewise, Dr. John A. Toomey, of Cleveland, thinks bowel troubles like typhoid fever, undesirable in themselves, can protect against infantile paralysis, and that it may be possible in this way to create immunity to the latter disease, as with small-pox, and diphtheria.

Native of South America use on their arrow tips a gum called curare, well known to writers of murder tales. It paralyzes the victim; but in cases of tetanus or lockjaw, it is found to control the spasms of that horrible disease, which so often destroy the patient. In 19 cases, 11 recovered, says Dr. Leslie Cole, of Cambridge, England.

Of intense interest to the medical world is the new synthetic-life apparatus invented by Drs. Edwin C. Osgood and Alfred N. Muscovitz of the University of Oregon Medical School.

This device is a robot bottle in which one of life's most vital processes, the replenishing of the blood cell supply by the bone marrow, may be reproduced artificially and viewed for the first time. The bottle will be used in testing serious blood diseases.

With this "blood-making bottle and the Lindbergh "life-Chamber" working for biological science, who knows but that we may soon have a complete glass robot in which all the extirpated organs from the human body will live and function under observation.

Thru the magic of gas-filled tube that emits invisible germicidal rays when air electric current is passed thru it, scientists hope to save billions of pesos on meat and bread bills. Dr. Robert James and Dr. Harvey Rentschler developed the tubes in the research laboratories of the Westinghouse Lamp Co. after years of research.

The tube consists of a slender gas tube containing special gas. When electricity passes thru the gas it emits rays that will kill the microorganisms associated with food spoilage.

Aside from its commercial possibilities the new ray is being used in the medical field as the energy rays have been found to kill air-borne bacteria in a few seconds thereby offering a solution to the long-baffling problem of contaminated air in the hospital rooms.

In operating rooms the new ray will effectively protect the operator and the assistants from contamination and minimize the danger of the patient. Tests have shown that post-operative fevers of patients operated under the radiations of the new tubes have been markedly lower and their convalescence more rapid.

Acknowledgement is hereby made to the various medical journals and publications all over the medical world, from which the above abstracts have been gleaned.

MATTER IN THE CORES OF ATOMS

PROFESSOR NIELS BOHR, of the University of Copenhagen, at a lecture given at the University College, London, stated that the nuclei or cores of atoms are composed of such dense matter that if the human fist were packed as tightly with matter it would weigh a million times a million tons. It is this close packing of the hearts of atoms which is proving puzzling to investigators, according to Professor Bohr, for the structure and behavior of atom nuclei are governed by laws quite different from those already known for atoms, as a whole, or for familiar matter that can be seen or handled.

A possible explanation for the mysterious explosions of atoms which

have been observed in studies of cosmic rays might be found, he suggested, by the impact of particles having energy of perhaps 1,000 million volts. This is a hundredfold multiplication over the mere 10,000,000 volt energy particles available in laboratories. When the particle "bullets" can be produced having the much higher energy, atomic explosions may also be produced in the laboratory. That 1,000 million volt energy particles may be produced is not beyond distant hope, he said.

The nucleus, Professor Bohr suggested, may be likened to a group of billiard balls lying on a circular table with low cushions. If some external ball is shot into the group there starts a series of mutual collisions which may cause the capture of the impinging ball. Such a capture explains the creation of the super heavy element No. 93 by the Italian physicist, Dr. Enrico Fermi.

Another possibility, Professor Bohr pointed out, is that if the balls keep colliding there is a possibility that one of them will collect enough energy to jump the barrier and go off the table. This situation could be likened to the experiments on artificial radioactivity performed first by the latest Nobel prize-winners, Irene Curie Joliot and her husband, M. Joliot.

MAXIMUM AGE OF THE UNIVERSE

THE universe is not so old after all! Flatly contradicting Sir James Jeans's figures of ten million times a million years for the age of the universe, Dr. Bart J. Bok, of the Harvard College Observatory, has found that number approximately five hundred times too high.

Twenty billion years is the upper limit of the age of the universe, as viewed by Dr. Bok. Jeans's long time scale does not fit with the evidence of star clusters, with the known facts of the rotation of the Milky Way system or with the existing theories of the creation of the spiral nebulae. Nor does it explain the existence in the same star cluster of "young" red giant stars and of "old" dwarf stars.

"The giants with their tremendous energy output can hardly have existed for much longer than ten billion years, unless we wish to make the as yet unfounded hypothesis that the energy radiated away is being replenished in some unknown fashion from surrounding space," Dr. Bok said. "We found it unlikely," he concluded, "that the observed clusters have existed for more than twenty billion years as groups of stars. Lemaitre's theory of the expanding universe indicates that a catastrophe took place a few billion years ago, and it is tempting to place the origins of the stars and stellar systems at the epoch of this catastrophe."

Hundreds of star clusters, including the well-known Pleiades, Hyades and Taurus, would now be on the verge of disintegrating all at once, torn apart by the gravitating forces of the Milky Way, if they had been in existence as long as Jeans believes, according to Dr. Bok.

"In the course of their development these clusters must have wandered through widely different parts of our galaxy, but in spite of this, under Jean's long time scale we should find them ready to disintegrate, cosmically speaking, simultaneously," he said. "In other words if we were to take our observations at a future epoch removed from the present by only half a per cent. of the total supposed age of our galaxy, no sign of them would be left."

"It seems absurd to assume that several hundred clusters, all of which had presumably considerable mass and density at the time of their birth, would be observed simultaneously on the verge of disintegration in a galaxy for which the conditions that determine the rate of disintegration will be apt to vary from point to point."

LIGHT IN THE NIGHT SKY

THE hiker caught out after dark on a moonless night may feel very thankful for that faint illumination which he calls starlight. But he is wrong in thinking that it all comes from the stars. Only about one fifth of it is of stellar origin. Most of it is produced by particles of electricity, hurled from the sun at enormous speeds, and "striking sparks" as they collide with the molecules of the upper atmosphere.

Professor Georges Déjardin, of the University of Lyons, describes the experiments which have led to the acceptance of this theory in the current issue of the **Reviews of Modern Physics**, published in New York by the American Institute of Physics.

One may wonder how the sun can be responsible for this light when it, itself, is on the other side of the earth. The answer to this is that the electrons are bent around by the earth's magnetic field so that almost as many fall on the far side, where it is night, as fall on the near side. Displays of "Northern Lights" are quite similar to the light of the night sky when examined with the spectrograph, and have, in large measure, the same explanation. The night sky is brighter at times of the year when the northern lights are also most in evidence, according to Professor Déjardin. Some nocturnal light, while also coming from the sun, reaches the earth by another route. Just as sunlight is reflected from the moon this glow is reflected to us from small pieces of matter which fly about in empty space.

The hypothesis that most of the night light is produced in the earth's atmosphere is verified by the fact that it is stronger near the horizon than directly overhead. When we look straight up, we look through less atmosphere and therefore see less of the light.

Examination of the night sky with a spectrograph shows very nearly what one would expect from collisions of electrons from the molecules of our atmosphere. The photographic plates show abundant evidence of oxygen and nitrogen. These spectra did hold some surprises for physicists, however. The usual oxygen spectrum shows some gaps in its systematic scheme of lines. These gaps have been given the name of "forbidden lines." But in the night sky spectrum these forbidden lines are conspicuously present. After this discovery it was found possible to produce in the laboratory and appears only when the gas is in a very rarefied state.

Others substances whose spectra can be detected in the night sky include water vapor and argon. The extreme reaches of the upper atmosphere have long been supposed to consist of the very light gases, hydrogen and helium. But the nocturnal spectrograms indicate that oxygen and nitrogen extend as far as the confines of the atmosphere.



EXCHANGES

REVISTA JAVERIANA.—Abril 1936—Bogotá.—**Orientaciones.** El episcopado y la reforma constitucional.—La juventud católica y la personalidad de Jesucristo. **Discurso pronunciado por el R. P. E. Ospina,** y en el que discute los siguientes puntos; Juventud—Catolicismo y Juventud—El ideal católico para la juventud.—Boletín de economía política por Emilio Romanet. A pesar de las esperanzas soñadas la situación económica no se mejora sino con gran lentitud. El autor analiza los siguientes puntos de capital importancia: Principios que han dominado desde hace más de un siglo la organización económica; La moral cristiana repudiada; Consecuencias de toda moral en los negocios; la moral que hay que seguir; La moral permite incorporar las fuerzas espirituales en los negocios; Programa inspirado en la enseñanza católica, y que pueden realizarse con el concurso de fuerzas espirituales.

REVISTA JAVERIANA.—Mayo—1936. Bogotá.—**Orientaciones,** por Uldarico Urrutia, S.J. **El Papa de los concordatos;** con toda justicia se le puede dar este título a S.S. Pio XI pues no menos de diez y siete concordatos ha celebrado desde 1922 a 1935.—**Nociones de alta crítica,** por Daniel Restrepo, S.J. Analiza los siguientes puntos: Crítica y revelación; El espíritu humano necesita de lo sobrenatural; La revelación es posible, y es un hecho; La voz de la Exégesis; Hipercrítica e Hipocrítica; La Esco-

lástica y sus glorias; A pesar de todo, el Misterio.—**Ideas Católicas en la cuestión del salario,** por Vicente Andrade, S.J. La expansión del industrialismo en el siglo pasado planteó nuevos problemas entre ellos el del justo salario. Desaparecieron en su mayoría los pequeños productores y una gran parte de la humanidad quedó alistada en las filas de los que tienen que depender exclusivamente de su salario para vivir. El autor defiende que se debe pagar al obrero el salario familiar dentro de las posibilidades que las circunstancias impongan.—**Boletín de Historia,** por Francisco Jose Gonzalez, S.J. Analiza en particular el materialismo histórico o económico.

REVISTA DEL COLEGIO DE ABOGADOS DE BUENOS AIRES. Marzo-Abril, 1936. El "estado" de asamblea, por Juan Carlos Rebora.—Régimen jurídico de la ley 11,729, por Julio O. Ojea.—La impresión digital en los documentos privados, por Alfredo Orgaz. Comentarios sobre un fallo de la Cámara Civil Primera de la Capital en el que se declara que un documento sin firma pero con la impresión digital del otorgante puede ser equiparado al instrumento privado.—Carácter de la contribución por pavimentos por Adolfo E. Parry.

DOMINICANA. — June, 1936; Washington, D.C.—Saint Antoninus, by Antoninus Quinn, O.P. A short account of the life of the illustrious Dominican, St. Antoninus.

of Florence, known to the Modern as the "Father of Economics."—Two Essays on two Gifts. (I) Carrot Patch or Gold Mine, by Fabian Mulhern, O.P. (II) Johnny's Predicament, by Luke Schneider, O.P. "Arma Virumque Cano" (II) by Reginald Coffey, O.P. The author states plainly his purpose; "It is not my intention in this article to propose Cortez as a model for Catholic youth... I am merely trying to show him for what he was, a great soldier and a fervent Catholic."—Peace; Fear not" (II) by Sebastian Carlson, O.P. Man has a tendency to seek a field what he has at home... So today the Children of God seek peace through the forest of the night, though they have it in the chamber of their heart.—The Assumption in Tradition, by Maurice Conlon, O.P. Since 1854 the Catholic world has been looking forward to the solemn definition of the doctrine of the Assumption of Mary into heaven... The Feast is universally celebrated with great splendor and devoted children of Mary should pray earnestly that it will be defined soon.—Sociology: Animal or Rational?, by Vincent Fitzgerald, O.P. Following Aristotle and St. Thomas sociology should investigate man and his relation to those about him, and with the aid of true philosophy to develop principles that are true today, tomorrow and always.

REVISTA JAVERIANA. — Junio Uribe, S.J. A propósito de una conferencia materialista pronunciada en la Universidad de Cauca el autor hace algunas declaraciones sobre los siguientes puntos: El misterio de la vida; la fe y la ciencia; el Genesis y el origen de la vida; la ciencia y la vida; la célula y la

vida; conclusion.—**El Arzobispo Martir**, por Daniel Restrepo, S.J. Notas biográficas sobre el Ilmo. Señor Manuel Jose Mosquera, Arzobispo de Bogota. Desterrado por defender con energía las libertades de la Iglesia Católica, murió en el destierro en 1853. Sus restos han sido devueltos a Bogota, constituyendo esto un verdadero acontecimiento para los católicos de aquella ciudad.—**Palique sobre las traducciones de Horacio**, por Ismael Enrique Arciniegas.—**Demostración general del último theorem de Fermat**, por Rodrigo Noguera. Grandes matemáticos, desde 1670, han trabajado por demostrar el famoso teorema de Fermat. Cualquiera que sea el valor intrínseco de las demostraciones que en el presente artículo propone el autor, es indudable que ofrece una contribución valiosísima al desarrollo de las Matemáticas.—**Boletín de Historia**, por Francisco José Gonzalez, S.J. (Conclusión) Examina el autor la nueva corriente idealista cuyos mejores representantes parecen ser Benedetto Croce y Giovanni Gentile, y termina exponiendo la parte que le toca a Dios y la parte le toca al Hombre según la filosofía escolástica.

UNIVERSIDAD—Zaragoza, Enero-Marzo, 1936. **Los sucesos de Aragon del tiempo de Felipe II** por Andrés Gimenez Soler, Catedrático de Historia en la Universidad de Zaragoza. Una extensa relación (114 páginas) profusamente documentada sobre el estado social y político de Aragon en tiempo de Felipe II.—**Hacia una nueva fase histórica del Estado**, por Luis del Valle Pascual, Catedrático de Derecho político en la Universidad de Zaragoza. La noción de "Estado" tal como se originó en la Revolución Francesa ha fracasado; parece pues llegada

la hora de dar al estado una nueva estructura que pueda resolver los modernos problemas sociales.—**Piquer y la interpretation clasica de las calenturas**, por José María Castro y Calvo. El artículo es una comunicación al X Congreso Internacional de la Historia de la Medicina celebrado en Madrid en Septiembre de 1935.—**Contribución al estudio de la descomposición espontanea del hipoclorito sodico**, por José María Iñiguez Catedrático de la Facultad de Ciencias.—**La escuela de Química de Zaragoza**, por el profesor Dr. de Gregorio Rocasolano. Notas historicas sobre los primeros escritores e investigadores en el campo de la química y sobre el establecimiento y desarrollo de la ciencia química en Zaragoza.

THE CADUCEUS.—May, 1936.—In this issue Prof. Fraenkel of the University of Breslau publishes one of the conferences that he delivered before the Manila Medical Society last year when he came as a visitor to the Philippines. That same conference had been read before the Hongkong Medical society on February 13th 1936. He illustrated it with projection of lantern slides. The paper is entitled "Sex Hormones". He discusses the action and effects of the hormones produced by four genital glands, namely, the **corpus luteum**, the interstitial cells of the ovary, the pituitary gland and the placenta. He expresses great satisfaction that the chemical nature of the hormones of the **corpus luteum** has been established in his own clinic and laboratories at Breslau. He finally emphasized the striking relationship between the ovary and the other endocrine glands. He said that when there is hyperfunction of the ovary, the other ductless or endo-

crine glands are inhibited, and vice-versa, when ovarian function is diminished, all the other hypertrophy. Dr. F. P. S. Court of the Government Medical Society of Hongkong makes a vivid, pleasant and thorough narration of his visits to three european surgical school as a post-graduate visitor. He makes an analytical survey of the most important features that characterize each clinic visited. It caused on him a remarkable impression the enthusiasm, accuracy and earnestness with which the professor prepare the conferences and demonstrations. In Heidelberg all abdominal operations are performed under spinal anesthesia administered with special technique; but at the University Orthopedic Hospital, about six miles out of Heidelberg Professor Dittwan seldom if ever uses spinal anesthesia. At Edinburgh the post-graduate school is very well organized and attracts many students from all parts of the world. Dr. W. C. W. Nixon of the department of Obstetrics and Gynaecology of the Hongkong University discusses the various aspects of the toxæmia of pregnancy; he advocates the induction of abortion whenever medical or conservative treatment seems to fail. Dr. Lindsay Ride of the Department of Physiology of the same University continues in this issue his expensive work on heredity and here he brings facts to support the cytological basis of the chromosomal theory of heredity.

LA CIENCIA TOMISTA.—Julio-Agosto, 1936. **Cayetano y la Tradición Teológica Medioeval en los Problemas de la Gracia**.—Delineado ya a grandes rasgos en el artículo anterior, el panorama teológico medioeval, e indicado el lugar que en ese cuadro corres-

ponde a Cayetano, el P. Carro aborda, en este su segundo artículo, el estudio de la posición del insigne comentarista italiano enfrente a los problemas de la Gracia. Para fijar con exactitud esa posición se imponía una breve introducción histórica acerca de la naturaleza e índole de esos problemas, y esta nos la da el P. Carro en la primera parte de este su segundo artículo, en la que con erudición y galano estilo resume las varias soluciones dadas sobre el particular por los teólogos, que florecieron en las centurias anteriores a la de Cayetano. San Agustín, el Doctor de la Gracia, es el punto de partida de estas discusiones; y por él empieza el P. Carro esta introducción, recordándonos las conocidas frases agustinianas, que más tarde los teólogos repetirán continuamente y tratarán de interpretar, aunque, por desgracia, no siempre lo harán en sentido feliz y netamente ortodoxo. Preciosa introducción histórica, en verdad, la que nos da en estas páginas el P. Carro, y que debieran leer atentamente cuantos quisieren estudiar con fruto y explicar con acierto el Tratado de la Gracia, escrito por Santo Tomás. La posición del Cardenal Cayetano en estos problemas queda fijada por las acertadas respuestas que da a estos tres puntos siguientes: qué decir sobre las obras de los infieles?Cuál es el estado de la naturaleza y de las potencias, después del pecado? Hasta donde se extiende el poder del libre albedrío para obrar el bien, y en particular para cumplir los preceptos divinos? Respuestas, que no transcribiremos aquí por coincidir substancialmente con las de Santo Tomás, bien conocidas de nuestros lectores, familiarizados ya con las doctrinas escolásticas.—**La Exención de los Religiosos**, por el P. Sabino Alonso.—Estudio claro y

preciso, de caracter eminentemente expositivo, en el que, dejadas a parte las disquisiciones, nos ofrece el sabio canonista "lo que sobre el particular se encuentra esparcido en diversos lugares del Código Canónico", ya sea por la importancia del asunto, ya también por "el convencimiento de que no todos aquellos a quienes afecta, disponen siempre de la suficiente comodidad para informarse debidamente". Hablando de la exención en lugares de misiones, muy oportunamente trae a colación la **Instrucción de la S.C. de Prop. Fide**, del 8 de diciembre, 1929, en virtud de la cual dicha exención viene notablemente modificada.—**La Cuestión de la Epiclesis a la Luz de la Liturgia Mozárabe**, por el P. A. Colunga.—Las cuestiones relativas a la Liturgia ofrecen siempre particular interés, no solo para las almas, llamadas devotas, sino que también para los mismos simples fieles: **lex orandi, lex credendi**. De aquí la importancia de este artículo, debido a la pluma erudita y piadosa del P. Colunga, dignísimo director de esta Revista. Después de recordarnos los principios de la teoría **atribucionista**, expuesta tan ingeniosamente por los Padres de la Iglesia Griega y después de recordarnos el principio básico en estas materias de que la santificación de las almas es obra del Espíritu Santo, el P. Colunga se propone estudiar, a la luz de los textos de la Liturgia mozárabe, cuál es el sentido ortodoxo, que se ha dado a la invocación del Espíritu Santo, en las oraciones dirigidas a El, después de pronunciar las palabras consecratorias, en el Santo Sacrificio de la Misa. Cuestión ardua, en verdad, y de graves consecuencias, por ir envuelta en ella la otra cuestión dogmática respecto a la eficacia de la forma de la consagra-

ción. La solución la reserva el P. Colunga para el próximo artículo, aunque ya nos la hace entrever en las siguientes palabras: la transformación, que se pide al Espíritu Santo, no lo es la del pan y del vino en el cuerpo y sangre de Jesucristo, sino que es la de los fieles en el cuerpo místico del Señor.—**Boletín de Cosmología**, por el P. G. Fraile, —**Crónicas de España, Checoslovaquia, China y Japon.**—**Bibliografía.**

S. A. M.

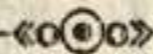
REVISTA FILIPINA DE MEDICINA Y FARMACIA.—Organ of the "Colegio Medico-Farmacéutico" of the Philippines. As far as it goes, the two original articles entitled, The Relation of Dento-Oral Sepsis to General Health by Dr. Gregorio Aloña, Capt. of the Philippine Army and Aviation Medicine by Dr. Robert K. Simpson, Major Med. Corps, U.S. Army, are excellent and timely. Their authors command respect in their individual fields and they have presented their material well within the limitation of a few pages. In his article, Capt. Aloña proves with actual cases treated in the Dental Clinic of the Phil. Army, the relation of oral sepsis to general health. They were cases of systemic diseases caused by dental infection and improved and cured by the removal of the foci of infection thru pyorrhea operation and extraction of the decayed teeth. The Capt's. contention that here exists a very close relation between oral infection and the general health is well supported by authoritative statements of world-famous clinicians as Drs. Rush, Black, Garrison, Miller and Osler, and also by the aforementioned cases given up by physicians but improved and cured by dentists. At the threshold of the formation of the Philippine Army, Major Simpson's article

on Aviation Medicine comes in handily. Aviation Medicine is a new vocation considered as one of the youngest specialties. It bears the same relationship to aviation as does preventive medicine to mankind. Being a specialty that demands accuracy and precision, Aviation Medicine is concerned with Ophthalmology, Otology, Physiology, Psychology, Neuro-Psychiatry, Cardiology, Meteorology, Physics and Applied Mechanics. At this period when the triumphs of Arnacal are still fresh in the people's mind and hundreds of new physicians and would-be physicians and surgeons are pessimistic about their future, Aviation Medicine should be a new field where youthful ambition, adventure, and romance can be given full vent. Aside from the interesting editorial which deals about the struggles against T.B. in the Philippines, the August issue of the REVISTA FILIPINA is also replete with new medico-pharmaceutical literature; local medical topics; preventive medicine and hygiene and Chemistry. Physicians and pharmacists who desire to keep up with the progress of foreign and local medicine and pharmacy will do well in reading this organ of the Colegio Medico-Farmacéutico of the Philippines.

ANNALES DE L'UNIVERSITE DE PARIS.—11e. Année, No. 4, Juillet-Aout, 1936. **La Biblioteca de l'Université de Paris.** Relación anual por el Director de la misma. La expansión de las actividades culturales y el número de libros de la Biblioteca va en continuo aumento. Las nuevas bibliotecas de Paris, que se han agregado a la de la Universidad, como Sainte-Genevieve, Vincennes y Doucet elevan el número de volúmenes a los tres millones y una prueba de la asidua visita de lectores es la cifra de 4.500 a que as-

ciende diariamente sólo en Sainte-Genevieve. Se necesitaría, sin embargo, una catalogación más perfecta, para que pueda ser empleada por los eruditos y críticos con mayor facilidad.—**L'Utilisation des radiations lumineuses par la plante verte**, por P. A. Dangeard.—**La Bible et l'Archéologie**. Todo lo que llevamos de siglo XX tiene una historia importante desde el punto de vista de las excavaciones arqueológicas en Oriente y desde el punto de vista del estudio del Antiguo Testamento. Los trabajos llevados a cabo por ingleses, franceses y alemanes encontraron grandes dificultades en los años anteriores a la gran guerra, pero después, gracias al dominio de Europa sobre algunos países del

Oriente vecino se facilitaron grandemente. La conclusión se impone: en todas partes, tanto en Palestina como en Mesopotamia, en el Asia Menor, en Siria la Biblia encuentra documentos, que facilitan su intelección y esclarecen su sentido, confirmando en cierta manera sus asertos. Y no puede, por lo tanto, el exégeta prescindir de ese conocimiento arqueológico, si ha de estar al tanto de la ciencia moderna.—**Les Instituts de l'Université de Paris**. Relaciones anuales: Instituto de Geografía, Instituto de Historia de las Ciencias y la Técnica, Instituto de Estudios Esclavos, Laboratorio de Biología experimental.—**Vie scientifique. Chronique de l'Université. Bibliographie**.



BOOK REVIEWS

YOUTH CAN STOP WAR, by A Henry Bird; A. H. Stockwell Ltd., (29 Ludgate Hill) London, E.C. 4, 1936.

The experience of the last Great War has had such tremendous effect on the minds of Europeans that nothing deters them now from condemning all possible war in the future. Anti-war writers appeal to all the avenues of soul and heart: reason, sentiment and sentimentalism are appealed to as affording forceful arguments against the atrocity of war.

Youth Can Stop War is a new anti-war pamphlet containing fragmentary series of speeches by famous writers. It is addressed to the youth of English speaking countries. The various authors endeavour to show the futility of war, how it really settles nothing. Their arguments are sentimental rather than intellectual. It is a pity that such weak womanish arguments be advanced in support of so transcendental a question as the avoidance of war.

But anyhow granting the weakness of the arguments against war let us see how should war be avoided. Rev. Leslie D. W. points out six means of avoiding it, all based on the general principle of disarming first the mind of the youth from those wrong conceptions of power and honour based on the use of arms: 1. avoidance of military training; 2. Avoidance of extolling historical greatness derived from favourable wars; 3. Boycott of the press favouring war; 4. Encourage-

ment of the Christian International Brotherhood by joining one of the peace movements; 5. Suppression of the private manufacture of armaments.

The pamphlet purports to efface all impressions of war from the mind of the youth and at the same time save the child from being imbued with those pro-war ideas. It is worthwhile spending some twenty minutes in its reading, no time is lost and some knowledge to be gained by its reading.

H. M.

LA DOCTRINA SOCIAL DE LA IGLESIA.—Por G. C. Rutten, O.P. Traducción española, editada por la "Editorial Poliglota" de Barcelona. Un volumen, pags. 386.

Este hermoso compendio de la ideología social católica, escrito por el insigne hombre de acción P. Rutten, Senador Belga, aparece en su segunda edición española. En la nueva edición se ha añadido a la anterior, entre los diversos documentos, que componen la segunda parte del volumen (Encíclicas "Rerum novarum" y "Quadragesimo anno") el "Código social de Malinas". Sale por lo tanto avalorada con este documento, uno de los más importantes en materias sociales, redactado por la Unión Internacional de Estudios Sociales, fundada en Malinas en 1920, bajo la presidencia del insigne purpurado y conocedor profundo de las necesidades de su siglo, Card. MERCIER.

La obra del P. Rutten es el fruto

de una vida, dedicada completamente a las obras sociales. El talento grande del autor ha sabido reducir a un compendio escrito para directores de obreros, la quinta-esencia de la doctrina católica en el campo de la Sociología. Ha sido un gran acierto el haber escrito el libro con esta orientación, pues son las obras que hoy más necesitan los seculares, que no pudiendo seguir los estudios en las Universidades o en las escuelas técnicas superiores, se ven obligados a formar y dirigir las masas proletarias en los problemas morales y económicos. Es verdad, que tenemos las Encíclicas de los problemas morales y económicos. Es verdad, que tenemos las Encíclicas de los Pontífices Leon XIII y Pio XI, pero muchos problemas no han sido solucionados de una manera suficientemente concreta. El conocimiento, que de la realidad social y de la historia de los acontecimientos políticos tiene el autor, junto con el estudio continuo de los documentos pontificios y de los principios sociales de la filosofía de Santo Tomás se completan mutuamente. Nadie podrá decir que el libro no está sellado y revestido de autoridad singular; el conocimiento y la experiencia de mas de 30 años del autor en obras sociales y religiosas entre el proletariado de las grandes urbes, de las fábricas y de las minas, de las oficinas y del campo agrícola hace de él un profundo conocedor de la psicología de las masas obreras, de los hijos del trabajo, y como tal aparece en este libro; la meditación asidua de los documentos de la Santa Sede le prestan esa abundancia de pensamientos y raciocinios, que densamente expone en su tratado. No solivianta las masas con pasiones y sentimientos, sino que las convence y mueve con el método más seguro del raciocinio y de la verdad, expuesta con convicción y serenidad.

Los puntos glosados por nuestro autor son los clásicos de la Sociología cristiana: la evolución de las ideas sociales entre los católicos, la justicia social, la propiedad, el salario, la intervención del Estado, las organizaciones profesiones, la dictadura económica, el socialismo, la reforma de las costumbres. En cuanto a la oportunidad y necesidad de la traducción no puede ser mayor. Las circunstancias históricas por las que atraviesa nuestra patria, añaden una razón a las muchas que teníamos para ver la necesidad de aceptar integramente el programa social católico, para comprender la absoluta necesidad de ponerlo en práctica. Sacerdotes, seminaristas, obreros y dirigentes católicos tienen necesidad de orientarse en libros como este, sino quieren convertirse en meros críticos sin utilidad de ningún género. Hacemos nuestra la notable observación del prologuista de la 2a. edición, Excmo. Sr. D. Manuel Giménez Fernández, ex ministro de Agricultura: "... se ha hechado la culpa de lo ocurrido a la situación económica, como si el materialismo economicista fuera un dogma incontrovertible; a la autoridad, como si cada pueblo no tuviera los gobernantes que se merece; a los dirigentes revolucionarios, como si ellos solos pudieran desencadenar la revolución, sin contar con el ambiente creado por injusticias seculares; al espíritu de rebelión de las masas, como si no lo hubiera fomentado la traición a su deber en las clases dirigentes; a la irreligión de los sublevados, como si esa sublevación, no naciera en gran parte, de la falta de religión verdad en quienes debieron darles ejemplo."

Al par que recomendamos vivamente el libro a nuestros lectores, extendemos nuestra felicitación a la editorial por la elegante presentación.



NECROLOGIA

El día 15 de Septiembre, minutos antes del mediodía, falleció el M. R. P. Pedro Rosa, O. P., profesor durante muchos años en las facultades de Ciencias e Ingeniería, y actualmente Superior de la Comunidad de PP. Dominicos de la Universidad.

Nació el P. Rosa en Rabós, provincia de Gerona, España, el año 1867. Cursó los estudios eclesiásticos en el convento de Santo Tomás de Avila (España). Ordenado de sacerdote el año 1892 fué enviado primero a Salamanca y Barcelona para estudiar la carrera de Ciencias y después a Madrid donde obtuvo el grado de Doctor en Ciencias Exactas por la Universidad Central. Terminada la carrera enseñó durante algunos años en el convento de Ocaña, hasta el año 1900 que se trasladó a Filipinas siendo asignado a la Universidad de Santo Tomás donde regentó la cátedra de Matemáticas primero en la facultad de Ciencias, y después en la de Ingeniería que substituyó a la primera. Elegido en 1920 Rector del Colegio de Santo Tomás de Avila, se trasladó a España para desempeñar el nuevo cargo, terminado el cual volvió a Filipinas el año 1924. Durante su ausencia de las Islas el inglés fué impuesto en todas las escuelas como idioma oficial de la enseñanza. Esto le obligó a abandonar para siempre sus clases de Matemáticas, con mucho sentimiento de los que conocían su excelente preparación técnica y sus singulares dotes pedagógicas. Dedicóse desde entonces, con pequeños intervalos, a la enseñanza de Teología Moral Práctica en la facultad de Teología, y sobre todo a ejercer el sagrado ministerio en el confesionario, ocupación ésta última en que empleaba muchas horas todos los días. Desempeñó durante algún tiempo los cargos de Vicario Provincial, Director de la Venerable Orden Tercera y Director Espiritual del Seminario. En Abril de 1936 fué elegido y confirmado primer Superior de la Comunidad de PP. Dominicos de la Universidad, cargo que hasta entonces había estado inherente al de Rector de la misma Universidad, pero que en adelante debía estar separado por disposición de la Santa Sede. Tres meses llevaba desempeñando el nuevo oficio cuando le sobrevino la enfermedad que con gran pesar de todos lo llevó al sepulcro. Su muerte, sosegada y edificante, fué un fiel reflejo de su vida.

Con ocasión de la apertura del año escolar 1905-1906, escribió una memoria sobre la Integrales Eulerianas, impresa y publicada por la misma Universidad, en la que hizo un estudio magistral de las famosas Funciones Gamma, sobre todo desde el punto de vista histórico-analítico. R. I. P.

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