

OR
S
A
M
T
O
F
O
Y
I
S
I
S
R
E
V
I
M
U
O
F
S
A
M
T
O
F
O
Y
I
S
I
S
R
E
V
I
M
U
O

UNITAS

Z-152



ORGAN OF THE FACULTY
UNIVERSITY OF SANTO TOMAS
MANILA, PHILIPPINES

UNITAS

Revista de cultura
y vida universitaria

(Bilingüe)



A ñ o **20** Núm. 4

Octubre - Oct.

1941

UNIVERSIDAD PONTIFICIA DE
SANTO TOMAS, MANILA
1611-1941

UNIVERSIDADE DE SÃO PAULO
Departamento de Cultura e Ação Social
Biblioteca Central



Unitas

Organ of the Faculty
University of Santo Tomas

*Entered as second class matter at the Manila
Post Office, Sept. 15, 1922*

Tel. 2-40-53: L. 14

P. O. Box 147

Rev. Dr. Evergisto Bazaco, O.P. - - - - - *Dir. General*

Rev. Dr. Francisco Villacorta, O.P. - - *Sub-Dir. & Mgr.*

Dr. Pablo T. Anido - - - - - *Associate Editor*

Contents for October, 1941



QUESTION BOX	383
AGLIPAYANISM: A CRITICAL EXPOSITION	385
⊙ Dr. Eufronio M. Alip	
LOS DONES DEL ESPIRITU SANTO	393
⊙ R. P. Dr. Fr. Manuel Ferrero, O. P.	
THE SCIENCE OF LOGIC	414
⊙ Rev. Fr. Dr. Angel de Blas, O.P., Ph.D.	
LEY CIVIL DE MATRIMONIO EN FILIPINAS ...	454
⊙ R. P. Dr. Fr. Juan Ylla, O.P.	
VALIDITY OF CONTRACTS OF LEASE AGAINST THIRD PARTIES	472
⊙ Leonardo Abola, Ll.B.	
PNEUMOPERITONEUM IN THE DIAGNOSIS OF GASTROINTESTINAL PERFORATION	477
⊙ P. J. Garcia, M.D. and J. Y. Fores, M.D.	
LOCAL SYSTEMS OF FILING	489
⊙ Francis Boysen	
NEWS AND NOTES	492
REVISTA DE REVISTAS	497





OUR LADY OF THE HOLY ROSARY
(Sto. Domingo Church, Manila, P. I.)

QUESTION BOX

QUESTIONS and ANSWERS:

I

I, Leí hace tiempo que la Iglesia Católica debe algo al Aglipayanismo. ¿Querría Vd. ilustrarme sobre este punto? Debe haber sido, si no ando mal enterado, muy indirectamente, algo así como la Iglesia verdadera adoptó algunas reformas por causa de la apostasía de Aglipay.

S. C.

RESPUESTA

En estas páginas encontrará Vd un artículo sobre este asunto, un tanto largo para intercalarle a continuación. Nos le ofreció liberal y espontáneamente el Dr. Eufronio M. Alip, profesor de historia y autor de una "Philippine History". Si no encuentra Vd todo cuanto desea, no tiene más que comunicárnoslo y procuraremos satisfacerle.

II

When did Education become "compulsory" in the Philippines?

U. C.

ANSWER

Education became "compulsory" in the Philippines as far back as 1582, thanks to the efforts of the Dominican Bishop of Manila, H. E. Dr. Domingo de Salazar.

III

¿Cómo es que la Universidad de Santo Tomás no ha abierto una Escuela Elemental hasta este año de 1941?

A. N. M.

RESPUESTA

No es verdad. Santo Tomás tuvo su Escuela Elemental desde la primera mitad del siglo XVII.

IV

Were there any kind of normal schools or some sort of colleges of education during the Spanish period in the Philippines?

A graduate

ANSWER

The answer is in the affirmative.

V

¿Por qué ha de preceder la Facultad de Leyes a la de Medicina en nuestra Universidad?

Medica

RESPUESTA

A la verdad que ambas Facultades fueron solicitadas del Rey don Felipe IV en 1649. Como hoy se requiere permiso y reconocimiento del Gobierno en aquellos días también se requería, y en esto de Universidades y Estudios Superiores eran a la sazón muy estrictos, pues había que obtener aprobación de las supremas autoridades civiles y eclesiásticas. La aprobación del Sumo Pontífice llegó en 1681, y el permiso regio se consiguió al año siguiente, —siempre para ambas Facultades. Por dificultades de entonces —lo mismo sucedía en otros países— las Leyes no pudieron implantarse de una manera oficial hasta medio siglo más tarde, mientras que Medicina y Cirugía tuvieron que aguardar un siglo largo. Justo es que Leyes preceda, por lo tanto, a Medicina.

VI

Why should we call the Rector of Santo Tomás University "Rector Magnificus", instead of "President", or "Director", or just "Rector"?

A group of students.

ANSWER

In a University we have the DEANS, who are not only the Technical Advisers of the institution, but also the immediate chiefs or quasi-rectores in their respective Faculties of Colleges. In some instances, these are truly "Rectors", "Presidents", or "Directors", as in the case of Colleges or of Schools that are affiliated or incorporated to the University.

Shall we not then make any distinction between these immediate "Rectors" and the "Rector" of these "Rectors" and of the whole University?

* * * * *

The word "Rector" may be applied to the superior of a community, of a hospital, seminary, church, or of a school, etc. while the terms "President" and "Director" have still a broader use.

The term "Rector Magnificus" has a single acceptation for us.

* * * * *

The vocable "Magnificus" is, therefore, a title of rank. We find, similarly, in the Army a number of graded positions of different ranks, each one being denominated with diverse terms.

* * * * *

The University of Santo Tomás de Manila is a Pontifical and Royal University. The vocable "Pontifical" does not mean merely a title annexed to the name of Pope Leo XIII who gave it to our institution, just as the title "Royal" is not necessarily connected with the memory of King Charles III. These rulers have passed already. But the meaning of their grants, conferred upon our University at a time when they were respectively the highest authorities of the Church and the State, carries with it the sign of perpetuity on the part of the ecclesiastical and civil powers. And the titles were given due to merit, not merely *ad honorem*.

Shall we not distinguish then the Rector of a University of such rank from other institutions which are not Pontifical and Royal?

HISTORICO-RELIGIOUS

Aglipayanism: A Critical Exposition

● DR. EUFRONIO M. ALIP

— I —

This month of October commemorates the thirty ninth anniversary of the founding of the Philippine Independent Church, otherwise known as the Aglipayan Church, or simply Aglipayanism. On this occasion, therefore, it would not be out of place to say a word or two about this organization: hence the following article. This article is a brief exposition and analysis of this organization, viewed from its historical and doctrinal perspective, with the object of revealing the true meaning and nature of such an organization. Founded by Filipinos and intended primarily for Filipinos, this church should call the attention of every Filipino.

— II —

The origin of the Philippine Independent Church could be ultimately traced to the politico-religious movement in our history during the Spanish regime "when Filipino secular priests, as well as some Spaniards, clamored for the holding of the convents and the churches of the Religious Orders. This movement was called secularization"...

During the Philippine Revolution (1896-1901) the secularization movement was intertwined with the independence struggles of the Filipinos. According to Isabelo de los Reyes, Sr., one of its founders, he interviewed the Papal legate in Spain, Nava de Pontiffe, for the possibility of secularizing the ecclesiastical positions here, if not wholly abolishing the monasteries of the religious orders, but the latter refused to concede the request, so in the ardor and exuberance of the

political struggles for political emancipation, Father Gregorio Aglipay, a Filipino priest, and many others joined the revolutionary forces of General Emilio Aguinaldo and challenged the authority of their ecclesiastical superiors. Given ample opportunity to return to the Catholic fold, they disdainfully refused to do so, and were accordingly declared Church rebels and apostates by the then Archbishop Nozaleda. At one time Gregorio Aglipay served as general chaplain for the Filipino revolutionary troops, and in the Malolos Congress that met from September to December, 1898, he was one of the delegates and signers of the Malolos Constitution.

After the overthrow of the Spanish government in the Philippines, the Filipino apostate priest became much more aggressive, and with the help of Isabelo de los Reyes Sr. and Felipe Buencamino, Sr., and the moral encouragement of the then Civil Governor William Howard Taft, Gregorio Aglipay formally separated from the Catholic Church. The formal separation took place on October 17, 1902, when he signed the so-called "Third Epistle" of his new Church. Nine days later, he celebrated his first mass as *Pontifex Maximus* (Supreme Pontiff) of the new church which became known as the Philippine Independent Church, or simply Aglipaan Church, from Philippine Independent Church, or simply Aglipayan Church, from the name of the principal founder.

III

In external observances, the Aglipayan Church generally resembles the Roman Catholic Church. It celebrates mass at the altar and gives sermon at the pulpit; it makes use of the cross and of the images of saints and angles and of other revered by the Catholic Church. The church rituals concerning the mass—the Eucharist, the reading of the Epistle, the surplice, the *credo*, etc.—are apparently one and the same thing in both churches. The Aglipayan rituals about baptism, confirmation, the psalms, the obituary, the mass for the dead, and many others, are evidently those of the Catholic Church which the former imitates. The external similarities between the two are so numerous and evident that the Aglipayan followers themselves believe that except for a few minor things the two churches are the same. In fact, they are frank and proud to

admit although ignorantly, that the only differences between the two are the following: (a) The Catholic Church admits the supreme authority of the Papacy while the Aglipayan church does not; (b) the Catholic priests are strictly bound by the rules of celibacy while the Aglipayan priests do not observe it,—in fact, Aglipay himself took a wife; (c) the Catholic Church uses the Latin language as its official language in the mass and in other church rituals (although it uses the vernacular in the sermons), while the Aglipayan church uses the vernacular in the church services; and (d) (here the Aglipayans are proud to say) the Catholic Church, the Aglipayans argue, charges very high fees for any ritual while the Aglipayan Church charges very low fees. According to the Aglipayan followers, these are the only differences between the two, and hence they argue that the Filipinos should all support their "Philippine" national Church.

— IV —

But nowhere can we find a better example of the truism that "appearance is deceptive" or "*La apariencia engaña*" than in the system of the Aglipayan Church. For although in appearance the two are similar, no two things are more dissimilar than the Roman Catholic Church and the Philippine Independent Church. A careful examination of the doctrines of these two churches will evidently show their real, separate, and distinct personalities, nature, and existence. In this brief article we shall merely show a few of the striking dissimilarities.

Aglipayanism holds that "Jesus Christ is not a divine person but a mere historical figure, standing in the midst of human affairs, drawing upon the spiritual resources of the past and of his own day, and dealing with living situations," and that like the rest of us he was a mere human being of some historical value; Roman Catholicism regards Him as not merely historical but divine, the Son of God and the Second Person in the Blessed Trinity. Aglipayanism further holds that Christ not only did not make any miracle but also assures us that He could not perform any, and that the miracle of the bread and the wine is nothing but a figurative allusion; Roman Catholicism solemnly affirms the authenticity of the miracles per-

formed by Jesus and that Jesus being God Himself is capable of doing anything, by virtue of His omniscience and omnipotence. Aglipayanism holds that the Bible is full of ancient legends and interesting information but these legends are nothing but the "puerile creations of infantile minds;" Roman Catholicism holds the Bible as sacred.

The *Catechesis*, which contains the creed of Aglipayanism, is in itself a bundle of contradiction. Here, for instance, is an affirmation that "the origin of the belief in God is fear in the phenomena of nature" but the same book, likewise affirms that "the first God of man is man himself" and that "the belief in God comes (*provino*) from the spirit of parents and friends which men consider as saints", and that "religion begins with polytheism and proceeds to monotheism".

Aglipayanism decries the existence of the saints and the angels in the Roman Catholic form of worship, and characterizes it as absurd and fantastic, and mere inventions of the Catholics; but strange enough, the Aglipayan churches and *visitas* are adorned with the idols or images of the same things which it considers as "absurd and fantastic." To the Catholic images of saints of Christianity, the Aglipayans also add those of Maria Clara, and the names of the national heroes, "Bonifacio," and "Rizal."

Another cardinal point in the Aglipayan religion is its absolute subservience to modern science. "The Philippine Independent Church," so states Isabelo de los Reyes, one of its founders, "does not hold any book more sacred than Modern Science, that is, it does not believe anything other than the results, the conclusions, or discoveries of modern science and free thinking: that is, all the fictions that are not probable in the light of modern science, we do not believe; and what science has not yet proved to be certain, we will likewise regard as doubtful. We neither establish nor accept any dogma because, man, and also science, is fallible." This is pure materialistic philosophy. But Aglipayanism believes in the existence of God, without telling us or even attempting to tell us whether it has verified His existence in their laboratories, test tubes, and microscopes.

The God of the Aglipayans, so they claim, is not a pure spirit, for like human soul and the spirit itself, God cannot exist without matter or form. Asked of the nature of God, Aglipayanism affirms that "science has not yet discovered anything

as yet; but it is *supposed* (sic!) that he is the energy or power and the life of everything that exists." It continues with its supposition of the nature of God as omnipotent, and eternal, but it affirms similarly that "the Universe and matter are also eternal... for it is the indispensable body and matter of God for his portentous activity and energy..."

Aglipayanism also believes that the Universe "is the throne or laboratory of God" and consequently implies that God himself is the laboratory man or the experimenter, and hence by another implication God himself is capable of committing errors in his "trial and error process in his laboratory."

It admits the existence of neither heaven nor hell after death, for it holds that they exist right here on our earth which is the laboratory of God. This belief leads us to conclude that Aglipayanism does not believe in the immortality of the human soul. But what strikes us most in this connection is that for what purpose do they say the mass for the dead, or the benediction the Aglipayan priest administers to a dead body when it is taken to the Aglipayan Church before its burial. Or is it just for the purpose of doing it for the monetary returns or otherwise?

These are some of the most important doctrines of the Philippine Independent Church which strike our attention. We might just as well add that the Aglipayan system is one which is essentially negative in character, for it does not say to us anything definite about the final end of man or what man should do in relation to God, and many other things in connection with religion.

Even viewed from the doctrine of cause and effect, or from its manifestations, what strike most in the Aglipayan religion is the lack of any solid system, system that can be fruitful, or any system which may be used as a strong foundation for the building of a strong edifice that will uplift mankind. Aglipayanism has existed for almost forty years, yet everybody knows that there is nothing good that it has brought to us. We may just ask ourselves: What contribution, if any, has Aglipayanism done to the Filipinos in matters of education, charity, or any of these kindred and beneficent acts? Has it established any educational institution, hospitals, asylums, or any of their kind to help the people? Sometime ago, it claimed some three million followers, but what has it done for them? And their

hierarchical order: How is it constituted? How are the members of their religious congregations been trained for their profession. Any seminary or school, except that one just initiated last month (September), to give the necessary training to the sacerdotal order? A satisfactory answer to any of these questions being evidently lacking, we still put the question: Is not Aglipayanism a mere farce?

— V —

One critic of this religion says this in part: "...El Aglipayanismo es una institución altamente comica y ridicula. Lo es porque su culto, sus practicas y ceremonias no responden a convicciones íntimas, a creencia ninguna sólida ya racional; sino mas bien al ansia de novedades, al instinto de imitación, al pueril deseo de adornarse con ropajes ajenos. Lo es porque gran parte de sus doctrinas estan reñidas con los postulados del sentido común y con los imperativos de la seriedad menos exigente y descontentadiza. Y lo es, ante todo, por sus altisonantes pretensiones. Que las personas poderosas y encumbradas adopten actitudes altivas y solemnes a nadie causara extrañeza; pero resulta eminentemente risible el que una insignificante agrupación religiosa del calibre intelectual del aglipayanismo tenga la osadia de llamarse religión *cientificista* y de afirmar que por su culto a la Ciencia moderna se ha hecho digna del siglo XX en que ha nacido."

In another page of the same book, the same critic says: "...Con respecto a la Iglesia Filipina Independiente, que se da a sí misma pomposa título de Religión de la ciencia moderna, pudiera hacerse, también, una observación analoga a la anterior: que ni es religión, ni es ciencia, ni es moderna. No es religión, porque al rechazar todas las verdades reveladas, niega a Dios el honor que le es debido como autor del orden sobrenatural; y al despojarle del soberano título de Creador, le priva, asimismo de la reverencia que se le debe como autor y principio del orden natural. No es ciencia, porque sus afirmaciones y doctrinas estan abierta contradicción con la más elementales normas de toda ciencia: lógica, la fijeza de criterio, el orden en las ideas, el estudio serio, la instrucción sólida y la investigación personal y consciente. Y no es moderna, porque gran parte de sus enseñanzas hace ya muchos años que yacen en las re-

giones del olvido, porque al margen de la realidad actual y desconoce los cambios y evoluciones que es han operado, desde hace medio siglo, en las esferas del pensamiento contemporaneo". (R. P. Fr. Candido Fernandez Garcia, *La Doctrina de la Iglesia Filipina Independiente*.)

— VI —

As we have already said the Philippine Independent Church was founded in 1902. That was when the nationalistic feeling of the Filipinos were still at its feverish height. The apostate priests even wanted to appropriate for themselves the churches and convents which were under their ministrations when they were still in the Catholic fold; in fact they refused to give up the property until the Supreme Court of the country adjudged the Catholic Church as the real owner of this property. So strong were the feelings of nationalism during the inception of the 20th century that in the exuberance of this nationalistic sentiments three million Filipinos, according to the Census of 1903, had embraced the new religion. But little by little this protectionism feeling for the new religion waned so that today, according to the Census of 1939 there are hardly one and a half million Aglipayans.

Before we conclude this brief article, let us venture to ask why the Aglipayan religion has attracted followers. The following considerations will probably give us the answer to this question: (a) Because its followers believe, as we have already explained earlier in this article, that it is the same Catholic religion which has been Filipinized in organization, personnel, and administration; (b) because many of the Filipino Catholics themselves have not been sufficiently and properly instructed into the true nature of the Catholic religion which they sincerely and outwardly profess so as to enable them to distinguish what is true Catholicism as differentiated from Aglipayanism; (c) because the Aglipayan religion appeals to the nationalistic sentiments of the people as if "nationalism" counts in a true religion designed for whole mankind; (d) because Aglipayanism is new, and like many other new things, it attracts some people who desire a change, as if any change in religious belief would be as good as any change in food, clothing or shelter; (e) because from a pecuniary point of view, Agli-

payanism takes less amount from the faithful for the services rendered by the members of the sacerdotal order; much in the same way that an "herbolario" or quack doctor charges less than the licensed physicians or surgeons for any services rendered to any patient; (f) because of the absence of many prohibitions in the new religion which many prohibitions characterize the Catholic Church regarding norms of conduct and morals and the people choose to go to a path of less resistance; and (g) because membership in the Aglipayan religion becomes almost wholly synonymous to membership in a political party for the attainment of varied aims. Happily despite these various reasons working favorably for the new religion, the membership therein has become less and less as years pass by and soon Truth as indoctrinated in the Roman Catholic Apostolic Religion will again triumph in the weak hearts of these people who have gone astray to the new faith, and like the ancient prodigal son will come back to his sires for better life and happiness. As a matter of fact, as authentic documents tell us, even Don Isabelo de los Reyes, Sr., one of its founders really did come back to the Catholic Church before he breathed his last to join the innumerable caravan in their journey to the land of Infinite Bliss.



Los Dones del Espíritu Santo

● R. P. DR. FR. MANUEL FERRERO, O. P.

(Continuación)

CAPITULO III

DISTINCION DE LOS DONES

SUMARIO: I.—LOS HABITOS: a) su naturaleza; b) finalidad; c) uso; d) aumento; e) división; II.—LOS DONES SON HABITOS: a) necesidad; b) naturaleza; c) finalidad; d) uso; e) aumento; III.—DISTINCION DE LOS DONES: a) opiniones; b) naturaleza de la distinción entre Dones y Virtudes; 1.—nomenclatura; 2.—cómo se distinguen; 3.—principio de distinción; 4.—la distinción. **CONCLUSION.**

I

LOS HABITOS

a).—“Su Naturaleza”

Los hábitos son ciertas disposiciones naturales del alma, que desaparecen difícilmente, sobre todo cuando se poseen perfectamente. También puede decirse, que son cualidades que disponen al alma para obrar bien en el orden operativo; puesto que los hábitos son ciertas perfecciones (1). Se contraponen a los actos, que no requieren permanencia alguna en las potencias; antes al contrario, por definición el acto es transitorio.

(1) Cfr. JUAN DE STO. TOMAS: l. c., a. 2, n. 56; 60; 62; 63; 67.

Al decir que los hábitos son ciertas formas permanentes, no significa, que, una vez adquiridos por la repetición de actos, ya no se puedan perder jamás. Ese modo de hablar indica, que se requiere cierto tiempo más o menos largo para perder tales hábitos; se adquirieron, repitiendo ciertos actos durante algún tiempo; por consiguiente se perderán, repitiendo por algún tiempo los actos contrarios.

El alma es principio de operación por sus potencias. Los hábitos, por lo tanto, residen en el alma mediante sus potencias. Luego las potencias del alma son el sujeto de los hábitos; pudiendo ser una sola potencia sujeto de varios hábitos: éstos se especifican por los actos y no por el sujeto en que residen (1).

b).—“Finalidad”

Los hábitos son esencialmente operativos. El obrar tiene que ser, por consiguiente, la finalidad de los hábitos, principios efectivos de actos (2). En el orden natural no puede darse un hábito inactivo; un hábito sin obrar sería una quimera, un “sueño” (3).

c).—“Uso”

De lo que precede, se deduce una conclusión importante: los hábitos son de la propiedad de quien los posee; pudiendo utilizarlos a voluntad (4). Constituyen como una segunda naturaleza, que dispone a un nuevo género de acción, y hace, por lo tanto, que se obre con cierta connaturalidad: el que posee un hábito tiene en sí mismo una participación del objeto del hábito. El hombre “puede” usar libremente los hábitos; lo cual no es idéntico a decir, que siempre esté *en acto*, obrando mediante los hábitos.

(1) Cfr. III Sent., dist. 35, q. 2, a. 3, “Solutio” II, 3m; I-II q. 50, a. 2.

(2) “Habitum igitur sunt causae effectivae actuum; sed actus sunt fines habituum; et ideo habitus formaliter secundum actus distinguuntur” (QQ. DD.: “De Virtuti. in Com.”, a. 12, 5m).—“Sed habitus frustra esset, si non in actum exierit, quia operatio est finis habitus” (III Sent., dist. 34, q. 3, a. 1; ed. Vives, pág. 576).—“Et quia habitus ad hoc sunt ut imperfectionem a subiecto abiciant” (III Sent. dist. 34, q. 2, a. 3, “Solutio” III).

(3) “Habitum sine actu est similis somno” (III Sent., dist. 34, q. 3, a. 1. q. 3;—Cfr. I-II q. 49, a. 3).

(4) “Habitum est quo quis agit quando vult” (ibid.).—“Quia vero usu habitum in voluntate hominis consistit” (I-II q. 52, a. 3, c.);—Cfr. ibid., q. 49, a. 3; q. 50, a. 5.).

d).—“Aumento”

Los hábitos aumentan por vía de intensidad, no por vía de adición. Siendo formas simples, formas átomas, no pueden admitir otra clase de aumento, sin perder su naturaleza, como sucede con el número, al cual, si se añade una unidad, resulta esencialmente otro número. El hábito aumentará, si el sujeto participa más perfectamente de una misma forma, lo que se hace mediante actos más intensos, que conservan la debida proporción con el hábito. Si hay esa proporción, pero no excede en intensidad, faltará el aumento del hábito, y habrá solamente cierta disposición al aumento. Pero si falta la intensidad del acto, habrá por lo menos una disposición a la disminución del hábito (1).

e).—“División”

Los hábitos pueden ser del orden natural y del orden sobrenatural. Los primeros se llaman *adquiridos* y los segundos *infusos*. Estos, no obstante ser perfectos en sí mismos, no se suelen poseer perfectamente; mientras que aquellos pueden poseerse perfectamente: los hábitos sobrenaturales pertenecen a un orden más elevado que el orden humano, infundiéndolos Dios de un modo sobrenatural. Los hábitos naturales son del mismo orden que el hombre, quien los puede conseguir por su esfuerzo personal.

Los hábitos adquiridos pueden ser especulativos y operativos, buenos y malos: la bondad o la malicia pertenecen a la esencia de *tal* hábito (2); no se da indiferencia en los hábi-

(1) “Et ideo huiusmodi augmentum habituum et aliarum formarum non fit per additionem formae ad formam; sed fit per hoc quod subiectum magis vel minus perfecte participat unam et eandem formam” (I-II q. 52, a. 2, c.—“Si igitur intensio actus proportionaliter aequetur intensioni habitus, vel etiam superexcedat, quilibet actus vel auget habitum, vel disponit ad augmentum ipsius... Si vero intensio actus proportionaliter deficiat ab intensione habitus talis actus non disponit ad augmentum habitus, sed magis ad diminutionem ipsius” (ibid., a. 3, c.;—Cfr. II-II q. 24, a. 7).

(2) Cfr. I-II q. 49, a. 2, c.; 1m.—Para Aristóteles las virtudes intelectuales son hábitos del alma, por los cuales se conoce la verdad, afirmando o negando; juzgando rectamente. De esas virtudes intelectuales la ciencia, la inteligencia y la sabiduría son hábitos *especulativos*; mientras que la cuarta virtud, el arte, es un hábito *práctico*, que Sto. Tomás llama “operativo” en contraposición a los especulativos: “Sic igitur ars, proprie loquendo, habitus operativus est” (I-II, q. 57, a. 3, c.—Cfr. Aristóteles; “Opera Om.”; t. II; “Eth. Nicom.”, lib. VI, cap. II, pág. 67; ed. Didot;—D. THOM.; “Com.” bid.;—I-II, q. 57; q. 66, a. 5; “Opusc.” 70, “Super Boetium de Tri.”, q. 5).

tos, como se da en las potencias, que pueden obrar el bien o el mal.

Los hábitos infusos siempre mueven a obrar el bien. Pueden ser infusos "*per se*" e infusos "*per accidens*" (1). Al primer grupo pertenecen dos órdenes de hábitos infusos que de ningún modo puede adquirir el hombre por sus propias fuerzas: tales son las virtudes teologales y los Dones, que solamente Dios puede comunicar al alma (2). Al segundo grupo pertenecen los hábitos, que pueden conseguirse por las fuerzas humanas, pero que Dios comunica, o puede comunicar, al alma, como sucede con las virtudes morales infusas (3).

Hay también hábitos *intelectuales* y *afectivos*; *dirigentes* y *dirigidos*; de la *vida activa* y de la *vida contemplativa*. Sto. Tomás distingue los hábitos dirigentes de la vida activa por tres capítulos (4): a) — *por el modo de obrar*: las virtudes obran de un modo humano, mientras que los Dones de un modo divino; b) — *por los actos*: unos pertenecen a la invención y otros al juicio, según los diversos Dones; c) — *por el medio*: unos proceden según las razones eternas, las causas altísimas, como el Don de Sabiduría, mientras que otros proceden según las causas inferiores, o causas segundas, como el Don de Ciencia.

II

LOS DONES SON HABITOS

a).—“Necesidad”

Dios comunica los siete Dones a las almas a modo de hábitos, "*per modum habitus*." Los demás dones del Espíritu Santo que no pertenecen a los "siete" de Isaías (XI. 1-2) no son hábitos; son gracias actuales, pasiones transitorias, que pueden encontrarse en los pecadores, como en los justos: son manifestaciones del Espíritu Santo, que no exigen su presencia personal en el alma; presencia que no puede darse sin sus siete Dones.

(1) Cfr. I-II q. 51, a. 4; q. 55, a. 4, 6m.; II-II, q. 52, a. 1, 1m; etc.;—*R. Th.*, 1898, VI Année, p. 6.

(2) Después de analizar Juan de Sto. Tomás algunos textos bíblicos, concluye que los Dones no tienen potencialidad para ser adquiridos por las fuerzas humanas: "*nec naturalibus viribus acquisibilis*" (id. *ibid.*, a. 2, n. 1).

(3) Cfr. I-II, q. 63, a. 3.

(4) Cfr. III Sent., dist. 35, q. 2, a. 4, "Solutio" II, c. II-II q. 1, a. 1; q. 9, a. 2, 3m.

La perfección de la moción divina en el justo pide, que los siete Dones sean hábitos; de lo contrario tendríamos, que la vida moral racional, natural, sería más perfecta que la vida sobrenatural del hombre justo: en el primer caso habría un organismo proporcionado a la obra; mientras que en el segundo faltaría ese organismo proporcionado, sobrenatural, que se comunica al alma por los siete Dones. Tiene que ser así, para obrar de un modo vital: el alma que los recibe es un instrumento vivo y racional del Espíritu Santo; no un instrumento inerte, muerto. La mutua relación y la dependencia absoluta entre Dones y virtudes infusas, las teologales principalmente, evidencian la necesidad de que sean hábitos los Dones, como lo son las virtudes, y de que estén a disposición de quien los posee, como lo están las virtudes (1).

El modo de hablar de la Sda. Escritura significa, que los siete Dones son hábitos permanentes. Isaías (XI, 2) usa el verbo "*requiescet*", "descansará", que incluye la idea de cierta permanencia (2). La misma idea queda expresada en las palabras de Jesús, cuando promete enviar al segundo "Consolador": "quia apud vos *manebit*, et in vobis erit" (Ioa. XIV, 17).

b).—“Naturaleza”

Nos referimos a la naturaleza de esos “hábitos” infusos, que son los Dones, bajo la formalidad de “hábitos”. Supuestas las observaciones acerca de la naturaleza de los Dones, será fácil comprender, que son “hábitos”. El Angélico lo repite siempre que tiene oportunidad; su pensamiento es claro y constante. Siguiendo a Sto. Tomás, podemos establecer la siguiente proporción (3): los siete Dones son a todo el hombre, lo que las virtudes morales son a la parte apetitiva. La parte apetitiva debe seguir al imperio de la razón, principio superior, a quien debe obedecer; y todas las facultades del hombre deben obedecer al instinto divino, que son los siete Dones, como a principio superior. Los Dones son hábitos infusos, que perfeccionando las potencias del alma, la disponen a obrar en el orden sobrehumano, como las virtudes morales son hábitos que

(1) Cfr. I-II q. 68, a. 3-4; JUAN DE STO. TOMAS: l. c., a. 2, n. 16; P. GARDEIL: l. c., col. 1737.—“Nulla forma potest esse nisi in materia disposita” (I-II q. 112, a. 2, c.).

(2) Cfr. “*Revue Thomiste*”, 1898, pag. 140-141.

(3) Cfr. I-II q. 56, a. 4; q. 68, a. 1, 3, 4; II-II q. 19, a. 9; q. 52, a. 1.

la disponen a obrar en el orden racional, humano. Los Dones, por consiguiente, son hábitos en el sentido de que son ciertas disposiciones habituales del alma justa, para recibir y seguir las inspiraciones especiales del Espíritu Santo (1). Por ser hábitos ponen al alma en posesión real de su objeto; y por ser hábitos sobrenaturales conceden al alma una participación real de la divinidad (2).

Los Dones se dan a las almas, a modo de *hábitos*, para que obren con cierta connaturalidad y experiencia de las cosas divinas, lo cual no se puede conseguir, con lo que es transitorio, o meramente actual: se requiere la permanencia del principio operativo proporcionado, para comunicar al alma esa segunda naturaleza y esa experiencia de las cosas divinas (3). Un hábito, se dice con razón, es como una segunda naturaleza. Y esas "disposiciones *habituales*", que llamamos Dones, vienen como a injertarse, mediante la gracia santificante, en el alma humana ya santificada, para santificarla más.

Bajo el régimen de los Dones el alma es movida directamente por el Espíritu Santo. Son hábitos operativos y todos los hábitos operativos sobrenaturales no tienen más finalidad, que la de obedecer a Dios, y merecer por esa obediencia. El alma así movida por el Espíritu es un instrumento dócil. (4). Mas no un instrumento inanimado; sino un instrumento animado y racional, que recibe "vitalmente" un principio sobrenatural de moción, y cuya libertad se perfecciona bajo la moción de esos hábitos operativos sobrenaturales, de los Dones. Perfeccionan la libertad humana, porque, como todo hábito de alguna ciencia, o de alguna virtud, conoce y juzga lo referente a esa ciencia, o virtud, por instinto, por inclinación, por experiencia. Lo contrario sucede, con quien no posee dicho hábito, sino solamente la ciencia; su juicio, como su conoci-

(1) Es lo mismo que dice el P. Gardeil, quien se funda en la I-II q. 68, a. 3. Los Dones en cuanto "hábitos" son: "*des dispositions de l'ame á recevoir et á desservir les inspirations du Saint Esprit*" l. c., col. 1737).

(2) "Todo hábito sobrenatural es una participación real de la divinidad" (P. MARIN; l. c., n. 219). Por esos hábitos entramos en contacto inmediato con Dios (Cfr. *ibid.*, n. 220).

(3) Cfr. I-II q. 68, a. 3; II-II q. 45;—JUAN DE STO. TOMAS: l. c., a. 2, n. 9-10.

(4) "Omnes habitus operativi non sunt nisi ad obediendum Deo" (III Sent., dist. 34, q. 1. a. 6, 2m).—"Homo sic movetur a Deo ut instrumentum, quod tamen non excluditur quin moveat seipsum per liberum arbitrium... et ideo per suum actum meretur vel demeretur aqud Deum" (II-II q. 21, a. 4, 2m).

miento son discursivos, de raciocinio: la conoce especulativamente, pero no la siente, como el que posee el hábito virtuoso o científico (1). De ahí, que, si un alma posee un hábito sobrenatural obra voluntariamente, sin coacción, obedeciendo a Dios tan espontáneamente, como se obedece a la propia razón (2).

Los Dones, por consiguiente, son infundidos en las almas a modo de hábitos, para que se muevan de un modo racional y voluntario en aquellas cosas, a que son dirigidas por el Espíritu Santo (3).

d).—“Uso”

Los hábitos adquiridos pueden ser utilizados, normalmente hablando, a voluntad por quien los posee. Pero, ¿puede decirse lo mismo de los hábitos sobrenaturales infusos?—¿Cómo puede explicarse que los Dones del Espíritu Santo estén siempre a disposición del alma, que los posee, para que los utilice y los ejerce, como hace con los hábitos adquiridos?—Parece contradictorio. Además, no se dice, estrictamente hablando, que Dios esté a disposición de la criatura; es la criatura, quien depende de Dios.

La solución está, en lo que hemos dicho acerca de la naturaleza del hábito. El alma puede usar los hábitos libremente, aunque sean hábitos sobrenaturales infusos: los posee como una segunda naturaleza. Pertenece a la definición de *todo* hábito (infuso o adquirido), que el hombre normal pueda usarlo, o no usarlo: la voluntad es dueña y señora de sus actos respecto de aquellas cosas que son connaturales al hombre (4).

La razón de esa prerrogativa de la voluntad humana no es, porque de ella dependan los hábitos sobrenaturales infusos; sino porque los recibe el alma humana según su modo de ser, según su propia naturaleza. Así sucede respecto de la caridad y,

(1) Son las dos clases de conocimiento de que habla Sto. Tomás: *especulativo*, o “per modum cognitionis”, y *práctico*, o “per modum inclinationis” (cfr. I, q. 1, a. 6, 3m).

(2) “Las inspiraciones del Espíritu Santo deben estar al estado de “habitud, así como lo están los dictados de mi razón. Al posesionarse Dios “de mi alma no cedo ni por fuerza, ni por violencia, sino voluntaria y espontáneamente, como a su razón cede el virtuoso, con la ayuda únicamente “que el hábito la proporciona” (P. GARDEIL: “Los Dones”... pág. 27.

(3) “Dona Spiritus sancti per modum habituum nobis dantur, ut videntur modo rationali, et voluntario moveamur ad opera ad quae a Spiritu “dirigimur”. (JUAN DE STO. TOMAS: l. c., a. n. 5).

(4) “Vel potest dici, quod voluntas est domina sui actus in his quae “sunt homini connaturalia” (QQ. DD., “De Charitate”, a. 10, 6m).

por lo tanto, respecto de los demás hábitos, que la presuponen: el alma fiel puede ejercer o no ejercer la caridad (1). De este modo se comprende, que un alma santa considere a Dios como algo propio, y use a veces la divina voluntad, casi como si fuera su voluntad propia (2); llegando a una especie de comunidad de bienes entre Dios y el alma.

Hay, sin embargo, como una antilogía: "*agimur a Spiritu sancto*", somos movidos por el Espíritu Santo, y al mismo tiempo "*utimur a Spiritu sancto*", usamos del Espíritu Santo. Pero no en el sentido, que ejerzamos sobre las inspiraciones divinas una influencia *activa*, lo cual es imposible; sino en la forma que una causa segunda puede influir sobre la Causa Primera; es decir: ofreciéndose docilmente como un campo abierto y preparado a la actividad divina, o como un instrumento músico bien preparado a ser pulsado por el Espíritu Santo en frase de S. Gregorio Naz. (3). Es una disposición de la economía divina. Dios infunde los Dones en el alma fiel, y le concede que los

(1) "Et hoc ideo est quia charitas recipitur in anima hominis secundum modum ipsius, ut videlicet possit ea uti, vel non uti" (D. THOM.: In I Cor. XIII, lect. III).

(2) Esas expresiones tienen la misma fuerza que en Sto. Tomás, de quien las hemos tomado. El Angélico las aplica al Don de Fortaleza; por la conexión de las Dones, las extendemos a todos ellos: "Fortitudinis donum utitur divina voluntate quasi sua"... (III Sent., dist. 34, q. 3, a. 1, "Solutio" II).—"Sed donum accipit in his regulam ipsum Deum, ut sicut dictum est, quod in fortitudine homo aggreditur difficilia utens divina potentia per confidentiam quasi sua; (quia) communicat se ad alterum utens Deo quasi seipso, ut scilicet ea quae ipsum docent in huiusmodi communicationibus, quasi Deo unitus exequatur" (ibid.; a. 2, "Solutio" I. c).

(3) Cfr. I-II, q. 69, a. 4, 1m.—Dice JUAN DE STO. TOMAS (l. c., a. 2, n. 63), penetrando en lo más íntimo del modo de usar los Dones: Dios infunde los Dones para obedecer, porque el alma está sujeta a la moción divina que la inspira. Esa obediencia, dependencia y sumisión debe tener el alma de un modo permanente, aunque dependa de la moción divina en cuanto al ejercicio e instinto *actual*, "*qui in manu nostra non est, sed est ut mobiles simus a Spiritu Sancto*,"... Por lo tanto, no se puede prescindir de la moción divina, para usar los Dones: Dios infunde los hábitos sobrenaturales y da la gracia actual, para usarlos a voluntad. El alma se mueve, porque es movida.—"La virtud infusa, como todo hábito, tiene la propiedad de estar a disposición de la voluntad humana; de modo que quien por su dicha la posee, puede usar de ella a su talante: y por esto usamos de la presencia de Dios en nosotros y de la comunicación de su propia vida, que liberalmente nos concede" (P. GARDEIL: "*Los Dones del Espíritu Santo en los santos Dominicos*", pág. 72.—Cfr. id.: "*Dict. de la F. C.*"; art. "*Dons*", col. 1739.)—Lo mismo se puede decir de los Dones.—Por los Dones, dice el P. Arintero (*Evolución Mística*; III, p. 200), el Espíritu Santo dispone de nosotros: poseyéndonos al mismo tiempo que somos poseídos. Por las virtudes nosotros "*utimur a Spiritu Sancto*".



ejercite a discreción; es el “*agimur*” y el “*utimur a Spiritu Sancto*”; es una “*pasividad activa*”.

Así, pues, el alma fiel puede usar los Dones del Espíritu Santo, como cualquier otro hábito; las inspiraciones divinas son, como el aire que respiramos; solamente un pecado voluntario mortal puede obstaculizar esa intervención sobrenatural.

No se ha de concluir, sin embargo, que *todas* las almas fieles tengan que usar *todos* los siete Dones para salvarse. Todas reciben todos los “siete” Dones juntamente con la gracia santificante; pero no todas se ejercitan igualmente en todos esos Dones; únicamente se exceptúa a N. S. Jesucristo, quien tuvo el perfecto uso y ejercicio de todos los Dones (1). La hagiografía nos dice, que unos santos se han manifestado en unos Dones y otros en otros. Puede incluso suceder, que algunos se salven sin haber *ejercitado*, “*per accidens*”, ningún Don del Espíritu Santo y ninguna virtud por falta de “*materia circa quam*”, de ocasión, o de tiempo, como en los niños o amentes que mueren después del bautismo y sin haber tenido el perfecto uso de la razón (2). Posiblemente se pudiera decir lo mismo de un adulto, que muriese inmediatamente después del bautismo. Y es, porque, aunque todas las almas en gracia poseen los siete Dones, no todas poseen el uso y ejercicio; poseen el hábito, mas no poseen el acto, el ejercicio. En todas las almas justas, sin embargo, permanece siempre la inclinación o disposición a ser movidas por el Espíritu Santo mediante sus Dones.

e).—“Aumento”

Los Dones del Espíritu Santo pueden aumentar, como pueden aumentar los hábitos. Estos aumentan por intensidad, no por adición, según hemos visto. Lo que se dijo del aumento de los hábitos, ha de presuponerse al hablar del aumento de los Dones, guardando siempre la debida proporción.

Los Dones aumentan; pero, ¿de qué modo?—Dada la naturaleza de los Dones, es fácil ver, que no pueden aumentar

(1) “*Quamvis enim omnia dona gratiae gratum facientis simul infundantur, non tamen aliquis habet perfectum usum omnium*” (D. THOM.: “*in Isaim*”, cap. II).

(2) “*Unde colliges non esse necesse omnia dona semper exerceri ab omnibus, licet omnia sint necessaria ad salutem pro occasione et tempore; sicut nec omnia praecepta affirmativa exercere oportet pro loco et tempore, nec omnes virtutes semper exercentur*” (JUAN DE STO. TOMAS: l. c., a. 9, n. 6; Cfr. *ibid.*; a. 2, n. 41; a. 6, n. 43)

aisladamente, separados de todos los demás hábitos sobrenaturales infusos. Para Sto. Tomás los Dones tienen su punto de partida, su conexión y progreso en la *caridad*, de la cual dependen en su origen: existen o dejan de existir juntamente con la caridad. El aumento de los Dones, por consiguiente, seguirá el mismo modo y método que el aumento de la caridad. La caridad puede aumentar siempre "*in via*"; mas no por *adición*, añadiendo una caridad a otra caridad, sino por *intensidad*; participando, mediante el auxilio divino, más perfectamente de su objeto, que es Dios (1). No es cuestión de número, pues todos los números son específicamente distintos; es cuestión de mayor acercamiento y participación del objeto de la caridad, la cual es, en todos cuantos la poseen, la misma específicamente.

Los hábitos sobrenaturales infusos, cuales son los Dones y la caridad, exigen la acción divina, no solamente para ser infundidos en el alma, sino también, para poder conservarlos y ejercitarlos. Sin esa doble acción del Espíritu Santo no podrían existir de un modo vital en el alma los hábitos sobrenaturales (2). Por consiguiente, los Dones aumentan, si Dios aumenta a gracia por El infundida en el alma. Los actos humanos solos no pueden producir directamente ese aumento de los Dones y de la caridad: es un orden superior al hombre; éste, cooperando a la gracia y moción divinas, cooperará a su desarrollo, y hará que aumenten realmente esos hábitos sobrenaturales que posee: "*Dios es quien da el incremento*", en frase del Apóstol.

En conclusión, así como la caridad aumenta con la gracia, así los Dones aumentan con la caridad (3).

Aunque ese sea el modo normal y "*per se*", para que aumenten los Dones, puede suceder también que aumenten y se perfeccionen por alguna gracia actual especial: por ejemplo, mediante algún éxtasis, o alguna profecía. Esto será, sin embargo, debido a la abundancia de luz de esas gracias actuales. Será un aumento accidental, "*per accidens*" (4).

(1) Cfr II-II q. 24, a. 4-5; QQ. DD. "*De Virtutibus in Communi*, a. 11.—P. GARRIGOU: "*Perfection Chrét.*" t. I, pág. 408.

(2) "*Quae antem ex infusione divina causantur, non solum indigent actione divina in sui principio, ut esse incipiant, sed in tota sua duratione, ut conserventur in esse*" (QQ. DD. "*De Caritate*"; a. 6, c.)

(3) Cfr. P. PARIS: l. c., pág. 99-100.

(4) Cfr. JUAN DE STO. TOMAS: l. c., a. 2, n. 15.

III

DISTINCION DE LOS DONES

No se trata de la distinción entre Dones y virtudes adquiridas. Estas pueden existir, en quien siga la recta razón. Se desea saber, si hay, o no, distinción real entre Dones y virtudes *infusas*, tanto morales como teologales.

a) —“Opiniones”

Sin descender a la polémica, recordaremos a título de información algunos nombres de quienes no han seguido la doctrina de Sto. Tomás.

No es una cuestión moderna, aunque las razones justificantes sean diversas (1). Va del siglo XIII al siglo XX. Desde sus primeras obras el Angélico se preocupó por reunir y refutar las opiniones hasta entonces existentes. En las Sentencias expone cinco opiniones erróneas, que rechaza, y al final pone la suya, que es la misma de la Suma Teológica (II-II q. 68, a. 1) :

- 1.—Los Dones no se distinguen de las virtudes, porque sean infusos y residan en la parte superior del alma; mientras que las virtudes residen en la parte inferior del alma, y son para algunos casos especiales;
- 2.—Ni se distinguen, porque los Dones tengan por sujeto la razón, y las virtudes la voluntad;
- 3.—Ni se distinguen, porque los Dones sirvan para vencer las tentaciones, y las virtudes para obrar bien;
- 4.—Tampoco se distinguen, porque las virtudes nos asemejen a Jesucristo en aquellas cosas que hizo bien, y los Dones nos asemen a El en lo que sufrió con fortaleza;
- 5.—Finalmente; no está la distinción en que las virtudes sean para limpiar al alma de los pecados, y los Dones para sanarla de las consecuencias del pecado;
- 6.—Los Dones son infundidos por Dios, para realizar actos más elevados que los de las virtudes, para obrar de un modo más perfecto (2).

(1) En S. Cirilo encontramos cierta distinción por lo menos entre Dones y virtudes.—S. Hilario también distingue los Dones y las virtudes de las gracias “*gratis datas*” (P. PARIS: l. c., pág. 72, 74).

(2) Cfr. III Sent., dist. 34, q. 1, a 1: “*dona dantur ad altiores actus quam sint actus virtutum; et hace opinio inter omnes vera videtur*” (ibid.). —Dejamos a los historiadores investigar, quiénes representan esas teorías, de que habla Sto. Tomás.

Más tarde, cuando Sto. Tomás, vuelva a ocuparse de la misma cuestión, encontrará la confirmación de su doctrina en el modo de hablar, de la Sagrada Escritura y en el “**De Bona Fortuna**”. La Biblia llama a los “siete” Dones “**ESPIRITUS**” (is. XI. 2), y no “Dones” la palabra “don” puede ser equívoca y convenir a muchas cosas; mientras que la palabra “**ESPIRITUS**” en Isaías (XI.2) solamente conviene a ese modo especial de obrar del Espíritu Santo, que es el de los “siete” Dones. Filosóficamente hablando, lo prueba por la tesis del “**motus**”: la perfección de todo ente movable, en cuanto es movable, consiste en ser movido proporcionalmente, según su propia naturaleza; es la disposición para ser adecuadamente movido por su motor, que puede ser la razón humana, o cierto instinto divino, el cual es más perfecto y elevado que la razón. En el primer caso son las “**virtudes**”, las que mueven al acto bueno en el segundo caso son los “**Dones**” que mueven al alma de un modo perfecto divino (1).

Guillermo d’Auxerre (†1230) sostiene, que los Dones no son realmente distintos de las virtudes cardinales, y que las virtudes se llaman “dones”, en cuanto que purifican al alma de los siete pecados capitales. — Igualmente niega la distinción real entre Dones y virtudes, aunque en algún tiempo la defendiese, Guillermo d’Auvergne, o de París († 1249), reconocido como el fundador del nominalismo en materia de los Dones (2). Scotus, como siempre, niega lo que sostiene el Angélico; pero afirma sin probar, en frase de Cayetano (3).—Billot indentifica la gracia actual y los Dones; no distingue los hábitos infusos por su objeto, sino por el principio elevante, por la gracia (4).—Al principio del siglo el Abate de Bellevue defendió la identificación de las virtudes morales infusas y de los Dones con la caridad. Es más bien una lamentable confusión que otra cosa, y no tiene importancia, como dice el P. Gardeil (4). Por otra parte nos recuerda la tesis de Scotus.

(1) Cfr. I-II a 68, a. 1. c.

(2) Cfr. P. GARDEIL: “*Dons*”, “*Diet. de la F. C.*”: col1770-1771.

(3) Cfr. CAYETANO: in I-II q. 68, a. 1:—“impugnat (Scotus) conclusionem (D. Thom.) et eius rationem, volens, sine assertione tamen, dona “non esse alios habitus quam habitus virtutum” (id., ibid.).—Cfr. JUAN DE STO. TOMAS: in II-II q. XVII-XXVII, disp. 12, a. 1., “in initio”; in I-II, l. 1.: a. 2, n. 19 ss.; P. PARIS: l. c., pág. 56-61—Sobre Suárez y su escuela: Cfr. GARDEIL: ibid.; col. 1778-1779.

(4) Cfr. GARRIGOU: “*De Revelatione*”; t. I, pág. 401, ss., 340, ss; P. PARIS: l.; pág. 54-55, 90-94.

b).—“Naturaleza de la distinción entre Dones y virtudes”

1.—*Nomenclatura*:

La virtud puede tomarse o como “*fuerza propia*” del sujeto que obra, o en el terreno moral como un “*acto humano bueno*”. La obra humana puede ser del hombre por tres capítulos: en cuanto que *se elige*, en cuanto a *la materia*, en cuanto *al modo de hacerla*. Del último dice Sto. Tomás, que, si aquellas obras propias del hombre, las hiciese alguno de un modo sobrehumano, resultaría ser, no una obra meramente humana, sino divina en cierto sentido, lo cual es propio de los Dones, y que el Filósofo llama “*virtud heroica*” o “*divina*”, porque la excelencia de tal virtud en el hombre lo asemeja a Dios (1).

Dentro de la virtud en general se pueden distinguir con Sto. Tomás (2) *tres grados de virtudes* (“*triplex gradus virtutum*”):

- 1.—ciertas inclinaciones naturales, que pueden existir sin la prudencia. No tienen las notas, que se requieren para la esencia de la virtud. Son virtudes totalmente imperfectas (“*Omnino imperfectae*”);
- 2.—virtudes que llegan a la perfección de la recta razón, pero no llegan a Dios. Son virtudes perfectas en el orden humano (“*per comparationem ad bonum humanum*”);
- 3.—virtudes que son, *en sí mismas* consideradas, totalmente perfectas (“*simpliciter perfectae*”), y que llegan a Dios por la caridad infusa. Tienen como regla y medida transcendental a Dios (“*prima mensura transcendens, quod est Deus*”).

Hay en el orden humano “*virtudes intelectuales*”, que reciben los mismos nombres que algunos Dones (3). Tales son la sabiduría, la inteligencia, la ciencia y la prudencia. Se llaman “*intelectuales*”, porque residen en el entendimiento espe-

(1) “Si autem ea quae hominis sunt, supra humanum modum quis exequatur, erit operatio non humana simpliciter, sed quodam modo divina... eo quod per excellentiam virtutis homo fit quasi Deus” (Sent. III, dist. 34, q. 1, a. 1, c.).

(2) Cfr. QQ. DD.: “*De Virtut. Cardin.*”; a. 2.

(3) Cfr. II-II, Prólogo.

(3) Cfr. P. JORET: R. Th., 1902, juillet, pág. 245-249; 336-347; noviembre, pág. 554-568.—P. GARDEIL: “*La Structure de l'ame*”...; Paris 1927, t. I, páginas 362-367.—P. PARIS ha reunido en cuadro sinóptico, siguiendo el orden cronológico los autores que admiten la distinción y los que la niegan: l. l. pág. 57-58.

culativo, lo perfeccionan en el conocimiento de la verdad, que es su bien propio (1). Las virtudes intelectuales no son “*formaliter*” infusas, sino adquiridas, o infusas “*per accidens*”. No existen necesariamente con la caridad.

Es verdad, que a veces se llama también “virtudes” a los “*Dones*”; mas es, porque coinciden en la razón común de “virtud”. El Don tiene algo más que la virtud, por lo cual hace hombres “*divinos*” (2). Y aunque las virtudes intelectuales tengan el mismo nombre que algunos Dones, se diferencian, entre otras razones, por el origen: la sabiduría, por ejemplo, es virtud intelectual, en cuanto que procede del juicio humano; es don en cuanto que obra por instinto divino (3).

Hay, finalmente, gracias “*gratis datae*”, que llevan el nombre de algún Don, como el “*sermo sapientiae*” y el “*sermo scientiae*” de S. Pablo (I Cor. XII, 8). Manifiestamente no se refiere el Apóstol a ninguno de los “siete” Dones del Espíritu Santo, cuya existencia requiere siempre la gracia habitual. Esos dones de la “*I Cor.*” son más bien para la utilidad de los demás que para la propia (4), y, como todas las gracias “*gratis datae*” pueden encontrarse en las almas, que no están en gracia.

2.—Principio de distinción.

Sto. Tomás se dió pronto cuenta de la dificultad especial, que ofrece esta cuestión. Pero hasta que no escribió la “I-II”, no descubrió el verdadero principio de solución: “para distinguir los Dones de las virtudes debemos seguir el modo de hablar de la Escritura, donde nos son explicados, no ciertamente bajo el nombre de *dones*, sino más acertadamente bajo el nombre de *espíritu*” (5).

(1) “*Virtus intellectualis speculativa est per quam intellectus speculativus perficitur ad considerandum verum; hoc enim est bonum opus eius (I-II, q. 57, a. 2.)*.”

(2) Cfr. I-II, q. 68, a. 1, 1m.

(3) “*Sapientia dicitur intellectualis virtus, secundum quod procedit ex iudicio rationis; dicitur autem donum secundum quod operatur ex instinctu divino. Et similiter est dicendum de aliis*” (ibid., 4m.).

(4) “*Magis autem sunt ad utilitatem aliorum quam ad propriam (SYLVIUS: in I-II q. 68, a. 5, 2m.)*.—Cfr. JUAN DE STO. TOMAS: l. c., disp. 78, a. 2, n. 2; n. 76.

(5) “*El ideo ad distinguendum dona a virtutibus debemus sequi modum loquendi Scripturae, in qua nobis traduntur, non quidem sub nomine donorum, sed magis sub nomine spirituum. Sic enim dicitur Isa. XI, 2:...*” (I-II q. 68, a. 1. c.).—Para el P. GARDEIL el principio de distinción, sería “*la gracia operante*” (l. c., col. 1778). No lo discutiremos; pero es tan general ese principio, que se podría aplicar a todas las cuestiones de la gracia; doctrina que aquí presuponemos.

De ese principio parte el Angélico, para deducir la esencia de los Dones, como hábitos sobrenaturales infusos realmente distintos de las virtudes infusas. La Biblia no llama "*espíritu*" a ninguna virtud. No hay confusión ni de nombres. Al hablar de "*espíritus*", es para indicar el origen y naturaleza de los Dones. La palabra *inspiración* indica una moción externa. Dios mueve, a fin de comunicar al ser movido cierta proporción con EL MISMO, que mueve a la criatura. Es necesario, pues, que en el alma humana existan otros principios de movimiento más perfectos que las virtudes, las cuales mueven al alma según la razón humana en las cosas exteriores, como en las interiores. Esos principios más perfectos, que son los Dones, mueven al alma, para que se disponga a ser movida de un modo divino. Y se llaman Dones, no sólo porque son infundidos por Dios, sino también porque el alma queda dispuesta a ser movida prontamente por la inspiración divina (1).

Si se requieren otros hábitos operativos más perfectos que las virtudes infusas, es a causa de la imperfección de estas últimas en hacernos participar de la esencia divina: conocemos y amamos a Dios de un modo imperfecto (2).

Hay, por consiguiente, dos clases de hábitos infusos; puesto que el alma puede participar de dos modos de la naturaleza divina: de un modo inadecuado, o humano, y de un modo adecuado, o divino. El primero es propio de las virtudes; el segundo de los Dones (3).

3.—Como se distinguen:

Si se exceptúan los que identifican en todo Dones y virtudes, los demás admiten, por lo menos, alguna distinción. En eso no hay dificultad. ¿Se podrá determinar, qué clase de distinción? —¿Es moral, real, modal, de grado, o extrínseca como de causa eficiente?

(1) Cfr. I-II, q. 68, a. 1.—Conviene observar con Juan de Sto. Tomás, que el Angélico no habla de esa inspiración divina y moción *exterior*, como de una moción *auxiliadora*, como sucede especialmente con los actos de las virtudes infusas; sino que habla como de la inspiración y moción divina, en cuanto que es *reguladora y suplente*: "Sed loquitur de inspiratione et motione divina prout regulante et supplente" (in II-II, disp. 12, n. 1, "Quomodo"...); lo cual es propio de los Dones y no de las virtudes.

(2) Cfr. *ibid.*: a. 2.

(3) "Et consequenter absolute causa necessaria distinctionis duorum ordinum infusorum (habituum) obsequentium reddita ex imperfecta participatione motoris supernaturalis, absolute est vera" (CAIETANUS: in I-II q. 68, 1, n. IV).

La respuesta es una conclusión lógica de lo dicho acerca de la "naturaleza de los Dones, comparándolo con la naturaleza de las virtudes. Luego no puede haber solamente distinción modal, ni moral, ni de grado, ni extrínseca: no bastan. La distinción entre Dones y virtudes infusas es real y formal.

4.—La Distinción:

Para Sto. Tomás y sus discípulos la distinción real entre Dones y virtudes infusas no se puede negar.

Los Dones tienen un "objeto formal" y un "modo de obrar" esencialmente distinto de las virtudes infusas; luego son hábitos ealmente distintos. Todos los argumentos pueden reducirse a uno de esos dos grupos.

Hemos visto, que el objeto "formal" de los Dones era esencialmente distinto del de las virtudes. Puede suceder, sin embargo, que algunos Dones se ejerciten acerca del mismo objeto "material" que las virtudes teologales, o acerca de algún aspecto de ese mismo objeto material; pero la formalidad, o la luz, bajo la cual consideran ese objeto, será distinta en ambos casos (1). La virtud lo hace siempre, por definición, de un modo humano, racional, aunque su objeto *material* sea sobrenatural. El Don considera su propio objeto de un modo sobrehumano, divino. Es una formalidad distinta; no es únicamente una diferencia de mayor o menor grado, sino que es *específica*: está fundada sobre motivos específicamente distintos, según el principio de que "los hábitos se especifican por su objeto y por su motivo formal", de donde se sigue una diferencia esencial en su modo de obrar (2). La razón es, porque el "modo de obrar es efecto de la medida" (3); y la medida o regla de los Dones es la *esencia divina*, mientras que para las virtudes es la *razón* en cuanto al modo de ejercitarse.

Hay tres clases de virtudes: teologales, morales e intelectuales; pero todas obran de un modo humano. En los Dones

(1) "Unde etiam distingui debent ab illis virtutibus ("theologicis"), "quia licet versentur circa obiectum aut circa aliquam conditionem obiecti "materialis earum, non tamen sub eadem formalitate aut lumine" (JUAN DE STO. TOMAS: in I-II, disp. 18, a. 2, n. 67).—Lo mismo dice CAYETANO: "Licet enim dona non sint circa alia obiecta, sunt tamen alio modo circa illa: quia sunt circa illa ut actus oriuntur ex instinctu Spiritus "Sancti" (in I-II, q. 68, a. 1. n. II).

(2) Cfr. P. GARRIGOU: "*Perfection Chétienne*"...; t. II,—"Apéndice" II, pág. 57.

(3) "Modus a mensura causatur" (III Sent., dist. 34, q. 2, a. 1, q. 3.

el modo de obrar es totalmente distinto del de las virtudes; lo cual supone principios operativos, hábitos, esencialmente diversos. La terminología del Angélico indica las dos clases de hábitos en el modo de obrar. La actividad humana puede ser del hombre por tres razones: por la potencia elicente, por la materia u objeto, y por el modo. Las dos primeras pertenecen a la obra humana; pero puede suceder que la tercera no sea humana "*simpliciter*", sino que de algún modo sea divina, "*quodam modo divina*" (1); puesto que puede exceder el modo puramente humano de obrar. El "*modo humano*" de obrar es propio de las virtudes, aunque sean infusas y sobrenaturales; mientras que el "*modo divino*" es propio de los Dones (2).

Considerados los términos *en sí* mismos, "humano" se opone a "divino", o también a veces a "ultra-humano", "sobre humano" (3); y "natural" se opone a "sobrenatural". Por consiguiente, aunque los Dones sean infundidos para corregir la imperfección de las virtudes, y llegar, adonde no pueden llegar ellas (4), no se especifican, propiamente hablando, por ese "*modo perfecto*" o "*imperfecto*" de obrar: tal modo es un efecto, no una causa. La "imperfección" en el obrar es una consecuencia lógica del modo "humano"; ya que lo humano, en cuanto humano, "*per se*" es imperfecto. Las palabras, pues, que constituyen el principio especificativo y última diferencia, para distinguir Dones y virtudes en el obrar, son: "*modo humano*" (Virtudes), "*modo divino*" (Dones).

Los actos que resultan del modo diverso de obrar no son "dispare", sin relación entre unos y otros; como si los actos obrados de un modo divino bajo los Dones, no tuviesen cone-

(1) Cfr. III Sent., disp. 34, q. 1, a. 1, c.; q. 1, 2, c.

(2) "Quia modus operandi qui est in virtutibus, est secundum conditionem humanam, quamvis substantia habitus sit ex divino munere" (ibid., a. 1, 2m.)—"Dona a virtutibus, ut dictum est, differunt, in quantum dona "altior modo operantur" (ibid., q. 3, a. 1, "Solutio" I.; Cfr. "passim" en las obras del Angélico).

(3) Cfr. III Sent. dist. 34, q. 1, a. 1, c.—Una cosa puede ser "sobrehumana", dice Juan de Sto. Tomás, por razón del objeto o materia, o por razón del modo de obrar: "Est autem considerandum, quod ea quae excedunt "humanam rationem, aut est ob supernaturalitatem obiecti circa quod fit "operatio, aut ob excessum in modo etiam operandi" (ibid., a. 2, n. 49; cfr. n. 52).

(4) Cfr. III Sent., dist. 34, q. 1, a. 3, 6m;—El P. ARINTERO, O. P. ("*Evolución Mística*", III p. 165-169; 192-195) insiste en esta diferencia entre Dones y virtudes: los Dones van más lejos que las virtudes; luego se diferencian.

ción alguna con los obrados de un modo humano bajo las virtudes. Por lo mismo que los Dones son necesarios, cuando no bastan las virtudes infusas, corrigen su imperfección, y llegan, a donde no pueden llegar ellas, tienen que ser actos relacionados, o parecidos en algo, aunque permanezca siempre la distinción real entre ambos modos de obrar. Naturalmente que, al hablar así, se presupone, ser actos de virtudes en relación con sus Dones correspondientes, y, que los Dones no son informes: de no ser así no tendría sentido esta cuestión (1). Así por ejemplo, según el orden lógico, la virtud teologal comienza su acto propio; el Don correspondiente viene después, y su acto propio perfecciona al de la virtud teologal que le corresponde. No son dos actos "disparos"; es el mismo acto evolucionado y perfeccionado en tal forma, que el Don lo coloca en un orden totalmente distinto, cual es el divino. El alma ha obrado por motivos distintos. Lo propio sucede en la vida moral, y más en concreto en lo referente a los deleites prohibidos: el alma, movida por el bien de la recta razón, los evitará por dignidad humana, y como un desorden; se ejercitará en la virtud de la templanza; pero si huye de esos mismos deleites, movida por el temor filial y casto de Dios, por no perder la dignidad *divina*, que le comunica la unión con Dios, entonces se ejercitará en el Don de Temor correspondiente a la virtud de la templanza(2). El alma ha obrado de un modo esencialmente distinto, y por fines totalmente distintos: en el primer caso por un fin natural; en el segundo por un fin sobrenatural. Aún en el caso de practicar las *virtudes* de un modo heroico existirá siempre la misma distinción, sin excluir la caridad. Porque como "*virtudes*", aunque sean virtudes heroicas, por muy elevado que sea su acto, siempre caerá bajo el dominio y modo de obrar de la razón. Y si la caridad es la reina y fundamento de las demás virtudes y de los Dones "*en cuanto al objeto*", no excluye, sin embargo, los Dones "*en cuanto al modo de obrar*": cuando la caridad obra de un modo sobrehumano, al modo de

(1) "Non intelligo dona Spiritus Sancti sic distingui a Virtutibus theologicis, ut perficiant ad actus disparatos: sed ut perficiant incohativem bonitatis, quam actus, qui non primo, sed secundario sunt theologiarum virtutum, ab illis sortiuntur" (CAIETANUS: in II-II q. 45, a. 1, n. 3). BAÑEZ, "*in h. l.*", copia el textu de Cayetano, y lo puntúa en la forma que lo citamos.

(2) Cfr. II Sent., dist. 34, q. 3, a. 2. "Solutio" I, c.; I-II q. 68, a. 1, 3m; a. 4, 1m.

Dios, lo hace bajo la moción y en virtud de los Dones correspondientes (1).

Son dos modos de obrar realmente distintos, que especifican dos hábitos operativos. Mas no deja de ser, según nuestro modo de pensar, algo extrínseco a la esencia misma de los hábitos; ese modo más elevado de obrar propio de los Dones nos daría *solamente* una distinción *extrínseca*; es decir, en el orden de causa *eficiente*. Pero hay además una distinción *intrínseca* a los Dones y virtudes, y que forma su constitutivo formal y esencial, como de todo hábito operativo: es la "*medida*" o "*regla*", a la cual se adaptan en el obrar (2).

Las virtudes tienen por regla algo humano, la razón recta, según la cual obran. La razón no sólo mueve la voluntad, presentándole el objeto, sino que también la mueve regulándola y conformándola con su propio objeto, que es un bien medido por la misma razón humana, fuera de cuyos límites no puede salir (3). Los Dones al contrario, tienen una regla divina, a la cual se adaptan en el obrar, algo divino que es el *mismo Dios* (4). Bajo el régimen de los Dones el alma tiende a un bien, que está sobre las fuerzas de la razón humana; es movida y regulada por el instinto del Espíritu Santo, al cual se conforma en su obrar, para poder conseguir ese bien sobrehumano, divino.

Son, por consiguiente, dos hábitos operativos, con dos constitutivos que los distinguen realmente: la *regla humana* para las virtudes, y la *regla divina* para los Dones. Dos medidas que constituyen dos clases de regímenes: el régimen de la razón, y el régimen del Espíritu Santo.

(1) Cfr. II-II q. 61, a. 5;—Según el P. PARIS, Scoto identifica el modo de obrar de las virtudes heroicas con el de los Dones (Cfr. l. c., pág. 64-66).—Sto. Tomás pone los ejemplos del "doctor y del discípulo" (I-II q. 68, a. 2, c.) para aclarar más el modo perfecto de obrar de los Dones y el imperfecto de las virtudes. Y Juan de Sto. Tomás (l. c., a. 2, n. 36) cita, con ese mismo fin, el modo de proceder de Sta. Cecilia en la conversión de Valeriano.

(2) "Eodem modo dona sunt dispositiones quaedam, seu habitus disponentes intellectum et voluntatem ad sequendum instinctum et motionem Spiritus sancti non solum ut moventem, sed ut mensurantem et regulantem obiectum"... (JUAN DE STO. TOMAS: l. l.; a. 2, n. 46.).

(3) Cfr. JUAN DE STO. TOMAS: l. c., n. 45 y 49.

(4) "Virtus enim dirigit in his accipiens regulam aliquid humanum, sed donum accipiens pro regula aliquid divinum" (III Sent., dist. 34, q. 9, a. 1; ed. Vives, pág. 576).—"Sed donum accipit in his regulam ipsum Deum" (ibid.).—Cfr. ibid.; q. 1, a. 3;—"R. Th." 1898, XI année, pág. 147.

El "conocimiento", que comunican los Dones, es otro argumento de distinción. Los Dones "intelectuales", sin embargo, podrían ofrecer alguna dificultad especial respecto de las virtudes teologales, por tener a Dios como objeto inmediato de su acto. De todos modos hay un motivo formal distinto de conocer, que en los Dones proviene inmediatamente del instinto del Espíritu Santo. El conocimiento de los Dones es afectivo experimental, místico, por connaturalidad, mientras que el de las virtudes teologales es quidditativo, de la esencia divina, es el del objeto *en sí mismo* considerado, el de Dios (1).

Los Dones en Jesucristo fueron exactamente los mismos, que los de todas las almas en gracia: es el mismo Dios, el mismo y único Espíritu Santo, que infunde esas mismas disposiciones, para obedecerle pronto y fácilmente. Ahora bien; en Jesucristo, como "*comprehensor*" al mismo tiempo que "*viator*", no existieron la fe ni la esperanza teologales; mientras que existieron *todos* los siete Dones del Espíritu Santo. Luego Dones y virtudes se distinguen realmente. Al contrario; en el caso de que Dones y virtudes, fuesen substancialmente idénticos, tendrían que haber existido en Jesucristo las virtudes infusas de fe y de esperanza.

Un argumento análogo se deduce de la permanencia de los Dones en la Patria. Según veremos, *todos* los siete Dones del Espíritu Santo permanecen con la visión beatífica de los bienaventurados; pero no todas las virtudes teologales. Solamente permanece la caridad; la fe y la esperanza desaparecerán, nos dice S. Pablo. Luego no son substancialmente idénticos Dones y virtudes (2).

CONCLUSION:

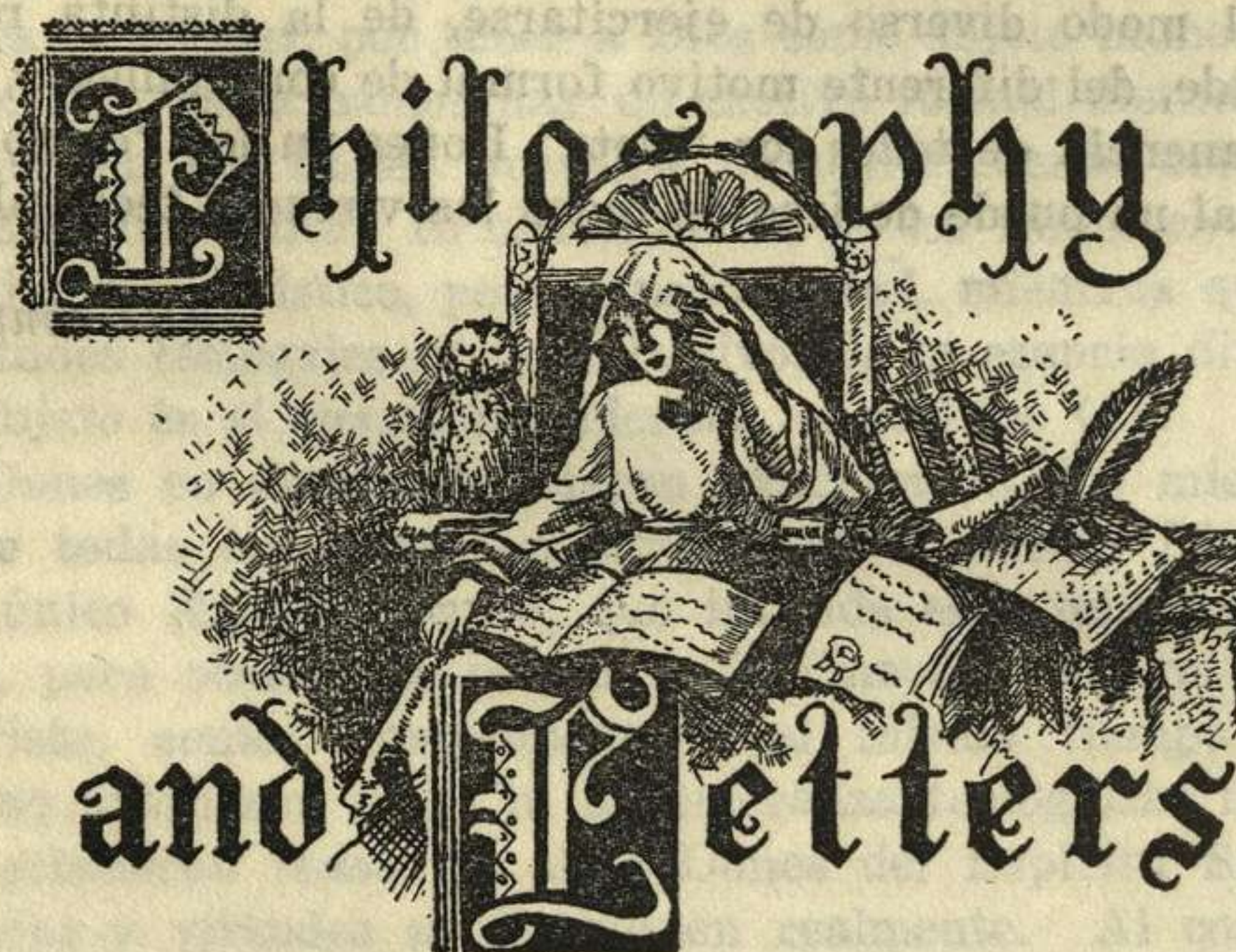
Hay hábitos adquiridos y hábitos infusos con sus propios objetos y modos de obrar. Y aunque Dones y virtudes infusas

(1) JUAN DE STO. TOMAS (l. c., a. 3, n. 87) dice textualmente: "non habent ("dona") pro materia ipsum Deum immediate in se, sed ut "expertum et connaturalizatum, et unitum nobis in aliquo creato, scilicet in "ipso affectu et experimentalí unione charitatis ad Deum. Unde istae cognitiones sunt affectivae et mysticae, non quidditativae et intuitivae in se. "Virtus autem theologica habet pro materia Deum in seipso immediate, non "ratione alicuius creati, quod formaliter tangatur".—Cfr. *ibid.*, a. 2, n. 31.

(2) La doctrina de los que niegan la distinción real entre Dones y virtudes resulta incomprensible.—JUAN DE STO. TOMAS se ocupa (l. c., a. 2, n. 23-25) de refutar a Scoto, exponiendo más detalladamente los últimos argumentos.

sean hábitos infusos, se distinguen realmente: convienen en el género de ser infusos, pero se especifican por la última diferencia de ser "*tales*" hábitos infusos. Esa diferencia proviene del modo diverso de ejercitarse, de la distinta regla que los mide, del diferente motivo formal de conocimiento, y de la permanencia de *todos* los "siete" Dones en los "comprensosores", lo cual no puede decirse de todas las virtudes teologales.

(Se continuará)



Philosophy and Letters

The Science of Logic

● REV. FR. ANGEL DE BLAS, O.P., Ph.D.

Students and some of the professors have earnestly requested me time and again to illustrate to them some of the most important problems of the Thomistic Philosophy, especially Logic, by writing articles on the matter in the scientific magazine published by the Faculty body. The many occupations that take most of my time have prevented me from yielding to their wish, as I should have done, if not for other reasons, for the sake of pleasing them. The series of articles we begin to publish now have no other purpose but this. The subject matter covered by Logic being so large I have to confine myself to a brief explanation of the topics we have to touch sacrificing everything to clearness and exactness. I guarantee that the doctrine contained in these notes is genuiely Thomistic. It has been taken directly from the works of St. Thomas Aquinas and his foremost disciples as Cajetan, Sanchez, Diego Mas, Juan de Sto. Tomas and others.

SECTION—I
NATURE OF LOGIC

CHAPTER—I

DEFINITION OF LOGIC

1—MEANING OF THE WORD NATURE:

The word nature has several meanings in philosophy, but as we are taking it now, it is identical with essence, or that which makes a thing to be what it is. In this sense we say that the nature or essence of man is to be a rational animal, and that of a triangle, to be a plane surface bounded by three straight lines. To investigate the nature of a thing and to find out its proper definition are but different expressions of the same identical concept, since the essences of things are expressed through their definitions. An accurate explanation of the nature of Logic requires, therefore, the investigation of all its possible definitions so that by putting together the elements afforded by each one of them we may be able to grasp its complete nature or essence.

2—NOMINAL ETYMOLOGICAL DEFINITION OF LOGIC:

Logic is an English word derived from the Greek adjective *Logiké*, that means rational, or pertaining to reason.

3—NOMINAL HISTORICAL DEFINITION:

The first artificial rules prescribed to help the mind in its complex processes of thinking are found in the disputes of the old Sophists (IV century before Christ), as means to discover formal truth, and these were strengthened and developed by the Socratic investigations (470-399 B.C.). Plato (427-347 B.C.), speaks of *Dialectics* as a science that teaches one to argue, discuss or dispute, but mixes its problems with those of Metaphysics. Aristotle (384-322, B.C.) who was the first to write on Logic as a particular and independent science, did not designate it with any specific name, but just put different titles to every one of the books he composed on logical topics which are the following: (a) the Categories; (b) the *Perihermenias*; (c) the First Analytics; (d) the Second Analytics (e) the Topics and (f) the Confutation of the Sophists. The Cate-

gories deal with the first operation of the mind, simple apprehension: the *Perihermenias* with the second, judgement, and the last four books with the third, reasoning, in all its different forms, that is general, apodeitic, probable and sophistic. Aristotle used both words, *Logic* and *Dialectics*, not to designate the whole science, but one of its parts only, that is, the study of probable reasoning or syllogism, as opposed to concluding, or apodeitical argumentation. The term *Logic* was generalized by the Stoics to mean the science of thinking, and Cicero used the word in this sense, which sense has been commonly accepted by philosophers down to the present time.

4—COMMON DEFINITION OF LOGIC: —

Leaving out particular differences that refer mainly to small details, philosophers, as well as people that use the word *Logic*, mean by it the science of correct thinking and reasoning, or a knowledge that guides human reason in discovering truth of whatever kind it might be.

5—REAL DESCRIPTIVE DEFINITION BY PROPERTIES:

The particular characteristics that distinguish a logician as such from the specialists in the other branches of philosophy or science are: (a) clear and exact perception; (b) sure and accurate judgement; (c) forcible, convincing and irrefragable reasoning. Now all these properties or characteristics are obviously derived from the habit or science of *Logic* existing in his mind, and therefore, by collecting or putting together all these marks we may define *Logic* by saying that it is the *science or intellectual habit that endowes the human mind with the capacity of perceiving, judging, and reasoning perfectly in every line of human knowledge.*

6—REAL DESCRIPTIVE DEFINITION BY FINAL CAUSALITY:

Every human science, as every human action, has an aim or purpose to attain, through the acquisition of which it aids in the accomplishment of man's final end: the possession and contemplation of truth. By what we have said in the previous paragraph, *Logic's end or final purpose is to guide and direct the mind in its operations, keeping it away from error, and helping it directly in the discovery of truth.*

7—REAL DESCRIPTIVE DEFINITION BY EFFICIENT CAUSALITY:

The immediate efficient cause of all human knowledge is human intellect acting upon determined objects. These objects different in every particular science, specify and distinguish it from the rest of them. Logic deals not with external objects, but with the internal and immanent functions of the mind and is therefore, caused by reason in as much as it acts reflexively upon them determining the proper and convenient rules they have to follow to avoid error in all their inquiries and investigations.

8—REAL ESSENTIAL DEFINITION:

The definitions of Logic given in the preceding numbers are extrinsic, since they tell us what Logic is by taking into consideration the notes or characteristics that differentiate it from other sciences without touching or estimating its true nature or essence. This very nature or essence is the object of our present investigation.

A—THE FORMAL AND MATERIAL OBJECT OF A SCIENCE:

Every human science has for its consideration a determined object which limits the field of its investigations and supplies the material to be analyzed or examined in that science. So we say that man is the object of Psychology, continuous quantity the object of Geometry, and living matter of Biology. These objects, however, are still too wide in their significance to be studied by a particular science. They have to be restricted still more to one of the many aspects or view point under which they can be considered. Man, for instance, is an object studied by Psychology, Physiology, Ethics, and Sociology; but every one of these sciences studies it under different consideration. Psychology studies it as a *conscious* being capable of perceiving the outside world and reacting to the received stimuli; Physiology as an *organism* that develops determined functions; Ethics as a *free* personality endowed with the privilege of realizing moral and immoral actions; Sociology as a member of the human community enjoying special rights and bound to the fulfillment of some duties. The ex-

tensive object of a science is called its *material object*; the special view point under which that object is considered, the *formal object*.

B—TWO DIFFERENT ASPECTS OF THE FORMAL OBJECT:

The formal object of a science may be considered in two ways; in itself, and in the condition it has in the mind. Viewed in itself, it coincides with the formal object mentioned above, and is called by the scholastics the *formal object quod*. Its condition in the mind depends upon the degree of abstraction or separation from matter it has when apprehended and understood by the intellect and such abstraction and separation from matter is called the *formal object quo*.

C—POSITIVE AND NEGATIVE ABSTRACTION:

Abstraction may be considered either on the part of the object abstracted or on the part of the intellect that abstracts. On the part of the intellect that abstracts abstraction is of two kinds, *positive* and *negative*. *Negative abstraction* is performed by the first operation of the mind, *simple apprehension*, and consists in the understanding of an essence without understanding anything in regard to the reality or realities wherefrom the concept has been abstracted. So if from *man* I abstract and understand color without knowing anything about the other realities that coexist or are found in him, the abstraction will be *negative*. *Positive abstraction* pertains to the second operation of the mind, *judgement*, and is realized when the intellect understands not only the concept or essence abstracted, but also that from which it has been abstracted, establishing therefore, the difference or non-identity of the two concepts or realities, and knowing whether both entities coexist or do not coexist. So when I say *man is white*, I abstract or separate mentally whiteness from *man* and at the same time I know that both essences coexist, this coexistence being expressed by the judgement.

D—TWO KINDS OF NEGATIVE ABSTRACTION, TOTAL AND FORMAL:

Reality may be understood by the mind in two ways:

(a) As a whole that has been separated or abstracted from

its parts, as when we understand *man* leaving out all the singular individuals in which the concept man is realized and which are its parts. Such abstraction is called Total.

(b) As a form that has been separated from the subject in which it exists or is found, as when we abstract whiteness from man. Such abstraction is called Formal.

E—THE NATURE OF TOTAL ABSTRACTION:

Total abstraction understands an essence as a whole not understanding the individual realities in which it exists outside of the mind, such individuals being its parts. Total abstraction does not fall immediately upon real essences of the outer world, but upon the universal representations of those essences existing in the mind which are the result of formal negative abstraction. Total abstraction, therefore, is realized by the intellect reunderstanding or understanding again the universal ideas existing in the intellect and considering them not as forms or essences abstracted from the subject in which they exist but as wholes separated from their parts, the parts remaining unknown to the same intellect. Now, a whole is always capable of being said or predicated of its parts. In consequence, the reunderstanding of a mental representation as a whole coincides or is identical to the perception of such a mental representation as capable of being predicated of many subjects. Now the capacity of a mental representation to be predicated of many subjects is a relation, but not a real relation for things of the outside world do not have any real capacity of being predicated of another thing. Such relation, therefore, perceived by the first operation of the mind in the reunderstanding of universal representations existing in the mind is a relation caused entirely by the intellect itself and that is why the Scholastics called it a *relation of reason* or a *being of reason*.

F—THE BEING OF REASON:

By *being of reason* we understand an entity that exists in the mind and cannot exist outside of it. Nothing can exist in the mind unless understood by the intellect, therefore, a being of reason as such depends upon the function of understanding. In the act of understanding we have to distinguish three things: the faculty or the intellect that understands: the

reality understood; and the modality or manner of understanding. The intellect as well as its function and the reality understood are real beings, and so, the being of reason we are speaking about cannot be referred to them; but in case it does exist, must be found in the *manner of understanding*. However, as long as the intellect understands in a reality or better in its mental representations of realities what they contain we cannot say that it forms a being of reason, and so beings of reason are possible only under the supposition that the intellect understands in reality something that does not exist or is not contained in it, and therefore, that depends entirely upon the same intellect. Hence, the being of reason being a product of the mind cannot exist but in the mind and does not represent any real thing. Taking into consideration, however, that wholes exist in their parts even in the outside world we can say that the above mentioned being of reason has some foundation in reality.

G—FOUR KINDS OF BEINGS OF REASON:

Through the testimony of our conscience we are sure of the existence of beings of reason and we may arranged them into two classes: *with* or *without* a basis or foundation in reality. We have an example of the first kind in those vivid and fanciful combinations of images sometimes formed in our mind and which are called, because of their impossibility to exist in reality, *chimera*, as a *fire breathing monster*. Beings of reason thus formed, reality itself giving some ground for their production, are still of three different kinds; (a) *privation*, as when the intellect understands as entities the lack of some realities in things that should have been, for instance, blindness, which is the lack of the function of seeing in animals naturally endowed with it; (b) *negation*, which takes place when the intellect denies to a reality something that it does not have because it is incapable of having it, as when we say that the horse is not a rational being; (c) *relation*, when the intellect taking as foundation not the thing itself but its own manner of understanding, orders or refers one thing to another, as for example, when we refer the concept *animal* to man and a *lion*, based, not upon the things themselves, but upon the same act or foundation of understanding, through which we separate or abstract the concept animal from every-

thing else that exists in man and in the lion and from such abstraction or separation we are able to establish a relation between them, relation whose existence depends upon the mind actually constructing it.

H—THE BEING OF REASON SUBJECT—MATTER OF LOGIC:

It is evident that *chimera*, *negation* and *privation*, cannot be the subject-matter of scientific knowledge, since science deals with reality, and that is precisely what those concepts lack. But it is quite different in regard to the *relation of reason*. It is true that it does not mean any reality outside of the mind. However, it expresses a constant and universal fact necessarily connected with the function of understanding, and therefore, with the mental expression of truth. Hence the *necessity* of studying it as a *concomitant* element of every kind of knowledge, making out of its consideration the normative science, *Logic*, which through the deep analysis of its nature, deduces the general laws that govern human thinking.

I—THREE DIFFERENT DEGREES OF FORMAL POSITIVE ABSTRACTION:

Real objects are *singular* or limited by matter while their representations in the mind lack such limitation or are *universal*. So the concept of man although it implies soul and body implies them in *general*, without any reference to any particular soul or any particular body, but the real objects from which the concept is derived, Peter, John, Henry, imply *such particular soul* and *such particular body* as limited by quantity and other individual characteristics. This separation of representative concepts from material conditions or properties, realized by the mind in its processes of understanding, is what the schoolmen called *formal abstraction*, defined by them as a mental function through which the intellect understands a thing without understanding another with which the first is combined. Formal abstraction is of three kinds.

1. From *singular matter*, when the intellect understands a material essence leaving out or not understanding the particular characteristics of the individuals in which it is realized, as man, oxygen, bone, gold, silver. Such universal ideas, material as they are in themselves, do not imply the properties

of the real individuals pertaining to their respective species, such as *Peter*, *this gold*, *this silver* and *this bone*. The scholastics called this kind of abstraction, *abstraction in the first degree*, and was said to abstract from *sensible matter*, because what we feel or perceive through the senses is not the material essence itself, but its individual characteristics, such as *this color*, *this quantity*, *this color*, which in this first degree of abstraction are precisely overlooked.

2. From *Singular* but not from *Intelligible* matter, when the intellect understands an essence that implies matter in general; however when the essence exists it will always and necessarily be found in some kind of species of matter. Such are all the pure mathematical concepts as the concepts of quantity, line, square, polygon, twenty, which in themselves do not require any particular material substance, although real lines and real polygons imply always a determined material essence, such as paper, wood or silver. This abstraction makes the *second degree of abstraction*.

3. *From all kind of matter*: the intellect understands essences in themselves absolutely immaterial though, when they exist, some remain immaterial like *God* while some others are liable to be realized in matter as well as in immaterial things, as for instance, *being*, *essence*, *substance*, which are immaterial in *God* and in the angels, and material in gold, silver, mercury and water. This abstraction is called *abstraction in the third degree*.

I—MATERIAL OBJECT, FORMAL OBJECT QUOD, AND FORMAL OBJECT QUO OF LOGIC:

Applying the doctrine explained to Logic, we conclude that the material object of Logic is everything or every reality in as much as it can exist, be perceived, and understood by the mind: the *formal object quod*, the entity or *being of reason* or intentional existence produced by the mind whenever it re-understands the mental representation of things; the *formal object quo*, the same *being of reason* considered as an *immaterial* product of the intellect and, therefore, in the third degree of formal abstraction as the intellect itself. Such formal abstraction, however, of the being of reason in the third degree is not positive but negative abstraction, since it is performed by the first operation of the mind.

9—COMPLETE REAL ESSENTIAL DEFINITION OF LOGIC:

Putting together, therefore, all the essential elements that make up the science of Logic, we may define it in its nature or essence by saying that *Logic is a science in the third degree of formal negative abstraction that studies all real objects not in themselves but in the intentional existence they have in the mind or as beings of reason.*

CHAPTER—II

DIVISION OF LOGIC

1—BASIS FOR THE DIVISION:

The first condition required in order that a thing may be divisible into parts is that the thing in question be a *whole* or a *compound*. Logic, therefore, will be divisible into parts if its *subject-matter, being of reason*, is a compound.

2—TWO KINDS OF COMPOUNDS:

The being of reason subject-matter of Logic is primarily a *relation of reason established by the mind between concepts and secondarily between concepts and real things*. We have still to investigate whether such a relation is a simple or compound thing capable of being divided or separated into parts. For the solution of this question we have to recall that the parts in a whole may be contained in it in two ways, *actually* or *potentially* and, therefore, that a whole may be of two kinds, *actual and potential*.

The parts are *actually* contained in a whole when it is made up by the real union of such parts and cannot be understood without a simultaneous knowledge of them all. In this way, the soul and the body are *actual* parts of man, the head arms, thorax and legs of the human body, and the floor, walls and roof of a house.

Parts exist *potentially* in a compound when, though not *actually* and *really* present or contained in it, they may be perceived as comprehended and existing in its *virtuality* or *capacity*. So triangles, quadrilaterals, trapezoids, and parallelograms are not *actual* parts of a plane surface; however, all of them are in some way contained in it and for this reason, we

say that a quadrilateral is a plane surface bounded by four lines. In general, all abstract essences are said to be potential wholes in regard to the particular essences of which they can be predicated.

3—THE RELATION OF REASON, SUBJECT-MATTER OF LOGIC, NOT AN ACTUAL, BUT A POTENTIAL WHOLE.

The relation of reason, determined above as the subject-matter of Logic, is abstracted from every one of the different particular relations of reason produced by the mind in its intellectual processes and, therefore, is not actually made up of any one of them. However, such relation of reason being the essential constituent of all those particular relations it must contain such particular relations as potential parts and, consequently, it must be considered as a *potential whole*.

4—THREE KINDS OR SPECIES OF RELATIONS OF REASON:

The number of particular relations of reason produced by the mind along with the complex processes it has to perform in its efforts to discover truth is very great. All of them, however, can be reduced to three different types. These types may be obtained by dividing or separating the general concept of relation of reason into its potential parts taking as a basis for the division causality.

5—DIVISION OF LOGIC BY FINAL CAUSALITY:

The final cause of Logic, is, as we have said above, to guide and direct the mind in the discovery of truth. Now the possession of truth requires the perfect use and exercise of three different mental functions, known in Psychology as *simple apprehension, judgement, and reasoning*; therefore, Logic, in attaining its aim or purpose, has to train these three mental operations so that each one rectified in its proper and direct field of action, will contribute to the final and successful acquisition and contemplation of truth. Consequently, *Logic*, is to be divided into three parts, each one of which will respectively analyze and study a different operation of the mind, that is *simple apprehension, judgement and reasoning*.

6—DIVISION OF LOGIC BY EFFICIENT CAUSALITY:

The efficient cause of Logic is human reason acting upon its own functions in order to develop and ratify on them the convenient rational order to be followed by the mind in philosophical and scientific inquisitions. Such a rational process requires that all the different elements which integrate human thinking be examined and arranged in their natural sequence by a careful and detailed study of: (a) isolated concepts; (b) their possible relations (c) their deductive capacity. Now isolated concepts are perceived by simple apprehension; their *possible relations*, by judgement, and their deductive capacity, by *reasoning*. Efficient causality as well as final causality claims, therefore, an identical division of Logic into three parts, namely, the study of simple apprehension, judgement and reasoning.

7—DIVISION OF LOGIC BY ITS MATERIAL CAUSE:

The material cause of Logic is reality in as much as it is apprehended or understood by the mind. But apprehended reality may exist in the mind in three different ways (a) as a universal representation of that reality; (b) as a combination of universal representations stating their mutual agreement or disagreement; (c) as an inference of one reality from another. The universal representations of reality existing in the mind are a product of simple apprehension; their mutual combination, of judgement; the deductive process, of reasoning. Material causality, therefore, gives for Logic an exact identical division as both final and efficient causality.

8—DIVISION OF LOGIC BY ITS FORMAL OBJECT QUOD:

The formal object quod of Logic is being of reason or a mental relation established by the mind in reality when the mind reunderstands the universal representations of such reality. Now, such mental relation of reason, being but a natural and spontaneous product of the act of understanding, will be classified into as many different relations of reason as there will be different acts or functions of understanding. The human intellect understands in three different ways only, namely, by simple apprehension, judgement and reasoning; consequently there are three different kinds of beings, or relations of

reason, namely: (a) Universality, through which a mental representation becomes *capable* of being predicated of many, as an animal which can be the predicate of every one of the individuals that make up the animal kingdom; (b) Judgement in which a mental representation is actually related by *the intellect* to another, thus becoming an *actual predicated* of it, as when we say mentally the *wall is white* (c) *Reasoning* which implies a mental relation not between two concepts only but between two judgements combined in such a way that the two judgements have a common term and from these two judgements is deduced a *third*, different from the two given, as in *what is spiritual is immortal; the human soul is spiritual; therefore, the human soul is immortal*. Any other mental relation that might be imagined will be necessarily reduced to any one of these. Since Logic needs to study and analyze these relations it must be divisible into three different parts, each of which will deal respectively with *universality*, as pertaining to the first operation of the mind; judgement to the second, and *reasoning* to the third.

9—DIVISION OF LOGIC BY ITS FORMAL OBJECT QUO:

The formal object quo of Logic is being of reason in as much as it is an entity in the third degree of formal abstraction, such abstraction being negative and not positive, since it is produced by the first operation of the mind.

On account of its formal object quo, Logic is not divisible into parts for to be in the third degree of formal negative abstraction is a property *common* to all the relations of reason studied by Logic, and community is a cause of identity but not of difference or distinction. The formal object quo of Logic, therefore, is what gives *unity* to the science of Logic in spite of the parts we have distinguished in it. A being is said to be one if its *form* is one only, and, since the form of human sciences is the degree of formal abstraction of their formal object quod, it follows that when the formal object quo of a science is one the science will be really one science, even if it contains parts when considered under different aspect.

10—CONCLUSION:

From all we have said in the present chapter we deduce that Logic is to be divided into three parts. In the first part,

we must study the first kind of relation of reason, as product of simple apprehension, namely universality; in the second, the relation of reason called judgement, named so because of the mental operation that produces it; in the third, reasoning or inference, which is the third relation of reason established between two judgements that agree in having a common concept from which is drawn a third judgement. This also bears the name of the function or operation which causes it.

SECTION—II

FIRST PART

SIMPLE APPREHENSION

Psychology defines simple apprehension as a mental function through which the intellect understands an essence without affirming or denying anything about it as when we understand through different and isolated acts man, horse, table, oxygen, heat, movement and so on. In every perception the following elements can be distinguished and analyzed: (a) its universality, by means of which it becomes a being of reason and is thus placed among the *predicables*; (b) its representation of reality which places it in some of the predicaments; (c) the combination of these two elements in a single mental entity making it a *concept* (d) its relation to the oral expression through which it is imperfectly declared, the *term*; (e) its relation to the oral expression through which its essence is perfectly enunciated, the *definition*. In the succeeding chapters we will try to explain everything connected with these topics not at full length but as briefly as possible.

CHAPTER—III

ON UNIVERSALITY

There are some representations apprehended by the first operation of the mind that may be predicated of everything that *exists* or is *possible* to exist, such as the mental representation of *being, essence, existence, unity, truth, and goodness*. These are called *transcendentals* in as much as they are above all general or particular differences that constitute real being.

Their predicability is not univocal but analogical as is it based on analogical abstraction. Their considerations pertains to Metaphysics. In regard to universality properly taken we must study the following things; (a) its essence; (b) its parts, (c) its properties.

ARTICLE—I

THE ESSENCE OF UNIVERSALITY

1—ETYMOLOGICAL MEANING OF THE WORD UNIVERSALITY:

Universality, the abstract of universal, is derived from the latin word *Universalitas* which in turn means *unity* versus plurality, or the reference of one thing to many.

2—CLASSES OF UNIVERSALITY—Universality or the reference of one thing to many may be distinguished into five different kinds (a) of causality (b) of being; (c) of representation (d) of predication; (e) of signification.

Universality of causality exists when the efficacy of a power or a cause is responsible for the existence of many different effects, like the *sun*, to which is attributed the production of many worldly phenomena, or *happiness*, which determines the performance of all human actions.

Universality of being is the actual existence of an essence or nature in many singular and particular individuals, as *human nature* in every singular man, and *blue's essence* in each one of the particular blue objects.

Universality of representation is the abstracted essence of a thing existing in the mind and as such is an exact likeness of the same essence realized in singular individuals; so, *circle* is a universal representation of all real *circles*, and *animal* of all sensitive beings.

Universality of predication is the capacity of an abstract essence to become the predicate of many objects, as *rationality* which can be predicated of every man, *liquid* which can be predicated of all material bodies existing in a flowing condition, and *seed*, which is commonly applied to all organic substances capable of germination.

Universality of signification is the ability of a sign or of

a term, expressing a universal concept, to mean every one of the particular entities where that concept is realized, as *laughter* which is a sign of satisfaction and *triangle* which is used to signify any real surface showing that figure.

3—THE INTERRELATION OF THE LAST FOUR KINDS OF UNIVERSALITY:

Universality of causation, being a real entity in itself, cannot be the subject-matter for logical speculations and so we are going to overlook it in the present discussion.

The remaining four classes of universality are interrelated in such a manner that each one of them is the base or foundation for the other; the universality of being making possible the universality of representation, this in turn the universality of predication and this in turn the universality of signification.

4—IF UNIVERSALITY OF BEING IS UNIVERSAL IN REAL THINGS:

No kind of universality as such can exist in its universal condition in the outside world. External realities, as we know them through experience, are always particular and individual bounded by matter and other singular characteristics. However, embodied within these individual properties exists invariably an essence which, if divided or separated from such particular notes implies only the essential principles in general. This capacity of real essences to be deprived of their singular characteristics is the foundation of universality. The actual separation from them realized by the first operation of the mind through its power of abstraction causes universality itself or constitutes it in its formal element.

5—THE INTELLECT AS A CAUSE OF UNIVERSALITY:

The removal of individual characteristics from an essence is performed by the intellect through simple apprehension. The intellect understands in a reality the essence leaving out or not considering the particular notes existing together with it. This and the abstracted essence, in as much as it represents many process of understanding is called *negative formal abstraction*, real entities, is called *universality of representation*. The act of understanding this universality of representation as capable

of being predicated of many individual subjects was called by the Scholastics, *total Abstraction*.

6—DIFFERENCE BETWEEN THE UNIVERSALITY OF REPRESENTATION AND THE UNIVERSITY OF PREDICATION ON THE PART OF THE INTELLECT:

Both universality of representation and universality of predication are a product of simple apprehension, but not through the same identical act. The universality of representation is produced by an *absolute* and *direct* action of the mind in as much as the mind considers and understands the nature only in its essential elements. The universality of predication requires a reflex act of the mind falling upon the same universality of representation, and through this reflex act the intellect becomes aware of the capacity of this universality of representation to be predicated of many objects. This awareness or perception constitutes the relation of reason that has been named, because of its aptitude to be said or *predicated* of many objects, universality of *predication*. The scholastics expressed this difference by calling the universal contained in the universality of representation *direct* universal, and that contained in the universality of predication reflex or *indirect universal* and so we have *metaphysical universal*, *direct universal*, *universality of being*, meaning exactly the same thing; and *reflex universal*, *logical universal*, *formal universal* and *universality of predication* expressing also the same reality.

7—THE UNIVERSALITY OF PREDICATION AS FORMAL OBJECT OF THE FIRST OPERATION OF THE MIND.

The *universality of representation* as well as the *universality of being*, which the first imitates and represents referring as they do to real things, do not fall directly within the subject-matter of Logic. This consideration pertains to the science of reality, Metaphysics, and that is why the universal concepts that both involve have been commonly called *metaphysical universals*.

But the human intellect not only abstracts and understands these metaphysical universals but it is able also to relate, through an imperfect act of comparison, their universality to the singular and inferior objects in which it exists or can exist, producing in this way a *relation of reason between the two ex-*

tremities. This relation of reason exists only in the mind and was denominated by the scholastics second *intention* or *predicability*. Such a relation of reason is the *formal object* of the first part of Logic dealing with simple apprehension. Although universality of representation is directly considered in metaphysics, yet in as much as it falls under the relation of predicability it is considered also in Logic.

8—THE COMPARATIVE ACT OF SIMPLE APPREHENSION:

We have said above that the comparative act performed by the intellect between the universality of representation and the inferior individual objects is *imperfect*. If *comparison* be taken in its proper and full meaning, as it is performed by the second operation of the mind it implies an *actual* relation between two clear and determined concepts. *Comparison*, as realized by simple apprehension, requires only the perception of the *potential aptitude* or capacity of the universality of representation to be referred to many individual objects; these objects considered in general and as abstracted from their existence or non-existence.

9—ESSENTIAL DEFINITION OF LOGICAL UNIVERSALITY:

Logical universality or universality of predication is, therefore, a *relation of reason produced by the total abstraction of the first operation of the mind, simple apprehension, through which the intellect perceives the capacity or aptitude of a universal concept to be said or predicated of many objects.*

ARTICLE — II

DIVISION OF LOGICAL UNIVERSALITY THE PREDICABLES

1—WHAT ARE THE PREDICABLES?

Logical universality or universality of predication is divisible as, a potential whole, into parts which are not abstract but concrete and for this reason are called *universals* or *predicables*. By *predicables*, therefore, we mean *all the possible relations of reason which arise from a universal concept being referred to another as its possible predicate.*

2—CLASSES OF PREDICABLES:

Since the predicables are concrete relations of reasons which determine the different ways in which a universal predicate might be said of a subject, there are as many different kinds of predicables as there are different relations which make possible such predication. Now a predicate might be referred to a subject primarily in two ways only: *essentially* and *not essentially*. A predicate may be referred to a subject essentially in three ways: (a) as *common part* of that essence and other essences of a different species, like *animal*, which is an *essential part of man* and of the different individuals that integrate the animal kingdom. All the possible predicates that express such relation of reason are grouped together in the first class of predicables called, *genus*; (b) as a part found in that essence and nowhere else, like *rational*, which is an essential part of man and of man only, and these predicates are called *specific differences*; (c) As the whole essence, like *rational animal* which expresses the whole essence of man and such predicables are called *species*. As it may be easily observed species is the combinations of *genus* and *specific difference*.

The predicates that imply a non-essential relation to the subject are of two kinds: (a) expressing a non-essential yet necessary relation to the subject in which it is found regardless of the condition or state in which it may be imagined, as the *capacity to laugh*. The predicables that signify such relation are called *proprium* or *properties*: (b) expressing a relation which is neither essential nor necessary. The subject may be found with or without like *wisdom* or *sportsmanship*; man can exist with or without them. Such predicables are known as *accidents*. The classes of predicables, therefore, are five, *genus*, *species*, *specific difference*, *properties* and *accidents*. A brief account of each one of them will be given in the subsequent numbers.

3—THREE MEANINGS OF THE WORD GENUS:

The word *genus* is a Latin word which was used in that language in three different ways. Sometimes it meant the beginning of *progeny* and this name was applied to the whole group of individuals that composed it. That beginning was sometimes a person and sometimes a city, a province, or a na-

tion. So we use to say that the *genus* or beginning of the Romans was Romulus, Athens of the Athenians, Legury of the Legurians and Spain of the Spaniards.

Sometimes, on the contrary, the word *genus* meant a whole class of persons or a progeny in as much as the individuals were interrelated because of their common origin by blood and so they used to speak of the *genus of the Romans* meaning the Roman people as descendants from Romulus.

A third meaning was attributed to the word *genus*, most probably derived from the first one mentioned. In this sense meant the beginning of a *species* like *animal*, which is necessarily presupposed in the *essence of man*. No reality can be a man or rational unless previously it is conceived as an animal. The word *genus* is used in Logic to signify the first predicable in this last sense.

B—DEFINITION OF GENUS:

Genus is a relation of reason which makes a universal capable of becoming an essential predicate of many objects designating not the whole essence but one of its parts only and a part common to other essences specifically different. So *animal* is a genus to sensitive animals and man; surface to the quadrilateral and triangle; material to oxygen, hydrogen, and gold.

C—DIVISION OF GENUS:

Genus is divided into *supreme*, *subaltern* and *lowest*. *Supreme genus* is that not having above it any other genus as substance which is a concept not having above it any other concept but the concept being which is not universal but a transcendental concept.

Subaltern genus is that genus which has both above and below it other genera, as material, above which is substance and below it *alive* or *living*.

Lowest genus is a genus not having under it any other genus as rational which has under it only the species *man*.

D—A REMARK TRUE FOR GENUS AND SPECIFIC DIFFERENCE:

Genus as well as specific difference cannot be found but in substances that are essentially a compound, that is, in material substances which are made up of two elements, namely, mat-

ter and form. Matter is the essential element that makes every material substance to be matter, and form that which makes it to be such matter. Genus is always taken from the material element and specific difference from the form.

A—THREE KINDS OF DIFFERENCES:

The word difference may have three different meanings; (a) the inequality existing in things because of the acquisition or losing of common accidents, as the difference between a wise and an ignorant man; (b) the inequality resulting from the perfection of properties, as the difference between a bright and a dull student (c) The inequality derived from the intrinsical constitution of the same essence, as between an angle and a circle. The word difference is taken at present in this third meaning.

B—DEFINITION OF SPECIFIC DIFFERENCE:

Specific difference is a relation of reason that makes a universal liable to become a predicate of many objects by expressing that part of the essence which is found in it only. So *rational* is the specific difference of man, *to be bounded by three straight lines of the triangle* and *to be alive and not sensitive of plants*.

C—DIVISION OF SPECIFIC DIFFERENCE:

Specific difference, like genus to which it is necessarily related, is divided into *supreme*, *subaltern*, and *lowest*. A supreme specific difference is that which determines or limits a supreme genus. *Materiality* and *immateriality* determine the supreme genus, *substance*, to become material and immaterial.

Subaltern specific difference is that which limits or determines a subaltern genus, like *sensitive* and *not sensitive*, which determine respectively the subaltern genus, *animate* to become an animal or a plant.

Lowest specific difference is that which limits or determines the lowest genus. *Rational* and *irrational* divides the lowest genus animal by making it a *man* or a purely *sensitive animal*.

5—THE SPECIES:

A—DEFINITION OF SPECIES:

Species is a relation of reason that make a universal concept capable of becoming an essential predicate of many objects; it designates the whole essence which is a union of a genus and a specific difference. *Animality* plus *rationality* make the species *man*; *alive* plus *sensitive* the species *animal*, *surface* plus *four equal sides* and *four right angles* the species *square*.

B—DIVISION OF SPECIES:

Like genus and specific difference, species is divided into *supreme*, *subaltern* and *lowest*.

A supreme species is that which is made up by the union of a supreme genus and a supreme specific difference, as matter which is the combination of *substance* and *materiality*.

Subaltern species is that which results from the combination of a subaltern *genus* and a subaltern species as animate which is a combination of material and life.

Lowest species is that which arises from the combination of a lowest *genus* and a lowest *specific difference* as man who is a combination of animality and rationality.

6—SOME REMARKS CONCERNING GENUS SPECIFIC DIFFERENCE AND SPECIFIES:

From what we have said in the foregoing pages, a number of consequences can be deduced which are of the most paramount importance in order to understand thoroughly the very nature or essence of the first three universals, genus, specific difference and species.

A—*Genus* and *specific difference* are both correlative to species in such a way that neither one of the two can be understood and defined without implying in their concepts and definitions such order and respect. Genus, however, is referred to species as a common and undetermined part, while specific difference is the determining element circumscribing the genus to produce the species. However, as universals, genus and specific difference are not made up by their relation to species but by their relation to the particular objects of which they are predicated.

B—Both genus and specific difference may be considered

as wholes and as parts. In as much as the yare two universals implying a determined capacity to be predicated of many objects they are potential wholes; but, in as much as both integrate essentially a species they are real essential parts.

C—As a universal genus implies a greater capacity or is more universal than species and specific difference since it may be predicated of more objects.

D—Species and specific difference are equally universal or are predicated of the same number of objects.

E—Genus is never predicated of species and specific difference for in general superior predicables are never predicated of the inferior.

F—On the contrary regarding species not only is the proper and immediate genus predicated of it but all the superior genera as well. So we can predicate of *man* not only the genus *animal*, but also the superior genera, *animate*, *organic*, *material* and *substance*.

G—Specific difference is predicated only of its own species and species of the individuals contained under it.

H—The primary aim of specific difference is to divide genus into species and, therefore, every genus requires, at least, two specific differences each of which will separate it into two different species.

I—Specific differences are necessarily positive entities although often times we express them in a negative form. So when we divide the genus *animal* by the two specific differences *rational* and *irrational*. Irrational does not mean only the negation of rationality, but primarily signifies that real and positive entity which makes animals to be sensitive and different from other species.

J—Specific differences which limit or divide a genus involve necessarily some opposition for otherwise they could not be principles of division. Identity and equality cause unity but not division nor distinction.

K—The specific differences that divide a genus are contained in it, not actually, but potentially. Their opposition is not a reason to deny their inclusion in the proper genus, for, although it is true that opposites cannot actually coexist yet they can coexist potentially.

L—Specific difference is a *divisible* and *constructive* element under two different view points; it is divisible with regard to genus and constructive with regard to species.

M—Specific difference makes a thing ready for existence. The first requirement for a thing to become real is that it be a complete essence; now essence is complete by specific difference.

7—INDIVIDUALS:

Individuals are the singular objects of which species is predicated. They are the result of combining an essence or species with the particular characteristics that make every singular thing to be different from every other singular thing. Individuation implies two things: the principle that produces such individuation, matter limited by undertermined dimensions, and the properties and characteristics through which individuation is known to us. The first, being different in every individual, cannot be defined but only explained. That is why St. Thomas says that individuation is not a common concept with *real community*. Man, for example, is really common to all human individuals but common only with community of reason in as much as we conceive it as something common to many although in reality it is not. In this way we apprehend individuation as something common to every individual though in reality that which constitutes such individuation is something different in every individual.

The particular characteristics that make individuation known to us are: *form* or temperament; *figure* or the particular termination of quantity; *place*, where the individual is born; *time* or moment of his birth; *name* or *family* cognomen; *blood* or progeny and *country* or native land. These characteristics or individual notes refer, of course, to human individuals mainly, but can be applied to animals also, and proportionately to all individuals contained in the category of substance. Accidents are made particular or individual by being produced and by existing in singular individual substance.

8—PROPERTIES:

A—SEVERAL MEANINGS OF THE WORD PROPERTY:

The word property has in philosophy the following meanings; (a) That which pertains to a species only but not to the

individuals classified under it. *To be a philosopher* is a quality found only in the human species although not all men are by any means philosophers.

(b) That which pertains to all the individuals of a species, but is also found in the individuals of other species. *To walk on two feet* is not only done by all men but also by other individuals of the animal kingdom.

(c) That which pertains to all individuals of a species but not at every moment of their existence. *To talk* and *to think* are proper to man and to all human individual but at determined times only.

(d) That which pertains to species and to all its individuals, *always* and *on any supposition*, as the *capacity to think* which is a property necessarily found in every man no matter what his condition be. The word property is taken now in this fourth meaning.

B—DEFINITION OF LOGICAL PROPERTIES:

Property is a relation of reason that makes a universal capable of becoming a non-essential predicate of many objects but which is predicated of them all *necessarily*.

C—WHY PROPERTIES ARE PREDICATED NECESSARILY OF THEIR INFERIOR OBJECTS:

In order to understand why properties are said necessarily of their inferior objects it is necessary to take into account that the entities which we call properties emanate or are caused spontaneously by the essential principles of things and therefore, will always be found wherever the essence is found. Now the essence of a thing is always realized in particular individuals and hence its properties will be real predicables of each and every one of them.

D—TWO WAYS OF CONSIDERING AN ESSENCE AND ITS PROPERTIES:

Properties, as well as essences, may be considered in two ways, metaphysically and physically. An essence and, therefore, its properties, is considered metaphysically when only the essential predicates which make it possible to exist are perceived as when we say that man is a *rational animal*. In this respect the essence and its properties are really identical and as the es-

sence means only possibility or capacity to exist, the properties imply only the capacity to be produced by the essence; this capacity differs from the capacity of the essence only with a mental distinction. Under this aspect the properties and the essence are certainly connected *necessarily* and such connection is metaphysical.

An essence is considered physically when it is considered as having everything necessary in order that such essence might be physical or real. Since real essences are contingent the actual properties said of them must be contingent also and, therefore, the connection between the two cannot be necessary. So despite the fact that the capacity to think is necessarily connected with man considered both metaphysically and physically, actual thinking is not connected with man necessarily for man may be real without thinking. However, actual thinking is a property of the real perfect man.

9—ACCIDENTS:

A—DEFINITIONS OF THE PREDICABLE ACCIDENT:

Accident is a relation of reason that makes a universal capable of becoming a non-essential predicate of many objects, such objects, however, being in themselves indifferent to exist with or without the said predication.

B—A NECESSARY EXPLANATION:

Accidents are entities which do not have any necessary connection with a determined essence and, therefore, this essence may exist with or without these accidents. So *wisdom* is an accident certainly found in *man* but since the relation between such realities is not necessary man is liable to exist with or without it; consequently the sentence, *man is wise* is true of some men, but it is not true if generalized and applied to all men. These accidents are known as *common accidents*.

ARTICLE—III

PROPERTIES OF UNIVERSALITY

Having explained in the previous chapter the nature of universality and of the universals, we are going to consider now

the properties that correspond to each one of these mental entities. Something has already been said about this in number 6 of the preceding article.

1—A PROPERTY OF UNIVERSALITY AS SUCH:

The immediate result of universality considered in itself or as a relation of reason pertaining to the first operation of the mind, simple apprehension, is the capacity of being predicated of many objects, a characteristic and *unique property* of which it cannot be deprived. It must not be forgotten, however, that such predicability is potential only, since actual predicability pertains to the second operation of the mind, judgement.

Since predicability is a property of universality as such, it is evident that it will be also a property of the universals since these are nothing else but particular kinds of relations of reason. Predicability, however, as it is found in each one of the universals is different just as the relation of reason which every universal implies is different.

Since universals are all more or less *Correlative* we are going to follow a comparative method in assigning their properties stating the agreements and differences that every one of them bears in reference to the others.

2—PROPERTIES OF GENUS:

A—GENUS AND SPECIFIC DIFFERENCES AGREE IN THE FOLLOWING SIMILAR PROPERTIES:

(a) Both contain the species potentially though the number of species contained by genus is greater. So Man is contained both in the genus animal and in the specific difference *rational*; however, irrational species are contained also in the first.

(b) If something is predicated of genus as such it is also said or predicated of its species and corresponding individuals likewise and if anything is predicated of a specific difference it is likewise predicated or said of its respective species and individuals. Mortal for example, which is a predicate of the genus *animal*, is a predicate also of the *rational* and *irrational* species as well as of the *individuals* contained under them; and *capacity to laugh*, a predicate of the specific difference *rational*,

is predicated in the same manner of man and its numerous different individuals.

(c) If by a mental act we remove genus and specific difference all the species and possible individuals classified under them are simultaneously removed, which proves that species and individuals depend equally upon them. If *animal* and *rationality* are mentally taken away, *man* and all *human individuals* as well as every kind of *sensitive animal* would be by the same act destroyed.

B—THE DIFFERENCES BETWEEN GENUS AND SPECIFIC DIFFERENCE ARE:

(a) That genus is more universal, or is predicated of more species and individuals than the specific difference is.

(b) That specific differences are contained by genus while genus is not contained by them.

(c) Genus is prior to the specific differences, these depending in consequence upon it. In being predicates of the same individuals, but genus as a part and species as a whole.

C—GENUS AND SPECIES AGREE: in both being predicates of the same individuals but genus as a part and species as a whole.

D—GENUS AND SPECIES DIFFER AS FOLLOWS:

(a) Genus contains the species, but the species does not contain the genus.

(b) The genus is prior to the species and, if mentally removed, the species disappears.

(c) The existence of the species requires or presupposes the existence of the genus, but if a genus exists it does not follow that the species exists also.

(d) The genus is predicate of the species but the special is not said of the genus. So *man* is necessarily an *animal* but animal may be or may not be rational.

(e) Genus can never be *lowest* species, nor species a supreme genus.

E—GENUS AND PROPERTIES AGREE IN BOTH BEING PREDICATES OF THE SAME SPECIES AND INDIVIDUALS

F—GENUS AND PROPERTIES DISAGREE:

(a) In the genus being prior to the species while proper-

ties follow or are posterior to it.

(b) In genus being the predicate of many species and properties of one only.

(c) In properties and species being mutual predicates to each other, which is not true of species and genus.

(d) Properties pertain to one specie sonly and always pertain to it; but genus although it certainly pertains always to a determined species, might pertain also to other species at the same time. The *capacity to think* is a property of man only, and may be said of him on any supposition, *animal* is said of man also, but it is predicate at the same time of other species.

(e) If the genus is removed the properties are also removed but if the properties are destroyed the genus is not affected.

(g) Genus and accidents do not agree but in being universal and differ:

(a) In genus being prior to species accident posterior.

(b) In accident admiting different degrees of intensity within the came essence while genus is an unchangeable reality. So we talk of men more or less white, but similar language is not use dwith regard to the genus *animal*.

(c) Accidents exist in indiviruals only and are, therefore, posterior to them, genus exists in the species too but it is anterior both to species and individuals.

(d) Genus is an intrinsical and essential predicate, while accident is extrinsilca and presupposes the existence of the essence.

3—PROPERTIES OF SPECIFIC DIFFERENCES:

A—SPECIFIC DIFFERENCE AGREES WITH SPECIES:

(a) In being equally universal, or what is the same, in being predicates of the same number of objects.

(b) In existing always formally and necessarily in the objects of which they are predicated.

B—SPECIFIC DIFFERENCE AND SPECIES DIFFER:

(a) Because specific difference is prior to species and is only one of its essential predicates.

(b) Species, therefore, depends upon specific difference, but specific difference is independent of species.

C—SPECIFIC DIFFERENCE AND PROPERTIES AGREE IN BOTH BEING PREDICATES OF THE SAME SPECIES AND OF THE SAME INDIVIDUALS.

D—SPECIFIC DIFFERENCE AND PROPERTIES DISAGREE IN THIS:

That properties and species are mutual predicates of each other but species is not a predicate of the specific difference. *Man is capable of thinking* and what is capable of thinking is a man; animal is sensitive, however, not everything that is sensitive is an animal.

E—SPECIFIC DIFFERENCE AND ACCIDENT AGREE:

(a) In being universal predicables of singular individuals; they disagree because an accident admits of degrees of intensity while the specific difference is always the same and constant.

(b) Opposed accidents may coexist in the same individual while opposed specific differences can never exist together.

4—PROPERTIES OF SPECIES:

The different and common properties of species in regard to genus and specific difference have been touched already in the previous numbers. To compare it with properties and accident is our present consideration.

A—SPECIES AND PROPERTIES AGREE IN:

(a) Being predicates of the same universal capacity, since both are predicates of the same number of individuals.

(b) Being mutual predicates to each other.

B—SPECIES AND PROPERTIES DIFFER:

(a) In species being an essential and an intrinsical predicate, properties extrinsical and not essential,

(b) Properties depend upon species, while species do not depend upon properties.

(c) Species exists always *actually* in individuals, but properties may exist in them potentially only.

C—SPECIES AND ACCIDENT AGREE IN BOTH BEING PREDICATES OF SINGULAR INDIVIDUALS AND DISAGREE:

(a) In species being an essential predicate, while accident is not essential.

(b) Species is prior to accident and is always found in individuals equally and without any change; accident is posterior and changes, both in intensity and quality, in different individuals.

5—PROPERTIES OF PROPERTY AND ACCIDENT AGREE IN BOTH BEING EXTRINSICAL PREDICATES AND DISAGREE:

(a) In properties being predicates of one species only, while accidents may be common to several different species.

(b) Properties and species, as well as individuals, are mutual predicates to each other, which is not true of accidents and species.

(c) Properties are immutable; accidents are subject to change.

CHAPTER—IV

THE PREDICAMENTS

So far we have considered universality itself; now we have to consider the representation of reality which is always involved in it.

The highest universal is genus: consequently, the *reality* represented by it will be *supreme possible real predicate* which can be said of a subject. Reality, therefore, classified in its representation as contained in the highest irreducible general, is called the *Predicaments*. In relation to such predicaments we have to study: (a) Some previous notions necessary for the clear understanding of the predicaments, which were known to the Scholastics as, the Ante-predicaments; (b) the Predicaments in themselves, (c) Some real properties common to all or to several of the predicaments called the *Postpredicaments*.

ARTICLE—I

THE ANTEPREDICAMENTS

The predicaments are the classification of the reality expressed by the universal into the *generic predicates* or *irreducible genera*. In arranging this classification we may relate the predicaments: (a) To the transcendental concept of being of which the predicaments are potential parts, and in this respect the predicaments are said to be *analogical*, (b) To the realities contained under each one of them and thus they are said to be **univocal**. (c) By referring to one of them what in reality is placed in another predicament and then they are said to be **equivocal** and denominative.

Furthermore the predicaments being the supreme genera cannot contain but single essences and for this reason they are said to be simple not complex.

Again the predicaments being the supreme generic predicates we may distinguish in every one of them two things: (a) The simple real essence each one of them represents, and in this respect the predicaments are predicaments either of *substance* or *accidents*; (b) the relation of reason that makes them possible predicates of many subjects and thus the predicaments are said to be universal or particular. The combination of these four elements gives four different types of possible predication that will be explained later on.

Finally reality may be classified into the predicaments in two ways: (a) *Directly* and *indirectly*. Some rules, therefore, are necessary in order to determine what realities are placed in the predicaments directly, and what are placed in them indirectly only.

II—THE FIRST ANTEPREDICAMENT. UNIVOCAL EQUIVOCAL, ANALOGICAL AND DENOMINATIVE TERMS:—

Though we have used in the title this number the word *term* to signify the first class of antepredicaments it must be understood that whatever we will say concerning those terms must be applied to the concepts also signified by them unless otherwise noted.

A—DEFINITION OF UNIVOCAL, EQUIVOCAL AND DENOMINATIVE TERMS:—

Univocal terms are universal terms said or predicated of many subjects exactly in the same manner both in regard to their name and in regard to their meaning. Thus *man* is predicated univocally of every human individual, triangle of every particular triangle, and oxygen of every one of the singular bodies that realizes its essence.

Equivocal terms are universal terms said or predicated of many subjects exactly in the same manner in regard to their name but in a completely different manner in regard to their meaning. Equivocity, therefore, exists in the terms but not in the concepts. The term *dog* is equivocal when applied to the real animal called dog; to the *dog-star*, Sirius; to the *dog days* or sultry season of April and May; and to the *dog-fish* since the only thing those realities have in common is the name, the reality expressed being entirely different in each one of them.

Analogical terms are universal terms said or predicated of many subjects exactly in the same manner regarding their name but regarding their signification are partly the same and partly different. Thus the term *Dominican* may be said or predicated; (a) of the religious persons professed in the Dominican Order; (b) of the convents inhabited by the Dominicans (c) of the liturgy used in the religious services in their churches; (d) of the libraries used by the Dominicans. If all these predications are carefully analysed we will observe that in spite of the term Dominican being a common predicate of them all its meaning or signification is neither identical or different in every one of them, but rather identical in some respect and different in another. For the proper meaning of the term Dominican is fully realized in the religious persons professed in that order only, while in the others it is realized in an extrinsic manner on account of some relation these things have to a Dominican person. So the convent is called Dominican because it is inhabited by the Dominicans; the liturgy is named Dominican because it is used by the Dominicans; the libraries are called Dominican because they are owned by the Dominicans.

A term is said to be *denominative* when it is derived from another, being different from it in its manner of ending only. So *just* is a denominative term in relation to *justice*, white to nation in itself, *white*.

In denomination we may distinguish three things: (a) The

form, origin of the denomination, as whiteness; (b) *The object* to which the denomination is applied, the wall; (c) The denomination in itself, *White*.

Likewise in order that the denomination be realized three conditions are required; (a) That the *denominative term* is derived from the name of the *denominative form*, not according to grammatical rules but in conformity with logical principles. Grammatically the abstract names are derived from the concrete; but Logic considers the first as naturally prior to the second and, therefore derivation in it takes place in an opposite manner; (b) That the *denominative term* and the name of the *denominative form* differ only in their termination; (c) That the meaning of both terms is the same, no other difference exists between the two but that which exists between the abstract and the concrete.

B—DIVISION OF UNIVOCAL, EQUIVOCAL AND DENOMINATIVE TERMS:

Univocity implies, as we have seen, that both the name and its meaning may be used in the same sense of the objects called univocal. Univocity, therefore cannot be divided by anything intrinsic to it, since in itself it implies nothing but identity, and division requires precisely distinction or difference. Univocal terms, in consequence, are to be divided or classified by some extrinsic differences added to them and such extrinsic differences can be reduced to two kinds: *specific* and *individual*. When the univocal term is a *genus*, the difference that distinguishes or divides one predication from another is an specific difference, as when we say *man is an animal*, the *horse is an animal*; where the difference in predication lies, not on the part of the genus *animal* which is univocal, but on the part of the specific differences, *rationality* and *irrationality*.

But if the term univocal is a species then then the difference comes from the individual characteristics found in every one of the subjects. So these two predications *Peter is a man*, and *Henry is a man*, differ, not because of the term species, man, which is univocal in both, but because of the **particular** characteristics that make Peter and Henry to be different from each other.

Equivocity implies *community* of names only, the *realities* being entirely different. Consequently, an equivocal predica-

tion differs from another by the *things themselves* to which the equivocal terms are applied. So when we predicated the term dog of the particular animal, called dog, of the dog-fish and of the dog-tar, dog in each one of these predications differs because the reality expressed is in every case absolutely different.

Denominative terms are classified by taking into consideration whether they add or do not add any reality to the object called denominative, and thus they may be separated or divided into two kinds: denominative terms which together with the name, add some reality to the thing denominated, like *white*, which adds a determined *color* to the thing called white, and denominatives which outside of the name, do not add any reality to the thing denominated, as when it is said of a *column* that is located at the *right side*. The first kind of denominatives is called *intrinsic* and the second *extrinsic*.

C—DIFFERENCE BETWEEN UNIVOCAL AND ANALOGICAL CONCEPTS:

Univocal concepts are perfectly abstracted or separated from the particular individuals of which they are predicated and so they are said to be *numerically one concept* on account of being one both in regard to their entity as it exists in the mind and in regard to their signification. But analogical concepts do not abstract from or are not separated from their inferior concepts of which they are predicated, but include them although in a confused manner. And so they can be said to be numerically one concept in regard to the particular entity they have in the mind. In regard to their representation they cannot be called one, but rather must be called many for they represent all their inferiors, though in a confused way.

D—DIVISION OF ANALOGICAL TERMS:

Analogy being one of the most important concepts in Philosophy requires particular attention, but for the sake of brevity, we will not say more about it than is strictly necessary.

1—TWO KINDS OF ANALOGY:

Analogy, implies a common term equally distributed, or predicated of many objects, its meaning being applied to them in a way partly equal and partly different. Analogy stands,

therefore between univocity and connivocity but approaches more to the second than to the first. The formal element in analogy is not the identity found in it, but rather the difference or diversity that it involves. Analogical terms and concepts are formally different and only in a determined respect may be said to be equal or identical.

When we apply the term *Caesar* to the statue and to Caesar's personality, the term used is analogical and primarily signifies two absolute different realities, *a man* and *a piece of carved marble* equal only in their external figure.

Consequently, if analogical terms and concepts are to be divided or classified, the basis or foundation for the division must be their *formal element, diversity*. In plain words, analogical terms and concepts are classified or divided into as many different parts as there are different ways or manners of predicating their formal element, diversity, of the analogical realities.

Such diversity may be considered in two ways: as a diverse kind or manner of **predicability** or in as much as it implies an *analogical relation* of reason between a subject and a predicate, and in its causes, as determinants of the real analogy found in the extra-mental objects. The first consideration makes or constitutes *logical analogy*; the second *metaphysical analogy*. Metaphysical analogy is beyond our present purpose, and everything we intend to say on the matter refers to analogy viewed in its logical aspect only.

2—INTRINSICAL AND EXTRINSICAL ANALOGY:

The formal element of analogy, diversity, may be said or predicated of many objects in two ways: intrinsically found in every one of them or as found *intrinsically* in one only and *extrinsically* in the others. In the first case we obtain what has been called *analogy of proportionality*, constructed with four terms after the mathematical proportion; in the second the *analogy of proportion of attribution*.

When we say, for example, that the *function of understanding* is to the *intellect*, as the *function of seeing* is to the *sense of sight*, we are enunciating a relation of reason which is only analogical, since *vision and intellection*, the *sense of sight* and the *intellect* are in themselves different realities that do not agree save in being respectively functions and faculties of knowledge. However, the relation established between the *antecedent* and the *consequent* of the proportion, different as

it is in each one of them, is intrinsic to both, since it is true that vision, and the eye, *intellection* and the intellect are intrinsically related, as functions and their respective faculties are. Such relation of reason is, therefore, analogical, with analogy of proportionality.

On the contrary, if we predicate the term *healthy of man, color, climate, and food*, we have also an analogical predication, but the analogical concept is realized only and intrinsically found in its full and proper meaning in the first subject, *man*, while in the others it does not exist but *extrinsically*, that is, because of some relation they bear to the health of man.

3—ANALOGY OF PROPORTIONALITY IS TWOFOLD:

The intrinsic analogical concept that constitutes the analogy of proportionality may be found in the antecedent and consequently of the proportion in two ways: in its *proper and direct* meaning, or in a *translated or figurative* meaning. In the first case we have proper analogy or analogy in the *strict sense*; in the second *metaphorical analogy*. In these terms the *essences of material things are to the intellect as color is to the eyes* the proportion is analogical with proper analogy. But if we say that *Shakespear is the King of the Dramatists, as Cervantes is the King of the Novelists*, the proportion is metaphorical, since the term *King* is taken in both members of the proportion in a translated meaning.

In order, however, that a proportion be metaphorical, it is no necessary that the analogical relation is taken metaphorically in both terms but it would be enough that the metaphore exists in one of them only. In this way the following proportion, what the *shepherd* is to the *sheep Jesus Christ* is to the *soul* is a metaphorical proportion.

4.—TWO KINDS OF ANALOGY OF ATTRIBUTION:

As we have said, analogy of attribution requires that the analogical concept is predicated of its analogous concepts not intrinsically of them all but intrinsically of one and extrinsically of the others. So a double combinations is possible: Analogy of one to one and analogy of many to one. The term *star* said of a heavenly body and of a motion picture's actor, is analogical, with analogy of *attribution* called of *one to one*, since, the actor is called *star* extrinsically only or just because of the similitude it has with the real stars, that is, the capacity



to shine in the world of art by himself, as stars shine by their own light. But when we predicate the term *military* of a man that pertains to the army, of *his uniform*, of *a band*, of *a sword*, and of *a camp*, the analogy of attribution is of many to one, since all those objects are called military because of their relation to the military-man, where the concept military is properly and intrinsically realized.

5.—A DIVISION COMMON TO ANALOGY OF PROPORTIONALITY AND TO ANALOGY OF ATTRIBUTION AND THEIR RESPECTIVE CLASSES:

The formal element of analogy which is diversity may be found in every species of analogy in two ways: with a difference or distance possible to be measured, or in finite way, and with a difference or distance impossible to be measured, because it is either infinite or indefinite. In the first case we have what the scholastics used to call *analogy with finite distance*; in the second, *analogy with infinite or indefinite distance*.

So when we say, *odor* is to the *sense* of small as cold is to the sense of temperature, we have an example of analogy of *proportionality proper* and with *finite distance*, since the difference implied in the proportion is measurable. But when we say the *intellect* is to man as the *divine intelligence* is to the *divine essence*, we have also an example of analogy or proportionality, proper, but with infinite distance, since the difference existing between man and God, human properties and divine attributes, is really infinite and unmeasurable.

Similar kinds of analogy exist in metaphorical analogy of proportionality and in the analogy of attribution.

6.—PROPERTIES OF ANALOGY:

In order that a concept be analogous it must be a transcendental, or a common concept liable to be predicated of either, all, or of several different predicaments at the same time, because predicaments are designated of their inferiors, not analogically, but univocally, since the reality they contain represents essences and essences are designated of their inferiors univocally.

GENERAL PROPERTIES:

(a) Analogy itself is analogical, that is, it is predicated of its classes, not univocally nor equivocally, but analogically, for the different kinds of analogy are analogical in a different manner.

(b) Analogical concepts do not represent the analogous objects exactly but represent them imperfectly since a concept cannot contain adequately all the differences that analogy presupposes in its analogous but in an undetermined way.

PROPERTIES OF THE ANALOGY OF PROPORTIONALITY:

(a) Since in the analogy of proportionality the analogous concept is intrinsically found in each one of the terms of the proportion, such concept is not numerically one, separated from its analogous, but it is, or may be called, one proportionally only in as much as the same concept is found differently in many objects.

(b) If the analogous concept of the analogy of proportionality is to be defined, the analogical concept that makes or constitutes the analogy must not be expressed in the definition since, as we have said, it is intrinsic to them all.

PROPERTIES OF THE ANALOGY OF ATTRIBUTION:

(a) Since the analogical concept in the analogy of attribution is intrinsically found in one of the analogous objects only and extrinsically found in the others, it is numerically one, separated from its analogous. The Scholastics used to call such numerical analogical concept, the *supreme analogous* or the *famous analogous*.

(b) Therefore, in the definition of the particular analogical concepts in the analogy of attribution, the supreme analogous, or the analogical concept that constitutes the analogy, must be expressed.

(c) If in a sentence the name of the concept that causes the analogy is used, it stands for the supreme analogous.

III—THE SECOND ANTEPREDICAMENT, SIMPLE AND COMPLEX CONCEPTS AND REALITIES

Real things are of two kinds: made of only one essence, or of several essences combined. *Man, circle, oxygen, gold and water* are simple; *Peter runs, Henry sings, John writes*, are complex. Simple realities are represented in the mind by a single concept; complex by many. In the predicament are placed simple realities only, complex things not being included in them.

IV—THE THIRD ANTEPREDICAMENT. PREDICABILITY OF THE PREDICAMENTS:

Predicaments being the highest generical predicates of real

things, may be classified into the predicaments as: (a) said of a subject, although they do not exist in any subject as *universal substances*, that are predicated of their inferior individual objects, but as *universals* do not exist in anything; (b) existing in a subject, but not said or predicated of any subject, as singular accidents that exist in particular individuals, but because of their singularity cannot be predicated of anything; (c) not said of, nor existing in any subject, as singular individual substances, that exist in themselves and on account of their singularity cannot be predicated of any subject (d) said of a subject and existing in a subject like universal accidents, that when existing, exist always in a substance, and are predicated, because of their universality, of many subjects.

The reason why predicaments, taking into consideration their predicability, are classified in this way is, because everything placed in the predicaments must be necessarily a substance, or an accident, universal, or particular, and by combining these characteristics in as many binary groups as possible, *substance-particular*, *accident-universal*, *accident-particular*, give all the possible ways in which a predicament may become a predicate.

V.—THE FOURTH ANTEPREDICAMENT. TWO RULES FOR THE COVENIENT ARRANGEMENT OF THE PREDICAMENTS:

(a) First rule—If a predicate is said of a subject, *everything* that is predicated of such predicate is said also of the subject. Therefore, predicaments are to be arranged in such a manner that the *genera* that are fixed in the same line, might be the superior predicated of the inferior, including the lowest species, which can never be a genus. And so every subaltern genus will be a *genus* compared with the inferior genera, and an *species* in relation to the superior.

If animal, therefore, is predicated of *man*, since *alive*, *body* and *substance* are predicates of animal, will be said of man also, and animal will be *species* of alive, alive a *species* of body, and *species* of substance, substance being the supreme genus.

(b) Second rule—If two genera are not subaltern, they cannot contain the same specific differences as animal and quality, whose specific differences are entirely different. But when two genera are subaltern they contain the same specific differences as *animal* and *alive*.



Ley Civil de Matrimonio en Filipinas

● R. P. DR. FR. JUAN YLLA, O.P.

(Continuación)

§ IV

REQUISITOS FORMALES PREVIOS AL MATRIMONIO

SUMARIO: 1—Texto del artículo 10 de la Ley; 2—Exégesis del mismo; 2—bis.—Jurisprudencia oficial 3—Artículo 11: texto y explicación 3—bis.—Jurisprudencia oficial; 4—Texto del artículo 12 y explicación del mismo; 4—bis.—Jurisprudencia oficial; 5—Artículo 13: texto y explicación; 5—bis.—Jurisprudencia oficial; 6—Residencia habitual de la mujer (Artículo 14). 6—bis. Jurisprudencia oficial.

1—El texto del artículo 10 es como sigue: “El registrador civil local fijará durante diez días consecutivos a la entrada principal del edificio donde tuviere su oficina un aviso, el cual no se cambiará de lugar una vez colocado. En dicho aviso se harán constar los nombres, apellidos y domicilios de los que hayan solicitado licencia para contraer matrimonio, sus edades respectivas y los nombres de sus padres y madres si vivieren, o de sus tutores o guardianes en otro caso. Al término de este plazo, se expedirá la licencia solicitada; pero, si uno de los

solicitantes y un sacerdote o ministro de la religión que el interesado profesa, hicieren constar por escrito y bajo juramento que las reglas y prácticas de la iglesia, secta o religión bajo las cuales se ha de contraer el matrimonio, exigen proclamas o publicidad previas a la celebración del matrimonio, y que dicha iglesia, secta o religión es de las que observan dichas reglas y prácticas, habiendo obtenido, al efecto, un certificado del Director de la Biblioteca Nacional de Filipinas, no será necesario que el registrador civil local haga la publicidad que se requiere en este artículo, y, en este caso, la licencia se expedirá inmediatamente después de sometida la solicitud, expresándose en ella la iglesia, secta o religión donde ha de celebrarse el matrimonio.”

“Tampoco será necesaria dicha publicación cuando el padre o la madre, tutor o guardian de cada uno de los contrayentes, sean estos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer, respectivamente, acompañare a los mismos al solicitar la licencia o cuando, a juicio del registrador civil local, ambos contrayentes aparezcan a simple vista tener la edad requerida, y la mujer pida la expedición inmediata de la licencia. En tales casos la licencia matrimonial será expedida inmediatamente, previo levantamiento de un acta al efecto, por duplicado, firmada por las personas arriba mencionadas, uniéndose una copia del acta a la licencia y quedándose el original en el archivo.”

2—En este artículo podemos distinguir dos partes, la primera contiene una disposición de carácter general y la segunda tres excepciones de la regla general.

En la primera parte debemos subdistinguir primero la disposición que prescribe el aviso público de la celebración de un matrimonio y segundo la forma jurídica o legal que debe tener dicho aviso. Según el artículo que comentamos el registrador civil local está obligado: de modo que no queda a su arbitrio el hacer o no hacer esto, debe hacerlo. Debe pues fijar un aviso que colocará a la entrada principal del edificio donde tuviere su oficina. El aviso estará allí por espacio de diez días. No puede pues poner el aviso como se hacía antes, algunas veces, en cualquier parte del edificio municipal ni puede tampoco cambiarlo de lugar a su arbitrio de modo que hoy esté en un sitio y mañana en otro, todo esto está prohibido y por el contrario está mandado taxativamente que el aviso esté fijamente en el

mismo sitio o sea a la entrada de la oficina del registrador civil local por espacio de diez días consecutivos es decir sin interrupción alguna.

La forma substancial y jurídica del aviso o sea lo que debe contener es lo siguiente: a) los nombres, apellidos y domicilios de los solicitantes de la licencia matrimonial; b) sus edades respectivas; c) los nombres de sus padres y madres si están vivos o de sus tutores o guardianes en otro caso. La Ley no determina otros detalles del aviso. Se comprende sin embargo que debe estar redactado en la lengua que el público del lugar respectivo puede entender fácilmente puesto que el fin de la Ley es dar publicidad al hecho de la solicitada celebración de matrimonio y por lo tanto se debe dar toda clase de facilidades al público para que se entere del aviso y así pueda denunciar los impedimentos legales que se opongan al matrimonio así como hacer valer sus derechos si es que tienen alguno para impedir la celebración de dicho matrimonio. Terminado el plazo de diez días el registrador civil local tiene el deber de expedir la licencia solicitada. Como se ve fácilmente en este artículo el legislador pide la cooperación del público para asegurar que no hay impedimento alguno que se oponga al matrimonio. En los artículos 7, 8 y 9 el legislador pide la cooperación individual de los mismos contrayentes pero no contento con esto pide también en este artículo 10 la cooperación del público en un asunto como el matrimonio que afecta a la vez al interés individual y también al interés público.

Después de la parte general debemos ocuparnos de las tres excepciones que la Ley prescribe en esta materia. La primera es en favor de aquellas religiones como la nuestra que exigen ya de suyo las publicaciones o proclamas. En este caso huelgan las que prescribe la ley civil y por lo mismo ésta no las exige. Pero como desgraciadamente no todas las religiones existentes en Filipinas inspiran la necesaria confianza, de aquí que el legislador se ha visto obligado a exigir ciertos requisitos para asegurar el hecho de las proclamas en las religiones que pidan la exención de lo que prescribe la Ley sobre esta materia. Los requisitos son estos: una declaración por escrito y bajo juramento delante del registrador civil local, hecha por uno de los solicitantes y un sacerdote o ministro de la religión que el interesado profesa. En esta declaración se deben hacer constar estos hechos: a) que la religión prescribe proclamas en sus re-

glamentos b) que la misma cumple de regla general estas disposiciones reglamentarias; c) que tiene un certificado del director de la Biblioteca Nacional de Filipinas en que consta todo lo dicho. La Ley no exige más ni impone a las religiones la forma cómo deben hacer las proclamas. En este sentido la Corte Suprema ha declarado que no es necesario se hagan las proclamas prescritas por una religión, dentro de diez días a no ser que lo requieran así las leyes o reglamentos de la misma (Jurisprudencia Filipina 54: 176-181). La Iglesia Católica puede por lo tanto practicar en esta materia lo que dispone el Código de derecho canónico, cánones 1022-1031. Cuando se cumplen todos estos requisitos que acabamos de exponer el registrador civil local tiene el deber de expedir inmediatamente la licencia matrimonial.

La segunda excepción es en favor de los padres o tutores de los contrayentes. Cuando el padre o la madre o el tutor o guardian de cada uno de los contrayentes, sean éstos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer, respectivamente, acompañare a los mismos al solicitar la licencia, ésta debe expedirse inmediatamente sin esperar las publicaciones o proclamas que exige la Ley. La razón de esto es porque la presencia de esas personas es para la Ley garantía suficiente de que el matrimonio se celebrará con la debida reflexión que exige un acto tan trascendental, y que además se cumplirán las disposiciones relativas a la ausencia de impedimentos que la Ley exige en interés del bien común.

La última excepción se funda en que no hace falta el empleo de un medio para conseguir un fin cuando éste puede obtenerse sin el mismo. Consiste la excepción en conceder que no se exigen las proclamas cuando el registrador civil local esté convencido por el conocimiento que tiene de ambos contrayentes que se le presentan de que tienen la edad requerida por la Ley y que además no tienen impedimento alguno legal que se oponga a su matrimonio. Pero aun en este caso el legislador exige una condición, a favor de la mujer y es que ésta pida la expedición inmediata de la licencia matrimonial. Como se ve la Ley tiende claramente a favorecer a la mujer. Esto se funda en que por regla general la mujer es la que más sufre con los matrimonios celebrados de una manera impropia e imprudente. Por eso le da toda clase de facilidades para que ella

misma pueda exigir que aún en el caso que examinamos se hagan las proclamas. Y para esto le basta callarse o sea no exigir la expedición inmediata de la licencia matrimonial.

En la última parte del artículo se disponen dos cosas: a) la expedición inmediata y obligatoria por parte del registrador civil local de la licencia, cuando se hayan cumplido todas las condiciones que exige la Ley y b) el levantamiento previo de un acta por duplicado y firmada por las personas mencionadas o sea los padres que acompañan a los contrayentes, éstos mismos y el registrador civil local, en la cual se harán constar los hechos que acabamos de explicar o sea a) el acompañamiento de los padres etc. a los contrayentes o b) el convencimiento de parte del registrador civil local de que los contrayentes tienen la edad legal requerida y c) que en este caso la mujer pide la expedición inmediata de la licencia matrimonial. De los dos ejemplares del acta uno debe unirse a la licencia para que conste haberse cumplido con la Ley y el otro debe archivarse en la oficina del registrador civil local para que conste en lo futuro lo que se ha actuado.

2 bis.—Jurisprudencia Oficial Sobre el Artículo 10.

1.—El certificado a que se refiere el artículo 10 de la Ley No. 3613 (Ley de Matrimonio) al efecto de que las reglas y prácticas de la iglesia, secta o religión exigen proclamas o publicidad previas a la celebración del matrimonio, y que dicha iglesia, secta o religión es de las que observan dichas reglas y prácticas, debe ser solicitado por el que es reconocido como jefe de dicha iglesia, secta o religión, y no por los ministros individuales que tienen a su cargo sus capillas o templos. (Carta al Rev. José F. Jacinto, a cuenta de Knox Memorial Church, Avenida Rizal, Manila, 12 de junio, de 1930).

2.—El certificado de que habla el artículo 10 de la Ley de Matrimonio con respecto a que en una iglesia dada se practican las proclamas antes de la celebración del matrimonio, se da al obispo o jefe de una iglesia. No es la intención de la Ley obligar a cada sacerdote o ministro a que obtenga ese certificado del Director de la Biblioteca Nacional. (Carta al Rev. Justo de los Reyes, Párroco de Boac, Marinduque, 14 de junio, de 1930).

3.—Para obtener inmediatamente una licencia matrimonial para un soldado, no es necesario que el Capellán respectivo suscriba juntamente con la parte interesada el affidavit de que habla

el artículo 10 de la Ley 3613 (Ley de Matrimonio) puesto que según el último párrafo del artículo 13 de la misma, a la entrega del certificado de capacidad legal para contraer matrimonio “y previo el pago de los derechos exigidos en el artículo once de esta Ley, el Registrador Civil local respectivo expedirá inmediatamente la licencia matrimonial”. (Carta al Secretario Municipal de Angeles, Pampanga, 28 de junio de 1930).

4.—Los Formularios Municipales Nos. 90-101 no son necesarios en absoluto para la expedición de una licencia matrimonial que puede obtenerse mediante la presentación de los documentos necesarios, con tal que éstos tengan todos los requisitos que prescribe la Ley de Matrimonio. (Carta al Secretario Municipal de Pulupandan, Negros Occidental, 11 de Julio, de 1930).

5.—El Director de esta oficina (del Registrador Civil General) ha entregado ya a la Iglesia Católica Romana un Certificado provisional al efecto de que las reglas y prácticas de la misma, exigen proclamas o publicidad previas a la celebración del matrimonio, y que dicha iglesia es de las que observan dichas reglas y prácticas. Sin embargo para que se pueda obtener inmediatamente la licencia matrimonial a favor de los contrayentes que desean celebrar el matrimonio según las reglas y prácticas de la Iglesia Católica Romana, no basta el hecho sólo de que se ha expedido dicho certificado al Señor Arzobispo de Manila. Es necesario, además, que uno de los contrayentes y un sacerdote de la Iglesia Católica Romana suscriban y el mismo contrayente presente al Registrador Civil local el affidavit de que habla el artículo 10 de la Ley 3613 (Ley de Matrimonio), a no ser que “el padre o la madre, tutor o guardián de cada uno de los contrayentes, sean éstos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer, respectivamente, acompañare a los mismos al solicitar la licencia. En tal caso la licencia matrimonial será expedida inmediatamente, previo levantamiento de un acta al efecto, por duplicado, firmada por las personas antes mencionadas, uniéndose una copia del acta a la licencia y quedándose el original en el archivo”. (Carta al Secretario Municipal, Santa Cruz, Marinduque, 16 de julio, de 1930).

6.—La inserción en la solicitud de licencia matrimonial de la frase: “desea casarse en la Iglesia Católica, que exige proclamas antes del casamiento” no es suficiente para que se expida inmediatamente la licencia matrimonial, puesto que la Ley 3613 (Ley de Matrimonio) requiere expresamente que el affi-

davit de que habla el artículo 10 de la misma, sea suscrito y jurado conjuntamente por uno de los contrayentes y un sacerdote o ministro de la iglesia bajo cuyas reglas y prácticas se ha de contraer el matrimonio. (Carta al Rev. Luis López, Párroco de Meycawayan, Bulacán, 21 de julio de 1930).

7.—Una vez que se ha expedido la licencia matrimonial de conformidad con la última disposición del artículo 10, los contrayentes pueden celebrar matrimonio ante cualquiera persona autorizada por la ley para solemnizar matrimonios. (Carta al Rev. Daniel M. Cristóbal, Rizal, Nueva Ecija, 24 de septiembre de 1930).

8.—Si el padre o la madre, tutor o guardián de cada uno de los contrayentes, sean éstos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer, respectivamente, acompañare a los mismos al solicitar la licencia, en tal caso la licencia matrimonial será expedida inmediatamente previo levantamiento de un acta al efecto, por duplicado, firmada por las personas antes mencionadas, uniéndose una copia del acta a la licencia y quedándose el original en el archivo. Y entonces se puede celebrar el matrimonio inmediatamente ante cualquier sacerdote o ministro registrado del evangelio, o ante cualquier funcionario público autorizado para solemnizar matrimonios. (Carta al Juez de Paz, Lipa, Batangas, 8 de octubre de 1930).

9.—Según el parecer de esta oficina (del Registrador Civil General) basado en el artículo 17 de la Ley de Matrimonio y en la intención de la Legislatura el Registrador Civil local correspondiente está autorizado para recibir el juramento de uno de los contrayentes y del sacerdote o ministro de la religión profesada por dicho contrayente en orden a las reglas y prácticas de la iglesia en la que se ha de celebrar el matrimonio. (Carta al Secretario Municipal de Lipa, Batangas, 5 de noviembre, de 1930).

10.—Siempre que, especiales circunstancias lo aconsejen, el juramento de que habla el artículo 10, con relación a las reglas o prácticas de una iglesia, secta o religión, puede prestarse por uno de los contrayentes y por el sacerdote o ministro de dicha iglesia, secta o religión, por separado y ante diferentes personas autorizadas por la ley para recibir juramentos. Sin embargo, los dos affidavits se deben enviar juntos al Registrador Civil local para que de conformidad con el citado artículo 10 de la Ley de Matrimonio se pueda expedir inmediatamente la licencia

matrimonial. Y, según parece, se puede hacer dicho juramento delante de un Registrador Civil local distinto de aquél que expedirá la licencia matrimonial. (Carta al Rev. Leoncio A. Docallos, Borongan, Sámar, 28 de noviembre, de 1930).

11.—No se ha concedido privilegio especial ninguno a la Iglesia Católica Romana en relación con la Ley de Matrimonio. Lo único que se ha concedido al Señor Arzobispo de Manila como Jefe de la Iglesia Católica Romana en Filipinas es un certificado provisional al efecto de que las reglas y prácticas de dicha Iglesia exigen proclamas o publicidad previas a la celebración del matrimonio. Pero esto no exime al sacerdote católico del deber de subscribir en cada caso el affidavit de que habla el artículo 10 de la Ley de Matrimonio, si se desea la expedición inmediata de la licencia matrimonial sin necesidad de la publicación que dicho artículo 10 exige. (Carta al Secretario Municipal de Pontevedra, Negros Occidental, 26 de febrero, de 1931).

12.—Para que se pueda dispensar la publicación de un matrimonio que se trata de celebrar de conformidad con la última parte del artículo 10 de la Ley de Matrimonio, será necesario probar la muerte, o la desaparición, o la pérdida de la autoridad paterna, del padre de cada uno de los contrayentes cuando éstos van acompañados de sus madres, y no por sus padres; la muerte, desaparición, o pérdida de la autoridad paterna de ambos padres (padre y madre) de cada uno de los contrayentes cuando éstos van acompañados por sus tutores, y no por sus padres; o la muerte, desaparición, o pérdida de la autoridad paterna de ambos padres (padre y madre) y la falta de un guardián legal o tutor, para cada uno de los contrayentes, cuando éstos van acompañados por otras personas que tienen el encargo legal de los mismos, y no van acompañados por sus padres o por sus guardianes legales o tutores. (Segundo Endoso al Tesorero Municipal de Pinamalayan, Mindoro, 31 de marzo de 1931).

13.—Se puede comenzar la publicación de un matrimonio que se trata de celebrar, desde la fecha del recibo de la correspondiente solicitud de la licencia matrimonial, aún cuando no se hayan presentado los certificados de nacimiento o de bautismo, y el consentimiento del padre, madre, o tutor o de la persona que tiene el cargo del menor en el caso de un solicitante menor, u otros documentos exigidos por la Ley de Matrimonio. Sin embargo, no se puede expedir la licencia matrimonial, aún después de transcurridos diez días de la publicación del matrimonio,

si no se han presentado los dichos documentos, o si éstos no prueban la verdad de los hechos afirmados y jurados en la solicitud de licencia matrimonial. (Carta al Registrador Civil local de Floridablanca, Pampanga, 31 de marzo de 1931).

14.—El Registrador Civil local debe guardar el original de la solicitud de licencia matrimonial y todos los demás documentos relacionados con la misma, y unir copias de ellos a la licencia al tiempo en que ésta se expida (Véase el tercer párrafo del Formulario Municipal No. 95). (Carta al Registrador Civil local de Mauban, Tayabas, 8 de abril de 1931).

15.—Si uno de los solicitantes y un sacerdote o ministro de la religión que el interesado profesa, hicieren constar por escrito y bajo juramento que las reglas y prácticas de la iglesia, secta o religión bajo las cuales se ha de contraer el matrimonio, exigen proclamas o publicidad previas a la celebración del matrimonio, y que dicha iglesia, secta o religión es de las que observan dichas reglas y prácticas, habiendo obtenido, al efecto, un certificado del Director de la Biblioteca Nacional de Filipinas, no será necesario que el Registrador Civil local haga la publicidad que se requiere en el artículo 10 de la Ley de Matrimonio, y, en este caso, la licencia se expedirá inmediatamente, **con tal que se hayan cumplido debidamente los demás requisitos que exige la ley.** Después que se ha expedido la licencia matrimonial bajo las condiciones que acaban de exponerse, se supone, que el sacerdote o ministro que suscribió el affidavit que acaba de mencionarse, hará, antes de la celebración del matrimonio, las proclamas o publicaciones exigidas por las reglas y prácticas de su iglesia, en el caso de que esto no se haya hecho aún. Sin embargo, en casos excepcionales se pueden dispensar esas proclamas o publicaciones de acuerdo con dichas reglas y prácticas, como se deduce de la siguiente disposición del artículo 39 de la Ley de Matrimonio.

“Artículo 39...; y cualquier obispo o jefe, sacerdote o ministro de alguna iglesia o religión o secta cuyas reglas o prácticas exigen proclamas o publicidad previas a la celebración del matrimonio de acuerdo con el artículo 10, que autorizare la solemnización inmediata de un matrimonio **que posteriormente se hubiese declarado ilegal;** ...será castigado con prisión que no baje de un mes ni pase de dos años, o con multa que no baje de doscientos ni exceda de dos mil pesos”. (Carta al Rev. José Dusemund, Bangued, Abra, 20 de mayo de 1931).

16.—Con relación a las “proclamas o publicaciones previas a la solemnización de matrimonio”, la intención de la ley es que dichas proclamas o publicaciones se hagan por lo menos por diez días. (Carta al Rev. James B. Rodgers, Actg. Stated Clerk, United Evangelical Church, Box 437, Manila, 30 de junio de 1931).

17.—No hay ley en Filipinas que prohíba a ningún sacerdote o ministro las proclamas antes de la solemnización de un matrimonio. Sin embargo para los propósitos y efectos el artículo 10 de la Ley 3613 (Ley de Matrimonio), sólo la Iglesia Católica Romana y la Iglesia Filipina Independiente han obtenido hasta la fecha del Director de esta oficina (del Registrador Civil General) un certificado provisional atestando que sus reglas y prácticas exigen proclamas o publicaciones previas a la solemnización de matrimonio y que ellas cumplen dichas reglas y prácticas. (Carta al Registrador Civil local, Manila, 21 de julio de 1931).

18.—Para los propósitos y efectos de la expedición inmediata de la licencia matrimonial de conformidad con la última disposición del artículo 10 de la Ley de Matrimonio, Ley 3613, a nuestro modo de ver, se deben seguir estas reglas:

(a) Es necesario que cada uno de los contrayentes esté acompañado de su padre o en su defecto, de su madre, o en defecto del padre y de la madre, de su tutor, o en defecto de todas estas personas de la persona que tenga el cuidado legal.

(b) Si el padre de un contrayente está físicamente impedido puede acompañarle la madre con los mismos efectos legales, con tal que dicho contrayente sea de más de 20 años de edad, si es varón, y más de 18 si es mujer; o si es de menos de 20, o menos de 18 años respectivamente, con tal que tenga el consentimiento del padre dado conforme a la ley.

(c) Si el padre de un contrayente ha muerto, o ha desaparecido, o ha perdido la autoridad paterna, y la madre está imposibilitada físicamente para acompañar a dicho contrayente, no hay persona que pueda hacer esto en su lugar para obtener la expedición inmediata de la licencia, a no ser que la dicha madre haya perdido también la autoridad paterna.

En nuestra opinión, se entiende, para los propósitos y

efectos de la Ley de Matrimonio, por tutor, una persona designada por testamento para la persona, o a la vez para la persona y los bienes de un menor; o un tutor legalmente nombrado por un juzgado competente para la persona, o a la vez para la persona y los bienes de un menor que no tiene tutor testamentario; o el tutor nombrado por un juzgado competente para la persona y los bienes de un pródigo. Por "persona que tiene el cuidado legal" se entiende la persona que actualmente tiene el cuidado legal de un menor que no tiene padre ni madre ni tutor. (Carta al juez de Paz de Atimonan, Tayabas, 22 de julio de 1931).

19.—Si una iglesia sólo permite, pero no manda que se hagan las proclamas o publicaciones, el Director de esta oficina (del Registrador General) no puede certificar que las reglas y prácticas de dicha iglesia exigen proclamas o publicaciones previas a la solemnización de matrimonio. (Carta al Rev. James B. Rodgers, Actg. Stated Clerk, United Evangelical Church of the Philippines, Manila, 27 de julio de 1931).

20.—La declaración a que se refiere el artículo 10 de la Ley de Matrimonio relativa a las proclamas o publicaciones, debe ser jurada personalmente por los interesados ante una persona autorizada para recibir juramentos, puesto que no se puede recibir juramento alguno sin la presencia del interesado. Por lo tanto, si el Registrador Civil local es requerido a testificar dicha declaración (Formulario Municipal, No. 95, al dorso) no puede hacerlo sin la presencia de los interesados, o sea uno de los contrayentes y un sacerdote o ministro de la religión profesada por dicho contrayente, y bajo cuyas reglas y prácticas dicho contrayente y solicitante desea contraer matrimonio. (Carta al Rev. Wm. A. Fletcher, Secretario del Arzobispo de Manila, 17 de agosto de 1931).

21.—La publicación por diez días puede comenzar desde la fecha en que se recibió la solicitud de licencia matrimonial, aún en el caso de que no se haya obtenido el consentimiento del padre. Si al término de diez días de publicación, la mujer solicitante ha llegado a la edad de 18 años, ya no se necesita más el consentimiento de su padre y se puede expedir inmediatamente la licencia matrimonial, con tal que se hayan cumplido los demás requisitos. (Primer Endoso al Registrador Civil local de Santa Rosa, Laguna, 20 de octubre de 1931).

22.—Los contrayentes que no tienen padres, tutores o per-

sonas con cargo legal de las mismas, no pueden aprovecharse de la disposición de la Ley de Matrimonio que concede que la licencia matrimonial puede ser expedida inmediatamente "si el padre o la madre, tutor o guardián de cada uno de los contrayentes sean estos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer, respectivamente, acompañare a los mismos al solicitar la licencia".

Por consiguiente, una viuda o un viudo que no tiene padres y vive independientemente, no puede obtener inmediatamente una licencia matrimonial, aún en el caso de que la persona con quien dicha viuda o viudo desean contraer matrimonio esté acompañada de su padre, madre, tutor, o persona que tiene el cargo legal de la misma, a no ser que "uno de los solicitantes y un sacerdote o ministro de la religión que el interesado profesa, hiciere constar por escrito y bajo juramento que las reglas y prácticas de la iglesia, secta o religión bajo las cuales se ha de contraer el matrimonio, exigen proclamas o publicidad previas a la celebración del matrimonio, y que dicha iglesia, secta o religión es de las que observan dichas reglas y prácticas, habiendo obtenido, al efecto, un certificado del Director de la Biblioteca Nacional de Filipinas"—artículo 10 de la Ley No. 3613 o sea Ley de Matrimonio. (Primer Endoso al Registrador Civil local de Infanta, Pangasinan, 29 de octubre de 1931).

23.—La presentación personal de los padres de los contrayentes ante el Registrador Civil local no es necesaria en absoluto a no ser que se desee obtener inmediatamente la licencia matrimonial y el matrimonio no se celebrará ante un sacerdote o ministro cuya iglesia ha obtenido del Director de la Biblioteca Nacional de Filipinas un certificado al efecto de que las reglas y prácticas de dicha iglesia requieren proclamas o publicidad previas a la celebración del matrimonio y que dicha iglesia es de las que observan dichas reglas y prácticas. (Primer Endoso a Mr. Daniel N. Cristóbal; Laur, Nueva Ecija, 9 de noviembre de 1931).

24.—Hablando estrictamente, no se debe poner en la licencia matrimonial el nombre de la persona que lo solemnizará, puesto que, según el artículo 11 de la Ley 3613 (Ley de Matrimonio) la licencia matrimonial puede usarse en cualquier parte de Filipinas dentro de 120 días a contar desde la fecha de su expedición. Lo que se debe hacer constar en la licencia es el nombre de la iglesia donde se solemnizará el matrimonio, si dicha licencia es expedida inmediatamente en virtud de un affidavit o de-

claración suscrito por un sacerdote o ministro de dicha iglesia y uno de los contrayentes al efecto de que las reglas y prácticas de dicha iglesia exigen proclamas o publicidad previas a la celebración del matrimonio, y que dicha iglesia es de las que observan esas reglas y prácticas y ha obtenido el certificado conveniente del Director de la Biblioteca Nacional de Filipinas. En este caso el matrimonio dicho puede ser solemnizado por cualquier sacerdote o ministro de dicha iglesia en cualquier parte de Filipinas.

Por lo tanto somos de parecer, que aún cuando se ponga en la licencia matrimonial el nombre de la persona que solemnizará el matrimonio, éste puede ser solemnizado en cualquier parte de Filipinas por cualquier otra persona autorizada para solemnizar matrimonios, a no ser que dicha licencia haya sido expedida inmediatamente en virtud del affidavit o declaración de que se ha hablado antes, en cuyo caso el matrimonio puede ser solemnizado sólo por cualquier sacerdote o ministro de la iglesia, secta o religión a la que pertenece el sacerdote o ministro cuyo nombre aparece en la licencia. (Carta al Rev. Geodeon Suncuya, Párroco de Calivo, Cápiz, 23 de noviembre de 1931).

25.—De conformidad con la última parte del artículo 10 de la Ley de Matrimonio, el Registrador Civil local puede negarse a expedir inmediatamente una licencia matrimonial si los contrayentes que deben ir acompañados por sus respectivos padres, tutores o personas que tengan el encargo legal, no están presentes. En este caso se debe seguir el método ordinario prescrito por la ley, para expedir la licencia matrimonial. (Segundo Endoso al Registrador Civil local de Atimonan, Tayabas, 24 de noviembre de 1931).

26.—En la opinión de esta oficina (del Registrador Civil General) no se puede recibir legalmente el juramento de una parte interesada, si no está presente. De esto se sigue que si los contrayentes interesados desean suscribir ante el Registrador Civil local el affidavit o declaración de que habla el artículo 10 de la Ley No. 3613 (Ley de Matrimonio) relativamente a las reglas y prácticas de una iglesia, secta o religión, deben presentarse personalmente ante dicho funcionario. Como se sabe, no es necesario en absoluto suscribir dicho affidavit o declaración delante del Registrador Civil local, puesto que puede suscribirse delante de cualquiera persona autorizada por la ley para recibir juramentos, incluso, según creemos, delante

de los sacerdotes y ministros autorizados para solemnizar matrimonios. (Carta al Rev. Esteban Montecillo, Párroco de Tuburan, Cebú, 27 de noviembre de 1931).

27.—En nuestra opinión, los contrayentes que no tienen padres, tutores o personas con encargo legal, no pueden utilizar la disposición de la Ley de Matrimonio por virtud de la cual se puede expedir inmediatamente una licencia matrimonial “si el padre, o la madre, tutor o guardián de cada uno de los contrayentes sean éstos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer respectivamente, acompañare a los mismos al solicitar la licencia”. (Primer Endoso al Registrador Civil local de Gapan, Nueva Ecija, 27 de noviembre de 1931).

28.—En un caso en que se elevó al Juzgado de Primera Instancia una petición de *mandamus* contra el Escribano del Juzgado Municipal de Manila por haberse dicho funcionario negado a expedir una licencia matrimonial a una persona cuyo cónyuge había estado ausente por más de siete años consecutivos sin que dicha persona hubiera tenido noticia de que el cónyuge ausente viviese, el Juzgado no admitió la petición y no se expidió la licencia matrimonial hasta que la persona interesada que había hecho dicha petición hubo obtenido una declaración judicial de ausencia de dicho cónyuge. Según creemos, se debe seguir como norma ese precedente. (Primer Endoso al Registrador Civil local de Balaoan, La Unión, 8 de diciembre de 1931).

29.—En nuestra opinión no se puede recibir legalmente juramento sin la presencia del que jura. De esto se infiere que aún en el caso de que se hayan llenado previamente los formularios por las partes interesadas, es necesario que las mismas suscriban y juren **personalmente** delante de la persona autorizada para recibir juramentos. (Primer Endoso al Registrador Civil local de Merida, Leyte, 8 de diciembre de 1931).

30.—Una viuda o un viudo, tengan la edad que tengan, no pueden obtener la licencia matrimonial, sin cumplir las prescripciones del artículo 10 de la Ley de Matrimonio. (Segundo Endoso al Registrador Civil local de Dávao, Dávao, 24 de diciembre de 1931).

31.—En la opinión de esta oficina (del Registrador Civil General) no se puede recibir legalmente juramento alguno sin la presencia del que jura. De aquí que es necesario para que el *affidavit* o declaración jurada de que habla el artículo 10 de

la Ley No. 3613 (Ley de Matrimonio) tocante a las reglas y prácticas de una iglesia donde un matrimonio será solemnizado, pueda presentarse al Registrador Civil local, que el sacerdote o ministro de dicha iglesia y uno de los contrayentes suscriban dicho affidavit o declaración jurada **personalmente delante** de dicho funcionario. (Segundo Endoso al Registrador Civil local de Minglanilla, Cebú, 15 de febrero de 1932).

32.—Un Registrador Civil local no puede negarse a expedir una licencia matrimonial precisamente por motivo de que el anterior suegro del varón solicitante no ha pagado su **land tax**. (Carta a Mr. Graciano Mituda, Cogtong, Candijay, Bohol, 15 de febrero de 1932).

33.—Esta oficina (del Registrador Civil General) ha librado a la Iglesia Católica Romana, un certificado provisional declarando que sus reglas y prácticas exigen proclamas o publicaciones previas a la solemnización de matrimonio, y que dicha iglesia cumple esas reglas y prácticas. Ese certificado fué expedido en la inteligencia de que, excepto en los casos de lo que se llama **dispensa**, que se concede sólo en circunstancias especiales, los sacerdotes de dicha iglesia observan esas reglas o prácticas, sin tener en cuenta si la publicación por diez días exigida por la ley, se hace o no en el edificio municipal. (Primer Endoso al Registrador Civil local de Hinigaran, Negros Occidental, 23 de febrero de 1932).

34.—El Registrador Civil local, puede para el interés del público, hacer lo que se llama trabajo overtime en los domingos y días de fiesta. Por lo tanto puede expedir licencias matrimoniales en esos días, con tal que no haga eso por motivos pecuniarios o personales, y con tal que no haga distinciones a favor de algunos solicitantes. (Primer Endoso al Registrador Civil local de Santa Rosa, Laguna, 24 de febrero de 1932).

35.—La última disposición del artículo 10 de la Ley de Matrimonio debe ser interpretada de un modo estricto por ser una excepción de la regla general. De esto se infiere que si los padres de los contrayentes no les acompañan, sino que éstos se presentan solos y sin los contrayentes ante el Registrador Civil local para obtener la inmediata expedición de la licencia matrimonial, ésta, según opina esta oficina (del Registrador Civil General) no se puede expedir inmediatamente, a no ser que el uno o ambos contrayentes estén impedidos físicamente para comparecer personalmente con sus padres delante de dicho funcionario. Y en este caso se debe probar esa imposibilidad me-

dante un affidavit o declaración jurada de los contrayente o de sus padres y por un certificado del respectivo médico. (Carta a Mr. Francisco N. Nerpio, Atimonan, Tayabas, 27 de febrero de 1932).

36.—Si durante la publicación de una solicitud matrimonial, uno de los solicitantes presenta un affidavit o declaración jurada en el sentido de que él o ella han cambiado su propósito de contraer matrimonio con la otra parte; según cree esta oficina (del Registrador Civil General) el Registrador Civil local no está obligado a expedir la licencia después de la publicación. (Primer Endoso al Departamento de Información, Philippines Free Press, Manila, primero de marzo de 1932).

37.—Los contrayentes que no tienen padres, tutores o personas con cargo legal, aunque tengan cuarenta, o cincuenta, o más años de edad no pueden aprovecharse de la disposición de la Ley de Matrimonio en virtud de la cual se puede expedir inmediatamente la licencia matrimonial "si el padre o la madre, tutor o guardián de cada uno de los contrayentes, sean éstos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer, respectivamente, acompañare a los mismos al solicitar la licencia". (Primer Endoso al Registrador Civil local de Mangatarem, Pangasinán, 16 de marzo de 1932).

38.—Para los propósitos y efectos de la última disposición del artículo 10 de la Ley de Matrimonio, Ley No. 3613, cada uno de los contrayentes deber ir acompañado, al solicitar la licencia matrimonial, por las siguientes personas **en orden en que están mencionadas**: a) por el padre o la madre; b) por el tutor, en defecto del padre y de la madre; c) por la persona que tiene cargo legal del menor, en defecto del padre de la madre y del tutor. Por tutor se entiende la persona nombrada legalmente en el testamento para cuidar de la persona, o de la persona y los bienes de un menor; o la persona nombrada legalmente por un juzgado competente para el cuidado de la persona, o de la persona y bienes de un menor que no tiene tutor testamentario; o la persona nombrada legalmente por un juzgado competente para el cuidado de la persona y bienes de un pródigo. Por persona que tiene el cuidado legal, se entiende la que tiene actualmente cuidado legal de un menor que no tiene padre ni madre ni tutor legal. Para el cumplimiento del orden de preferencia mencionado antes, se debe hacer una declaración por escrito y bajo juramento sobre la muerte, la desaparición, o la pérdida de la autoridad pa-

terna, del padre y de la madre, si el solicitante va acompañado de su tutor; o sobre la muerte, la desaparición, o la pérdida de la autoridad paterna de los dos padres (padre y madre) y la falta de tutor, si el solicitante va acompañada por otra persona que tenga el cargo legal de dicho solicitante. (Primer Endoso al Registrador Civil local de Cagayan, Misamis Oriental, 17 de marzo de 1932).

39.—Si el padre o la madre el tutor o guardian de cada uno de los contrayentes sean éstos mayores o menores de veinte o dieciocho años de edad, según sea el contrayente varón o mujer, respectivamente, acompañare a los mismos al solicitar la licencia, y por cuya razón esta fuere expedida inmediatamente después de preparado un documento en duplicado firmado por las personas mencionadas, cualquier persona autorizada para solemnizar matrimonios, puede inmediatamente solemnizar el matrimonio de dichos contrayentes. (Carta al Rev. Rufo C. Tuanzon, Buenavista St. Escalante, Negros Occidental, 19 de marzo, de 1932).

40.—No se puede diferir la expedición de la licencia matrimonial adoptando un procedimiento que no está autorizado por la Ley de Matrimonio. (Véase el artículo 12, de dicha Ley). Sin embargo, si el Registrador Civil local está convencido en vista de una evidencia documental auténtica que tiene en su posesión de que uno de los contrayentes se casó en un municipio determinado, según cree esta oficina (del Registrador Civil General) antes de expedir la licencia matrimonial puede pedir al Registrador Civil local de ese municipio que certifique si conforme a los records de su oficina dicho solicitante se casó allí o no. (Primer Endoso al Registrador Civil local de Dimiao, Bohol, 4 de abril de 1932).

41.—La última disposición del artículo 10 de la Ley 3613, relativa a la expedición inmediata de la licencia matrimonial, se aplica a todos los solicitantes, sin exceptuar a los viudos o viudas. (Primer Endoso al Registrador Civil local de Bauang, La Unión, 8 de junio de 1932).

42.—Fundándose en la última parte del artículo 10 de la Ley de Matrimonio, el Registrador Civil local puede negarse a expedir inmediatamente la licencia matrimonial, si los contrayentes no comparecen delante de él **juntamente** con sus respectivos padres, tutores o personas con el encargo legal. En este caso se debe seguir el procedimiento fijado por la ley para la

expedición de licencia matrimonial. (Primer Endoso al Registrador Civil local de San Antonio, Nueva Ecija, 30 de julio de 1932.)

43.—Si se expide una licencia matrimonial sin publicaciones porque “uno de los solicitantes y un sacerdote o ministro de la religión que el interesado profesa, hicieren constar por escrito y bajo juramento que las reglas y prácticas de la iglesia, secta o religión bajo las cuales se ha de contraer el matrimonio exigen proclamas o publicidad previas a la celebración del matrimonio, y que dicha iglesia, secta o religión es de las que observan dichas reglas y prácticas, habiendo obtenido, al efecto, un certificado del Director de la Biblioteca Nacional de Filipinas” el nombre de dicha iglesia, secta o religión, (no el nombre del sacerdote o ministro) se debe hacer constar en la licencia, y el matrimonio se debe solemnizar sólo conforme a las reglas y prácticas de dicha iglesia, secta o religión.

Si la licencia matrimonial es expedida después de diez días de publicación, o sin publicación de conformidad con la última parte del artículo 10 de la Ley 3613 (Ley de Matrimonio) no se debe poner en la licencia el nombre de ninguna iglesia, secta o religión o de la persona autorizada para solemnizar el matrimonio, y el matrimonio puede ser solemnizado por cualquier persona autorizada para solemnizar matrimonios. (Tercer Endoso al Registrador Civil local de Buenavista, Iloilo, 31 de agosto de 1932).

44.—Puesto que en este caso la mujer tiene 27 años de edad, según cree esta oficina (del Registrador Civil General) ella puede comparecer acompañada de su madre (su padre está ausente) delante del Registrador Civil local, para obtener inmediatamente una licencia matrimonial, de conformidad con la última parte del artículo 10 de la Ley 3613 (Ley de Matrimonio) con tal que al mismo tiempo y por el mismo motivo, el varón comparezca con su padre, madre o tutor, según sea el caso, delante del mismo funcionario. (Primer Endoso al Registrador Civil local de Gerona, Tarlac, 29 de octubre de 1932).

(Se continuará)

—o—

Validity of Contracts of Lease Against Third Parties

● LEONARDO ABOLA, LL.B.

The nature of the rights created by a contract of lease has been the subject of extensive discussion among authorities on the civil law. Some authors believe that a contract of lease is a personal right, while others maintain that it creates a real right. The majority of the commentators of the Spanish Civil Code substantially agree that under said code a contract of lease is merely a personal right, but it becomes a real right if and when it is recorded in the Registry of Property. This opinion is in harmony with the provisions of the law.

It is a cardinal rule that contracts produce effect between the parties who executed them and their heirs (Art. 1257 Civil Code); hence, actions on the contract may be brought only by those who are principally or subsidiarily obligated by virtue thereof (Art. 1302, C.C.). On the other hand, art. 1543 of the Civil Code defines the lease of things as a contract whereby one of the parties thereto binds himself to give to the other the enjoyment or use of a thing for a specified time and for a certain price.

From the afore-cited provisions it can be safely inferred that upon the perfection of a contract of lease personal rights are created; the lessee may demand of the lessor the enjoyment and use of a thing, and the lessor may collect from the lessee the price agreed upon. These rights are enforceable between the parties, unless otherwise provided or clearly inferred from the law.

There is no provision in Title VI, Book IV, of the Civil Code, from which it may be inferred that a contract of lease shall be binding upon third persons not a party to the contract. On the contrary, Art. 1549 expressly provides that leases of real property shall produce no effect as against third parties unless duly recorded in the Registry of Property. In line with

this principle, Art. 1571 provides that the purchaser of a leased property has the right to terminate any lease in force at the time of the sale, unless the contrary is stipulated and without prejudice to the rights of third persons under the Mortgage Law.

Furthermore, the fact that a contract of lease of real property cannot be registered under the provisions of the Spanish Mortgage Law, except in the cases provided for in Art. 2, No. 5, of said law, clearly shows that a lease is not a real right. In "The Employers Club Cor. vs. China Banking Cor., 60 Phil. 233", our Supreme Court held that a contract of lease cannot be recorded under the Mortgage Law, except in the cases therein expressly stated, but it can be recorded under the provisions of Act No. 496, provided, of course, that the land is covered by a certificate of title issued under the provisions of said act. It is interesting to note that Mr. Justice Abad Santos, in his dissenting opinion, maintains that a contract of lease cannot be recorded under Act No. 496, inasmuch as said contract does not constitute an estate in the land or a real right.

Notwithstanding the provisions of the Civil Code already cited, our Supreme Court, in "WINKLEMAN vs. VELUZ, 43 Phil. 233", held that a contract of lease for a period exceeding six years is a real right and it is binding against a subsequent purchaser who has knowledge of the same, even though the contract is not recorded in the Registry of Property.

In the said case, Winkleman vs. Veluz, one Segunda Abuel, the owner of two parcels of land, leased the same to defendant Veluz for a term of nine years, with the stipulation that in case of sale of the lands the lease should be respected. A year later the land was sold to plaintiff Winkleman, who at the time of the sale had full knowledge of the terms and conditions of the contract of lease. Subsequently, Winkleman filed an action against Veluz to recover possession of the land, together with its fruits or their value. Upon the facts of the case, the Court held that plaintiff Winkleman was not entitled to terminate the contract of lease, for the following reasons:

"As to the first exception, it is settled that the stipulation to the contrary referred to in this article is that between the seller and the purchaser of the property, and not that between the lessor and the lessee. In the case before us there was no such stipulation in the deed of conveyance of the estate;

but the stipulation contained in the contract of lease that the lease should be respected in case the properties were sold, was known to the purchaser who, before buying the property, had read said contract. Consequently, she made the purchase with knowledge of such a stipulation, which thus became incorporated into the contract of sale executed in her favor. It is true that such a stipulation was not expressly stated in the deed of sale, but it was known and consented to by the purchaser. As the law does not require that this stipulation be reduced to writing, we believe it sufficient if, as in the instant case, although it is only implied, there can be no doubt, that it existed and was consented to by the purchaser. An analogous view has been maintained by this court in the case of Pang Lim and Galvez vs. Lo Seng (42 Phil., 282).

The second exception contained in the above cited article of the Civil Code applies to the contracts of lease referred to in article 2, No. 5, of the Mortgage Law, which says:

Art. 2. In the Registries mentioned in the preceding article shall be recorded:

“5. Contracts for the lease of real property for a period exceeding six years, or such contracts on which rent had been paid in advance for three or more years, or if having neither of these conditions, they contain a special covenant by which record thereof is required.”

In these cases the lease is considered as a real right (see “Exposición de motivos de la Ley Hipotecaria” and “Legislación Hipotecaria” by Galindo y Escosura, (vol. I, pp. 459-462) and when registered, it is effective against third persons (Art. 1459, Civil Code). So that when the lease of an estate falls within one of the cases enumerated in the last cited provision and can, consequently, be registered, and is in fact registered, the purchaser of the estate is not entitled to terminate the lease.

The lease in question in the present case is for a term exceeding six years. It can, therefore, be registered, and is, for this reason, a real right in the eyes of the law. True, it is not registered, because the estate has not been previously registered, but the plaintiff, the purchaser of the land thus leased, acquired it with full knowledge of the existence, duration and other conditions of the lease, including the stipulation

to respect it in case the property was sold, having read the document evidencing it. Is such knowledge equivalent to registration of the contract of lease so as to take the lease from the operation of the general precept contained in article 1571 of the Civil Code? The judicial decisions give an affirmative answer."

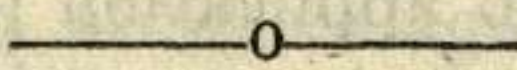
It is submitted that the ruling of the Supreme Court in the aforesaid case is not in harmony with the letter and spirit of the law. From the provisions of arts. 1543, 1549 and 1571 of the Civil Code, and of Art. 2, No. 5 of the Mortgage Law, it may be inferred that actual registration of the contract of lease in the Registry of Property is the fact which makes the contract a real right, binding against third persons. This is so because the parties to a contract cannot by mere agreement change a real right into a personal right or vice versa. The right of ownership, for instance, is nonetheless a real right, despite any agreement of the parties that it should be considered a personal right. Therefore, the fact that a contract of lease is for a period exceeding six years, or that the rents for three years have been paid in advance, or that the parties have agreed to cause the registration of the contract of lease cannot AND WILL not change the nature of the lease, unless and until the same is duly recorded in the Registry of Property.

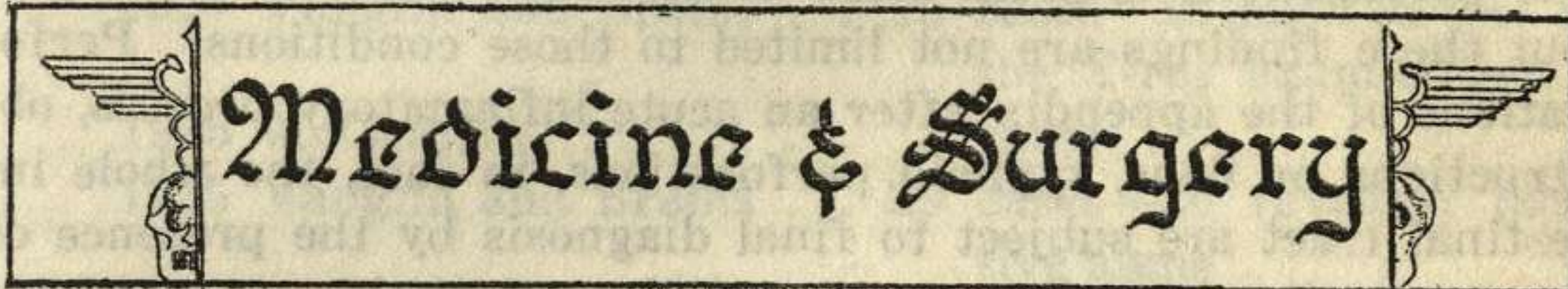
It is said in the above cited decision that it being the principal purpose of registration of interests in real property to give notice to third persons of the existence of the same, the purchaser's actual knowledge of the terms and conditions of the contract of lease, excludes the necessity for registration. The case of *Obras Pías vs. Devera* (17 Phil., 45), cited in support of this theory, has no application in the case, inasmuch as "the mortgage (in that case) was originally recorded in the CONTADURIA, ANOTADURIA or RECEPTORIA of mortgages in accordance with the law in force before the Mortgage Law was put into operation in the Philippine Islands" (17 Phil., 46). At all events, an unrecorded mortgage is not validly constituted and, therefore, does not constitute a real right, unless it is recorded in the Registry of Property. (Art. 1875, Civil Code)

It is true that a real right is valid against third persons, even in the absence of registration, inasmuch as by its very nature, as distinguished from a personal right-, it is valid

against the whole world; in the words of Sanchez Roman, it is a right without a definite passive subject against whom it can be enforced. On the other hand, art. 1549 provides that leases of real property not duly recorded in the Registry of Property shall produce no effect ("*no surtiran efecto*"), in so far as third parties are concerned; and art. 1571 grants the purchaser the right to terminate a lease saving stipulation to the contrary and the provisions of the Mortgage Law. The interpretation given by the Supreme Court in fact includes another case where leases shall produce effect as third persons, and establishes another exception where a purchaser cannot terminate a lease, which is obviously against the rules of construction.

In conclusion, it is submitted that an unrecorded contract of lease does not constitute a real right, and therefore, is not binding against third persons, and that the vendee of a leased property may terminate the contract of lease, unless the same is duly recorded in the Registry of Property or the contrary has been stipulated between the vendor and the vendee.





Pneumoperitoneum in the Diagnosis of Gastrointestinal Perforation

● P. J. GARCIA, M.D. and J. Y. FORES, M.D.

There are several types of acute abdomen where a possible conclusive diagnosis may not be evident. Sometimes we meet cases of acute appendicitis, cholecystitis, tuberculous peritonitis, perforations of gastric and duodenal ulcers, which give frank and unmistakable subjective and objective manifestations, but we hesitate and ponder for more definite data on which to base surgical intervention. Physical signs and laboratory findings are not enough to determine the existence of gastrointestinal perforation. There are cases in which even these findings cannot be observed because of the condition of the abdomen which may be extremely distended or rigid. Occasionally, we know that the patient has an acute case of peritonitis and therefore we perform a laparotomy, thus using an ultimate resort for an undetermined diagnosis in the investigation. In this situation we are after the time element which is essential in the post-operative treatment. According to McCreery and other authors a mortality of sixty per cent occurs in operations performed after twenty-four hours, and a mortality of one-hundred per cent in those delayed over forty-eight hours.

Roentgenographic evidence of free gas in the abdomen is

considered of the greatest value in perforations; particularly those which develop insiduously or (in cases of traumatism) in which there are multiple lesions masked by other manifestations. The importance of these findings in gastric and duodenal perforations is often cited in the literature on the subject but these findings are not limited to those conditions. Perforations of the appendix after an acute inflammatory process, obstructions or ileus, typhoid perforations, in fact, the whole intestinal tract are subject to final diagnosis by the presence of pneumoperitoneum. But we must differentiate this process from pneumography of the abdomen by the direct introduction of oxygen, carbon-dioxide or thorium, etc. in the diagnosis of tubal potency, cystography or therapeutic introduction of oxygen into the abdomen.

HISTORY

The idea of air inflation of the peritoneal cavity in connection with Roentgen-ray diagnosis began as early as the year 1902, when Kelling discovered the clinical importance of the presence of air in the abdominal cavity. In 1901 Jacobeous of Stockholm revived the method with a report of a few cases. Between 1909 and 1919 Weber, Lorey, Routenberg, Meyes, Betz, Goetz and A. Schmidt utilized the presence of pneumoperitoneum in the diagnosis of several conditions of the abdomen. Spontaneous pneumoperitoneum cases were reported by German authors in 1915, but it was not until the later part of 1915 that Popper recognized the presence of pneumoperitoneum in cases of perforation. Previous to this date Weiland has been credited with observing free gas under the diaphragm. The following year a German military surgeon emphasized the value of roentgenological evidence of free gas in the bullet wounds of the stomach. In 1917 Martin followed by Dandy and Kenez described the same findings. Kellog in 1921 reported a case of perforated gastric ulcer in the greater curvature. The nomenclature originally introduced was considered a misnomer by Dohm in 1922. Instead of pneumothorax subphrenicus he called it pneumoperitoneum. Following these reports were the cases reported by Geier in 1929, Warfield in 1930, and Brown in 1932. A report made by Jenkinson in 1930 gave contrary findings however. He had a case where the evidence of gas was present but no perforation was found.

The following authors encountered in their cases a high percentage of positive results:

1921	Schottmuller	3 cases
1924	Copher	5 cases
1924	Vaughn and Brams . .	15 cases—13 showed gas in the X-ray examination.
1925	McCharles	2 cases
1925	Vaughn and Brams . .	29 cases—26 revealed positive signs
1927	Cottle and Spalding . .	8 cases
1929	Pendengrass and Kirk.	2 cases
1929	Vaughn and Singer . .	63 proved cases—54 showed positive signs
1932	Finterbush and Gross .	110 cases with 95 positive for signs
1933	Spinzig	21 cases of perforation—21 positive signs
1937	Johnson	42 cases—35 positive signs
1937	Petren	40 cases—27 positive results
1938	Paine and Rigler . . .	70 cases—56 positive results

After taking note of these data we come to the conclusion that in at least 85% of the cases, the findings of subphrenic pneumoperitoneum were proven reliable. Negative results may be attributed to several factors which we will explain below. In spite of the negative results in some cases, it is always advisable to try the method in every case of this sort.

ORIGIN AND FORM OF GAS

Pneumoperitoneum is the presence of free gas in the peritoneal cavity. It is classified into spontaneous, traumatic, and artificial or direct. After a period of acute pathological invasion of the hollow viscus the lumen of the said cavity gives way producing a perforation. Now this passage will eliminate gas from the fully distended viscus thus allowing its access to the peritoneal cavity. This is the so-called spontaneous type. When the origin of gas is through the perforation of a hollow viscus resulting from a previous injury—usually external—a traumatic pneumoperitoneum is produced. During the process of cystography and diagnosis of tubal patency air is introduced into

the abdominal cavity through the uterus. This procedure will show artificial or direct pneumoperitoneum. The origin of the free gas in the subphrenic region is derived from the intestinal tract. Hibbard and Krenen in their experiments with dogs found volatile bases of 50% ammonia, primary, secondary, and tertiary amines, in low intestinal obstruction. They are found in concentrations varying from 0.14% to 1.60%. These are of course putrefactive end-results of the amino-acids. Thus the flora inhabiting the stomach and the rest of the intestinal tract are responsible for this gas formation.

The usual flora predominating in the intestines in cases of acute distension or in the process of peritonitis are *C. Welchii* and *E. Coli*. Occasionally *B. Aerogenes* and *B. proteus* are found associated with the cocci group. This is true in the experiments in dogs made by Hacrem, Dack and Wilson. These are vegetative forms responsible for the putrefactive changes in the intestines, and which in turn produce the gas distension after escaping from the bowel in cases of gastro-intestinal perforations.

ROENTGENOGRAPHIC PROCEDURE

It is advisable to percuss the abdomen and observe any diminution in the liver dullness which is always suspicious of free peritoneal gas. After ascertaining this sign or in the event that the abdomen is too tender for any examination, the individual should lie on his left side for a few minutes to allow the escape of gas to the right sub-diaphragmatic space or lateral hepatic spaces. This position will drive the gas in cases of suspected gastric perforation towards the pyloric region which is the common site of perforation. Following this preliminary order the patient sits or stays in an up-right position and the abdomen is fluoroscoped for possible evidence of gas. This is applicable to those individuals who are able to sit or stand. When the patient is very weak and prostrated, the X-ray plates are taken in supine position with or without the Potter-Bucky diaphragm. The patient is then asked to make a deep inspiration, at the end of which exposures are taken. Usually three plates are made, one postero-anterior with the patient up-right, one antero-posterior with the patient supine and one postero-anterior with the patient lying directly on the left side with the right side up.

The appearance of the subphrenic pneumoperitoneum within the peritoneal cavity is very characteristic and is rarely mistaken for other things. The gas bubbles appear as sickle-shaped area, narrow, bright and distinct. The boundaries of the body are regular and constant with no mottling shades. The widest part is in the middle portion, the ends approach one another until the upper margin which is more curved meets the lower boundary close to the external abdominal wall on one side and the midline of the body on the other. The base line is usually straight but not always as it follows the condition of the viscera and presence of fluid in this region. The width of the zone of air depends on the quantity of air present. Regardless of the amount, however, the evidence of air is always readily seen. In the experiments of Paine and Rigler positive results were obtained even when the amount of air was as low as five cubic centimeters. If the lower boundary is wavy and changes position in several plates there is a fluid level below the free gas. This can be verified in fluoroscopy by the appearance of irregular outlines of the lower boundary and the presence of splashing movements when the patient is moved or shaken in several positions.

When the position of the patient is on the left lateral decubitus the postero-anterior roentgenogram will show gas between the lateral abdominal wall, the diaphragm, and the liver. The fluid level, if any, will be parallel to the longitudinal axis of the body.

Not all transluscent areas under the diaphragm are considered due to free gas. This phenomenon is differentiated from subphrenic abscess, hepatoptosis, anomalous position of the colon and dextrocardia. In subphrenic abscess the gas lies usually in the right antero-posterior space under the diaphragm. The lower boundary has a horizontal border instead of a convex outline. This is due to the presence of fluid which can be verified by shaking the patient, thus producing fluid waves. The gas bubbles usually are encapsulated, do not disappear or permit the liver and diaphragm to approximate when the patient assumes the recumbent position as in the case of free gas. Hepatoptosis is a primary complete displacement of the entire liver from the diaphragm. On account of this position the colon is interposed between the liver and the diaphragm producing an

area of translucence. The area of gas is widest at the lateral abdominal wall tapering to a point near the median line. There are peristaltic movements and the brilliance of the gas area is constant due to the intestinal contents. The gas will not disappear if the position of the patient is changed. The haustra of the colon is visible. Further proofs can be elicited after a barium meal or enema is given to the patient. In dextrocardia without transposition of the viscera the heart is on the right side while the stomach is on the left side. In reference to the heart, the gas bubbles may seem to be on the right side but the proper placing of the right and left markers will ensure the relationship of the viscera. The gas present, if there is any, is not sickle-shaped and will not transfer to the liver and right lateral abdominal wall when the individual lies on the left side.

There is not much literature reporting negative results. "Gas peritonitis" appeared recently in German literature. This is a condition of peritonitis without perforation but with a concomitant free gas formation in the peritoneal cavity.

Jenkinson reported a case with free gas but no perforation. In cases of Magenblasse immediate X-ray of the abdomen will not show pneumoperitoneum but after a few minutes or hours a positive result will be available. This is true also in cases of perforations of the *forme fruste* or sealed type which show no gas by X-ray examination.

Paine and Rigler attribute negative results to adhesions in the right upper quadrant of the abdomen; location of the perforation below the fluid level of the fluid in the viscus; absence of gas in the viscus; temporary plugging of the perforation with gastric or intestinal contents or prolapse of the mucosa into the perforation. There may be technical errors in the roentgen examination as in the failure to direct the X-rays horizontally to the long axis of the body. The patient must be in the upright position for a few minutes before the examination and vertical during the examination.

Judging from these reports we can recommend the investigations of the presence of spontaneous pneumoperitoneum in all cases of suspected gastro-intestinal perforations. We have utilized this procedure to verify our diagnosis of several cases of gastro-intestinal perforation.

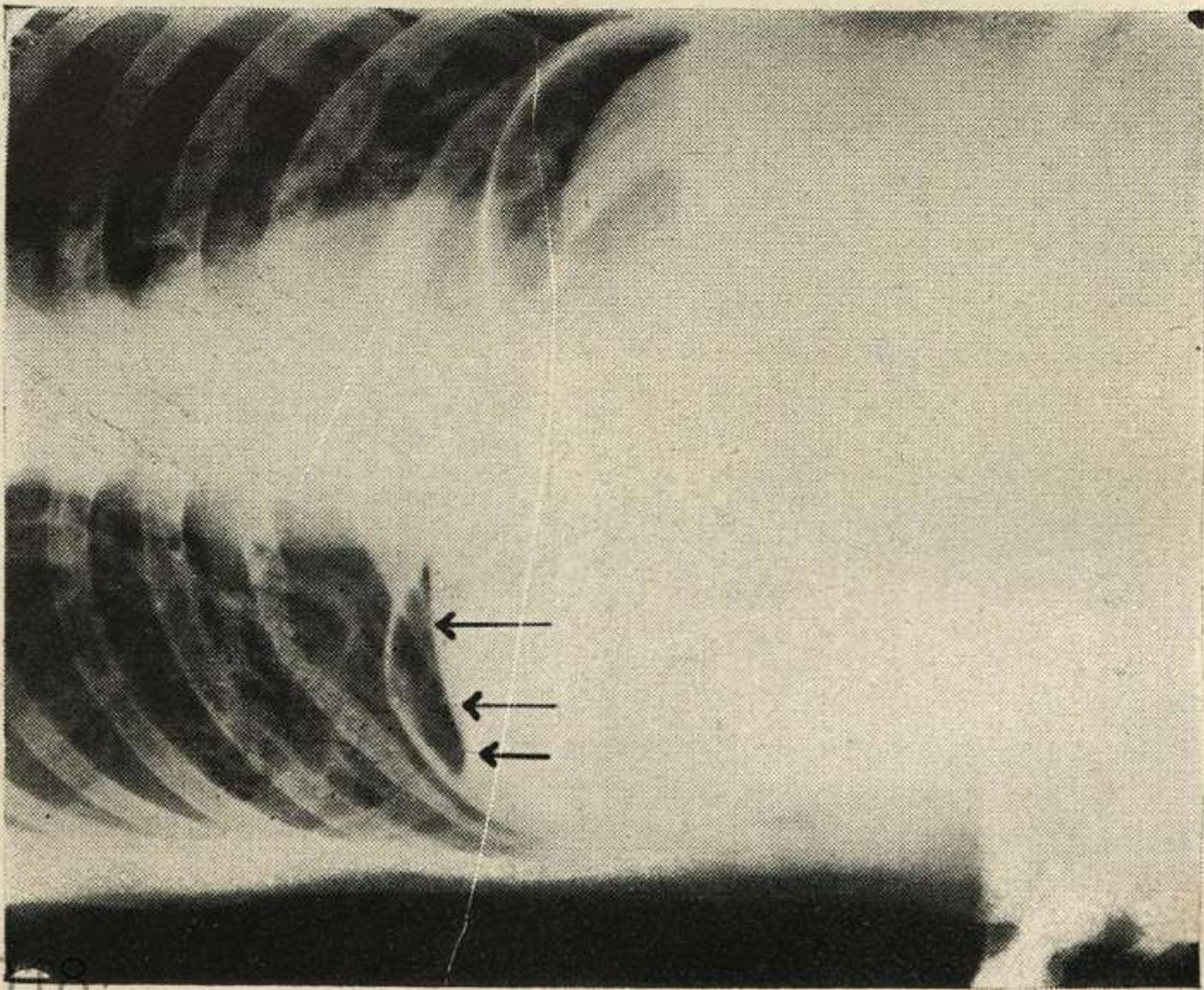


Fig. 1.

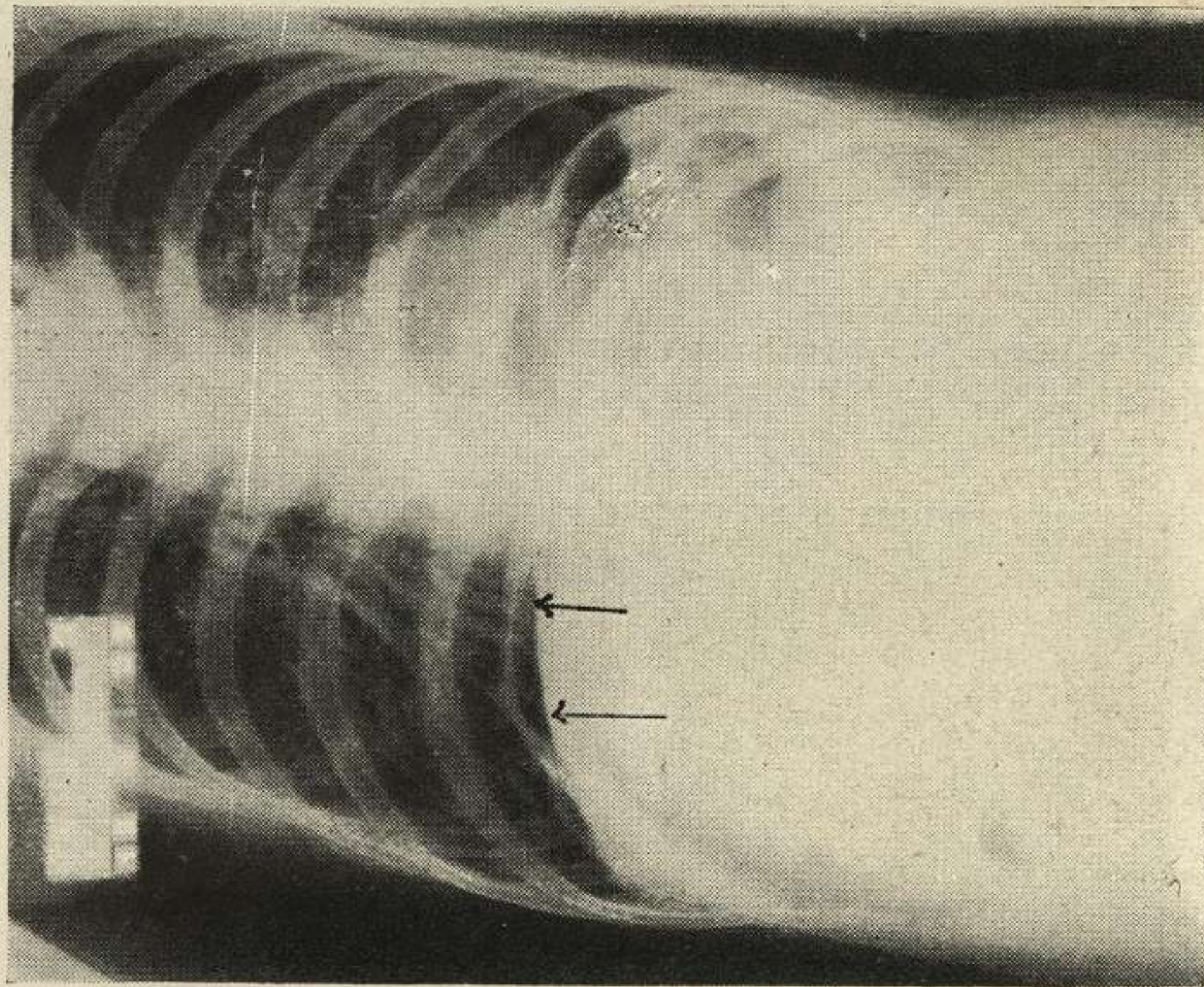


Fig. 2.

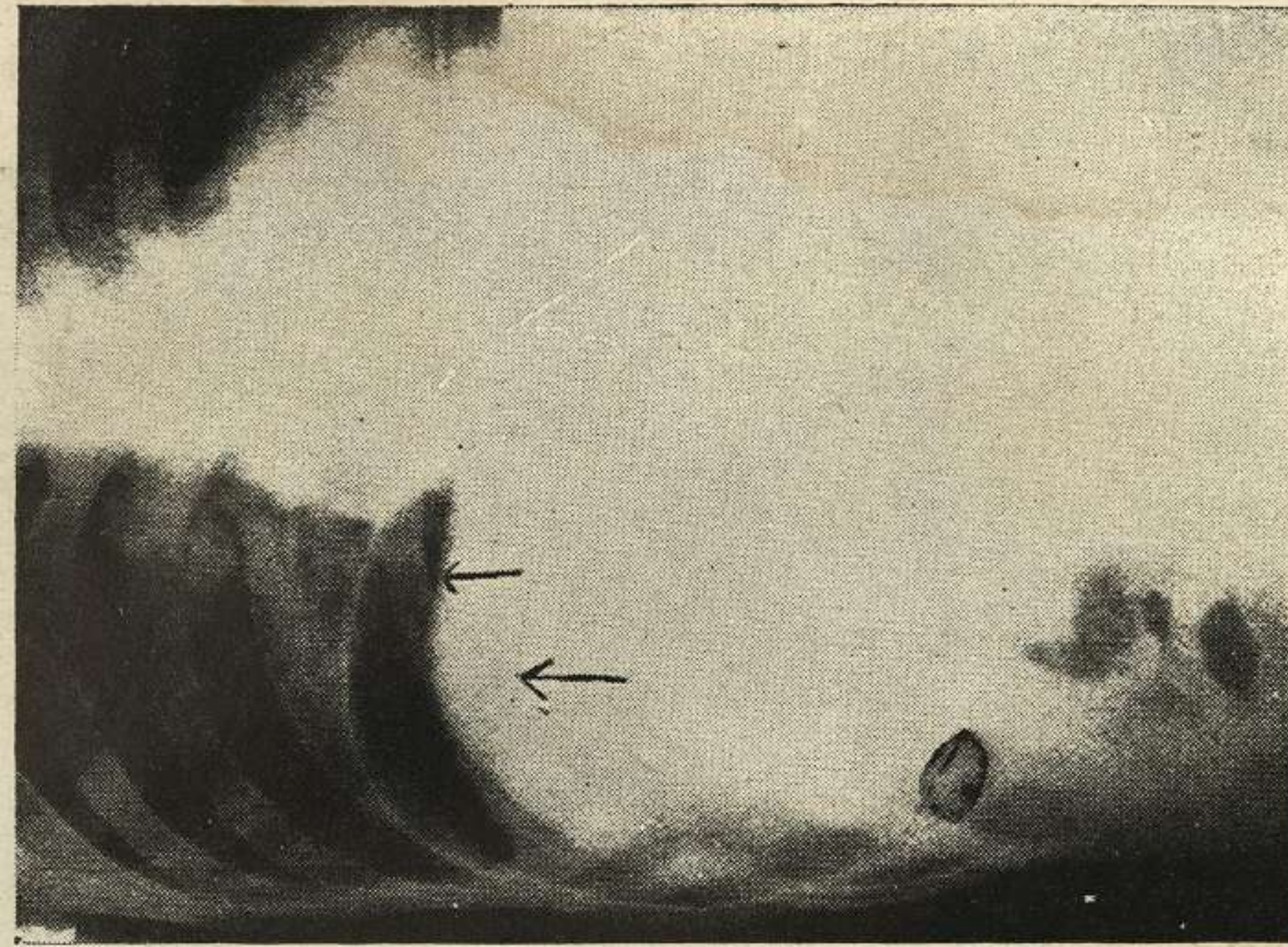


Fig. 3.

X-ray plates of cases 1, 2 and 3 showing typical subdiaphragmatic pneumoperitoneum.

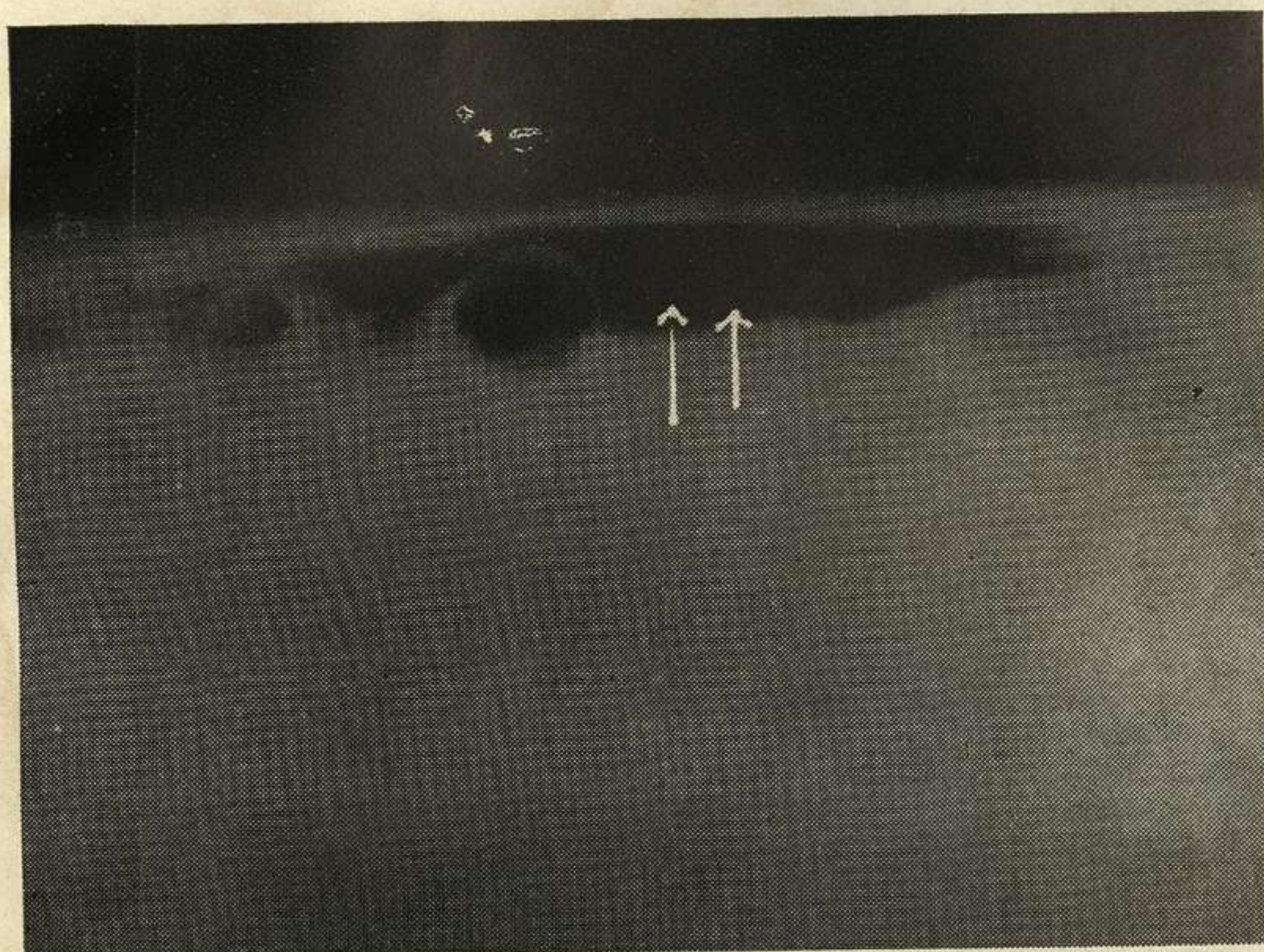


Fig. 4.

An X-ray plate taken in the recumbent position showing pneumoperitoneum. This position may be adopted if the patient cannot adopt the upright position.



Fig. 5.

This plate of case 5 shows a small amount of gas in the subdiaphragmatic space and may be termed a "forme fruste" of perforation. This case was not operated on but treated conservatively.

CASE REPORTS

Case 1

A Chinese male patient 22 years old was admitted on August 29, 1938. He was fairly developed and nourished. His chief complaints were pain all over the abdomen with distention, rigidity and tenderness of the abdominal area. He had nausea and occasional vomiting. His fever rose to 103° F. twenty-four hours after the accident. He had never been sick before except for minor injuries and ordinary colds. The accident happened while he was playing football, August 27, 1938, two days prior to his admission. A player gave him a kick on the right hypochondrium, after which he had severe shocking pain with cold clammy perspiration. Several bruises could be seen in the place where he was hit. The pain subsided for a time and then reappeared, forcing him to stay in bed. His temperature rose to 102° after twelve hours. The abdominal pain became severe specially, when he changed position. Eighteen hours after the accident he was brought to the St. Luke's hospital and an X-ray examination was ordered and the blood count taken. The result was: leucocytes 36,600; neutrophils 94%, small lymphocytes 1%, large lymphocytes 3%, large mononuclears 2%, eosinophiles 0%, basophiles 0%. The X-ray findings showed clear signs of subphrenic pneumoperitoneum. Urinalysis showed negative results. We gave a diagnosis of intestinal perforation and an immediate operation was recommended. The findings were perforation of the lower third of the ileum with fecal extravasations and generalized peritonitis. The perforation was repaired and the abdominal cavity was drained with rubber tubes and cigarette drains. After 30 days the patient recovered fully.

Case 2

A male patient 28 years old was admitted Jan. 11, 1939. He was fairly developed, well nourished. His chief complaint was an acute pain in the epigastric region radiating to the right side and to the back. He had severe vomiting previous to the attack of pain. There was slight rigidity and tenderness in the right iliac region. The fever was 102° F.

His previous history showed no evidence of long-standing diseases or chronic ailment. He had had a tonsillectomy one

week prior to his admission. Intermittent attacks of gas eructations and colicky pain had been noticed during the past year.

His present illness began two days before admission with severe colicky pain in the epigastric region followed with severe vomiting. He was given a morphine injection which relieved him for about two hours after which the pain came back. Twenty-four hours after the initial attack he had a slight fever and complained of rigidity and tenderness on the right iliac fossa. He was given alkalies and opiates to stop the pain but there was no success. A blood count was ordered the next morning with the following results: leucocytes, 19,000; neutrophiles, 89%, small lymphocytes 8%, large lymphocytes 2%, large mononuclears 1%, eosinophiles 0, basophiles. The stool and urine examination showed no unusual results. An X-ray was ordered and the result was a nice shadow of pneumo-peritoneum on the subdiaphragmatic space. A diagnosis of a perforated appendix was made and a right rectus incision was decided on. To our surprise we found generalized peritonitis but no evident severe inflammatory process of the appendix so we explored for the stomach and we found an area in the pylorus about two centimeters in diameter covered with a thick fibrinous exudate which emitted gas when the body and fundus of the stomach were compressed. We discovered a pinpoint perforation of the pylorus. This was sutured and the abdominal cavity was drained. After twenty-nine days in the hospital the patient had a successful recovery.

Case 3

This case was referred to one of us by a colleague who had a similar experience with perforated gastric ulcer.

A male patient about 42 years old was admitted Sept. 15, 1938. He was plethoric, well developed. The chief complaint was an acute pain in the right hypochondrium radiating to the back and at times to the shoulder. Slight fever of 101° in the afternoon with chills. Nausea and vomiting were constant specially after taking liquids. Slight jaundice was noticed only in the corneal examination.

The patient had no history of previous illness except an attack of dysentery last 1931, which lasted for about two weeks.

His present illness began eight months ago when he had slight abdominal pains followed by gas eructations. Lately he

had severe colicky pains which were relieved by alkalies and belladonna. Three days ago he had a severe epigastric pain radiating to the back. Following these manifestations he had fever and vomiting.

After examining the patient he was diagnosed as a case of cholelithiasis so that the next morning he was operated on, (Sept, 16, 1938). They verified their diagnosis with several gall bladder calculi found after cholecystectomy. The patient had a good post-operative recovery but after ten days when the stitches were removed he complained of the same colicky pain. His temperature was 102° and rigidity and tenderness of the abdomen were observed. A consultation was called and an X-ray with cholepulvis was decided upon. This was advised thinking that there was obstruction of the common bile duct. The roentgenographic finding was a definite pneumoperitoneum with negative findings for stones. So the diagnosis was shifted to perforated gastric ulcer.

The next morning (Sept. 28, 1928) the patient was operated on. The perforated gastric ulcer was repaired and the abdominal cavity drained. Three weeks afterwards the patient was discharged.

Case 4

A woman 80 years of age was admitted complaining of severe pain in the right iliac fossa with rigidity and tenderness of the same area. This was followed by nausea and vomiting. Her temperature was 103° accompanied with several chills.

She had no previous illness except slight colds and diarrhea. She had eight children six of whom are still enjoying good health.

Her illness began six months ago as a similar pain in the right iliac fossa with no rigidity nor tenderness. After treatment with a non-residue diet she improved markedly but two days after the same complaints were noticed only more severe in character. She noticed also a movable mass in the right iliac fossa.

Her leucocytic count showed 12,000 while her differential gave neutrophiles 83%, large lymphocytes 3%, small lymphocytes 11%, mononuclears 1%, eosinophiles 2%, basophiles 0. A second leucocyte count gave 22,750. The third count, 20,000. Her urine showed no unusual results except a faint trace of su-

gar. The stool examination was negative too. We diagnosed her as a case of acute appendicitis with perforation. An X-ray was taken for research purpose and the result showed a definite sub-diaphragmatic pneumo-peritoneum. She was operated on and a new growth involving the appendix and the cecum was found. The pus discharged was tremendous, fecaloid in nature and almost occupying the whole pelvis major. After careful inspection we decided just to drain the abdomen and took a small piece of tissue for biopsy. The result was: Granulation tissue with areas of chronic inflammation. Sections revealed hemorrhagic areas with infiltration of plasma cells and round cells, occasionally polynuclears.

After fifty-one days she was discharged as cured.

Case 5

A male patient 30 years old was admitted June 29, 1939.

His chief complaints were fever of two weeks duration, acute pain on the right hypochondrium with rigidity and tenderness. Nausea but no actual vomiting was present.

He had no previous history of chronic diseases merely occasional attacks of influenza and diarrhea were noted. He had had measles and chicken pox.

His present illness began two weeks ago with high fever, 103°, and slight chills, accompanied with headache and general malaise. These manifestations persisted for two weeks, the fever going down a little during the morning, only to come back in the afternoon. Early in the morning of June 29 he had a severe pain of the abdomen which was followed by vomiting, distention and tenderness, especially on the right side.

After examining the patient we suspected a perforated typhoid ulcer. So a blood count was 13,000; neutrophiles 83%, small lymphocytes 12%, large lymphocytes 4%, mononuclears 1%, eosinophiles 0, basophiles 0. After six hours another leucocyte count was ordered with a result of 13,500. The urinalysis was negative. The X-ray report showed a definite area of pneumo-peritoneum suggesting perforation. So we treated him as a case of perforation giving venoclysis of 5% glucose and Hartmann's solution 500 cc. alternately every 6 hours with a continuous protoclysis. After twenty-four hours the rigidity and tenderness disappeared, showing encapsulation of the peritonitis. We requested a Widal test and obtained the following results: B.

Typhosus 1/50 +++ 1/100 ++ 1/200 + B. paratyphosus, negative in all dilutions. This treatment was that for typhoid therefore, using a fixation abscess. The fever dropped to normal after a week.

Reviewing the favorable results found in the literature on this subject, substantiated by cases, we are of the opinion that the relative value of pneumoperitoneum should be fully understood by the clinician for it always indicates the perforation of a hollow viscus when the artificial introduction of air can be excluded. Physical and laboratory findings are so vague and unreliable that at times we are forced to proceed to false conclusions which are always damaging from the standpoint of treatment. When we are confronted with acute cases of peritonitis the first impression is almost always that they are the result of an appendicitis. Even the most renowned surgeons admit the same error. Moynihan once stated: "When ulcer of the stomach is suspected the signs are those of general peritoneal involvement; when the ulcer is duodenal the course taken by extravasated fluids leads to a more acute and an earlier involvement of the peritoneum on the right side and in the right iliac fossa. The clinical picture of appendicitis is copied with such accuracy that out of 49 cases tabulated by me 18 had the first incision made over the appendix after the diagnosis of acute appendicitis has been made."

W. J. Mayo has pointed out that the infective material from duodenal perforations tends to gravitate to the right lower quadrant and the resulting peritonitis is frequently referred to the appendix. There are innumerable occurrences when we open an "acute abdomen" thinking that we would find an acute appendicitis, only to find an entirely different condition causing the peritonitis. With the aid of Roentgen examinations many of these mistakes would be avoided.

SUMMARY

1. The presence of spontaneous pneumo-peritoneum is a pathognomonic sign of perforation of the gastro-intestinal tract.
2. All cases of suspicious acute abdomen should be subjected to Roentgen examination.
3. Three exposures should be made in the Roentgen exa-

mination, one postero-anterior with the patient upright; one anterior-posterior with the patient supine, and one postero-anterior with the patient lying directly on the left side with the right side up.

BIBLIOGRAPHY

1. Brown, C. J. Diagnosis of Perforated Ulcers by X-rays. *M. J. of Australia*, 18:624, 1932.
2. Paine, J. R. and Rigler, L. G. Pneumo-peritoneum in Perforations of the Gastro-intestinal Tract, Vol. 3:351. March, 1938.
3. Hibbard, J. S. and Krenen, A. J. Effects of the Volatile Base in Fluid Intestinal Contents of Dogs with Low Intestinal Obstruction. *Surgery* 3:325. March, 1938.
4. Kellog, W. A. Spontaneous Pneumo-peritoneum Demonstrated by X-ray in Acute Intestinal Perforations. *New York M. J.* 114:294, 1921.
5. McCharles, M. R. Spontaneous Pneumo-peritoneum. *Canadian M. A. J.* 15:923, 1925.
6. Vaughan, R. T., and Singer, H. A. The value of Radiology in the Diagnosis of Perforated Peptic Ulcer. *Surg. Gyn. & Obst.* 49:593, 1929.
7. Robin, T. C. Subphrenic Pneumo-peritoneum. *A. J. Roentgenol* 8:120, 1921.
8. Mayo, W. J. Acute Perforations of the Abdominal Viscera. *Surg. Gyn. & Obst.* 28, 1919.
9. Warfield, C. H. Spontaneous Pneumo-peritoneum in Ruptured Peptic Ulcer. *Radiology* 14:591, 1930.
10. Spizing, E. W. Importance of Roentgen X-ray Diagnosis of Spontaneous Pneumo-peritoneum and Traumatic Pneumo-peritoneum. *J. Missouri M. A.* 30:191, 1933.
11. Dandy, W. E. Pneumo-peritoneum. *Annal of Surgery.* 70:378, 1919.

— X —

COMMERCE

Local Systems of Filing

● Francis Boysen

"Experience is the best teacher." In class we are taught office behavior, filing, and all sorts of subjects pertaining to the business, yet this same knowledge would become just a vague memory if we don't put it into practice. This was the purpose of our visit to the Philippine National Library and the Philippine National Bank.

As soon as we entered the National Library, the employees looked up from their work, as we had interrupted their train of thought. An interruption in an office tends to disturb and distract the concentration of office employees.

However, this annoyance was not manifested. On the contrary, the employees who were to give us pointers were the very last word in courtesy. They lectured in the different processes, and steps in filing, means of securing facility and ease in such, showed us their files, and were all attention to our innumerable queries. We realized that filing is not altogether confined to a few styles, but is flexible, and readily adaptable to individual needs.

The Philippine National Library has a great volume of books to be filed, so it is necessary for them to adopt a filing system to facilitate the immediate location of the books filed. The Library uses the Dewey Decimal System. In this system, all knowledge is divided into nine broad classes, with a tenth reserved for subjects of such a general nature that they cannot be classified in any of the other nine classes. Each of these classes is subdivided into nine or fewer classes which in turn are further subdivided into nine or fewer, and so on. In cases, they have had to modify this system to suit their particular needs. The Congressional filing system is also adopted by the Library, and is used to keep records in their chronological order.

NATIONAL BANK USES DIFFERENT METHOD

The Philippine National Bank, however, uses different systems of filing. They have such a great volume of letters, telegrams, codes, documents, and many important papers to be filed, that they have adopted the alphabetic, geographic, and numeric systems of filing.

In geographic filling, materials are filed primarily in terms of the geographic location of the correspondent. The materials may be first arranged alphabetically by the states, then by cities or towns within the states, and finally alphabetically by individuals in the towns. This geographic filing is advantageously used in the Philippine National Bank, because they carry a large amount of correspondence from their agencies, correspondent banks in all other countries, and individuals distributed over a wide area.

In numeric filing, correspondence is filed in individual folders that are arranged in numeric rather than in alphabetic order. The numbers are assigned to each correspondent by the use of the Chart of Library Bureau Automatic index. It is impossible to remember all the numbers assigned to each correspondent; therefore, it is necessary to have index cards that are arranged alphabetically in a separate file. The card index bears the name, address, and folder number of each correspondent. This must be referred to whenever correspondence is to be taken out or returned to the file.

We were not only given an opportunity to test our theoretical knowledge of filing, but were also shown how to handle incoming and outgoing mail efficiently, and saw the number of years the correspondence is kept in the filed form before it is considered as obsolete material. We also took this opportunity to acquaint ourselves with the various machines used in large offices, and were shown how to operate the adding machines, such as the full bank listing machine, and the ten key listing machine, as well as that fascinating stamp-affixing machine. This stamp-affixing machine is used primarily to prevent waste of time in attaching a regular adhesive postage stamp, and to eliminate the practice of placing company postage on personal mail. This postage affixer contains a meter that is taken to impressions depending upon the number paid for. Consequently, when the number of the paid impressions had been used, the

machine is taken back to the post office, and the meter is again reset for the amount of postage bought. The machine is adjusted in such a way that different amounts can be printed on the envelope.

Downstairs in the actual accounting department of the bank, Mr. Marques and Mr. Buencamino were kind enough to explain other features of a secretary's possible work to us.

Mr. Buencamino lectured on the travelers' check, and on the letter of credit. We gathered that a traveler's check was bought in booklets consisting of different denominations. They may be cashed in correspondent banks of the bank that issued them, but first the traveler must be identified. He is made to sign the traveler's check before the issuing agent. When he presents it for payment, he must again sign the check before the teller. If his two signatures tally, he is given the money, or his check is accepted. These checks are carried in denominations of five, ten, twenty, fifty, one hundred, two hundred, and five hundred dollars.

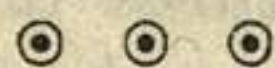
A letter of credit is a two-page letter which states that the individual carrying it is entitled to the privilege of drawing money on the banks specified in the letter. It also states the amount that he can draw. This letter is always accompanied by a card which contains a photograph of the individual and three signatures of the bearer. When presented on a correspondent bank for drawing, the individual is required to sign his name somewhere on the letter in order to establish his identity. Thereupon, the bank issues the amount desired and endorses on the back of the letter the amount drawn.

How does one go about opening a current bank account? The first thing a depositor does is to get a guarantor who guarantees that he is entitled to deposit in that bank. He signs his name on a signature slip, and is given a deposit ticket where he writes the cash, check or note he wishes to deposit. This sum is entered in the passbook, also provided by the bank, and on a deposit slip. The deposit slip is kept by the bank, but the depositor carries the passbook as a record of his funds. The bank also has a record of his current account through a small ledger called an account ledger.

«0»

News & Notes

Rector Given Private Audience.—Vatican City, Sept. 21 (UP).—Pope Pius XII yesterday granted a private audience to the Rev. Fr. Silvestre Sancho, O.P., Rector Magnificus of Santo Tomas University.



SPF Launches Membership Campaign.—The Society for the Propagation of the Faith, a religious organization devoted to helping the missions, has launched its annual drive for membership this month, Fr. Thomas Cain, O.P., director of the local chapter, intimated to the **Unitas**. Student promoters to help the society solicit membership from students of this University have been appointed.



Thirty Six Students Granted Full Scholarship.—A total of thirty six freshman valedictorians and twenty two freshman salutatorians are presently enrolled in the different faculties and colleges in the University, a list from the accounting department showed. This number includes those who have graduated from the high school and preparatory courses, and those taking the combined courses.

Valedictorians are granted total exemption from the payment of the tuition fee while salutatorians pay only half of the amount. These scholarships are continually enjoyed by the holders from year to year during their stay in the University as long as they maintain an average not below 90%. The names of the scholars follow:

MEDICINE—Valedictorians: Amador Jacu, Angelina Paulino, and Arturo Ramirez.

Salutatorians: Antonino Ignacio and Ceferino Sindiong.

LIBERAL ARTS—Valedictorians: Benjamin Belmonte, Josefina Blanco, Salvadora Ebron, Dolores Loesin, and Mercedes Vinculado.

Salutatorians: Vicente Andal, Gregorio Benesa, Alfonso Camillo, Maria Grajo, Isidoro del Prado, and Benjamin Yaptangco.

LAW—Valedictorians: Francisco Cruz and Miguel Santos.

Salutatorian: Luis Peña.

EDUCATION—Valedictorians: Lourdes Curameng, Natividad Fiel, Leodegaria Galapon, Carmen Hernandez, Lucrecia Joven, Concordia Kabling,

Virginia Palomo, Fe S. Pe, Lolita Umadhay, Ester Villarica, and Ester Zarate.

Salutatorians: Cristeta Alviar, Lourdes Aromin, and Susana Manoto.

COMMERCE—Valedictorians: Carolina Prado, Jesus del Prado, Nieves Ramos, Angeles Singson, and Bienvenida Siongeo.

Salutatorian: Lydia Gil.

PHARMACY—Valedictorian: Trinidad Rodriguez.

Salutatorian: Encarnacion Capinig.

PHILOSOPHY and LETTERS—Valedictorians: Adriano Angeles and Gilberto Gomez.

ENGINEERING—Valedictorian: Jose Cantre.

JUNIOR NORMAL—Valedictorians: Juanita Domasing, Mahelende Lardizabal, Angeles Lopez, and Quirino Luzano.

Salutatorians: Arcadia Ando, Felicidad Cenzone, Maria Guillen, Consolacion Manuel, Salome Napeñas, and Marieta Villamin.



Public Instruction Secretary Defines Mission of Educational Schools.—

That the mission of every college of education and every normal school is to develop the type of teacher whose passion for righteousness will lend force and strength to every printed page, was the keynote of the speech of Secretary Jorge Bocobo of the department of public instruction delivered at the literary-musical program at the gymnasium, last month, in which he was the guest speaker. The program was the climax of the festivities of the college of education which celebrated the feast day of its patron, St. Joseph of Calasanz.

“Like the sculptor,” Secretary Bocobo declared, “the teacher should first of all envisage in his heart the student’s beauty of mind and soul that is to be formed and fashioned by the teacher’s skill. It is thus that the teacher takes the knowledge in the textbook, breathes into it the spirit that surges within him, and transforms it with the energy, the charm and the color of life and of culture, and moulds the student’s life accordingly.”

The speakers then proceeded to enumerate some of the ways in which the vitalizing of the textbook can be done by the teacher:

First, by the influence of the teacher’s life and character.

Second, by keeping a constant connection between the printed page and current events.

Third, by ever keeping in mind a noble philosophy of life and a sound theory of human progress.

“The teacher should lead his students to hold a high vision of human amelioration,” Secretary Bocobo said in concluding his speech, “He should impress upon them an abiding conviction that in spite of man’s inhumanity to man, in spite of great and brute force, in spite of the seeming prevalence of evil, in the long run all is well with the world.”



New Apparatus Purchased:—Having purchased P12,000 worth of apparatus not including requisitions for the present schoolyear which may have to be cancelled in view of shipping difficulties, the experimental psychology

department of the University can now boast of a complete set of laboratory facilities for students taking experimental psychology.

An important mechanical device which was acquired only last year is the galvanograph. It is believed that the University is the only university in the Philippines that has this apparatus. Its function is to detect the reaction of time and physical processes. The lie detector which is very important in crime detection and now commonly used in police methods of handling suspects is an application of the mechanism of the galvanograph.



New Regulations for Students:—Changes in the use of passageways and in the students' restrooms toward the view of effecting orderliness among the students more strictly as one of the policies of the University and the change in the assignment of office rooms to more roomy and comfortable quarters, were the direct consequence of the transfer of classes for women in education, junior normal, and commerce to the new education building.

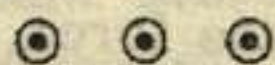
Entrance for the male students to the main building is now the main building is now through the door at the right wing formerly used by the girls and also the rear door for those coming from Dapitan street which is exclusively for them. The girls have the door at the left wing which directly leads to their section of the library. In the past years this door had always been closed except on rainy days but with the transfer of some classes to the new education building (the building is at the left side of the main), it was opened to the girls in order to shorten their way in going to and from the two buildings. The main entrance is reserved for faculty-members and visitors alone.

The boys' and girls' sections of the library have also been interchanged. A waiting room for the boys at the rear part of the building and forming a right angle with their section of the library has also been opened. The girls have theirs on the second floor in the main building and another one in the newly erected building which are both well furnished.



Weekly Lecture in National Language.—In line with the policy of the University that its institute of national language should cooperate with the insular government in the propagation and encouragement of the learning of the national language, a series of weekly lectures and conferences was begun Saturday, September 13, to continue every Saturday thereafter at five to six o'clock in the afternoon.

To these Saturday lectures will be invited prominent men in the government and vernacular literary circles who have much to do with the administration, supervision, and propagation of the national language.



Three Constructions For DMST Nearing Completion.—Approved by the University Council sometime ago was the construction of three projects, namely, miniature landscape, flagpole, and grandstand.

The miniature landscape will be an open field with retaining walls. It will be used in connection with map reading and sketching, scouting and

patrolling and for Field Artillery firing. The construction is completed except for the landscaping. In this connection, students interested in landscaping were requested to report to the commandant.

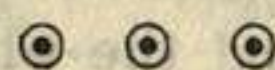
The flagpole is situated on the direct front of the main building, and it will tower above the third floor. Within a few days, it will be completed, and upon its completion, the cadets corps will have retreat every Friday.

Costing about P2,000.00 the grandstand will be finished by the end of this month. It is being made of light materials, with a seating capacity of 80 persons plus 4 seats for the guest of honor and his party. With the new location and it now facing northeast, the guests will be shaded against the rays of the sun.



Constabulary Uses UST Grounds.—Men of the Philippine Constabulary, a part of the reserve battalion, whose headquarters is at Camp Crame are now using the U.S.T. grounds. Housed in the old Bilibid, and due to lack of drilling ground, the University authorities were requested to allow them to use the spacious UST grounds in times when they are not used by the ROTC cadets. Arrangements have also been made that they clear the northern part of the field so they will have a place to use when the cadets are drilling.

When it is for National Defense and cooperation with the government the University has its arms wide open!



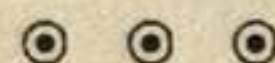
First Clinical Conference Held.—The first clinical conference of the students in the faculty of medicine for the present schoolyear was held last month in the new auditorium of the Intramuros building.

Dr. Bonifacio Mencias, dean of the college, presided over the conference. In his introductory remarks he took occasion to express his gratitude to the medical students and professors for their cooperation in the conferences.

Dr. Ricardo Molina, first speaker in the conference, presented a very rare case of Buerger's disease. He was followed by Dr. Renato Guerrero of the department of pediatrics who spoke on Staphilococcus Septicemia and its treatment by Sulfathiozole. Other speakers were Dr. Jose Hilario, pathology department head, Dr. Rodolfo Gonzales of the surgery department and Dr. Manuel Peñas.



Santo Tomas Retains UAAP Cage Trophy.—Launching a terrific drive in the closing quarter of play, the powerful Glowing Goldies successfully retained the UAAP basketball championship when they swamped the star-studded Far Eastern University Tamarao, 32-26 in a nip and tuck battle at the Rizal Coliseum. This is the 14th consecutive UAAP basketball victory hung up by the invincible Goldies in the last three years of inter-university sportsfest.



Medicine, Pharmacy Celebrate College Days.—Two faculties, medicine and pharmacy, spent their Faculty Day on the same day, Sept. 27 in quiet celebration. The two faculties celebrated the feast day of their patrons,

St. Damian and St. Cosmas. This is the third time that the faculty of medicine celebrated its day.

Mass was held in the morning at the University chapel for the pharmacy faculty while the faculty of medicine held its mass at the Sto. Domingo church. The Acting Rector Fr. Eugenio Jordan, O.P., officiated at the latter mass.

The banquet of the faculty of medicine was held at noon of the same day at the Santa Ana Turf Club with Dr. Juan Nolasco, acting mayor of Manila and an alumnus of the University, as the guest of honor. Vice-President Sergio Osmeña was the special guest at the same banquet. Other alumni guests were:—

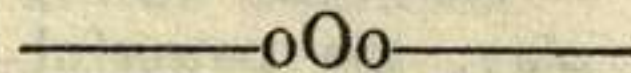
Dr. Basilio Valdes, chief of staff of the Philippine Army, Assemblymen Pedro Gil, Miguel Castillo and Tomas Clemente, Govs. Fermin Caram, A. Lizares, and L. Yambao, Dr. Jose Locsin, Dr. Mariano del Rosario and Dr. Ubaldo of the University of the Philippines, Dr. Luis Santos, Dr. Gavino of the San Lazaro Hospital, and Dr. Miguel Cañizares of the Quezon Institute.

A short informal program was given by the medical students in the afternoon.



Holy Rosary Procession On October 12.—Intramuros will once again witness one of its most impressive religious festivals when the traditional Holy Rosary Procession takes place on Oct. 12, the second Sunday of the month. As professors, alumni, and the whole student body of the University turn out **en masse** at the procession as in previous years, it is expected that the University will be the biggest unit in attendance.

The feast in honor of Our Lady of the Holy Rosary will open with a novena which will continue for nine days until the procession.



REVISTA DE REVISTAS

HISPANIDAD, Año II, Num. 21, Septiembre, 1941. (Manila)

Post Nubila Phoebus—Editorial. La obra de Redención de penas realizada por el gobierno Español. Estampa—J. Balmori. Homenaje a Pizarro—A. Campos. Cirujía Cordial—J.C. Los Toribios de Sevilla—Julio Castro. El Maestro Estella—F. R. Cuerva. La derrota de Roncesavalles—F. Redal Suñer. El Alcázar de Toledo—Francisco Perales. Prosa Lírica—E. Guerrero. Isabel—M. Bernabé. La Proscrita de Tabing—Ilog—V. J. Rivas. Información General de España—A. Campos.

* * *

BOLETIN ECLESIASTICO DE FILIPINAS. Año XIX, Num. 218, Octubre, 1941. (Manila)

SECCION OFFICIAL

Delegación Apostólica. I—Circular sobre la Obra Pontificia de la Propagación de la Fe. II—Circular sobre limosnas recaudadas a favor de las Obras Misionales.

Dioecsis de Filipinas. I—Manila. Circular Concerning Mission Sunday. Circular sobre el mes del Rosario. II—Cebu. Circular sobre el mes del Rosario. III—Lipa. Decreto de Indicación del segundo Sinodo.

SECCION DOCTRINAL

Los católicos y el sufragio: VII. Una dificultad práctica. La Iglesia y las escuelas católicas, II. Sistemas acatólicos en la enseñan-

za. Casos y Consultas: I—Los bienes temporales eclesiásticos, II—La Comunión a los enfermos.

SECCION DE ACCION CATOLICA

Cartas a un seglar sobre acción católica, El orden que se ha de seguir en la enseñanza del catecismo. Catholic action in the archdioceses of Manila. Necesidades Nuevas, Metodos nuevos.

SECCION INFORMATIVA

Noticias de Roma y del mundo católico. Noticias de Filipinas.

AMERICA ESPAÑOLA. Año XI, Num. 39, Mayo, 1941 (Barranquilla)

Contra la Palabra del Maestro—G. Porras Troconis. Cartas de un sacerdote católico, IV, V, y VI. Leoncio Prado, Juan Tucker y Antonio Raimondi—Enrique D. Tovar y R. Marco Fidel Suarez—Manuel Mendoza González. Alegaron los árabes la america del sur?—Abelardo Chediak. El Museo de Wiertz—Raúl Bernett Córdoba. Viejo Lobos Marinos—Oscar Oslo Noguera. El fundador Marista—Alfonso Mejía Robledo. Documentos interesantes, quizás desconocidos—Fr. A. Mesanza. Errabundo—F.C. Royo. VIDA INTELLECTUAL. CRITICA DE LIBROS NUEVOS. INDICE.

* * *

BIBLOS. Año XVII, Num. 1, 1941 (Coimbra, Portugal)

Artigos. Vária, Recensoes criticas. Vida da Faculdade. Resumés

des articles contenus dans ce tome. Obras recibidas na Redaccão da "Biblos". Sumarios dos 3 volumes anteriores. Recensoes criticas. Vida de Faculdade. Indice Alfabético. Indice dos autores.

* * *

BIBLIOGRAFIA. Año VII, Fascículos 90-91, (Montevideo, Uruguay).

I—Comentarios informativo críticos de J. Iruteta-Goyena, A. R. Abadie-Santos, R. Pereda y M. E. y M. Llana-Barrios, sobre libros de M. Aguilar de Mariani, L. Carnelli, J. E. Coll y E. Gómez, E. Diaz de Guijarro, B. S. Genovese. L. Neffa, B. Pinto, B. Pinto y L. Bittencort, J. D. Pozzo y E. Tomé, y acerca diversas revistas.

II—Noticia sobre libros de Administración Nacional de Combustibles, Alcohol y Portland (R. O. del U.), Asociación G. de Compradores de Terrenos a Plazos (R. O. del U.), Banco Hipotecario del Uruguay, Cibils-Hamilton (F.) y Capozzoli (H.), Consejo administrativo del Distrito de Santo Domingo, Contaduría General de la Nación (R. O. del U.), Charlone (C.), Dirección General de Institutos Penales (R. O. del U.), Galarce (R.), y Matienzo (A.), Gallegos (L. G.), González (A. D.), Jiménez de Aréchaga (J. E.), Logroño (A.), Martínez-Alvárez (R.), Saldias (Z.), Morató (F.), Pinto (B.), Plácido (A. D.), Rabinovich (M.), y Restrepo (F.).

III—Información sobre Anales de la Universidad Central del Ecuador, Bulletin de l'Institut Juridique International. Gaceta Judicial (R. de C.). La Revue du Droit.

* * *

BOLETIN DE LA DIRECCION

498

GENERAL DE PROTECCION A LA INFANCIA. Año I, Núm. 1, Enero-Febrero, 1941, (La Plata, Buenos Aires).

Dirección-Propósitos. Octavio R. Amadeo-Autógrafo. Jorge Eduardo Coll-Autógrafo. Juan Carlos Landó-Inicial. Luis Antonio Morzone-Tribunales para menores. Justo V. Rocha-Fundamentos de una legislación protectora de la infancia. Marisa Serrano Vernengo-Fiesta de Navidad en el Instituto Gobernador Ugarte. El Instituto "Agustín B. Gambier". Ley 4547 Orgánica de la Dirección General de Protección a la Infancia-Antecedentes Legislativos. Mariano de Vedia-Su Fallecimiento. Resoluciones de la Dirección General. Colaboración con el Tribunal de Menores. Cuadro de los Institutos dependientes de la Dirección General. Celebración de la Navidad en las Casas Infantiles. La nochebuena en el Reformatorio de Menores.

Año I, Núm. 2, Marzo-Abril, 1941. (La Plata, Buenos Aires).
Dirección — Nuevos Consejeros de Protección a la Infancia. Jorge I. Gallegos — Consideraciones sobre institutos para menores. Horacio J. Guerrico—Algunos aspectos de la obra que realiza la Dirección General de Protección a la Infancia. Opiniones sobre el Instituto Gobernador Ugarte. Ley 4547, Orgánica de la Dirección General de Protección a la Infancia, Antecedentes legislativos (Conclusión). Estadística. Comité Argentino de Protección a la Infancia: Constitución. Autoridades. Actividad. Audición Radiotelefónica por L S 11. Colegio Libre de estudios superiores. Decretos y resoluciones de la intervención Nacional. Resoluciones de la Dirección General. Cuadro de los

U N I T A S

Institutos Dependientes de la Dirección General. Cuadro de los Institutos Dependientes de la Dirección General.

* * *

CIENCIA TOMISTA, Año 32, Núm. 190, (Salamanca).

Estudio físico de la materia y de sus transmutaciones—D. José Balta Elías. Hispanidad—D. Juan Dominguez Berrueta. Actualidad Extranjera. Boletín de Derecho Canónico. Bibliografía. Indices generales del tomo LX.

* * *

CULTURA SOCIAL, Año XXIX, Núm. 343, Agosto, 1941 (Manila).

Cincuentenario de la Encíclica Rerum Novarum — Radio discurso de Su Santidad, Pío XII. The Times of Leo XIII—James B. Reuter, S.J. Doctrina social del nazismo—Jesús Gayo, O.P. Enseñanzas fundamentales—Emeterio Barcelón. "Rerum Novarum" and the Philippines—Joseph A. Mulry, S.J. La solución comunista—Fausto González. Frutos de la Encíclica—Constancio Peña, A.R. Fifty Years. The Encyclical "Rerum Novarum"—José F. Busch, S.V.D. El Primer Sínodo de Zamboanga. Los Seminarios Menores—José M. Siguión, S.J. El P. Aurelio Lacruz, A.R. (In Memoriam)—Martín Legarra, A.R. Ecos del Mundo. Apustes de mi Cuaderno. Crónicas.

* * *

DOMINICANA, Año XXVI, No. 2, Summer, 1941, (Washington, D.C.).

Ordination class of 1941 (Province of St. Joseph). Ordination class of 1941 (Province of St. Albert). The city of Man. St. Thomas Educator—Bertrand Mahoney,

O.P. Our Eucharistic Friesd—Regis Barron, O.P. The bible and the rosary—M. J. Lagranga, O.P. Was Socrates truly humble?—Raphael Comeau, O.P. Golden Jubilarian, Very Rev. Victor Francis O'Daniel, O.P., S.T.M., Litt.D. Obituaries—Rev. William O'Leary and Rev. John Philip Archdeacon, O.P. Friars' Bookshelf. Cloister Chronicle.

* * *

ECOS, Año XXVI, Núm. 304, Julio, 1941 (Manila).

Tópicos de actualidad. Pidamos baje fuego desde el cielo. El Episcopado Filipino frente a las Escuelas Acatólicas. Caballeros, no desmayéis en la empresa. Boletín de los Oblatos Seglares de San Benito. Labor Misionales de los Religiosos Agustinos. Crónica de la Abadía y del Colegio. English Section.

Año XXVI, Núm. 305, Agosto, 1941 (Manila).

Tópicos de actualidad. Al inclito Solón José Topacio Nueno. La Enseñanza del Castellano en el Colegio de San Beda. Estupendo Milagro Obrado por la Intercesión de Santa Teresita. Boletín de los Oblatos Seglares de San Benito. Fiestas y Cultos en el Santuario de Antipolo. Humoradas del Sanbedista. Crónica de la Abadía y del Colegio. English Section.

* * *

EL SANTISIMO ROSARIO, Año LVI, Núm. 667-668, Julio-Agosto, 1941 (Vergara).

Pío XII habla de Santo Domingo. Asunción. Consultorio del Rosario. Momentos decisivos. Crónica. Necrología.

* * *

REVISTA CARMELITANA, Año

XVIII, Núm. 211, Septiembre de 1941 (Tucson, Ariz).

La natividad de María. Página Carmelitana. Eucarísticas. Apologetica. Página Poética. Boletín Ilustrado de la Revista. Sección Teresiana. Misional. La florecita de Jesús. Sección Femenina. Preguntas y Respuestas. Sección Amena. Crónica General. Página de los niños. Entretenimientos.

* * *

REVISTA DE LA UNIVERSIDAD CATOLICA DEL PERU. Año IX, Núm. 2-3, Mayo-Junio, 1941 (Lima).

César Arróspide de la Flor—Pío XII y la paz. José Rossell Rios—Introducción al estudio de la doctrina social de la Iglesia. Mario Alzamora Valdez—La filosofía de Bergson. José Valencia Cárdenas—El neo-mercantilismo. José Pareja Paz Soldán—El problema de la coca y del coqueo en el Perú. Raúl Porras Barrenechea—El licenciado Polo de Ondegardo. Cristóbal de Losada y Puga—Algunas observaciones sobre los métodos de trabajo intelectual. Notas. Bibliografía. Notas. Bibliografía. Crónica del claustro.

* * *

REVISTA DEL COLEGIO DE ABOGADOS DE BUENOS AIRES, Año XX, Nos. 2 y 3, Marzo-Junio, 1941, (Buenos Aires).

Una opinión sobre solidaridad continental—Enrique Gil. La ética de la abogacía — Walter Villegas. La reparación a las víctimas de errores judiciales—Juan M. Semon. Las finanzas públicas y el buen juez—Alfredo Schaffroth. El delito de usura en el Código de Defensa Social. Sesión semestral de la Junta de Gobierno. Actividades de

los Colegios federados. XXV aniversario del Colegio de Abogados de Mercedes (Buenos Aires). Labor de las Secciones. Sesiones del Directorio. Resoluciones. Notas varias. Publicaciones recibidas.

* * *

REVISTA JAVERIANA, Tomo XV, Núm. 75, Junio, 1941 (Bogotá)

Página artística. Comentarios. Política, moral y religión. El pensamiento político y social de Leon XIII. Como ha de mentarse la "cara mitad" (Disquisición filológica). El milagro de hacer milagros. El agua, reguladora de la temperatura en el globo. Glosas. Revista de libros. Ultimas publicaciones colombianas. Suplemento.

Tomo XVI, Núm. 76, Julio, 1941, (Bogotá).

Página artística. Comentarios. Trabajos inéditos de Rufino José Cuervo. La humanización de los heroes. El problema judío. Las cajas de ahorros. Crónica de la Argentina. Revista de Libros. Ultimas publicaciones colombianas. Suplemento.

* * *

REVISTA MUNICIPAL Y DE INTERESES ECONOMICOS. Tomo XXXVI, Núms. 6 y 7, Junio y Julio de 1941, (La Habana, Cuba).

La nueva ley orgánica de los municipios. América y el Radio. Las universidades en los primeros tiempos. La natación en Australia. City Manager recientemente nombrados en los Estados Unidos. El premio municipal "Chadwick" en Inglaterra. La tragedia del campesino Cubano. Biblioteca de las facultades de derecho y de Ciencias Sociales y Derecho Público (Reglamento). Sección de consultas. Revistas recibidas.



SANTO TOMAS LAW JOURNAL,
Volume IV, Núm. 2. August, 1941
(Manila).

Editorial (The Bar). Codification and integration of Philippine jurisprudence—Justice J. P. Laurel. Re:Section 146 of the insurance act, by Antonio Molina. Judicial Review. Legislative review. Legal Luminaries. Question Box. 1941 Bar Examinations. Journal Briefs.

* * *

THE NEW SCHOLASTICISM,
Vol. XV, No. 3, July, 1941 (Washington, D.C.).

The "Vis Cogitativa" and Evaluation—Rudolf Allers. Note on Predication—Gerard Smith. Metaphysical Relations and Sto. Thomas Aquinas — Norbert D. Ginsburg. Notes and Comments. Discussion. Notices. Book Reviews. Books and Periodicals Received.

* * *

UNIVERSIDAD DE LA HABANA,
Año VI, No. 34, Enero, Febrero,
1941 (La Habana).

Ciclo de exposiciones y Conferencias de Arte en la Universidad. Conferencia proemio, Luis de Soto. El lenguaje plástico a través de los siglos, Ramón Ley. Las ideas estéticas en los pintores de hoy, Hipólito Hidalgo de Caviedes. Picasso, Jorge Mañach. Construcción y arquitectura, Eugenio Batista. Breve análisis de la obra expuesta en la Exposición "Escuelas Europeas", por María Ariza. El impulso creador del artista, Luis A. Baralt. Arquitectura, artes puras y artes aplicadas, Aquiles Maza. La tendencia científica en la vida y en el arte, Marcelo Pogolotti. La polé-

mica en el arte, Rafael Solís.

* * *

SEGUROS, BANCA Y BOLSA, Julio, 1941, Año II, Núm. 7. (La Habana).

Informe técnico sobre el Proyecto de Ley del Dr. Wilfredo Albanés de Seguros Privados de Cuba. La banca y el mercado Monetario. Money and Banking. Reformas a Nuestra Legislación. Comments. Información pública sobre Seguros. La exportación de Tabaco de los Estados Unidos Declinó en más de \$112,000,000 en 1940. Recopilación de Legislación de Seguros en Cuba. Hechos sobre el Canadá. La Responsabilidad del Contador Público. Ley de los Estados de Transporte de Mercancías por Mar. United States Marine Transportation Law. Comercio Exterior de Cuba. Estadística Tabacalera. Situación Fiscal de la República de Colombia. Información sobre Brasil. Comentarios sobre Seguros y Fianzas en Cuba.

* * *

SEGUROS, BANCA y BOLSA, Agosto, 1941, Año II, Núm. 8. (La Habana).

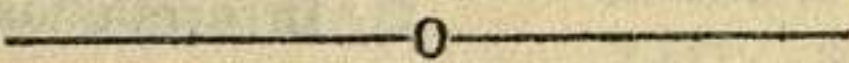
Relaciones Económicas de Estados Unidos y América Latina. La Situación Naviera y los Precios en General. The Shipping Situation and Commodity Prices. Reforma a nuestra Legislación. Recopilación de la Legislación de Seguros en Cuba. Comments. Ley de los Estados Unidos de Transporte de Mercancías por Mar. United States Marine Transportation Law. Temas Económicos. Premio al Mérito. Precio Promedio Azucarero. Compañías Aseguradoras en Latino América. Comercio Exterior de Cu-

ba. El 104 Balance Anual de Westchester Fire Insurance Co. of New York. El Cierre del Curso del Colegio Cubano "Arturo Montori". Cabos Suelos. Estadística tabacalera. Comentarios sobre Seguros y Fianzas en Cuba. Voz de Alarma. Turismo.

* * *

STUDIUM, Año I, No. 2, Abril de 1941, (Guatemala).

Notas Editoriales. Ciencias Económicas. Odontología. Ciencias Médicas. Ciencias Naturales y Farmacia. Ingeniería. Ciencias Jurídicas y Sociales. Vida Universitaria y Extensión Cultural.



COMMONWEALTH OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND COMMUNICATIONS
BUREAU OF POSTS
Manila

S W O R N S T A T E M E N T
(Required by Act 2580)

The undersigned, Fr. Evergisto Bazaco, O.P., editor, publisher, business manager, or owner of **UNITAS**, published monthly in English and Spanish, in Manila, after having been duly sworn in accordance with law, hereby submits the following statement of **OWNERSHIP, MANAGEMENT, CIRCULATION**, etc., which is required by Act 2580 as amended by Commonwealth Act No. 201:

Editor: Fr. Evergisto Bazaco, O.P.	P. O. Box 147, Manila
Managing Editor: Dr. Pablo T. Anido	" "
Business Manager: Fr. F. Villacorta, O.P.	" "
Owner: University of Santo Tomas	" "
Publisher: University of Santo Tomas	" "
Printer: U.S.T. Press	" "
Office of Publication: University of Santo Tomas, Manila	

In case of publication other than daily, total number of copies, printed and circulated, of the last issue dated September, 1941:

1. Sent to subscribers	600
2. Sent to others than subscribers	100
TOTAL	700

(Signature) **FR. EVERGISTO BAZACO, O.P.**
Moderator

Subscribed and sworn to before me this 2nd day of October, 1941, at Manila, Philippines. Affiant exhibited his Res. Cert. D-8610, issued at Manila on Jan. 21, 1941.

Doc. No. 609
Page No. 99
Book No. XI
Series of 1941

(Signature) **NORBERTO V. DE RAMOS**
(Official Title) Notary Public,
Until December 31, 1942



U.S.Y. Press.