

long after the presentation of claims against the estate. De Guzman invoked in support of his appeal, sec. 2 rule 87 of the Rules of Court maintaining that the lower court should have entertained his claim, the same having been filed prior to the distribution of the estate of the deceased. Held, the second sentence of sec. 2 of rule 87 of the Rules of Court clothes the court with authority to permit the filing of a claim even after the lapse of one year from the date of the estate, subject to the following conditions: 1. there must be an application therefor; 2. a cause must be shown why the permission should be granted; and 3. the extension of time granted for the filing of the claim shall not exceed one month. De Guzman has not sought permission to file his claim, nor has alleged any reason why he should be excused for his failure to file his claim on time. His omission justifies the denial of his claim. *AFAN v. DE GUZMAN*, G.R. No. L—14173, April 28, 1960.

REMEDIAL LAW — SPECIAL PROCEEDINGS — THE COURT CAN NOT ORDER THE CLOSING OF GUARDIANSHIP PROCEEDINGS WHERE THE SAME WOULD PREJUDICE THE PAYMENT OF A VALID AND EXISTING DEBT. — Petitioner, as counsel for Timotea Perreyras obtained the latter's appointment by the Court of First Instance of Pangasinan as the guardian for two minors. Subsequently, the guardian sold a nipa land of the wards for the sum of ₱1,000.00 to pay the debts of the wards. The sale was duly authorized and confirmed by the Court. From the purchase price obtained the guardian made two payments to herein petitioner, one of which was the sum of ₱200 for legal services rendered the father (deceased) of the wards in a civil case. Both payments were made without court approval. Consequently, the respondent judge issued orders declaring the payments disapproved and ordered the closing of the guardianship proceedings. Hence this petition for certiorari questioning the propriety of the order terminating the guardianship proceedings at once. Held, although the payments were made without court approval and hence null and void and although the court can order the return of such payments, the court cannot order the guardianship proceedings to be closed at once for this would deprive the petitioner of the means of satisfying a valid and existing debt from the properties of the minors. *FERNANDEZ v. BELLO*, G.R. No. L—14227, April 30, 1960.

## BOOK NOTE

CRIMINAL LAW REVIEWER. By Luis B. Reyes. Manila: Philaw Publishing, 1960. Pp. 631. ₱27.00.

Judicial precedents construing and applying the law have made the bar examinations a labyrinthine maze through which every candidate for the Bar must find his way. It is a path that has been mined by Congress with new legislations and countless amendments. To pass the Bar therefore, the law student must keep pace with the evolution of the law. This, he cannot do, without resorting to some time-saving devices. One such device is the book, *CRIMINAL LAW REVIEWER* by Judge Luis B. Reyes.

The author compresses the whole of Criminal Law into 631 pages. The dissertations are concise, yet exhaustive. Homogenous provisions are interlaced and ambiguous ones crystallized. All the leading judicial precedents giving the Revised Penal Code a new twist are dealt with. Thoroughness, clarity, and harmony are the virtues of this compendium.

While the book suffers from the inflexibility of the "question and answer" method, still the bar examinee is given models upon which to pattern his answers. This is an invaluable aid, considering the human element in the correction of test papers.

The typography of the book cultivates the reviewee's proclivity to study. The questions are laid out in bold letters, the answers thereto in roman print, while commentaries further elucidating the main text are set apart in smaller roman print. Italics are used to project the kernel of the answers and to pin down the finer distinctions in the law.

Credit must be given to the author for venturing into fields where the Supreme Court, through judicial pronouncements, has not yet trod. The author's opinions are buttressed with compelling logic and propped by codal provisions and analogous court decisions. But the persuasive authority of these dicta stems from the author's mastery of the subject.

While the book is primarily intended for the bar examinee, it is recommended to all alike for supplementary reading and reference.

REMEDIAL LAW. By Jaime R. Nuevas, Manila: Central Book Supply, Inc., 1960. pp. XXXVIII, 617.

Remedial law is the lawyer's tool just as the artist's is his brush and the writer his pen. Indeed, a lawyer may have a knack for piecing together disparate and seemingly contradictory portions of the law or he may be endowed with a keen mind that can emerge from a maze of legal provisions with a clear cut definition of the rights of his clients, and yet if he does not know his remedial law, he will be just another lawyer without a punch. This is so because the Rules of Court are the means that a lawyer must use to enforce whatever rights his clients may have.

A practical practitioner, therefore, should have within his reach a commentary on the Rules of Court which he could use as a handy reference. He cannot and should not expect to remember everything about remedial law. Moreover, brevity and completeness must be the guideposts that will determine the selection of such a volume. Lengthy treatises on the matter do not go hand in hand with the busy life of a practicing attorney. What he really needs is a compact yet comprehensive book on remedial law.

Remedial Law by Jaime R. Nuevas aims at being just that kind of a book. The author has been a professor, and reviewer of Remedial Law for many years. During his first years of teaching, he relied principally on the commentaries of the former Chief Justice of the Philippine Supreme Court, Mr. Manuel V. Moran. But gradually in the course of his study and teaching of the subject, and application of the same, he developed his own plan of the course. It is in accordance with this plan that this book is prepared.

Moreover, Remedial Law by Prof. Nuevas is not only a handy reference for law practitioners but likewise, a practical text which students of law could use. In fact, as the author himself says in his preface, this book was written principally for students. This work is particularly helpful for undergraduates. What the student of Remedial Law is seeking for is likewise a brief yet concise commentary on the Rules. As a beginner, he is more interested with the main trunk rather than with its ramifications which often tend to get too confusing for him. On the other hand, he always welcomes a book that serves as an index to further research with its multiple citations. All these, the undergraduate can find in the book of Prof. Nuevas.

Mechanically the book comes in two volumes. The first volume deals with the Judiciary Act of 1948, as amended, and Civil Actions (Rule 1-72 of the Rules of Court); and Volume II with Special Pro-

ceedings, Criminal Procedure and General Provisions, including Evidence and Admission to the Practice of Law. However, the latter volume is still unpublished. Volume I is divided into two parts. Part I deals with the Judiciary Act of 1948 with particular emphasis on the organization and jurisdiction of the various Philippine courts. In part II, the author takes up Civil Actions, discussing in details general provisions on Actions, Procedure in Inferior Courts, Procedure in Courts of First Instance, Appeals, Procedure in the Court of Appeals, provisional Remedies, and Special Civil Actions.

The author follows a more or less set pattern in his comments on the rules. After quoting the rule in italics, he tries to probe into the minds of the Justices who promulgated the rules and imparts to his readers the philosophy behind the particular rule under consideration. He then proceeds to define his terms and to distinguish them from other terms. The consideration of the rule is finally clinched by many illustrations mostly taken from the latest rulings of the Supreme Court. These illustrations are particularly of great value both to the practitioner and to the student. The latest decisions are not only cited, but the author summarizes them and gives the doctrine in a sentence or two.