

# **Canon Law in the Philippines. A Historical Profile**

## ***The Faculty of Canon Law of the University of Santo Tomas (1734-1998)***

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### **1. The first vision of a Faculty of Canon Law (1645-1700)**

The origins and early period of the Faculty of Canon Law of the University of Santo Tomas cannot be separated from those of the Faculty of Civil Law. In their conception and birth, they are twins; in their infancy, bed-fellows; and in their youth, fellow travelers. In the present historical study, however, our attention will be centered in the faculty of Canon Law.

When the University of Santo Tomas was founded in the early years of the 17th century, nobody as yet thought of including the Canon and Civil Laws among the first faculties. As it is well known, the Foundation Act of the initial College was drawn in 1611, in fulfillment of the wishes and donations of Fr. Miguel de Benavides and some other significant donations of other Dominicans. After completing the construction of the building, classes started in 1619, with the admission of twelve students recipients of scholarships. In 1623, a Royal Decree of King Philip IV authorized the young College to grant academic degrees.

But the faculties making up the small institution were only three, namely, Arts, Philosophy and Theology. Academic degrees are known

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to have been given in as early as 1630, and the said royal privilege was extended twice in 1629 and 1639. Finally, in 1645, Pope Innocent X, by his Papal Bull *In Supereminenti* (November 20), raised the College of Santo Tomas to the rank of University.

No word is found in the Papal Bull explicitly extending the scope of the University to other areas of teaching than those of the above mentioned three faculties. In the first place, no request had been made to the Holy See. Secondly, as far as juridical faculties were concerned, no need had been felt until then for training of canonists, since the native clergy had not appeared yet, and the ecclesiastical dignities of the diocesan cathedrals (Manila being the only cathedral with chapter), which were filled by presentation of the candidates by the Royal Patron, were given to clerics coming from Spain. Something similar could be said about the need for jurists to occupy posts in the civil government, also filled with peninsular Spaniards.

But as soon as the University of Santo Tomas was created in 1645, its administrators began to think about the expansion of its courses. In 1649, in thanking the King of Spain Philip IV for obtaining the Pontifical Bull, the Rector and the University Claustro asked his Majesty to grant license "for the creation and public funding of three university chairs in Canon Law, Civil Law and Medicine."<sup>1</sup> For its part, the City of Manila made a similar request to the Monarch on behalf of the University, not just once but repeatedly in 1649, 1650 and 1651.<sup>2</sup>

Although those wishes were far from being satisfied in the immediate succeeding years, the idea was never abandoned. In 1677, the former University Rector Fr. Felipe Pardo, was promoted to Archbishop of Manila, and he was strongly committed to that idea. Also very favorable to it was the famous professor and twice Rector of the University, Fr. Juan de Paz, eminent moralist and canonist, was

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<sup>1</sup> Letter of the University Claustro to the King, July 28, 1649 (Archives of the University of Santo Tomas, hereunder quoted as AUST). Published in ALBERTO SANTAMARIA, O.P., *Documentos Históricos de la Universidad d Santo Tomás de Manila*, Manila 1937, pp. 53-54.

<sup>2</sup> A Ms. copy of the letter is in AUST, *Libros* 51, fol. 85.

<sup>3</sup> For a well documented study on this outstanding Dominican theologian, see Ma. CARMEN MOLINA, "The Dominican Juan de Paz, as a source of historical information through his writings," in *Unitas*, 53, 3-4 (Sept. - Dec. 1980), pp. 313-350.

called "the universal oracle of Asia," the most consulted ecclesiastic of the Islands in his time, who became Prior of Santo Domingo in 1678.<sup>3</sup> And coincidentally, in 1679, there arrived in Manila a "barcada" (missionary expedition) of 31 Dominicans from Spain, among whom were three doctors of Canon Law and Civil Law, two graduates in Theology and several others who had studied in various colleges of Spain.<sup>4</sup> And further to infuse optimism into the university life, the following year, 1680, King Charles II, placed the academic institution under his "Royal Patronage."

These circumstances were highly propitious for the University to adopt even more resolute and concrete ways and means to expand the academic pursuits, by adding to its courses those of the juridical careers. Towards that end, permissions were needed from both the Church and the State. In 1681, the Dominican Procurator before the Royal Court of Madrid and the Pontifical Court in Rome, Fr. Alonso Sandín, was able to obtain from Pope Innocent XI the Apostolic Brief *Inscrutabili* (August, 7, 1681), which confirmed the University of Santo Tomas as a "public University of General Studies," adding that, in it, "the Sacred Canons and the Civil Laws and Medicine may be imparted." Furthermore, authorization was given to the University to grant degrees of Bachelor, Licentiate, Doctor and "Magister."<sup>5</sup>

One year later, 1682, the Philippine Dominicans obtained from the Master General of their Order, Fr. Antonio de Monroy, permission to assign some religious to teach Canon Law.<sup>6</sup> And from the other side of the world, the University of Mexico, which has established strong fraternal ties with Santo Tomas, favored her oriental sister institution with a request to the King of Spain, Charles II, for the establishment of

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<sup>4</sup> The three doctors were Fr. Magin Ventallol, Doctor of Canon Law (future Bishop in China); Fr. Raimundo Verart, Doctor of Canon and Civil Laws; and Fr. Rafael Moret, also Doctor of both Laws. Fr. Verart would soon become Rector of the University and was the first professor to give extracurricular lessons of Canon Law (Cf. HILARIO OCIO, O.P., *Compendio de la Reseña Biográfica de los Religiosos de la Provincia del Santísimo Rosario de Filipinas*, Manila 1895, pp. 242-256).

<sup>5</sup> This Papal Brief was published in *Bullarium Romanum Luxemburgense*, vol. XI, p. 360: quoted by A. SANTAMARIA, *Reseña de la Fundación de las Facultades de Derecho Canónico y Civil desde 1734 hasta nuestros días*, Manila 1934, p. 7.

<sup>6</sup> Cf. JUAN FERRANDO O.P.-JOAQUIN FONSECA, O.P., *Historia de los PP. Dominicos en las Islas Filipinas y en sus Misiones del Japón, China, Tung-Kin y Formosa*, Madrid, 1971, tomo IV, p. 365.

the desired juridical and medical faculties. Complying with such petition, the King issued on November 22, 1682 a Royal Cédula, authorizing the University of Santo Tomas to introduce courses of Canon and Civil Laws and of Medicine, with power to give major and minor degrees.<sup>7</sup>

For unknown reasons, neither the Papal document nor the Royal *Cédula* were carried to effect, perhaps because of the all important question of how to maintain the professorial chairs. However, the Dominicans continued showing sign of the determination to establish some or all of the requested faculties. If personnel was needed they had competent men in the Islands. And if money was needed, perhaps they could also provide some means. And here were the proofs. Firstly, one of the friar canonists who had arrived in the "barcada" of 1679, Fr. Raimundo Verart, during the period of his Rectorship (1684-1689), began to teach the basics of Canon Law of his own accord and outside and beyond the requirements of the *curricula*, "only to train intelligent persons for the time when the Dominicans would succeed in establishing a chair of Canon Law". In fact, he was able to form several men well versed in both ecclesiastical and civil law.<sup>8</sup>

Secondly, the Dominican Archbishop of Manila Msgr. Felipe Pardo (1677-1689), who had been Rector of the University (1652-1656), created, shortly before his death, a fund of thirteen thousand Pesos in the charitable institution of the "Mesa de la Misericordia" for the maintenance of the future faculties of Canon and Civil Laws and of Medicine.<sup>9</sup> The creation of this fund might be interpreted as indicating that there were objections by the Royal Treasury to finance the proposed chairs. What is certain is that the fund deposited in the "Misericordia"

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<sup>7</sup> This Royal Cédula is transcribed in *Estatutos de la Pontificia y Regia Universidad de Santo Tomás de Manila*. Año de 1734 (Ms. AUST, Folletos 97, pp. 13-25. See also A. SANTAMARIA, *Reseña*, p. 8).

<sup>8</sup> Exposition of the University Rector and Claustro to the King, February 8, 21726 (Ms. AUST, *Libros* 14, fol 391).

<sup>9</sup> Letter of Archbishop Pardo to the Prior Provincial of the Dominicans, Manila, March 12, 1689 (Ms. *Archivo de la Provincia del Santo Rosario*, APSR, *Actas de Consejo de Provincia*, Session of April 24, 1689, *Libros de Consejos*, T. 1, fols. 18-19). In his testament, the Archbishop included a clause confirming that donation and deposit of 13.000 pesos, a donation made to the Rector for the establishments of the said academic faculties of Canon and Civil Laws and of Medicine (*Testamento del Arzobispo Mons. Felipe Pardo*, Ms. AUST, *Libros* 43, fol. 27r.)

eventually disappeared, lost with other moneys of that institution in mishaps of the galleon trade, as the University reported years later to the King.<sup>10</sup>

In the end, the 17th century went without seeing the materialization of the plans of the University, in spite of the promising interventions of both Pope and King. No historian of the period has informed us about the reasons for such failure.<sup>11</sup> It was only in the following century that the dreams conceived by the Dominicans would be born, but not before a slow and painful gestation, and after the birth of an unexpected and unwanted stillborn child.

## 2. A Faculty born and aborted (1718-1726)

We may well clarify, at this point, that by the time of our history, that is, by the beginning of the 18th century, there were two educational institutions in Manila empowered to grant academic degrees: the *University of Santo Tomas*, of the Dominicans, and the Jesuit ran *Colegio de Manila*, often referred in historical books as *Colegio de San Ignacio* or *Colegio Maximo de San Ignacio*. Attached to the latter college, in its compound in Intramuros, was the *Colegio de San Jose*, a boarding college of the Society of Jesus for students who attended classes at the said College of San Ignacio. Both *San Ignacio* and *San Jose* colleges have been confused so much even in documents of that period that it is not easy to distinguish the one from the other.<sup>12</sup>

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<sup>10</sup> He (Archbishop Pardo) "separated from his possessions an amount of pesos to be placed in the Misericordia, where it would increase, so that, with its produce, said chairs of Canon Law and Medicine could be maintained: and, were it not for the fact that the principal was lost among the general losses of the galleons, his desire would have been fulfilled" (Exposition of the Rector and the Claustro to the King, February 8, 1726 (Ms. AUST, *Libros* 14, fol. 391).

<sup>11</sup> See A. SANTAMARIA, *Reseña*, p. 8.

<sup>12</sup> "The College of Manila, although not a university in the strict sense, granted university degrees in philosophy and theology by virtue of the privileges conferred by the Holy See on colleges of the Society of Jesus... In 1732 Philip V of Spain founded two regius professorships in the college, one in canon and another in civil law. Starting from that date, the institution is frequently referred to in contemporary documents as the *University of San Ignacio*" (HORACIO DE LA COSTA, S. J., "The Jesuits in the Philippines (1581-1900)," in *Boletín Eclesiástico de Filipinas*, 39, 435, Jan.-Feb., 1965, p. 126). "In 1601, (Diego García) founded a residential college, attached to the College of Manila, and this residential college was named the *College of San José*. It occupied

As the century started, and in view of the scarcity of qualified candidates to fill the post of Doctoral Canon of the Manila Cathedral, King Philip V, with Royal Cedula of 1702, ordered the Archbishop of Manila and the Royal Audiencia (Supreme Court) of the Islands to provide for the establishment of two professorial chairs in Manila, one for *Canon Law* and one for *Civil Law*, with the proviso that the expenses should not be charged to the Royal Treasury. Probably because of the lack of financial means to be found here, the whole idea was not pushed through for a decade. Then, in 1714, another Royal Cedula ordered definitely that three professorial chairs should be founded in the Islands, namely, one of Canon Law, one of *Instituta* and one of Civil Law, but this time providing convenient salaries for the corresponding professors. The Royal document even went to the extent of nominating the doctors who would occupy the chairs of Civil Law. And as for the one of Canon Law, the Vice-Roy of Mexico was entrusted with making the choice by the process of competitive examinations. The nomination fell to the person of Dr. Manuel de Ocio y Ocampo, who at the same time was appointed as Doctoral Canon of the Manila Cathedral.<sup>13</sup>

The three professors arrived in 1717, and several meetings were held in Manila to discuss the manner of implementing the Royal Cedula. The discussions were centered specifically around the question whether the spirit and idea of the Royal Cedula was to found a full-fledged *University*, and whether the two existing academic institutions of Santo Tomas and San Ignacio should therefore be suspended or suppressed. Unfortunately for them, the Governor General decided in accordance with the opinion of the newly nominated professor of Canon Law and Doctoral Canon D. Manuel de Ocio, which was this: that a new "complete university" should be founded with those juridical faculties and with others that might come later. In practice that meant the dissolution of *Santo Tomas* and *San Ignacio*. It is not difficult to imagine what a blow this decision was for the Dominican and Jesuit institutions, as it is equally understandable that both of them protested energetically and tried to offset the decision taken by the local authorities.<sup>14</sup>

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a separate building in the Jesuit compound". "Its resident scholars... *attended classes in the College of Manila with day scholars*" (*Ibid.*, p. 119) (Italics supplied).

<sup>13</sup> This information is found in another Royal Cedula of March 30, 1715, addressed to the Archbishop of Manila ( Ms. AUST, *Libros* 51, fol. 51).

<sup>14</sup> These and the succeeding events have been taken from a report sent by the University of Santo Tomás to the Dominican Procurator in Madrid, Fr. Bernardino

But their protests were useless. For on June 9, 1718, the new University (which can be called by the vague name of "Royal University" though it is referred to by some historians as "University of San Felipe," patron saint of the King), was declared founded in the midst of a colorful display of pomp and ceremony. And the following day, two chairs of Canon and Civil Laws were formally opened with the Governor General in attendance. But the inaugural ceremony must have been the only significant and transcendental act worth noting in its short history. This ill-thought institution was doomed to die in its infancy. "Since the main contingent of its students came from the Colleges of Santo Tomas and San Jose, where they followed their corresponding classes, the new university continued in existence for eight years (1718-1726), leading a feeble, languishing life."<sup>15</sup>

An almost instantaneous death ended the short life of the first faculty of Canon and Civil Laws in Philippines. In 1726, the Royal Audiencia of Manila decreed that the professors of the two faculties were to be deposited in the Jesuit *Colegio de San Jose*, whose Rector had offered to accommodate them and to defray the expenses of the Canon Law faculty. But the Dominicans were not slow in alleging that these higher studies were essentially university courses, and so they asked that the two faculties be placed in the University of Santo Tomas. The result of all these maneuvers was that in 1730, a Royal decree of the same King Philip V ordered the total suspension of the professorial chairs in the ill-fated "royal university," making its suppression official at the highest level. Consequently, the Royal Audiencia of Manila decided that the two juridical chairs would continue in the *Colegio de San José*, "but without prejudice to the right of the University of Santo Tomas to establish them also."<sup>16</sup>

### 3. Canon Law in UST

Spurred by the decision of the Royal Audiencia, the University hasten to inaugurate the classes of Canon Law on November 12, 1732,

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Membrive (Ms. AUST, *Libros* 51, fols. 40-67); cf. also FERRANDO-FONSECA, *Historia*, IV, L. VIII, p. 363; and A. SANTAMARIA, *Reseña*, p. 10.

<sup>15</sup> A. SANTAMARIA, *Reseña*, p. 11.

<sup>16</sup> FERRANDO-FONSECA, *Historia*, IV, p. 362 and ff.; A. SANTAMARIA, *Reseña*, p. 11.

without even waiting for the Royal and Papal documents of approval or confirmation. For we know that, on that day, the inaugural class was held, given by Dr. Joseph Correa y Villarreal, a graduate of the University of Mexico. We have more details worth mentioning: Forty one students were enrolled for that class, including 2 Cathedral Canons, the Fiscal of the Audiencia, 7 priests, 2 clerics, 3 Colegiales, 22 young men, and 3 Dominican Fathers.<sup>17</sup>

The foregoing developments allow us to conclude that, as a result of the decision of the Royal Audiencia, two Philippine academic institutions, *Santo Tomas* and *San Jose* (or San Ignacio) were *de facto* offering courses in Canon Law. If any questions of legal rights, even exclusive rights, ever arose between the two rival institutions, they ended with the Royal Cedula of Philip V, dated October 23, 1733, providing that the faculties deposited in the Colegio de San Jose by the Royal Audiencia could continue there, and that "in the University of Santo Tomas of the Order of Preachers, two professorial chairs were to be established, one of Canon Law (without salary) entrusted to a religious (of that Order), and another of *Instituta* endowed with the amount of 400 Pesos, entrusted to a layman."<sup>18</sup>

There was, of course, a final step to be taken for the official establishment of the juridical faculties, which in the case of Canon Law was needed even with greater reason: the Papal approval. This was obtained by following the procedure required in all matters affecting the relations between Church and State under the Spanish *Patronato* System. Accordingly, King Philip V, with a letter of February 11, 1734, requested his Ambassador in Rome, His Eminence Cardinal Luis Antonio Belluga, as well as the Dominican Procurator Fr. Salvador Contreras, to make representations before the Holy Father for the issuance, in favor of "the Colegio de Santo Tomas and its University in the City of Manila, in the Philippine Islands," of a Bull towards extending the one given by Innocent X on November 20, 1645, so that "it can confer degrees in the faculties of Canon and Civil Laws, as well

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<sup>17</sup> The names of the enrollees are listed in *Libro de Asientos de Grados y Funciones Literarias que se dan y tienen en la Universidad de Santo Tomás de Manila* (Ms. AUST, Libros 82).

<sup>18</sup> A Ms. copy is extant in AUST, *Libros* 51, fol. 491. The text was printed in *Documentos oficiales relativos al Colegio y Universidad de Santo Tomás de Manila*, Manila 1888.



as in other faculties that might be later established.”<sup>19</sup>

The Pope, Clement XII, satisfied the wishes of the Dominicans and complied with the request of His Majesty the King by issuing the Bull *Dudum emanarunt*, dated September 2, 1734, with which he approved the two faculties in the manner requested by the Spanish monarch.<sup>20</sup> And with this transcendental Papal Bull the faculties of Canon and Civil Laws were definitely established in the University of Santo Tomás and were considered officially founded, their existence continuing uninterruptedly to the present day.

Two remarks may be added to the rather complicated and intriguing beginnings of the canonical and juridical faculties of the University. So eager were the Dominicans to expand the curricular fields of their educational institution that even before the arrival of the Papal Bull of 1734, the Provincial Superior, Fr. Diego Saenz, and the University Rector Fr. Tomas Canduela took upon themselves the task of making new statutes for the University to include the studies and degrees of the two faculties about to be born. The new statutes were signed by them on July 3, 1734, that is, two months before the date of the Papal Bull. These statutes, however, were never printed. Their title reads in English version: New Statutes of the Pontifical and Royal University of Santo Tomas... lately expanded in the wave of events that have happened in these our times (*en el torrente que hoy tienen las cosas*). The manuscript text was in force for fifty years, until the appearance of the modernized Statutes by Fr. Juan Amador, of which more will be said below in the present study.<sup>21</sup>

The second thing worth noting, even to offset or answer possible questions by the reader, is that during the next thirty four years there existed in Manila two institutions offering canonical studies, namely *Santo Tomas* and the *Colegio de Manila* of the Jesuits (referred to as University by some historians, perhaps because it enjoyed the right to run the faculties of Canon and Civil Laws). However the Jesuit College

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<sup>19</sup> Published in *Documentos Oficiales*, p. 40.

<sup>20</sup> The original Papal Bull, formerly catalogued in AUST as *Becerras* 41, fol. 99, is now kept in a frame in a special section of the same archives.

<sup>21</sup> *Estatutos de la Pontificia y Regia Universidad de Santo Tomás de Manila... por los MM. RR.PP. Fr. Diego Saenz, Calificador del Santo Oficio y Prior Provincial de esta Provincia del Santísimo Rosario, y Fr. Tomás Canduela, Rector y Cancelario de dicha Universidad... Año de 1734* (Orig. Ms. AUST, Folletos 97).

enjoyed such privilege only until 1768, when the Society of Jesus was declared suppressed in the Philippines, as well as in all the Spanish dominions. And they never recovered their institutions (except the College of San Jose in the 20th century). That fateful event of 1768 left the University of Santo Tomas in sole possession of juridical faculties empowered to grant academic degrees, even up to this day.

#### 4. The canonical studies in the 18th century

Information about the initial years of the Faculty of Canon Law is rather scarce. The first document that can be found in the UST Archives indicates that in 1735 the famous Fr. Juan de Arechederra, future Rector of the University and Bishop of Nueva Segovia and (in accordance with provisions of civil law) Acting Governor General of the Philippines), was professor of Canon Law of the new faculty, because, in that capacity, he certified the studies being taken by one of his students, Diego Jose Cano (December 20, 1735).<sup>22</sup> The first graduate of the faculty was Joaquín de Bustamante, who received the degree of Bachelor of Canon Law on September 19, 1740, "his professor having been Fr. Francisco Pallás"; and on November 12 of the same year he also received the degree of Doctor.<sup>23</sup>

Reading through the *New Statutes* of 1734, composed on the occasion of the foundation of the juridical faculties, we can get some idea of the subjects offered in the curriculum of Canon Law, as well as of the procedure followed in the examinations for graduation and the investiture ceremonies. The complete curriculum leading to the degree of Bachelor of Canon Law required that the student had finished the Philosophy career and two years of Theology, plus three years of Canon Law. The daily class of the faculty lasted for one hour and a quarter, with the first part of the period spent in reading the canonical texts, and the second period explaining the subject (See *Statutes*, Title VII).

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<sup>22</sup> AUST, *Becerro*s 3.

<sup>23</sup> AUST, *Asientos de Grados*, 1722-1777, *Becerro*s 3, fols. 31 and 32; and in *Diligencias de Grados*, "Derecho Canónico", 1740. See a photocopy of the statement of Fr. Arechederra in *Unitas*, November, 1934, p. 387.- Fr. Francisco Pallás, O. P. (1706-1778) was first missionary in Northern Luzon. The Provincial Chapter of 1739 appointed him Professor of Canon Law, a post he held until 1747. In 1753 he was nominated Vicar Apostolic of Fokien (China). He died as bishop of that mission territory in 1778 (Cf. H. OCIO, *Compendio*, pp. 376-377).

The basic workbook for the training of a canonist was no other than the *Corpus Juris Ecclesiastici*, which for many centuries constituted the Church's official body of legislation until it was superseded by the *Code of Canon Law* of 1917.<sup>24</sup> Soon, however, the professor counted on the help of a manual book for the explanation of the texts. This manual, recommended by the Statutes of 1785, was the *Cursus Juris Canonici, Hispani et Indici*, written by Fr. Pedro Murillo Velarde, S. J., an eminent historian and jurisconsult, who was professor of the Canon Law at the Jesuit *Colegio de Manila*. His work was printed in Madrid in 1734 and re-edited twice in 1763 and 1791. After having successfully approved the last year, the student qualified for the degree of Bachelor, for which he had to undergo an examination in the form of a "public Act," once the Rector had given his consent for it. The academic Act consisted in formulating and defending three canonical questions drawn from some book of the *Corpus Juris Ecclesiastici*.

The Licentiate degree was conferred after a very demanding and painstaking examination, which consisted of two parts. The first was the so-called *Acto de Relecciones*, an academic exercise intended to test the doctrinal sufficiency of the candidate in all the subjects studied during the career. He chose, at random, three topics or theses, which he had to elaborate and defend in the presence of the Rector and of many Doctors, the exposition lasting for three quarters of an hour, after which three bachelors of the faculty presented arguments against the thesis, debating with the candidate.

Then came the second part, soon to be named by the professors and students as the *Noche Triste*, the sad night that frightened the candidates for licentiate in the three ecclesiastical faculties of the University.<sup>25</sup> It was preceded by a written petition for admission and

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<sup>24</sup> The *Corpus Juris Ecclesiastici*, formed after the pattern of the famous *Decretum Gratiani* (12th century), was composed of the following collections of laws: The *Decretals* of Gregory IX (1234), gathered by St. Raymond of Peñafort, O.P., in five books; the *Liber Sextus* or Sixth Book, added by Pope Boniface VIII (1298); the *Clementinae*, named after Pope Clement V, codifying the canons of the Council of Vienne (1311); the *Extravagantes*, of Pope John XXII, who succeeded Clement V, and the *Extravagantes Communes*, which contained the decretals of 25 succeeding Popes ending with Sixtus IV (1484). The canons of the Council of Trent constituted the added *Jus Novissimum* (Cf. F. VILLARROEL, O.P., *Father Jose Burgos, University Student*, Manila 1971, pp. 62-63).

<sup>25</sup> We do not know in what year the name *Noche Triste* was given to the Licentiate

the acceptance by the Rector. Edicts were posted at the door of the University and other public places of Manila, in case any candidate would claim precedence in obtaining the same degree as well as future precedence of rank in the membership of the "Claustro Universitario." A date was set for the *asignación de puntos* (drawing of examination topics) to be done in the chapel of the University after the Mass of the Holy Spirit. In the presence of several members of the *Claustro*, the Rector handed to one of the assisting doctors the *Libro de Piques*, which for the Faculty of Canon Law was the collection of books of the ecclesiastical legislation. Then the candidate inserted a knife three times at random between the pages of the closed books of the *Decretum Gratiani* and of the *Decretals*, and repeated the operation three times also in the Sixth Book and in the Clementinae. And from the subject matter of the opened pages, he had to enunciate two conclusions or theses, which he had to defend the following day. That day was the day of the feared *Noche Triste*. The big trial took place in the University Chapel, the Rector presiding. The candidate expounded his first thesis for forty five minutes. After a recess, he came back to elaborate on the second theses for the same length of time. Then came the heavy barrage of arguments from the three examining doctors for as long as they wanted, the trial going on for a good part of the night. It was an unforgettable experience. Even by the end of the Spanish period, old alumni still shuddered when recalling the ordeal of that night.

By comparison, the doctoral exercises were practically a ritual ceremony of glory and triumph, resembling our modern "honoris causa" investitures. Practically the entire procedure consisted in an academic procession through the streets of Intramuros, called the *Paseo de los Doctores*, which the people of Manila enjoyed seeing as much as the modern movie festivals centered on parade of the film stars. The University doctors and masters with the academic officials rode on horseback through the main streets, attired in academic gowns with their insignias. They were preceded by music bands of *avatars* and

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examinations, but it appears (as something of the distant past) in the 19th century edition of the Estatutos of Fr. Juan Amador, which were composed in 1785 (JUAN AMADOR, O.P., *Estatutos de la Real y Pontificia Universidad de Santo Tomás de Manila*, Manila 1859, "*Indice de las cosas notables*," p. 122).- In Spanish history, *Noche Triste* is the name given to the night of June 30, 1520, when the conquistador of Mexico Hernán Cortés was forced to retreat from the Aztec capital with heavy losses, and, by the lake Tezcuco, seeing his isolation and helplessness, he wept.

*chirimías*, the professors, the mace-bearers, the bedeles, the Master of Ceremonies and the Secretary of the University. At the end of the procession went the doctoral candidate, the Rector and the *padrino*. A boy, also riding on a colorfully-dressed horse, being escorted by pages, carried, atop a cane, the doctoral cap adorned with tassel for the investiture of the candidate.

The procession ended in Santo Domingo Church, which flanked the *Plaza de Santo Tomas*. The academic investiture itself was short, solemn, dignified. The candidate proposed and explained a question or thesis, and then two doctors and one bachelor proposed comments or arguments against the thesis, but without expecting to be replied by the proponent, that is, the candidate. Finally, he petitioned for the degree, and the Rector responded granting it, and he imposed the insignia on the new doctor.<sup>26</sup>

In 1785, upon request of King Carlos III that the Statutes be updated, the University Rector with the Claustro commissioned the Dean of the Faculty of Canon Law, Fr. Juan Amador, to write a new text in conformity with the terms of the Royal Cedula. These statutes, were enforced immediately and supplanted those of 1734, remaining since then the fundamental law of the University until the end of the Spanish period. However, they were not printed until 1859.<sup>27</sup> As far as the Faculty of Canon Law was concerned, the new Statutes provided that two professorial chairs should be created, one of *Prima* (morning session) and one of *Vespers* (afternoon sessions),<sup>28</sup> but it was not carried to practice, and only the traditional daily class continued to be taught. Both the old programs of studies with the canonical texts as basic working books and the text of Fr. Murillo as a reference manual textbook were used until the last quarter of the nineteenth century.

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<sup>26</sup> *Estatutos*, 1734 (see footnote 21), pp. 38-43. For an abstract of these academic exercises prescribed by the Statutes, see A. SANTAMARIA, *Reseña*, pp. 18-22.

<sup>27</sup> *Estatutos de la Real y Pontificia Universidad de Santo Tomas de Manila. Formados en el año 1785 por su Comisionado el R. P. Fr. Juan Amador, del Orden de Predicadores, Presidente del Real Colegio de San Juan de Letran y Catedrático de Sagrados Cánones. Impresos de Orden del Superior Gobierno con notas claras y explícitas, que indican lo suprimido, variado, o lo que no ha existido*. Manila. Imprenta del Colegio de Santo Tomas, a cargo de Juan Cortada. 1859.

<sup>28</sup> *Estatutos*, 1785 (see previous note), Tit. VI, "De las Cátedras."

We have previously described the traditional graduation examinations prescribed for Canon Law and for the other ecclesiastical faculties. Let us note now two minor changes introduced in the nineteenth century. First, in the asignación de puntos for candidates to Licentiate, it was the Rector who held in his hands the *Libro de Piques* (in our case, the *Decretals* and the rest of the canonical collections), and in the words of the Statutes, "a boy of twelve or under, with a knife or other appropriate instrument will open two pages in three places, wherefrom the theses will be chosen by the candidate." The second novelty was the introduction of the *vejamen* for the Doctoral graduations. The *vejamen* was a speech delivered, before the investiture itself, by the youngest doctor of the University, in which, jokingly and by way of jest, the lighter side of the candidate's life and personality, and even his defects, were brought out and commented. The *vejamen*, practiced in all Spanish universities, was surpassed in 1866.<sup>29</sup>

## 5. The Faculty in the 19th century

Along the 19th century, several changes were introduced in the studies of the juridical faculties. While in 1835 a chair of *Derecho Patrio* (Spanish Law) was added to the courses of the Faculty of Civil Law, a decree of the Superior Government of the Islands, dated November 18, 1836, established the following: "Since in the University of Santo Tomás there is only one chair of Canon Law in the morning, and one of Civil Law in the afternoon, the students of these Faculties will be obliged to concur in attending the classes of both, so that the studies of Civil Law cannot be taken without studying Canon Law and vice versa."<sup>30</sup>

Of course some principles of both sciences of law had been part of the careers of jurists and canonists for long time past. In fact, as early as the 12th century both juridical disciplines were studied *pari passu*, as the old dictum said. Another dictum held that "the jurist or lawyer who does not know Canon Law is worth little; the canonist who does not know Civil Law is worth nothing." The famous UST professor and canonist Fr. Juan Illa, writing on the occasion of the second centennial of the two juridical Faculties remarked that their simultaneous foundation was a natural and happy coincidence, because of the natural

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<sup>29</sup> Cf. F. VILLARROEL, *Father Jose Burgos*, p. 76.

<sup>30</sup> The complete text of the decree is published in the edition of 1859 of Fr. Amador's Statutes (*Estatutos* 1859, pp. 45-47).

interaction existing between them and the mutual help they lend to each other. This, he added, “is particularly true in the Philippines on account of the influence of the canonical legislation in the formation of this (Filipino) people.”<sup>31</sup>

The result of this mutual relations, and particularly the common education received by several generations of Filipino students sharing the same classroom and the same training was shown in the kind of alumni they produced: On one hand, great jurists highly knowledgeable of the ecclesiastical laws, like Cayetano Arellano, Cornelio Mapa, Manuel Araullo, Florentino Torres, Apolinario Mabini, Marcelo H. Del Pilar, to mention a few; and on the other, great canonists, who even though not products of those common did in fact cultivate diligently the civil legislation related to the Philippines and wrote treatises on both laws, like the Jesuit Murillo Velarde and the Dominicans Raimundo Verart, José Fuixá, Francisco Gainza, Benito Corominas, Matías Gómez, José Cueto, Bernardino Nozaleda and others.<sup>32</sup>

From 1836 on, the register books of the University shows the effects of this government decree in the big number of students swelling the single classrooms of Canon and Civil Laws under the professors of both faculties. Many years later, in 1871, a new course was introduced in the Faculty of Canon Law, that of *Disciplina Ecclesiástica*. This brought to two the number of chairs in the Faculty, namely, that of “Institutions of Canon Law,” which from that year adopted as textbook the famous *Devoti* with commentaries by the UST professor Fr. Benito Corominas, and was printed precisely in that year<sup>33</sup>; and that of “*Disciplina Ecclesiástica, Patronato de Indias y Procedimientos y Juicios Ecclesiásticos*,” which used as textbook the work of “Lafuente.”<sup>34</sup>

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<sup>31</sup> JUAN ILLA, O.P., “Centenario de las Facultades de Cánones y Derecho Civil”, in *Unitas*, November 1934, pp. 355-357.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Joannis Devoti Institutionum Canoniarum Libri IV*, Manila 1871, 2. vols.

<sup>34</sup> Vicente de la Fuente (1817-1889), priest, canonist and jurisconsult, was professor of Canon Law at the University of Salamanca and of Ecclesiastical Discipline and History at the University of Madrid. Among his works are *Relaciones entre la Iglesia y el Estado. Los concordatos*, and *Los Concordatos. Cuestiones de Derecho Público Ecclesiástico sobre la revocabilidad* (Cf. ESPASA, *Enciclopedia Universal Ilustrada*, Vol. 24, p. 1481). Probably these were the textbooks referred to by the Statutes when they mention “Lafuente.”

In the last half of the century, the various faculties of the University, including that of Canon Law, began to miss some traditional custom and important privileges. One was the solemn and popular *Paseo de los Doctores*, which in by 1859 ceased to be practiced.<sup>35</sup> The other was more lamentable. Since the coming of the First Republic to Spain in 1873, the Government forbid our University (as well as all other Spanish Universities) to confer doctoral degrees, a privilege reserved exclusively for the Central University of Madrid.<sup>36</sup> From that year, for the rest of the Spanish period, only a few Dominican professors were granted the degree of Doctor of Canon Law.

## 6. Statistics. Enrollment and degrees (1734-1898)

Trying to establish the number of students who frequented the classes of the Faculty of Canon Law from the year 1734 until the end of the Spanish period is a difficult task. First, because books of inscriptions in the 18th century and beginning of the 19th are not extant today; and secondly, because in the second quarter of the 19th century the lists of inscriptions by classes, subjects and professors mix the students of Civil and Canon Laws in alphabetical order. For the same reason we cannot know the mortality rate in the various years of the career in any of the two faculties.

However, we can establish with almost total accuracy the number of graduates in the same period, because they are extant in two series of records of the University archives, namely, the *Asientos de Grados*, which state laconically the concession of the degree, and the *Diligencias de Grados*, a collection of dossiers of the examination and graduation proceedings of every graduate.

In spite of the lack of inscription books of the early period, some statistics were accessible to Fr. Evaristo Fernandez Arias, a professor of the last part of the nineteenth century, and last professor of Canon Law. In his two *Memorias* for the Expositions of Amsterdam and Madrid in the 1880's, he was able to find venues for establishing such statistics, which were later followed by historians of the 20th century. Following those statistics, we have selected those related only to the Faculty of

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<sup>35</sup> Cf. *Estatutos*, 1859, p.66, footnote

<sup>36</sup> Cf. A. SANTAMARIA, *Reseña*, p. 24.



Canon Law. Such figures give out a total of 4,616 enrolled students for the period 1734-1898, and 318 graduates for the period 1734-1882. This is the breakdown:

A. *ENROLLMENTS. Canon Law. 1734-1898*

| Period    | Years      | Enrolled  | Approved              |
|-----------|------------|-----------|-----------------------|
| 1734-1820 | (86 years) | 1,680     | (?)                   |
| 1820-1850 | (30 years) | 506       | 325                   |
| 1850-1871 | (21 years) | 2,317     | 1,440 <sup>(37)</sup> |
| 1871-1883 | (12 years) | 40        | 25                    |
| 1883-1898 | (15 years) | <u>73</u> | (?)                   |
| TOTAL     |            | 4,616     |                       |

B. *DEGREES. Canon Law. 1734-1882*

| Period    | Bachelors | Licentiates | Doctors            |
|-----------|-----------|-------------|--------------------|
| 1734-1800 | 34        | 16          | 9                  |
| 1800-1814 | 7         | 5           | 4                  |
| 1815-1829 | 5         | 2           | 1                  |
| 1830-1844 | 31        | 5           | 2                  |
| 1845-1859 | 53        | 4           | 4                  |
| 1860-1870 | 80        | 8           | 3                  |
| 1871-1882 | (?)       | 19          | 6                  |
| TOTALS    | 210       | 59          | 29 <sup>(38)</sup> |

<sup>37</sup> The surprising disparity between the enrollments corresponding to the periods from 1820 to 1871 may be explained by the fact that, as is was said in the text, from 183... the students of Canon and Civil Laws attended all the juridical classes together.

<sup>38</sup> The above statistics about the enrollments and graduates of the faculty of Canon Law are culled, first of all and basically, from the ones made by Fr. Evaristo Fernández Arias, professor of the University to be included in the two *Memorias* he wrote to the corresponding Expositions organized in Amsterdam (1883) and in Madrid (1887). The statistics are found in the *Appendixes* of the same works (EVARISTO FERNANDEZ ARIAS, O.P., *Memoria Histórico-Estadística sobre la Enseñanza Secundaria y Superior en Filipinas*, 1883, Manila 1883; *Exposición General de las Islas Filipinas en Madrid*, 1887, Manila 1887). With some additional figures reaching to the year 1898, these statistics have been reproduced in *General Bulletin of the University*

Two things can be easily deduced from the above statistics. One is that the yearly enrollment was very low in that early period. Secondly, the mortality rate was rather high, perhaps for the difficulty of the canonical subjects and because of the few opportunities opened to candidates aspiring to some ecclesiastical posts in the local diocesan curiae. But it has to be borne in mind, at the same time, that the total enrollment of the university in those times was a far cry from the modern population in the same university. By way of illustration, let us say that in the school-year 1886-1887, the University had only 581 students of the tertiary level.

## 7. Professors and Alumni

### *a) The Professors*

Twenty six Dominicans occupied the chairs of Canon Law during the 164 years of the Spanish period from 1734 to 1898. Most of them shone not only as outstanding canonists but also as university rectors and as bishops. To be specific, of the twenty six, 15 were Rectors of the University and 7 became Bishops.

The nine professors of the eighteenth century were the following: Fr. Juan de Arechederra, twice Rector, Bishop of Nueva Segovia (Vigan) and Acting Governor of the Philippines; Fr. Tomas Canduela, Rector; Fr. Francisco Pallás, Prior Provincial of the Dominicans and Vicar Apostolic (Bishop) of Fokien (China); Fr. Juan Alvarez, Rector; Fr. Nicolás Cora, Rector; Fr. Domingo Bruna, Rector; Fr. Juan Amador, commissioned by the University to write the Statutes of the University of 1785; Fr. Domingo Collantes, Rector, historian and Bishop of Nueva Caceres (today Caceres), and Fr. Francisco Alban, Rector and Bishop of Nueva Segovia.

The chronology of the fourteen professors of Canon Law of the 19th century are known with more precision, and we are giving here their names, duration in office and other post they held:

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*of Santo Tomas, 1910-1911* (Manila 1910), pp. 43-44, and in *Los Dominicos en el Extremo Oriente*, (Barcelona 1916), pp. 272-273; some other particular statistics can be seen in A. SANTAMARIA, *Reseña*, p. 27.

*A. PROFESSORS OF "INSTITUTIONS OF CANON LAW" (1801-1898)*

| Period       | Name                         | Other posts       |
|--------------|------------------------------|-------------------|
| c. 1801-1811 | Fr. Carlos Arbea             | Rector            |
| c. 1812-1814 | Fr. Francisco Ayala          | Rector            |
| c. 1815-1840 | Fr. Juan Frígola             | Longest in office |
| 1841-1842    | Fr. Juan Ferrando            | Rector            |
| 1843-1849    | Fr. José Fuixá               | Rector            |
| 1850-1861    | Fr. Francisco Gainza         | Bishop of Caceres |
| 1862-1873    | Fr. Benito Corominas         | Rector            |
| 1874-1882    | Fr. José Cueto               | Bishop Canary Is. |
| 1883-1885    | Fr. Miguel Narro             | Provincial O.P.   |
| 1886-1888    | Fr. Matías Gómez             | Rector            |
| 1889-1890    | Fr. Raimundo Velázquez       | Rector            |
| 1890-1894    | Fr. Jaime Andreu             |                   |
| 1895-1896    | Fr. José Noval               | Rector            |
| 1897-1898    | Fr. Evaristo Fernandez Arias |                   |

*B. PROFESSORS OF ECCLESIASTICAL DISCIPLINE (1871-1898)*

|           |                                |                  |
|-----------|--------------------------------|------------------|
| 1871-1873 | Fr. Jose Terres                |                  |
| 1874-1888 | Fr. Bernardino Nozaleda        | Archb. of Manila |
| 1889-1890 | Fr. Matías Gómez               | Rector           |
| 1891-1893 | Fr. Raimundo Velázquez         | Rector           |
| 1894-1898 | Fr. Jaime Andreu <sup>39</sup> |                  |

Some of these professors excelled also for their writings on canonical matters. Fr. Juan Frígola, the longest professor of the faculty (1815-1840), left many canonical consultations still extant in the UST Archives. Fr. Jose Fuixá, wrote a masterful *Cursus Juris Canonici*, in five volumes, corresponding to the five books of the Decretals. It is still extant in manuscript form, like his *Patronato de Indias* and many canonical consultations.

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<sup>39</sup> The names and chronology of the professors of Canon Law from 1841 to 1898 have been culled from *Libros de Matriculas de la Universidad* (Ms. AUST); those from 1884 to 1898 can also be found in the collection of *Discursos de Apertura*, UST, corresponding years, in the appendixes.

Fr. Francisco Gainza surpassed all the others as a prolific, versatile and diversified writer. Specifically in the field of Canon Law, his best known printed work was *Facultades de los Obispos de Ultramar* (Manila 1860 and 1877), in which he discusses the privileges and faculties granted by the Holy See to the Bishops in the New World, the so called *Solitas* and *Insolitas* faculties, plus important questions on marriage and matrimonial dispensations. He also wrote *Institutiones Juris Canonici*, in two volumes, a manual of Canon Law, which remained unpublished. He wrote several rules, constitutions and by-laws for diverse institutions, associations, etc., and a great number of *Consultas* or solutions to canonical, moral cases or civil legal problems submitted to him or to the University, which fill several volumes in the UST Archives.

Fr. Benito Corominas prepared an edition of the classical canonical treatise known as the “Devoti”, with comments and notes, of which he edited the first two volumes (*Joannis Devoti Institutionum Canoniarum Libri IV* (Manila 1871). It was adopted as textbook in the faculty of Canon Law until the end of the century. Fr. Matías Gómez completed the publication of the two remaining volumes of the *Devoti* (Manila 1893), and wrote *Regio Patronato Español e Indiano* (Madrid 1897). Fr. José Noval, professor in 1895-1896, would later distinguish himself for his collaboration with the Holy See in the preparation of the *Codex Juris Canonici* of 1917 and for his commentaries to it.

#### *b) Alumni*

Among the illustrious alumni and graduates of the faculty of Canon Law in the 18th and 19th centuries, we must include most of the above-mentioned professors. Other outstanding students who occupied high posts in the Philippine church and in the civil administration are listed by Alberto Santamaría in his history of the foundation of the faculty. They include clerics and laymen: Fr. Gervasio Pérez de Aguilar, Provisor and Vicar General of the diocese of Nueva Segovia in 1748; Fr. Francisco Lopez Perea, Canon and Chantre of the Manila Cathedral; Don José de Soto, Doctor of both Laws and Attorney of the Royal Audiencia; Fr. Antonio Correa, Provisor of the Diocese of Nueva Segovia and Doctoral Canon of the Manila Cathedral; Don Pedro Crisologo Fabie, Secretary of the University and Attorney of the Royal Audiencia; Don Manuel Ramirez de Calleja, “Relator” of the Royal Audiencia; Fr. Raimundo Mijares, Canon of the Manila Cathedral; Fr.

Ignacio Ponce de Leon, Fr. Ramon Fernandez and Fr. Simon Ramirez, Canons of the Manila Cathedral; Fr. Jose Burgos, parish priest of the Manila Cathedral, Canon of the same cathedral, a well known nationalist priest; Fr. Jacinto Zamora, executed with Burgos in 1872; Fr. Gregorio Ballesteros, Canon of the Manila Cathedral and Master of Ceremonies of the University, who also acted on occasions as professor of Canon Law and of Ecclesiastical Discipline; Fr. Pablo Zamora, parish priest of the Manila Cathedral.<sup>40</sup>

## 8. In our century of the two Codes of Canon Law

### a) A Central Seminary in the UST Campus

The change of political administration in the Islands at the turn of the century had a more notable impact on the civil careers of the University (Civil Law, Medicine, Pharmacy, Philosophy and Letters, Sciences) than on the ecclesiastical studies, which were regulated by norms emanating from the Church and the Holy See. However, it affected also the career of Canon Law in accidental ways. With the termination of the Church-State relations under the Spanish *Patronato* system, all the ecclesiastical posts in the local church (to which a canonist would probably aspire) ceased to receive financial emoluments from the State; besides, the Episcopal sees, which from now on could be expected to be given to Filipinos, following the reorganization of the church by Leo XIII's Apostolic Constitution *Quae Mari Sinico*, were given initially to American ecclesiastics; and the Manila Cathedral Chapter was reduced to the minimum.<sup>41</sup>

With a view to provide better atmosphere and greater incentives for the training of Filipino ecclesiastics in the higher studies, a central seminary began to be envisioned for selected students who would aspire to obtain academic degrees. In former times, candidates for ecclesiastical degrees lived as resident students in the "internados" of the colleges of Santo Tomás, San José and San Juan de Letran, who shared lodging with an undetermined number of lay students. In 1905, upon request

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<sup>40</sup> A. SANTAMARIA, *Reseña*, p. 31.

<sup>41</sup> *Ibid.*, p. 46.- The first native Filipino ever to be elevated to the episcopacy was Msgr. Jorge Barlin Imperial (1850-1909), a Bikolano, nominated Bishop of Caceres (Naga) in 1905 and consecrated in 1906. He ruled the diocese until his death in 1909. He was a graduate of the Faculty of Theology of the University of Santo Tomas.

of the Manila Archbishop Msgr. Jeremias Harty, the Rector of the University of Santo Tomas agreed to convert the "Colegio de Santo Tomas" into an *internado* exclusively for aspirants to the Diocesan clergy. For its part, the Provincial Council of Manila held in 1907 decreed the creation of a *Provincial Seminary* for the entire country. But only the first of the two plans was taken to effect in 1910.

In fact, a decree issued by the Holy See in that year 1910 gave pertinent instructions to provide a fitting seminary atmosphere, while favoring the University of Santo Tomas with the exclusive right to grant academic degrees in Theology and Canon Law. In order to obtain academic degrees in Theology and Canon Law, says the decree, the students sent there (to Manila) by the Suffragan Bishops must not only pursue their scholastic studies at the University of Santo Tomas under penalty of ineligibility to obtain degrees, but also live together, completely separated from the secular persons as intern students of the same university, in the manner and with the same discipline of a true seminary exclusively for clerics.<sup>42</sup>

But although the *internado* system was actually adopted, the creation of an formal diocesan seminary would have to wait for twenty years. It was at the end of the third decade that the Holy See, through its Apostolic Delegate in the Philippines, requested the Dominican Fathers, and the latter accepted, to establish a *Central Seminary* in the University, meant for selected students from all the Philippine dioceses, to be governed by special statutes. Consequently, the Seminary was officially opened for the school-year 1927-1928. For our study here, what the old *internado* was for the Faculty of Canon Law, that was to continue to be, more effectively, the newly established Central Seminary.

*b) The studies. The Corpus gives way to the Codex*

The program of studies in the canonical faculty continued to be fundamentally the same for almost two decades since the beginning of the century, with the traditional *Corpus Juris Ecclesiastici* and the *Jus Novissimum* of Trent as the basic texts to be read and explained. The same must be said of the other subjects, like Ecclesiastical Discipline.

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<sup>42</sup> Decree of the Holy See, dated April 4, 1910, signed by the Cardinal Rafael Merry del Val, Secretary of State, addressed to the Prior Provincial of the Philippine Dominicans. Published in *General Bulletin of the Manila University of Santo Tomas*, 1910-1911, (Manila 1910). p. 5.

Only lately, in the first two decades of the century two new subject were introduced, namely, that of Church and State Relations, based on the Syllabus of Pius IX and on several Encyclicals of Leo XIII (*Quod Apostolici, Diuturnum Illud, Immortale Dei, Sapientiae Christianae, Satis cognitum*), and that of the Sources of the History of Canon Law.

But the most transcendental change in the Church's legislation in all its history, and therefore in the formation of canonists, occurred in 1917 with the promulgation of the *Codex Juris Canonici* (*Code of Canon Law*), which rendered the centuries-old various compilations of the most diverse ecclesiastical laws into a well organized and precise and compendious texts, assembled by subject matters and set in 2414 canons. The canonical faculties of all universities must now accommodate themselves to the new texts, as the University of Santo Tomas did it in the school-year 1918-1919, when she began to use the Code for the second and third years of the Licentiate and Doctoral courses, until the year 1983, the date of publication of our present *Code*.

In 1931 Pope Pius XI's Apostolic Constitution *Deus Scientiarum* (May 24) decreed that all universities approved by the Holy See should make new Statutes to adapt their studies to the instructions given in that Constitution and in other norms issued in that year by the Sacred Congregation for the Seminaries. The University of Santo Tomas complied diligently by submitting its new Statutes, which were approved in 1936. But even before that Constitution, as we are informed by the then professor of Canon Law Fr. Alberto Santamaria, the faculty of Canon Law was already offering such special courses as Liturgical Law, Social Economy, Ecclesiastical Jurisprudence, Practical Procedures, Ecclesiastical Geography and Practical Exercises.<sup>43</sup>

The examinations for the Licentiate degree in Canon Law had undergone some changes in the first decades of the century, although two essential basic exercises were preserved. Once the preliminary requirements were fulfilled, that is, the request made to the Rector for admission and the summary information on the moral conduct of the candidate, the exercises proper followed. The first exercise was a two-hour long examination about the subject matters of the careers before a tribunal of three professors. The second exercise was the oral defense of a thesis, which did not require a written dissertation, but the defense

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<sup>43</sup> A. SANTAMARIA, *Reseña*, p. 25.

of a proposition chosen by the candidate from among three topics that he drew by lots from among fifty themes that composed the total number of propositions of the Licentiate program. The candidate was given 24 hours to prepare the exposition of the thesis, and the next day, appearing in the *Paraninfo* of the University before the Rector, the judges and the Secretary General, he expounded on the theme for half an hour, and then, for one hour and a half, he was submitted to a barrage of objections put to him by the examiners in the classic syllogistic way of arguing.

After the ban to confer doctoral degrees in the University made in 1873, as said earlier, the University started again to confer them in 1911, the third centennial year of its foundation. The exercises leading to that degree were now more laborious than in the Spanish period which resembled an honorary degree granted to the cream of graduates after the ceremonial *Paseo de los Doctores*. Now the candidate was required to attend a certain number of classes on subjects making up the doctoral curriculum. Then he had to present a paper (*una memoria*) on a topic of Canon Law, which he had to defend before a tribunal of five examiners.<sup>44</sup>

Before the Second World War, when the number of students and of graduates was relatively low, the University still held in great honor the so called *Claustro Universitario*, that is, the body of graduates who wished to continue their connections with the University and united to it by stronger ties than our contemporary "Alumni Associations" in relation to their "Alma Mater." The roster of the *Claustro* was published in the yearly *General Bulletin*. In 1933, a list of "living" members of the *Claustro* showed for the Faculty of Canon Law the number 13 Doctors and 19 Licentiates, without mentioning the Bachelors.<sup>45</sup>

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<sup>44</sup> Cf. "Ejercicios para obtener el grado de Licenciado y de Doctor" (*Boletín General de la Real y Pontificia Universidad de Santo Tomas, 1916-1917*, Manila, 1917, pp. 36-38).

<sup>45</sup> The traditional *Claustro Universitario*, one of the most ancient and venerable institutions of the University, is described in the *General Bulletin* of 1932 as "an honorary body composed of all graduates of the University who have manifested their will to continue their connections with the Institution... The *Claustro Universitario* as a body is bound to attend the annual Opening Exercises, the Solemn Investitures, the solemn religious festival in honor of St. Thomas Aquinas and such other solemnities and public acts to which the Rector may invite the said *Claustro* (*General Bulletin*, 1932-1933. *Announcement*, 1933-1934, pp. 387-389).



c) *The Professors of this period*

Two professors listed earlier among those of the 19th century still taught Canon Law in the twentieth, namely, Fathers Raimundo Velázquez and Jose Noval, both of whom were also University Rectors.

Other professors until the beginning of the World War, all of them Dominicans, were: Fathers Manuel Alvarez, Manuel Fernández, Juan Illa, Serapio Tamayo (Rector three times), Jesus Villaverde, Alberto Santamaría, Agustín Rihuede, Juan Sánchez and Tomás Tascón. Two among them may be mentioned in particular for being well known authors of canonical writings: Fr. Juan Illa was author of the work *Derecho Matrimonial según el nuevo Código Pontificio* (Manila 1918). Perhaps he was better known by the Philippine clergy for his frequent solutions to canonical and moral cases submitted to the official organ of the Philippine Hierarchy *Boletín Eclesiástico de Filipinas*. Fr. Serapio Tamayo wrote *La Legislación Eclesiástica de Filipinas* (Inaugural Address of the University, 1905), and *El Amigo del Párroco Filipino* (Manila 1911, 2nd. ed. 1921). Fr. Alberto Santamaría published two canonical works, namely, *Quaenam sit sollemnitas votorum juxta S. Thomam* (Manila 1949) and *Tabulae Synopticae Codicis Juris Canonici* (Manila 1949).

After the World War, for about three decades the professors occupying the chairs of Canon Law, aside from some of those mentioned above (Rihuede and Santamaría) were the Dominican Fathers Agapio Salvador, José Ortea, Indalecio Alejo, Bernabé Alonso, Excelso García and Florencio Testera. Some of the best known canonical works that may be mentioned here are Fr. Excelso García's *Manual for Parish Priests according to the 1983 Code of Canon Law* (Manila, 1983, 3rd ed. 1998), *Canonical Questions*, in two volumes, and various books dealing with different topics of the latest Code<sup>46</sup>; and Fr. Florencio Testeras's *Canon Law Digest of the Philippine Catholic Church* (Manila 1983, 3rd ed. 1995).

In general, the professors of the Faculty of Canon Law have taken charge of the section "Cases and Queries" of the *Boletín Eclesiástico de Filipinas* since the foundation of this ecclesiastical review in 1923. Professors of the same Faculty have acted as Judges, Defenders of the

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<sup>46</sup> See some documentation in JOSE MA. TINOKO, OP, (ed.), *Selected Readings in Canon Law*, 2 vols., UST Printing Press, Manila, 1989.

Bond, Advocates or Consultors of the Archdiocesan Curia of Manila and of the Appellate Matrimonial Tribunals.

From the beginning of the decade of 1970, Filipino Dominicans, graduated from the Faculty of Canon Law, started to form part of the teaching staff, the first being Fathers Abelardo Navata, Jose María Tinoko and Honorato Castigador. At present, the professors of Canon Law for the school-year 1998-1999 are Father Javier González, Dean, and Fathers José María Tinoko, Honorato Castigador, Roberto Pinto, Danilo Tag-at, Isaias Tiongco, Romulo Rodriguez, and Florencio Testera. Except for Frs. González and Testera, the others are all Filipinos. In the course of the years, other non-Dominican priests have taught in the Faculty as guest professors, like Msgr. Oscar Cruz, Fathers Hygienic Flared, Wilder Page, Atrium Balm, Wilfredo Ipapo, Wilfredo Paguio, Juan José F. Pineda, Msgrs. Artemio Baluma, Msgr. Nereo Odchimar, Msgr. Jerome Reyes and some others.

*c) Students and alumni*

As in the past, enrollment in the faculty, continues to be the smallest of the three ecclesiastical faculties. The reason does not lie in the limitations set by the Faculty itself but in the choice and preferences of the Bishops for the specialization of their seminarians. But limited as the number of registered students is, it is bigger than in the past centuries when the dioceses of the Philippines were only five. In the present school-year 1998-1999, the enrollment in the Canon Law faculty shows the following statistics: Total number, 23; twelve in the first year, and eleven in the second. Of this total, 14 are priests, and 9 non priests; 17 are diocesan clerics, 5 religious, and one lay, who happens to be a lay woman; 19 are Filipinos, and four of other nationalities, to wit, two from China, one from Myanmar and one from Nigeria.

Of the many alumni priests of the faculty of Canon Law in the 20th century, by passing many outstanding clerics, parish priests, seminary professors, administrators in their dioceses, impossible to mention personally in the limited space of this study, we shall reduce the list to those who have reached the heights of the episcopacy: Bishops Santiago Sancho, Sofronio Hagbang, Casimiro Lladoc, Vicente Ataviado, Caermelo Morelos, Mariano Gaviola, Antonio Mabutas, Alberto Piamonte, Oscar Camomot, Jesus Tuquib, Antonio Tobias, Francisco San Diego, Leonardo Medroso, Manolo de los Santos, and perhaps others.<sup>47</sup>

It may not be superfluous to add here that in the long list of Doctors "Honoris Causa" given by the University since 1926, only two were invested with such degree in Canon Law: In 1927, Fr. Eugene I. McGuinness, O.P., and in 1978, His Eminence Sebastiano Cardinal Baggio.

*d) The Code of 1983, and the "Canon Law Society"*

Another milestone in the codification of the laws and canons of the Church was set by the promulgation of a new *Code of Canon Law* in 1983. The new Code, "considered the last document of Vatican II," without being a revolutionary departure from the 1917 Code "contains a completely different principle of division (the threefold mission of the Church, namely of teaching, sanctifying and governing) and carries a whole new vision of the Church, the vision inherited from the Vatican II." Just as its publication offered, in the words of Paul VI "a new way of thinking," so also it offered "a new method of Law itself," and, therefore, for the faculties of Canon Law, a new way of teaching the Church legislation.<sup>48</sup> Starting the school-year 1984-1985, the UST Faculty of Canon Law has faithfully adopted the new Code as the text to be explained to the candidates for degrees.

An offshoot of the spirit of the new Code animating the UST Faculty was the foundation, in 1993, of the "Canon Law Society of the Philippines" (CLSP) with the Faculty as an important agent and with its secretariat in Intramuros, Manila. The Society's aims are "to render pastoral service to the Christian Faithful through Canon Law; to promote the on-going of, and research in, canonical science and allied sciences towards fostering the knowledge and practice of Canon Law; and to facilitate the interchange of canonical findings and opinions, observations and proposals among the members and with the other Canon Law Societies."<sup>49</sup>

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<sup>47</sup> There may be some omissions in the list of Bishops alumni of Faculty of Canon Law, in which case, the author is ready to apologize.

<sup>48</sup> The quotations are from JAVIER GONZALEZ, O. P., *Canon Law: The Code, CBCP Norms, Interpretations*, Life Today Publications, Metro Manila 1997, pp. 13-15.

<sup>49</sup> "Statutes of the Canon Law Society of the Philippines", art. II, in *The CLSP Gazette*, vol. 2.2, March 1997, p. 5.

With the encouragement and initial funding of Manila Archbishop Jaime Cardinal Sin, a meeting was held at Villa San Miguel (Manila) on January 7, 1993 —feast of Saint Raymond of Penneyafort, patron saint of canon Lawyers— to prepare what would be the first convention of the Society. From then on the Society has carried out a policy of organizing an annual convention in order to discuss contemporary issues affecting the local Church and to exchange ideas on the practical application of the canonical legislation. •

To help carrying out its aims, in 1994, the Society launched its official newsletter entitled *The CLSP Gazette*, which is published twice a year. In the same line, the latest activity of the Canon Law Society of the Philippines in this year 1998 is the publication of a scientific canonical journal entitled *Philippine Canonical Forum*.