

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 were twins; in their infancy, bedfellows; 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 thought of including the Canon and Civil Laws among the first faculties. The Foundation Act of the initial College had been 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 there were only three Faculties making up the small institution, namely, Arts, Philosophy and Theology. Academic

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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>2</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>3</sup>

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<sup>2</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, 53-54.

<sup>3</sup> A manuscript copy of the letter is in AUST, *Libros* 51, fol. 85.

Canon Law and Civil Law, two graduates in Theology and several others who had studied in various colleges of Spain.<sup>5</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

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<sup>4</sup> For a well-documented study on this outstanding Dominican, 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), 313-350.

<sup>5</sup> The three doctors were Fr. Magin Ventallol, J.C.D. (future Bishop in China), Fr. Raimundo Verart and Fr. Rafael Moret, both *Doctors utriusque iuris*. Fr. Verart soon became 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, 242-256).

established strong ties with Santo Tomas, favored her oriental sister institution with a request to the King of Spain, Charles II, for the establishment of 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>8</sup>

However, neither the Papal document nor the Royal *Cédula* were carried out, perhaps because of the all-important question of how to maintain the professorial chairs. Nevertheless, 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

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<sup>6</sup> This Papal Brief was published in *Bullarium Romanum Luxemburgense*, vol. XI, 360: quoted by A. Santamaria, *Reseña de la Fundación de las Facultades de Derecho Canónico y Civil desde 1734 hasta nuestros días*, Manila 1934, 7.

<sup>7</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, vol. IV, 365.

<sup>8</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, 13-25. See also A. Santamaria, *Reseña*, 8).

(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>10</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* 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>11</sup>

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<sup>9</sup> Exposition of the University Rector and *Claustro* to the King, February 8, 21726 (Ms. AUST, *Libros* 14, fol 391).

<sup>10</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.).

<sup>11</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

## 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 Máximo 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>13</sup>

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fulfilled” (Exposition of the Rector and the *Claustro* to the King, February 8, 1726 (Ms. AUST, *Libros* 14, fol. 391).

<sup>12</sup> See A.Santamaria, *Reseña*, p. 8.

<sup>13</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

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 chair of Civil Law. And as for the one of Canon Law, the Viceroy of Mexico was entrusted with making the choice by the process of competitive examinations. The nomination fell on the person of Dr. Manuel de Ocio y Ocampo, who at the same time was appointed as Doctoral Canon of the Manila Cathedral.<sup>14</sup>

The three professors arrived in 1717, and several meetings were held in Manila to discuss the manner of implementing the Royal *Cédula*. The discussions were centered specifically around the question of whether the spirit and idea of the Royal *Cédula* was to found a full-fledged *University*, and whether the two existing

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Jesuits in the Philippines (1581-1900)", in *Boletin Eclesiastico de Filipinas*, 39, 435, Jan.-Feb., 1965, 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 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>14</sup> This information is found in another Royal *Cédula* of March 30, 1715, addressed to the Archbishop of Manila (Ms. AUST, *Libros 51*, fol. 51).

offset the decision taken by the local authorities.<sup>15</sup>

But their protests were useless. On 9 June 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 founded in the midst of colorful pomp and ceremony. 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>16</sup>

An almost instantaneous death ended the short life of the first faculty of Canon and Civil Laws in Philippines. In 1726, the

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<sup>15</sup> These and the succeeding events have been taken from a report sent by the University of Santo Tomas to the Dominican Procurator in Madrid, Fr. Bernardino Membrive (Ms. AUST, *Libros 51*, fols. 40-67); cf. also Ferrando-Fonseca, *Historia*, IV, L. VIII, 363; and A. Santamaria, *Reseña*, 10.

<sup>16</sup> A. Santamaria, *Reseña*, 11.

Consequently, the Royal Audiencia of Manila decided that the two juridical chairs would continue in the *Colegio de San Jose*, “but without prejudice to the right of the University of Santo Tomas to establish them also.”<sup>17</sup>

### 3. Canon Law in UST

Spurred by the decision of the Royal Audiencia, the University hastened to inaugurate the classes of Canon Law on 12 November 1732, without even waiting for the Royal and Papal documents of approval or confirmation. On that day, the inaugural class was held, given by Dr. Joseph Correa y Villarreal, a graduate of the University of Mexico. 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>18</sup>

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<sup>17</sup> Ferrando-Fonseca, *Historia*, IV, p.362 and ff.; A. SANTAMARIA, *Reseña*, 11.

<sup>18</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 Tomas de Manila* (Ms. AUST, Libros 82).

(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>19</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 11 February 1734, requested his Ambassador in Rome, 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 20 November 1645, so that “it can confer degrees in the faculties of Canon and Civil Laws, as well as in other faculties that might be later established.”<sup>20</sup>

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<sup>19</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 Tomas de Manila*, Manila 1888.

<sup>20</sup> Published in *Documentos Oficiales*, 40.

intriguing beginnings of the canonical and juridical faculties of the University. So eager were the Dominicans to expand the 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. They signed the new statutes on 3 July 1734, that is, two months before the date of the Papal Bull. These statutes, however, were never printed. Their title reads (in English): 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.<sup>22</sup>

The second thing worth noting, even to offset or answer possible questions by the reader, is that during the next 34 years

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<sup>21</sup> The original Papal Bull, formerly catalogued in AUST as *Becerras 41*, fol. 99, is now framed in a special section of the same archives.

<sup>22</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*).

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. In that capacity, he certified the studies being taken by one of his students, Diego José Cano (20 December 1735).<sup>23</sup> The first graduate of the faculty was Joaquín de Bustamante, who received the degree of Bachelor of Canon Law on 19 September 1740, “his professor having been Fr. Francisco Pallás”; on 12 November of the same year he also received the degree of Doctor.<sup>24</sup>

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<sup>23</sup> AUST, *Beceros* 3.

<sup>24</sup> AUST, *Asientos de Grados, 1722-1777, Beceros* 3, fols. 31 and 32; and in *Diligencias de Grados*, “Derecho Canónico,” 1740. See a photocopy of the statement of Fr. Archederra 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

reading the canonical texts, and the second period explaining the subject (See Title VII of the Statutes).

The basic workbook for the training of a canonist was no other than the *Corpus Iuris 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>25</sup> Soon, however, the professor counted on the help of a manual for the explanation of the texts. This manual, recommended by the Statutes of 1785, was the *Cursus Iuris Canonici, Hispani et Indici*, written by Fr. Pedro Murillo Velarde, S. J., an eminent historian and jurisconsultor, who was professor of Canon Law at the Jesuit *Colegio de Manila*. His

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bishop of that mission territory in 1778 (Cf. H. Ocio, *Compendio*, 376-377).

<sup>25</sup> The *Corpus Iuris 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, UST, 1971, pp. 62-63).

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 course. 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>26</sup> It was preceded by a written petition for admission and 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

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<sup>26</sup> We do not know in what year the name *Noche Triste* was given to the Licentiate 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, “Índice de las cosas notables,” p. 122).- In Spanish history, *Noche Triste* is the name given to the night of 30 June 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.

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 *chirimias*, 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

petitioned for the degree, and the Rector responded granting it, and he imposed the insignia on the new doctor.<sup>27</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 *Cédula*. 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>28</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>29</sup> but it was not carried out, and only the traditional daily class continued to

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<sup>27</sup> *Estatutos, 1734* (see *supra* footnote 21), 38-43. For an abstract of these academic exercises prescribed by the Statutes, see A. Santamaria, *Reseña*, 18-22.

<sup>28</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 Tomás, a cargo de Juan Cortada. 1859.

<sup>29</sup> *Estatutos, 1785* (see previous note), Tit. VI, “De las Cátedras”.

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>30</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 18 November 1836, established the following: “Since in the University of Santo Tomas 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

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<sup>30</sup> Cf. F. Villarroel, *Father Jose Burgos*, 76.

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 interaction between them and the 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>32</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, Jose Fuixá,

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<sup>31</sup> The complete text of the decree is published in the edition of 1859 of Fr. Amador’s Statutes (*Estatutos* 1859, 45-47).

<sup>32</sup> Juan Illa, O.P., “Centenario de las Facultades de Cánones y Derecho Civil”, in *Unitas*, November 1934, 355-357.

year adopted as textbook the famous *Devoti* with commentaries by the UST professor Fr. Benito Corominas, and was printed precisely in that year<sup>34</sup>; and that of “Disciplina Ecclesiástica, Patronato de Indias y Procedimientos y Juicios Eclesiásticos,” which used as textbook the work of “Lafuente.”<sup>35</sup>

In the last half of the century, the various faculties of the University, including that of Canon Law, began to miss some traditional customs and important privileges. One was the solemn and popular *Paseo de los Doctores*, which by 1859 ceased to be practiced.<sup>36</sup> The other was more lamentable. Since the establishment of the First Republic to Spain in 1873, the Government forbade our

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<sup>33</sup> *Ibid.*

<sup>34</sup> *Joannis Devoti Institutionum Canoniarum Libri IV*, Manila 1871, 2. vols.

<sup>35</sup> Vicente de la Fuente (1817-1889), priest, canonist and jurisconsultor, 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 Eclesiástico 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”.

<sup>36</sup> Cf. *Estatutos, 1859*, p.66, footnote.

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; secondly, because in the second quarter of the 19th century the lists of enrollment by classes, subjects and professors are mixed for the students of Civil and Canon Laws in alphabetical order. For the same reason we cannot know the attrition 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

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<sup>37</sup> Cf. A. Santamaria, *Reseña*, p. 24.

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	(?)		
	1820-1850	(30 years)	506
	325		
	1850-1871	(21 years)	2,317
1.440	( <sup>38</sup> )		
	1871-1883	(12 years)	40
	25		
	1883-1898	(15 years)	73
(?)			
		TOTAL	4.616

*B. DEGREES Canon Law. 1734-1882*

<i>Period</i>	<i>Bachelors</i>	<i>Licentiates</i>	<i>Doctors</i>
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1734-1800	34	16	9

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<sup>38</sup> The surprising disparity between the enrollments corresponding to the periods from 1820 to 1871 may be explained by the fact that from the 1830s the students of Canon and Civil Laws attended all the juridical classes together.

One is that the yearly enrollment was very low in that early period. Secondly, the attrition 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, in the school year 1886-1887, the University had only 581 students at the tertiary level.

## 7. Professors and Alumni

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<sup>39</sup> The statistics of the enrollments and graduates of the faculty of Canon Law are culled, first of all and basically, from the ones made by Fr. Evaristo Fernandez 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 up to the year 1898, these statistics have been reproduced in *General Bulletin of the University of Santo Tomás, 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.

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 14 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:

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

<i>Period</i>	<i>Name</i>
<i>Other posts</i>	
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c. 1801-1811	Fr. Carlos Arbea
Rector	
c. 1812-16814	Fr. Francisco Ayala
Rector	

1874-1882	Fr. José Cueto
Bishop of the Canary Is.	
1883-1885	Fr. Miguel Narro
Prior 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
Archbishop of Manila	
1889-1890	Fr. Matías Gómez
Rector	
1891-1893	Fr. Raimundo Velázquez
Rector	

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 discussed 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. Matias Gomez completed the publication of the two remaining volumes of

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<sup>40</sup> The names and chronology of the professors of Canon Law from 1841 to 1898 have been culled from *Libros de Matrículas 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.

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 Perez 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 Jose 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>41</sup>

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<sup>41</sup> A. Santamaria, *Reseña*, p. 31.

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 then 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>42</sup>

With a view to providing better atmosphere and greater incentives for the training of Filipino ecclesiastics in the higher studies, a central seminary was 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 Tomas, San Jose and San Juan de Letran, and shared lodgings with an undetermined number of lay students. In 1905, upon request 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

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<sup>42</sup> *Ibid.*, p. 46. The first native Filipino 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.

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 lay persons as intern students of the same university, in the manner and with the same discipline of a true seminary exclusively for clerics.”<sup>43</sup>

But although the *internado* system was actually adopted, the creation of a formal diocesan seminary would have to wait for another twenty years. It was at the end of the 1930s that the Holy See, through its Apostolic Delegate in the Philippines, requested the Dominican Fathers 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 schoolyear 1927-1928. What the old *internado* was for the Faculty of Canon Law, the newly established Central Seminary was to continue to be, more effectively.

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

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<sup>43</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), 5.

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 compilations of the most diverse ecclesiastical laws into a well organized, 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*.

On 24 May 1931 Pope Pius XI's Apostolic Constitution *Deus Scientiarum* established 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, the faculty of Canon Law was already offering such special courses as Liturgical Law, Social Economy, Ecclesiastical

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 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 aforementioned ban to confer doctoral degrees in the University in 1873, the University started again to confer them in 1911, the third centennial year of its foundation. The exercises leading to that degree became 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

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<sup>44</sup> Cf. A. Santamaria, *Reseña*, p. 25.

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>46</sup>

*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 Velazquez and Jose Noval, both also University Rectors.

Other professors until the beginning of the World War, all of them Dominicans, were: Fathers Manuel Alvarez, Manuel

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<sup>45</sup> Cf. “Ejercicios para obtener el grado de Licenciado y de Doctor” in *Boletín General de la Real y Pontificia Universidad de Santo Tomas, 1916-1917* (Manila 1917), 36-38.

<sup>46</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).

University, 1905), and *El Amigo del Párroco Filipino* (Manila 1911, 2nd. ed. 1921). Fr. Alberto Santamaria has published two canonical works, namely, *Quaenam sit sollemnitas votorum juxta S. Thomam* (Manila 1949) and *Tabulae Synopticae Codicis Juris Canonici* (Manila 1949).

For about three decades after the Second World War the professors occupying the chairs of Canon Law, aside from some of those mentioned above (Rihueté and Santamaria), were the Dominican Fathers Agapio Salvador, Jose Ortea, Indalecio Alejo, Bernabe Alonso, Excelso García and Florencio Testera. Some of the best known canonical works that may be mention here are Fr. Excelso Garcia's *Manual for Parish Priests according to the 1983 Corpus Juris Canonici* (Manila, 1983), *Canonical Questions*, in two volumes, and various books dealing with different topics of the present *Code*; and Fr. Florencio Testeras's *Canon Law Digest of the Philippine Catholic Church* (Manila, 1983).

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 Fiscals, Advocates or Consultors of the Archdiocesan Curia of Manila and of the Matrimonial Court of Appeals.

like Arch. 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 any limitation set by the faculty itself but in the choice and preferences of the Bishops for the specialization of their seminarians. Nevertheless, limited as the number of registered students is, it is bigger than in the past centuries when there were only five dioceses of the Philippines. In schoolyear 1998-1999, the enrollment in the Canon Law faculty shows the following: 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 woman; 19 are Filipinos, and 4 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

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 in the schoolyear 1984-1985, the UST Faculty of Canon Law has faithfully

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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.

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>

With the encouragement and initial funding of Manila Archbishop Jaime Cardinal Sin, a meeting was held at Villa San Miguel (Manila) on 7 January 1993--feast of Saint Raymond of Penyafort, 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 carry 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 1998 is the publication of a scientific canonical journal entitled *Philippine Canonical Forum*, for whose maiden issue this study has been written.

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<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).