

Legal Codification of Family-Related Filipino Proverbs (Salawikain) in the Civil Code of the Philippines, 1947-1949

Lorenz Timothy Barco Ranera

The Civil Code of the Philippines became the foundation of civil law in the postwar Philippines. In legal history, it is a common understanding that the Civil Code was heavily derived from the Spanish legal system. This article aims to highlight the Filipino element and Filipino contribution to the development of its legal system. This article shows that two proverbs (salawikain), “ang lahat ng tao mag-away man huwag ang mag-asawa sa loob ng bahay” (the whole world may quarrel but not the husband and wife at home) and “ang sakit ng kalingkingan, damdam ng buong katawan” (the pain of the little finger is felt by the whole body), were transformed as provisions in the Civil Code (1949) such as “the family is a basic social institution which public policy cherishes and protects” (art. 216) and “the law governs family relations. No custom, practice, or agreement which is destructive of the family shall be recognized or given any effect” (art. 218). The legal luminary Jorge C. Bocobo, who served as Chair of the Code Commission tasked to design a new civil code from 1947 to 1949, has been instrumental in the codification of proverbs in civil law due to his prior interest and engagement in collecting Filipino proverbs. These provisions exist up to this day in the Family Code of the Philippines (1987) and the 1987 Constitution and remain relevant in the governance of Filipino families. Familiarity with Philippine folklore could serve as an unconventional but important way to understand their own laws.

Keywords: folklore, proverbs, legal history, family law, Philippines



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1. Introduction

1.1. Reflection on Marriage Practices in Don Belong's El Folklore Filipino

Don Isabelo de los Reyes (1864-1938), colloquially known as Don Belong, pioneered folklore studies in the Philippines through his prizewinning two-volume work titled *El Folk-lore Filipino* (1889, 1890) at the invitation of a friend and fellow journalist, José Felipe del Pan. He compiled beliefs, superstitions, mythologies, customs, practices, and tales in the selected regions of Ilocos, Zambales, Malabón, Bulacán, Pampanga, and Tayabas. In addition, the two-volume local historical work titled *Historia de Ilocos* (1890) supplemented folkloric content about his native region. Taking time to browse these materials is insightful and entertaining. There are already familiar customs known today, but some listings remain strange and unheard of, at least for me. I am amused, for example, with the fact that some people in Ilocos Sur, according to Don Belong, “throw the placenta into the river, hoping that the child will someday be a good swimmer” (De los Reyes, 1889/1994, p. 209). This would be interesting advice for Filipino parents considering that seas surround the country. However, due to the circumstances of my research in the legal history of family law in the Philippines, I specifically focused on reading marriage practices.

As I continue to explore the book, I have gathered the following information on marriage practices. In Ilocos Sur, De los Reyes (1889/1994, p. 217) wrote, “when a young man wants to get married, he informs his parents. If they approve of his choice, they themselves look for a spokesman or a person close to the family of the girl and together, they all go to ask for the hand of the girl in marriage.” In Ilocos Norte, Don Belong describes that “some parents plan the future marriage of their children as early as when they are newly born or even before their birth. These contracts are formalized when the children reach the age of ten or eleven for girls and twelve or thirteen for boys. Later in life, they actually get married denying their true age in the process” (De los Reyes, 1889/1994, p. 219). In La Union, “there is another way of asking for a woman’s hand in marriage. When one wishes to marry, he tells it to his parents. This wish is transmitted to the family of the girl and if they approve of the planned marriage, they open the doors of their house to her suitor so he can ask her personally” (De los Reyes, 1889/1994, pp. 227, 229). Lastly, about a similar practice in Abra, “the consent of the parents of the bride is given under certain conditions. It is necessary for the

parents of the groom to promise to give the couple a dowry or whatever the girl's family might request" (De los Reyes, 1889/1994, p. 229).

I came to realize that these practices resemble elements of *marriage law*. Most Filipino marriages are presently governed by *Exec. Order 209, Family Code of the Philippines* (1987), apart from the *Pres. Dec. 1083, Code of Muslim Personal Laws of the Philippines* (1977), which on the other hand regulates Muslim marriages. According to law professor Elizabeth Aguilino-Pangalangan (2019, p. 25), marriage is a "consent-based institution" which requires consent freely given by the parties to contract marriage (art. 2) and parental consent for contracting parties between the ages of eighteen and twenty-one (art. 14). The *Family Code* declares that a marriage may be annulled (in legal terms, a voidable marriage) if one of the parties between the age of eighteen and twenty-one had no parental consent (art. 45). This is not yet the final requirement needed from the parents as the law further requires parental advice for contracting parties between the age of twenty-one and twenty-five (art. 15); however, absence of parental advice does not affect the validity of marriage. Nevertheless, the law recognizes parental influence and authority in the marriage of their children.

Legal history shows that parental influence or authority has long been embedded in culture since the pre-colonial Philippines and was later incorporated as law. The Spanish colonial official Antonio de Morga (1609/1868, p. 300) described marriage in the Philippines during that time as nothing more than the agreement between families of the spouses. The Jesuit friar Pedro Chirino (1604, p. 70) similarly observed that two families may negotiate as early as when one mother is pregnant with a male child and the other is pregnant with a female child. For historian William Henry Scott (1994, p. 140), marriage does not merely unite two individuals "since they were contracts between families rather than individuals, they were also political events creating new alliances." Indeed, Spanish colonization introduced significant changes to the political, social, and cultural system. Nevertheless "much of the preconquest culture survived the conquest" (Phelan, 1959, p. 15). The practice of asking parental consent in matters of marriage was later codified in *Real Pragmática of 23 March 1776* (Camacho, 2021, pp. 466-467). The statute being part of the Bourbon reforms in Spain was promulgated to strengthen secular authority over marriage affairs since the Roman Catholic Church favors the individual freedom of choice over parental influence (Camacho, 2021, pp. 470-471). The requisite of parental consent continued to persist in the genealogy of statutes that governed marriage in the Philippines: *Novísima Recopilación* (1805) in the nineteenth-century Spanish period, *Gen. Orders 68* (1899) under the US military occupation

of the Philippines, *Act No. 3613* (1929) under the US insular government regime, *Rep. Act 386, Civil Code of the Philippines* (1949) in the postwar period, *Code of Muslim Personal Laws* (1977) in the Marcos period, and finally, *Family Code* (1987) in the post-Marcos period. Based on this instance alone: the law reiterates folklore.

1.2. Law and Folklore, A Theoretical Appreciation

Law and culture cannot be divorced because humans, after all, are the ones who create laws (legal positivism). According to anthropologist E. Adamson Hoebel (1967, p. 5), understanding the law requires a “proper frame of reference” which for him was “society and culture.” Thus, he says that “we must have some idea of how society works before we can have a full conception of what law is and how it works” (Hoebel, 1967, p. 5). Culture may serve as one of its references because the law is a “culture object in the domain of purposive human behavior” (Fernandez, 2005, p. 105).

The relationship between law and folklore can be discerned starting with the *double-institutionalization* theory. Anthropologist Paul Bohannan (1965, p. 33) framed law as a “double institutionalization of norm and customs.” The first institutionalization occurs when human beings create norms/rules called “customs” to establish proper behavior. Then, the second institutionalization occurs when a legal institution, like the government, formally recognizes “custom” and reiterates it as “law,” for instance, through statutes/codes (Bohannan, 1965, pp. 35-36). Law professor Perfecto V. Fernandez (2005, p. 100) simplifies this relationship in a single statement: “law is any norm enacted by a Sovereign Order in Society.” Similarly, it has been long established by a line of folklorists that Philippine *folklore* carries the *customs* of the Filipino people (De los Reyes, 1889/1994; Eugenio, 2007; Lopez, 2006). It is through folklore that every generation of Filipinos acquires, learns, and remembers customs and practices.

1.3. Law and Folklore, A Theoretical Appreciation

For a very long time since the 1950s, Philippine legal history relied heavily on the mixed-legal system as a framework to characterize the development of the Philippine legal system through time. According to Atty. Hilarion U. Jarencio (1956, p. 3), “The Philippines is fortunate in having received the beneficent influences of both legal systems.” Law professor Pacifico A. Agabin (2016, p. 2)

characterizes this legal framework as “mestizo,” describing it as the product of “cross-breeding the common and the civil law systems.” This hybrid refers to the influence of the Spanish legal tradition (under the Romano-Germanic civil law system) and the American legal system (under the Anglo-American common law tradition) over nearly four centuries of colonialism. Despite subscribing to a framework that privileges colonial legacy, Agabin pointed out that Philippine culture matters in the history of the Philippine legal system by incorporating indigenous law and Islamic law in his narrative (Agabin, 2016, p. 3). This article wants to go beyond the colonial framing of the Philippine legal system by looking at the Filipino contribution to the development of its own legal system through *folklore*. Folklorist Damiana L. Eugenio (1987, p. 175) once said that “there exists an intimate relation between the rise of nationalism and an interest in its folklore.” It used to be the case of Don Belong’s *El Folklore* and the beginning of Filipino nationalism in the 19th century (propaganda movement towards the Philippine revolution). This could also be the case of the Civil Code and postwar nationalism in the postwar Philippine era.

This article hypothesizes that proverbs served as inspiration in the creation of laws, such as civil law, to the point that *salawikain* was reiterated as *provision*. Circumstantial evidence can be found in the juxtaposition of proverb and civil law provisions demonstrated in law professor Crisalito Pascual’s *Introduction to Legal Philosophy* (2003). The book served as a textbook reference to the nature of the law for legal education in the Philippines. In one chapter “Historical Perspective,” Pascual (2003, p. 76) argued that the “historical school of jurisprudence” as a good starting point to “study the nature of law.” He posited that the “concept of soul and spirit of the people” (which folklore holds) “provides the sense of beginning and unfolding of law” (Pascual, 2003, p. 77). Table 1 shows three examples showing how certain proverbs were retold in the language of the law.

In this present article, I attempt to investigate the legal codification of two proverbs (*salawikain*) as family provisions during the development of the *Civil Code*, from 1947 to 1950: “ang lahat ng tao mag-away man huwag ang mag-asawa sa loob ng bahay” (the whole world may quarrel but not the husband and wife at home) and “ang sakit ng kalingkingan, damdam ng buong katawan” (the pain of the little finger is felt by the whole body). This article also reveals the interesting link between Philippine folklore and Jorge C. Bocobo, Chair of the Code Commission who drafted the *Civil Code*.

TABLE 1. *Proverbs (Salawikain) and Equivalent Marriage Provisions according to Pascual (2003, p. 84-85).*

| Proverb (Salawikain) | Legal Provisions |
|---|--|
| Ang mag-asawa sa ariarian ay iisa [“Husband and wife have no separate property”] (Pascual, 2003, p. 84). | <i>Family Code</i> (1987), art. 88. The absolute community of property between spouses shall commence at the precise moment that the marriage is celebrated. Any stipulation, express or implied, for the commencement of the community regime at any other time shall be void. art. 89. No waiver of rights, shares and effects of the absolute community of property during the marriage can be made except in case of judicial separation of property. When the waiver takes place upon a judicial separation of property, or after the marriage has been dissolved or annulled, the same shall appear in a public instrument and shall be recorded as provided in Article 77. The creditors of the spouse who made such waiver may petition the court to rescind the waiver to the extent of the amount sufficient to cover the amount of their credits. art. 90. The provisions on co-ownership shall apply to the absolute community of property between the spouses in all matters not provided for in this Chapter. |
| Huwag kang pumasok sa bakuran nino man ng huwag kang masakupan [“Do not enter the premises of another if you do not wish to be under his control”] (Pascual, 2003, pp. 84-85). | <i>Civil Code</i> (1949), art. 680. If the branches of any tree should extend over a neighboring estate, tenement, garden or yard, the owner of the latter shall have the right to demand that they be cut off insofar as they may spread over his property, and, if it be the roots of a neighboring tree which should penetrate into the land of another, the latter may cut them off himself within his property. art. 681. Fruits naturally falling upon adjacent land belong to the owner of said land. |
| Daig ng maagap ang masipag [“A busy person is nothing compared to one who immediately takes care of his interests”] (Pascual, 2003, p. 85). | <i>Civil Code</i> (1949), art. 1544. If the same thing should have been sold to different vendees, the ownership shall be transferred to the person who may have first taken possession thereof in good faith, if it should be movable property. |

2. *Salawikain, Pag-aasawa, and Pamilya, A Historical and Sociological Overview*

“Ang lahat ng tao mag-away man” and “ang sakit ng kalingkingan” are popular salawikain related to ideals of marriage and family life in the Philippines. At present, these proverbs can be heard repeated on social media platforms such as YouTube, Facebook, Instagram, and TikTok. Based on folklore definition, it is a general characteristic of verbal folklore, such as proverbs, to have an untraceable provenance (Lopez, 2006, p. 38). However, there is clear evidence showing that these proverbs already existed in the nineteenth-century Philippines under the Spanish colonial regime. The earliest record of the proverbs can be found in the manuscript of Spanish Franciscan friars Gregorio Martin and Mariano Martinez Cuadrado titled *Colección de Refranes, Frases y Modismos Tagalos* (1890). The friars collected 879 Tagalog proverbs in Tanay and Pililla, Rizal, to serve as guides to the language of the natives and to fast-track Christianization (Eugenio, 2002, pp. vii-viii). In folklorist Damiana L. Eugenio’s compilation of proverbs, she lists all used equivalents of the proverbs totaling 13 Philippine languages (see Tables 2 and 3). It suggests that there is long and widespread observation in preserving marriage and family relationships in the entire archipelago.

TABLE 2. “*Ang lahat ng tao mag-away man*” in Three Philippine Languages (Eugenio, 2002, p. 452).

| Proverb (<i>Salawikain</i>) | Philippine Language |
|--|---------------------|
| Ang lahat nang tao mag-away man, Huwag ang mag-asawa sa loob ng bahay | Tagalog |
| An entiro kalibutan mag-away Pero dili an mag-asawa | Surigao |
| The whole world may quarrel But not the husband and wife at home | English |

TABLE 3. “*Ang sakit ng kalingkingan*” in 13 Philippine Languages (Eugenio, 2002, pp. 196-197).

| Proverb (<i>Salawikain</i>) | Philippine Language |
|--|---------------------|
| Ang sakit nang kalingkingan, Damdam nang boong katawan | Tagalog |
| Ing saquit ning kalinquingan Panamdan ne ning mabilog a catawan | Kapampangan |
| An lugad sa gigis sa bilog na hawak | Bikolano |

| | |
|---|--------------|
| An kulog minasaripsip | |
| Ti sakit ti ramay rienaen Ti amin nga parte ti bagi | Ilokano |
| No ansakit ed kiking Ansakit na interon laman | Pangasinense |
| Masaquit tanguinis Sa salban lalaman ancalayam | Zambal |
| Angkiki paga y mabigaran, Taguenappan na tangabagguian | Ibanag |
| Ang samad sa kumingking Pagabation sa tibuok lawas | Cebuano |
| Ang kasakit sa gamay mong tudlo Pagabati-on sa tibuok mong lawas | Boholano |
| Ang sakit sang kamalingking Mabatyag sang tanan nga kalawasan | Hiligaynon |
| Sakit it kumingking Batyag it kaeawasan | Aklanon |
| Ang sakit naa sa tudlo Pagabati-on sa tibu-ok lawas nato | Waray |
| An tagbati nan king-king Bation nan entiro lawas | Surigao |
| The pain of the little finger is felt by the whole body | English |

The literature on the sociology of Filipino marriage (*pag-aasawa*) and family (*pamilya*) presents a strong alignment with the spirit of proverbs. In his discussion of Filipino common traits, historian Teodoro A. Agoncillo (1990, p. 6) said, “Filipino family has very close ties. The family has been the unit of society and everything revolves around it.” The Jesuit sociologist Frank Lynch (1960, p. 49) argued that there are social and economic factors involved that keep spouses together. As mentioned earlier, many marriages are arranged to unite two families putting pressure on one spouse not to break the marriage tie, considering that there is too much effort done to celebrate their marriage (Lynch, 1960, pp. 48-49). The spatial arrangement also contributes to this social pressure. Filipino spouses tend to live near their kin and the proximity can help family members ensure their reconciliation and police them from activities that can harm their marriage (Lynch, 1960, p. 49). Most especially in the rural setting, the family functions as an economic unit such that family members perform a role in the industry such as farming, cottage, and local fishing (Lynch, 1960, p. 49; Medina, 2001, p. 66).

Marital stability can be crucial to the fulfillment of parenthood. Sociologist Belen T. G. Medina (2001, p. 219) says that “because of the family’s importance

to the child, parents are morally and legally bound to take care of children and to impart to them the ethical values, norms, and standards of conduct of society.” Parents also must provide necessities such as food, clothing, shelter, and education (Macaraig, 1933, p. 5; Medina, 2001, p. 56). Apart from material needs, the family serves as space for the “protection of husband and wife by each other, of young children by their parents and of aged parents by their children” (Medina, 2001, p. 64). In this light, Medina (2001, p. 64) describes the family as a “center of love, affection, intimacy, and companionship, it is a source of emotional gratification and psychological security.” This is why “the Filipino family is noted for its great solidarity” (Medina, 2001, p. 64); therefore, the two proverbs above seek to propagate an ethos that highly values the preservation of married spouses and family life.

Spanish accounts on *pag-aasawa* unanimously conclude that spouses may divorce (*paghihiwalay*) their spouse (Colin, 1663, pp. 71-72; Chirino, 1603, p. 70; Donoso, 16th century/2022, p. 49; Loarca, 1582/1903, p. 154-159; Morga, 1868/1609, p. 301; Plasencia, 1589/1903, pp. 183-184). The marriage begins after negotiating the amount of the dowry (*bigaykaya*) between their families which the man provides to the family of the woman before the actual celebration of the wedding. In divorce, a complete or partial return of the *bigaykaya* may occur depending on the circumstances and regulations of the community. For instance, based on his experience in the areas of southern Luzon and the Visayas, the Jesuit friar Pedro Chirino (1604, p. 70) observed that “*si la causa del divorcio no es justa: y el divorcia: pierde la dote. Si ella, la restituye* [‘if the cause of the divorce is not just; and he divorces his wife: he loses the dowry; otherwise, she returns it’].” Scott (1994, p. 143), however, suggests that “legal divorce was often avoided only because of the difficulty of restoring a *bigaykaya* that had already been ‘spent’” and not to mention that there was *pangoli* which was a “gift to attract back a wife who had fled to her relatives.”

3. The Creation of the New Civil Code in the Postwar Philippines

3.1. Lawyer, Leader, and Folklorist: The Life and Career of Jorge C. Bocobo (1886-1939)

Jorge Cleofas Bocobo was born on October 19, 1886, in Gerona, Tarlac, and had his childhood and early education during the final two decades of Spanish colonial rule. Under the new colonial order, his education continued under the tutelage of an American educator, a Thomasite, until he enrolled in a Teachers

Normal Institute in Manila City (Salamanca, 1985, pp. 204-205). In 1903, a colonial policy was passed that granted an opportunity for several chosen Filipinos to study abroad in the United States (Teodoro, 1999, pp. 157). Bocobo was selected as one of the first overseas scholars called *pensionados* in 1904 until he earned his Bachelor of Laws degree at Indiana University in 1907 (“Dean Jorge Bocobo,” 1918). Bocobo’s adulthood occurred in the period of post-revolutionary nationalism and *Filipinism*, and the period of US colonial state-building, the schools, theatres, and libraries, that allowed the flourishing of culture and arts in the Philippines (Mojares, 2006, pp. 12-14). It is precisely this context that inspired his fascination with folklore. Thus, Bocobo, together with nationalist contemporaries Rafael Palma, Teodoro Kalaw, and Epifanio de los Santos, advocated for the preservation of the “Filipino soul” (Mojares, 2006, p. 14). Furthermore, he was already advocating for national independence as early as his days at Indiana University (Salamanca, 1985, p. 208). Like the pioneering folklorist Don Belong, Bocobo collected Filipino proverbs as early as 1919. His first collection was published in an article “There is Neither East nor West” in the issue of *The Independent* on June 28, 1919. Out of the 51 proverbs listed was “ang sakit ng kalingkingan” which he labeled as “Love of Home.”

Upon his return to the Philippines, he brought his services to the University of the Philippines and rose through the ranks. He became a lecturer in 1911, instructor in 1912, assistant professor in 1914, associate professor in 1916, and full professor and college dean in 1917 at the University of the Philippines College of Law. The Board of Regents selected Bocobo as the fifth President of the University of the Philippines in 1934 as the successor of former statesman Rafael Palma. As a scholar of law, he specialized in the field of civil law where he was known for outlining the civil code, perhaps, as a study guide for law students (“Dean Jorge Bocobo,” 1918; Salamanca, 1985, p. 205). In his 1915 article “Civil Law under the American Flag” published in the *Philippine Law Journal*, he demonstrated vast knowledge of the civil law systems abroad (e.g., Puerto Rico and Louisiana) and even hailed the continuation of Spanish civil law remnants in the Philippines (Bocobo, 1915, p. 302). Bocobo’s *Filipinism* manifested in his legal works eventually as soon as the country was promised independence and self-governance after a series of independence missions to which he also contributed (Salamanca, 1985, pp. 208-209). In 1936, Bocobo recommended the need to reform Philippine civil law in an article titled “The Need of a New Civil Code,” from the same journal, where he listed one of the reasons: “Filipino customs on the family and successions should take the place of many of the present exotic provisions” (Bocobo, 1936, p. 381). “A new Civil Code of the

Philippines should be prepared and approved,” said Bocobo, “because the Philippine nation should contribute something of its native genius to the great body of modern Roman Law throughout the civilized world” (Bocobo, 1936, p. 384).

Bocobo believed that “preservation of cultural heritage” was a prerequisite for instilling nationalism (Salamanca, 1985, p. 210). Thus, as President of the University of the Philippines, one of his sixteen-point programs was “conservation of Filipino customs and tradition” (Salamanca, 1985, p. 647). He wanted to “create an atmosphere for the study of Philippine culture and history” through Philippine *folklore*. He formed the President’s Advisory Committee on Dances and Folk Songs in 1934, and UP Folk Song and Dance Club in 1937 (Salamanca, 1985, p. 214). On October 24, 1938, Bocobo delivered a speech on Filipino ethics to students at the University of the Philippines during the opening of the second semester. “Filipino proverbs,” according to Bocobo, is a principal source of Filipino ethics. “The proverbs of any people express their perspective on life,” said Bocobo (1938). Bocobo had amassed 1,200 proverbs. Among the examples he had shown, tagged under “Family Solidarity,” he listed two proverbs—“ang lahat ng tauo mag-away man”; and mentioned again, “ang sakit ng kalingkingan” (Bocobo, 1938). The entire speech was reproduced under the title “Ethics in Philippine Proverbs” in the *Filipiniana Reference Shelf* in August and September 1941.

3.2. Proverbs as Policies: Bocobo’s Involvement in the Code of Ethics and the Code Commission (1939-1949)

Bocobo ended his term as University President in 1939 and later became part of President Manuel L. Quezon’s cabinet as Secretary of Public Instruction (Salamanca, 1985, p. 203). As Education chief, he encouraged the promotion of Philippine folklore. He ordered the inclusion of Filipino proverbs in the teaching material for Character Education and ordered the gathering of proverbs in different parts of the country. Considering his 1938 speech, he was involved in the creation of the *Code of Citizenship and Ethics* to be taught in all schools according to President Quezon’s issuance of Exec. Order 217 on August 19, 1939 (Eugenio, 1987, p. 182). He was part of the Committee which included National Library Director Teodoro M. Kalaw, Finance Secretary Manuel A. Roxas, Rep. Norberto Romualdez of Leyte, and Supreme Court officials, Chief Justice Ramon Avanceña and Associate Justice Jose P. Laurel (Code of Ethics

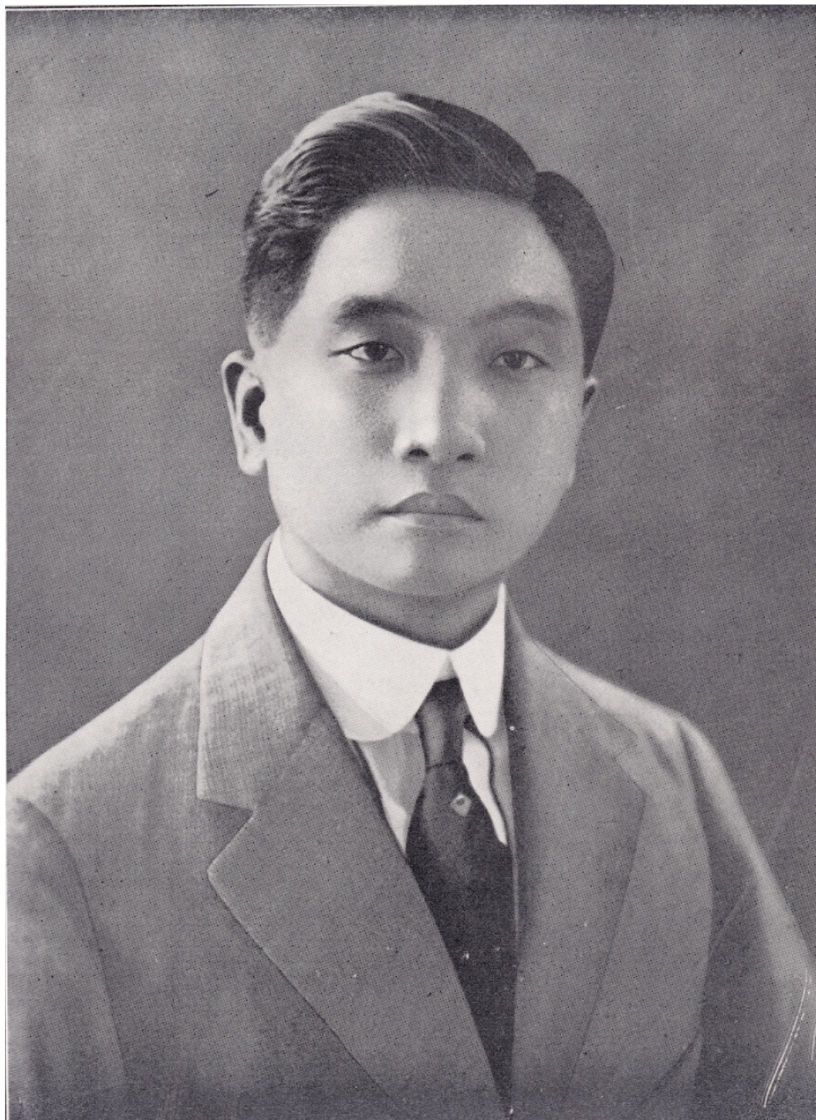


FIG 1. *Jorge C. Bocobo's portrait as Dean of the University of the Philippines College of Law (Philippinensian 1933, p. 207). Accessed through the University Archives, University of the Philippines Diliman.*

ETHICS IN PHILIPPINE PROVERBS

(Continued from last issue)

By JORGE C. BOCOBO

Another Pampango proverb:

3. Silong malambot

Matakik a igot.

A soft trap

Grips tightly.

An Ilocano proverb:

4. Iti agtisi ti ammona nga dalan

Nalabit nga mayaw-awan.

Whoever strays from known paths

May lose his way.

VIII. Modesty

1. Ang mapagparangalan

Ng kanyang kagalingan

Libak ang kinakamtan.

Whoever boasts much of his accomplishments

Will reap ridicule.

An Ilocano saying:

2. Dika pagpanackel ti nagbatayam

Tapno dika mayayug nga matuang.

Do not boast of your support

For you may fall with it.

Another Ilocano saying:

3. Iti napalalo nga tangsit

Patayaben na ti sirib.

Too much bragging

Drives away wisdom.

Pangasinan proverb:

4. Agmo ipatigaya'i ingka sikin bukod

Ta daddellara natay mayaman ya nag-

makw a tanod.

Boast not of your self-sufficiency

For there are many rich men who

have become servants.

A Pampango proverb:

5. King saktong dakul

Lalto ing kabalatungan.

Out of too many words

Comes error.

IX. Family Solidarity

1. Ang lahat ng tao mag-away man

Huag ang mag-asawa sa loob ng bahay.

The whole world may quarrel

But not the husband and wife.

2. Ang sakit ng kalingkingan

Damdang ng boong katawan.

The suffering of the little finger

Is felt by the whole body.

X Thrift

1. Ubos ubos biyaya

Pagkatapos ay tunganga.

Give away, and give away

But after that you are helpless.

2. Walang pagod na pagtipon

Walang kinayang na pagtapon.

This is equivalent to the saying:

"Easy come, easy go."

XI. Various other sayings

1. Ang maghahangad ng kagitna

Isang salup ang nawawala,

Whoever covets half a salup

Will lose an entire one.

2. Ang sa alupihang ikinalalaglag niya

Ay sa karamihan ng kaniyang paa.

Because the centipede has too many

feet

It is more likely to fall.

3. Ang mahusay na pagsunod

Ay nasa nag-uutos.

Full-hearted obedience

Depends on him who commands.

4. Ang mahabang pag-uulayaw

Nalawawala ng galang.

Excessive conversations

Destroy mutual respect.

5. Magsalakot mo't di bagay

Mahanga'y nagpapaulan.

It is better to walk in the rain

Than to wear a rain-hat that does not

fit.

6. Alin mang kawayan at kahoy

Ay di bubukbukan kung taga sa

panahon.

Bamboo or wood of any kind

Will never decay if cut in due time.

Coming now to the lives and writings of our national heroes, let me say that while as an enlightened people we do not reject the common heritage of mankind as a result of the struggles of other nations for truth, justice and liberty, we do, however, take peculiar pride in studying our own history to ascertain how much has been done by our country for these sacred principles. These national achievements should be among the foundation-stones of the structure of Filipino ethics.

For love of country and the passion for righteousness, the examples and teachings of Filipino heroes and martyrs should ever inspire and galvanize our nation. So long as a people can look back with pride to the sublime sacrifice and the consecrated abnegation of their patriots in the fight for freedom and justice, nothing under heaven can keep them from attaining their high destiny.

As we read Rizal's poems, such as "My Retreat," "They Ask Me For Verses," "Song of the Traveller" and "My Last Farewell"—our hearts catch the fire of patriotism which burned within his soul. And his novels, *Noli Me Tangere* and *El Filibusterismo*, constitute the social gospel of our country. It is often said that there is need of another "*Noli Me Tangere*" and another "*El Filibusterismo*" to denounce the evils of today. What we need, however, is diffusion of these

FIG 2. Jorge C. Bocobo's "Ethics in Philippine Proverbs" (1941, September). This page shows "ang lahat ng tao mag-away man" and "ang sakit ng kalingkingan" under the label "Family Solidarity." Accessed through Reference Division, National Library of the Philippines.

Committee, 1940, p. 2).

Set in the aftermath of Japanese occupation and the Second World War, Bocobo would be involved in another massive project under the leadership of a young rising politician and fellow cabinet member under Quezon—Manuel A. Roxas. The independence of the Philippines on July 4, 1946, facilitated decolonization in the country, which was a characteristic of this new brand of nationalism in the postwar Philippines. President Roxas formed the *Code Commission* to create a new civil code for the Philippines, from 1947 to 1949, proclaimed through Exec. Order 48, on March 20, 1947. Furthermore, according to the executive order, it is their objective to codify civil law “in conformity with the customs, traditions, and idiosyncrasies of the Filipino people and with modern trends in legislation and the progressive principles of law.” President Roxas appointed Bocobo as the Chairman of the Commission composed of respectable civil law experts and legal educators of the country: Judge Guillermo B. Guevara, law professors Pedro Y. Ylagan, and Francisco R. Capistrano. Indeed, being experts in civil law, the Code Commission accomplished the first draft in “less than eight months” from May to December 1947 (Bocobo, 1950/2005, p. 468).

The Code Commission (1948/2005) fulfilled its task with passion and excitement: “It is fitting that in this formative period of the Republic of the Philippines, it should promulgate its own Civil Code. For the first time in four centuries, the Filipinos make their own laws, without any foreign restraint or supervision” (1948/2005, p. 546). The Code Commission reported that new provisions in the first draft constituted 43% (1948/2005, p. 551). While the Commission took inspiration from other jurisdictions, they claimed the opportunity “to transform into positive law, those native customs and traditions that are worthy of perpetuation, and to derive legal solutions from the postulates of morality and justice” (p. 546).

One of their principal reforms was titled “Consolidation of the Family” (Code Commission, 1948/2005, pp. 561-568) which introduced state policies on the Filipino family that did not exist in any constitution or statute at the time and were entirely novel. “It would seem to be wise to lay down certain general principles that sustain, the solidarity of the family, not only for the guidance of the courts and of administrative officials, but also for their wholesome influence upon the members of every family” (Code Commission, 1948/2005, pp. 561-562). The First Congress approved everything under the title “The Family” and Chapter “The Family as an Institution” which became articles 216 to 222 of the

approved *Civil Code of the Philippines, Rep. Act. 386*, signed by President Elpidio Quirino. A year later, Chairman Bocobo had the opportunity to discuss the general nature of the civil code to a wider audience at the University of the East Manila in November 1950. In his third lecture about “women’s right and family solidarity,” Bocobo had an interesting and unique way of communicating the law to his audience by adding bits of proverbs that encapsulate the spirit of the provision. This connection between family-related provisions and proverbs is summarized in Table 4 below.

TABLE 4. *“Family Law Provision in the Civil Code and Bocobo’s Analogy using Proverbs (Salawikain)”*

| Provisions in the Civil Code | Bocobo’s Analogy using Proverbs (Salawikain) in the Lecture |
|---|--|
| <p><i>Civil Code</i> (1949), art. 216. The family is a basic social institution which public policy cherishes and protects.</p> <p>art 218. The law governs family relations. No custom, practice or agreement which is destructive of the family shall be recognized or given any effect.</p> <p>art. 219. Mutual aid, both moral and material, shall be rendered among members of the same family. Judicial and administrative officials shall foster this mutual assistance.</p> <p>art. 220. In case of doubt, all presumptions favor the solidarity of the family. Thus, every intendment of law or fact leans toward the validity of marriage, the indissolubility of the marriage bonds, the legitimacy of children, the community of property during marriage, the authority of parents over their children, and the validity of defense for any member of the family in case of unlawful aggression.</p> <p>art. 221. The following shall be void and of no effect: (1) Any contract for personal separation between husband and wife; (2) Every extra-judicial agreement, during marriage, for the dissolution of the conjugal partnership of gains or of the absolute community of property between husband and wife; (3) Every collusion to obtain a decree of legal separation, or of annulment of marriage; (4) Any simulated alienation of property with intent to deprive the compulsory heirs of their legitime.</p> | <p>“<i>Family as foundation of society</i>. I come now to the solidarity of the family, which the new Civil Code effectively fosters. It is a happy coincidence that this is Family Week, devoted to the unification and sacredness of the family. It is a truism that the family is the foundation of society, and every wise legislation should make a supreme effort to strengthen that foundation. How beautiful a picture Rizal portrayed of early morn in the home in that second verse of Maria Clara’s song:</p> <p>‘Ardientes besos en los labios juegan, De una madre en el seno al despertar, Buscan los brazos a cehiir el cuello, Y los ojos sonriense al mirar.’</p> <p>So, the new Civil Code provides, among other things, that ‘the family is a basic social institution which public policy cherishes and protects’ (Art. 216) that ‘no custom, practice, or agreement which is destructive of the family shall be recognized or given any effect’ (Art. 218) and that ‘mutual aid, both moral and material, shall be rendered among members of the same family’. (Art. 219) And then there is Article 221 which specifically outlaws certain agreements. Said article provides:</p> <p>...</p> <p>The foregoing transactions are rather frequent in the [Philippines], BALANGAYAN ARKIPELAGO, so they are now expressly declared void. And in case of doubt, all presumptions favor the solidarity of the family. (Art. 220). There is a Tagalog proverb which likens the family to the human body, thus:</p> |

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| | <p>‘Ang sakit ng kalingkingan Ay sakit ng buong katawan.’ (The pain of the little finger Is the pain of the whole body.)”</p> <p>(Bocobo, 1950/2005, pp. 502-503)</p> |
| <p>art. 116. When one of the spouses neglects his or her duties to the conjugal union or brings danger, dishonor or material injury upon the other, the injured party may apply to the court for relief.</p> | <p>“...This measure of accord and concord between husband and wife is necessary because, unfortunately, many couples are still a far cry from the ideal depicted by Longfellow in Hiawatha:</p> <p>‘As unto the bow the cord is, So unto the man is woman; Though she bends him she obeys him, Though she draws him, yet she follows, Useless each without the other.’</p> <p>And there is a Tagalog proverb which says: ‘Ang lahat ng tao mag-away man Huwag ang mag-asawa sa loob ng bahay.’ (Let the Whole world fight, But not the husband and wife.)”</p> <p>(Bocobo, 1950/2005, pp. 504-505)</p> |

Furthermore, I cannot help but notice that a similar ethos was expressed in the provision “marriage is not a mere contract but an inviolable social institution” (art. 54)—a definition introduced for the first time in Philippine legal history. Under the subject of “legal separation” (relative divorce), a provision states that “in every case the court must take steps, before granting the legal separation, toward the reconciliation of the spouses, and must be fully satisfied that such reconciliation is highly improbable” (art. 98). These family law provisions that empower the solidarity of the family are still preserved in the present legal basis of persons and family relations in the Philippines, the *Family Code of the Philippines* (1987) and affirmed by the *1987 Constitution* (see Table 5).

TABLE 5. *Statutory Development of Selected Family Law Provisions*

| Civil Code of the Philippines (1949) | Family Code of the Philippines (1987) | 1987 Constitution of the Philippines |
|--|---|---|
| art. 52. Marriage is not a mere contract but an inviolable social institution. Its nature, consequences and incidents are governed by law and not subject to stipulation, except that the marriage settlements may to a certain extent fix the property relations during the marriage. | art. 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to | art. 15. The Family sec. 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development. sec. 2. Marriage, as an inviolable social institution, is the |

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| | stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code. | foundation of the family and shall be protected by the State. |
| art. 98. In every case the court must take steps, before granting the legal separation, toward the reconciliation of the spouses, and must be fully satisfied that such reconciliation is highly improbable. | art. 59. No legal separation may be decreed unless the Court has taken steps toward the reconciliation of the spouses and is fully satisfied, despite such efforts, that reconciliation is highly improbable. | sec. 3. The State shall defend: |
| art. 216. The family is a basic social institution which public policy cherishes and protects. | art. 149. The family, being the foundation of the nation, is a basic social institution which public policy cherishes and protects. Consequently, family relations are governed by law and no custom, practice or agreement destructive of the family shall be recognized or given effect. | (1) The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood; |
| art. 218. The law governs family relations. No custom, practice or agreement which is destructive of the family shall be recognized or given any effect. | | (1) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development; |
| art. 219. Mutual aid, both moral and material, shall be rendered among members of the same family. Judicial and administrative officials shall foster this mutual assistance. | (No direct equivalent) | (2) The right of the family to a family living wage and income; and |
| art. 220. In case of doubt, all presumptions favor the solidarity of the family. Thus, every intendment of law or fact leans toward the validity of marriage, the indissolubility of the marriage bonds, the legitimacy of children, the community of property during marriage, the authority of parents over their children, and the validity of defense for any member of the family in case of unlawful aggression. | (No direct equivalent) | (3) The right of families or family associations to participate in the planning and implementation of policies and programs that affect them. |
| art. 221. The following shall be void and of no effect: (1) Any contract for personal separation between husband and wife; (2) Every extra-judicial agreement, during marriage, for the dissolution of the conjugal | (No direct equivalent) | sec. 4. The family has the duty to care for its elderly members but the State may also do so through just program of social security. |

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| partnership of gains or of the absolute community of property between husband and wife; (3) Every collusion to obtain a decree of legal separation, or of annulment of marriage; (4) Any simulated alienation of property with intent to deprive the compulsory heirs of their legitimate. | | |
|--|--|--|

4. Conclusion

Family, indeed, is an important and cherished institution in the Philippines that is embodied from its *salawikain* to national policy, in civil law and constitutional law. The two popular proverbs “ang lahat ng tao mag-away man huwag ang mag-asawa sa loob ng bahay” (the whole world may quarrel but not the husband and wife at home) and “ang sakit ng kalingkingan, damdam ng buong katawan” (the pain of the little finger is felt by the whole body) affirm the solidarity of the Filipino family, as well as the permanence of marriage. To borrow Bohannan’s *double-institutionalization* framing of the law, this article has demonstrated a unique development: the Filipino custom of strong family ties as expressed by our proverbs was reiterated as law, particularly in the *Civil Code of the Philippines* (1949).

Throughout the country’s colonial history, no colonial policy ever defined marriage or family. This article transcends the colonial framework of the country’s legal system (the *mestizo* framework in Philippine legal history) by highlighting the Filipino element and contribution to the development of their own laws. Direct evidence of codifying *salawikain* in the civil code points us to the man behind this project—Jorge C. Bocobo and his fascination with Philippine folklore. Like the folklorist Isabelo De los Reyes, Don Belong, in the 19th century, Bocobo collected thousands of proverbs and used them as a learning material and a primary source of ethics to empower national identity in postwar Philippines. As Chairman of the Code Commission, Bocobo incorporated “native customs and traditions worthy of perpetuation” inspired by proverbs in the *Civil Code* draft from 1947 to 1949 (Code Commission, 1948/2005, p. 546). Even more intriguing is the fact that these family law provisions are still enshrined in the *Family Code of the Philippines* (1987) and the supreme law of the land, the *1987 Constitution*.

This article suggests that Philippine folklore could be an effective way of teaching and understanding the language of law. I return to the question I posed

earlier, and I wonder again, what other elements of our legal system are reiterations of Philippine folklore?

5. Acknowledgment

The author would like to thank the editors, Asst. Prof. Vincent Christopher A. Santiago and Asst. Prof. Emmanuel Jayson V. Bolata, for their patience and support, as well as the two anonymous reviewers for their valuable feedback, which greatly improved this paper. Appreciation is also extended to the Reference Division of the National Library of the Philippines for its assistance in accessing primary source materials related to Jorge C. Bocobo.

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