

Philippines: Basic Information for Legal Research in the Philippines

著者	Santos Antonio M.
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PHILIPPINES

BASIC INFORMATION FOR LEGAL RESEARCH IN THE PHILIPPINES

By

*Prof. Antonio M. Santos**

I. HISTORICAL EVOLUTION OF PHILIPPINE LAW – AN OVERVIEW

The evolution of the Philippine legal system may be discussed through the various periods of political development the country had experienced: the Pre-Spanish period (ante 1521); the Spanish Regime (1521-1898); American Period, (1891-1946); Japanese Occupation (1941-1944); Philippine Republic (1946-1972); and the Martial Law Period (1972-1986); 1986 until the present.

A. Pre-Spanish Period

The Pre-Spanish Period refers to the time before Ferdinand Magellan set foot in Philippine soil in the island of Mactan, province of Cebu on March 16, 1521. This is the date that history assigns as the discovery by Ferdinand Magellan (1480-1521) of the Philippines.¹

Many centuries before the Christian era and stretching back to the Stone Age, intrepid Indonesian and Malay migrants came in waves to the Philippines and set up *barangays* in the rich deltas of the archipelago. Each *barangay*, like the Greek city-state, was an independent and self-sustaining political unit. The *barangay* head was called a *datu*. *Barangay* groupings were under a higher chief called the *rajah*. The early Filipino chiefs made laws upon consultation with the lesser chiefs. Most of the laws were unwritten, handed down by word of mouth from generation to generation, and evolved

* Law Librarian, UP College of Law. Professorial Lecturer in Law and Library Science. University of the Philippines.

¹ G. Zaide, *The Pageant of Philippine History* 184 (1979).

into native customs and traditions. This is customary law. The *Code of Kalantiaw* and the *Maragtas Code* are the only relics of Pre-Spanish written laws (Gupit, p.39-40).²

The *barangays* administered their own brand of justice. The *datu*, assisted by the elders in the community, presided over the court. Cases were settled through mediation and generally ended up in a compromise. If the parties could not agree, a public hearing was held. Witnesses took their oaths and the parties were bound under oath to abide by the council's decision, which was final and was promptly executed by the disputants. The foregoing procedure in resolving controversies is the idea behind the present *Katarungang Pambarangay Law*,³ which compels residents of *barangays* of the same city or municipalities, or of adjourning *barangays* of different cities or municipalities to enter first into conciliation before the *Lupong Tagapayapa* before they can file action in court.⁴

B. Spanish Period

The Spanish time is a long period of 377 years, from the year Magellan discovered the Philippines until 1898 after the Battle of Manila Bay. Initially, Spain ruled the Philippines from Mexico through the Council of Indies in Spain. The Council exercised executive, legislative and judicial powers. The King of Spain, through royal decrees, exercised legislative power over the colonies. In addition to these royal decrees and order, certain laws with general application were extended to the Philippines, such as *Fuero Jusgo*, the *Fuero Real*, *Las Sietes Partidas*, *Las Leyes de las Indias*, *La Novisima Recopilacion*.⁵

During the last fifty years of Spanish rule, Spain extended the application of new codes and statutes to the Philippines, among them: the Civil Code of 1889, the Code of Commerce of 1885, the Penal Code of 1870, the Code of Civil Procedure of 1853; the Mortgage Law of 1861; the Notarial Law of 1862; the Marriage Law of 1870; and the Code of Criminal Procedure of 1882.⁶

On May 5, 1583 the *Royal Audiencia* was established in Manila until the end of the Spanish regime in 1898. The Audiencia was not an exact model of the present Supreme Court. During the fight for Philippine independence against Spain, the provisional revolutionary government issued decrees, orders and proclamations to govern the conduct of the inhabitants. Leaders came out with various drafts of constitutions. The most significant of these documents was the Malolos Constitution. It established the short-lived Philippine Republic. It provided for a trinity of powers, the

² T. Agoncillo & M. Guerrero, *History of the Filipino People* 46 (1973).

³ Pres. Decree No. 1508 (1978), as amended.

⁴ F. Gupit & D. Martinez, *A Guide to Philippine Legal Materials* 43 (1993).

⁵ M. Gamboa, *An Introduction to Philippine Law* 69 (1969).

⁶ *Supra note 4* at 45.

executive power in the hands of one person. The legislative power was in a representative body. The judicial power was lodged in the Supreme Court and lower courts.⁷

C. American Period

The American Period started with the cession of the Philippines to the United States, formalized in the Treaty of Paris signed on December 10, 1898. The cession saw the evolution of the law making process under a constitutional government. The Constitution of the United States was never formally extended to the Philippines. The organic acts that defined the structure and organization of the Philippine Government were: Instruction of Pres. William McKinley to the Philippine Commission of April 7, 1900; Act of Congress of July 1, 1902, or the Philippine Bill of 1902, otherwise known as the Cooperatives Act; Act of Congress of August 29, 1916, or The Philippine Autonomy Act, also referred to as the Jones Law; and the Philippine Independence Act of 1934 or The Tydings-McDuffie Law⁸.

- Military Government

From August 13, 1898 up to September 1, 1900, the military governor exercised all the powers of government in the Islands, including legislative power. The Philippine Commission later assumed the legislative functions of the military governor, thus paving the way for a dichotomous civil and military government, with the military governor exercising executive power and the Commission the legislative power. As for the judicial power, the military governor at first, organized military commissions and military courts and suspended the civil jurisdiction of the *Audiencia de Manila* and other local minor courts. Later, General Order No.20, re-established the *Audiencia*, the court of first instance, the justice of the peace courts. Legislation during this military period came down in the form of General Orders⁹.

- Civil Government

On July 4, 1901, the Spooner Amendment, a rider to the Army Appropriations Bill, abolished the position of Military Governor and transferred the executive power to the Chairman of the Philippine Commission, who acted as the Civil Governor. This made the government structure parliamentary in form. The Civil Governor exercised not only executive power, but also took active part in lawmaking. The Philippine Commission, whose members were cabinet secretaries, was the lawmaking body.

⁷ *Ibid.* at 46.

⁸ *Id.* at 47-48.

⁹ *Id.* at 49.

With the passage of the Philippine Bill of 1902, a Philippine Assembly was created with whom the Philippine Commission shared the legislative function. The Philippine Commission as the upper chamber and the Philippine Assembly as the lower chamber. With the establishment of the civil government, the Philippine Commission enacted Act No. 136, the Judiciary Act of 1901, Act No. 136 creating a three-level court system with the Supreme Court as the highest court, The Philippine Autonomy Act of 1916 or Jones Law which further changes the structure of the government. It vested the general legislative powers in a legislature composed of two houses, the Senate and the House of Representatives.¹⁰

- Commonwealth Government

The Tydings-McDuffie Law provided for a ten-year transition period preparatory to the grant of independence. It empowered the Filipinos to formulate their own Constitution. The Constitution was drafted and approved by a constitutional convention on February 19, 1935. After it was signed by US President Franklin D. Roosevelt, it was ratified by the Filipino people on May 14, 1935. A presidential form of government, which was adopted with a unicameral legislature, which subsequently became a bicameral Congress, when the Constitution was amended in 1940, composed of a Senate and a House of Representatives. The judicial power was vested in one Supreme Court and other inferior courts but the National Assembly enacted Commonwealth Act No. 3 creating the Court of Appeals to relieve the Supreme Court of minor cases and to give it more time to consider the more important ones.¹¹

D. Japanese Period

A hiatus in the Commonwealth period occurred when the Japanese Imperial Forces occupied the Philippines for three agonizing years, more specifically, from January 3, 1942 to February 27, 1945, after the Americans successfully liberated the islands.¹²

During the three-year military rule, a 1943 Constitution was drafted and ratified by a special national convention, which led to the short-lived Japanese sponsored republic. The executive power was ostensibly held by a Filipino president Jose P. Laurel and the legislative power in the Japanese-sponsored Executive Commission, which restored the Supreme Court, the Court of Appeals, the Courts of First Instance and the municipal and justice of the peace courts. During the Japanese Occupation, the Commonwealth, then in rule, functioned in Washington, D.C.¹³

¹⁰ *Id.* at 50-51.

¹¹ *Id.* at 52.

¹² *Id.* at 53.

¹³ M. Feliciano, *The Legal System of the Philippines, Legal Systems in the ASEAN Region* 14 (1987).

E. Philippine Republic

The Philippines was inaugurated as a Republic on July 4, 1946. On that historic day, the American flag was lowered, leaving the Philippine flag to fly alone. The Philippine Republic continued with the American style presidential form of government in accordance with the 1935 Constitution, which was the organic law at that time. The establishment of the Philippine Republic, however, did not bring about any major change in the government system. The basic powers of government were distributed among the executive, the legislative and the judiciary.¹⁴

The Philippine Republic continued except that with the declaration of martial law by President Ferdinand E. Marcos, its political principles and institutions underwent some changes. During this period the 1973 Constitution was in effect. It established a parliamentary form of government and introduced a merger of executive and legislative powers. This parliamentary form of government was never implemented. The 1973 Constitution was subsequently amended in 1980 and 1981. Martial law was lifted on January 17, 1981 and military tribunals were abolished by Proclamation No. 2045. On June 16, 1981 a presidential election was held and again President Marcos was re-elected. In his inaugural address on June 30, 1981, he proclaimed the birth of the Fourth Republic under the New Constitution.¹⁵

On August 21, 1983 former Senator Benigno S. Aquino, was assassinated which triggered mass demonstrations and an economic crisis, which paved the way to another set of amendments to the 1973 Constitution. On May 14, 1984, elections for the congressional seats in the 200 members *Batasang Pambansa* was held and the legislature convened on July 24, 1984. On November 3, 1985, Pres. Marcos announced the calling of a special presidential election, which paved the way for the ouster of President Marcos after a four-day “ People Power “ revolution on February 25, 1986.¹⁶

Corazon C. Aquino took her oath as President and it was during her administration that a Constitutional Commission was constituted which drafted the 1987 Constitution. Although, it is basically patterned after the 1973 Constitution, the 1987 Constitution contains a hundred new sections, which deal primarily with social justice, the national economy, family rights, education and human resources, the Commission on Human Rights and the autonomous regions. Emerging as successor to Pres. Aquino was President Fidel V. Ramos, followed by Pres. Joseph E. Estrada and the incumbent Pres. Gloria Macapagal-Arroyo.

¹⁴ *Supra* note 4 at 53.

¹⁵ *Supra* note 13 at 16-18.

¹⁶ *Ibid.* at 19-20.

II. SOURCES AND CLASSIFICATION OF LAW

A. Sources of Law

The three (3) branches of the Philippine government under the present dispensation have different roles in the law-making process. These roles and the interplay among the three branches balance the law-making power, with each branch checking the law-making power of the two. These institutions involved as sources of law must be ascertained and their behavioral patterns analyzed to be able to predict with a reasonable degree of certainty what action will be taken in a particular case. These institutions must necessarily include government institutions since they are the official sources of law. Let us therefore, discuss briefly the structure of the Philippine government.

B. Structure of Government

The government of the Philippines is republican in form and under a presidential system. It is also unitary and centralized with the principle of separation of powers as a basic feature. This means that there is a division of the functions of the government into three distinct classes, -- the executive, the legislative, and the judicial departments -- and in the exercise of functions allotted to each department under the 1987 Constitution, each department is supreme, coordinate and coequal with the others.¹⁷

- Executive Department

The Constitution vests the executive power in a President who has control of all the executive departments, bureaus and offices; exercises general supervision over local governments; and ensures that the laws be faithfully executed. It invests the President with powers of Commander-in-Chief of all armed forces of the Philippines and empowers this office under certain circumstances and conditions to suspend the privilege of the writ of habeas corpus or place the Philippines under martial law for a limited period. A state of martial law does not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over civilians where civil courts are able to function, nor automatically suspend the privilege of the writ. Likewise, the suspension of the privilege of the writ applies only to persons judicially charged for rebellion or offenses inherent in or directly connected with invasion.¹⁸

The other powers of the President include: the authority to nominate and appoint with the consent of the Commission on Appointments, the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed

¹⁷ *Id.* at 24.

¹⁸ *Id.* at 25.

forces from the rank of colonel or naval captain, and other officers whose appointments are vested in the Presidency under the Constitution and by law; authority to contract or guarantee foreign loans on behalf of the Republic only with the prior concurrence of the Monetary Board and subject to such limitations as may be provided by law; power to grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction by final judgment except in cases of impeachment; and power to grant amnesty with the concurrence of the majority of all the Members of the Congress¹⁹.

The President also participates in the legislative process because a bill passed by the Congress does not become a law unless he approves it. If he vetoes the bill, it could still become a law if two-thirds of all the Members of each House reconsider and approve such bill²⁰.

Both the President and Vice-President are elected by direct vote of the people for a term of six years. The President shall not be eligible for any reelection whereas the Vice-President shall serve for not more than two successive terms. In case of death, permanent disability, removal from office, or resignation of the President during his term, the Vice-President shall become President to serve the unexpired term. Where there is no President or Vice-President, the President of the Senate or in case of his inability, the Speaker of the House of Representatives shall then act as President until the President or Vice-President shall have been elected and qualified²¹.

- Legislative Department

The legislative power is vested in the Congress of the Philippines, a bicameral body composed of the Senate and House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum. The Senate is composed of twenty-four Senators who are elected at large for a term of six years and for not more than two consecutive terms. The House of Representatives is composed of at most two hundred and fifty members, 20% of whom are elected through the party-list system and from the sectors for the first three terms while the rest are elected by legislative district. The members of the House of Representatives are elected for a term of three years but must not serve for more than three consecutive terms.²²

The Congress convenes once every year on the fourth Monday of July for its regular session unless a different date is fixed by law and continues to be in session for such number of days as it may determine until thirty days before the opening of its next regular session. Each House by a majority vote of all its respective members elects the Senate President and the Speaker and other officers who shall hold their office at the pleasure of their respective members. Each House determined its rules of procedure and

¹⁹ *Id.* at 26.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

punishes its members for disorderly behavior. Each House shall have an Electoral Tribunal composed of nine members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, with the senior justice as the Chairman, and the remainder, members of the Senate or House.²³

The Constitution has revived the Commission on Appointments, which was constituted under the 1935 Constitution to consider the nominations made by the President to the more important positions in the government. It is composed of the President of the Senate as *ex officio* Chairman, twelve Senators and twelve Members of the House of Representatives.²⁴

- *Judicial Department*

The judicial system of the Philippines consists of a hierarchy of courts with the Supreme Court at the apex. The other courts are: one Court of Appeals, Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts. For Muslims, there are *shari'a* circuit and *shari'a* district courts. Aside from this tribunal, there are special courts, namely, the Court of Tax Appeals and the Sandiganbayan.

The Supreme Court is composed of a Chief Justice and fourteen Associate Justices who sit *en banc* or in divisions. Cases that are heard and decided by the Supreme Court *en banc* are those involving the constitutionality of a treaty, executive agreement, or law; and such cases as required under the Rules of Court, including those involving the constitutionality, application, or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations. These cases shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon. Cases or matters heard by a division are decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues of the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When the required number is not obtained, the cases are decided *en banc*. No doctrine or principle of law laid down by the Court in a decision rendered *en banc* or in division may be modified or reversed except by the Court sitting *en banc*.²⁵

Under the Constitution, the Supreme Court exercises original jurisdiction over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, *quo warranto*, and habeas corpus. The Supreme Court has the power to review and revise, reverse, modify or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and decrees of inferior courts in: (a) all cases in which the constitutionality or validity of any treaty,

²³ *Id.* at 27-28.

²⁴ *Id.* at 28.

²⁵ *Id.* at 31-32.

international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question; (b) all cases involving the legality of any tax, impost, assessment, or toll or any penalty imposed in relation thereto; (c) all cases in which the jurisdiction of any lower court is in issue; (d) all criminal cases in which the penalty imposed is *reclusion perpetua* or higher; (e) all cases in which only an error or question of law is involved.²⁶

The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns, and qualifications of the President or Vice-President, and may promulgate its rules for the purpose. The Supreme Court has also the power to promulgate rules concerning the protection and enforcement of constitutional rights, pleadings, practice and procedure in all courts, admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. The Supreme Court exercises administrative supervision over all courts and their personnel. It has the power to discipline judges of lower courts, or order their dismissal.²⁷

After knowing the functions of the three main branches of the government, it is necessary for the researchers in law to know where to find these different legislations, pronouncements, enactments and promulgations of these institutions. Are these found in primary sources, secondary sources or through finding tools? Primary sources contain the law itself, secondary sources contain commentary on the law, and finding tools are used to find primary and secondary sources. Primary sources are given the most weight, but secondary sources may be used if no primary sources are available. Finding tools are not authoritative and may not be quoted or cited. Nevertheless, finding tools are an important part of legal research. You may be able to locate relevant primary and secondary sources only by using finding tools. Whether these sources of law are primary, secondary or just finding tool the same shall be explained further in the succeeding pages.

C. Classification of Law

As mentioned above, the three main structure of government, namely, legislative, executive and judicial branches of government are the three main sources of law, such as statutes, judicial opinions and administrative regulations and adjudications.

If we consider administrative regulations to be subsumed with statutes for the reason that they are normally promulgated pursuant to statutes and because like statutes, they are binding upon the people to whom they apply, and if we consider that the term judicial opinions to include administrative adjudication, then the two main classification of law consist of statutes (legislation) and judicial opinions (decisions) which we call STATUTE LAW and CASE LAW, respectively.

²⁶ *Id.* at 32.

²⁷ *Id.* at 32-33.

III. RESEARCH IN STATUTE LAW

A. Concept, Scope and Classification of Statute Law

Statute law refers to those rules enunciated and declared by the competent authorities for the governance of the community. It embraces not only the enactment of the legislative department of the government but also those rules and regulations which have the force and effect of law.

In general, statute law may be classified into conventional legislation and subordinate legislation. The first comprises all enactments by national or local legislative bodies, or in which they may have participated. The second includes all rules and orders, issued pursuant to law by administrative and judicial agencies.²⁸

Statute law may also be divided in a broad sense: into external legislation, or rules of general application, affecting order and procedure in a community, and internal legislation, or rules of restricted application, affecting order and procedure among members of a legislative, judicial or administrative office.²⁹

In particular, there are several classes of statute law. These are constitution, treaties and other international agreements, statutes proper, presidential issuances, administrative rules and regulations, charters of local government units (LGU's), legislations of local government units (LGU's), tribunal/court rules and legislative rules.

B. Statute Law Materials

- *Constitution*

A constitution is that written instrument by which the fundamental powers of the government are established, limited, and defined, and by which those powers are distributed among the several departments for their safe and useful exercise for the benefit of the body politics. The Philippines has had several Constitutions. As these documents are the Charters adopted by the people, they are the highest primary authority.

To research problems in Constitutional Law, one must not only consult the document itself, but all of the sources that will assist in the interpretation of the Constitution. Such sources include the background and record of the Constitutional Convention, the interpretation of the Constitution by the Supreme Court of the

²⁸ F. Moreno, *Philippine Legal Bibliography* 7 (1973).

²⁹ *Ibid.*

Philippines and the commentaries on the Constitution appearing in treatises, legal periodicals, encyclopedias and textbooks.

The official text of the Philippine Constitution of 1935 is found as Appendix in Vol. 30 of *Public Laws of the Philippines* and in vol. 34 of the *Official Gazette*. It also appears in the Vol. 1 of the *Messages of the President*, which also contains, the *Tydings Mc-Duffie Law* and the *Proclamation of the President of the United States* establishing the Commonwealth of the Philippines.

As to proceedings of the 1934 Constitutional Convention, Delegate Salvador Araneta donated a few original typewritten copies of the proceedings of the convention to the Supreme Court Library. Another publication containing the Proceedings of the 1934 Constitutional Convention is the *Proceedings of the Constitutional Convention* in seven (7) volumes. Likewise, a three (3) volumes *Journal of the 1934 Constitutional Convention* was published by East Publishing Company.

Other materials on the proceedings of the constitutional convention are the *Journal of the Constitutional Convention of the Philippines*, by Vicente J. Francisco, *Framing of the Philippine Constitution* by Jose Aruego, and *Constitutional Convention Records* by the House of Representatives and *The Philippine Constitution: Origins, Making, Meaning and Application* published by the Philippine Lawyers Association.

The secondary sources on the 1935 Constitution are: George A. Malcolm and Jose P. Laurel, *Philippine Constitutional Law (1936)*; Lorenzo A. Tañada and Enrique M. Fernando, *Constitution of the Philippines (1952)*; Ruperto G. Martin, *Philippine Constitutional Law (1954)*; Vicente J. Francisco, *Constitutional History (1956)*; Lorenzo A. Tañada and Francisco A. Carreon, *Political Law of the Philippines (1956)*, Vicente G. Sinco, *Philippine Constitutional Law (1960)*.

Exhaustive annotations to the 1935 Constitution are contained in vols. 1 and 2 of the *Philippine Annotated Laws*. The annotations consist mainly of decisions of the Supreme Court that interpreted and applied the provisions of the Constitution.

The Preparatory Committee for Philippine Independence headed by Jose P. Laurel drafted the 1943 Constitution of the Republic of the Philippines during the Japanese Occupation. The official text was promulgated in Tagalog and in English and may be found in vol.2 (Special Number 9-A) of *Official Gazette*. By *Proclamation* of Gen. McArthur on October 23, 1944, the Japanese sponsored Constitution was declared null and void and without legal effect in areas of the Philippines free of enemy occupation and control.

The official text of the 1973 Constitution was promulgated in English and Pilipino, and translated into several local dialects, and into Spanish and Arabic. In case of conflict, the English text prevails. Both English and Pilipino texts appeared in vol. 68 and 69 of the *Official Gazette*.

If one has to know the 1971 Constitutional Convention Proceedings and the intent of its drafters on certain provisions, ordinarily one has to delve into the records of the 1971 Constitutional Convention. But unlike its 1935 counterpart, there are no published materials much less as official repository of its proceedings and there is no single institution that has a complete collection of the same. The U.P. Law Library was a recipient of collection of personal papers of some twenty (20) delegates to the 1971 Constitutional Convention. The library arranged and classified the same for easy retrieval but they are considered unofficial document. At present, these papers have been relocated to the Legislative Archives of the Congressional Library of the House of Representatives, which has some documents from the Constitutional Commission of 1986.

An important publication, which is worthy of mention, is the *U.P. Law Center 1970 Constitutional Revision Project*. This volume contains the studies and discussions that were considered in the revision of the 1935 Constitution, which were made available to the general public and disseminated to the delegates to the 1971 Constitutional Convention.

The secondary sources on the 1973 Constitution are: Enrique M. Fernando, *Constitution of the Philippines* (1973); Neptali Gonzales, *Philippine Constitutional Law*, (1975); Vicente V. Mendoza's *From McKinley's Instructions to the New Constitution; Documents on the Philippine Constitutional System*, (1978).

In 1986, as it had done in 1970, the UP Law Constitution Project facilitated the work of the 1986 Constitutional Commission. The project produced two (2) volumes of *Annotated Provisions (vol. 1)* and *Position Papers and Bibliography (vol.2)*. These, along with *Draft Proposal of the 1986 U.P. Law Constitution Project* were published on June 5, 1986.

The Records and Journal of the 1986 Constitutional Commission, in five (5) and three (3) volumes, respectively, failed to provide a published index to the multi-volume set. It is for this reason that CD-Asia and in cooperation with UP Law Library published in CD-ROM, the 1986 *Con-Com Records & Journals* for a fast and easy retrieval of the proceedings of the Commission.

The secondary sources on the 1987 Constitution are: Ambrosio B. Padilla, *The 1987 Constitution of the Philippines with Comments and Cases*, (1987); Magdangal B. Elma, *The Aquino Presidency and the Constitution*, (1993); Joaquin G. Bernas, *The Constitution of the Republic of the Philippines – A Commentary*, (1996); *Constitutional Structure and Powers of Government, Notes and Cases, Part I*, (1997); *Constitutional Rights and Social Demands, Notes and Cases, Part II*, (1996); *The Intent of the 1987 Constitution Writers*, (1995); *Foreign Relations in Constitutional Law*, (1995); Hector S. De Leon and E.E. Luge, *Textbook on the New Philippine Constitution*, (1999); *Philippine Constitutional Law : Principles and Cases*, (1999); Isagani A. Cruz, *Constitutional Law*, Central Book Supply, Manila, (2000); Jorge R. Coquia, *Human*

Rights : An Introduction Course, (2000); Miriam Defensor-Santiago, *Constitutional Law, Text and Cases*, (2000); Rolanda A. Suarez, *Principles, Comments and Cases in Constitutional Law*, (2000).

- *Treaties and Other International Agreements*

A treaty is primarily an agreement or contract between two or more nations or sovereigns, entered into by agents appointed for the purpose and duly sanctioned by the Supreme powers of the respective parties. Treaties may be bilateral (between two nations), or multilateral (between several nations).

Of the same class as treaties but bereft of Senate concurrence, are executive agreements which may or may not have legislative authorization and which are limited in execution only by constitutional restrictions.

Treaties and other international agreements on a selection basis are likewise published in *The Lawyers Review, International Law Documents* (1945-1993), 1995 Edition; The UP Law Center has also published, *Law of the Sea*, 1996 Edition. It has also published the *Philippine Yearbook of International Laws, Vols. IX to XV (1983-1989)*; *Documents in Contemporary International Law*, 2 volumes, was published in 1976 edited by Dean Merlin B. Magallona.

The UP Law Complex has also published the following: *Vital ASEAN Documents, 1967-1984*; *The Ocean Law and Policy Series*; *Philippine Trade and Economic Agreements*; and *World Bulletin*.

The secondary materials on treaties and international agreement are: Vicente Abad Santos, *Cases and Materials on International Law* (1971); Jovito R. Salonga, *Public International Law* (1974); Jorge R. Coquia and Miriam Defensor-Santiago, *International Law* (1998); Isagani A. Cruz, *International Law* (1998); Miriam Defensor-Santiago, *International Law with Philippine Cases and Materials and Asean Instruments* (1999).

- *Statutes Proper*

A statute is an act of the legislature as an organized body, expressly in the form and passed according to the procedure required to constitute it as part of the law of the land. Statutes enacted by the legislature include the laws promulgated by the Philippine Commission and the Philippine Legislature, those passed during the Commonwealth period, those enacted by the Philippine Congress and those approved by the Batasang Pambansa and by the House of Representatives and Senate.

The statutes of the Philippines are found in the various enactment of the Philippine legislature since its creation in 1900. From the establishment of the American Civil Government in 1900 to 1935, there were 4,275 laws known as *Acts*

passed by the Philippine Commission and its bicameral successor, the Philippine Legislature. The Commonwealth period witnessed the enactment of 733 statutes known as *Commonwealth Acts*, while 6,635 *Republic Acts* were legislated from July 4, 1946 to September 21, 1972 when martial law was imposed.

Law promulgated by the Batasang Pambansa is referred as *Batas Pambansa*. There were a total of 891 *Batas Pambansa* passed by both the Interim and the Regular Batasang Pambansa. The bicameral Congress that followed passed their enactment beginning with Rep. Act No. 6636 which was a continuation of the law enacted by the previous Congress before martial law. To date, the Congress, has as its last enactment, Republic Act No. 9182 dated January 10, 2003.

The official repository of laws passed by Congress is the *Official Gazette*, published by the Bureau of Printing, now the National Printing Office, since the start of the American Regime. At present *newspapers of general circulation* are official repositories of laws by virtue of Executive Order No. 200, s. 1986.

The other official repositories of statutes are: for Acts passed by the Philippine Commission and Philippine Legislature, a publication by the Bureau of Printing, called *Public Laws*, volumes 1 to 31, with English and Spanish editions; two volumes of *Public Laws* contained Commonwealth Act Nos. 1-412. The features of the compilation are the same as the previous publication on public laws except that this one has a General Index: the Bureau of Printing also published Republic Acts in *Laws and Resolutions* in a series of volumes containing Republic Act Nos. 1 to 6635; for the *Batas Pambansa*, the official repository is the *Acts & Resolutions* by the Batasang Pambansa.

In addition to the official collections mentioned above, there are several private editions of compilation of statutes such as: *Philippine Annotated Laws* (PAL) published by the Lawyers' Cooperative Publishing Co., in 24 volumes with pocket parts. The compilation consists of all Acts of the Philippine Legislatures of a general and permanent in nature and in-force as of January 1956. The Acts are compiled in the alphabetical order of given titles. This publication, however, has been discontinued in 1963; *Commonwealth Acts Annotated*, by Prof. Sulpicio Guevara, in seven volumes, contain permanent statutes from Public Act No.1 to Public Act No. 2439 while the *Philippine Permanent and General Statutes*, a U.P. Law Center publication in seven volumes is a compilation of all existing permanent and general statutes from Acts to Republic Acts and some Presidential Decrees issued during martial law.

Below is a summary of enactments by the Philippine Legislature.

**LEGISLATION IN THE PHILIPPINES
(1900-2002)**

PERIOD	LEGISLATIVE AUTHORITY	NAME OF STATUTES	NUMBER OF STATUTES ENACTED
1900-1935	Philippine Commission, Philippine Assembly, Philippine Legislature	Acts	4,275
1935-1941	National Assembly, Congress	Commonwealth Acts	733
1946-1972	Congress	Republic Acts	6,635
1972-1986	Marcos as Legislator under Martial Law	Presidential Decrees	2,036
	Batasang Pambansa (1978-1986)	Batas Pambansa	891
1986-1987	President Aquino as Legislator in the Revolutionary Govt	Executive Orders	302
1987-to present	Congress	Republic Acts	2,543

In legal research, it is also important that the deliberation in the passage of a bill is ascertained. This, we call legislative history because legislation is sometimes ambiguous and contains omissions. It is often necessary to ascertain the intent of the legislative body when it passed the legislation. Legislative history includes such things as sponsorship speeches, legislative hearings, debates and reports and earlier drafts of the final bills.

To get the legislative history of a statute, the *Senate and the House of Representatives* publish its respective *Congressional Records* and *Congressional Journals*, which contain the proceedings of each chamber. In tracing the legislative history of an enactment an index to record or journal entitled *History of Bills and Resolutions* is used. This publication records all actions taken on all bills and resolutions introduced during the regular and special sessions of both Houses, from the

filing of a measure, through the motions presented, to its signing by the President or its repassage over his veto.

Appendix I show the legislative process on How A Bill Becomes A Law.

- *Presidential Issuances*

During the administration of the country under martial law, the President was then empowered by the Constitution to rule and govern by Presidential issuances. These executive acts were promulgated in the form or Presidential Decrees, General Orders, Letter of Instructions, Executive Orders, Proclamations, Memorandum Orders, Memorandum Circulars, Letters of Implementation and Letters of Authority.

These enactments were 2,036 Presidential Decrees, 1,093 Executive Orders, 2,489 Proclamations, and 1,525, Letters of Instructions, 504 Administrative Orders, 157 Letters of Implementation, 1,297 Memorandum Circulars and 832 Memorandum Orders. They are officially published in the *Official Gazette* and a publication of Malacañang in a multi-volume set *Vital Legal Documents*. The Central Law Book Supply, Inc. has also publish a secondary source for laws issued during martial law in its multi-volume set containing general orders, letter of instructions, presidential decrees, circulars, etc. *Vital Legal Documents in the New Peoples Government*.

During normal times, however, Administrative acts and commands of the President of the Philippines touching on the organization or mode of operation of the government, of the rearranging or readjustment of the districts, divisions, part or parts of the Philippines and all acts and commands governing the general performance of duties by public employees or disposing of issues of general concern are made effective by the issuance of Executive Orders. Those orders fixing the dates when specific laws, resolutions or orders are to have or cease to take effect and any information concerning matters of public moment determined by law, resolution, or executive orders, take the form of executive proclamations.³⁰

Ordinarily, administrative orders are confined to the exercise by the President of the Philippines of his power in deciding administrative cases. Sometimes they may contain regulations for the conduct of subordinate officers in the executive department in the performance of their official duties. Executive Orders and Proclamations of the Governor-General were published annually in a set entitled *Executive Orders* and *Proclamations*. The Bureau of Printing published thirty three (33) volumes until 1935. During the Commonwealth period, the Administrative Acts and Orders of the President were published in the *Executive Order* in four (4) volumes; *Proclamations* in seven (7) volumes, covering period from 1935 to 1941. All Executive Orders, Administrative

³⁰ R. Rodriguez., *Legal Research* 141 (2002).

Orders and Proclamations are also published in the *Official Gazette* and in the *Public Laws* as appendices.³¹

- *Administrative Rules and Regulations*

To assist the President of the Philippines in the performance of his executive functions, various departments and bureaus and other offices under them have been established. The Head of the Department and Head of Bureaus and other agencies, are authorized to issue orders, rules and regulations for the proper and efficient performance of their duties and functions for the effective enforcement of the laws within their respective jurisdiction. However, in order that such rules and regulations for the proper and efficient performance of their duties and functions or the effective enforcement of the laws within their respective jurisdiction may be valid they must be within the authorized limits and jurisdiction of the office issuing them and in accordance with the provisions of law authorizing their issuance.³²

Before the effectivity of the *Administrative Code* of 1987³³ these orders, rules and regulations are usually published in the *Official Gazette*, especially those imposing penalty for violations, before they become effective. Each department, bureau or agency issuing such orders, rules and regulations are expected to keep official records and files thereof and mimeographed copies are usually made available to the public.

But when the Administrative Code of 1987, was declared effective by Proc. No. 495 (1989), governmental and departmental orders, rules and regulations need be filed with the Office of National Administrative Register (ONAR) at the UP Law Center and published them in the quarterly publication called the *National Administrative Register*. This publication contains properly certified rules and regulations, which are adopted by government agencies, which are of general or of permanent character.

The ONAR is not only tasked to publish this quarterly register but must keep an up-to-date codification of all rules thus published and remaining in effect, together with a complete index and appropriate tables. The ONAR may omit from the bulletin or codification any rule if its publication would be unduly cumbersome, expensive or otherwise inexpedient, but copies of that rule shall be made available on application to the agency which adopted it, and the bulletin shall contain a notice stating the general subject matter of the omitted rule and how copies thereof may be obtained. However, every rule establishing an offense or defining an act, which, pursuant to law is punishable as a crime or subject to a penalty, shall in all cases be published in full text.³⁴

³¹ *Ibid.*

³² *Id.* 142.

³³ Exec. Order No. 292, s.1987.

³⁴ Adm. Code, sec. 6.

All government agencies are required to file their rules and regulations with the ONAR. The exceptions to this requirement are: Congress, the Judiciary, the Constitutional Commissions, military establishments in all matters relative exclusively to Armed Forces personnel, the Board of Pardons and Parole, and state universities and colleges.³⁵ Other sources of administrative rules and regulations include the agency's annual report, the agency's serial publication issued separately in pamphlet or book form.

- *Charters of Local Government Units (LGU's)*

The laws under which a city or town or other municipal corporation exercises its privileges, perform its duties, and discharges its obligations, including all matters in which it has a direct interest and a right to regulate and control, constitute the LGU's charter.

These charters are of two main classes, namely: those created by statute and those created and adopted by the voters of city or town by constitutional authorization.

Since LGU's charters are enactments of Congress, their official repositories are books where statutes proper are published such as *Public Laws, Laws and Resolutions, Acts & Resolution, Official Gazette*, etc.

- *Legislations of Local Government Units (LGU's)*

The basic local government units are the provinces, cities, municipalities and *barangays*. Each of these units has lawmaking powers to pass what is commonly called "ordinances" which are usually of local interests only. Local legislative powers are exercised by the *sangguniang panlalawigan* for the province; the *sangguniang panlungsod* for the city; the *sangguniang barangay* for the *barangay*. Each *sanggunian* keeps a journal and record of its proceedings, which may be published upon resolution of the *sanggunian* concerned.

There are no statute books containing resolutions of provincial boards. Periodicals of general interest, enjoying local circulation, sometimes publish the important resolutions. On the other hand, municipal legislation is recorded in a journal, which the council keeps for its own proceedings. Unlike statutes proper which are published in the *Official Gazette*, municipal ordinances and resolutions are promulgated by posting them on the day or after passage at the main entrance of the municipal, or *barangay* hall in at least two (2) conspicuous places in the local government unit concerned not later than five (5) days after approval thereof. The text of the ordinances or resolution is being disseminated in Filipino or English and in the language or dialect understood by the majority of the people in the local government unit concerned. The gist of all ordinances with penal sanctions is published in a newspaper of general circulation

³⁵ ONAR Guidelines.

within the province where the local legislative body concerned belongs. In the absence of any newspaper of general circulation within the province, posting of such ordinances is made in all municipalities & cities of the province when the sanggunian of origin is situated. In the case of highly urbanized and independent component cities, the main features of the ordinance or resolutions duly enacted or adopted, in addition to being posted, is published once in a local newspaper of general circulation within the city and in its absence, in any newspaper of general circulation.

- *Tribunal / Court Rules*

Tribunal rules are internal rules of a court or agency with express quasi-judicial powers. They govern practice and procedure for the parties who come before the courts of tribunals. Unlike in the past, the Supreme Court does not have rules for their internal workings but they have certain Resolution such as how and what cases go to the *en banc* or to a division. On July 1, 1940, the Supreme Court promulgated rules concerning pleading, practice and procedure in all courts of the Philippines & in the admission to the practice of law. It has, since then, amended the rules many times. Likewise, the Court of Appeals, Sandiganbayan, the National Labor Relations Commission, the Civil Service Commission, the Commission on Audit, the Employees Compensation Commission and others have already promulgated their standard operating procedures. Since these rules have the force of law, publication in the *Official Gazette* is a prerequisite for the effectivity of the rules. There are also secondary sources, which publish the rules of court. The best source, however, are the publications, in pamphlet or codal forms available from the respective agencies. These internal rules are sometimes filed by agencies in the ONAR that publishes the *National Administrative Register*.

- *Legislative Rules*

The rules of procedure for the internal order of law-making bodies were first adopted when the Philippine Assembly was created under the Philippine Bill of 1902. All subsequent legislative chambers followed suit; the national Assembly, then Congress and then again the National Assembly and the present Congress which were expressly authorized by the Constitution to promulgated its own rules of proceedings. The past Congresses had separate rules not only for each of the two chambers but also rules applicable for both chambers. The present Senate and House of Representatives also have their separate rules. These include also the Rules in Aid of Legislation, Rules on Impeachment Proceedings, etc.

C. Citation of Statute Law

Reproduced hereunder, with permission from the author, Myrna S. Feliciano, are portions of *Philippine Manual of Legal Citations*.

1. Constitution

The Constitution is cited by reference to article, section and paragraph. When the Constitution is no longer in force, put the year in parenthesis.

Examples: CONST. (1935), art. III, sec. 1, par. (3).
CONST. Art. VII.

2. Session Laws

Citation of source, e.g., *Public Laws, Laws & Resolutions, Vital Documents or Official Gazette* is not required but may be added. Reference to section, article or paragraph should follow not precede the main citation if the citation is in the footnote.

a. Public Laws, 1900 to 1934.

Cite as: Act No. _____ (year of effectivity), volume Public Laws page.

Example: Act No. 1160 (1904), art. 3.

b. Commonwealth Acts, 1935-1945.

Cite as: Com. Act No. _____ (year of effectivity), volume Public Laws Com. Page.

Example: Com. Act No. 52 (1936), sec. 2 (b).

c. *Presidential Decrees, September 21, 1972 to February 20, 1986.*

Cite as: Batas Blg. ____ (year of effectivity), volume VITAL DOCS. page.

Example: Pres. Decree No. 603 (1975) .

d. *Batas Pambansa July 23, 1984 to February 1, 1986.*

Cite as: Batas Blg. ____ (year of effectivity), volume ACTS & RES. page.

Example: Batas Blg. 80 (1981), ACTS & RES., 1980-81, 1-30

e. *Executive Orders, February 23, 1986 to July 26, 1987.*

Cite as: Exec. Order No. ____ (year)

Example: Exec. Order No. 329 (1950), 46 O.G. 2035 (July 1950)

f. *Republic Acts 1946 to 1972; July 27, 1987 to date.*

Cite as: Rep. Act No. ____ (year of effectivity), Volume LAWS& RES. page.

Example: Rep. Act No. 1792 (1957), sec. 4.

3. Codes

As a general rule, cite the name of the particular code, article number or section number (if any) without any indication of date. But when the code is no longer in force or has been subsequently revised, put the year of effectivity in parenthesis.

Examples: CIVIL CODE, art. 297
CIVIL CODE (1889), art. 67.

4. Bills, Resolutions And Committee Reports

a. Congress of the Philippines, 1946-1972; 1987 –

Cite bills, resolutions or committee reports in the following manner; House where the bill, resolution or committee reports originated, serial report number, the Congress, session, and year in parenthesis. For committee reports, give the name of the committee.

Examples: S. No. 5, 6th Cong. 1st Sess. (1966)

H. No. 15085, 5th Cong., 4th Sess. (1965).

S. Res. 1, 4th Cong., 1st Session. (1958).

H. Res. 2, 6th Cong., 3rd Sess. (1966).

Comm. on National Defense and Security, H. Rpt.28, 5th Cong., 1st Sess. (1962).

b. Batasang Pambansa, 1978-1986.

Cite bills in the following manner: Origin of bill, bill number, the number of the Batasan, number of the session and the year in parenthesis.

Examples: P.B. No. 2878, 2nd Batasan, 5th Sess. (1983)
C.B. No. 54, 1st Batasan, 5th Sess. (1983)

For Committee reports, cite name of Committees, Serial report number, number of *Batasan*, number of the session and the year in parenthesis.

Example: Committee on Civil Service Rpt. 545, 1st Batasan, 5th Sess. (1983).

For unofficial collection of statutes, cite by volume, title or abbreviated citation as indicated by the publisher, page.

Example: III C. P. S. 586

Some unofficial Philippine Compilations	Cite As
Commonwealth Acts Annotated-----	Com. A.A.
Philippine Annotated Laws-----	P. A. L.
Compilation of Permanent Statutes (Philippine Permanent and General Statutes)-----	C. P. S. / PPGS
Public Laws Annotated-----	Pub. L.A.
Vital Legal Documents-----	V.L.D.

5. Treaties And Other International Agreements

Cite the name of the agreement and the exact date of signature by the Philippines. The effectivity date or date of entry into force may be given parenthetically at the end of the citation. Shorten the title of the cited agreement by substituting “with” for “Between the Republic of the Philippines and, “ Give the source of the text of the treaty.

Example: Treaty of Friendship with India, July 11, 1952 (1953),
II-2 DFATS 1, 2 P. T. S. 797, 203 U. N. T. S. 73.

Treaty Sources:	Cite As
Department of Foreign Affairs Treaty Series-----	D. F. A. T. S.
Philippine Treaty Series-----	P. T. S.
League of Nations Treaty Series-----	L. N. T. S.
United Nations Treaty Series-----	U. N. T. S.
Treaties and Other International Series -----	T. I. A. S.
United States Treaties and Other International Agreements-----	U. S. T.

6. Presidential Acts

Presidential acts are cited in the following manner, giving the source of publications.

a. Executive Orders

Cite as: Exec. Order No. _____ (year).

Examples: Exec Order No. 329 (1950), 46 O.G. 2035 (July, 1950).

b. Proclamations

Cite as: Proc. No. _____ (year).

Example: Proc. No. 784 (1961), 57 O.G. 7122 (September, 1961).

- c. Administrative Orders
Cite as: Adm. Order No. _____ (year).
Example: Adm. Order No. 21 (1966), 62 O.G. 7194 (October, 1966).

PRESIDENTIAL ACTS UNDER MARTIAL LAW:

- d. *General Orders*
Cite as: Gen. Order No. _____ (year).
Example: Gen. Order No. 39 (1972).
- e. *Letters of Instructions*
Cite as: L. O. I. No. _____ (year).
Example: L. O. I. No. 230 (1972).
- f. Letters of Implementation
Cite as: L. O. Impl. No. _____ (year).
Example: L. O. Impl. No. 5 (1972).
- g. Letters of Authority
Cite as: L. O. A. No. _____ (year).
Example: L. O. A. No. 1 (1972).
7. Opinions of the Secretary Of Justice
Cite as: Sec. Of Justice Op. No. _____, s. (year).
Example: Sec. Of Justice Op. No. 271, s. 1982.

8. Administrative Rules and Regulations

Rules and Regulations promulgated by administrative agencies are cited by name of agency (where there is an abbreviation for the agency, use abbreviation or acronym) together with the designation employed in the rules (“administrative order “, “order”, “circular” “bulletin”, “rules and regulations”, etc.), serial number, and year of promulgation in parenthesis. The designation “Rules and Regulations” is abbreviated as “Rules & Reg.” Or “reg.” Followed by a reference to section or paragraph. Where the promulgating agency is a Department, indicate, where appropriate, the implementing bureau or office.

Examples: DCI (Cooperatives) Adm. O. No. I (1963).
DNR (Forestry) Adm. O. No. 26 (1976).
Labor Employment Service Reg. No. 3 (1966).

9. Ordinances

Cite provincial and city ordinances in the following manner: Name of the municipal or provincial Unit, serial number of ordinance, and date of adoption.

Example: Manila Ordinance 6120, Jan. 26, 1967.

10. Court Rules

Rules of Court is cited as a code. When the rules are no longer in force, add year of effectivity in parenthesis.

Examples: RULES OF COURT, Rule 130, sec. 2, par. (a).
RULES OF COURT (1940), Rule 19, sec. 7, par. (b).

IV. RESEARCH IN CASE LAW

A. Concept, Scope and Classification of Case Law

Case law is the general term that refers to a great class of official literary manifestations of law made up of cases decided by persons and agencies of the government performing judicial and quasi-judicial functions³⁶. Judicial decisions provide the second important set of rules, which have the force and effect of law consisting of those legal principles emanating from the decisions of courts of justice.

Generally, case law may be divided into conventional decisions and subordinate decisions. Conventional decisions are those decisions which emanates from regularly or specially constituted courts of justice. Subordinate decisions, on the other hand are those decisions made in accordance with law, by administrative and legislative tribunals.³⁷

In particular, case law is classified as follows: decisions of regular courts of justice; decisions of special courts of justice; decisions of administrative tribunals, decisions of legislative tribunals; rulings of board and commissions; rulings of administrative officers; and opinions of legal officers of the government.³⁸

B. The Philippine Court System

Under the 1987 Constitution of the Philippines in Article VIII, Section 1, the judicial power is vested in one Supreme Court and such lower courts as may be established by law.

Appendix II shows the courts in the Philippines as established by the Judiciary Reorganization Act of 1980 as amended.

C. Case Law Materials

- *Conventional Decisions*

Decisions of the Supreme Court

When the Supreme Court renders a decision, a written opinion or memorandum exemplifying the ground and scope of the judgment of the court shall be filed with the Clerk of Court and shall be recorded by him in an opinion book. When the court shall

³⁶ *Supra note 28 at 73.*

³⁷ *Ibid.*

³⁸ *Id. at 74.*

deem a decision to be of sufficient importance to necessitate publication, the Clerk shall furnish a certified copy of the decision to the Reporter. The Reporter then prepares and publishes with each reported decision a concise synopsis of the facts necessary to clear understanding of the case, stating the names of counsel, together with the material points raised and determined, citing each case, which shall be confined, as near as possible to points of law decided by the courts on the facts of the case without necessity of reciting the facts.³⁹

1. Official Repositories of Decisions of the Supreme Court – What distinguishes a law report as official is the fact that it is printed under the supervision of an authorized government agency. The decisions of the Supreme Court appear in three official publications, namely: *Advance Sheets*; *Official Gazette*; and the *Philippine Reports*.
 - a. *Advance Sheet* – As soon as decisions of the Supreme Court become final they are published in advance sheets in mimeographed form. Thus they are made available to the bench and the bar at the earliest date possible, much earlier than their publication in the *Official Gazette*.
 - b. *Official Gazette* – The *Official Gazette* is an official publication of the government printed by the National Printing Office. The decisions of the Supreme Court are published under the section, “Decisions of the Supreme Court.” While before all these decisions were published in the *Official Gazette*, at present because of the volume of decisions promulgated by the Supreme Court, not all are found in the *Official Gazette*.
 - c. *Philippine Reports* – Decisions of the Supreme Court from August 8, 1901 are published in the *Philippine Reports*, printed by the National Printing Office. The decisions are arranged according to the dates of their promulgation. As soon as there are about seven hundred fifty pages of decisions published in the *Official Gazette*, the Reporter gathers them and publishes them in the *Philippine Reports*. At the outbreak of the Pacific War, the Bureau of Printing printed 74 volumes of the *Philippine Reports*, with the latest decision dated October 31, 1937.

Decisions of the Supreme Court during the Japanese Occupation were not preserved completely. However, some decisions are found in volumes 73 and 74 of the *Philippine Reports*. After the war, it resumed the printing of volume 75 up to volume 110, which covered decisions promulgated from Nov. 23, 1960 to January 31, 1961. The Bureau of Printing continued printing of the *Philippine Reports* up to volume 126, covering the period from April to June 1967. The Supreme Court took over starting with vol. 127 (July 1967) to vol. 411 (June, 2001).

³⁹ *Supra* note 30 at 166.

- d. *Philippine Reports (Reprints)* – The destruction of libraries and reserve copies of Philippine Reports in the Bureau of Printing during the war necessitated the reprinting of these reports and the Supreme Court entrusted the undertaking to the Lawyers' Cooperative Publishing Co., which by photo-offset process, reprinted the first 74 volumes of the Philippine Reports. However, the index-digest found in the original volumes is omitted in the reprinted set.
- e. *Jurisprudencia Filipina* – This is the Spanish edition of the Philippine Reports, also printed by the Bureau of Printing. It is arranged in the same order as that of the Philippine Reports, each volume containing the same cases published in the corresponding volume of the Philippine Reports. Its publication was discontinued during the war to the present. Like the English edition. It contains the same parts.

2. Unofficial Reporting of Supreme Court Decisions

- a. *Philippine Decisions* – Unofficial law reporting in the Philippines is exemplified by the publication known as Philippine Decisions (Community Publishers, Inc., Manila), which selected the leading cases reported in Vols. 1 to 54 of the Philippine Reports and collected them in 10 volumes. It actually served as an economical unit of the Reports. Four more volumes were published after the war, but the publisher of the Decisions had altered the scheme and arrangement of the original set, by reporting all the decisions of the Supreme Court for 1948 and 1949.
- b. *Philippine Reports Annotated* – This is a private publication in 33 volumes corresponding the volumes 1 to 33 of the Philippine Reports. The cases reported are annotated by the publisher with legal principles from cases subsequently decided by the court, bearing on the points of law enunciated in the case reported. Thus, with the use of this annotated edition, the researcher is informed whether the decisions has been cited in a subsequent decision and whether such subsequent decision has adopted or overruled the legal principle in the earlier decision. The publication ended with Volume 33.
- c. *Philippine Reports Annotated (Central)* – This is different from the previous one. Central Book Supply Inc publishes this PRA. It hopes to republish and annotate Supreme Court Decisions from 1901 to January 31, 1961 totaling 110 volumes. So far, it has published volumes 1, 2, 3, 4, 5, 6, 76, 77, 88, 89, 90, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 106, 107, 108, 109 and 110. Other volumes will be released soon.
- d. *Supreme Court Reports Annotated (SCRA)* – The SCRA is the leading private publication at present of Supreme Court decisions. Central Lawbook Publishing Co., and the Central Book Supply Inc., containing all the decisions of the

Supreme Court starting with the year 1961, publishes it. It has now 363 volumes, the latest containing SC decisions decided in 2001.

Each volume contains a table of cases reportedly arranged in alphabetical order with the page number of each case given; the arrangement in alphabetical order is also given in the reverse form. The cases published in each volume are arranged according to the date when the decision was promulgated. The main body of each case includes the name of the litigants, the case number and the date of promulgation. Other important contents of this set are: annotation on important legal questions, giving the state of the law on important questions, their historical development and application; authoritative and comprehensive syllabi for each reported case; a subject-index at the end of each volume which is alphabetically arranged; a set of 4 volumes of *Quick Index Digest*; and *SCRA Annotations*, a helpful guide in instructive annotations and opinions on significant Supreme Court decisions.

- e. *Supreme Court Decisions (SCD)* – This set is a publication of the decisions of the Supreme Court of the Philippines, starting January 1, 1982. The decision of the Supreme Court each month are compiled in one volume, under the editorship of Atty. Jose N. Nollado and published by the National Book Store. The decisions of the Supreme Court are published according to the dates of their promulgation. The Table of Contents lists all the cases promulgated each month; arranged according to the dates of promulgation stating the “G.R. Number,” date of promulgation, title of the case and the *ponente*, and the corresponding page in the volume where each case may be found. Each decision is published in full and is preceded by an expertly prepared syllabus. At the end of each volume is a subject index.
- f. *Philippine Law and Jurisprudence (PHILAJUR)* – This publication started in November 1977 reporting both law and jurisprudence. Current Events Digest, Inc publishes it. Each volume of PHILAJUR consists of five parts: Legislation; Supreme Court decisions; Digest of Court of Appeals Decisions; Legal Articles; and Indexes. It has ceased publication.
- g. *Supreme Court Unpublished Decisions (SCUD)* – this publication contains the unpublished decisions of the Philippine Supreme Court. This is compiled by Judge David G. Nitafan and the Editorial Staff of the Central Lawbook Publishing Co., Inc. Volume 1 contains the unpublished decisions of the Supreme Court from March 1946 to February 1952 while Volume 2 has the March 2, 1952 to March 30, 1954 unpublished decisions.
- h. *Supreme Court Advance Decisions (SCAD)* – This is prepared by the Legal Editorial Staff of Rex Book Store, Inc. It publishes all decided cases promulgated by the Supreme Court. It started with Vol.41 containing decisions and resolutions of the Supreme Court in May 1993 and its latest volume is

Volume 144 containing SC decisions from February 21 – March 1, 2001. The SCAD is published monthly, immediately after the decisions are promulgated, the practitioners and the students have ready access to the latest available decisions rendered by the Supreme Court.

- i. *Supreme Court Excerpts (SCEX)* – This book authored by Atty. Aristotle T. Dominguez is published by Rex Book Store. The book attempts to combine the strengths of the various publications containing 410 Supreme Court excerpts extracted from 304 Supreme Court decisions and resolutions promulgated from Sept. 3, 1996 to January 31, 1997.
- j. *Summary of Supreme Court Rulings* – This is authored by Atty. Daniel T. Martinez and published by Central Book Supply, Inc. This work aims to provide the law students especially those who are preparing to take the bar examinations supplementary reading materials on the latest rulings of the Supreme Court. The Supreme Court rulings are collated into eight chapters corresponding to the eight bar examinations subjects in the order the Supreme Court gives them. It now has 45 books containing summaries of SC decisions from 1986 to 1998.
- k. *Citations: Excerpts of Supreme Court Decisions* – This publication authored by Lerio Caballero Castigador has six volumes: Vol. 1, July-December 1990: Abuse of Discretion to Words and Phrases; Vol. 2, January-April 1991: Abuse of Discretion to Workmen’s Compensation; Vol. 4, September-December 1991: Actions to Workmen’s Compensation; Vol. 5, January-April 1992: Eight Bar Subjects; Vol. 6, May-August 1992: Eight Bar Subjects.
- l. *The Sandiganbayan Reporter* – This book authored by Atty. Rufus Rogriguez is published by Central Lawbook Supply and contains all cases decided by the Supreme Court involving the Sandiganbayan – Vol. 1 from Feb. 28, 1980 to April 7, 1988, 1994 Edition; Vol. 2 from April 15, 1988 to December 5, 1991, 1995 Edition.
- m. *The PCGG Reporter* – This book is likewise authored by Rufus Rodriguez which contains SC decisions involving the Philippine Commission on Good Government (PCGG) starting from the first case of Cruz, Jr. v. PCGG, May 27, 1986 up to Romualdez v. Sandiganbayan, May 16, 1995.

Decisions of the Court of Appeals

The Court of Appeals serves as our intermediate appellate court. As to whether the decisions of this Tribunal shall constitute precedents, the Supreme Court of the Philippines, in the case of *Miranda, et al. V. Imperial* (77 Phil. 1066) held: “Only the decisions of this Honorable Court establish jurisprudence or doctrines in the jurisdiction. However, this does not prevent that a conclusion or pronouncement of the Court of

Appeals which covers a point of law still undecided in our jurisprudence may serve as juridical guide to the inferior courts, and that such conclusion or pronouncement be raised as a doctrine if, after it has been subjected to test in the crucible of analysis and revision, this Supreme Court should find that it has merits and qualities sufficient for its consecration as a rule of jurisprudence.”

Following are the publications for cases decided by the Court of Appeals.

1. *Appellate Court Reports* – The decisions of the Court of Appeals were originally published in the Appellate Court’s Reports by the Court Reporter. Although preparations were completed for the publication of the Reports, only two volumes were released. The first was Vol. I, embracing the decisions of the appellate court from February 29, 1936 to December 29, 1936. The other was Vol. VIII, covering the period from January 8, 1947 to June 30, 1947.
2. *Advance Sheets* – Decisions of the Court of Appeals had been published in advance sheet starting January, 1960, but this practice was discontinued in 1963.
3. *Official Gazette* – When the Court deems a decision or resolution to be sufficient importance to require publication, the Clerk of Court furnishes a certified copy of the decisions of the reporter who prepares a syllabus for each case to be published with the cooperation of the author of the decision and is responsible for its publication in the Official Gazette. Each case is published in the language it is originally written.
4. *Court of Appeals Reports* – This set of reports containing decisions of the Court of Appeals has 25 volumes from 1961 to 1980. Its first volume contains decisions rendered in 1961. The last volume was Volume 25 and the last case reported was *People v. Estonina*, Dec. 29, 1980. Except for the title, this set has the same features as those of the Appellate Court Reports.
5. *Court of Appeals Reports Annotated* – This publication contains selected decisions of the Court of Appeals. It is compiled, annotated and edited by the editorial staff of the Central Lawbook Publishing Co., Inc. volume 2 has the January to June 1987 decisions. Its latest volume is Vol. 9 containing July-December, 1990 decisions.

Decisions of the Sandiganbayan

The *Sandiganbayan* a collegiate trial court established by the Constitution to try crimes by public officers, published the Sandiganbayan Reports in 1980, which contained its decisions from December 1979 to February 1980. However, this was not succeeded by other volumes.

Decisions of the Court of Tax Appeals

Under Rep. Act No. 1125, the Court of Tax Appeals was established, with exclusive appellate jurisdiction over tax and customs cases. This jurisdiction is however intermediate, since the decisions of the Court are subject to review by the Supreme Court. The Tax Court is directed by law to provide for the publication of its decisions in the Official Gazette in such form and manner as may best be adopted for public information and use.

Court of Tax Appeals Digest of Customs and Real Property Tax Cases (1973) and *Court of Tax Appeals Digest of Internal Revenue Code* (1971) by Colon are publications on cases of the CTA.

Decisions of the Regional Trial Courts

Their decisions have not been published in official reports or in books of secondary authority. Its judgments on matters of evidence is usually respected, although there have been rare moments when its opinion on points of law have been cited for persuasive influence. In order to secure a copy of decisions from this court, one has to request from their respective sala.

Decisions of the Metropolitan Trial Court, Municipal Trial Courts and Municipal Circuit Trial Courts

Their decisions have likewise not been published in any official report or publication. The respective courts themselves are the only places where their decisions are found.

- Subordinate Decisions

The Senate Electoral Tribunal and the House of Representatives Electoral Tribunal

The 1987 Constitution in section 17, provides that the Senate and the House of Representatives shall each have an Electoral Tribunal, which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief of Justice, and the remaining six shall be Members of the Senate or the House of Representatives, as the case may be, who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The senior Justice in the Electoral Tribunal shall be its Chairman. The House of Representatives has published its Electoral Tribunal Proceedings in its publications, titled *HRET Reports: Final Orders, Resolutions, and Decisions* in seven volumes.

-- *Administrative Agencies Exercising Quasi-Judicial Powers*

1. Agencies with implied quasi-judicial powers

These are agencies mostly with investigative functions. In fact, all agencies may be said to enjoy implied quasi-judicial powers. Just to name a few examples, these are the Department of Foreign Affairs, the Commission on Immigration and Deportation, the Office of the President, Secretary of Justice, National Wages Council, Philippine Patents Office, Bureau of Land Transportation, Civil Service Commission, Professional Regulatory Commission and the Tanodbayan.

2. Agencies with express quasi-judicial powers

These are agencies which are actually given judicial functions over cases which would otherwise go to the regular courts of justice were it not for the grant of such powers to these agencies. They are sometimes characterized with specific appeal procedures under the law. These are the Insurance Commission, the National Labor Relations Commission, Commission on Elections, Government Service Insurance System, Social Security System, National Seamen Board, Commission on Audit, Employees' Compensation Commission, Civil Aeronautics Board, and other similar agencies. For other agencies performing quasi-judicial functions. See the list available in the ONAR.

D. Citation of Case Law

1. *Case Names*

a. General Rule

Cite cases by giving the surname of the parties, the volume, title and page of reports, and the year of promulgation in parenthesis. Abbreviate versus or contra as v. When used in the text, underscore the title of the case (if printed, italicize); and place the source or citation in the footnote.

Example: *Ariaga v. Javellana*, 92 Phil. 330 (1952).

If two or more actions are consolidated in one decision, cite only the first listed.

b. Exceptions

(1) Cite Islamic and Chinese names in full. As to those with Christian first names, follow the general rule.

Examples: *Lim Sian Tek v. Ladislao* not *Lim v. Ladislao*
Wong v. Dizon not *Joseph Wong v. Dizon*
Una Kibad v. Commission on Elections not
Kibad v. Commission on Elections

(2) Cite compound names in full.

Examples: *People v. De la Cruz* not *People v. Cruz de la*
Abad Santos v. Auditor General not *Santos v. Auditor General*
Galeos-Valdehuesa v. Republic not *Valdehuesa v. Republic*

(3) Always cite names of corporations, associations, business firms and partnerships in full. Words forming part of such names may be abbreviated, except the first word.

Examples: *Mata v. Rita Legarda, Inc.*

Allied Workers Ass'n. of the Phil. v. Republic Trading Corp.

(4) Cite cases involving the Government of the Philippines and criminal cases as follows:

Government v. _____; Commonwealth v. _____;

Republic v. _____; U.S. v. _____;

People v. _____; depending upon the title of the case.

Examples: *Government v. Abadinas*

Commonwealth v. Corominas

Republic v. Carpin

U.S. v. Jaranilla

People v. Santos

(5) Cite cases involving public officers or offices as follows:

(a) Where the person is named in his official capacity, give the name of the person only.

Examples: *City of Manila v. Subido* not *City of Manila v.*

Subido, in his capacity as Civil Service Commissioner

Gonzales v. Hechanova not *Gonzales v. Executive Secretary*

(b) Where the office is names, give the complete name of the office.

Examples: *Collector of Internal Revenue v. Tan Eng Hong*

Chief Of Phil. Consultancy v. Sabungan Bagong Silangan

Board of Election Inspectors of Tolosa v. Piccio

Assistant Executive Secretary v. Sarbro & Co.

(6) Always cite Municipality of _____, City of _____.

Province of _____, as they appear in the decisions.

Examples: *Province of Rizal v. R. T. C.*

City of Cebu v. Ledesma

Municipality of Mandaluyong v. Bautista

(7) Cite case names beginning with procedural terms like *ex parte*, *ex rel* and *in re* as they appear in the decisions. Use *In re* instead of *In the matter of*.

Examples: *Ex parte Milligan*

In re Garcia

U.S. ex rel Greathouse v. Smith

2. Case Reports

a. Supreme Court Decisions

When the decision is already found in the official published Philippine Reports, indicate only the Philippine Reports citation.

- (1) *Philippine Reports*
Cite as: volume Phil. page (year)
Example: *Diaz v. Estrera*, 78 Phil. 637 (1947).
- (2) *Official Gazette*
Cite G.R. docket no. and date of promulgation before the O.G. citation.
Cite as: G.R. No. _____, date promulgated, volume O.G.
Page (Month & year of issue)
Example: *Espiritu v. Rivera*, G.R. No. 17092, September 30, 1963,
62 O.G. 7226 (Oct., 1966).

If the decision is found in a supplement, indicate supplement number, page and date of issue.

Example: 46 O.G. Supp. No. 11, 22 (Nov., 1950).

- (3) General Register (G.R.) – Advance decisions of the Supreme Court.
Cite as: G.R. No. _____, date of promulgation, omitting the L-which refers to post-liberation decisions.
Example: *Estepa v. Diansay*, G.R. No. 14733, September 30, 1960.
- (a) For disciplinary cases against attorney-at-law:
Cite as: G.R. Adm. Case No. _____, date of Promulgation.
Example: *In re Mallare*, G. R. Adm. Case No. 533, April 29, 1968.

Note: For unofficial reports of cases, see Rule II. AI.b.

- (b) For disciplinary cases against judges: Cite as: G.R. Adm.
Case/Matter No. _____, date of promulgation.
Example: *Secretary of Justice v. Catolico*, G.R. Adm. Case No.
203-J & Adm. Matter No. 625-CFI, November 18, 1975.

b. Court of Appeals Decision

- (1) Appellate Court Reports (v.2, 1937 and v.8, 1947 are the only ones published) –
Cite as: volume C.A. Rep. page (year)
Example: *Chunaco v. Singh*, 8 C. A. Rep. 488 (1947).
- (2) Court of Appeals reports, Second Series
Cite as: volume C.A. Rep. 2d page (year)
Example: *Flores v. Valpeña*, 2 C.A. Rep. 2d 64 (1962).
- (3) Court of Appeals General Register (C.A.-G.R.)- Advance decisions of the Court of Appeals.
Cite as: C.A.-G.R. No. _____ -R, CV, CR or SP, date of
Example: *Caliboso v. Bueno*, C.A.-G.R. No. 20401-R, April 8, 1960.
- (4) Official Gazette
Cite as: C.A.-SP or CR or CV No. _____, (date of promulgation,
volume O.G. page (month & year of issue).

Example: *Manila Electric Co. v. Allarde*, C.A.-SP No. 11850, May 15, 1987, 86 O.G. 3447 (May, 1990).

c. Other Courts

- (1) Sandiganbayan Decisions
Cite as: Sandiganbayan Crim. Case No. _____, date of promulgation, volume Sandiganbayan Rep. page (year of issue).
Example: *People v. Sabarre*, Sandiganbayan Crim. Case No. 001, December 12, 1979, 1 Sandiganbayan, Rep. 305 (1979).
- (2) Court of Tax Appeals Decisions
Cite as: CTA Case No. _____, date of promulgation.
Example: *Abad v. Commissioner of Internal Revenue*, CTA, Case No. 717, June 4, 1963.
- (3) Regional Trial Court Decisions
Cite as: RTC (Place & Branch No.) Crim. Case or SP No. R- _____, date of promulgation.
Example: *People v. Johnson*, RTC (San Jose, Occidental Mindoro, Br. 45) Crim. Case R-1681, August 6, 1984.
In re Morales, RTC (Dagupan City, Br. 43) SP-2472, December 7, 1989.
- (4) Metropolitan Trial Courts Decisions
Cite as: Me TC (Place & Branch No.) Civil or Criminal Case No. _____, date of promulgation.
Example: *Shell Distribution Co., Inc. v. Balmaceda*, Me TC (Manila, Branch X) Civil Case No. 59563, July 20, 1982.
- (5) Municipal Trial Courts and Municipal Circuit Trial Courts Decisions
Cite as: MCTC or MTC (Place) Crim. Case No. _____, date of promulgation.
Example : *People v. Soliven*, MCTC (Paoay—Currimao, Ilocos Norte) Crim. Case No. 992-C, November 11, 1983.
- (6) Shari'ah District and Circuit Courts
Cite as: Shari'ah Dist./Circ. Ct. (place), date of promulgation
Example: *Al-Awadhi v. Rulona*, Shari'ah Dist. Ct. (Marawi City) Special Proceeding No. 011-87, September 15, 1988.

d. Administrative Decisions

Cite by the name of the agency (when there is an abbreviated form, use abbreviation or acronym), case number and date of promulgation.

Examples: *Tinio v. Dizon*, DANR Case No. 2734, April 24, 1967.
In re Colorado, CSC Adm. Case No. R-27182, September 29, 1964.

For unofficial reports of cases, cite by volume, abbreviated citation of the Reports as indicated by publisher, page and year.

Example: 46 S.C.R.A. 160 (1972)

Some unofficial Philippine Reports:	Cite As
Court of Appeals Reports Annotated-----	CARA
NITAFAN'S Supreme Court Unpublished Decisions-----	S.C.U.D.
Philippine Decisions-----	Phil. Dec.
Philippine Law Decisions-----	P.L.D.
Philippine Law and Jurisprudence-----	PHILAJUR
Philippine Reports Annotate-----	P.R.A.
Supreme Court Decisions-----	S.C.D.
Supreme Court Reports Annotated-----	S.C.R.A

V. SEARCH BOOKS / LAW FINDERS

A. Introduction

Search books or law finders constitute the third classification of law books. They differ very sharply from the first two in that they neither contain the law nor any statement or explanation of the law, except in a very few of them. As a rule these books simply indicate to the researcher where he can find certain cases or certain collection of case, presumably pertaining to a particular subject of the law, give some information regarding cases or statutes other than contents.

Many of these books serve as guideposts in the search for authority, giving the searcher explicit directions as to the path, which he must take in order to find the case or cases or statutory provision embodying the legal principle he is looking for. However, some search books merely give an indication of the general direction of his search that may lead him to the authorities he desires to find. Although these books cannot be regarded as authority, or cited to support a statement of the legal principle, it is nonetheless true that some of the most useful law books belong to this class.

Search books are not only numerous, but they are various kinds, each designed to serve one or more specific purposes. There are finding tools for statutes and there are case finders that are indexes and digests. They vary greatly in form but notwithstanding this variety of form, they may, for practical purposes, be divided into several classes: Legal Textbooks, Legal Encyclopedia, Law Dictionaries, Legal Digests, Legal Periodicals, and Citators.

B. Legal Textbooks

A legal textbook is one, which summarizes the present status of the law, for professional use, or the development and the general principles of the existing law, for study and references. As will be noted, this type of treatise has two main purposes. The textbook written for the lawyer in his practice compiles provisions of law and court decisions pertinent to the subject of which it treats. The main text is either a recitation of the law itself, quoted or restated, or it is anchored to a generous spread of footnotes. Tables of statutes and cases cited as well as appendices of related laws are usually included.

The textbook prepared for the student of law, on the other hand, is more concerned with the choice of authorities than with their number. While statutes dealing with the subject are given verbatim, only those judicial opinions illustrating the growth and development of the law are provided. The author's handiwork consists chiefly in the selection and arrangement of materials, which he personally believes are best, suited to the study of the subject. The treatises are written in the form of running text or outline; they appear in such titles as manuals, notes outlines, principles, readings, cases and materials, handbooks, guides, studies, or the law of the subject.

There is a type of textbook for student use known as bar reviewer, prepared mainly for those graduates who are reviewing for the annual bar examinations given by the Supreme Court. The reviewer consists of abridged matter, questions and problems previously asked in bar examinations, definitions, distinctions and enumerations, all calculated to aid the candidate for the bar in his examinations. Or it may simply be a list of words and phrases, used in a particular law, defined and distinguished from other terms.

C. Legal Encyclopedia

Legal encyclopedias are designed to supply in concise form, brief but comprehensive statements of the current law topics combined into one sequence. Thus, the encyclopedia is not designed for the laymen or students but primarily for busy practicing lawyers.

Legal encyclopedias are not difficult to use. Topics are arranged alphabetically. Under each main topic are various subtopics that further divide the legal points under the topic. The researcher can locate information in an encyclopedia by several methods: by general index, by topic approach, by volume index, or by table of authority. Encyclopedias are classified as national encyclopedias, local encyclopedias, especially encyclopedias.

In the Philippines, two publications can be classified as legal encyclopedias but only the first volumes have been published. These are *Alvir's Encyclopedia of*

Philippine Laws and Venidas, Encyclopedia of Philippine Laws and Jurisprudence. The Philippine Legal Encyclopedia of Sibal, however, is more of a Philippine legal dictionary than an encyclopedia.

D. Law Dictionaries

Generally, a law dictionary is composed of terms, words and phrases, with their definitions. These definitions are synthetic as they arise out of the use to which the words or phrase has been put in a great many instances and situations. The definitions consist of a synthesis of its use. Once a court has been called upon to construe a word or phrases in a statute or in a document of some kind and has construed that a word or phrase that construction thereafter is the true meaning of that word or phrase in that statute or in documents of that type.

Law dictionary is also defined as a book which is arranged alphabetically and defined words which constitute the terminology of the law as a special branch of knowledge, of common words which have been defined in the process of law-making, judicial interpretation or administration of the law.

Law dictionaries are sometimes called mini-encyclopedias. *Bouvier's Law Dictionary*, in two thick volumes, has as its full title "Law Dictionary and Concise Encyclopedia." They are very helpful in obtaining useful authorities in a quick manner. Though foreign to the Philippines, many principles therein are applicable.

The leading law dictionary is the *Philippine Law Dictionary* of Justice Federico B. Moreno. The first edition came out in 1972 and has had Annual Supplements thereafter until it was again revised in 1983. The book is a collection of words and phrases, classified in dictionary A to Z form, as legally and judicially defined and accepted particularly by the Supreme Court.

Other law dictionaries are those of: Burton, *Legal Thesaurus*; Gamboa, *Dictionary of International Law and Diplomacy*; Isidro, *Philippine Labor Dictionary*; Nollado, *Dictionary of Legal Terms*; Tiopancho, *Dictionary of Insurance Terms and Phrases*; and Lee, *Handbook of Legal Maxims*, to name only a few.

In wide use in the Philippines is *Words and Phrases* with 45 volumes. Also to be found in many book collections are *Black's Law Dictionary*, *Bouvier's Law Dictionary* and *Ballentine's Law Dictionary*. We may also mention Bander and Wallach, *Medical and Legal Dictionary*; Casselman, *Labor Dictionary*; Malloy, *Medical Dictionary for Lawyers*; and Strand's, *Judicial Dictionary of Words and Phrases*.

E. Legal Digests and Indexes

A legal digest is a compilation of paragraphs containing concise statements of legal principles which may be deduced from statutory enactments to form a digest of statute law, or which may be gathered from careful study of the decisions to form a digest of case law, grouped under appropriate headings, which are arranged alphabetically. The digested paragraph consists of statement of facts of the case and the principle of law, which the court has applied to those facts. These digests, both for cases and statutes, serve as a subject index or a topically arranged finding tool.

In any survey of Philippine jurisprudence, it is a must to consult the major case digests, such as: *Philippine Digest*; *Republic of the Philippine Digest*; *Velayo's Digest*; *SCRA Quick-Index Digest*; U.P. Law Center *Survey of Philippine Law and Jurisprudence*; U.P. Law Center, *Philippine Law Report* and U.P. Law Center, *Supreme Court Decisions: Subject Index and Digest*; and the *Case Digest of Supreme Court cases* published by the Supreme Court for dissemination to the judges. The individual case digests of Gupit, Martinez, and Magsino of Supreme Court decisions, which have been earlier discussed, are also worth mentioning.

Title indexes as a finding tool for both statutory and the case law are also provided by the case reporters and statutory books either as separate volumes or as an end part of each volume. For instance, Public Laws of the Philippine Island, Public Laws of the Commonwealth, Laws and Resolutions, Acts and Resolutions have their respective subject and title index. Secondary publications for indexes to statutes include Moran, *Index to Republic Acts*; Albert and Daga, *Philippine Laws Made Easier to Find* (1954); Arroyo and Frianeza, *Topical Index: 1986 Presidential Issuances* (1987); Feliciano and Santos, *Subject Guide to Presidential Decrees and Other Presidential Issuances*; Laureta, *Presidential Decrees with General Orders and Letter of Instructions* (1978); Aguirre, *Subject and Title Index to Executive Orders* (1987).

Index to cases arranged alphabetically by title, include, Desk Book volume of the *Philippine Digests*, and *Republic of the Philippine Digest*; Ateneo de Manila University *Index to Cases Decided by the Supreme Court 1961-75* (1977); Santos-Ong, *Title Index to Supreme Court Decisions, 1945-1978*. At present, retrieval of cases by title are easily accessible through online legal databases and CD-ROM publication.

F. Legal Periodicals

Legal periodicals are journals of articles written by judges, professors, law students, and legal experts on various legal topics. Law schools, professional organizations, and law associations publish legal periodicals.

Many law schools have a group of top law students who publish a law review for their school. The law reviewee, as these students are called, decides what articles to

publish. A law review may publish articles written by professors or by the students themselves. This is the practice in the University of the Philippines College of Law, *Philippine Law Journal* and Ateneo de Manila University *Ateneo Law Journal*. Some law schools also publish specialized scholarly journals that may be edited by professors or other scholars rather than law students, i. e. *Philippine Yearbook of International Law* or *World Bulletin* of the U. P. Law Center. For example, the *IBP Journal* contains articles on many practical issues of current interest. Special interest groups that deal only with certain topics publish other legal periodicals.

Legal periodical articles usually are scholarly and provide considerable depth about issues of current interest. It may be published weekly, monthly, quarterly, or annually. Often legal periodicals are published in paperback format, and this pamphlet may be bound together.

Legal periodicals serve a variety of function. It is not unusual for a legal periodical to identify an evolving area of law. A legal periodical can help sort through apparently confusing cases or complicated statutory developments and provide a rationale for the law. Typically, legal periodicals give researchers additional insight into law. Periodical literature is published so often that it becomes a rich source for the current thoughts on most topics of legal interest.

Some legal periodicals provide basic background information about the law. Other legal periodicals provide opinions or analysis of law. A legal periodical may be critical of a law or a trend in the law. Although legal periodicals are not used routinely in the initial phase of a research project, the articles in them do provide back-up citations for research. They can prove particularly productive, even in initial phase of research, for the researchers looking into a unique or new area of the law.

To search for specific legal periodical articles, one uses the indices that are available. The two most commonly used indices are the *Index to Legal Periodicals* and the *Current Law Index*. These indices are the most commonly used index, table-of-cases and table-of-statute indices, and a book review index.

The Index to Legal Periodicals provides access to over five hundred legal periodicals. It covers legal periodicals published since 1900 and can be searched on-line through both *LEXIS-NEXIS* and *WESTLAW*. There is a *CD-ROM* version of this index called *WILSONDISC*, also published by H.W. Wilson.

The advantage of using a *CD-ROM* version like *LegalTrac* or *WILSONDISC* is that the researcher does not have to look through volume after volume (a year by year search) for articles. The researcher can look under a particular heading and find relevant references. *LegalTrac* covers approximately one hundred more journals than the *Current Law Index*.

Sad to say, in the Philippines there are no available published index to legal periodical articles. At most, each journal like Ateneo Law Journal has its own consolidated index and most law libraries provide its own homemade index to journals available in their collection.

G. Citators

The final step in doing legal research is updating the law. This step involves making sure the legal rules researched is still a valid law. *Shepardizing* is the most widely used method of updating the law. It is a research technique unique to law. When used as a verb, it refers to the process of consulting the *Shepard's Citations* volume for the complete history and treatment of the case by other courts. The primary purpose of consulting Shepard's Citations is to bring the case up to date. Shepard's will indicate if the case has been affirmed, modified or reversed on appeal. In addition, Shepard's will indicate how your case has been treated in subsequent decisions of the same court (e.g. followed, criticized, limited, questioned, or overruled). Thus, a case must always be shepardizing to ensure that it is still a good law and has not been overturned or modified by a subsequent decision. There are separate Shepard's Citations for every state, regional, federal, and Supreme Court Reporter, as well as for all statutes and some administrative agency rulings and law review articles.

The only published citators in the Philippines are those of Alberto Dizon, *Philippine Citations* and of Arturo Paras, *Philippine Citations*. They are not in the category of Shepard's Citations with respect to extensiveness but they can be very useful to those who use them. Unfortunately, in the Philippines, we do not have a citator in the caliber of Shepard Citations.

It is in this regard that the Integrated Bar of the Philippine, a national association of Philippine lawyers, through their publications, IBP Law Journal and Magazine has espoused a pressing need for Sheppard's Citations, Philippine style. It was suggested by the proponent to have the Supreme Court or Congress impose additional filing fees for the cases filed in court, one percent (1%) of the total amount of which to be used exclusively for project "Philippine Citations."⁴⁰

VI. COMPUTER ASSISTED LEGAL RESEARCH (CALR)

A. Internet and On-Line Services

⁴⁰ L. de Vera, *Shepards Citations, Anyone?* The Agony and Inadequacy of Philippine Legal Research in Vols. 23 & 24 *IBP Law & Mag* 7 (1997-98).

Although a full discussion of computerized legal research is beyond the scope of this topic, the subject warrants an introduction because of the increasing role computers play in the legal profession in the field of legal research. Information Technology (IT) revolutionizes the traditional way of research in law. Now computers have become a daily part of the legal research process.

In the beginning, before you can use a computer-assisted legal resource you must first have access to the service. But at the present time databases in law and other system can easily be accessed *via* Internet

The Internet is providing us new research opportunities for legal and non-legal research prompting new computer applications in law firms and business. Because the Internet is a worldwide network of computers, a researcher can search around the world for legal and non-legal information. A researcher using the Internet can connect with computers at the Library of Congress, the House of Representatives, or the White House. An Internet user can also send a communication through E-Mail, participate in bulletin board discussion, retrieve files and login to remote locations. A researcher, for instance, can locate a US Supreme Court Decision or the Code of Federal Regulation on the Internet. Reference questions can be posed to law librarians around the world, or the user can connect directly into a computer card catalog called *On-line Public Access Catalog (OPAC)*.

In the Philippines, the online services of *Lexis-Nexis* as well as *Westlaw* are now on subscription in law libraries like the UP College of Law and Asian Development Bank (ADB). Through these databases, subscribers now have access to an enormous collection of legal information organized into libraries according to jurisdiction, which comprises literally millions of pages of law reports, unreported cases, and statutory texts. Altogether, the information in these databases also contain news & business data which enables the subscriber to develop a global perspective of companies, people, issues and events using current information from authoritative news-gathering organizations.

Remember, however, that although computers can offer invaluable research assistance, they cannot make you any more effective as a researcher than you are when using conventional methods. You still need to know and understand the essential steps involved in legal research.

B. CD-ROM

In the Philippines, CD Technologies Asia, Inc. (CD Asia), one of the leading companies in the emerging industries of electronic publishing and actively pursuing the publication of CD-ROM titles on specific or specialized topics in law has these following publication called *Lex Libris* Series.

Vol. 1 - Laws (Philippine Edition) – The first volume of the series is the most extensive compilation of Philippines laws on CD ROM. Featured in this publication are full-text versions of the Philippine Constitutions, Republic Acts, Mga Batas Pambansa, Presidential Decrees, Executive Orders, Presidential Proclamation and Letters of Instructions. Other official acts of legislative or statutory character are also compiled here.

Vol. 2 - Taxation (Philippine Edition) – The second volume – by far the most comprehensive publication on the subject of taxation – contains the rulings, opinions, memoranda, circulars, VAT Rulings and official acts of the Bureau of Internal Revenue, as well as international tax treaties and local tax ordinances. Also included here are related laws, decisions of the Supreme Court, Court of Appeals and Court of Tax Appeals, as well as executive issuance's.

Vol. 3 - Jurisprudence (The Supreme Court Reports) – The decisions of the Supreme Court, since 1901, constitute the third volume of the series. Patterned after the Philippine Reports, this CD ROM publication also contains the text of available case syllabi and synopses - and over 35,000 judicial opinions.

Vol. 4 - Department of Justice (Opinions of the Secretary) – This fourth volume of the series is also the first release for 1997. For the first time, the complete collection of opinions of the Philippine Secretary of Justice, since 1939, is available in easy reference and research form.

Vol. 5 - Local Autonomy and Local Government – The first multi-media compact disc of the series. It contains a thematic compilation of policy instruments on the subject. It features full-text information issued and promulgated by the Supreme Court, by the three Constitutional Commissions and thirty national government agencies and offices. It also includes video interviews with notable local government personalities.

Vol. 6 - Environment and Natural Resources – It is the first and most comprehensive collection of information gathered from the Department of Environment and Natural Resources (DENR) and its attached agencies, published in CD-ROM. The full-text have related laws and statutes, presidential issuances, jurisprudence, policy issuances and decisions; permits, licenses and tenorial instruments are also contained.

Vol. 7 - Labor and Social Legislation – The seventh volume of the series was released last November. It contains related statutes and jurisprudence as well as issuances from the Department of Labor and Employment (DOLE) and its affiliated offices.

Vol. 8 - Elections – The eight volumes contains statutes, presidential issuance, DOJ opinions and jurisprudence related to the topic of elections. Implementing rules and regulations of Electoral Tribunals, Comelec rules on procedure, Electoral Tribunal decisions, and Commissions on Elections issuance are likewise contained in this first-

of-a-kind CD-ROM publication. Similarly featured here are the 1995 election results, list of accredited political parties and their platforms of government, and list of precincts in major cities and provinces of the Philippines.

Vol. 9 - Trade Commerce and Industry – The most comprehensive collection of materials on Trade, Banking and Finance, Capital Markets, Insurance and Intellectual Property. This title contains a compilation of pertinent Supreme Court decisions, laws, issuances of various agencies such as the Department of Trade and Industry, Board of Investments, Department of Finance, Bureau of Customs, Bangko Sentral ng Pilipinas, Philippine Stock Exchange, and other government offices.

Vol. 10 - Securities and Exchange Commission – The fusion of accurate information officially provided by SEC and the research software engineering expertise provided by CD Asia. This new CD-ROM edition contains SEC Related laws and jurisprudence, SEC Opinions, SEC Cases, other SEC issuance's, namely: Orders, Memoranda, Circulars, and Rules and Regulations.

Vol. 11 - Family Law - This latest title carries new features such as a subject index and an interactive topical outline. The contents include pertinent laws, jurisprudence, presidential issuances, rules and regulations, international treatises and agreements, as well as other materials that deal with familial relationships. The issuances and publications of the National Commission on the Role of the Filipino Women (NCRFW) are likewise included.

Other titles in CD-ROMS of CD-Asia are as follows:

Lex Libris Student Edition – The Lex Libris Student Edition (LLSE) is a series of CD-ROM publications specially offered to students. Each volume is comprised of materials pertaining to the subjects taken in each year of law school. The contents of the specific subject outline were gathered from various sources and were submitted to notable professors of law for comment and review.

Bangko Sentral Ng Pilipinas – The special edition title conceptualized, prepared and presented in the distinctive tradition of the Lex Libris series on CD-ROM. This new work is the result of many, committed months of intensive preparation and close coordination with the country's premier and central monetary authority. This latest release is the first and only compilation of its kind that includes Index of Economic Laws and Banking Regulations, BSP Manuals of Regulations for Banks and Financial Intermediaries, and BSP Memorandum Circulars, Orders, Letters, Notices and other Regulations.

National Administrative Register (1990 to 2000) – A compilation of Rules and Regulations from different administrative agencies and bureaus filed with the Office of the National Administrative Register.

Proceedings of the 1986 Constitutional Commission – Contains the Records and Journals of the 1986 Constitutional Commission with related issuances.

Impeachment Proceedings Against Pres. Joseph E. Estrada – The transcript of the historic impeachment proceedings against former president Joseph E. Estrada. With an interactive presentation of the articles of impeachment and witness's testimonies.

Another Philippine private corporation who was a pioneer in CD-ROM title in law is Gigabytes Research Systems, Inc. (GRSI). It has digitized and first published *PhilJuris Professional* – a CD-ROM containing the entire collection of over 35,000 reported Supreme Court resolutions from 1901 to 1995. Since its market debut in 1993, around 300 installations of PhilJuris Professional have been established nationwide. Accordingly, almost 2,000 judges, lawyers, law academicians and students as well as legal professionals and researchers use and access PhilJuris on a regular basis.

GRSI has likewise released its second title, *PhilJuris Students' Reference Edition (SREd)*, an electronic compilation of Supreme Court rulings from 1960-1994. This edition has been designed exclusively for students' use. The company has also released CD-ROM title, *PhilJuris Network Version through Lotus Notes*, to further advance the standards of computer-based legal research and broaden the installed base of CD-ROM users in the country by creating new opportunities.

Another important publication in CD-ROM is provided by ACCESSLAW, Inc. At present, they have two (2) volume publication in CD-ROM vol. 1 *Private Law: The Law on Private Transaction and Regulation* and vol. 2 *Public Law: The Laws on the State Structure, Powers, Relations and Regulations*.

C. Philippine Websites

Philippine Online Legal Research Sites

Following sites are some of the important Philippine websites maintained by Filipinos and are noteworthy as far as content and presentation is concerned.

www.supremecourt.gov.ph

The Philippine Supreme Court's official site in the Net contains the full text of the 1987 Constitution, the Rules of Court (including the Revised Rules of Criminal Procedure) and a complete listing (with full text) of Supreme Court circulars and orders from 1973 to 2001. Its section on Jurisprudence contains the latest decisions of the high tribunal from December 2000 to February 2001 as well as the Court's minute resolutions covering the same period. The site's hyperlink marked "Bar Matters" contains the list of the last successful bar examiners, the roster of bar topnotchers (from pre-war to 1997) which includes their schools and bar examination average, as well as an alphabetical listing of members of the Philippine Bar with their dates of admission.

The latest feature of the site capsule syllabi decisions resolutions and announcement of general interest promulgated by the court since July 2002.

www.disini.ph

The official web site of the Disini and Disini Law Office, the site offers a comprehensive listing of materials on e-commerce and other e-legislations. Visit this site to access the E-Commerce Act, and its Implementing Rules and Regulations, a list of pending bills with respect to e-commerce and intellectual property, and administrative issuances with respect to the same topic. The site also features interesting articles *concerning* emerging local and international legal issues with respect to cyber laws, cyber crimes and the Internet in general.

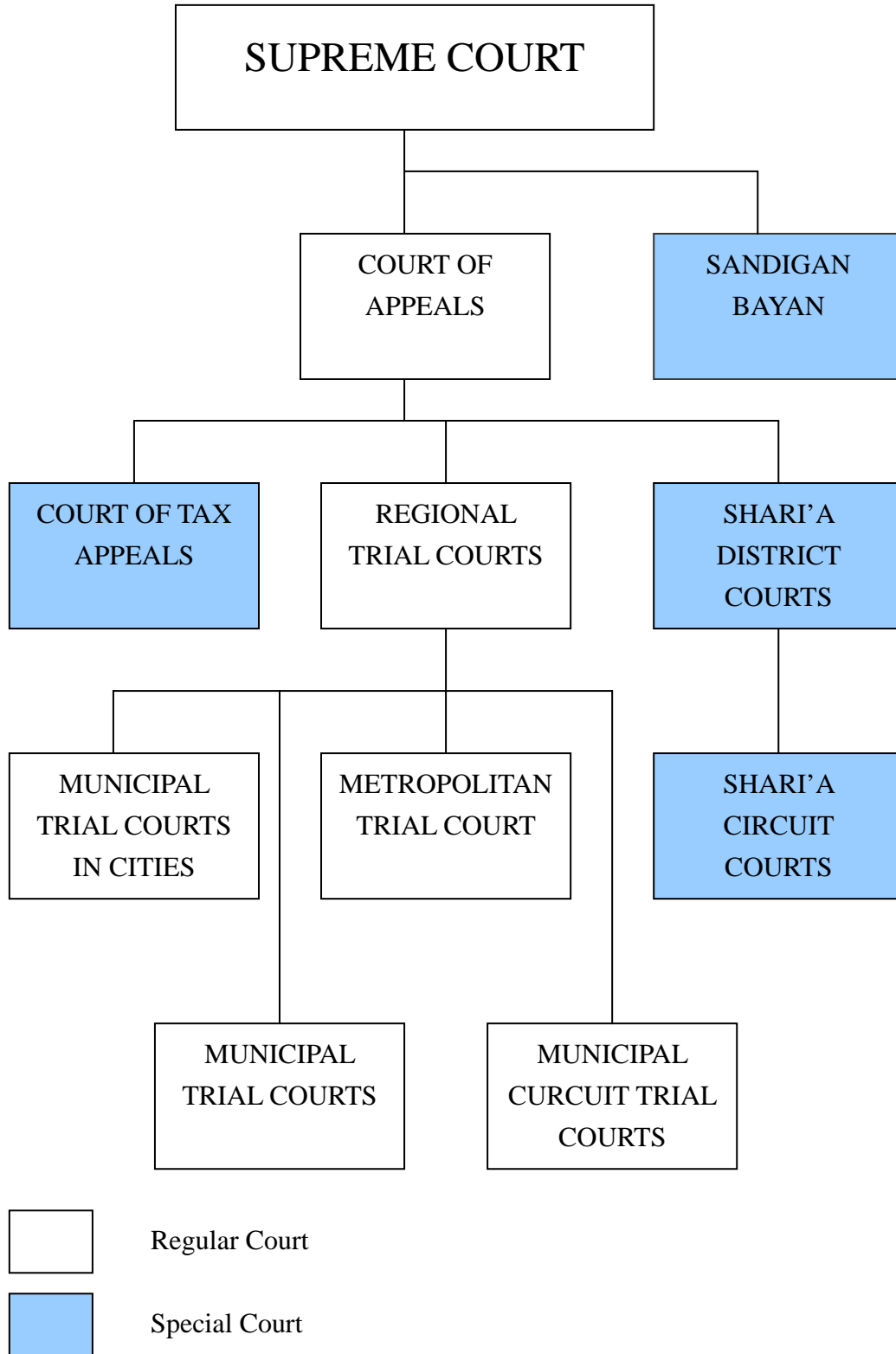
www.chanrobles.com

Maintained by the Chan Robles Firm, this site is home to the Chan Robles Virtual Library, a virtual utopia to any online Filipino legal researcher. This site contains a comprehensive listing of law-related materials arranged by topic featuring the full text of laws and jurisprudence. It has vital links to global online resources classified by country and topic including global jurisprudence, links to the UN and the ICJ websites, as well as schools, universities, bar organizations and law firms around the world.

www.Pinoylaw.com

This e-law service websites promises to be “Your Window to Philippine Legal Information and Solutions.” It contains a section on jurisprudence, a list of Republic Acts and other Laws, vital links to the official websites of the Supreme Court, the Solicitor General and the Office of the President.

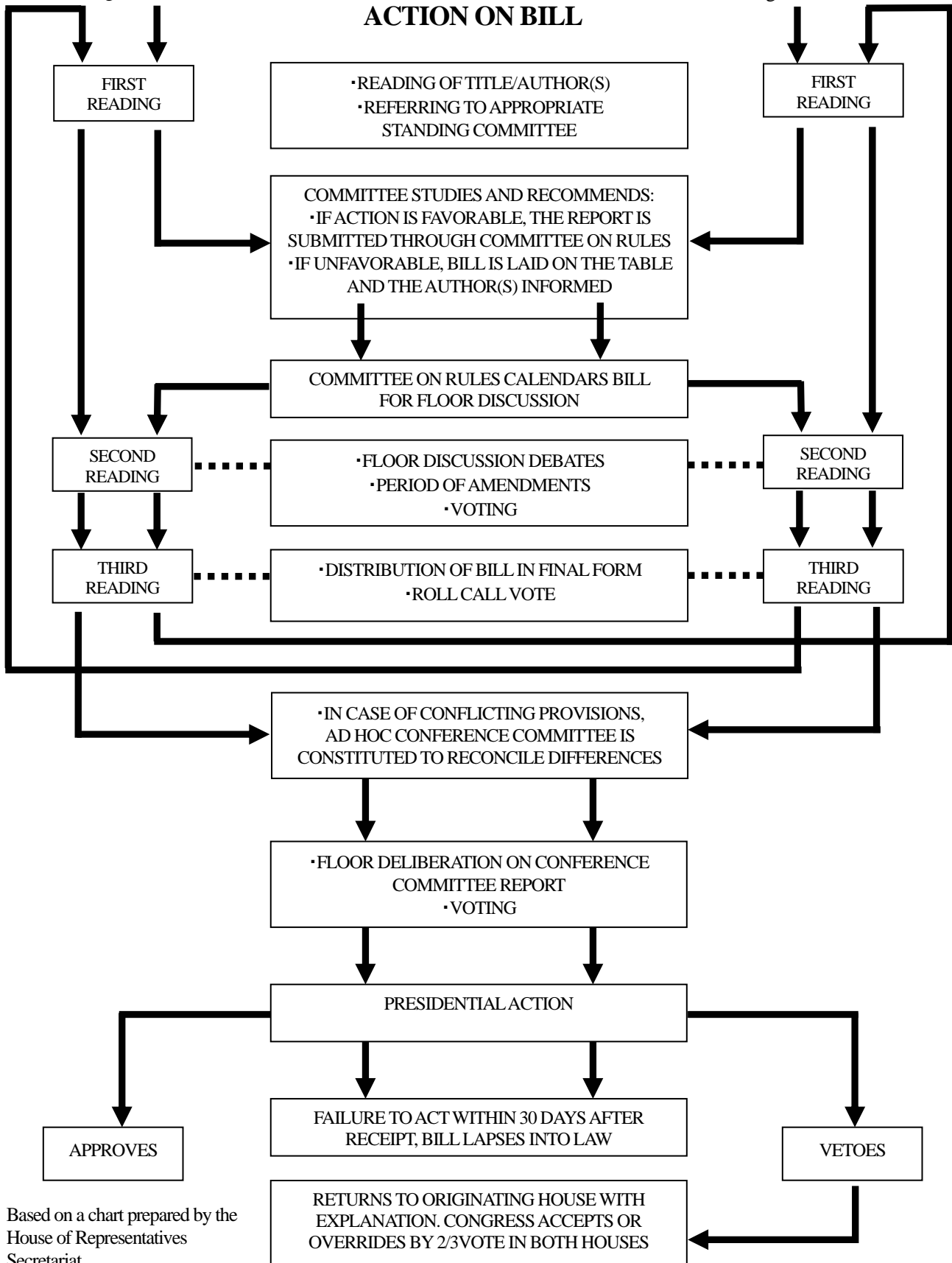
The Philippine Court System



HOW A BILL BECOMES A LAW

A bill, introduced in the House of Representatives, is labeled "H" and assigned a number.

A bill, introduced in the Senate, is labeled "S" and assigned a number.



Based on a chart prepared by the House of Representatives Secretariat