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UPDATE: Philippine Legal Research

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Published June 2009
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1. Introduction

The Philippines is an archipelago of 7,107 islands with a land area of 299,740 sq. kilometers. It is surrounded by the Pacific Ocean on the East, South China Sea on the North and the West and the Celebes Sea on the South. This comprises the National Territory of the Philippines. Article I of the 1987 Constitution provides that the "national territory comprises the Philippine archipelago, with all the islands and waters embraced therein and all other territories which the Philippines has sovereignty or jurisdiction."

The [Filipino culture](#) was molded over more than a hundred ethnic groups consisting of 91% Christian Malay, 4% Muslim Malay, 1.5% Chinese and 3% others. As of the August [2007 national census](#), the population of the Philippines has increased to 88.57 million and is estimated to reach 92.23 million in 2009. The census is

scheduled to be undertaken this 2009.

Filipino is the national language (1987 Constitution, Art. XIV, sec. 6). However, Filipino and English are the official languages for the purpose of communication and instruction (Art. XIV, sec 7). There are several dialects or regional languages spoken throughout the different islands of the country, but there are eight major dialects, which include *Bicolano*, *Cebuano*, *Hiligaynon* or *Ilongo*, *Ilocano*, *Pampango*, *Pangasinense*, *Tagalog*, and *Waray*.

There are two major religions of the country: Christianity and Islam. Christianity, more particularly Catholicism, is practiced by more than 80% of the population. It was introduced by Spain in 1521. The Protestant religion was introduced by American missionaries.

Aglipay, or the Philippine Independent Church, and the *Iglesia ni Kristo* are two Filipino independent churches. Other Christian religious organizations like the *El Shaddai*, *Ang Dating Daan*, and '*Jesus is Lord*' have been established and have a great influence to the nation.

The Constitution of the Philippines specifically provides that the separation of Church and State is inviolable. (Constitution (1987), Art. II, sec.6). However, religion has a great influence in the legal system of the Philippines. For the Muslim or Islamic religion, a special law, the Code of Muslim Personal Laws (Presidential Decree no. 1083), was promulgated and special courts were established, the *Shari'a* courts. The Church has affected the present political system. A priest had to take leave as a priest when he was elected governor of a province in Region 3. A movement was even started to be able to choose the President of the Philippines and other government officials in the May 2009 national election.

2. Political Structure

The Constitution is the fundamental law of the land. The present political structure of the Philippines was defined by the 1987 Constitution, duly ratified in a plebiscite held on February 2, 1987. There is a move now in Congress which was started at the House of Representatives to revise/amend the present Constitution. One of the major problems to be resolved by both Houses of Congress is the mode or method in revising/amending the Constitution.

The 1987 Constitution provides that the Philippines is a democratic and republican state where sovereignty resides in the people and all government authority emanates from them (Article II, section 1).

3. Government Structure

The government structure differs as one goes through the history of the Philippines, which may be categorized as follows: a) Pre-Spanish; b). Spanish period; c). American period; d). Japanese period; e). Republic; and f). Martial Law Period

a) Pre-Spanish (before 1521)

The *Barangays* or independent communities were the unit of government structures before Spain colonized the Philippines. The head of each *barangay* was the *Datu*. He governs the barangays using native rules which are customary and unwritten. There were two codes during this period: the Maragtas Code issued by Datu Sumakwel of Panay Island and the Code of Kalantiao issued by Datu Kalantiano in 1433. The existence of these codes is questioned by some historians.

Just like many ancient societies, trial by ordeal was practiced.

b) Spanish period (1521-1898)

The Spanish period can be traced from the time Magellan discovered the Philippines when he landed on Mactan Island (Cebu) on March 16, 1521. Royal decrees, Spanish laws, and/or special issuances of special laws for the Philippines were extended to the Philippines from Spain by the Spanish Crown through the councils. The chief legislator is the governor-general who exercises legislative functions by promulgating executive decrees, edicts or ordinances with the force of law. The *Royal Audencia*, or Spanish Supreme Court, in the Philippines also exercised legislative functions when laws are passed in the form of *autos acordados*. Melquiades Gamboa, in his book entitled "*An Introduction to Philippine Law*" (7th ed, 1969), listed the most prominent laws in this period: *Fuero Juzgo*, *Fuero Real*, *Las Siete Partidas*, *Leyes de Toros*, *Nueva Recopilacion de las Leyes de Indias* and the *Novisima Recopilacion*. Some of these laws were also in force in other Spanish colonies. Laws in force at the end of the Spanish rule in 1898 are as follows: *Codigo Penal de 1870*, *Ley Provisional para la Aplicaciones de las*

Disposiciones del Código Penal en las Islas Filipinas, Ley de Enjuiciamiento Criminal, Ley de Enjuiciamiento Civil, Código de Comercio, Código Civil de 1889, Ley Hipotecaria, Ley de Minas, Ley Notarial de 1862, Railway Law of 1877, Law of Foreigners for Ultramarine Provinces and the Code of Military Justice. Some of these laws remained in force even during the early American period and/or until Philippine laws were promulgated.

In between the Spanish and the American period is what Philippine historians consider the first Philippine Republic. This was when General Emilio Aguinaldo proclaimed the Philippine Independence in Kawit, Cavite on June 12, 1898. The Malolos Congress also known as Assembly of the Representatives, which can be considered as revolutionary in nature, was convened on September 15, 1898. The first Philippine Constitution, the Malolos Constitution was approved on January 20, 1899. General Emilio Aguinaldo was the President and Don Graciano Gonzaga as the Chief Justice. A Republic, although with *de facto* authority, was in force until the start of the American Sovereignty when the Treaty of Paris was signed on December 10, 1898.

c) American period (1898-1946)

The start of this period can be traced after the Battle of Manila Bay when Spain ceded the Philippines to the United States upon the signing of the Treaty of Paris on December 10, 1898. A military government was organized with the military governor as the chief executive exercising executive, legislative and judicial functions. Legislative function was transferred to the Philippine Commission in 1901 which was created by the United States President as commander-in-chief of the Armed forces and later ratified by the Philippine Bill of 1902. This same Bill provided for the establishment of the First Philippine Assembly which convened on October 16, 1907. The Jones law provided for the establishment of a bicameral legislative body on October 16, 1916, composed of the Senate and the House of Representatives.

The United States Constitution was recognized until the promulgation of the Philippine Constitution on February 8, 1935, signed by U.S. President Franklin Delano Roosevelt on March 23, 1935 and ratified at a plebiscite held on May 14, 1935.

The organic laws that governed the Philippines during this period were: President McKinley's Instruction to the Second Philippine Commission on April 7, 1900; Spooner Amendment of 1901; Philippine Bill of 1902; Jones Law of 1916 and the Tydings McDuffie Law of May 1, 1934. The later law is significant for it allowed the establishment of a Commonwealth government and the right to promulgate its own Constitution. The 1935 Constitution initially changed the legislative system to a unicameral system. However, the bicameral system was restored pursuant to the 1940 Constitutional amendment. The Commonwealth government is considered as a transition government for ten years before the granting of the Philippine independence. Cayetano Arellano was installed as the first Chief Justice in 1901. The Majority of the Justices of the Philippine Supreme Court were Americans. Decisions rendered by the Supreme Court of the Philippines were appealed to the United States Supreme Court, which were reported in the United States Supreme Court Reports.

Manuel L. Quezon and Sergio Osmeña were elected as President and Vice-President respectively during the September 14, 1935 elections. In this election, President Quezon won over General Emilio Aguinaldo and Bishop Gregorio Aglipay, the President of the First Philippine Republic (1898) and the head of the Aglipayan church, respectively. This Commonwealth government went into exile in Washington DC during the Japanese period from May 13, 1942 to October 3, 1944. President Manuel L. Quezon died on August 1, 1944 and was succeeded by President Sergio Osmeña who brought back the government to Manila on February 28, 1945.

d) Japanese period (1941-1944)

The invasion of the Japanese forces when Clark Field, an American military airbase in Pampanga, was bombed on December 8, 1941, marked the start of the Japanese period which lasted for three years. A Japanese Republic was established with Jose P. Laurel as its President. Jose Yulo was the Chief Justice of the Supreme Court. This period was considered as a military rule by the Japanese Imperial Army. The 1943 Constitution was ratified by a special national convention of the *Kapisanan sa Paglilingkod ng Bagong Pilipinas* (KALIBAPI). This period lasted for three years and ended in 1944 with the defeat of the Japanese forces.

e) Republic period (1946-1972)

July 4, 1946 was the inauguration of Philippine independence. A Philippine Republic was born. A republic means a government by the people and sovereignty resides in the entire people as a body politic. The provisions of the 1935 Constitution defined the government structure which provided for the establishment of three co-equal branches of government. Executive power rests in the President, legislative power in two Houses of Congress and judicial power in the Supreme Court, and inferior courts. Separation of powers is recognized.

Efforts to amend the 1935 Constitution started on August 24, 1970 with the approval of Republic Act No. 6132 where 310 delegates were elected on November 10, 1970. On June 1, 1971, the Constitutional Convention met. While it was still in session, President Ferdinand E. Marcos declared Martial Law on September 21, 1972. The Constitutional Convention completed the draft Constitution on November 29, 1972. It was submitted for ratification through citizens' assemblies on January 17, 1973. This is known as the 1973 Constitution.

f) Martial Law Period (1972-1986).

The Congress of the Philippines was abolished when Martial Law was declared on September 21, 1972. The Martial Law period was governed by the 1973 Constitution which established a parliamentary form of government. Executive and legislative powers were merged and the Chief Executive was the Prime Minister who was elected by majority of all members of the National Assembly (Parliament). The Prime Minister had the power to advise the President. The President is the symbolic head of state. This parliamentary government was never implemented due to the transitory provision of the 1973 Constitution. Military tribunals were also established. Amendments to the Constitution were made wherein by virtue of amendment No. 3, the powers of the President and the Prime Minister were merged into the incumbent President Ferdinand E. Marcos. Amendment No. 6 authorized President Marcos to continue exercising legislative powers until Martial law is in effect. Amendment No. 7 provided for the *barangays* as the smallest political subdivision and the *sanggunians*, or councils. The 1981 amendment introduced the modified presidential/parliamentary system of government of the Philippines. The President shall be elected by the people for a term of six years while the Prime Minister shall be elected by a majority of the *Batasang Pambansa* (Parliament) upon the nomination of the President. He was the head of the Cabinet and had supervision over all the ministries.

Proclamation No. 2045 (1981) lifted Martial Law and abolished military tribunals. Elections were held on June 16, 1981 and President Marcos was re-elected into office as President. The constitution was again amended in 1984 and a plebiscite was held on January 27, 1984 pursuant to Batas Pambansa Blg. 643 (1984). Elections were held on May 14, 1984 for the 183 elective seats in the 200 member of the *Batasang Pambansa*.

An impeachment resolution by 57 members of the opposition was filed against President Marcos but was dismissed. A special presidential election, popularly known as Snap Election, was called by President Marcos on November 3, 1985 and was held on February 7, 1986. The National Movement for Free Elections, or NAMFREL, results showed that Corazon Aquino led by over a million votes. However, the *Batasang Pambansa* declared that Ferdinand E. Marcos and Arturo M. Tolentino won over Corazon C. Aquino and Salvador H. Laurel as President and Vice-President, respectively. This event led to the People Power revolution, which ousted President Marcos on February 25, 1986.

g) Republic Revival (1986-present)

The Republic period was revived after the bloodless revolution popularly known as People Power or the EDSA Revolution.

Corazon C. Aquino and Salvador H. Laurel took their oath of office as President and Vice President of the Philippine Republic on February 25, 1986. Proclamation No. 1 (1986) was promulgated wherein the President and the Vice President took power in the name and by the will of the Filipino people. Proclamation No. 3 (1986) adopted as the Provisional Constitution or Freedom Constitution, provided for a new government.

A Constitutional Commission was constituted by virtue of Article V of the Provisional Constitution and Proclamation No. 9 (1986). The Constitutional Commission, composed of 48 members, was mandated to draft a Constitution. After 133 days, the draft constitution was submitted to the President on October 15, 1986 and ratified by the people in a plebiscite held on February 2, 1987. Under the transitory provision of the 1987 Constitution, the President and Vice President elected in the February 7, 1986 elections were given a six year term of office until June 30, 1992. Congressional elections were held on May 11, 1987. The Republican form of government was officially revived when the 1987 Constitution was ratified and Congress was convened in 1987. Legislative enactments again rested in the Congress. Republic Acts were again issued by Congress, the number of which took off from the last number used before Martial Law was declared. The numbering of Republic Acts continued from the number last used before Martial Law (Republic Act No. 6635 (1972) and Republic Act No. 6636 (1987). The Republic form of government by virtue of the 1987 Constitution was the same type of republican government prior to Martial law by virtue of the 1935 Constitution with three co-equal branches: Executive, Legislative and the Judiciary.

The Philippines once again became a Republic by virtue of the 1987 Constitution. The same type of republican form of government prior to Martial law was established with three co-equal branches were organized, Executive, Legislative and the Judiciary.

Aside from the three co-equal branches, the following are other offices in government:

a) [government financial institutions and government-owned and controlled corporations](#).

3.1 Executive Branch

The President is vested with the executive power. (Art. VII, sec. 1, 1987 Constitution). The President is both the Chief of State (head of government) and the Commander-in-Chief of all the Armed Forces of the Philippines (Art. VII, sec. 18). Since 1898 when the First Philippine Republic was established, the Philippines has had thirteen (13) [Presidents](#).

The other members of the Executive Branch are the [Vice-President](#) and the [Heads of Executive Departments or Cabinet members](#).

The following are the Departments under the Executive Branch:

- [Department of Agrarian Reform](#)
- [Department of Agriculture](#)
- [Department of Budget and Management](#)
- [Department of Education](#)
- [Department of Energy](#)
- [Department of Environment and Natural Resources](#)
- [Department of Finance](#)
- [Department of Foreign Affairs](#)
- [Department of Health](#)
- [Department of Interior and Local Government](#)
- [Department of Justice](#)
- [Department of Labor and Employment](#)
- [Department of National Defense](#)
- [Department of Public Works and Highways](#)
- [Department of Science and Technology](#)
- [Department of Social Welfare and Development](#)
- [Department of Tourism](#)
- [Department of Trade and Industry](#)
- [Department of Transportation and Communications](#)
- [National Economic and Development Authority](#)
- [Office of the Press Secretary](#)

There are specific bureaus and offices directly under the [Office of the President](#).

Both the President and the Vice-President are elected by direct vote of the Filipino people for a term of six years. The President is not eligible for a reelection while the Vice President cannot serve for more than two terms. Congress is empowered to promulgate rules in the canvassing of certificates of election. The Supreme Court sitting *en banc* is the sole judge of all election contests relating to their election, returns and qualifications (Art VII, sec. 4). The Supreme Court *en banc* thus acts as the Presidential Electoral Tribunal. The Supreme Court promulgated the [2005 Rules on the Presidential Tribunal](#) (A.M. No. 05-11-06-SC). Both may be removed from office by impeachment (Art. XI sec. 2) to be initiated by the House of Representatives (Art. XI, sec, 3) and tried and decided by the Senate (Art. XI, sec, 3 (6)). The Cabinet members are nominated by the President, subject to the confirmation of the Commission on Appointments (Art. VII, sec, 16) which consists of the President of the Senate, as *ex-officio* Chairman, twelve Senators and twelve members of the House of Representatives (Art. VI, sec. 1).

Cabinet members are nominated by the President, subject to the confirmation of the Commission on Appointments (Art. VII, sec, 16), which consists of the President of the Senate, as *ex officio* Chairman, twelve Senators and twelve members of the House of Representatives (Art. VI, sec. 1).

The President exercises control over all the executive departments, bureaus and offices (Art. VI, sec, 17).

3.2 Legislative Department

Legislative power is vested in the Congress of the Philippines, consisting of the Senate and the House of Representatives (Art. VI, sec. 1). History has provided that the legislative structure has undergone numerous changes. To better appreciate its transition, the Philippine Senate has provided a detailed account and is found on [Senate website](#).

[Senate of the Philippines](#)

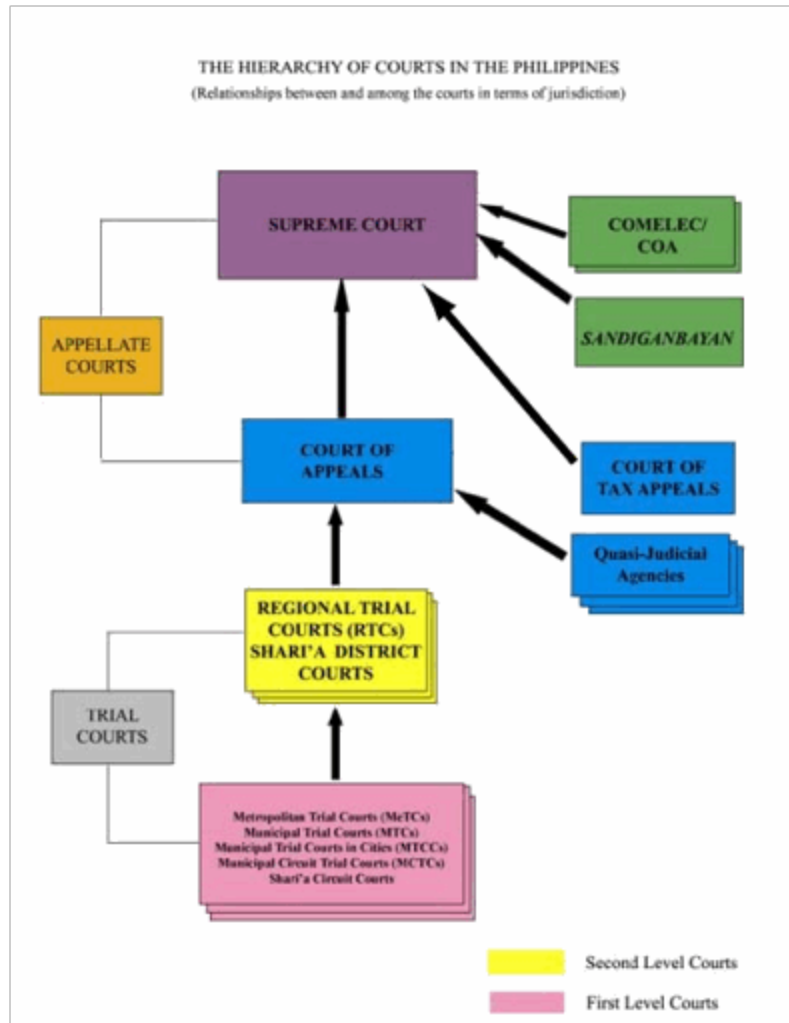
The Senate is composed of twenty four (24) Senators who are elected at large by qualified voters who serve for a term of not more than six (6) years. No Senator may be elected for more than two consecutive terms. (Art VI, sec. 4). The Senate is led by the Senate President, Pro Tempore, Majority Leader and the Minority Leader. The Senate President is elected by majority vote of its members. There are thirty six (36) permanent committees and five (5) oversight committees. The sole judge of contests relating to election, returns and qualifications of members of the Senate rests with the Senate Electoral Tribunal (SET) which is composed of nine members, three of whom are Justices of the Supreme Court and six members of the Senate. (Art. VI, sec. 17). The Senate Electoral Tribunal has approved on November 12, 2003 its Revised Rules.

[House of Representatives](#)

The House of Representatives is composed of not more than two hundred fifty (250) members, elected by legislative districts for a term of three years. No representative shall serve for more than three consecutive terms. The [party-list representatives](#), who come from registered national, regional and sectional parties and organizations, shall constitute twenty percent (20%) of the total number of representatives. The election of party-list representatives was by virtue of the Republic Act No. 7941 which was approved on March 3, 1995. In a recent decision of the Supreme Court penned by Justice Antonio T. Carpio on April 21, 2009, *Barangay Association for National Advancement and Transparency (BANAT) v. Commission on Elections (G.R. No. 17971)* and *Bayan Muna, Advocacy for Teacher Empowerment Through Action, Cooperation and Harmony Towards Educational Reforms, Inc. and Abono (G.R. No. 179295)*, Republic Act No. 7941 was declared unconstitutional with regards to the two percent threshold in the distribution of additional party-list seats. The Court in this decision provided a procedure in the allocation of additional seats under the Party-List System. Major political parties are [disallowed from participating in party-list elections](#).

The officials of the House are the Speaker of the House, Deputy Speaker for Luzon, Deputy Speaker for Visayas, Deputy Speaker for Mindanao, Majority Leader, and Minority Leader. The [Speaker of the House](#) is elected by majority vote of its members. There are fifty seven (57) standing committees and sixteen (16) special committees of the House of Representatives. The sole judge of contests relating to election, returns and qualifications of members of the House of Representatives rests with the House of Representatives Electoral Tribunal (HRET) which is composed of nine members, three of whom are Justices of the Supreme Court and six members of the Senate. (Art. VI, sec. 17). The House of Representatives Electoral Tribunal adopted its 1998 Internal Rules on March 24, 1998.

3.3 [Judicial System](#)



Organizational Chart of the whole Judicial System and those of each type of Court is available in 2002 Revised Manual of Clerks of Court. Manila: Supreme Court, 2002. Organizational Chart was amended due to the passage of Republic Act No. 9282 (CTA)

Judicial power rests with the Supreme Court and the lower courts, as may be established by law (Art. VIII, sec. 1). The judiciary enjoys fiscal autonomy. Its appropriation may not be reduced by the legislature below the appropriated amount the previous year (Art. VIII, sec. 2). The *Rules of Court* of the Philippines as amended and the rules and regulations issued by the Supreme Court define the rules and procedures of the Judiciary. These [rules and regulations](#) are in the form of Administrative Matters, Administrative Orders, Circulars, Memorandum Circulars, Memorandum Orders and OCA Circulars. To inform the members of the Judiciary, legal profession and the public of these rules and regulations, the Supreme Court disseminates this rules and regulations to all courts, publishes important ones in newspapers of general circulation, prints in book or pamphlet form and now downloads them in the [Supreme Court website](#) and the [Supreme Court E-Library website](#).

Department of Justice Administrative Order No. 162 dated August 1, 1946 provided for the *Canon of Judicial Ethics*. Supreme Court of the Philippines promulgated a new *Code of Judicial Conduct for the Philippine Judiciary* effective June 1, 2004 (A.M. No. 03-05-01-SC), which was published in two newspapers of general circulation on May 3, 2004 (Manila Bulletin & Philippine Star) and available on its [website](#) and the [Supreme Court E-Library website](#).

The Supreme Court promulgated on June 21, 1988 the Code of Professional Responsibility for the legal profession. The draft was prepared by the Committee on Responsibility, Discipline and Disbarment of the [Integrated Bar of the Philippines](#).

A Code of Conduct for Court Personnel (A.M. No. 03-06-13-SC) was adopted on April 13, 2004, effective June 1, 2004, published in two newspapers of general circulation on April 26, 2004 (Manila Bulletin & Philippine Star) and available at its [website](#) and the [Supreme Court E-Library website](#).

Supreme Court of the Philippines

The *barangay* chiefs exercised judicial authority prior to the arrival of Spaniards in 1521. During the early years of the Spanish period, judicial powers were vested upon Miguel Lopez de Legaspi, the first governor general of the Philippines where he administered civil and criminal justice under the Royal Order of August 14, 1569.

The *Royal Audencia* was established on May 5, 1583, composed of a president, four *oidores* (justices) and a fiscal. The Audencia exercised both administrative and judicial functions. Its functions and structure were modified in 1815 when its president was replaced by a chief justice and the number of justices was increased. It came to be known as the *Audencia Territorial de Manila* with two branches, civil and criminal. Royal Decree issued July 24, 1861 converted it to a purely judicial body wherein its decisions were appealable to the Supreme Court of the Philippines to the Court of Spain in Madrid. A territorial *Audencia* in Cebu and *Audencia* for criminal cases in Vigan were organized on February 26, 1898. The *Audencias* were suspended by General Wesley Merrit when a military government was established after Manila fell to American forces in 1898. Major General Elwell S. Otis re-established the *Audencia* on May 29, 1899 by virtue of General Order No. 20. Said Order provided for six Filipino members of the *Audencia*. Act No. 136 abolished the *Audencia* and established the present Supreme Court on June 11, 1901 with Cayetano Arellano as the first Chief Justice together with associate justices, the majority of whom were American. Filipinization of the Supreme Court started only during the Commonwealth, 1935. Administrative Code of 1917 provided for a Supreme Court with a Chief Justice and eight associate Justices. With the ratification of the 1935 Constitution, the membership was increased to 11 with two divisions of five members each. The 1973 Constitution further increased its membership to 15 with two (2) divisions.

Pursuant to the provisions of the 1987 Constitution, the Supreme Court is composed of a Chief Justice and fourteen Associate Justices who shall serve until the age of seventy (70). The Court may sit En Banc or in its three (3) divisions composed of five members each. A vacancy must be filled up by the President within ninety (90) days of occurrence.

Article VIII, sec. 4 (2) explicitly provides for the cases that must be heard En Banc and sec. 4 (3) for cases that may be heard by divisions. (Constitution, Art. VIII, sec. 4, par.1) Judiciary Reorganization Act of 1980 transferred from the Department of Justice to the Supreme Court the administrative supervision of all courts and their personnel. This was affirmed by Art. VIII, sec. 6 of the 1987 Constitution. To effectively discharge this constitutional mandate, The Office of the Court Administrator (OCA) was created under Presidential Decree No. 828, as amended by Presidential Decree No. 842, and its functions further strengthened by a Resolution of the Supreme Court En Banc dated October 24, 1996. Its principal function is the supervision and administration of the lower courts throughout the Philippines and all their personnel. It reports and recommends to the Supreme Court all actions that affect the lower court management. The OCA is headed by the Court Administrator, three (3) Deputy Court Administrators and three (3) Assistant Court Administrators.

According to the 1987 Constitution, Art. VIII, sec. 5, The Supreme Court exercises the following powers:

- Exercise jurisdiction over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, *quo warranto*, and habeas corpus.
- Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide final judgments and orders of lower courts in:
 - All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.
 - All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.
 - All cases in which the jurisdiction of any lower court is in issue.
 - All criminal cases in which the penalty imposed is *reclusion perpetua* or higher.
 - All cases in which only an error or question of law is involved.
- Assign temporarily judges of lower court to other stations as public interest may require. Such temporary assignment shall not exceed six months without the consent of the judge concerned.
- Order a change of venue or place of trial to avoid a miscarriage of justice.
- Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts the same grade, and shall not diminish, increase or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

- Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law (Sec. 5 , id.).

The Supreme Court has adopted and promulgated the Rules of Court for the protection and enforcement of constitutional rights, pleadings and practice and procedure in all courts, and the admission in the practice of law. In line with this mandate of the Rules of Court and extrajudicial killing and disappearances, [the Supreme Court](#) passed two important Resolutions: the *Rule on the Writ of Amparo*, approved on September 25, 2007 and effective on October 24, 2007, and the Rule on the Writ of Habeas Data, approved on January 22, 2008 and effective February 2, 2008. Amendments are promulgated through the Committee on Revision of Rules. The Court also issues administrative rules and regulations in the form of [court issuances](#) and the [Supreme Court E-Library website](#).

[The Judicial and Bar Council](#) was created by virtue of Art. VIII, sec. 8. under the supervision of the Supreme Court. Its principal function is to screen prospective appointees to any judicial post. The Judicial and Bar Council has promulgated on October 31, 2000 its Rules (JBC-009) in the performance of its function. It is composed of the Chief Justice as *ex-officio* Chairman, the Secretary of Justice and representatives of Congress as *ex-officio* members, a representative of the Integrated Bar, a professor of law, a retired member of the Supreme Court and a representative of the private sector as members.

The Philippine Judicial Academy (PHILJA) is the “training school for justices, judge, court personnel, lawyers and aspirants to judicial posts.” It was originally created by the Supreme Court on March 16, 1996 by virtue of Administrative Order No. 35-96 and was institutionalized on February 26, 1998 by virtue of Republic 8557. It is an important component of the Supreme Court for its important mission on judicial education. No appointee to the Bench may commence the discharge his adjudicative function without completing the prescribed court in the [Academy](#). Its organizational structure and administrative set-up are provided for by the Supreme Court in its En Banc resolution (Revised A.M. No. 01-1-04-sc-PHILJA).

[The Philippine Mediation Center](#) was organized “pursuant to Supreme Court “en banc” Resolution A.M. No. 01-10-5-SC-PHILJA, dated October 16, 2001, and in line with the objectives of the Action Program for Judicial Reforms (APJR) to decongest court dockets, among others, the Court prescribed guidelines in institutionalizing and implementing the mediation program in the Philippines. The same resolution designated the Philippine Judicial Academy as the component unit of the Supreme Court for Court-Annexed Mediation and other Alternative Dispute Resolution (ADR) Mechanisms, and established the Philippine Mediation Center (PMC).”

Mandatory Continuing Legal Education Office was organized to implement the rules on Mandatory Continuing Legal Education for members of the Integrated Bar of the Philippines (B.M. No. 850 – “Mandatory Continuing Legal Education (MCLE)). It holds office in the Integrated Bar of the Philippines main office.

[Court of Appeals](#)

Commonwealth Act No. 3 (December 31, 1935), pursuant to the 1935 Constitution (Art VIII, sec. 1), established the Court of Appeals. It was formally organized on February 1, 1936 and was composed of eleven justices with Justice Pedro Concepcion as the first Presiding Justice. Its composition was increased to 15 in 1938 and further increased to 17 in 1942 by virtue of Executive Order No. 4. The Court of Appeals was regionalized in the later part of 1944 when five District Court of Appeals were organized for Northern, Central and Southern Luzon, for Manila and for Visayas and Mindanao. It was abolished by President Osmeña in 1945, pursuant to Executive Order No. 37 due to the prevailing abnormal conditions. However, it was re-established on October 4, 1946 by virtue of Republic Act No. 52 with a Presiding Justice and fifteen (15) Associate Justices. Its composition was increased by the following enactments: Republic Act No. 1605 to eighteen (18); Republic Act No. 5204 to twenty-four (24); Presidential Decree No. 1482 to one (1) Presiding Justice and thirty-four (34) Associate Justices; Batas Pambansa Blg. 129 to fifty (50); Republic Act No. 8246 to sixty-nine (69). With Republic Act No. 8246, the Court of Appeals in Cebu, and Cagayan de Oro were established.

Batas Pambansa Blg. 129 changed the name of the Court of Appeals to Intermediate Appellate Court. Executive Order No. 33 brought back its name to Court of Appeals.

Section 9 of *Batas Pambansa Blg. 129* as amended by Executive Order No. 33 and Republic Act No. 7902 provides for the jurisdiction of the Court of Appeals as follows:

- Original jurisdiction to issue writs of mandamus, prohibition, certiorari habeas corpus, and quo warrant, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;

- Exclusive original jurisdiction over actions for annulment of judgment of Regional Trial Courts; and
- Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, including the Securities and Exchange Commission, the Social Security Commission, the Employees Compensation Commission and the Civil Service Commission, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the Labor Code of the Philippines under Presidential Decree No. 442, as amended, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948.

The Supreme Court, acting on the recommendation of the Committee on Revision of the Rules of Court, resolved to approve the 2002 Internal Rules of the Court of Appeals (A.M. No. 02-6-13-CA) and amended by a resolution of the [Court En Banc on July 13, 2004](#) (A.M. No. 03-05-03-SC).

Pursuant to Republic Act No. 9372 otherwise known as the Human Security Act of 2007, the Chief Justice issued Administrative Order No. 118-2007, designating the First, Second and Third Divisions of the Court of Appeals to handle cases involving the crimes of terrorism or conspiracy to commit terrorism and all other matters incident to the said crimes emanating from the Metropolitan Manila and Luzon. For those emanating from Visayas, all divisions of the Court of Appeals stationed in Cebu are designated to handle these cases while the Court of Appeals stationed in Cagayan De Oro will handle cases from Mindanao.

Sandiganbayan

The Anti-Graft Court, or Sandiganbayan, was created to maintain integrity, honesty and efficiency in the bureaucracy and weed out misfits and undesirables in government service (1973 Constitution (Art. XIII, sec. 5) and 1987 Constitution (Art. XI, sec. 4)). It was restructured by Presidential Decree No. 1606 as amended by Republic Act No. 8249. It is composed of a Presiding Justice and fourteen (14) Associate Justices still in five Divisions of three (3) Justices each.

The Supreme Court, acting on the recommendation of the Committee on Revision of the Rules of Court, resolved with modification the Revised Internal Rules of the Sandiganbayan on August 28, 2002 (A.M. No. 02-6-07—SB)

Court of Tax Appeals

Created by Republic Act No. 1125 on June 16, 1954, it serves as an appellate court to review tax cases. Under Republic Act No. 9282, its jurisdiction has been expanded where it now enjoys the same level as the Court of Appeals. This law has doubled its membership, from three to six justices.

The Supreme Court acting on the recommendation of the Committee on Revision of the Rules of Court resolved to approve the Revised Rules of the Court of Tax Appeals (A.M. No. 05-11-07-CTA) and amended by a [resolution of the Court En Banc on November 22, 2005](#).

The Court of Tax Appeals has exclusive appellate jurisdiction to review by appeal the following:

- Decisions of the Commissioner of Internal Revenue in cases involving disputed, assessments, refunds of internal revenue taxes, fees or other charges, penalties imposed in relation thereto, or other matters arising under the National Internal Revenue Code or other laws administered by the Bureau of Internal Revenue;
- In actions of the Commissioner of Internal Revenue in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties in relation thereto, or other matters arising under the National Internal Revenue Code or other laws administered by the Bureau of Internal Revenue, where the National Internal Revenue Code provides a specific period of action, in which case the inaction shall be deemed a denial;
- Decisions, orders or resolutions of the Regional Trial Courts in local tax cases originally decided or resolved by them in the exercise of their original or appellate jurisdiction;
- Decisions of the Commissioner of Customs in cases involving liability for customs duties, fees, or other money charges; seizure, detention or release of property affected; fines, forfeitures or other penalties imposed in relation thereto; or other matters arising under the Customs Law or other laws administered by the Bureau of Customs.
- Decisions of the Central Board of Assessment Appeals in the exercise of its appellate jurisdiction over cases involving the assessment and taxation of real property originally decided by the provincial or city board of assessment appeals;
- Decisions of the Secretary of Finance on customs cases elevated to him automatically for review from

decisions of the Commissioner of Customs which are adverse to the Government under Section 2315 of the Tariff and Customs Code;

- Decisions of the Secretary of Agriculture in the case of nonagricultural product, commodity or article, and the Secretary of Agriculture in the case of agricultural product, commodity or article, involving dumping and countervailing duties under Section 301 and 302, respectively, of the Tariff and Customs Code, and safeguard measures under R.A. No. 8800, where either party may appeal the decision to impose or not to impose said duties.

It also has jurisdiction over cases involving criminal offenses as herein provided:

- Exclusive original jurisdiction over all criminal offenses arising from violations of the National Internal Revenue Code or Tariff and Customs Code and other laws administered by the Bureau of Internal Revenue or the Bureau of Customs: Provided, however, That offenses or felonies mentioned in this paragraph where the principal amount of taxes and fees, exclusive of charges and penalties, claimed is less than One million pesos (P 1,000,000.00) or where there is no specified amount claimed shall be tried by the regular Courts and the jurisdiction of the CTA shall be appellate. Any provision of law or the Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability for taxes and penalties shall at all times be simultaneously instituted with, and jointly determined in the same proceeding by, the CTA the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such action separately from the criminal action will be recognized.
- Exclusive appellate jurisdiction in criminal offenses:
 - Over appeals from judgments, resolutions or orders of the Regional Trial Courts in tax collection cases originally decided by them, in their respective territorial jurisdiction.
 - Over petitions for review of the judgments, resolution or orders of the RTCs in the exercise of their appellate jurisdiction over tax collection cases originally decided by the MeTCs, MTCs and MCTCs, in their respective jurisdiction.

Regional Trial Courts

They are called the second level courts and are divided into thirteen (13) judicial regions: National Capital Region (Metro Manila) and the twelve (12) regions of the country, which are divided into several branches. The jurisdictions are defined in sec. 19-23 of Batas Pambansa Blg. 129 as amended by Republic Act No. 7671. The Supreme Court designates certain branches of regional trial courts as special courts to handle exclusively criminal cases, juvenile and domestic relations cases, agrarian cases, urban land reform cases which do not fall under the jurisdiction of quasi-judicial bodies. The Supreme Court issues resolutions designating specific branches of the Regional Trial Courts as special courts for heinous crimes, dangerous drugs cases, commercial courts and intellectual property rights violations. Special rules are likewise promulgated. A.M. No. 00-8-10-SC is a resolution of the Court En Banc on the Rules of Procedure on Corporate Rehabilitation. The Interim Rules was promulgated in November 2000 and December 2008 affects special commercial courts. Some Regional Trial Courts are specifically designated to try and decide cases formerly cognizable by the Securities and Exchange Commission (A.M. No. 00-11-030SC)

Some branches of the Regional Trial Courts have been designated as family courts (A.M. No. 99-11-07) because the family courts to be established pursuant to Republic Act No. 8369 of the Family Court Law of 1997 have not yet been organized. Pursuant to Republic Act No. 8369, the Family Court Law of 1997, some branches of the Regional Trial Courts have been designated as family courts (A.M. No. 99-11-07).

The Regional Trial Courts' jurisdictions are defined as follows:

- Exercise exclusive original jurisdiction in Civil Cases as follows:
 - All civil actions in which the subject of the litigation is incapable of pecuniary estimation;
 - All civil actions which involve the title to, or possession of real property, or any interest therein, where the assessed value of the property involved exceeds twenty thousand pesos (P 20,000.00) or, civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P 50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the MeTCs, MTCs, and MCTCs;
 - All actions in admiralty and maritime jurisdiction where the demand or claim exceeds one hundred thousand pesos (P 100,000.00) or, in Metro Manila, where such demand or claim exceeds two hundred thousand pesos (P 200,000.00);

- All matters of probate, both testate and intestate, where the gross value of the estate exceeds One hundred thousand pesos (P 100,000.00) or, in probate matters in Metro Manila, where such gross value exceeds Two hundred thousand pesos (P 200,000.00);
- All actions involving the contract of marriage and marital relations;
- All cases not within the exclusive jurisdiction of any court, tribunal, person or body exercising judicial or quasi-judicial functions;
- All civil actions and special proceedings falling within the exclusive original jurisdiction of a Juvenile and Domestic Relations Court and of the Court of Agrarian Relations as now provided by law; and
- All other cases in which the demand, exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs or the value of the property in controversy exceeds One hundred thousand pesos (P 100,000.00) or, in such other cases in Metro Manila, where the demand, exclusive of the above-mentioned items exceeds Two hundred pesos (P 200,000.00) (Sec. 19, Batas Pambansa Blg. 129, as amended by R.A No. 7691).
- Exercise original jurisdiction in other cases as follows:
 - The issuance of writs of certiorari, prohibition, mandamus, *quo warranto*, habeas corpus, and injunction which may be enforced in any part of their respective regions; and
 - Actions affecting ambassadors and other public ministers and consuls.

They shall exercise appellate jurisdiction over MeTCs, MTCCs, MTCs, and MCTCs in their respective territorial jurisdiction.

Metropolitan Trial Courts (MeTC), Municipal Trial Courts in Cities (MTCC), Municipal Trial Courts (MTC) and Municipal Circuit Trial Courts (MCTC)

These are called the first level courts established in each city and municipality. Their jurisdiction is provided for by section 33, 35 of Batas Pambansa Blg 129. Their jurisdiction has been expanded by special laws namely Republic Act Nos. 9276, 9252, 9305, 9306, and 9308.

MeTCs, MTCCs, MTCs, and MCTCs shall exercise original jurisdiction in Civil Cases as provided for in section 33 of Batas Pambansa Blg. 129 is as follows:

- Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate or amount of the demand does not exceed One hundred thousand pesos (P 100,000.00) or, in Metro Manila where such personal property, estate or amount of the demand does not exceed Two hundred thousand pesos (P 200,000.00), exclusive of interests, damages of whatever kind, attorney's fees, litigation expenses, and costs the amount of which must be specifically alleged: Provided, That interests, damages of whatever kind, attorney's fees, litigation expenses and costs shall be included in the determination of the filing fees. Provided further, That where there are several claims or causes of action between the same or different parties embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action arose out of the same or different transactions;
- Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases, the defendant raises the question of ownership in his pleadings and the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession; and
- Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P 20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P 50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs: Provided, That in cases of land not declared for taxation purposes the value of such property shall be determined by the assessed value of the adjacent lots (Sec. 33, Batas Pambansa Blg. 129).

Section 33 of Batas Pambansa Blg. 129 provides that the Supreme Court may designate MeTCs, MTCCs, MTCs, and MCTCs to hear and determine cadastral or land registration cases where the value does not exceed one hundred thousand pesos (P100,000.00). Their decision is can be appealed in the same manner as the Regional Trial Courts.

The MeTCs, MTCCs, MTCs, and MCTCs are empowered to hear and decide petitions for a writ of habeas corpus or applications for bail in criminal cases in the province or city in the absence of the Regional Trial Court Judges.

By virtue of [A.M. No. 08-8-7-SC](#), enacted September 9, 2008 and effective October 1-2008, the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts were designated to try small claims cases for payment of money where the value of the claim does not exceed One Hundred Thousand Pesos (P100,000.00) exclusive of interest and costs. These courts shall apply the rules of procedure provided in A.M. No. 08-8-7-SC in all actions “which are: (a) purely civil in nature where the claim or relief prayed for by the plaintiff is solely for payment or reimbursement of sum of money, and (b) the civil aspect of criminal actions, either filed before the institution of the criminal action, or reserved upon the filing of the criminal action in court, pursuant to Rule 111 of the Revised Rules Of Criminal Procedure.”

Shari’a Courts

These special courts were created by sec. 137 of Presidential Decree No. 1083 or the Code of Muslim Personal Laws. The judges should possess all the qualifications of a Regional Trial Court Judge and should also be learned in Islamic law and jurisprudence. Articles 143, 144, and 155 of Presidential Decree No. 1083 provides the jurisdiction of the said courts as follows:

Shari’a District Courts (SDC) as provided for in paragraph (1), Article 143 of Presidential Decree No. 1083, shall have exclusive jurisdiction over the following cases:

- All cases involving custody, guardianship, legitimacy, paternity and filiations arising under the Code;
- All cases involving disposition, distribution and settlement of the estates of deceased Muslims, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or aggregate value of the property.
- Petitions for the declaration of absence and death and for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of the Code;
- All actions arising from customary contracts in which the parties are Muslim, if they did not specified which law shall govern their relations; and
- All petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction.

The SDC in concurrence with existing civil courts shall have original jurisdiction over the following cases (paragraph (2) of Article 143):

- Petitions by Muslims for the constitution of family home, change of name and commitment of an insane person to any asylum;
- All other personal and real actions not mentioned in paragraph (1) (d) wherein the parties involved are Muslims except those for forcible entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the MTCs;
- All special civil actions for interpleader or declaratory relief wherein the parties are Muslims or the property involved belongs exclusively to Muslims.

Article 144 of Presidential Decree No. 1083 provides that the SDC within shall have appellate jurisdiction over all cases tried in the *Shari’a* Circuit Courts (SCC) within their territorial jurisdiction.

Article 155 of Presidential Decree No. 1083 provides that the SCCs have exclusive original jurisdiction over:

- All cases involving offenses defined and punished under the Code;
- All civil actions and proceedings between parties who are Muslims or have been married in accordance with Article 13 of the Code involving disputes relating to:
 - Marriage;
 - Divorce recognized under the Code;
 - Betrothal or breach of contract to marry;
 - Customary dower (mahr);
 - Disposition and distribution of property upon divorce;
 - Maintenance and support, and consolatory gifts (mut’a); and
 - Restitution of marital rights.
- All cases involving disputes to communal properties.

Rules of procedure are provided for in articles 148 and 158. En Banc Resolution of the Supreme Court in 183, provided the special rules of procedure in the Shari'a courts (*Ijra-at-Al Mahakim Al Sharia'a*).

Shari'a courts and personnel are subject to the administrative supervision of the Supreme Court. Appointment of judges, qualifications, tenure, and compensation are subject to the provisions of the Muslim Code (Presidential Decree No. 1083. SDCs and SCCs have the same officials and other personnel as those provided by law for RTCs and MTCs, respectively.

Quasi-Courts or Quasi-Judicial Agencies

Quasi-judicial agencies are administrative agencies, more properly belonging to the Executive Department, but are empowered by the Constitution or statutes to hear and decide certain classes or categories of cases.

Quasi-judicial agencies which are empowered by the Constitution are the Constitutional Commissions: Civil Service Commission, Commission on Elections and the Commission on Audit.

Quasi-judicial agencies empowered by statutes are: Office of the President. Department of Agrarian Reform, Securities and Exchange Commission, National Labor Relations Commission, National Telecommunication Commission, Employees Compensation Commission, Insurance Commission, Construction Industry Arbitration Commission, Philippine Atomic Energy Commission, Social Security System, Government Service Insurance System, Bureau of Patents, Trademark and Technology, National Conciliation Mediation Board, Land Registration Authority, Civil Aeronautics Board, Central Board of Assessment Appeals, National Electrification Administration, Energy Regulatory Board, Agricultural Inventions Board and the Board of Investments. When needed, the Supreme Court issues rules and regulations for these quasi-judicial agencies in the performance of their judicial functions. Republic Act No. 8799, known as the "Securities Regulation Code," reorganized the Securities and Exchange Commission (Chapter II) and provided for its powers and function (sec.5). Specifically provided for in these powers and function is the Commission's jurisdiction over all cases previously provided for in sec. 5, Pres. Decree No. 902-A (sec. 5.2). The Supreme Court promulgated rules of procedure governing intra-corporate controversies under Republic Act No. 8799 (A.M. No. 01-2-04-SC).

Decisions of these quasi-courts can be appealed to the Court of Appeals except those of the Constitutional Commissions: Civil Service Commission, Commission on Elections and the Commission on Audit, which can be appealed by certiorari to the Supreme Court (Art. IX-A, sec. 7).

Other Judicial Procedures

Katarungang Pambarangay - Presidential Decree No. 1508, or the *Katarungang Pambarangay* Law, took effect December 11, 1978, and established a system of amicably settling disputes at the *barangay* level. Rules and procedures were provided by this decree and the Local Government Code, Title I, Chapter 7, sec. 339-422). This system of amicable settlement of dispute aims to promote the speedy administration of justice by easing the congestion of court dockets. The Court does not take cognizance of cases filed if they are not filed first with the *Katarungang Pambarangay*.

Alternative Dispute Resolution (ADR) System - Republic Act No. 9285 institutionalized the use of an alternative dispute resolution system which serves to promote the speedy and impartial administration of justice and unclog the court dockets. This act shall be without prejudice to the adoption of the Supreme Court of any ADR system such as mediation, conciliation, arbitration or any combination thereof. The Supreme Court by virtue of an En Banc Resolution dated October 16, 2001 (Administrative Matter No. 01-10-5-SC-PHILJA), designated the Philippine Judicial Academy as the component unit of the Supreme Court for court-referred or court-related mediation cases and alternative dispute resolution mechanism and establishing the Philippine Mediation Center. Muslim law provides its own arbitration Council called The Agama Arbitration Council.

3.4 Constitutional Commissions

[Civil Service Commission](#) - Act No. 5 (1900) established the Philippine civil service and was reorganized as a Bureau in 1905. It was established in the 1935 Constitution. Republic Act No. 2260 (1959) converted it from a Bureau into the Civil Service Commission. Presidential Decree No. 807 further redefined its role. Its present status is provided for in the 1987 Constitution, Art. IX-B and reiterated by the provision of the 1987 Administrative Code (Executive Order No. 292).

[Commission on Elections](#) - It is the constitutional commission created by a 1940 amendment to the 1935 Constitution whose primary function is to manage to maintain its authority and independence in the conduct of elections. The COMELEC exercises administrative, quasi-judicial and judicial powers. Its membership increased to nine with a term of nine years by the 1973 Constitution. It was however decreased to seven with a term of seven years without re-appointment by the 1987 Constitution.

[Commission on Audit](#) - Article IX, sec, 2 of the 1987 Constitution provided the powers and authority of the Commission on Audit, which is to examine, audit and settle all accounts pertaining to the revenue and receipts of and expenditures or uses of funds and property owned or held in trust by or pertaining to the Government including government owned and controlled corporations with original charters.

[The Bangko Sentral ng Pilipinas \(Central Bank\)](#) is considered as a constitutional office in the official [Philippine government directory](#).

3.5 Local Governments

Article X of the 1987 Constitution provides for the territorial and political subdivisions of the Philippines as follows: province, cities, municipalities and *barangays*. The 1991 Local Government Code or Republic Act No. 7160, as amended by Republic Act No. 9009, provides the detail that implements the provision of the Constitution. The officials, namely, the governor, city mayor, city vice mayor, municipal mayor, municipal vice-mayor and *punong barangay* are elected by their respective units. (1991 Local Government Code, Title II, Chapter 1, sec. 41 (a)). The regular members of the *sangguniang panlalawigan* (for the province), *sangguniang panglunsod* (for cities), *sangguniang bayan* (municipalities) are elected by districts while the *sangguniang barangay* are elected at large.

Each territorial or political subdivision enjoys local autonomy as defined in the Constitution. The President exercises supervision over local Governments.

Each region is composed of several provinces while each province is composed of a cluster of municipalities and component cities (Local Government Code, Title IV, Chapter 1, sec. 459). The Provincial government is composed of the governor, vice-governor, members of the *sangguniang panlalawigan* and other appointed officials

The city consists of more urbanized and developed *barangays* which are created, divided, merged, abolished or its boundary altered by law or act of Congress, subject to the approval of majority votes cast by its residents in a plebiscite conducted by the Comelec (Local Government Code, Title III, Chapter 1, sec. 448-449). A City may be classified either as a component or highly urbanized. The city government is composed of the mayor, vice-mayor, members of the *sangguniang panlungsod* (which is composed of the president of the city chapter of the *liga ng mga barangay*, president of the *panlungsod ng mga pederasyon ng mga sangguniang kabataan* and the sectoral representatives) and other appointed officials.

The municipality consists of a group of *barangays* which is created, divided, merged, abolished or its boundary altered by law or act of Congress, subject to the approval of majority votes casts in a plebiscite conducted by the Comelec (Local Government Code, Title II, Chapter 1, sec. 440-441). The municipal government is composed of the mayor, vice-mayor, *sangguniang* members (which is composed of president of the municipal chapter of the *liga ng mga barangay*, president of the *pambayang pederasyon ng mga sangguniang kabataan* and the sectoral representatives) and other appointed officials. In order for a municipality to be converted into cities, a law or act of Congress must be passed by virtue of the provisions of the Local Government Code and the Constitution. A plebiscite must be conducted to determine if a majority of the people in the said municipality are in favor of converting the municipality into a city. Although laws have been passed, their constitutionality can be question in the Supreme Court. This can be seen in the November 18, 2008 decision penned by Justice Antonio T. Carpio. The League of Cities of the Philippines, City of Iloilo, City of Calbayog filed consolidated petitions questioning the constitutionality of the Cityhood Laws and enjoined the Commission on Elections and the respondent municipality from conducting plebiscites. The Cityhood Laws were declared as unconstitutional for they violated sections 6 and 10, Article X of the 1987 Constitution. The Cityhood laws referred to in this case are: Republic Acts 9389, 9390, 9391, 9392, 9293, 9394, 9398, 9404, 9405, 9407, 9408, 9409, 9434, 9435, 9436 and 9491. (League of Cities of the Philippines (CP) represented by LCP National President Jerry Trenas v. Commission on Elections, G.R. No. 176951, 177499, 178056, November 18, 2008)

The *Barangay* is the smallest local government unit which is created, divided, merged, abolished or its boundary altered by law or by an ordinance of the *sangguniang panlalawigan* or *sangguniang panlungsod*, subject to the

approval of majority votes casts in a plebiscite conducted by the Comelec (Local Government Code, Title I, Chapter 1, sec. 384-385)

The Philippines is divided into the following local government units:

- [Region I \(ILOCOS REGION\)](#)
- [Region II \(CAGAYAN VALLEY\)](#)
- [Region III \(CENTRAL LUZON\)](#)
- [Region IV \(CALABARZON & MIMAROPA\)](#)
- [Region V \(BICOL REGION\)](#)
- [Region VI \(WESTERN VISAYAS\)](#)
- [Region VII \(CENTRAL VISAYAS\)](#)
- [Region VIII \(EASTERN VISAYAS\)](#)
- [Region IX \(ZAMBOANGA PENINSULA\)](#)
- [Region X \(NORTHERN MINDANAO\)](#)
- [Region XI \(DAVAO REGION\)](#)
- [Region XII \(SOCCSKSARGEN\)](#)
- [Region XIII \(CARAGA\)](#)
- [Autonomous Region in Muslim Mindano \(ARMM\)](#)
- [Cordillera Administrative Region \(CAR\)](#)
- [National Capital Region \(NCR\)](#)

The Caraga Administrative Region (Region XIII) was created by Republic Act No. 7901 which was passed by both houses of Congress and approved by the President on February 23, 1995. The Autonomous Region in Muslim Mindanao was created by Republic Act No. 6734 was passed by both houses of Congress on February 7, 2001 and lapsed into law without the signature of the President in accordance with Article VI, Section 27 (1) of the Constitution on March 31, 2001. The Cordillera Autonomous Region was created by Republic Act No. 6766 which was approved on October 23, 1989.

3.6 Other Government Agencies

Commission on Human Rights - The Commission on Human Rights was created as an independent office for cases of violation of the human rights (Art. XIII, sec. 17). Specific powers and duties are expressly provided for by section 18 of the 1987 Constitution. It is composed of a Chairperson and four (4) members.

[Office of the Ombudsman](#) - The 1987 Constitution explicitly provides that Ombudsman and his deputies are called the protectors of the people for they are tasked to act promptly on complaints filed against public officials or employees of the government including government owned and controlled corporations (Art. XI, sec. 12). Its powers, duties and functions are provided for in section 13. It is responsible for prosecuting government official for their alleged crimes. However, Republic Act No. 6770, sec. 15 provides that the Ombudsman shall give priority to complaints filed against high ranking government officials and those occupying supervisory positions. It is composed of the Ombudsman and six (6) deputies.

The President, Vice President, members of the Supreme Court, Constitutional Commission and the Ombudsman may be removed from office by impeachment for conviction of violations of the Constitution, treason, bribery, graft and corruption, other high crimes or betrayal of public trust. (Art. XI, sec. 2). The House of Representatives has the exclusive power to initiate (Art. XI, sec. 3 (1)) while the Senate has the sole power to try and decide impeachments cases (Art. XI, sec. 3(6)). All other public officials and employees may be removed by law (Art. XI, sec. 2 the Civil Service Law).

4. Legal System

4.1 Nature of the Philippine Legal System

The Philippine legal system may be considered as a unique legal system because it is a blend of civil law (Roman), common law (Anglo-American), Muslim (Islamic) law and indigenous law. Like other legal systems, there are two main sources of law.

4.2 Sources of Law

There are two primary sources of the law:

- Statutes or statutory law - Statutes are defined as the written enactment of the will of the legislative branch of the government rendered authentic by certain prescribed forms or solemnities are more also known as enactment of congress. Generally they consist of two types, the Constitution and legislative enactments. In the Philippines, statutory law includes constitutions, treaties, statutes proper or legislative enactments, municipal charters, municipal legislation, court rules, administrative rules and orders, legislative rules and presidential issuance.
- Jurisprudence - or case law - is cases decided or written opinion by courts and by persons performing judicial functions. Also included are all rulings in administrative and legislative tribunals such as decisions made by the Presidential or Senate or House Electoral Tribunals. Only decisions of the House of Representatives Electoral Tribunal are available in print as House of Representatives Electoral Tribunal Reports, volume 1 (January 28, 1988-October 3, 1990) to present. They will be available electronically at the Supreme Court E-Library and as a separate CD.
- For Muslim law, the primary sources of Shariah are *Quran*, *Sunnaqh*, *Ijma* and *Qiyas*. Jainal D. Razul in his book *Commentaries and Jurisprudence on the Muslim Law of the Philippines* (1984) further stated there are new sources of muslim law, which some jurists rejected such as *Istihsan* or juristic preference; *Al-Masalih*, *Al Mursalah* or public interest; *Istidlal* (custom) and *Istishab*. (deduction based on continuity or permanence).

Classification of Legal Sources

Primary Authority is the only authority that is binding on the courts.

Classification by Authority

“Authority is that which may be cited in support of an action, theory or hypothesis.” Legal of materials primary authority are those that contain actual law or those that contain law created by government. Each of the three branches of government: Legislative, Executive and Judiciary, promulgates laws.

The legislature promulgates statutes, namely: Act, Commonwealth Act, Republic Act, Batas Pambansa. Executive promulgates presidential issuances (Presidential Decrees, Executive Orders, Memorandum Circular, Administrative Orders, Proclamations, etc.), rules and regulations through its various departments, bureaus and agencies. The Judiciary promulgates judicial doctrines embodied in decisions. We however need to clarify that the Presidential Decrees or law issued by President Ferdinand E. Marcos during Martial Law and Executive Orders issued by Aquino President Corazon C. Aquino before the opening Congress in July 1987 can be classified as legislative acts, there being no legislature during these two periods.

Primary Authority or sources may be further subdivided into the following:

- Mandatory primary authority is law created by the jurisdiction in which the law operates like the Philippines;
- Persuasive mandatory authority is law created by other jurisdictions but which have persuasive value to our courts e.g. Spanish and American laws and jurisprudence. These sources as used specially when there are no Philippine authorities available or when the Philippine statute or jurisprudence under interpretation is based on either the Spanish or American law;

It is in this regard that the collections of law libraries in the Philippines include United States court reports, West’s national reporter system, court reports of England and international tribunal, important reference materials such as the *American Jurisprudence*, *Corpus Juris Secundum*, *Words and Phrases* and different law dictionaries. Some of these law libraries subscribe to the *Westlaw and/or LexisNexis*. The Supreme Court , University of the Philippines, University of Santo Tomas and a number of prominent law libraries also have a Spanish collection where a great number of our laws originated.

Secondary authority or sources are commentaries or books, treatise, writings, journal articles that explain, discuss or comment on primary authorities. Also included in this category are the opinions of the Department of Justice, Securities and Exchange Commission or circulars of the *Bangko Sentral ng Pilipinas*. These materials are not binding on courts but they have persuasive effect and/or the degree of persuasiveness. With regards to commentaries or books, treatise, writings, journal articles, the reputation or expertise of the author is a consideration. Some of the authors of good reputation and considered experts in the field are Chief Justice Ramon C. Aquino and Justice Carolina Grino Aquino on Revised Penal Code or Criminal Law, Senator Arturo M. Tolentino on Civil law, Chief Justice Enrique M. Fernando and Fr. Joaquin Bernas on Constitutional Law, Prof. Perfecto Fernandez on Labor Law, Vicente Francisco, Chief Justice Manuel Moran on Remedial Law, and Justice Vicente Abad Santos and Senator Jovito Salonga on International Law, etc.

Classification by Source

It is important for legal research experts to know the source where the materials were taken from. One has to determine whether they came from primary (official) sources or secondary (unofficial sources). Primary and secondary sources for the sources of law are found in the Philippine Legal Information Resources and Citations section - part II - of the 2009 Update.

Primary sources are those published by the issuing agency itself or the official repository, the *Official Gazette*. Thus, for Republic Acts and other legislative enactments or statutes, the primary sources are the *Official Gazette* published by the National Printing Office and the Laws and Resolutions published by Congress. For Supreme Court decisions, the primary sources are the *Philippine Reports*, the individually mimeographed Advance Supreme Court decisions (discontinued by the Supreme Court effective January 2009) and the *Official Gazette*. Publication of Supreme Court decisions in the *Official Gazette* is selective. Complete court reports for Supreme Court decisions from 1901 to the present can be found in the *Philippine Reports*.

The Secondary Sources are the unofficial sources and generally referred to as those commercially published or those that are not published by government agencies or instrumentalities.

Some of the Secondary sources of statutes are the *Vital Legal Documents*, published by the Central Book Supply, contains a compilation of Presidential Decrees (1973). The second edition contains Republic Acts. Prof. Sulpicio Guevara published three books which contain s the full text of legislative enactments or laws namely: a). *Public Laws Annotated* (7 vols.) , compilation of all laws from 1901 to 1935, b). *Commonwealth Acts Annotated* (3vos.). compilation of laws from 1935-1945 c). *The Laws of the First Philippine Republic (The Laws of Malolos) 1898-1899*. For the Supreme Court decisions, *Supreme Court Reports Annotated (SCRA)*, a secondary source, published by the Central Book Supply is more updated and popular in the legal community than the *Philippine Reports*, the primary and official source. Citations in commentaries or books, treatise, writings, journal articles, pleading and even court decisions show SCRA's popular acceptance. The general rule is that in the absence of a primary source, the secondary source may be cited. This was the primary rationale for the SCRA's popularity. There was no primary source for complete compilation of Supreme Court decisions for more than twenty (20) years. The publication of the Philippine Reports by the National Printing Office ceased in 1960s. It was only in 1982 when the publication of the Philippine Reports was revived by then Chief Justice Enrique M. Fernando who requested then President Ferdinand E. Marcos to take charge of its publication with special appropriation in the Judiciary's annual budget.

With the advent of the new information technology, electronic or digitized sources are popular sources of legal information for the following reasons: a) updated legal information is readily available and b) the search engines used facilitate research, and c) no complete and update manually published search tools for statute and case law. These electronic sources are in the forms of CD ROMS, online or virtual libraries of the issuing government agency or instrumentality and the now growing websites of law offices such as [Chan Robles Law Firm Library](#) and [Jaromay, Laurente Law Office On Line Library](#). or law schools such as the Arellano Law Foundation Lawphil. Net. In case of conflict between the printed and electronic sources, the printed version coming from the issuing government agency prevails. This policy prevails even for the Supreme Court E-Library, where it is explicitly provided in its [website](#).

Legal research for statute law in the Philippines benefited remarkably from the use of the latest technology due to two major problems: a) no complete and updated published or printed search tools or law finders for statute law and b) no complete compilation of statute law from 1901-present were available. Problems of the publication of compilations of statute law or the existence of the full-text of Presidential Decrees was even brought to the Supreme Court in the *Tanada v. Tuvera*, G.R. No. 63915, April 24, 1985 (220 Phil 422), December 29, 1986 (146 SCRA 446) case. This case which was first decided before the bloodless revolution popularly known as People Power or the EDSA Revolution was modified in the December 29, 1986 or after the People Power or the EDSA Revolution.

Still, with regards to Statute Law in the Philippines, the other problem is how to classify sources published in the newspapers. Since 1987, based on the definition of primary and secondary source, they may be considered as primary sources pursuant to Executive Order No. 200, s. 1987 which provides that laws become effective fifteen (15) days after publication in the *Official Gazette* or in two newspapers of general circulation. In case of conflict between the two versions, the version of the *Official Gazette* holds.

In finding the law, our ultimate goal is to locate mandatory primary authorities which have bearing on the legal problem at hand. If these authorities are scarce or nonexistent, our next alternative is to find any relevant persuasive mandatory authority. If our search is still negative, the next alternative might be secondary authorities.

There are however instances where the secondary authorities, more particularly the commentaries made by experts of the field, take precedence over the persuasive mandatory authorities. With the availability of both, using both sources is highly recommended.

Classification by Character

This refers to the nature of the subject treated in books. This classification categorizes books as : a) Statute Law Books, b) Case Law Books or Law Reports, c) a combination of both and d) "Law Finders."

Law Finders refer to indexes, citators, encyclopedias, legal dictionaries, thesauri or digests. A major problem in the Philippines is that there are no up-to-date Law Finders. Federico Moreno's *Philippine Law Dictionary*, the only available Philippine law dictionary was last published in 1988, and, Jose Agaton Sibal's *Philippine Legal Thesaurus* which is likewise considered a dictionary was published in 1986. Foreign law dictionaries like *Blacks' Law Dictionary, Words and Phrases* are used as alternate. To search for legal information, legal researchers go online virtual libraries such as the [Supreme Court E-Library](http://elibrary.judiciary.gov.ph) (<http://elibrary.judiciary.gov.ph>), [Chan Robles Virtual Law Library](#), and the different databases in CD-ROM format from CD Asia Technologies Asia Inc. The databases developed by CD Asia include not only the compilation of Laws (statutes) and Jurisprudence, but also include a compilation of legal information that are not available in printed form such as Opinions of the Department of Justice, Securities and Exchange Commission and Bangko Sentral (Central Bank) rules and regulations. Search engines used in these databases answer for the lack of complete and updated indexes of legal information. In this regard, effective legal research can be conducted with one cardinal rule in mind: "ALWAYS START FROM THE LATEST." The exception to this is when the research has defined or has provided a SPECIFIC period.

5. Philippine Legal Research

5.1 Research of Statute law

Statute laws are the rules and regulations promulgated by competent authorities; enactments of legislative bodies (national or local) or they may be rules and regulations of administrative (departments or bureau) or judicial agencies. Research of statutory law does not end with consulting the law itself. At times it extends to the intent of each provision or even the words used in the law. In this regard, the deliberations of these laws must be consulted. The deliberation of laws, except Presidential Decrees and other Martial law issuances, are available.

Constitution

The different Constitutions of the Philippines are provided in some history books such as Gregorio F. Zaide's *Philippine Constitutional History and Constitutions of Modern Nations* (1970) and *Founders of Freedom; The History of Three Constitution* by a seven-man Board. The Philippine legal system recognizes the following Constitutions: Malolos, 1935, 1973, Provisional or Freedom and 1987 Constitutions.

Text of the Malolos Constitution is available in some history books such as Gregorio F. Zaide's *Philippine Constitutional History and Constitutions of Modern Nations*, p. 176 (1970). For the rest of the above mentioned Constitutions, the texts are available in published Philippine constitutional law books. Full text of these Constitutions will be available at the Supreme Court E-Library.

The Constitutional Convention proceedings provide for the intent and background of each provision of the Constitution. Sources for the 1934-1935 Constitutional Convention are: 10 volumes of the Constitutional Convention Record by the House of Representatives (1966), Salvador Laurel's seven volumes book entitled *Proceedings of the Constitutional Convention* (1966); 6 volumes of the *Philippine Constitution, Origins, Making, Meaning and Application* by the Philippine Lawyers Association with Jose Aruego as one of its editors (1970) and *Journal of the Constitutional convention of the Philippines* by Vicente Francisco.

Proceedings of the 1973 Constitutional Convention were never published. A photocopy and softcopy of the complete compilation is available at the Filipiniana Reading Room of the National Library of the Philippines.

Journals (3 volumes) and Records (5 volumes) of the Constitutional Convention of 1986 were published by the Constitutional Commission. This publication does not have an index. This problem was remedied when CD Technologies Asia Inc. came out with a CD-ROM version which facilitated research for it has a search engine.

The proceedings and text of the 1935, 1973 and 1987 Constitutions will be available at the Supreme Court E-Library.

Commentaries or interpretations on the constitution, decisions of the Supreme Court and other courts, textbooks

or treaties, periodical articles of the different Constitution are available. (See. Legal Bibliography on page 34)

Treaties and other International Agreements

A treaty is an agreement or a contract between two (bilateral) or more (multilateral) nations or sovereigns, entered into by agents appointed (generally the Secretary of Foreign Affairs or ambassadors) for the purpose and duly sanctioned by supreme powers of the respective countries. Treaties that do not have legislative sanctions are executive agreements which may or may not have legislative authorization, and which have limited execution by constitutional restrictions

In the Philippines, a treaty or international agreement shall not be valid and effective unless concurred in by at least two-thirds of all members of the Senate (Constitution, Article VII, section 21). Those without the concurrence of the Senate are considered as Executive Agreements.

The President of the Philippines may enter into international treaties or agreements as the national welfare and interest may require, and may contract and guarantee foreign loans on behalf of the Republic, subject to such limitations as may be provided by law. During the time of Pres. Marcos, there was the so-called Tripoli Agreement.

The official text of treaties is published in the *Official Gazette*, *Department of Foreign Affairs Treaty Series (DFATS)*, *United Nations Treaty Series (UNTS)* or the University of the Philippines Law Center's *Philippine Treaty Series (PTS)*. To locate the latest treaties, there are two possible sources: Department of Foreign Affairs and the Senate of the Philippines. There is no complete repository of all treaties entered into by the Philippines. There is a selective publication of treaties in the *Official Gazette*. The DFATS was last published in the 1970s while the PTS's last volume, vol. 8 contains treaties entered into until 1981. With the UN Treaty Series, it is available only in UN depository libraries in the country and its United Nation Information Center in Makati. Forthcoming will be the compilation of treaties from 1946-2007 in CD-ROM at the Supreme Court Library.

For tax treaties Eustaquio Ordoño has published a series on the Philippine tax treaties. Other sources of important treaties are appended in books on the subject or law journals such as the American Journal of International Law or the Philippine Yearbook of International Law.

To locate these treaties, the Foreign Service Institute published the Philippine Treaties Index (1946-1982) and UN Multilateral Treaties Deposited with the Secretary General. Electronically, major law libraries use the Treaties and International Agreements Researchers Archives (TIARA), WESTLAW, LEXIS, other online sources and the Internet.

Statutes Proper (Legislative Enactments)

Statutes are enactments of the different legislative bodies since 1900 broken down as follows:

- 4,275 ACTS - Enactments from 1900-1935
- 733 Commonwealth Acts - Enactments from 1935-1945
- 2034 Presidential Decrees - Enactments from 1972-1985
- 884 Batas Pambansa. – Enactments from 1979-1985
- 9547 Republic Acts - Enactments from 1946-1972, 1987- April 1, 2009

The above figures clearly show that during Martial Law, both President Marcos and the *Batasang Pambansa* (Parliament) were issuing laws at the same time - Presidential Decrees by President Marcos and *Batas Pambansa* by the Philippine Parliament.

During Martial Law, aside from Presidential Decrees, the President promulgated other issuances namely: 57 General Orders, 1,525 Letters of Instruction, 2,489 Proclamations, 832 Memorandum Order, 1,297 Memorandum Circular, 157 Letter of Implementation, Letter of Authority, Letters of Instruction, 504 Administrative Order and 1,093 Executive Orders.

As previously stated, the Presidential Decrees issued by Pres. Marcos during Martial Law and the Executive Orders issued by Pres. Aquino before the opening of Congress may be classified as legislative acts for there was no legislature during those two periods.

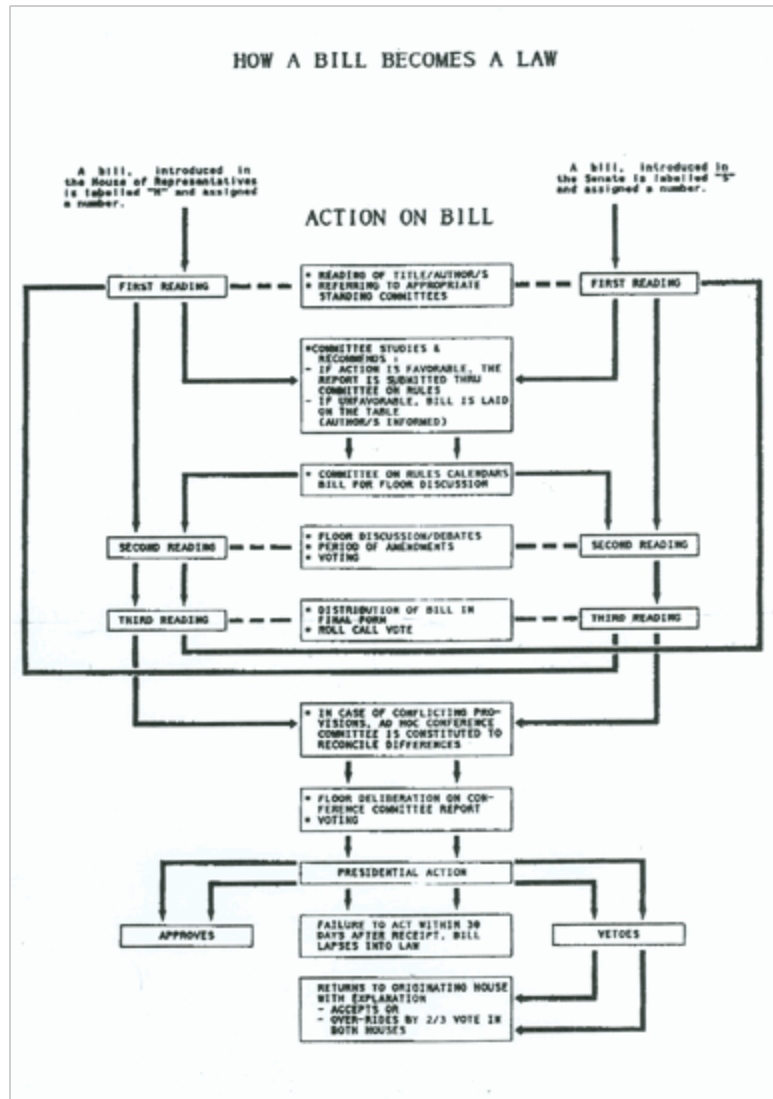
Laws passed by the new 1987 Congress started from Rep. Act No. 6636, as the last Republic Act promulgated by Congress before Martial Law was Rep. Act No. 6635.

The following are the Philippine codes adopted from 1901 to present:

- Child and Youth Welfare Code
- Civil Code
- Comprehensive Agrarian Reform Code
- Coconut Industry Code
- Code of Commerce
- Cooperative Code
- Corporation Code
- Family Code
- Fire Code
- Forest Reform Code
- Intellectual Property Code
- Labor Code
- Land Transportation and Traffic Code
- Local Government Code
- Muslim Code of Personal Laws
- National Building Code
- National Code of Marketing of Breast-milk Substitutes and Supplements
- National Internal Revenue Code
- Omnibus Election Code
- Philippine Environment Code
- Revised Administrative Code
- Revised Penal Code
- Sanitation Code
- State Auditing Code
- Tariff and Customs Code
- Water Code

From the above list of codes, recently amended is the Fire Code of the Philippines, Republic Act No. 9514 - "[An Act Establishing a Comprehensive Fire Code of the Philippines Repealing Presidential Decree No. 1185 and for Other Purposes](#)", Approved by the President on December 19, 2008.

The House of Representatives prepared the procedure on how a bill becomes a law. This procedure is pursuant to the Constitution and recognized by both Houses of Congress. To better appreciate the procedure, a diagram was prepared by the House of Representatives.



SOURCE: Congressional Library; House Printing Division, Administrative Support Bureau, July 1996.

Administrative acts, orders and regulations of the President touching on the organization or mode of operation of the government, re-arranging or adjusting districts, divisions or parts of the Philippines, and acts and commands governing the general performance of duties of public officials and employees or disposing of issues of general concern are made effective by Executive Orders. Those orders fixing the dates when specific laws, resolutions or orders cease to take effect and any information concerning matters of public moment determined by law, resolution or executive orders, take the form of executive Proclamation.

Executive Orders and Proclamations of the Governor-General were published annually in a set Executive Orders and Proclamations. Thirty three (33) volumes were published until 1935 by the Bureau of Printing. Administrative Acts and Orders of the President and Proclamations were published. Only a few libraries in the Philippines have these publications for the majority were destroyed during World War II. There are copies available at the Law Library of Congress, Cincinnati Law Library Association (who offered to donate them to the Supreme Court of the Philippines) and some at the Library of the Institute of South East Asian Studies in Singapore.

In researching for Proclamations, Administrative Orders, Executive Orders and Memorandum Orders & Circulars of the President, the year it was promulgated is a must, or if no year is available, the President issuing it must be stated. As a new President is sworn in, all the Presidential issuances start with No. 1. The only exception was Executive Orders issued by President Carlos Garcia after he assumed the Presidency because President Magsaysay died in a plane crash. He continued the number started by President Magsaysay. When President Garcia was elected President, he started his Executive Order No. 1.

To look for the intent of Republic Acts, we have to go through the printed *Journals* and *Records* of both houses of Congress which contain their deliberation. To facilitate the search, the House Bill No. or Senate Bill No. or both

found on the upper left portion of the first page of the law is important. The proceedings of the House of [Representatives](#) and the [Philippine Senate](#) are now available on their websites. The Batasang Pambansa has likewise published its proceedings. There are no available proceedings for the other laws Acts, Commonwealth Act and Presidential Decrees.

Administrative Rules and Regulations

Administrative Rules and regulations are orders, rules and regulations issued by the heads of Departments, Bureau and other agencies of the government for the effective enforcement of laws within their jurisdiction. However, in order that such rules and regulations may be valid, they must be within the authorized limits and jurisdiction of the office issuing them and in accordance with the provisions of the law authorizing their issuance. Access to administrative rules and regulations have been facilitated due to the two developments: a) government agencies, including government owned and controlled corporations, have their own [websites](#) where they include the full-text of their issuances, and b) the National Administrative Register, which is available in print, CD-Rom and in the Supreme Court website.

In handling these types of materials, there are two important items needed: a.) Issuing Agency and b.) Year it was promulgated. This is due to the fact that all Departments, Bureaus, and other government agencies use the administrative orders, memorandum orders and memorandum circulars for their administrative rules and regulations and they start always with number 1 every year. Even the Supreme Court issues Administrative Orders, Circulars, Memorandum Orders, and Administrative Matters.

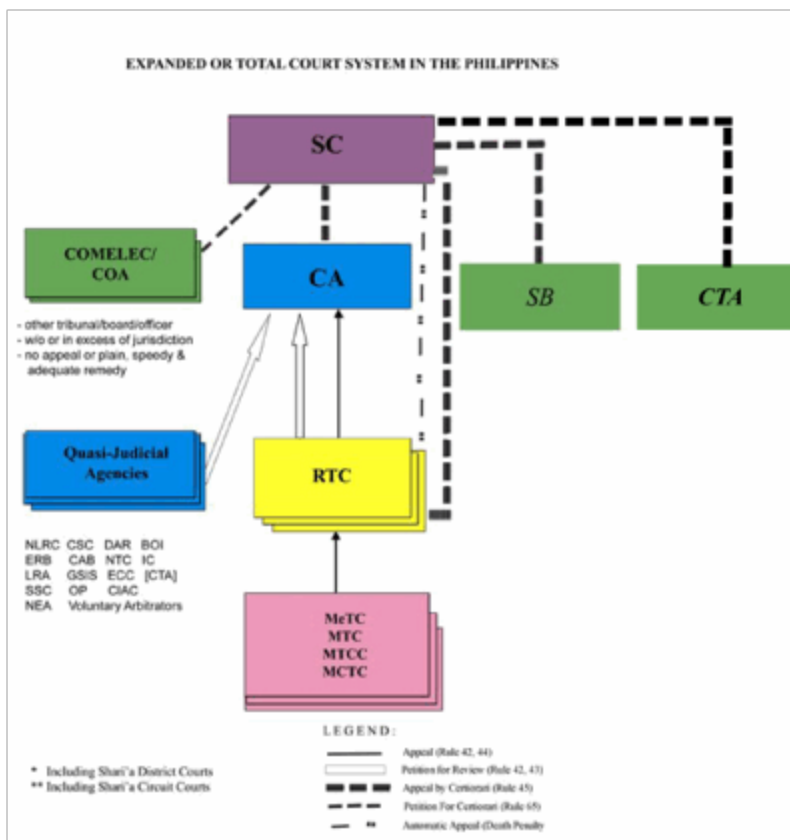
Before the Administrative Code of 1987, these orders, rules and regulations were selectively published in the *Official Gazette*. Thus, the only source to be able to get a copy of the text of these rules and regulations is the issuing government agency itself.

When the 1987 Administrative Code (Executive Order No. 292) was promulgated, all governmental and department orders, rules and regulations have to be filed with the University of government agencies including government owned and controlled corporations have to file three (3) certified copies of their orders, rules and regulations with the University of the Philippines Law Center's Office of National Administrative Register and are required to publish quarterly in a publication called *National Administrative Register*. Aside from the printed copies, the National Administrative Register is available electronically on CD-ROM (CD Asia Technologies Inc.) and online at the [Supreme Court E-Library](#). Rules in force on the date on which the Code took effect which are not filed within three months from the date not thereafter shall be the basis of any sanction against any person or party. Each rule becomes effective 15 days after the filing, unless a different date is fixed by law or specified in the rule, such as in cases of imminent danger to public health, safety and welfare, the existence of which must be expressed in a statement accompanying the rule. The court shall take judicial notice of the certified copy of each rule duly filed or as published in the bulletin or codified rules

University of the Philippines Law Center's Office of National Administrative Register 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. 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. Exceptions to the "filing requirement" are Congress, Judiciary, Constitutional Commission, military establishments in all matters relative to Armed Forces personnel, the Board of Pardons and Parole and state universities and colleges.

As previously stated, there are no up-to-date or complete Statutes finders. Those published are listed in the Philippine Legal Information Resources and Citations (part II of the 2009 Update). As previously stated, to facilitate legal research, one has to go online to virtual libraries such as the [Supreme Court E-Library](#), [Chan Robles Virtual Law Library](#), Arellano Law Foundation's [The I Lawphil Project](#), and [CD Asia Technologies](#) or the different databases in CD ROM such as those of CD Asia Technologies Asia Inc., *!e-library! A Century and 4 Years of Supreme Court Decisions* and *i-Law Instant CD*.

5.2 Research of Case Law



SOURCE: *2002 Revised Manual of Clerks of Court*. Manila, Supreme Court, 2002. Organizational Chart was amended due to the passage of Republic Act No. 9282 (CTA)

Case Law or Judicial decisions are official interpretations or manifestation of law made by persons and agencies of the government performing judicial and quasi-judicial functions. At the apex of the Philippine Judicial System is the Supreme Court, or what is referred to as court of last resort. The reorganization of the Judiciary of 1980 (Batas Pambansa Bldg. 129) established the following courts:

- Court of Appeals;
- Regional Trial Courts divided into different judicial regions,
- Metropolitan Trial Court;
- Municipal Trial Court in Cities;
- Municipal Trial Courts;
- Municipal Circuit Trial Courts.

The *Shariah (Sharia'a)* Circuit and District Courts (Presidential Decree No. 1083), Court of Tax Appeals (Republic Act No. 1125) and the Sandiganbayan (Presidential Decree Nos. 1486 and 1606), sec. 4, Art XI of the 1987 Constitution were created by separate laws.

Conventional decisions are decisions or rulings made by regularly constituted court of justice. Subordinate decisions are those made by administrative agencies performing quasi-judicial functions.

One major problem in conducting research on case law is the availability of published or printed decisions from the Court of Appeals to the rest of the judicial and quasi-judicial agencies. The Judicial Reform Program of the Supreme Court with the establishment of the Supreme Court E-Library aims to address this problem and also those from statute law. The decisions of the Supreme Court, Court of Appeals, Sandiganbayan and the Court of Tax Appeals will be made available in the Supreme Court E-Library. Downloading of the decisions of the Appellate Courts have started from the most recent and will continue until all their first decision from their creation will be completed. The Reporters Office of the Supreme Court and the Court of Appeals keep all the original and complete copies of the court decisions. For the rest of the members of the Judiciary or the quasi-judicial agencies, copies of their decisions may be taken from the Legal Office, Office of the Clerks of Court or their libraries.

Supreme Court Decisions

Decisions of the Supreme Court bind the lower courts and are a source of law, the law of the land. It is the

judgment of this court which determines whether a law is constitutional or not. Unconstitutional laws even though it is signed by the President and passed by both house of congress can not take effect in the Philippines.

Decisions of the Supreme Court are classified as follows:

- "Regular decisions" and extended Resolutions are published in court reports either in primary or secondary sources. These decisions provide the justice who penned the decision or *ponente* and the other justices responsible for promulgating the decision, whether En Banc or by Division. Separate dissenting and/or concurring opinions are likewise published with the main decision. These regular and extended resolutions are available electronically in the Supreme Court E-Library under Decisions.
- Unsigned Minute Resolutions are not published. Although they bear the same force and effect as the regular decisions or extended resolutions, they are signed and issued by the respective Clerks of Court En Banc or by either of the three (3) Divisions. Since these Minutes Resolutions are not published, the Supreme Court has now incorporated these Minute Resolutions, more particularly those that resolve a motion for reconsideration or those that explain or affirm a decision; and (2) Administrative Matters in the [Supreme Court E-Library](#), under RESOLUTIONS.

Case Reports in the Philippines such as the *Philippine Reports*, *Supreme Court Reports Annotated (SCRA)*, and the *Supreme Court Advance Decisions (SCAD)* come in bound volumes which generally cover a month per volume. *The Official Gazette* and *Philippine Reports* are the official repositories of decisions and extended resolutions of the Supreme Court. The difference between the two lies in the fact that the *Official Gazette* selectively publishes Supreme Court decisions while *Philippine Reports* contains all decisions of the Supreme Court except minute resolutions. However, from 1901 until 1960, there were unpublished decisions of the Supreme Court. The list and subject field are found at the back of each volume of the *Philippine Reports*. Some of these decisions are cited in treatises or annotations. In view to the importance of these decisions, the late Judge Nitafan of the Regional Trial Court of Manila started publishing *Supreme Court Unpublished Decisions*; vol. 1 covers decisions from March 1946 to February 1952.

Even before the war, there were unpublished decisions of the Court. The source of these unpublished decisions is the Office of the Reporter of the Supreme Court. Due to World War II, a number of the original decisions have been burned. So, there is no complete compilation of the original decisions of the Supreme Court. This problem is being addressed by the Supreme Court E-Library where are great number of these unpublished decisions of the Supreme Court before the war were retrieved from different sources such as the United States National Archives in Maryland, private collection of former Supreme Court Justices such as Chief Justice Ramon Avancena and Justice George Malcom (collection is found in the University of Michigan) and private law libraries who were able to save some of their collection such as the University of Santo Tomas, the oldest university in the Philippines. Search for the unpublished decisions still continues. A list of these unpublished decisions is in the Supreme Court E-Library, Project [COMPUSDEC](#), under JURISPRUDENCE.

The early volumes, particularly those before the war were originally published in Spanish in the *Jurisprudencia Filipina*. They were translated in English to become the *Philippine Reports*. Some decisions after the second Philippine independence were still in the Spanish language. There are a number of decisions now in the Filipino language. The *Philippine Reports* until volume 126 (1960's) was published by the Bureau of Printing, now called the National Printing Office. Printing was transferred to the Supreme Court in the 1980s due to the need for a complete official publication of the Court's decision. The Supreme Court's *Philippine Reports* started with volume 127.

The most popular secondary source is the *Supreme Court Reports Annotated (SCRA)*. Actually, legal practitioners cite it more than the *Philippine Reports* and the *Lex Libris Jurisprudence CD ROM*.

How can we search for Supreme Court decisions:

1. Topic or Subject Approach: (Please See Complete title of the publication from the Philippine Legal Bibliography chapter)
 - Philippine Digest
 - Republic of the Philippine Digest
 - Velayo's digest
 - Magsino's Compendium
 - Supreme Court's unpublished Subject Index
 - Martinez's Summary of Supreme Court rulings 1984 to 1997
 - UP Law Center's Supreme Court decisions: subject index and digest's

- SC's Case Digest's
 - Philippine Law and Jurisprudence
 - Castigador's Citations
 - SCRA Quick Index Digest
 - Lex Libris Jurisprudence
2. Title Approach or Title of the Approach: (Please See Complete title of the publication from the Philippine Legal Bibliography chapter)
- Philippine Digest - Case Index
 - Republic of the Philippines Digest
 - Ong, M. Title Index to SC decisions 1946-1978 2v.; 1978-1981 1st Suppl; 1981-1985, 2nd Suppl; 1986 to present is unpublished but available at the SC Lib
 - Ateneo's Index & Acuirre's Index
 - Lex Libris Jurisprudence/Template search

Court of Appeals decisions

Decisions of the Court of Appeals are merely persuasive on lower courts. They are cited in cases where there are no Supreme Court decisions in point. In this regard, they are considered as judicial guides to lower courts and that conclusion or pronouncement they make can be raised as a doctrine.

Sources of Court of Appeals decisions are:

- Text:
 - Official Gazette (selective publication)
 - Court of Appeals Reports which was published by the Court of Appeals until 1980. Even this publication is not a complete compilation. It is still considered selective for not all CA decisions are published.
 - Court of Appeals Reports (CAR) by Central Book Supply. One volume was published
 - Philippine Law and Jurisprudence
 - Reports Office of the Court of Appeals
- Subject or Topic Approach:
 - Velayo's Digest;
 - Moreno's Philippine Law dictionary

Decisions of Special Courts

Sandiganbayan and the Court of Tax Appeals do not have published decisions. The Sandiganbayan has only one volume published; Sandiganbayan Reports vol. 1 covers decisions promulgated from December 1979 to 1980.

Court of Tax Appeals decisions from 1980 to 2004 are found in the Lex Libris particularly in Taxation CD ROM.

Decisions of Administrative Agencies, Commissions and Boards

Laws have been promulgated which grants some administrative agencies to perform quasi-judicial functions. These functions are distinct from their regular administrative or regulatory functions where rules and regulations are promulgated. The Securities Regulations Code (Republic Act No. 8799) signed by President Joseph E. Estrada on July 19, 2000 affects Securities and Exchange Commission's (SEC) quasi-judicial functions. The other agencies performing said functions are National Labor Relations Commission (NLRC), Insurance Commission, Housing and Land Use Regulatory Board (HLURB), Government Service Insurance System (GSIS), Social Security System (SSS) and even the Civil Service Commission (CSC). Some of their decisions are published in the Official Gazette. Some have their own publication such as the SEC and the CSC or some include them in their own websites

CD Asia Technologies' *Lex Libris* series has individual CD ROMs for the Department of Justice, Securities and Exchange Commission, *Bangko Sentral ng Pilipinas* (Central Bank of the Philippines), and the Bureau of Internal Revenue. Included in these individual CD ROMs are the pertinent laws, their respective issuances as well as Supreme Court decisions. It CD ROM on Labor (vol. VII) incorporated issuances from the Department of Labor and Employment and its affiliated agencies and offices. The Trade, Commerce and Industry CD ROM includes Supreme Court decisions, laws and issuances of its various agencies such as the Department of Trade and Industry, Board of Investments, Bureau of Customs, *Bangko Sentral* and the Philippine Stock Exchange.

6. Legal Profession and Legal Education

The Constitution (sec.5) vests the Supreme Court with the power of admission to the practice of law. The judicial function to admit to the legal profession is exercised by the Supreme Court through a Bar Examination Committee. The requirements to be able to apply for admission to the bar are provided in Rule 138, sec. 2 and sections 5-6 (academic requirements). Every applicant for the admission must be a Filipino citizen and at least 21 years of age. As to the academic requirements, he should have finished a four year pre-law course and a four year law degree. The Bar Examinations are given during the four (4) Sundays of September of each year. The lists of lawyers who are allowed to practice are found in the Rolls of Attorneys of the Supreme Court and the publication of the Court entitled, *Law List*. The online version of the *Law List*, available in the [Supreme Court](#) and [Supreme E-Library](#), includes the annual lists of additional members of the bar.

Special Bar Exams for *Shari'a* Court lawyers is provided for by virtue of the Court En Banc Resolution dated September 20, 1983. The exam is given every two years. Although the exam is conducted by the Supreme Court Bar Office, it is the Office of Muslim Affairs who certifies as to who are qualified to take the exam.

Republic Act No. 7662, approved on December 23, 1993, provided for reforms in legal education and created a Legal Education Board. The Board shall be composed of a Chairman who shall preferably be a former justice of the Supreme Court of Court of Appeals and regular members composed of: a representative of each of the following: Integrated Bar of the Philippines (IBP), Philippine Association of Law Schools (PALS), Philippine Association of Law Professors (PALP), ranks of active law practitioners and law students' sector. The reforms in the legal education system envisioned by Republic Act No. 7662 will require proper selection of law students, maintain the quality of law schools and require legal apprenticeship and continuing legal education.

All attorneys whose names are in the Rolls of Attorneys of the Supreme Court who have qualified for and have passed the bar examinations conducted annually, taken the attorney's oath, unless otherwise disbarred must be a member of the Integrated Bar of the Philippines. Bar Matter No. 850 was promulgated by the Resolution of the Supreme Court En Banc on August 22, 2000, as amended on October 2, 2001, providing for the rules on Mandatory Continuing Legal Education (MCLE) for Active Members of the Integrated Bar of the Philippines (IBP). The members of the IBP have to complete every three (3) years at least thirty six (36) hours of continuing legal activities approved by the MCLE Committee. An IBP member who fails to comply with the said requirement shall pay a non-compliance fee and shall be listed as a delinquent member of the IBP. A Mandatory Continuing Legal Education Office was established by the Supreme Court (SC Administrative Order No. 113-2003) to implement said MCLE. Under the Resolution of the Court en Banc dated September 2, 2008 (Bar Matter No. 1922), the counsel's MCLE Certificate of Compliance must be indicated in all pleadings filed with the Courts.

6.1 Law Schools

The Office of the Bar Confidant of the Supreme Court as of January 2009 has the following one hundred five (106) law schools throughout the Philippines:

- Abra Valley Colleges, Taft St., Bangued, Abra
- Adamson University, 900 San Marcelino St., Manila
- Aemilianum College Inc., Sorsogon City
- Aklan Colleges, Kalibo Aklan
- Andres Bonifacio College, College Park, Diolog City
- Angeles University Foundation, Mac Arthur Highway, Angeles City Pampanga
- Aquinas University, 2-S King's Building, JAA Penaranda St., Legaspi City
- Araullo University, Bitas, Cabanatuan City
- Arellano University, Taft Ave., cor. Menlo St, Pasay City
- Ateneo de Davao University, Jacinto St., Davao City
- Ateneo de Manila University, Rockwell Drive, Rockwell Center, Makati City
- Bicol University, Daraga Albay
- Bohol Institute of Technology, Tagbilaran, Bohol
- Bukidnon State College, Malaybalay, Bukidnon
- Bulacan State University, Malolos, Bulacan
- Cagayan Colleges-Tuguegarao, Tuguegarao, Cagayan
- Cagayan State University, Tuguegarao, Cagayan
- Camarines Norte School of Law, Itomang, Talisay, Camarines Norte
- Central Philippines University, Jaro, Iloilo City
- Christ the King College, Calbayog City
- Colegio dela Purisima Concepcion, IBP Office, Hall of Justice, Roxas City
- Cor Jesus College, Digos, Davao del Sur
- Cordillera Career Development College, Buyagan, La Trinidad, Benguet
- Don Mariano Marcos Memorial State University, San Fernando, La Union

- Dr. Vicente Orestes Romualdez Education Foundation Inc., Tacloban City, Leyte
- East Central Colleges, San Fernando City, Pampanga
- Eastern Samar State University, Borogan, Eastern Samar
- Far Eastern University, Nicanor Reyes Sr. St., Sampaloc, Manila
- Fernandez College of Arts & Technology, Gil Carlos St., Baliuag, Bulacan
- Foundation University, Dr. Miciano St., Dumaguete City
- Harvadian Colleges, San Fernando City, Pampanga
- Holy Name University, Tagbilaran City, Bohol
- Isabela State University, Cauayan Campus, Cauayan, Isabela
- Josefina Cerilles State Collage, Pagadian City
- Jose Rizal University, 82 Shaw Blvd., Mandaluyong City
- Leyte Colleges, Zamora St., Tacloban City
- Liceo de Cagayan University, Rodolfo N. Pelaez Blvd, Carmen, Cagayan de Oro City
- Luna Goco Colleges, Calapan, Oriental Mindoro
- Lyceum of the Philippines, L.P. Leviste St., Makati City
- Lyceum-Northwestern University, Dagupan City, Pangasinan
- Manila Law College Foundation, Sales St., Sta. Cruz, Manila
- Manuel L. Quezon University, R. Hidalgo St., Quiapo, Manila
- Manuel S. Enverga University Foundation, Foundation St., Lucena City
- Masbate Colleges, Masbate, Masbate
- Medina Colleges, Ozamiz City
- Mindanao State University, Marawi City
- Misamis University, Bonifacio St., Ozamis City
- Naval Institute of Technology-UEP
- New Era University, St Joseph St., Milton Hills Subd., Bgy, New Era, Quezon City
- Northeastern College, Santiago City, Isabela
- Northwestern University, Laoag City
- Notre Dame University, Note Dame Ave., Cotabato City
- Our Lady of Mercy Colloge, Borogan, Eastern Samar
- Pagadian College of Criminology & Sciences, Pagadian City
- Palawan State University, Sta. Monica, Puerto Princesa, Palawan
- Pamantasan ng Lungsod ng Maynila, Intramuros, Manila
- Pamantasan ng Lungsod ng Pasay, Pasadera St., Pasay City
- Philippine Advent College, Sindangan, Zamboanga del Norte
- Philippine Law School, F.B. Harrison St., Pasay City
- Polytechnic College of La Union. La Union
- Polytechnic University of the Philippines, Pureza St., Sta. Mesa, Manila
- Samar Coleges, Catbalogan, Samar
- San Beda College, Mendiola St., San Miguel, Manila
- San Pablo Colleges, San Pablo City
- San Sebastian College-Recoletos, IBP Bldg., Surigao City
- St. Ferdinand College, Santa Ana, Centro Iligan, Isabela
- Saint Louis College, San Fernando City, La Union
- St. Louis University, Bonifacio St., Baguio City
- St. Mary's University, 3700 Bayombong, Nueva Vizcaya
- Silliman University, Hubbard Avenue, Dumaguete City, Negros Oriental
- Southwestern University, Urgillo St., Sambag District, Cebu City
- Tabaco Colleges, Tabaco, Albay
- University of Baguio, Baguio City
- University of Batangas, Batangas City
- University of Bohol, Tagbilaran City
- University of Eastern Philippines, Catarman, Northern Samar
- University of Iloilo, Iloilo City
- University of Manila, M.V. delos Santos, Manila
- University of Mindanao, Bolton St., Davao City
- University of Negros Occidental-Recoletos, Lizares St., Bacolod City
- University of Northeastern Philippines, San Roque, Iriga City, Camarines Sur
- University of Northwestern Philippines, Vigan, Ilocos Sur
- University of Northern Philippines, Vigan, Ilocos Sur
- University of Nueva Caceres, Igualdad St., Naga City

- University of Pangasinan, Dagupan City, Pangasinan
- University of Perpetual Help-Rizal, Las Pinas City
- University of Perpetual Help System, Binan, Laguna
- University of San Agustin, Ge. Luna St., Iloilo City
- University of San Carlos, P. del Rosario St., Cebu City
- University of San Jose-Recoltos, Cebu City
- University of Santo Tomas, Espana, Manila
- University of Southern Philippines Foundation, Cebu City
- University of St. La Salle, La Salle Ave., Bacolod City
- University of the Cordelleras, Harrison Road, Baguio City
- University of the East, C.M. Recto Avenue, Manila
- University of the Philippines, Diliman, Quezon City
- University of Visayas, Gullas Law School, Colon St., Cebu City
- Urios College, San Francisco St. cor. J.C. Aquino Avenue, Butuan City
- Virgen de los Remedios College, 10 Fontaine St, Eat Bajac-Bajac, Olongapo City
- Virgen Milagrosa University, San Carlos City, Pangasinan
- Western Mindanao State University, Zamboanga City
- Xavier University, Corales Ave., Cagayan de Oro City

The above list from the Office of the Bar Confidant does not include newly organized law schools and/or law schools who do not yet have any graduate to qualify for the annual bar examination.

The following educational Association and/or Organizations:

- Philippine Association of Law Deans
- Philippine Association of Law Professors
- Philippine Association of Law Students

6.2 Bar Associations

Integrated Bar of the Philippines

The official organization for the legal profession is the Integrated Bar of the Philippines (IBP), established by virtue of Republic Act No. 6397. This confirmed the power of the Supreme Court to adopt rules for the integration of the Philippine Bar. Presidential Decree 181 (1973) constituted the IBP into a corporate body.

There are now about 40,000 attorneys who composed the IBP. These are the attorneys whose names are in the Rolls of Attorneys of the Supreme Court who have qualified for and have passed the bar examinations conducted annually, taken the attorney's oath, unless otherwise disbarred. Membership in the IBP is compulsory. The Supreme Court in its resolution Court En Banc dated November 12, 2002 (Bar Matter No. 1132) and amended by resolution Court En Banc dated April 1, 2003 (Bar Matter No. 112-2002) require all lawyers to indicate their Roll of Attorneys Number in all papers and pleadings filed in judicial and quasi-judicial bodies in addition to the previously required current Professional Tax Receipt (PTR) and IBP Official Receipt or Life Member Number.

Other Bar Associations

Philippine Bar Association is the oldest voluntary national organization of lawyers in the Philippines which traces its roots to the *Colegio de Abogados de Filipinas* organized on April 8, 1891. It was formally incorporated as a direct successor of the *Colegio de Abogados de Filipinas* on March 27, 1958.

The other voluntary bar associations are the Philippine Lawyers Association, Trial Lawyers Association of the Philippines, Vanguard of the Philippine Constitution, PHILCONSA, All Asia Association, Catholic Lawyers Guild of the Philippines, Society of International Law, WILOCI, Women Lawyers Association of the Philippines (WLAP), FIDA. The Philippines is also a member of international law associations such as the ASEAN Law Association, and LAWASIA.

Part 2: Philippine Legal Information Resources and Citations