

Chapter I: Introduction

Statutory Construction

- defined as the art or process of discovering and expounding the meaning and intention of the authors of the law with respect to its application to a given case, where the intention is rendered doubtful, among others, by reason of the fact that the given case is not explicitly provided by law.

Interpretation: Discovering the true meaning of the language used.

Construction: Drawing of conclusions that are beyond the direct expression of the text, from the elements known and given.

**The situs of construction and interpretation is the forte of the judicial department.*

Requisites of Statutory Construction

Actual Case or Controversy

Ambiguity in the law

**When the law speaks in clear and categorical language, there is no room for interpretation, vacillation or equivocation.*

Director of Lands v. CA - publication requirement of the law / non compliance.

Pascual v. Pascual – application of laws. When the laws are clear they do not need further interpretation.

**The first duty of the courts is to apply the law.*

People v. Mapa – Illegal possession of firearms; Justice of peace not exempted.

**The duty of the courts is to apply the law disregarding their feeling of sympathy or pity for the accused.*

People v. Amigo – Life imprisonment (Dura lex, Sed lex)

Hermeneutics - the science and art of construction and interpretation.

- A systematic body of rules which are recognized as applicable to the construction and interpretation of legal writing.

Kinds of Interpretation (Dr. Lieber):

1. Close - "literal". Narrow interpretation
2. Extensive – liberal
3. Extravagant – substitutes another meaning. Not genuine.
4. Free – interpretation in good faith.
5. Limited – influenced by other principles other than hermeneutics.
6. Predestined – biased

*The most common subject of interpretation are the constitution and statutes. (Ordinances, resolutions, executive orders and department circulars.

Chapter II: Statutes

Statutes – Starts with a bill. (Draft of a proposed law)

Act – acted on and passed by the legislature.

How a Bill becomes a Law:

1. Proposal and calendar schedule for first reading.
2. First reading; number and title only
3. Referred by the Speaker to a committee for apt study. Public hearings. Committee submits either a positive or negative report, otherwise the bill is dead.
4. Favorable action = calendar for second reading
5. Second reading and open debates for amendments.
6. 2 calendar days before passage, bill is printed in its final form and copies are distributed to members of the house.
7. Calendar date for 3rd and final reading. Voting. Majority of a quorum is needed to pass the bill. (NO = ☹)
8. Passed to the Senate; 3 readings again on 3 separate days. May need bicameral conference.
9. If Bicam becomes final, it will be submitted to the president for approval. / He may veto and return it to the House, where 2/3 votes make it a law.

Mechanical Procedure in the Passage of a Bill (Constitutional Requirements):

1. One subject only in title.
 - To prevent log-rolling statutes
 - To prevent surprise or fraud
 - To fairly apprise the people.
2. Three readings in three separate days. Copies in final form must be distributed three days before it is passed.
3. Presentation to the President, subject to approval or veto.

Parts of a Statute:

1. Title – heading
2. Preamble – reasons / subjects for enactment. "Whereas"
3. Enacting Clause – identifier as an act of legislation.
4. Body – procedural provisions and substantive parts.
5. Repealing Clause – prior statutes abrogated.
6. Saving Clause- restriction in the repealing act intended to save rights, pending proceedings from abrogation.
7. Separability Clause – in the event that one or more provisions are repealed, others would remain effective.
8. Effectivity Clause – date of effectivity.

Kinds of Statutes:

1. General – Affects the community at large.
2. Special – designed for a particular purpose.
3. Local – Operates over a particular locality.
4. Public – Constitutional, Admin, Criminal, International.
(May be General – Local – Special) .
5. Private – governing individuals or corporations
6. Remedial – means or method where cause of actions can be effectuated.
Redress and relief.
7. Curative – retrospective
8. Penal – RPC
9. Prospective – only applies to cases after enactment
10. Affirmative – one that declares what shall be done.
11. Mandatory – requires cause of action

* **Vague statutes** – obscure on its face. Lacks comprehensible standards of common intelligence.

Repugnant because:

- Violates due process for failure to accord persons due notice of what conduct to avoid.
- Leave law enforcers unbridled discretion in carrying out its provisions.

***Repeals**

Express – Repealing clause

Implied – Irreconcilable inconsistency / system codifying former laws.

***Ordinances** – Acts passed by a local legislative body.

Valid Ordinances:

1. Must not contravene constitution
2. Not unfair / oppressive
3. Impartial & Undiscriminatory
4. Regulates trade
5. General and consistent with public policy
6. Reasonable

Chapter III: Basic Guidelines in Construction and Interpretation

1. Legislative Intent – object of all interpretation and construction of statutes.

- Clauses and phrases of the statute are to be taken as a whole.

- When the words and language of the statute is clear, it should be given its natural meaning.

**Language of the statute* – legislative intent is determined principally from the language of the statute

Socorro Ramirez v. CA – wiretapping case. Features clear intent of the law parallel to the deliberations of Congress.

2. Verba legis non est recedendum – from the words of the statute there should be no departure. (Clear, unambiguous meaning)

Globe Mckay v. NLRC – plain meaning rule.

“Index animi sermo est” (speech is the index of intention)

Basbacio v. DOJ Secretary- verba legis rule din. Compensation for pardoned criminals

3. Statute as a whole – cardinal rule in stat con is to consider the statute as a whole and not rely separately on its provisions.

- Legislature is not presumed to have used useless words.

- If a statute is susceptible to more than one interpretation, courts should adopt a reasonable construction that renders the statute operative.

JMM Promotions v. NLRC – In interpreting a statute, care should be taken that every part be given effect.

Radiola Toshiba v. IAC – “Ut res magis valen quam pereat”

(construction is it be sought which gives effect to the whole statute.)

4. Spirit and Purpose of the Law - applies if the literal meaning renders the whole statute absurd or will have inapt. Consequences.

De Guia v. COMELEC – ambiguous law. Construction should be rejected that gives a statute a purposeless meaning.

Salenillas v. CA – Between 2 statutory interpretations, that which better serves the purpose of the law should prevail.

Commendador v. Camera- (Peremptory Challenges) when the reason of the law ceases, the law ceases (“Cessante ratione legis”)

- “Ratio legis est anima” (The reason of the law is its soul)

5. Implications – only necessary implications are read into the statute. Mere desirability or plausibility ☹. The implication must be strong that opposition cannot take place.

Chua v. Civil Service Commission – (Co-terminus employee case).

Doctrine of necessary implications.

“Ex necessitate legis” (every statutory grant of right or privilege is deemed to include all incidental rights and privileges as well). – “In eo plus sit, superinest et minus”

City of Manila Treas. V. Gomez – Special Education fund law tax case.

5. Casus Omissus – If the statute makes specific provisions re: enumerated objects or cases, but omits to make a provision for one, It may be omitted by inadvertence (overlooked). These defects cannot be supplied by courts.

- The Casus Omissus Rule can apply only if the omission is clearly established. Under this rule, a person or object omitted from an enumeration is held to have been omitted intentionally by the legislature.

People v. Manantan – (Justice of Peace). Casus Omissus not applicable since justice of peace were considered as judges.

6. Stare Decisis – stability of past precedents. It is N/A if it is in violation of a law in force. JM Tuason v. Mariano – (Aquials) land dispute already settled by previous decisions.

Chapter IV: Construction & Interpretation fo Words and Phrases

1. “Ubu Lex non distinguit nec nos distinguere debemos” – when the laws do not distinguish, courts should not distinguish.

- The words and phrases of a statute should be accorded its natural or general significance.

Phil. British Assurance Co. v. IAC – applies the rule that a general term or phrase should not be reduced into parts, and one part distinguished from another, so as to justify its exclusion from the application of the law.

Pilar v. COMELEC – candidate who withdrew. Failure to file statement of contributions, sanctioned.

People v. Evangelista – Probation case.

2. Exceptions in the statute – when the law does not make exceptions, courts should not also; except if they have justified reasons.

Cecilio de Villa v. CA – BP 22. (Refer to extrinsic aids)

3. General & Special Terms – General terms /general construction unless restrained by context or specific terms.

Special Terms: expanded to general specification by considering that the law is general.

Rule:

*General terms may be restricted by specific words, with the result that the general language will be limited by specific language which indicates the statute's object and purpose. The rule is applicable to all cases, except for one general term, all items in the enumeration fall into one specific class.

Colgate Palmolive v.v Auditor General – Exchange Tax Law case. Stabilizers and flavors.

4. Ejusdem Generis – General terms following special terms. Broad expressions in an act (“all others /any other”) are restricted usually to things of the same kind within those mentioned in the preceding terms.

Republic v. Migrinio – Graft and corruption case of AFP personnel.

People v. Echavez - Squatting on agricultural lands.

Misael Vera v. Cuevas – Filled milk differentiated from skimmed milk

5. Express Mention and Implied Exclusion – (“Expressio Unius et exclusio alterius”)

- Applied under proper conditions and limitations. The express mention of one thing, person or consequence is tantamount to an express exclusion of all others.

*Exception to the Rule:

If no reason exists why things not enumerated should not have been included, the rule should not be invoked if manifest injustice will follow by not including them.

San Pablo Manufacturing v. BIR Commissioner – Deficiency Miller's tax case. (Strictissimi Juris case as well)

6. Associated Words – They limit and explain each other. Mutually qualifying each other.

Buenasera v. Juan Flavier – Preventive suspension case.

7. Negative Words (Mandatory) / Affirmative Words (Directory)

Fule v. CA – BP 22. Pre-trial evidence unaccepted.

8. May (Permissible) / Shall (Imperative)

Bersabal v. Salvador – Filing of memorandum on time for appeal. Use of “may” accepted.

Crisologo v. globe Telecom – Public Affairs manager case. Use of alternative, wrong solution for a case, remanded to CA.

Loyola Grand Villas South v. CA – use of the word MUST is not always mandatory. Consistent with an exercise of discretion.

9. And (Conjunctive) / Or (Disjunctive) / And-or (Both functions)

10. Computation of Time (NCC 13)

Years = 365 days

Months = 30 Days

Day = 24 Hours

Night = sunset-sunrise

Week = 7 consecutive days w/o regard to the day of the week were it begins

Months by name = respective to the days they have

*First day excluded, last day included.

* RPC 90 – 1 month/30 days, to determine if a crime has prescribed

PNB v. CA – computation of a week. (Concepcion v. Zanduetta decision defines a week)

11. Proviso – clause or part of a clause in a statute excepting something from the enacting clause to qualify/ restrain its generality.

- To exclude possible grounds for misinterpretation to its extent.

(“Provided”)

ALU-TUCP v. NLRC – Project employee case.

Acting Commissioner of Customs v. Manila Electric Co. - insulating oils case. Tax exemption. (Strict and Liberal Interpretation)

Paras v. COMELEC – recall election / SK case. (Presumptions of Effective Statutes)

Chapter V: Presumptions

Presumptions – presumption of the legislature to enact a valid, sensible, just law. (Except when the law is clear ha.☺)

1. Presumption of Constitutional Laws – unless there is a clear and unequivocal violation of the constitution.

- Since the law should have been carefully studied and determined to be constitutional before it is enacted.

**rebuttal of presumption relies on the party challenging its validity.*

Aris Phils. V. NLRC – Illegal dismissal case.

Fred Lim v. ADC & Felipe Pacquing – Charter of Manila & Jai-Alai case

Jovencio Lim v. People – BP 22 sanctions constitutional.

2. Presumption against Injustice – some laws may be arbitrary if applied to a specific case because of peculiar circumstances. - Finding a balance between the “word” and the “will” of the law. In case of doubt or application of the laws, it is presumed that the lawmaking body intended to have right and justice prevail.

Karen Salvacion v. Central Bank – foreign account for attachment in criminal case

Alonzo v. Padua – land dispute & right of redemption prescribed. (Exception to the rule)

3. Presumption against Implied Repeals – legislature should be presumed to have know existing laws on subject and not to have enacted conflicting statutes. Presumption against inconsistency and repugnancy.

Achilles Berces v. Guingona as Exec. Sec. – presumption against implied repeal upheld.
Mecano v. COA – new code did not repeal old administrative code.

4. Presumption against Ineffectiveness – the legislature intend to impart to its enactments such a meaning that will render them operative and effective.

Paras v. COMELEC – SK election not a regular election.

5. Presumption against Absurdity – statutes will receive a sensible construction such as will give effect to the legislative intention so as to avoid an absurd or unjust conclusion.

Commissioner on Internal Revenue v. Esso Standard – overpaid tax credit.

Ursua v. CA – C.A. 142 (aliases case) undesirable consequences were never intended by the legislature.

6. Presumption against Violation of International Law – conforms with the declaration of state principles and policies of the government in the constitution.

LOI 229 – Early warning devices, concurrent to the Vienna Convention on Road Signs & Signals

US Embassy Rally – receiving state has a special duty to protect the premises of another country.

Chapter VI: Intrinsic Aids

Preamble, Title, Body/Context, Chapters, Sections Headings, Punctuations, Interpretation Clause

1. Title of the Law (Charter of Manila case) or RA 954 – An Act to prohibit certain activities in connection with jai-alai...
2. Text of the Statute – RA 954 vis-a-vis The Charter of Manila
3. Subtitle – Defensor v. COMELEC case.
4. Preamble

Eugenio v. Exec. Sec. Franklin Drilon (E&S Delta Village case)
 People v. Echavez – Squatting on Agricultural lands.

5. **Author of the Law** – best interpreter of the law

Kilosbayan v. Morato – PCSO charter and the Davide amendment / dissenting opinion

Chapter VII: Extrinsic Aids

*Interpreter must avail first of all the intrinsic aids before going to the intrinsic ones.

- a. History of the statute
- b. Opinions and Rulings of Administrative & Executing Officials
- c. Proceedings of the legislative body
- d. Individual statements of the congressmen culled as a whole
- e. Authors of the law (separate or dissenting opinions)

1. **History** for enactment, reason for the passage of the bill and purpose

Commissioner of Customs v. ESSO Standard – Special Import Tax v. Special Tax Law

2. **Opinions and Rulings** of the government officials called upon to execute or implement these laws.

Misael P. Vera v. Commissioner on Internal Revenue – filled milk case
 PAFLU v. NAFLU – contemporaneous construction by the implementing officials used as aid.

3. **Proceedings** / Deliberations of the Legislative Body

De Villa v. CA – BP 22
 National Police Commission v. De Guzman – early retirement of PC

4. **Individual Statements** of the Congressmen on the floor **do not** necessarily reflect legislative intent

CASCO v. Gimenez – urea formaldehyde case

Chapter VIII: Strict and Liberal Interpretations

*Not applicable if the statute is clear and unambiguous.

Sutherland Guidelines in Interpretation:

1. Former Law on the matter
2. Persons & Rights which it deals with
3. Letter & Language of the Law
4. Purpose & Object

Law	Interpretation	Case
Labor Code	Resolved in favor of labor and social legislation	Ramon Corporal v. ECC (wife/teacher) ☹️ Manahan v. ECC (husband/teacher) ☺️
Local Government	Liberally interpreted in its favor; resolved in favor of its devolution of powers and of the lower local government	
Tax Laws	Strict: against local government unit enacting it Liberal: for the taxpayer	Republic v. IAC/Pastors (tax amnesty case)
Tax Exemptions	Strict: against taxpayer claiming it / *Strictissimi Juris against Taxpayer	Comm. of Customs v. Manila Electric Misamis Oriental Traders v. Finance Sec Resins Inc. v. Auditor General Comm. of Internal Revenue v. PLDT
Civil Procedure	Liberally construed to promote the objective of a just, speedy and inexpensive disposition of actions and proceedings	DSM Construction v. CA/Megaworld
COMELEC Procedure	Liberally construed to promote effective & efficient implementation of free, orderly and honest elections ;just, speedy and inexpensive determination of actions and proceedings *Will of the People not defeated by technicalities	Pahilan v. Tabalba (failure to appeal)
Penal Statutes	Strict vs. State / Liberal in favor of the accused	Centeno v. Villalon (Solicitation case) Ursua v. CA (CA 142, aliases case) People v. Ladjalaam (Illegal Poss. Firearms)
Naturalization Laws	Strict vs. Applicant	Chia v. Republic
Insurance Laws	Liberally in favor of the insured / Strict =Insurer	Finman Gen. Assurance v. CA (fiesta stabbing)
Social Legislation	Liberally construed to afford relief to the workers in the society	Salvador Lazo v. ECC (Security Guard case)
Social Security	Liberally construed to favor beneficiaries	Domingo Vicente v. ECC (disability)
Retirement Laws	Liberally in favor of retiree for sustenance and comfort	Tantuico v. Domingo (COA retiree)

Chapter IX: Prospective and Retrospective Statutes

Prospective - one that operates on acts and transactions w/c have not occurred when the statute takes effect.

Retrospective – takes away or impairs vested rights acquired under existing laws. Creates new obligations and imposes new duties. Attaches new disabilities in respect to transactions already past.

*Interpreted based on **application** and **operation**

* NCC 4 – Laws shall have no retroactive effect unless the contrary is provided

*Sound canon of statutory construction is that laws operate prospectively unless the legislative intends otherwise; made manifest by express terms or necessary implication. / Depends on the legislative intent.

* Laws impairing vested rights are not given retrospective application (NCC 2252)

Commissioner of Internal Revenue v. Lingayen Gulf Electric Power Corp – legislative intent for tax exemption

Gallardo v. Borrromeo – RA 6389 (Disposed tenants for agricultural lands); retroactive law

Balatbat v. CA & Domingo Pasion – retroactivity expressly declared or necessarily implied from the language used.

Erectors Inc. v. NLRC – Salary dispute

Penal Statutes	As a rule, applied prospectively (RPC 336). Retroactive in favor of the accused. (RPC 22)	Albino Co v. CA (BP 22 and Que Doctrine v. Circular 4 DOJ) People v. Arnold Narciso (Illegal Possession of Firearms not an aggravating circumstance in this case) People v. Ballagan – Benefits of Heinous Crimes Law retroactive
Procedural Laws	Retroactive - Applicable to pending actions and undetermined at time of passage. *Not given retroactivity if it impairs substantive rights	Ocampo v. CA – demurrer to evidence Yakult & Larry Salvado v. CA – damages case, civil action/criminal action Martinez v. People – motion to litigate as pauper Jaime Tan v. CA - procedural law ⊖ retroactive, impairs right of redemption Diu v. CA – Pangkat Tagapagkasundo case
Curative Statutes	Retroactive - Cure errors and irregularities and administrative proceedings. *Not retroactive if it is contrary to the constitution and impairs vested rights.	Municipality of San Narciso v. Mendez Sr. – San Andres separation issue Briad-Agro Dev't Corp. v. Dela Cerna – (Jurisdiction of labor arbiters)