

VI. LAWS

A. DEFINITIONS

In the study of statutory construction, "law" is understood in two primary ways depending on whether it is viewed as a broad legal system or as a specific legislative act.

1. Law in the Jural and Generic Sense

- **Definition of "Statute Law":** In its broadest or generic sense, the term refers to **Statute Law**. This includes not only the written text of the law enacted by the legislature but also the **judicial interpretation and application** of that enactment.
- **Incorporation of Jurisprudence:** Under **Article 8 of the Civil Code**, judicial decisions applying or interpreting the laws or the Constitution form part of the legal system of the Philippines. Thus, in a generic sense, "law" encompasses the body of precedents (stare decisis) that clarify the meaning of statutes,.
- **Linguistic Application:** A term is used in its generic sense when it is **unrestricted and comprehensive**, intended to include all kinds or categories within that term.
 - *Example:* The word "judge" is generic because it can include judges of diverse courts (CFI, Agrarian, etc.) when not modified by a specific qualifying phrase.
 - *Example:* In the Plunder Law (RA 7080), terms like "bribery" or "malversation" are used as generic terms referring to groups of related matters rather than specific articles of the Penal Code.

2. Law in the Jural and Specific Sense

- **Definition of "Statute":** In its specific or jural sense, a law is a **Statute**. It begins as a "Bill" (a draft of a proposed law) and becomes a statute once it is enacted by a legislative body and solemnly expressed according to the necessary legal forms.
- **Rule of Conduct:** In this sense, law is defined as a rule of conduct that is just, obligatory, and promulgated by legitimate authority for common observance and benefit [standard legal definition cited in construction].
- **Species of Interpretation:** When applying a law in its specific sense, courts often resort to **Close (Literal) Interpretation**. This involves taking words in their **narrowest or most technical meaning** based on the specific character and formation of the text.
- **Verba Legis:** If the language of a statute is clear and free from ambiguity, it must be applied in its **specific, literal sense** without any attempted interpretation (*Verba legis non est recedendum*),.

Key Comparison for Review

Feature	Jural & Generic Sense	Jural & Specific Sense
Common Term	Statute Law	Statute / Act
Scope	Includes written law and judicial decisions,	Limited to the written will of the legislature
Application	Broad, unrestricted, and comprehensive	Literal, narrow, and restricted
Legal Basis	Article 8, Civil Code (Jurisprudence)	Article 2, Civil Code (Enacted Laws)

B. PARTS OF A LAW

A statute is typically composed of several parts that define its purpose, scope, and implementation. The first and most visible part is the **Title**.

1. The Title

- **Definition:** The title is the heading of the statute that furnishes the name by which the act is individually known. It usually serves as a brief summary of the law's contents.

- **Constitutional Requirement:** Under **Article VI, Section 26 (1)** of the 1987 Constitution, "Every bill passed by Congress shall embrace only one subject which shall be expressed in the title thereof".
- **Purposes of the ONE SUBJECT-ONE TITLE REQUIREMENT**
 - 1. **To prevent "hodge-podge" or "log-rolling" legislation:** This stops the practice of bundling several unrelated subjects into one bill to force the passage of unpopular measures by attaching them to popular ones.
 - 2. **To prevent surprise or fraud upon the legislature:** It ensures that legislators are not misled into voting for a bill containing hidden provisions.
 - 3. **To apprise the people:** It provides notice to the public regarding the subjects being considered, allowing them the opportunity to be heard through petitions or hearings.
- **Test of Sufficiency:**
 - The requirement is satisfied if all parts of the statute are **related** and **germane** to the subject expressed in the title.
 - The title does not need to be a "complete index" or mirror every single provision.
 - It is sufficient if the title is **comprehensive enough** to include the general object the statute seeks to effect.
 - Courts invariably adopt a **liberal construction** of this rule so as not to cripple or impede legislation.

HODGE PODGE- unrelated subject to one bill
LOG ROLLING- trading of votes

CASE DIGESTS: THE "ONE SUBJECT-ONE TITLE" RULE

PHILIPPINE CONSTITUTION ASSOCIATION, INC., ET AL. VS. PEDRO M. GIMENEZ, ET AL., G.R. No. L-23326, December 18, 1965

FACTS: The Philippine Constitution Association (Philconsa) and several prominent leaders filed a petition for prohibition to restrain the Auditor General and other government officials from implementing Republic Act No. 3836. This law provided for retirement gratuities and commutation of vacation and sick leave for Senators, Representatives, and elective officials of both houses of Congress. Philconsa argued that the law was unconstitutional on several grounds, including the claim that its title was misleading and did not reflect the true nature of the benefits being granted to officials who were not members of the Government Service Insurance System (GSIS). The respondents defended the law, asserting that the title sufficiently complied with the constitutional requirement.

ISSUES: WHETHER Republic Act No. 3836 violates the constitutional requirement that a bill embrace only one subject which shall be expressed in its title.

RULINGS: YES. The Court ruled that the portion of the law providing retirement benefits to Members of Congress was unconstitutional because it was not germane to the subject expressed in the title. The title indicated the law was an amendment to the GSIS Act (Commonwealth Act No. 186); however, the body of the act provided benefits to officials who were not actually members of the GSIS. Because these retirement provisions for non-members were not related to the establishment or operation of the GSIS, they constituted a separate subject not properly expressed in the title.

BARA LIDASAN VS. COMMISSION ON ELECTIONS, G.R. No. L-28089, October 25, 1967

FACTS: Bara Lidasan, a resident and taxpayer of Parang, Cotabato, filed a petition for certiorari and prohibition to challenge the constitutionality of Republic Act No. 4790. The act was entitled "An Act Creating the Municipality of Dianaton in the Province of Lanao del Sur." However, while the title suggested the new municipality was formed solely from territory within Lanao del Sur, the body of the law included several barrios that were actually part of the neighboring province of Cotabato. Lidasan argued that this was deceptive and violated the "one subject-one title" rule because the title failed to inform the people of Cotabato that their province was being dismembered. The COMELEC had previously ruled the law was valid.

ISSUES: WHETHER Republic Act No. 4790 is unconstitutional for failing to express its true subject in its title.

RULINGS: YES. The Court declared the law unconstitutional and void. It held that the title was "misleading" and "deceptive" because it projected the impression that only Lanao del Sur was affected, when in fact it also dismembered municipalities in Cotabato. The title failed to provide the necessary notice to the people of Cotabato, whose interests were directly impacted. Because the

creation of the municipality was an integrated act involving territory from two different provinces, and the title only mentioned one, the constitutional defect was fatal to the entire statute.

2. The Enacting Clause

- **Definition:** The enacting clause is that part of a statute which **declares its enactment** and identifies it as an act of legislation proceeding from the **proper legislative authority**.
- **Standard Formula:** In the Philippines, the usual formula used to start this clause is: **"Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled"**,.
- **Location:** It typically follows the title (and the preamble, if any) and immediately precedes the body (purview) of the law,.
- **Significance:**
 1. **Identification of Authority:** It identifies the specific body that authored the law (e.g., the Congress), thereby establishing its legitimacy as an exercise of sovereign legislative power.
 2. **Manifestation of Legislative Will:** It serves as a formal declaration that the "Bill" has completed the necessary legislative steps and is now being solemnly expressed as a "Statute" or "Act" of the state,.
 3. **Formal Requirement:** While some jurisdictions consider it a matter of form, in the Philippines, it is a traditional and essential component that signals the transition from a draft proposal to a binding rule of conduct.

3. The Preamble

- **Definition:** The preamble is the part of a statute that explains the **reasons for its enactment** and the **objects sought to be accomplished**.
- **Identification:** It usually follows the title and precedes the enacting clause, typically beginning with the word **"Whereas"**.
- **Significance:**
 - While not considered an essential part of the statute, it is a **valuable intrinsic aid** in determining the legislative intent.
 - It serves as a "key" to open the minds of the lawmakers as to the **mischiefs to be remedied** and the objects to be achieved.
 - If the body of the law is ambiguous, the preamble may be resorted to for clarification.
- **Limitations:** It cannot enlarge or confer powers that are not expressly granted in the body of the statute itself.

PREAMBLE OF THE 1987 PHILIPPINE CONSTITUTION

"We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society, and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity, the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution".

CASE DIGESTS: THE PREAMBLE AS AN AID TO CONSTRUCTION

THE PEOPLE OF THE PHILIPPINES VS. HONORABLE JUDGE AMANTE P. PURISIMA, ET AL.,
G.R. No. L-42050-66, November 20, 1978

FACTS: The People of the Philippines filed twenty-six informations against several individuals for "illegal possession of deadly weapons" under **Presidential Decree (P.D.) No. 9, Paragraph 3**. The respondent judges dismissed these cases because the informations did not allege that the weapons were carried in connection with subversion, rebellion, or public disorder. The prosecution argued that the law was a *malum prohibitum* and that the mere act of carrying a weapon outside one's home was enough for a conviction, regardless of the person's intent or the preamble's contents.

ISSUES: WHETHER P.D. No. 9, Paragraph 3, requires that the carrying of a weapon be related to subversion, rebellion, or public disorder.

RULINGS: YES. The Court ruled that the "Whereas" clauses (preamble) are the "key to the statute" and must be used to identify the **ratio legis** (reason of the law). The preamble of P.D. No. 9 explicitly links the prohibition of weapons to the state of martial law and the need to suppress lawless violence and subversion. Therefore, the act penalized is not just any carrying of a weapon, but specifically carrying one to further the criminal activities mentioned in the preamble. Without such an allegation, the informations were correctly dismissed.

THE PEOPLE OF THE PHILIPPINES VS. HON. VICENTE B. ECHAVEZ, JR., ET AL., G.R. Nos. L-47757-61, January 28, 1980

FACTS: Fiscals in Bohol filed separate informations charging sixteen persons with squatting under **P.D. No. 772**. The accused were alleged to have entered and occupied pasture lands, which are agricultural in nature. Respondent Judge Echavez dismissed the cases, ruling that P.D. No. 772 does not apply to agricultural lands but only to urban communities. The prosecution challenged this dismissal, noting that the body of the decree used general terms like "any person" and "the property of the latter," without explicitly limiting the crime to urban areas.

ISSUES: WHETHER P.D. No. 772, which penalizes squatting, applies to agricultural lands.

RULINGS: NO. The Court sustained the dismissal by relying on the decree's **preamble**. The preamble specifically mentions that squatting was a major problem in "**urban communities**" and refers to a Letter of Instruction regarding illegal constructions on public and private property in those specific areas. Using the preamble as a guide to determine the intent of the lawmaker, the Court concluded that the legislative intent was to penalize squatting in urban areas to maintain public health and safety, and not to extend the criminal penalty to agricultural land disputes, which are governed by other laws.

4. The Body or Purview

- **Definition:** The body, also known as the **purview**, is the **main and operative part** of the statute.
- **Contents:** It contains the **substantive provisions** (which create, define, and regulate rights) and **procedural provisions** (which prescribe the methods of enforcing those rights).
- **Sub-parts within the Body:**
 - **Interpretation Clause:** A section where the legislature defines specific terms used in the act to guide its application.
 - **Provisos:** Clauses added to a section to limit its application, qualify its general language, or exclude specific cases from its operation.
 - **Exceptions:** Provisions that exempt something from the general rule established in the body of the law.
- **Significance:** This is the part of the law that actually **prescribes the rule of conduct** to be observed. While other parts like the title or preamble serve as aids to construction, the body is the portion that is ultimately applied to a given set of facts.

THE PEOPLE OF THE PHILIPPINES vs. APOLONIO CARLOS, G.R. No. L-239, June 30, 1947

FACTS: The **People of the Philippines** filed a charge of **treason** against the respondent, **Apolonio Carlos**, in the People's Court. The trial court found that during the Japanese occupation, Carlos acted as a Japanese spy and identified the houses of suspected guerrillas to the Japanese military police, leading to their arrest and subsequent torture at Fort Santiago. The People's Court found him guilty and sentenced him to *reclusion perpetua*. Carlos appealed to the Supreme Court, raising several legal defenses, including a challenge to the constitutionality of **Commonwealth Act No. 682** (the law creating the People's Court). He argued that the Act was void because it contained various provisions—such as those regarding the disqualification of Supreme Court Justices and the suspension of Article 125 of the Revised Penal Code—that he claimed were foreign to the subject matter expressed in the law's title.

ISSUES: WHETHER the People's Court Act (Commonwealth Act No. 682) is unconstitutional for embracing more than one subject and for failing to express all its provisions in its title.

RULINGS: NO. The Supreme Court affirmed the conviction and upheld the constitutionality of the law. The Court ruled that the constitutional requirement for the title of a statute is satisfied if **all parts**

of a law relate to the subject expressed in its title. The Court explained that it is not necessary for the title to be a "complete index" or a catalogue of the law's entire contents. Because the People's Court was intended to be a complete machinery for the trial of treason cases, the various provisos mentioned in the **body** of the Act were considered allied, germane, and subordinate to the main subject and purpose expressed in the title. Therefore, the inclusion of these provisions in the **purview** of the law did not violate the "one subject-one title" rule.

5. Separability Clause

- **Definition:** A separability clause is a provision in a statute which states that if any part of the act is declared void or unconstitutional, the **remaining provisions shall still remain in force**.
- **Purpose:** It serves as a legislative expression of intent that the statute is **divisible** and that the invalidity of one portion should not defeat the entire law.
- **Indivisible Laws:** These are laws where the provisions are so **mutually dependent and connected**—serving as conditions, considerations, or inducements for each other—that it cannot be presumed the legislature would have enacted the remaining parts without the invalid ones. In such cases, the entire law falls.
- **The Two Schools of Thought on Unconstitutional Provisions:**
 1. **Partial Unconstitutionality (Separability):** The valid portions are sustained if they are independent and can still express the legislative will without the void part.
 2. **Total Unconstitutionality (Inseparability):** The whole act is voided if the valid and invalid parts are so intertwined that they form an inseparable whole, or if the excision changes the manifest intent of the act.

CASE DIGEST

BARA LIDASAN VS. COMMISSION ON ELECTIONS, G.R. No. L-28089, October 25, 1967

FACTS: **Bara Lidasan**, a taxpayer and resident of Parang, Cotabato, filed a petition for certiorari and prohibition to challenge the constitutionality of **Republic Act No. 4790**. The **respondent**, the **Commission on Elections (COMELEC)**, had previously implemented the law, which was entitled "An Act Creating the Municipality of Dianaton in the Province of Lanao del Sur." Lidasan argued that the law was deceptive because, while the title indicated the new municipality was only from Lanao del Sur, the body of the act included several barrios belonging to the province of Cotabato. This resulted in the dismemberment of municipalities in Cotabato without notice in the law's title. The case reached the Supreme Court to determine if the inclusion of Cotabato's territory—which was not expressed in the title—rendered the whole act void.

ISSUES: WHETHER the unconstitutional portion of Republic Act No. 4790 (the inclusion of Cotabato barrios) is separable from the rest of the law, allowing the creation of the municipality using only Lanao del Sur territory to stand.

RULINGS: NO. The Supreme Court ruled that the entire law is null and void. The Court found that the creation of the Municipality of Dianaton was an **integrated act** involving territory from two different provinces. Because the barrios from Lanao del Sur and Cotabato were intended to form a single, specific geographical unit, they were **mutually dependent**. If the Cotabato barrios were removed, the resulting municipality would be a different entity than what the legislature originally intended. Since the valid and invalid parts were inseparable, the constitutional defect in the title regarding Cotabato's territory was fatal to the entire statute.

DOCTRINE: The general rule is that where part of a statute is void, the valid portion may stand if it is independent; however, when the parts are so **mutually dependent and connected** as conditions or considerations for each other as to warrant a belief that the legislature **intended them as a whole**, then if some parts are unconstitutional, **all provisions must fall together**.

Based on the sources, there is a need to provide for a **separability clause** primarily to safeguard the validity of a statute and ensure that the **legislative intent** is preserved even if a specific portion of the law is later declared unconstitutional.

The specific reasons for providing such a clause include:

- **To Express Divisibility:** It serves as an explicit declaration by the legislature that the statute is **divisible**. This informs the courts that the lawmakers intended for the valid portions of the act to stand independently of any parts that might be voided.
- **To Prevent Total Invalidation:** Without this clause, there is a risk that the nullity of one provision could result in the **demise of the entire law**. By treating provisions independently, the objectives of the statute can still be achieved through the remaining valid parts.
- **To Preserve Legislative Will:** In cases where a law is challenged (such as the Plunder Law), a separability clause allows the Court to excise a flawed procedural or substantive section without affecting the **essence of the legislative enactment**.
- **To Provide a "Saving" Mechanism:** The clause creates a presumption that the legislature would have enacted the remaining valid parts even without the invalid ones. As seen in *Dumlao v. COMELEC*, this allowed the Court to nullify an objectionable portion regarding the filing of charges while upholding the rest of the disqualification provision.

Important Limitation While the clause is vital, it cannot save a law that is **indivisible**. If the provisions are so **mutually dependent and connected** as conditions or considerations for each other—such that the legislature would not have passed one without the other—the entire law must fall regardless of a separability clause. For example, in *Lidasan v. COMELEC*, the entire act creating a municipality was voided because the valid and invalid territorial portions were too intertwined to be separated.

C. SOME CLASSIFICATIONS

1. General, Special, or Local Laws

- **General Law:** A law that affects the community at large. It relates to a subject of a general nature and affects all people of the state or all people of a particular class.
- **Special Law:** A law that is different from others of the same general kind. It is designed for a particular purpose or is limited in range or confined to a prescribed field of action or operation.
- **Local Law:** A law that relates to or operates over a particular locality (such as a specific city or province) instead of the entire territory of the state.
- **Rule of Construction (The Specific Over the General):**
 - Generally, a subsequent general law does not repeal a prior special law on the same subject unless the intent to repeal is clear and express.
 - A special act is considered an **exception** to the general act.
 - However, if a general law contains a provision that is **more specific to a particular subject matter** than a provision in a special law, the more specific provision (even if in the general law) may prevail (e.g., *City of Manila v. Teotico*).

CASE DIGESTS

LEON GARCIA VS. FEDERICO PASCUAL, G.R. No. L-16950, December 22, 1961

FACTS: The **petitioner**, **Leon Garcia**, served as the Justice of the Peace of San Jose, Nueva Ecija. He sought to appoint a clerk of court for his office, relying on Section 75 of the **Judiciary Act of 1948**, which is a **special law** specifically authorizing Justices of the Peace to appoint their own clerks and employees. The **respondent**, **Mayor Federico Pascual**, contested this, arguing that his office held the power of appointment under **Republic Act No. 1551**, a **general law** stating that all employees paid out of the general funds of a municipality shall be appointed by the municipal mayor. Because the clerk's salary was paid by the municipality, the Mayor claimed the general law had repealed the specific provision of the Judiciary Act.

ISSUES: WHETHER the general provisions of Republic Act No. 1551 repealed the specific power of appointment granted to the Justice of the Peace under Section 75 of the Judiciary Act.

RULINGS: NO. The Supreme Court ruled that a subsequent act treating a subject in general terms is not considered to affect the more particular and specific provisions of an earlier act unless the intent is express or the two are absolutely irreconcilable. The Court held that the Judiciary Act is a **special law** dealing specifically with the judicial department, while R.A. 1551 is a **general law** regarding

municipal employees. Therefore, the special law is treated as an exception to the general law, and the Justice of the Peace retains the power to appoint his clerk.

BUTUAN SAWMILL, INC. VS. CITY OF BUTUAN, ET AL., G.R. No. L-21516, April 29, 1966

FACTS: The **petitioner**, **Butuan Sawmill, Inc.**, held a legislative franchise to operate an electric light, heat, and power system. The **respondent**, the **City of Butuan**, enacted several municipal ordinances (Nos. 7, 11, 131, and 148) that imposed a 2% tax on the gross sales or receipts of the petitioner's business. The City claimed it had the authority to impose such taxes under its **City Charter (R.A. 523)**. The petitioner challenged the ordinances as unconstitutional and *ultra vires*, arguing that they were prohibited by the **Local Autonomy Act (R.A. 2264)**, a **general law** which specifically restricted municipalities from taxing businesses already covered by a franchise tax.

ISSUES: WHETHER the City of Butuan could validly impose a gross sales tax on a franchised electric business through its local ordinances despite the restrictions in a general law.

RULINGS: NO. The Supreme Court affirmed the lower court's ruling that the ordinances were unconstitutional. The Court applied the principle that while a city charter is a special law, it must still yield to the express prohibitions found in **general laws** (like the Local Autonomy Act) that were intended by the legislature to have a uniform application across all local governments. Since the general law prohibited local governments from imposing such taxes on franchised businesses, the ordinances were void.

CITY OF MANILA VS. GENARO N. TEOTICO AND COURT OF APPEALS, G.R. No. L-23052, January 29, 1968

FACTS: The **respondent**, **Genaro Teotico**, sustained injuries after falling into an uncovered manhole on P. Burgos Avenue in Manila. He filed a complaint for damages against the **petitioner**, the **City of Manila**. The City moved for dismissal, arguing that under Section 4 of its **Charter (R.A. 409)**, which is a **special law**, the City is exempt from liability for damages or injuries to persons arising from the negligence of its officers. Teotico, however, relied on **Article 2189 of the Civil Code**, a **general law** which states that cities are liable for injuries suffered by any person by reason of the defective condition of roads, streets, and bridges under their control.

ISSUES: WHETHER the City of Manila is liable for damages under the general provisions of the Civil Code or exempt under the special provisions of its Charter.

RULINGS: YES. The Supreme Court ruled that the City of Manila is liable. The Court explained that while the Manila Charter is a **special law** territorial-wise, Article 2189 of the Civil Code is more specific regarding the **subject matter** of "defective roads and streets". In contrast, the Charter's exemption refers to negligence in general. Therefore, when a conflict arises between a general provision of a special law and a particular provision of a general law, the latter prevails if it specifically addresses the matter in question.

2. Mandatory or Directory

Article 5 of the Civil Code of the Philippines:

"Article 5. Acts executed against the provisions of mandatory or prohibitory laws shall be void, except when the law itself authorizes their validity."

Following the structure of your syllabus, this section covers **Section VI (LAWS), Part C (Some Classifications), Number 3 (Remedial, Penal or Curative Statutes)**.

3. Remedial, Penal or Curative Statutes

- **Remedial Statute:** A statute that provides the **means or methods** by which causes of action may be effectuated, wrongs redressed, and relief obtained. These are often procedural in nature.
- **Penal Statute:** A statute that defines **criminal offenses** and specifies corresponding fines and punishments. These are construed strictly against the State and liberally in favor of the accused.

- **Curative Statute:** A form of **retrospective legislation** which reaches back into the past to operate upon past events, acts, or transactions. Its purpose is to correct errors and irregularities to render valid and effective many attempted acts which would otherwise be ineffective for the purpose intended.
- **Rule of Construction (Retroactivity):**
 - While substantive rights are generally governed by the law in force at the time they were acquired, **remedial and procedural statutes** are usually applied to actions pending and undetermined at the time of their passage.
 - The Legislature has the power to determine and apportion **remedies and jurisdiction**, even for cases arising from past events.
 - **Curative statutes** are validly accepted in this jurisdiction, provided they do not impair vested rights or the obligation of contracts .

CASE DIGEST

CARMEN CASTRO, ET AL. VS. FRANCISCA SAGALES, G.R. No. L-6359, December 29, 1953

FACTS: The **petitioners, Carmen Castro, et al.**, filed a complaint for workmen's compensation in the Court of First Instance (CFI) of Bulacan against the **respondent, Francisca Sagales**, for an accident that occurred prior to the enactment of **Republic Act (R.A.) No. 772**. While the case was pending, R.A. No. 772 was approved, which transferred the jurisdiction over workmen's compensation claims from the regular courts to the newly created **Workmen's Compensation Commission**. The CFI dismissed the complaint on the ground that it no longer had jurisdiction over the matter. The petitioners appealed, arguing that R.A. No. 772 should not be applied to accidents that happened before its approval because it introduced changes affecting the **vested rights** of the parties to have their case heard by the court.

ISSUES: WHETHER a new law (R.A. No. 772) that changes the jurisdiction and procedure for redressing a wrong can be validly applied to a cause of action that arose before its enactment.

RULINGS: YES. The Supreme Court affirmed the dismissal, ruling that while substantive rights for past accidents are governed by the law in force at the time of the event, the **remedy and jurisdiction** are matters that the Legislature has the power to determine and apportion at any time. The Court held that a litigant does not acquire a **vested right** to be heard by one particular court even before submitting to its jurisdiction. Because the statute was **remedial** in nature—providing a new administrative machinery to handle claims—it applies to all actions pending or undetermined at the time of its passage . Therefore, the transfer of jurisdiction to the Commission was valid.

DOCTRINE: Statutes which confer upon a public body or officer the power to perform acts which concern the public interests or rights of individuals are generally regarded as **remedial and procedural**; such statutes regulating the procedure of the courts will be construed as applicable to actions **pending and undetermined** at the time of their passage, as there is no vested right in a particular remedy or court.

Following the structure of your syllabus, this section covers **Section VI (LAWS), Part C (Some Classifications), Number 4 (Permanent or Temporary Laws)**.

4. Permanent or Temporary Laws

- **Permanent Statute:** A statute whose operation is not limited in duration. It continues to be in force and remains a rule of conduct until it is amended or repealed by the legislature. Most laws, such as the **Civil Code (R.A. 386)** or the **Revised Penal Code**, are permanent statutes.
- **Temporary Statute:** A statute whose life or duration is fixed by its own provisions. Its operation is limited to a particular period of time or is intended to continue only until the happening of a specific event or the achievement of a specific purpose. Once the time expires or the condition is met, the law ceases to exist without the need for a repealing act.

CONSTITUTIONAL PROVISION MENTIONED

The syllabus identifies **Article VI, Section 23 (2) of the 1987 Constitution** as the primary example of the authority to enact temporary measures (specifically regarding emergency powers). As requested, here is the text:

"Section 23. ... (2) In times of war or other national emergency, the Congress may, by law, authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Congress, such powers shall cease upon the next adjournment thereof".

Significance in Statutory Construction: This provision illustrates a **Temporary Law** because the powers granted are explicitly for a "**limited period**". The law's duration is tied to the existence of the "national emergency" and automatically expires ("shall cease") upon the next adjournment of Congress, unless the legislature withdraws them earlier.

5. Public or Private Laws

- **Public Statute:** A statute that affects the **public at large** or an entire class of persons. It is an act that the community is bound to know, and courts are generally required to take judicial notice of its provisions.
- **Private Statute:** A statute that relates only to **particular persons** or classes of persons, or which operates on a specific individual or association for their own benefit.
- **The Rule on Publication:** Regardless of whether a law is classified as "public" or "private," it must be **published** to be effective. Publication is a requirement of due process to ensure that the people are notified of the laws that govern them.

CASE DIGEST

LORENZO M. TAÑADA, ET AL. VS. HON. JUAN C. TUVERA, ET AL., G.R. No. L-63915, April 24, 1985 (136 SCRA 27) and December 29, 1986 (146 SCRA 446)

FACTS: The **petitioners**, Lorenzo Tañada and other lawmakers and citizens, filed a petition for mandamus against the **respondents**, Hon. Juan C. Tuvera (Executive Assistant to the President) and other government officials. The petitioners sought to compel the publication in the Official Gazette of various presidential decrees, letters of instructions, and other executive issuances that had been kept secret or unpublished. The respondents argued that publication was not necessary when the laws themselves specified that they would take effect "immediately" or on a specific date. They contended that Article 2 of the Civil Code, which mentions publication, only applies when the law is silent on its effectivity date.

ISSUES: WHETHER all laws, including those of local application or those considered "private" in nature, must be published in the Official Gazette as a condition for their effectivity.

RULINGS: YES. The Supreme Court ruled that publication is an **indispensable requirement** for the effectivity of any law. The Court clarified that the clause "unless it is otherwise provided" in Article 2 of the Civil Code refers only to the *date* or *period* after which a law shall take effect (it can be more or less than 15 days), but it does not excuse the requirement of publication itself. The Court held that even laws of local application and **private laws** must be published, as people cannot be expected to obey laws they have no notice of. Publication is essential to satisfy the constitutional requirement of **due process**.

DOCTRINE: All laws shall be published as a condition for their effectivity. This includes all statutes, including those of local application and **private laws**, as well as administrative rules that are intended to enforce existing laws. The rule ensures that the law remains a public matter and prevents the existence of "secret" or unpublished regulations that could trap unsuspecting citizens.

6. Prospective or Retroactive Laws

- **Prospective Statute:** A statute which operates upon acts and transactions which have not occurred when the statute takes effect; it regulates the future.
- **Retroactive (Retrospective) Statute:** A law which takes away or impairs vested rights acquired under existing laws, or creates new obligations and imposes new duties, or attaches new disabilities in respect of transactions or considerations already past.
- **General Rule of Construction:** A sound canon of statutory construction is that **statutes operate prospectively only** and never retrospectively, unless the legislative intent to the contrary is made manifest by express terms or by necessary implication.

- **Article 4, Civil Code of the Philippines:**

"Article 4. Laws shall have no retroactive effect, unless the contrary is provided."

Exceptions to the Rule of Prospectivity:

1. **Penal Statutes:** As a rule, they are prospective, but they can be given retroactive effect if they are **favorable to the accused** who is not a habitual criminal.
2. **Procedural or Remedial Laws:** Statutes regulating the procedure of the courts are generally applied to actions **pending and undetermined** at the time of their passage.
3. **Curative Statutes:** These are necessarily retroactive as they are intended to correct past errors or irregularities.
4. **Express Provision:** When the law specifically provides for its retroactive application, provided it does not impair the obligation of contracts or vested rights.

CASE DIGESTS

CLEMENTE LACESTE vs. PAULINO SANTOS, G.R. No. 36886, February 1, 1932 (56 Phil. 472)

FACTS: The petitioner, **Clemente Laceste**, filed a petition for a writ of *habeas corpus* seeking his release from prison. He was serving a sentence for a crime, and during his imprisonment, the new **Revised Penal Code** (Act No. 3815) took effect. Laceste argued that under **Article 344** of the new Code, his criminal liability was extinguished or the law was more favorable to him. The Attorney-General agreed, noting that **Article 22** of the Revised Penal Code explicitly provides for the retroactive effect of penal laws when they are favorable to the accused.

ISSUE: WHETHER Article 22 of the Revised Penal Code (retroactivity of favorable penal laws) applies to the petitioner's case to warrant his release.

RULINGS: YES. The Supreme Court granted the petition and ordered Laceste's immediate release. The Court approved the Attorney-General's finding that the Legislature intended for the new Code to be retroactive when it used the phrase **"without prejudice to the provisions contained in article 22 of this Code"** in Section 366 (which governs pending cases). The Court confirmed that since the provisions of the new Code were more favorable to Laceste, they must be applied retroactively to his past conviction.

DOCTRINE (The Exception): Penal laws shall have a **retroactive effect** insofar as they favor the person guilty of a felony, even if a final sentence has already been pronounced and the convict is serving the same.

THE "EXCEPTION TO THE EXCEPTION": This rule of favorable retroactivity **does not apply** if the person is a **habitual criminal** (habitual delinquent), as defined by the Code.

VALENTIN CAMACHO, ET AL. vs. THE COURT OF INDUSTRIAL RELATIONS, ET AL., G.R. No. L-1505, May 12, 1948 (80 Phil. 848)

FACTS: The petitioners (tenants) sought a 70/30 crop-sharing division for the 1946-1947 agricultural year based on **Republic Act No. 34**. The respondents (landowners) argued that because the crop had been planted in May 1946—*before* the law was enacted on September 30, 1946—applying the new sharing ratio would be an unconstitutional **retroactive** application that impairs the obligation of their existing oral contracts. The Court of Industrial Relations (CIR) initially ruled in favor of the landowners, declaring the law could not be applied to that agricultural year.

ISSUE: WHETHER Republic Act No. 34 can be validly applied to an agricultural year that began prior to its enactment.

RULINGS: YES. The Supreme Court reversed the CIR and applied the law to the 1946-1947 harvest. The Court reasoned that the law was not strictly "retrospective" because it applied to the **harvest**, which occurred *after* the law took effect, even if it drew upon antecedent facts (the planting) for its operation. Furthermore, the Court held that even if it were considered retroactive, it was valid because the Constitution does not prohibit retrospective laws unless they **impair the obligation of**

contracts or **divest vested rights**. Since there was no valid written contract and the tenants had no "vested right" to a specific share ratio until the harvest was complete, the law could be applied.

DOCTRINE: A statute is not made retrospective simply because it draws on **antecedent facts** for its operation. In the absence of a contract or vested property right, **remedial or social justice legislation** (like tenancy laws) may operate upon existing conditions without violating the rule against retroactivity.

Summary Table for Review

Case	Application	Status of Retroactivity	Exception to the Exception
Laceste Santos	vs. Penal Law	Retroactive if favorable to the accused.	Denied if the accused is a habitual delinquent .
Camacho CIR	vs. Tenancy Law	Retroactive/Immediate application to existing crops.	Denied if it impairs contracts or divests vested rights .