V. SUBJECTS OF CONSTRUCTION

Authorities hold that the most common subjects of statutory construction and interpretation are the **Constitution** and **statutes**. However, the power to construe extends to any document or act that has the force of law or creates legal rights and obligations, including **ordinances, resolutions, executive orders, department circulars, contracts, and wills**.

A. The Constitution

The Constitution is the supreme law of the land. Its construction is unique because it is a living document intended to endure for ages. The primary goal is to ascertain the **intent of the framers** and the **sovereign people** who ratified it.

CASE DIGEST: GREGORIO PERFECTO VS. BIEVENIDO MEER G.R. No. L-3194, February 27, 1950 (85 Phil. 552)

- **FACTS:** Justice Gregorio Perfecto of the Supreme Court challenged the legality of the income tax collected on his salary. He argued that under the **1935 Constitution**, the salaries of judicial officers shall not be diminished during their continuance in office. He filed the case against the Collector of Internal Revenue to recover the taxes paid under protest.
- **ISSUES: WHETHER** the power to construe the Constitution allows the Court to treat the imposition of an income tax on a judge's salary as a "diminution" of that salary prohibited by the organic law.
- **RULINGS: YES.** The Court ruled that the constitutional provision was intended to protect the independence of the judiciary. Imposing a tax on a salary that the Constitution says "shall not be diminished" is a violation of that mandate.
- **DOCTRINE:** The clear and unambiguous language of the Constitution regarding the non-diminution of judicial salaries must be respected to maintain the separation of powers.
- **RATIO DECIDENDI:** The independence of the judge would be compromised if the legislative or executive departments could indirectly reduce his compensation through taxation.

CASE DIGEST: PASTOR M. ENDENCIA AND FERNANDO JUGO VS. SATURNINO DAVID G.R. No. L-6355-56, August 31, 1953 (93 Phil. 696)

- **FACTS:** Following the *Perfecto* ruling, Congress enacted **Republic Act No. 590**, which specifically declared that the taxing of judicial salaries shall not be considered a diminution thereof. The petitioners, both Justices, challenged this law, arguing that Congress was attempting to perform a judicial function by "interpreting" the Constitution to bypass a Supreme Court decision.
- **ISSUES: WHETHER** the power to construe the Constitution belongs to the Legislature or the Judiciary.
- **RULINGS: NO.** The Court ruled that the interpretation of the Constitution is a purely **judicial function**. Congress cannot, through a statute, define or interpret constitutional terms in a way that overrules a prior Supreme Court interpretation.
- **DOCTRINE:** The Legislature cannot pass a law providing that it be held valid although it goes against a provision of the Constitution as interpreted by the Supreme Court.
- **RATIO DECIDENDI:** Under the principle of **separation of powers**, the Judiciary is the final arbiter of what the Constitution means. For the Legislature to "interpret" the Constitution through law is an unconstitutional invasion of judicial power.

CASE DIGEST: DAVID G. NITAFAN, ET AL. VS. COMMISSIONER OF INTERNAL REVENUE G.R. No. L-78780, July 23, 1987 (152 SCRA 284)

- **FACTS:** Petitioners, all Regional Trial Court Judges, sought to enjoin the CIR from withholding income taxes from their salaries. They relied on the previous *Perfecto* and *Endencia* rulings, claiming that the **1987 Constitution** (which also prohibited diminution of salaries) protected them from taxation.
- **ISSUES: WHETHER** the Court's power to construe the 1987 Constitution allows it to look beyond the "no diminution" clause to the intent of the framers regarding taxation.
- **RULINGS: NO (Petition Denied).** The Court ruled that judicial salaries are now taxable. Unlike the 1935 version, the 1987 Constitution was framed with the specific intent to make these salaries subject to tax.
- **DOCTRINE:** The primary task in constitutional construction is to ascertain and thereafter assure the realization of the **purpose of the framers** and of the people in adopting the Constitution.
- **RATIO DECIDENDI:** Debates and interpellations in the Constitutional Commission explicitly showed that the framers intended to do away with the tax immunity established in the *Perfecto* case to promote equality in the tax burden.

B. Statutes

Statutes are the most common subject of construction. The court seeks to discover the **legislative intent** by looking at the language of the law, its context, and its purpose.

C. Ordinances

Ordinances are acts passed by local legislative bodies. They are subject to construction to ensure they do not contravene the Constitution or existing national statutes.

CASE DIGEST: JUAN AUGUSTO B. PRIMICIAS VS. THE MUNICIPALITY OF URDANETA G.R. No. L-26702, October 18, 1979 (93 SCRA 462)

- **FACTS:** The petitioner was stopped for a traffic violation under **Ordinance No. 3** of Urdaneta, which set speed limits. He challenged the ordinance, arguing it was void because it conflicted with **Republic Act No. 4136** (The Land Transportation and Traffic Code), a national statute that provided different speed regulations and specifically stated that its provisions would prevail over local ordinances.
- **ISSUES: WHETHER** a local ordinance remains a valid subject of enforcement when its provisions are in irreconcilable conflict with a national statute.
- **RULINGS: NO.** The Court declared the ordinance null and void.
- **DOCTRINE:** An essential requisite for a valid ordinance is that it "**must not contravene the statute**" or national law.
- **RATIO DECIDENDI:** A local ordinance is subordinate to the laws of the state. When the legislature enacted R.A. 4136, it intended to create a uniform traffic code. Any local regulation that contradicts this uniform policy must give way.

D. Contracts and Wills

Contracts and wills are "private laws" between parties. Courts construe them to give effect to the **intent of the parties** (in contracts) or the **testator** (in wills), provided such intent is not contrary to law or public policy.

CASE DIGEST: TESTATE ESTATE OF REV. FR. PASCUAL RIGOR VS. BELINA RIGOR G.R. No. L-22036, April 30, 1979 (89 SCRA 493)

- **FACTS:** Father Rigor left a will bequeathing ricelands to his "nearest male relative who would study for the priesthood." Years after his death, no relative had claimed the devise. The Parish Priest of Victoria, Tarlac, sought to claim the land for the church. The respondents (Rigor's legal heirs) contested this, claiming the devise had failed.
- **ISSUES: WHETHER** the Court can construe the "nearest male relative" clause in a way that allows the church to inherit if no relative qualifies.
- **RULINGS: NO.** The Court ruled that the land belonged to the legal heirs.
- **DOCTRINE:** The first and fundamental duty of the court in construing a will is to give effect to the **testator's intention** as expressed in the document.
- **RATIO DECIDENDI:** The testator’s intent was clear: the land was only for a relative studying for the priesthood. Since no such relative existed within the legal period, the devise lapsed. The court cannot "re-write" the will to give the property to the church, as that was not the testator's expressed wish.

E. Other Issuances with the Binding Force of Law

This includes executive orders, SSS resolutions, and administrative circulars that are intended to implement statutes.

CASE DIGEST: AVELINA B. CONTE VS. COMMISSION ON AUDIT (COA) G.R. No. 116422, November 4, 1996 (264 SCRA 19)

- **FACTS:** The SSS passed **Resolution No. 56**, which provided "financial assistance" to retiring employees. The COA disallowed the payments, arguing that the resolution actually created a *supplementary* retirement plan, which is prohibited by **Republic Act No. 4968**.
- **ISSUES: WHETHER** an administrative issuance (SSS Resolution) is a valid subject of construction to determine if it violates a higher national statute.
- **RULINGS: YES (Issuance held invalid).** The Court ruled that the COA correctly disallowed the benefits.
- **DOCTRINE:** Administrative rules and resolutions are intended to enforce the law, not to bypass it. They must conform to the standards set by the legislature.
- **RATIO DECIDENDI:** Construction of the SSS resolution revealed that it was indeed a retirement plan. Because R.A. 4968 prohibits government agencies from creating their own retirement schemes apart from the GSIS, the SSS resolution was *ultra vires* and void.