

# Laws

**Quote:**

**Ignorance of law excuses  
no one from compliance  
therewith.**

**Civil Code, Article 3**

# Introduction to Law

## References:

De Leon, Hector S., & De Leon, Hector Jr M. The Law on Obligations and Contracts (2014). Q.C.:Rex Printing Company, Inc

<https://arslearningportal.wordpress.com/subjects2/welcome-to-the-philippine-electronics-engineering-ece-laws-contracts-ethics-page>

# Law

– is any **rule of action** or any **system of uniformity**.

## General Divisions of Law

1. **Law** (in the strict legal sense) **which is promulgated and enforced by the state** (also known as **State Law**); and
2. **Law** (in the non-legal sense) **which is not promulgated and not enforced by the state** (includes divine law, natural law, moral law, and physical law).

# Divine Law

Divine law is the **law of religion** and **faith** which concerns itself with the concept of **sin** (as contrasted with crime) and **salvation**.

**Source** – It is formally promulgated by God and revealed or divulged to mankind by means of direct revelation.

a) Under the Old Testament, divine law is embodied in the Ten Commandments. It is believed by Christians that these laws were formally given by God through Moses, the great Hebrew prophet and leader.

b) Divine law, differs according to what ones believes to have been established and communicated to mankind by revelation. To the Mohammedans, divine law is embodied in the Muslim **Quoran**.

**Sanction** – The sanction of divine law lies in the assurance of certain rewards and punishments in the present life or in the life to come

# Natural Law

Natural law may be defined as the **divine inspiration** in man of the sense **of justice, fairness, and righteousness**, **not** by divine revelation or formal promulgation, but by **internal dictates of reason** alone. Natural law is also **called Law of Nature**.

Natural law is ever present and binding on all men everywhere and at all times. There is in every man a basic understanding of right and wrong based on an understanding of the fundamental standard or criterion of good and evil. In other words, there are some acts or conduct which man knows in his heart and his conscience, not by theorizing, but by the dictates of his moral nature, are simply good or evil.



# Natural Law

Natural law is said to be **impressed in man** as the core of his higher self at the very moment of being or, perhaps, even before that. On the other hand, divine law is made known to man by means of **direct revelation**.

Natural law has been regarded as the **reasonable basis** of **state law**.

# Moral Law

Moral law refers to the totality of the norms of good and right conduct growing out of the collective sense of right and wrong of every community. (It is based on what the group believes to be right or wrong).

There is **no definite legal sanction** (punishment imposed by law like imprisonment and/or payment of fines or damages) for violation of purely moral law only approval or disapproval of the rest of the group.

# Moral Law

Moral law is **not absolute**. It varies with the changing times, conditions or convictions of the people. For example, polygamy is considered immoral (it is also a crime) in the Philippines, whereas, it is allowed in some parts of the world. Today's fashion in women's dress are socially allowed but at different times, they would have been morally condemned.

Moral law, to a great extent, **influences or shapes state law**.

# Physical Law

Physical law in general is consist of the uniformities of actions and orders of sequence which are the **physical phenomena** that we **sense** and **feel**. (e.g. law of gravitation, law of chemical combination). Physical law is also called **Laws of Physical Science**.

# State Law

State law is the law **promulgated** and **enforced** by the **state**. This is also known as **positive law**, **municipal law**, **civil law**, or **imperative law**. It is the law that we refer to when we speak of **law** in connection with obligations and contracts, marriage, the administration of justice, the conduct of elections, and the entire governmental process itself.

As a rule of action, only state law is enforced by the state, with the aid of its physical force, if necessary.

# State Law

In its **general sense**, state law refers to all the laws taken together. It may be defined as the “the mass of obligatory rules established for the purpose of governing the relations of persons in society.” Examples of the use of law in this sense are: “**law of the land**,” “**rule of law and not of men**,” “**equality before the law**,” “**enforcement of the law**,” etc.

In its **specific sense**, state law has been defined as “a rule of conduct, just, obligatory, promulgated by legitimate authority, and of common observance and benefit.”

## Characteristics of State Law:

1. **It is a rule of conduct.** – Law tells us what shall be done and shall not be done.
2. **It is obligatory.** – Law is considered a positive command imposing a duty to obey and involving a sanction which forces obedience.
3. **It is promulgated by legitimate authority.** – In a democratic country, like the Philippines, the legitimate or competent authority is the **legislature** (e.g.. congress). Local government units are also empowered to enact ordinances which have the binding force of laws.
4. **It is of common observance and benefit.** – Law must be observed by all for the benefit of all.

# Necessity and functions of law

## What would life be without law?

-The need for **internal order** is as constant as the need for **external defense**. No society can be stable in which either of these requirements fails to be provided for.

## What does law do?

-Law secures justice, resolves conflict, orders society, protects interests, control social relations.

Life without basic laws against theft, violence, and destruction would be solitary, nasty, brutish (savage), and short. Life without other laws such as those regulating traffic, sanitation, employment, business, redress of arm or of broken agreements, etc. – would be less orderly, less healthful, less wholesome, etc.



# Necessity and functions of law

## **What is our duty as members of society?**

-Since we find law necessary every citizen should have some understanding of law and observe it for the common good

# Sources of Law

1. **Constitution** - is the **written instrument** by which the fundamental powers of the government are established, limited, and defined, and by which these powers are distributed among the several departments for their safe and useful exercise for the benefit of the people.

It is often referred to as the **fundamental law** or **supreme law** or **highest law of the land** because it is promulgated by the people themselves. It is the law to which all other laws enacted by the legislature (as well as administrative or executive acts, orders and regulations having force of law) must conform. This means that laws which are declared by the courts to be **inconsistent with the Constitution** shall be **void** and the latter shall govern.

## Sources of Law

2. **Legislation** – It consists in the declaration of legal rules by a competent authority. Acts passed by the legislature are so called **enacted law** or **statute law**. Legislation includes **ordinances** enacted by **local government units**.

3. **Administrative or executive orders, regulations, and rulings** – They are those issued by administrative officials under legislative authority. Administrative rules and regulations are intended to clarify or explain the law and carry into effect its general provisions. Administrative acts are **valid** only when they are **not contrary** to the laws and Constitution.

# Sources of Law

4. **Judicial decisions or jurisprudence** – The decisions of the courts particularly the Supreme Court, applying or interpreting the laws or the Constitution form part of the legal system of the Philippines. The decisions of a superior court on a point of law are binding on all subordinate courts. This is called the **doctrine of precedent** or **stare decisis**.

**jurisprudence** - legal system (a system of law, or the body of laws applied in a particular country or state)  
- theory of law (the philosophy or science of law)

# Sources of Law

The Supreme Court, may **reverse or modify** any of its previous rulings. Until then, the decisions of the Supreme Court applying or interpreting the laws or the Constitution are “laws” of their own right because they declare what the laws say or mean.

Unlike rulings of the lower courts, which bind the parties to specific cases alone, the judgements of Supreme Court are applied to all.

## Sources of Law

5. **Custom** – It consist of those habits and practices which through long and uninterrupted usage have become acknowledged and approved by the society as binding rules of conduct. It has the force of law when recognized and enforced by the state.

But customs which are **contrary** to law, public order, or public policy are **not countenanced**.

**countenance** - tolerate or approve something (to tolerate, accept, or give approval to something)

## Sources of Law

6. **Other sources** – May consists of principles of justice and equity, decisions of foreign tribunals, opinion of textwriters, and religion. These are, however, only **supplementary**, that is, they are resorted to by the courts in the absence of all other sources. They are, however, **not** binding on the courts.

**supplementary** - additional to an existing one

# Organization of Courts

Under the Constitution, the judicial power or the power to decide actual cases and controversies involving the interpretation of laws, is vested in one Supreme Court and in lower courts as may be established by laws.

In the 1987 Philippine Constitution, judicial power was vested to **one Supreme Court**; the Supreme Court was the **only** court **created** by the **Constitution** and thereby **cannot** be **abolished** by **any law/legislation**. It is the **highest** court in the Philippines and thus called the “court of the last resort.”

Supreme Court is composed of 15 justices ( 1 Chief Justice and 14 Associate Justices). **No fix term** of office, stay in office based on good conduct and behavior until they reach the **age** of **70**. Appointed by President (of the Phils.) from a list of 3 nominees prepared by the **Judicial and Bar Council**. Supreme Court members can only be **removed** by **impeachment**.



# Supreme Court ousts Chief Justice Sereno

Lian Buan

4:05 PM, December 17, 2018



MANILA, Philippines (5th UPDATE) – In an unprecedented and historic move, the Supreme Court (SC) **ousted** Chief Justice Maria Lourdes Sereno on Friday, May 11.

Voting 8-6, the SC en banc granted the **quo warranto petition** to remove Sereno from office on the basis of an invalid appointment. The decision is "immediately executory without need for further action," SC Spokesperson Theodore Te said during Friday's press briefing

<https://www.rappler.com/nation/202236-sereno-ousted-supreme-court-quo-warranto-decision>

**quo warranto** (Latin for “**by what warrant or authority?**”) is a legal procedure used to **challenge** an individual’s **right to** or **authority** over the **position** he or she holds.

Under Rule 66 of the Rules of Court, a quo warranto petition may be filed by the **government** or an **individual** against “a person who usurps, intrudes into, or unlawfully holds or exercises a public office, position or franchise.”

A quo warranto case may only be brought **within one year (prescription period)** from the time the cause of action or ouster arose.

The **Office of the Solicitor General** of the Philippines (Filipino: Tanggapan ng Taga-usig Panlahat), is an independent and autonomous office attached to the Department of Justice.



A quo warranto petition seeking to **void** CJ Sereno's appointment as Chief Justice was filed by **Solicitor General Jose Calida** over **alleged lack of integrity**. The petition claims that despite having been employed at the University of the Philippines College of Law from November 1986 to June 1, 2006, CJ Sereno's Statement of Assets, Liabilities and Net Worth (SALN) records at the UP HRDO only include those for the years 1985, 1990, 1991, 1993-1997, and 2002, while her SALN records at the Office of the Ombudsman produced by the office for perusal only include those from the years 1999–2009

[https://en.wikipedia.org/wiki/Quo\\_warranto\\_petition\\_against\\_Maria\\_Lourdes\\_Sereno](https://en.wikipedia.org/wiki/Quo_warranto_petition_against_Maria_Lourdes_Sereno)

Calida's legal challenge on the validity of Sereno's appointment is grounded on her **failure to submit** her wealth declaration documents. According to the government's chief legal counsel, this proves that Sereno does **not possess integrity** to hold the position of a chief justice.

<https://www.philstar.com/headlines/2018/06/14/1824546/calida-ruling-quo-warranto-correct-must-be-affirmed-finality>

# Organization of Courts

1. **Regular courts** – The Philippine judicial system consists of **hierarchy of courts** resembling a pyramid with the Supreme Court at the apex. Under present legislation, the other courts are:

a. One **Court of Appeals**

Composed of one Presiding Justice and 68 Associate Justices is vested with jurisdiction **over appeals** from the **decisions** of the **Regional Trial Courts** and certain **quasi-judicial agencies, boards or commissions**.

b. **Regional Trial Courts** sitting in the different provinces and cities.

The **Regional Trial Courts** known as **Second Level Courts**, and the **highest trial** courts in the Philippines.

# Organization of Courts

c. **Metropolitan Trial Courts** in metropolitan areas established by law; Municipal Trial Courts in cities not forming part of a metropolitan area, and in municipalities; and Municipal Circuit Trial Courts in areas defined as municipal circuits. Circuit courts exercise jurisdiction over two or more cities and / or municipalities.

**Metropolitan Trial Courts and Municipal Trial Courts in Cities:** Municipal Trial Courts in towns and cities **in** the **Metropolitan Manila Area** are referred to as **Metropolitan Trial Courts**.

In cities **outside** of the **Metropolitan Area**, the equivalent of Municipal Trial Courts are referred to as **Municipal Trial Courts in Cities**.

# Organization of Courts

Every **municipality** has its own **Municipal Trial Court**. It is referred to as such if it **covers** only **1 municipality**.

It is called **Municipal Circuit Trial Court** if it covers **2 or more municipalities**.

# Organization of Courts

**Shari'a Court or Shari'a Circuit Court:** The creation of Sharia courts through Presidential Decree (PD) 1083 was significant. Otherwise known as Code of Muslim Personal Laws, PD 1083. was a significant recognition that Muslim Personal Laws, as the legal system of the Muslims in the country, is part of the law of the land that seeks to make Islamic institutions more effective.

The Supreme Court has defined the Sharia court as one with limited and special jurisdiction to **hear** and **decide cases** and **administer justice** for the country's **Muslims**.

**Shari'a Court or Shari'a Circuit Court:** in some provinces in Mindanao where the **Muslim Code on Personal Laws** is enforced, the law provides **5 Shari'a District Court** which is **equivalent** to **Regional Trial Courts** in rank and for **51 Shari'a Circuit Court** in the municipalities which gave the rank and level of Municipal Circuit Trial Court.

# Organization of Courts

The Supreme Court, the Court of Appeals, and the Regional Trial Courts are considered courts of **general or superior jurisdiction**.

2. **Special Courts** – Under the Constitution, a special **anti-graft court**, the **Sandiganbayan**. It forms part of the judicial hierarchy together with the **Court of Tax Appeals**, a special tax court created by law, on the **same level** as the Court of Appeals.

**Sandiganbayan**: composed of 1 Presiding Judge and 8 Associate Justices, has exclusive jurisdiction over **violations** of the **Anti-graft and Corrupt Practices (RA 3019)** and the **Unexplained Wealth Act (RA 1379)** and or other crimes of felonies committed by **public officials** and **employees** in relation to their office, including those employees in **government-owned** and **controlled companies**.



# Organization of Courts

## 2. Special Courts –

**Court of Tax Appeals:** composed of 1 Presiding Judge and 2 Associate Justices, is vested with exclusive appellate jurisdiction over appeals from the decision of the Commissioner of Internal Revenue and Commissioner of Customs.

# Organization of Courts

3. **Quasi-judicial agencies** – **Administrative bodies** under the **executive branch** performing quasi-judicial functions, like the:  
National Labor Relations Commission  
Securities and Exchange Commission  
Land Transportation Franchising and Regulatory Board  
Insurance Commission, etc.

The **independent Constitutional Commissions** (like the Civil Service Commission, Commission on Elections and Commission on Audit) do **not** form part of the integrated judicial system.

Their **functions** are described as “*quasi-judicial*” because they involve also the **settlement** or **adjudication** of **controversies** or **disputes**.

# PHILIPPINE COURT SYSTEM

## Review Courts

Supreme Court

Court of Appeals

## Trial Courts

Regional Trial Court

Provincial Regional Trial Court

Metro Manila Regional Trial Court

Metropolitan Trial Court

Municipal Trial Court

Municipal Circuit Trial Court

## Special Courts

Court of Tax Appeals

Sandiganbayan

<https://www.lawphil.net/courts/courts.html>

# Classifications of Law

The methods for classifying law are many. The main classifications of law, 1) **as to its purpose** and 2) **as to its nature**.

## 1) **as to its purpose**

(a) **Substantive law** or that portion of the body of law **creating, defining, and regulating** rights and duties which may be either public or private in character.

Ex. Law on Obligation and Contracts, etc.

# Classifications of Law

## 1) as to its purpose

(b) **Adjective Law** or that portion of the body of law prescribing the **manner** or **procedure** by which rights may be **enforced** or their violations redressed. Sometimes called **remedial law** or **procedural law**.

Ex. Private adjective law (action for the recovery of real property), etc.

State must also provide legal remedies by which substantive law may be administered. Hence, the need for adjective law.

The adjective law in the Philippines is governed by the Rules of Court promulgated by the Supreme Court and by special laws.

# Classifications of Law

## 2) as to its subject matter

(a) **Public law** or the body of legal rules which regulates the rights and duties arising from the relationship of **the state to the people**.

Ex. Criminal law, international law, constitutional law, administrative law, criminal procedure.

**Criminal law** – is the law which defines **crimes** and provides for their **punishment**.

**International law** – is the law that governs the relations among nations or states.

# Classifications of Law

## 2) as to its subject matter

### (a) Public law

Ex. Criminal law, international law, constitutional law, administrative law, criminal procedure.

**Constitutional law** – governs the relations between the state and its citizens, it establishes the fundamental powers of the government.

**Administrative law** – governs the methods by which the functions of administrative authorities are to be performed.

**Criminal procedure** – governs the **methods** of trial and punishment in criminal cases.

# Classifications of Law

## 2) as to its subject matter

(b) **Private law** or the body of rules which regulates the relations of **individuals** with **one another** for **purely private** ends.

**Private law** or body of law governing private persons, their properties, and relations (with other private persons) which do **not** directly concern the state.

Ex. Law on obligation and contracts, civil law, commercial or mercantile law, civil procedure.

The state is also involved in private law; it **enforces** private law but simply as an **arbiter** and not as a party.

**Civil procedure** – provides for the means by which **private rights** may be enforced.



# Law on Obligations and Contracts

The law on obligations and contracts is the body of rules which deals with the nature and sources of obligations and the rights and duties arising from agreements and the particular contracts.

# Civil Code of the Philippines

The **law on obligations and contracts** is found in [RA 386](#), otherwise known as the [Civil Code of the Philippines](#). When we speak of **civil law**, we refer to the law found primarily in **Civil Code**.

The Civil Code of the Philippines is based mainly on the Civil Code of Spain, which took effect in the Philippines on December 7, 1889. It was approved as Republic Act No. 386 on June 18, 1949 and took effect on August 30, 1950.

It is divided into **four (4) books**.



[illegible]