

# Legal research

[Law](#), [Common Law](#)



PROJECT ON LEGAL RESEARCH Submitted by: ANDREW T. GARCIA LLB 1-2

LEGAL DOCTRINES I. CIVIL LAW 1. Doctrine of Relations That principle of law by which an act done at one time is considered by a fiction of law to have been done at some antecedent period. It is a doctrine which, although of equitable origin, has a well-recognized application to proceedings at law; a legal fiction invented to promote the ends of justice or to prevent injustice end the occurrence of injuries where otherwise there would be no remedy. The doctrine, when invoked, must have connection with actual fact, must be based on some antecedent lawful rights. It has also been referred to as " the doctrine of relation back". 2. Operative Fact Doctrine Under the operative fact doctrine, the law is recognized as unconstitutional but the effects of the unconstitutional law, prior to its declaration of nullity, may be left undisturbed as a matter of equity and fair play. In fact, the invocation of the operative fact doctrine is an admission that the law is unconstitutional. 3. Doctrine of Lex Loci Rei Sitae The lex loci rei sitae (Latin: law of the place where the property is situated) is a doctrine which states that the law governing the transfer of title to property is dependent upon, and varies with, the location of the property for the purposes of the conflict of laws. Conflict is the branch of public law regulating all lawsuits involving a " foreign" law element where a difference in result will occur depending on which laws are applied. 4. Doctrine of Lex Loci Celebrationis Under this doctrine, the law of the place where a contract, specially a marriage, was made or celebrated, governs. 5. Doctrine of Lex Loci Delicti Commissi The lex loci delicti commissi is the Latin term for " law of the place where the delict (tort) was committed" in the conflict of laws. Conflict of laws is the

branch of law regulating all lawsuits involving a "foreign" law element where a difference in result will occur depending on which laws are applied. The term is often shortened to *lex loci delicti*.

6. Doctrine of Stare Decisis Stare Decisis is a legal principle by which judges are obliged to respect the precedents established by prior decisions. The words originate from the phrasing of the principle in the Latin maxim *Stare decisis et non quieta movere*: "to stand by decisions and not disturb the undisturbed." In a legal context, this is understood to mean that courts should generally abide by precedents and not disturb settled matters.

7. Merger Doctrine Historically, the merger doctrine (a. k. a. "doctrine of merger") was the notion that marriage caused a woman's legal identity to merge with that of her husband. Thus, a woman could not sue or testify against her husband any more than he could sue or testify against himself. Since her identity had merged with his, the two were now considered one legal entity.

8. Doctrine of Finality of Judgment The doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice, and that, at the risk of occasional errors, the judgments or orders of courts must become final at some definite time fixed by law; otherwise, there would be no end to litigations, thus setting to naught the main role of courts of justice which is to assist in the enforcement of the rule of law and the maintenance of peace and order by settling justiciable controversies with finality.

9. Doctrine of Reformation of Instruments Reformation of an instrument is that remedy in equity by means of which a written instrument is made or construed so as to express or conform to the real intention of the parties when some error or mistake has been committed. It is predicated on the equitable maxim that

equity treats as done that which ought to be done. The rationale of the doctrine is that it would be unjust and unequitable to allow the enforcement of a written instrument which does not reflect or disclose the real meeting of the minds of the parties. However, an action for reformation must be brought within the period prescribed by law, otherwise, it will be barred by the mere lapse of time.

10. Renvoi Doctrine Renvoi Doctrine occurs when a citizen of another country dies as domiciliary of another country. Where the conflict of rules of the forum refers to foreign law, and the latter refers it back to the internal law, the law of the forum will apply.

11. Doctrine of Processual Presumption Doctrine of Processual Presumption means the foreign law, whether applicable, should be proved by the proponent thereof; otherwise, such law shall be presumed to be exactly the same as the law of the forum.

12. Doctrine of Volenti Non Fit Injuria This doctrine refers to self-inflicted injuries or to the consent to injury which precludes the recovery of damages by one who has knowingly and voluntarily exposed himself to danger, even if he is not negligent in doing so.

13. Doctrine of Dependent Relative Revocation If the testator revokes a will with a present intention of making new one immediately and as a substitute, and the new will is not made, or if made, fails to effect of any reason, it will be presumed that the testator preferred the old will to intestacy, and the old one will be admitted to probate in the absence of evidence overcoming the presumption, provided its contents can be ascertained.

14. Doctrine of Constructive Fulfillment When without the fault of the heir, an institution sub modo cannot take effect stated by the testator: it shall be complied with in a manner most analogous to and in conformity with his wishes.

15. Mirror Doctrine Means

that every person dealing with registered land may safely rely on the correctness of the certificate of title issued therefor and the law not oblige him to go beyond the certificate to determine the condition of the property. Where there is nothing in the certificate of title to indicate any cloud or vice in the ownership of the property, or any encumbrance thereon, the purchaser is not required to explore further than that of Torrens Title upon its face indicates in quest for any hidden defects or inchoate right that may be subsequently defeats his right thereto. But this rule shall not apply when the party has actual knowledge of facts and circumstances that would impel reasonably cautious man to make such inquiry or when the purchaser has knowledge of defects or lack of title in his vendor or of sufficient facts to induce a reasonably prudent man to inquire into the status of the title of the property in litigation.

16. Emergency Rule or Sudden Peril Doctrine An individual who suddenly finds himself in a situation of danger and is required to act without much time to consider the best means to avoid impending danger is not guilty of negligence if he fails to undertake what subsequently and upon reflection may appear to be a better solution.

17. Doctrine of Immutability of Matrimonial Property Regime Regardless of the change of nationality by either both of the spouses, the original property regime that prevailed at the start of their marriage prevails.

18. Doctrine of Immutability of Status Means the status of the child (whether legitimate or illegitimate) is not affected by a subsequent change of nationality of the parents. If the child is later legitimated, personal law of the child follows that of the father.

19. Substitution Doctrine It is an arm of equity that may guide or even force one to pay a debt for which an obligation was incurred but which was in whole or

in part paid by another. 20. Doctrine of Presumed Revocation This means that in the absence of evidence, it shall be presumed that the testator destroyed the will *animo revocandi*. II. CRIMINAL LAW 1. Act Of God Doctrine The doctrine embodying the principle that strictly requires that the act must be one occasioned exclusively by the violence of nature and all human agencies are to be excluded from creating or entering into the cause of the mischief. When the effect, the cause of which is to be considered, is found to be in part the result of the participation of man, whether it be from active intervention or neglect, or failure to act, the whole occurrence is thereby humanized, as it were, and removed from the rules applicable to the acts of God. (*Napocor v. CA*, GR 103442-45. May 21, 1993, citing 1 *Corpus Juris*, pp. 1174-1175). 2. Moral — Wrong Doctrine On occasion, courts apply the "moral wrong" doctrine, under which one can make a reasonable mistake regarding an attendant circumstance and yet manifest a bad character or otherwise demonstrate worthiness of punishment. The rule is generally that there is no exculpation for mistakes where, if the facts had been as the defendant believed them to be, his conduct would still be immoral. 3. Legal — Wrong Doctrine A less extreme alternative to the moral-wrong doctrine is the "legal-wrong doctrine." That rule provides for no exculpation for mistakes where, if the facts were as the defendant thought them to be, his conduct would still be "illegal." Often this means that a defendant possessed the *mens rea* for committing a lesser offense, but the *actus reus* was associated with a higher offense. Under this doctrine, the defendant is guilty of the higher offense in such circumstances. 4. Attractive Nuisance Doctrine The doctrine that where a person maintains in his premises a dangerous

instrumentality of a character which is attractive to children of tender years at play and who fails to exercise due diligence to prevent such children from playing therewith or resorting or resorting thereto, is liable to a child who is injured thereby, even if the child is technically a trespasser. (Claridades, A., Compilation of Notes, 2001-2006). 5. Clean Hands Doctrine A legal principle grounded on equity which says that a complainant or plaintiff seeking relief in the courts must not himself be guilty in the matter subject of his claim.

(Claridades, A., Compilation of Notes, 2006-2011). 6. Contributory

Negligence Doctrine 1. The act or omission amounting to want of ordinary care on the part of the person injured which, concurring with the defendant's negligence, is the proximate cause of the injury. (Ma-ao Sugar Central v. CA, GR 83491. Aug. 27, 1990). 2. This doctrine may be stated as follows: If the negligence of the plaintiff cooperated with the negligence of the defendant in bringing about the accident causing injury complained of, such negligence of the plaintiff would be an absolute bar to recovery. But if the negligence of the plaintiff is merely contributory to his negligence, such negligence would not be a bar to recovery, but the amount recoverable shall be mitigated by the courts. (Rakes v. AG & P, 7 Phil 359; Cangco v. Manila Railroad Co., 36 Phil 766; Del Prado v. Manila Electric Co., 52 Phil. 900; Art. 2179, CC). 7.

Doctrine of Implied Conspiracy Means conspiracy may be inferred if it is proven that two or more persons aimed their acts towards the accomplishment of the same unlawful object, each doing a part so that their acts although apparently independent were in fact connected and cooperative, thus indicating a closeness of personal association and concurrence of sentiment. 8. Corporate Opportunity Doctrine The doctrine

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under which corporate officers are not permitted to use their position of trust and confidence to further their interests. It is precisely a recognition by the courts that the fiduciary standards could not be upheld where the fiduciary was acting for 2 entities with competing interests. This doctrine rests fundamentally on the unfairness, in particular circumstances, of an officer or director taking advantage of an opportunity for his own personal profit when the interest of the corporation justly calls for protection.

(*Gokongwei v. SEC*, GR L-45911. Apr. 11, 1979).

**9. Dangerous Tendency Doctrine** The doctrine that states that if the words uttered create a dangerous tendency which the state has a right to prevent, then such words are punishable. It is not necessary that some of the definite or immediate acts or force, violence, or unlawfulness be advocated, it is sufficient that such acts be advocated in general terms. Nor is it necessary that the language used be reasonably calculated to incite persons to acts of force, violence, or unlawfulness. It is sufficient if the natural tendency and probable effect of the utterance be to bring about the substantive evil; which the legislative body seeks to prevent. (*Cabansag v. Fernandez*, 102 Phil. 152, citing *Gitlow v. New York* 268 U. S. 652).

**10. Doctrine Of Equivalents** The rule stating that an infringement also takes place when a device appropriates a prior invention by incorporating its innovative concept and, although with some modification and change, performs substantially the same function in substantially the same way to achieve substantially the same result.

**11. Doctrine Of Estoppel** A doctrine based on grounds of public policy, fair dealing, good faith and justice, the purpose of which is to forbid one to speak against his own act, representations, or commitments to the injury of one to



whom they were directed and who reasonably relied thereon. 12. Doctrine Of Fair Comment A doctrine in the law of libel, which means that while in general every discreditable imputation publicly made is deemed false, because every man is presumed innocent until his guilt is judicially proved, and every false imputation is directed against a public person in his public capacity, it is not necessarily actionable. In order that such discreditable imputation to a public official may be actionable, it must either be a false allegation of fact or a comment based on a false supposition. If the comment is an expression of opinion, based on established facts, then it is immaterial that the opinion happens to be mistaken, as long as it might reasonably be inferred from the facts. 13. Doctrine Of Volenti Non Fit Injuria Refers to self-inflicted injury or to the consent to injury which precludes the recovery of damages by one who has knowingly and voluntarily exposed himself to danger, even if he is not negligent in doing so. 14. Doctrine Of Supervening Event Prosecution for another offense if subsequent development changes character of the first indictment under which he may have already been charged or convicted. 15. Immoral Doctrines The felony committed by those who shall publicly expound or proclaim doctrines openly contrary to public morals. 16. Limited Liability Doctrine The liability of the shipowner of a ship is confined to the vessel, equipment, and freight, or insurance, if any, so that if the shipowner abandoned the ship, equipment, and freight, his liability is extinguished. However, the doctrine does not apply when the shipowner or captain is guilty of negligence. 17. Inscrutable Fault Doctrine Where fault is established but it cannot be determined which of the two vessels were at fault, both shall be deemed to have been at fault. 18. Proximate Cause

Doctrine 1. Any cause which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the result complained of and without which would not have occurred and from which it ought to have been foreseen or reasonably anticipated by a person of ordinary case that the injury complained of or some similar injury, would result therefrom as a natural and probable consequence. (People v. Desalina, 57 OG 8694). 2. That cause which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury and without which the result would not have occurred. (38 Am. Jur. 695). 3. The last negligent act which contributes to an injury. A person generally is liable only if an injury was proximately caused by his or her action or by his or her failure to act when he or she had a duty to act. 19. Doctrine On Defense Of Insanity The defense of insanity is in the nature of confession and avoidance. Like the justifying circumstance of self-defense, the burden is on the defense to prove beyond reasonable doubt that accused-appellant was insane immediately before the commission of the crime or at the very moment of its execution. In other words, a defendant in a criminal case who interposes the defense of mental incapacity has the burden of establishing the fact that he was insane at the very moment when the crime committed. There must be complete deprivation of reason in the commission of the act, or that the accused acted without discernment, which must be proven by clear and positive evidence. The mere abnormality of his mental faculties does not preclude imputability. Indeed, a man may act crazy but it does not necessarily and conclusively prove that he is legally so. The non-medical opinion of defense counsel that accused-appellant was bordering on insanity hardly measures up to the

foregoing yardsticks. In the light of the positive testimony of the victim proving accused-appellant's criminal accountability, this bare and unsubstantiated defense must perforce fail. 20. Doctrine Of Res Ipsa Loquitur

The doctrine of res ipsa loquitur (Latin for "the thing speaks for itself") states that the elements of duty of care and breach can be sometimes inferred from the very nature of an accident or other outcome, even without direct evidence of how any defendant behaved. III. POLITICAL LAW 1.

Doctrine Of State Immunity The doctrine and rules of state immunity concern the protection which a state is given from being sued in the courts of other states. The rules relate to legal proceedings in the courts of another state, not in a state's own courts. The rules developed at a time when it was thought to be an infringement of a state's sovereignty to bring proceedings against it or its officials in a foreign country. 2. Doctrine Of Sovereign Immunity Sovereign immunity, or crown immunity, is a legal doctrine by which the sovereign or state cannot commit a legal wrong and is immune from civil suit or criminal prosecution. 3. Doctrine Of Pacta Sunt Servanda

Pacta sunt servanda (Latin for "agreements must be kept"), is a basic principle of civil law and of international law. In its most common sense, the principle refers to private contracts, stressing that contained clauses are law between the parties, and implies that nonfulfilment of respective obligations is a breach of the pact. 4. Doctrine Of Parens Patriae Literally, parens patriae means father of the country. This doctrine has been defined as the inherent power and authority of the state to provide protection to the persons and property of the persons non-sui juris. Non-sui juris persons are those who lack the legal capacity to act on his own behalf like the child or the insane

persons. 5. Doctrine Of Separation Of Powers The doctrine of separation enunciates the idea of grouping the powers of government into three classes and of their apportionment among three coordinate departments, separate from and independent of each other. 6. Archipelagic Doctrine Archipelago is defined as a sea or part of a sea studded with islands, often synonymous with island groups, or as a large group of islands in an extensive body of water, such as sea. (De Leon, 1991) In various conferences of the United Nations on the Law of the Sea, the Philippines and other archipelago states proposed that an archipelagic state composed of groups of islands forming a state is a single unit, with the islands and the waters within the baselines as internal waters. By this concept (archipelagic doctrine), an archipelago shall be regarded as a single unit, so that the waters around, between, and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the state, subject to its exclusive sovereignty. 7. Doctrine Of Shifting Majority Means that for each House of Congress to pass a bill, only the votes of majority of those present in the session, there being quorum is required. 8. Doctrine Of Qualified Political Agency Or Alter Ego Principle Acts of the Secretaries of Executive Department when performed and promulgated in regular course of business or unless disapproved or reprobated by the Chief Executive, are presumptively the acts of the Chief Executive. 9. Regalian Doctrine (Jura Regalia) Means all lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, forest, or timber, wildlife, flora and fauna, and natural resources belong to the state, With the exemption of agricultural lands, all other natural

resources shall not be alienated. 10. Doctrine Of State Immunity Means as a consequence of the independence, territorial supremacy and equality, a state enjoys immunity from the exercise of jurisdiction by another state, waived its immunity or voluntarily submitted to the jurisdiction of the court concerned. 11. Doctrine Of Proper Submission Means that plebiscite may be held on the same day as regular election provided the people are sufficiently informed of the amendment must be submitted to be voted upon, to conscientiously deliberate thereon, to express their will in a genuine manner. 12. Doctrine Of Subordinate Legislation Refer to the power of the administrative agency to promulgate rules and regulations on matters of their own specialization. 13. Doctrine Of Administrative Exhaustion Means whenever there is an available administrative remedy provided by law, no judicial recourse can be made until all such remedies have been availed of and exhausted. 14. Checks And Balances Doctrine A political doctrine which complements the separation of powers doctrine underlying our system of government by which the 3 branches of government check one another against abusing or misusing their respective powers under the Consti. Thus, the Pres. can veto legislation. Congress must approve executive appointments. The courts, whose members are appointed by the Pres., can nullify grave abuse of executive power and invalidate laws for violating the limits of their respective Constitutional powers and prerogatives. 15. Doctrine Of Qualified Political Agency. The doctrine which holds that, as the President cannot be expected to exercise his control powers all at the same time and in person, he will have to delegate some of them to his Cabinet members, who in turn and by his authority, control the bureaus and other

offices under their respective jurisdictions in the executive department. 16. Doctrine Of Parens Patriae The government as guardian of the rights of people. 17. Jus Postlimini Doctrine The doctrine holding that when a territory has been occupied by the enemy comes again into the power of the state during the progress of a war through conquest or otherwise, the legal state of the things existing prior to the hostile occupation is re-established. 18. Jus Sanguinis Doctrine The principle adhered to by the Philippine law on citizenship under which a child follows the nationality or citizenship of the parents regardless of the place of his/her birth. 19. Jus Soli Doctrine The principle under which the nationality or citizenship of a child is determined on the basis of the place of his / her birth. 20. Qualified Political Agency Doctrine The doctrine under which the different executive departments are mere adjuncts of the President. Their acts are presumptively the acts of the President until countermanded or reprobated by her. IV. REMEDIAL LAW 1. Doctrine Of Primary Jurisdiction Primary jurisdiction doctrine is a judicial doctrine whereby a court tends to favor allowing an agency an initial opportunity to decide an issue in a case in which the court and the agency have concurrent jurisdiction. It is the principle that the courts can not or will not determine a controversy involving a question which is within the jurisdiction of an administrative tribunal, prior to the decision of that question by the administrative tribunal: 1) where the case demands the exercise of administrative discretion, requiring the special knowledge, experience, and services of the administrative tribunal, to determine technical and intricate matters of fact; and 2) where uniformity of ruling is essential to comply with the purposes of the regulatory statute administered.

2. Doctrine Of Judicial Stability Or Non-Interference Means no court has the authority to interfere by injunction with the judgment of another court of coordinate jurisdiction or to pass upon or scrutinize and much less declare as unjust a judgment. 3. Doctrine Of Ancillary Jurisdiction Involves the inherent or implied powers of the court to determine issues incidental to the exercise of its primary jurisdiction. 4. Doctrine Of Adherence To Jurisdiction Also known as continuity jurisdiction, means that once jurisdiction has been acquired, the court retains it until the final termination of the case. 5. Doctrine Of Primary Jurisdiction Court will not resolve controversy involving a question which is within the jurisdiction of an administrative tribunal, especially, where the question demands the exercise of sound administrative discretion requiring special knowledge and experience of said tribunal in determining technical and intricate matters of fact. 6. Doctrine Of Processual Presumption In the absence of the foreign laws, it is presumed that it is the same in the Philippines. 7. Anticipatory Breach Doctrine The rule that where the covenant or contract is entire, and the breach total, there can be only one action, and the plaintiff must therein recover all his damages. 8. Doctrine Of Associated Words The rule of law that holds that the meaning of a contract is derived from reading it as a whole. Where parts of a contract contradict each other, a court must restrict the meaning of, or reject, the word or clause that does not adhere to the general meaning of the contract, namely the parties' intent. 9. Blameless Ignorance Doctrine The doctrine incorporated in Sec. 2 of Act No. 3326 under which, the statute of limitations runs only upon discovery of the fact of the invasion of a right which will support a cause of action. In other words, the courts would decline to apply the statute of

limitations where the plaintiff does not know or has no reasonable means of knowing the existence of a cause of action. 10. Center Of Gravity Doctrine Choice of law problems are resolved by the application of the law of the jurisdiction which has the most significant relationship to or contact with event and parties to litigation and the issue therein. The process of deciding whether or not the facts relate to the kind of question specified in a conflicts rule. The purpose of characterization is to enable the court of the forum to select the proper law. 11. Comparative Injury Doctrine A rule in equity which states that although a person is entitled to injunctive relief, if the injury done to the respondent or the public would be disproportionate, then injunctive relief must be denied. 12. Delectus Personae Doctrine The doctrine that allows the partners to have the power, although not necessarily the right, to dissolve the partnership. 13. Doctrine Of Immutability And Inalterability Of A Final Judgment Two-fold purpose: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. 14. Doctrine Of Implication That which is plainly implied in the language of a statute is as much a part of it as that which is expressed. 15. Doctrine Of Operative Fact The doctrine that nullifies the effects of an unconstitutional law by recognizing that the existence of a statute prior to a determination of unconstitutionality is an operative fact and may have consequences which cannot always be ignored. The past cannot always be erased by a new judicial declaration. It is applicable when a declaration of unconstitutionality will impose an undue burden on those who have relied on the invalid law 16.



Judicial Supremacy Doctrine The power vested in the judiciary to annul the acts of either the legislative or the executive or of both when not conformable to the fundamental law. (Assoc. of Small Landowners in the Phil. v. Sec. of Agrarian Reform, 175 SCRA 343). The power of judicial review under the Constitution.

17. Judicial Stability Doctrine The doctrine of non-interference which has been regarded as an elementary principle of higher importance in the administration of justice that the judgment of a court of competent jurisdiction may not be opened, modified, or vacated by any court of concurrent jurisdiction.

18. State Responsibility Doctrine The doctrine which holds a state responsible for any injury sustained by an alien within its jurisdiction because of an international wrong imputable to it.

19. Statistical Improbability Doctrine Also known as Lagumbay doctrine. The doctrine may be stated as follows: Any election return which on the basis exclusively of data found on its face appears to be obviously and patently false is nothing but a manufactured return which should not be accorded any prima facie value as evidence of the result of the count and should be disregarded in the canvass.

20. Vested Rights Doctrine The doctrine which holds that the duty to recognize another jurisdiction's law was not dependent on comity, with its expectation of reciprocity, but rather on the mere fact that such rights had been validly created under the foreign law of their place of origin, i. e. that they were vested rights.

V. LABOR LAW

1. Totality Of Conduct Doctrine The culpability of employer's remarks is to be evaluated not only on the basis of their implications, but against the background of and in conjunction with collateral circumstances.

2. Doctrine Of Strained Relation When employer can no longer trust the employee and vice-versa, or there were imputations

of bad faith to each other, reinstatement could not effectively serve as a remedy. This doctrine applies only to positions which require trust and confidence. (*Globe Mackay v. NLRC*, GR No. 82511, March 3, 1992) 3.

**Doctrine Of Premature Extension** The collective bargaining agreement was hastily entered into, i. e., the renewal or extension of the agreement was premature, frustrating the right of the employees to petition for certification of election at the proper time.

**4. Substitutionary Doctrine** Where there occurs a shift in the employees' union allegiance after the execution of collective bargaining contract with the employer, the employees can change their agent (the labor union) but the collective bargaining contract which is subsisting continues to bind the employees up to its expiration date. They may, however, bargain for the shortening of said expiration date.

**5. Doctrine Of Prior Use** The principle that prior use of a trademark by a person, even in the absence of a prior registration, will convert a claim of legal appropriation by subsequent users.

**6. Doctrine Of Management Prerogative** Every employer has the inherent right to regulate, according to his own discretion and judgment, all aspects of employment, including hiring, work assignment, work methods, the time place and manner of work, work supervision, transfer of employees, lay-off of workers, and discipline, dismissal and recall of employees. (*Rural Bank of Cantilan vs. Julve*, GR No. 169750, February 27, 2007)

**7. Doctrine Of Double Indemnity** The payment to a concerned employee of the prescribe increase or adjustment in the wage rate which was not paid by an employer in an amount equivalent to twice the unpaid benefits owing to such employee.

**8. Community Of Interest Doctrine** The community of interest rule is the standard used in determining the

constituency of an appropriate bargaining unit. This is particularly relevant in an establishment with more than one branch. The rule states that in determining the constituency of an appropriate bargaining unit, the mutuality or community of interests is taken into consideration. Employees sharing mutual interests belong to one bargaining unit, whether they belong to the same branch of an establishment or to different branches.

9. Doctrine Of Means And Purposes A strike is legal when lawful means concur with lawful purpose. (GOP-CCP Workers v. CIR, GR No. L-33015, September 10, 1979)

10. Totality Of Infractions Doctrine It is the totality, not the compartmentalization of company infractions that the employee had consistently committed, which justifies the penalty of dismissal (e. g. number of violations committed during the period of employment). (Manila Electric Company v. NLRC, GR No. 114129, October 24, 1996)

11. Doctrine Of Loss Of Confidence Generally, employers are allowed wider latitude of discretion in termination the employment of managerial personnel or those who, while not of similar rank, perform functions which by their nature require the employer's full trust and confidence. (Coca-cola Bottlers v. NLRC, GR N. 82580, April 25, 1989)

12. Doctrine Of Incompatibility Where employee has done something that is contrary or incompatible with the faithful performance of his duties, his employer has a just cause for terminating his employment. (Manila Chauffer's League v. Bachrach Motor Co., 40 O. G. 159)

13. Agabon Doctrine In cases involving dismissals for cause but without observance of the twin requirements of notice and hearing, the better rule is to abandon the Serrano doctrine and to follow Wenphil (doctrine) by holding that the dismissal was for just cause but imposing sanctions on the

employer. 14. Serrano Doctrine The violation by the employer of the notice requirement in termination for just or authorized causes was not a denial of due process that will nullify the termination. However, the dismissal is ineffectual and the employer must pay full back wages from the time of termination until it is judicially declared that the dismissal was for a just or authorized cause. 15. Wenphil Doctrine Or Belated Due Process Rule 1. The principle that teaches, as in other cases, that where the dismissal of an employee is for a just cause but without due process, the employer must indemnify the dismissed employee 2. Where the employer had a valid reason to dismiss an employee but did not follow the due process requirement, the dismissal may be upheld but the employer will be penalized to pay an indemnity to the employee. (Ibid.). 16. Doctrine Of Unforeseen Events The doctrine enunciated by Art. 1267 of the Civ. Code (which) is not an absolute application of the principle of *rebus sic stantibus* (that) would endanger the security of contractual relations. 17. Globe Doctrine The doctrine enunciated in *Globe Machine & Stamping Co.* (3 NLRB 294), and applied in *Democratic Labor Union v. Cebu Stevedoring Co.*, (L-10321, 28 Feb. 1958), where bargaining units may be formed through separation of new units from existing ones whenever plebiscites had shown the workers' desire to have their own representatives. 18. Refund Doctrine The doctrine erroneously espoused in *Genuino v. NLRC* (GR 142732-33. Dec. 4, 2007) which states: "If the decision of the labor arbiter is later reversed on appeal upon the finding that the ground for dismissal is valid, then the employer has the right to require the dismissed employee on payroll reinstatement to refund the salaries (he) received while the case was pending appeal, or it can be

deducted from the accrued benefits that the dismissed employee was entitled to receive from (his) employer under existing laws, collective bargaining agreement provisions, and company practices. However, if the employee was reinstated to work during the pendency of the appeal, then the employee is entitled to the compensation received for actual services rendered without need of refund. X x x. The Court resolved the impasse by reaffirming the principle earlier enunciated in *Air Phil. Corp. (v. Zamora*, GR 148247, Aug. 7, 2006, 498 SCRA 59, 72-73) that an employee cannot be compelled to reimburse the salaries and wages he received during the pendency of his appeal, notwithstanding the reversal by the NLRC of the LA's order of reinstatement.

19. **Strained Relations Doctrine** The doctrine the application of which would necessitate that it should be proved that the employee concerned occupies a position where he enjoys the trust and confidence of his employer and that if reinstated, an atmosphere of antipathy and antagonism may be generated as to adversely affect the efficiency and productivity of the employee concerned.

20. **Substitutionary Doctrine** It provides that the employees cannot revoke the validly executed collective bargaining contract with their employer by the simple expedient of changing their bargaining agent. The new agent must respect the contract. The employees, thru their new bargaining agent, cannot renege on the collective bargaining contract, except to negotiate with management for the shortening thereof.

VI. **LEGAL ETHICS and PRACTICAL EXERCISE**

1. **Doctrine Of Outside Appearance** The doctrine holding that a corporation is bound by a contract entered into by an officer who acts without, or in excess of his actual authority, in favor of a person who deals with him in good faith relying

on such apparent authority. 2. Doctrine Of Primary Jurisdiction The doctrine that holds that if the case is such that its determination requires the expertise, specialized skills and knowledge of the proper administrative bodies because technical matters or intricate questions of facts are involved, then relief must first be obtained in an administrative proceeding before a remedy will be supplied by the courts even though the matter is within the proper jurisdiction of a court. 3. Doctrine Of Necessary Implication The doctrine which states that what is implied in a statute is as much a part thereof as that which is expressed. 4. Doctrine Of Non-Interference An elementary principle of higher importance in the administration of justice that the judgment of a court of competent jurisdiction may not be opened, modified, or vacated by any court of concurrent jurisdiction. 5. Doctrine Of Res Ipsa Loquitur Applies to both judges and lawyers. Judges had been dismissed from the service without need of formal investigation because based on the records, the gross misconduct or inefficiency of the judges clearly appears. (Uy vs. Mercado, 154 SCRA 567) 6. Doctrine Of Immutability And Inalterability Of A Final Judgment Two-fold purpose: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. 7. Work Product Doctrine Under the work-product doctrine, " tangible material or its intangible equivalent" that is collected or prepared in anticipation of litigation is not discoverable,(2) and may be shielded from discovery by a Protective Order, unless the party seeking discovery can demonstrate that the sought facts can only be obtained through discovery and that those facts

are indispensable for impeaching or substantiating a claim. 8. Attorney-Client Doctrine Originally based on the concept that an attorney should not be required to testify against the client and, thereby, violate a duty of loyalty owed to the client. At that time, it was the lawyer who held the privilege. Today, the privilege is held by the client; while it may be asserted by the lawyer on behalf of the client, only the client can waive the privilege. 9. Negative Inherent Powers Doctrine Where the power to regulate attorneys is not expressly granted in the statecourt, it is assumed by courts under the negative inherent powers doctrine, which is part of constitutional separation of powers. Inherent power also includes authority to protect the sanctity of the judicial process. 10. Inherent Powers Doctrine Inherent powers doctrine refers to the principle by which the courts deal with diverse matters over which they are thought to have intrinsic authority like procedural rulemaking and general judicial housekeeping. To justify the invocation or exercise of inherent powers, a court must show that the powers are reasonably necessary to achieve the specific purpose for which the exercise is sought. Inherent powers enable the judiciary to accomplish its constitutionally mandated functions. 11. Generalized Grievance Doctrine A plaintiff cannot sue if the injury is widely shared in an undifferentiated way with many people. It bars suits by taxpayers challenging how government spends its revenues. 12. Non-Delegation Doctrine The doctrine of nondelegation describes the theory that one branch of government must not authorize another entity to exercise the power or function which it is constitutionally authorized to exercise itself. 13. Doctrine Of Informed Consent The legal basis for informed consent. 14. Doctrine Of Common Knowledge The

common knowledge doctrine allows plaintiffs in a malpractice action to present triable issues without resort to the testimony of an expert. 15. Doctrine Of Freedom Of Expression And Association Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession. 16. Doctrine Of Self-Help Self-help, in the sense of a legal doctrine, refers to individuals' implementation of their rights without resorting to legal writ or consultation of higher authority. 17. Doctrine of Indelible Alliance Means that an individual may be compelled to retain his original nationality notwithstanding that he has already renounced it under the laws of another state whose nationality he has acquired. 18. Declaratory Doctrine Doctrine that holds that the legal existence of a state or govt. happens automatically by operation of law. 19. Intertemporal Law Doctrine Legal doctrine that practices regarded as lawful in the past will continue to be respected in the future. 20. Doctrine Of Outside Appearance The doctrine holding that a corporation is bound by a contract entered into by an officer who acts without, or in excess of his actual authority, in favor of a person who deals with him in good faith relying on such apparent authority. VII. TAXATION 1. Doctrine Of Imprescriptibility



This doctrine states that as a general rule taxes are imprescriptible unless when provided otherwise by the law itself e. g. NLRC provides for statutes of limitation in the assessment and collection of taxes therein imposed. 2.

**Doctrine Of Symbiotic Relationship** Every person who is able must contribute his share in the burden of running the government. The government for its part is expected to respond in the form of tangible and intangible benefits intended to improve the lives of the people and enhance their material and moral values. 3. **Doctrine Of Escape From Taxation** This means minimizing tax obligations by legal means or fully avoiding it by illegal means. Can either be shifting, transformation, capitalization, avoidance or evasion. 4.

**Assignment Of Income Doctrine** The assignment of income doctrine is a judicial doctrine developed in United States case law by courts trying to limit tax evasion. The assignment of income doctrine seeks to " preserve the progressive rate structure of the Code by prohibiting the splitting of income among taxable entities. "

5. **Doctrine Of Hot Pursuit** If the act committed in violation of the TCC is done within Philippine waters, seizure and forfeiture may be pursued or continued beyond the territorial jurisdiction or the

maritime zone and on the high seas. 6. **Doctrine Of Primary Jurisdiction** The doctrine of primary jurisdiction applies where a case is within the concurrent jurisdiction of the court and an administrative agency but the determination of the case requires the technical expertise of the administrative agency. In such a case, although the matter is within the jurisdiction of the court, it must yield to the jurisdiction of the administrative case. 7. **Exclusionary**

**Doctrine** Where the National Government elects to a tax particular area, it impliedly withholds from the local government the delegated power to tax

the same field. This doctrine principally rests on the intention of the Congress.

8. Doctrine Of Preemption An instance where the national government elects to tax a particular area, impliedly withholding from the local government the delegated power to tax the same field. This doctrine primarily rests upon the intention of Congress.

9. Cross-Border Doctrine The principle (of the VAT system) under which no VAT shall form part of the cost of goods destined for consumption outside of the territorial border of the taxing authority. If export of goods and services from the Philippines to a foreign country are free of VAT, then the same rules, in general, hold for such exports from the national territory to an Ecozone.

10. Doctrine Of Inappropriate Provision It deals with item provisions in a budget bill that are to be treated as items for the President' s veto power.

11. Limited Capacity Doctrine The doctrine adopted by our corporation law under which a corporation has only such powers as are expressly granted or those that are necessarily implied from those expressly granted or those which are incidental to its existence.

12. Doctrine Of Prospectivity Of Tax Laws This doctrines states the general rule that taxes must only be imposed prospectively unless the language of the statute clearly demands or express that it shall have a retroactive effect.

13. Doctrine Of Equitable Recoupment It provides that a claim for refund barred by prescription may be allowed to offset unsettled tax liabilities should be pertinent only to taxes arising from the same transaction on which an overpayment is made and underpayment is due. This doctrine, however, was rejected by the Supreme Court, saying that it was not convinced of the wisdom and propriety thereof, and that it may work to tempt both the collecting agency and the taxpayer to delay and

neglect their respective pursuits of legal action within the period set by law.

14. Doctrine Of Double Taxation A taxation principle referring to income taxes that are paid twice on the same source of earned income. 15. Doctrine Of Exemption From Taxation It is a grant of immunity, express or implied, to particular persons or corporations from the obligations to pay taxes. 16.

Mirant And Aichi Doctrine The doctrines in Mirant and Aichi are interpretations of the 1997 NIRC while the doctrine in atlas is an interpretation of the 1977 NIRC; in order to qualify for vat zero-rating under RA no. 9136, the Epira law, it must be established that (1) taxpayer is a power generation company, and (2) it derived sales from power generation services. The principles laid down in Mirant and Aichi were not in fact new rules/principles which were given retroactive application but were mere applications of the unambiguous provision section 112(a) of the 1997 NIRC. Since taxpayer bases its claim under the 1997 NIRC, the two-year prescriptive period for refund of excess input value added tax ("vat") should be counted from the close of the quarter when the sales are made. Panay power corp. V. Commissioner of Internal Revenue, CTA EB No. 666, October 24, 2011. 17. Intergovernmental Immunity Doctrine According to the Intergovernmental immunity doctrine both the federal government and the states are treated as independent sovereigns and therefore neither sovereign should intrude on the other in certain political spheres. It prevents federal government and individual state governments from intruding on each other's sovereignty. This is a principle established under Constitutional law and mostly invoked in cases regarding taxation. 18. Doctrine Of Compenstaion And Set-Off The object of compensation, as in set-off, was the

prevention of unnecessary suits and payments. Compensation and set-off are, therefore, forms of payment by the mutual extinction, by operation of law, of concurring debts. 19. Doctrine Of Compromise A settlement with tax authorities, usually lowering the tax assessment. It is a well settled doctrine that compromise penalty cannot be imposed or collected without the agreement or conformity of the tax payer 20. Doctrine Of Tax Amnesty Allows taxpayers to, of their own accord, address the tax collecting agency and disclose inaccurate or incomplete information from past tax years or disclosures, or disclose material they did not report during previous dealings with the agency, without penalty or prosecution. VIII. MERCANTILE LAW 1. Doctrine of Volenti non fit injuri To which a person assents is not esteemed in law as injury. (Nikko Hotel Manila Garden v. Reyes, GR 154259, Feb. 28, 2005). 2. That to which a person assents is not deemed in law an injury. Consent to injury. Voluntary assumption of risk. A defense in tort that means where a person engages in an event accepting and aware of the risks inherent in that event, then he cannot later complain of, or seek compensation for an injury suffered during the even. 2. Wilson Or Tobar Doctrine 1. The doctrine that precludes recognition to any govt. coming into existence by revolutionary means so long as the freely elected representatives of the people thereof have not constitutionally recognized the country. (Sandoval, Pol. Law Reviewer 2003). 2. The doctrine which was first expressed in a treaty concluded in 1907 by the Central American republics at the suggestion of Foreign Minister Tobar of Ecuador and was reiterated by President Woodrow Wilson of the US in a public statement in 1913. 3. Doctrine Of First Sale The " first sale" doctrine plays an important

role in copyright and trademark law by limiting certain rights of a copyright or trademark owner. The doctrine enables the distribution chain of copyrighted products, library lending, gifting, video rentals and secondary markets for copyrighted works (for example, enabling individuals to sell their legally purchased books or CDs to others).

#### 4. Doctrine Of Part Performance

The doctrine of part performance provides a way around the statutory bar to the enforcement of an oral contract. When it applies, a party can establish the existence of a contract despite the lack of any written evidence. In such a case, proof of the contract may be sufficient even though it is made entirely by parol evidence. Nonetheless, a party must still meet the burden of proving the existence of the contract by clear and convincing evidence.

5. Doctrine Of Successor-Employee An employer should not be allowed to lead employees to believe that work conditions will remain the same, but then change them.

6. Doctrine Of Agency By Estoppel If a principal creates the impression that an agent is authorized but there is no actual authority, third parties are protected so long as they have acted reasonably

7. Doctrine Of Disregarding The Distinct Personality Of The Corporation - Doctrine Of Alter Ego

A doctrine by which a court of law holds individual shareholders liable for a corporation's debts if the corporation is deemed to be nothing more than an "alter ego" of the corporation's owners.

8. Doctrine Of Condonation  
Condonance may be made when an accuser has previously forgiven or condoned (in some way or at some level supported) the act about which they are complaining. In some legal jurisdictions, and for certain behaviors, it may prevent the accuser from prevailing.

9. Doctrine Of Caveat Ventidor Literally means "let the seller beware", It refers to the sale of something of value in

which the seller does not disclaim responsibility prior to the sale. In this situation, the seller assumes liability to the buyer for any deviations from the specifications stated in the written sales contract.

10. Doctrine Of Caveat Emptor Literally means “ let the buyer beware”, it is the duty of the buyer to be careful in purchasing goods of his requirement and, in the absence of any inquiry from the buyer, the seller does not have the responsibility to disclose all defects of the product he is selling.

11. Doctrine Of Mortgagee In Good Faith This doctrine is the exception to the rule on when mortgage should be done by the absolute owner of the property mortgaged. A mortgagee has a right to rely in good faith on the certificate of title of the mortgagor to the property given as security and in the absence of any sign that might arouse suspicion, has no obligation to undertake further investigation. Hence, even if the mortgagor is not the real owner of, or doesn't have a valid title to, the mortgaged property, the mortgagee in good faith nevertheless is entitled to protection.

12. Doctrine Of Laches — Doctrine Of Stale Demands In a general sense is failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.

13. Doctrine Of Legal Entity Of The Separate Personality Of The Corporation In general, a corporation is treated as a separate legal personality. This doctrine is the basis of it.

14. Doctrine Of Corporate Social Responsibility There is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the

game, which is to say, engages in open and free competition without deception or fraud. 15. Doctrine Of Ostensible Agency Apparent Authority, Also Called " Ostensible Authority", Relates To The Doctrines Of The Law Of Agency. It is relevant particularly in corporate law and constitutional law. Apparent authority refers to a situation where a reasonable person would understand that an agent had authority to act. This means a principal is bound by the agent's actions, even though the agent had no actual authority, whether express or implied. It raises an estoppel because the third party is given an assurance, which he relies on and would be inequitable for the principal to deny the authority given. Apparent authority can legally be found, even though actually authority has not been given. 16. Doctrine Of Corporate Negligence Doctrine that states that corporations are liable for their negligence having its own juridical personality and and it is separate from the responsibility of the stockholders. 17. Doctrine Of Subrogation The doctrine of subrogation refers to the right of the insurer to stand in the place of the insured, after settlement of a claim, in so far as the insured's right of recovery from an alternative source is involved. 18. Doctrine Of Utmost Good Faith All insurance contracts are based on the concept of " uberrima fidei", or the doctrine of utmost good faith. This doctrine emphasizes the presence of mutual faith between the insured and the insurer. In simple terms, while applying for life insurance, it becomes your duty to disclose your past illnesses to the insurer. Likewise, the insurer cannot hide information about the insurance coverage that is being sold. 19. Doctrine Of Adhesion The doctrine of adhesion states that you must accept the entire insurance contract and all of its terms and conditions without bargaining. Because the

insured has no opportunity to change the terms, any ambiguities in the contract will be interpreted in favor of the insured. 20. Corporate Opportunity Doctrine The corporate opportunity doctrine is the legal principle providing that directors, officers, and controlling shareholders of a corporation must not take for themselves any business opportunity that could benefit the corporation. LEGAL MAXIMS 1. Absoluta sententia expositore non indiget - An absolute judgment needs no expositor. 2. Abundans cautela non nocet - Abundant caution does no harm. 3. Accessorium non ducit sed sequitur suum principale - An accessory does not draw, but follows its principal. 4. Accessorius sequitur - One who is an accessory to the crime cannot be guilty of a more serious crime than the principal offender. 5. Acta exteriora iudicant interiora secreta - Outward acts indicate the inward intent. 6. Actio non accrevit infra sex annos - The action has not accrued within six years. 7. Actio non datur non damnificato - An action is not given to one who is not injured. 8. Actio personalis moritur cum persona - A personal action dies with the person. 9. Actori incumbit onus probandi - The burden of proof lies on the plaintiff. 10. Actus nemini facit injuriam - The act of the law does no one wrong. 11. Actus non facit reum nisi mens sit rea - The act does not make one guilty unless there be a criminal intent. 12. Ad ea quae frequentius accidunt jura adaptantur - The laws are adapted to those cases which occur more frequently. 13. Aedificare in tuo proprio solo non licet quod alteri noceat - It is not lawful to build on one's own land what may be injurious to another. 14. Aequitas legem sequitur - Equity follows the law. 15. Aequitas nunquam contravenit legem - Equity never contradicts the law. 16. Nil facit error nominis cum de corpore constat - An error of name makes not



difference when it appears from the body of the instrument. 17. Nemo punitur pro alieno delicto - No one is punished for the crime of another. 18. Nemo se accusare debet, nisi coram Deo - No one should accuse himself except in the presence of God. 19. Nemo tenetur accusare se ipsum nisi coram Deo - No one is bound to accuse himself except in the presence of God. 20. Nemo tenetur armare adversarium contra se - No one is bound to arm his adversary against himself. 21. Mentiri est contra mentem ire - To lie is to act against the mind. 22. Merito beneficium legis amittit, qui legem ipsam subvertere intendit - He justly loses the benefit of the law who seeks to infringe the law. 23. Minatur innocentibus qui parcit nocentibus - He threatens the innocent who spares the guilty. 24. Misera est servitus, ubi jus est vagum aut incertum - It is a miserable slavery where the law is vague or uncertain. 25. Mors dicitur ultimum supplicium - Death is called the extreme penalty. 26. Multa exercitatione facilius quam regulis percipies - You will perceive many things more easily by experience than by rules. 27. Nam nemo haeres viventis - For no one is an heir of a living person. 28. Naturae vis maxima est - The force of nature is the greatest. 29. Necessitas inducit privilegium quoad jura privata - With respect to private rights necessity induces privilege. 30. Necessitas non habet legem - Necessity has no law. 31. Necessitas publica est major quam privata - Public necessity is greater than private necessity. 32. Negligentia semper habet infortuniam comitem - Negligence always has misfortune for a companion. 33. Nemo admittendus est inhabilitare se ipsum - No one is allowed to incapacitate himself. 34. Nemo bis punitur pro eodem delicto - No one can be twice punished for the same offence. 35. Nemo cogitur suam rem vendere, etiam justo pretio - No

one is bound to sell his own property, even for a just price. 36. Nemo contra factum suum venire potest - No man can contradict his own deed. 37. Nemo debet esse iudex in propria causa - No one can be judge in his own case. 38. Nemo plus juris transferre ad alium potest quam ipse habet - No one can transfer to another a larger right than he himself has. 39. Qui non habet potestatem alienandi, habet necessitatem retinendi - He who has not the power of alienating is under the necessity of retaining. 40. Qui non improbat, approbat - He who does not disapprove, approves. 41. Qui non obstat quod obstare potest facere videtur - He who does not prevent what he is able to prevent, is considered as committing the thing. 42. Qui non prohibet quod prohibere potest assentire videtur - He who does not prohibit when he is able to prohibit, is in fault. 43. Qui peccat ebrius, luat sobrius - He who does wrong when drunk must be punished when sober. 44. Qui potest et debet vetare et non vetat jubet - He who is able and ought to forbid and does not, commands. 45. Qui prior est tempore potior est jure - He who is prior in time is stronger in right. 46. Qui sentit commodum, debet et sentire onus - He who derives a benefit ought also to bear a burden. 47. Qui tacet consentire videtur - He who is silent appears to consent. 48. Quid pro quo - Consideration. something for something. 49. Quidcquid plantatur solo, solo cedit - Whatever is planted in or affixed to the soil, belongs to the soil. 50. Quod ab initio non valet, in tractu temporis non convalescit - What is not valid in the beginning does not become valid by time. LAWYER'S PICK-UP LINES 1. Law cannot persuade where it cannot punish. 2. Law is a bottomless pit; it is a cormorant, a harpy, that devours everything. 3. Laws too gentle are seldom obeyed; too severe, seldom executed. 4. Lawsuits consume time,

and money, and rest, and friends. 5. Love is without law, so it makes the patients to be as utterly void of reason. 6. Most good lawyers live well, work hard, and die poor. 7. Nature is the true law. 8. We should interpret not by the letter that killeth, but by the spirit that giveth life. 9. When the reason for the law ceases, the law automatically ceases to be one 10. Equity is justice sweetened with mercy. 11. Equity aids the vigilant, not those who slumber on their rights. 12. One cannot enjoy the sunset when he must worry about the oil to light the lamp when the darkness closes in. 13. Strong fences make good neighbors. 14. When men are pure, laws are useless; when men are corrupt, laws are broken. 15. How to win a case in court: If the law is on your side, pound on the law; if the facts are on your side, pound on the facts; if neither is on your side, pound on the table. 16. A contingency fee is an arrangement in which if you lose, your lawyer gets nothing; and if you win, you get nothing. 17. Democracy is the best form of Government until someone can find a better one. 18. People will get the government they deserve. 19. After which, laws are like cobwebs, which may catch small flies, but let wasps and hornets break through. 20. An old Physician because of his experience; a young Lawyer, because he... will have leisure enough to attend your business. 21. Laws and institutions, like clocks, must occasionally be cleaned, wound up, and set to true time. 22. Law is order in liberty, and without order liberty is social chaos. 23. Good laws have their origins in bad morals. 24. It's not the heart that compels conclusions in cases, it's the law. 25. There is nothing new in the realization that the Constitution sometimes insulates the criminality of a few in order to protect the privacy of us all. 26. In order to get beyond racism, we must first take account of race. There is no

other way. And in order to treat some persons equally, we must treat them differently. 27. I wouldn't approach the issue of judging in the way the president does. Judges can't rely on what's in their heart. They don't determine the law. Congress makes the law. The job of a judge is to apply the law. 28. to protect the public interest in free access to the products of inventive and artistic genius. 29. Law matters, because it keeps us safe, because it protects our most fundamental rights and freedoms, and because it is the foundation of our democracy. 30. It is not our job to apply laws that have not yet been written. 31. A judge can't have any preferred outcome in any particular case. The judge's only obligation - and it's a solemn obligation - is to the rule of law. 32. Sometimes history takes things into its own hands. 33. I did it because that's what I thought the law required. 34. A judge can't have any agenda. A judge can't have a preferred outcome in any particular case. 35. Law is the embodiment of the moral sentiment of the people. 36. Justice denied anywhere diminishes justice everywhere. 37. Whereas the law is passionless, passion must ever sway the heart of man. 38. A man who is his own lawyer has a fool for a client. 39. All bad precedents begin with justifiable measures. 40. The spirit of liberty is the spirit which is not too sure that it is right... 41. I think the fi