Statutory Construction Finals
Chapter 15

Three Maxims Employed as Aids to Construe Constitutional Provisions

- **Verba legis** (plain meaning rule) – whenever possible, the words used in the Constitution must be given their ordinary meaning except where technical terms are employed.
- **Ratio legis est anima** (the reason of the law is its soul) – where there is ambiguity, the words of the Constitution should be interpreted in accordance with the intent of the framers.
- **Ut magis valeat quam pereat** (that construction is to be sought which gives effect to the whole of the statute – its every word) – the Constitution is interpreted as a whole.

Latin Maxims: Their Meaning and Importance

**Verba Legis (Plain Meaning Rule)**

- Also called the Cardinal Canon
- If statute is clear, plain and free form ambiguity, it must be given its literal meaning and applied without attempted interpretation.
- The legislature is presumed to know the meaning of the words, to have used words advisedly, and to have expressed its intent by the use of such words as are found in the statute.

**Dura lex sed lex** (the law may be harsh, but that is the law)

- When the court is clear, there is no other recourse but to apply it regardless of its perceived harshness.
- The law is the law, and if there is a need to change, amend or repeal it, that may be done through legislative process, not by judicial decree.

**Absoluta sentential expositore non indigent** (when language of law is clear, no explanation is required)

- When the law is clear, what the courts should do is to apply it, not interpret it. Construction and interpretation come only after it has been demonstrated that application is impossible or inadequate with them. It is not within the power of a court to set aside the clear and explicit mandate of a statutory provision.

**Ejusdem generis** (of the same kind of specie)

- Where a general word or phrase follows an enumeration of particular and specific words of the same class, the general word or phrase is to be construed to include, or to be restricted
to, persons, things, or cases akin to, resenting, or of the same kind or class as those specifically mentioned.

- Where general words follow an enumeration of persons or things, by words of a particular meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same kind of class specifically mentioned.

Ejusdem generis to be applicable requires the following **requisites** to concur:

1. A statute contains an enumeration of particular and specific words, followed by a general word or phrase;
2. The particular and specific words constitute a class or are of the same kind;
3. The enumeration of the particular and specific words is not exhaustive or is not merely by examples;
4. There is no indication of legislative intent to give the general words or phrases broaden meaning

**Limitations** of Expressio unius est exclusion alterius

- Does not apply if the enumeration was not intended to be exclusive;
- Does not apply if the enumeration is by way of example or to remove double only;
- Does not apply in case a statute appears on its face to limit the operation of its provision to particular persons or things by enumerating them, but no reason exists why other persons or things not so enumerated should not have been included and manifest injustice will follow by not including them.
- Does not apply when it defeats the plainly indicated purpose of the legislature;
- Does not apply if it leads to inconvenience, hardship and injury to public service
- Does not apply if it will result incongruities or a violation of the equal protection clause of the constitution

**Expressio unius est exclusion alterius** (the express mention of one person, thing or consequence implies the exclusion of all other)

- Express mention is implied exclusion
- Also known as the **Doctrine of Negative Implication**
- Also known as negative-opposite doctrine what is expressed puts an end to that which is implied.

**Ex necessitate legis** (by necessary implication of law)

- Also known as **Doctrine of Necessary Implication**
- Every statute is understood, by implication, to contain all such provisions as may be necessary to effectuate its object and purpose, or to make effective rights, powers, privileges or jurisdiction which it grants, including all such collateral
and subsidiary consequences as may be fairly and logically inferred from its terms.

**Favores ampliandi sunt; odia restrigenda** (Penal laws which are favorable to the accused are given retroactive effect)

- Art. 22. Retroactive effect of penal laws. – Penal Laws shall have a retroactive effect insofar as they favor the persons guilty of a felony, who is not a habitual criminal, as this term is defined in Rule 5 of Article 62 of this Code, although at the time of the publication of such laws a final sentence has been pronounced and the convict is serving the same.

**Generalia specialibus non derogant** (a general law does not nullify a specific or special law)

- **General rule:** The special must prevail since it evinces the legislative intent more clearly than that of a general statute and must be taken as intended to constitute an exception to the general act.
- **Exceptions:**
  1. Where the legislature clearly intended the later general enactment to cover the whole subject and to repeal all prior inconsistent laws
  2. Where the special law merely establishes a general rule while the general law creates a specific and special rule.

**Leges posteriors priores contrarias abrogant** (a later law repeals a prior law on the same subject which is repugnant thereto)

- As between two laws on the same subject matter which are irreconcilably inconsistent, that which is passed later prevails, since it is the latest expression of legislative will.

**Lex proscipit non respicit** (the law looks forward, not backward)

- Statutes are to be construed as having only prospective application, unless the intendment of the legislature to give them a retroactive effect is expressly declared or is necessarily implied from the language used. Presumption is prospectively.
- Art. 4. Civil Code: “Laws shall have no retroactive effect, unless the contrary is provided.”

**Ratio Legis** (interpretation according to spirit)

- It is not the letter of the law that killeth, but it is the spirit of the law that giveth life.
- Article 10, CC “in case of doubt in the interpretation of application of the laws, it is presumed that the lawmaking body intended right and justice to prevail.

**Stare decisis et non quieta movera** (follow past precedents and do not disturb what has been settled)
• The reason is that the interpretation of a statute by the Supreme Court forms part of the statute itself
• Judicial decisions applying or interpreting the laws or the Constitution shall form part of the legal system of the Philippines (Art. 8, Civil Code).
• As part of the legal system, and until reversed by the Supreme Court itself, rulings of the SC are binding upon the inferior courts.
• The rule rests on the desirability of having stability in the law.

Ubi lex non distinguuit, nec nos distinguere debemus (where the law does not distinguish, we should not distinguish)

• There should be distinction in the application of the law where none is indicated.
• Congress, in making no qualification in the use of general word of expression, must have intended no distinction at all.
• Courts could only distinguish where there are facts or circumstances showing that the lawgiver intended a distinction or qualification. In such a case, the courts would merely give effect to this lawgiver’s intent.