

PHILIPPINE LEGAL DOCTRINES

Doctrine of absolute privilege. Doctrine that protects persons from claims alleging defamation where the alleged defamatory statements were made by members of legislative assemblies while on the floor of the assembly or communications made in the context of judicial proceedings, as part of a [trial](#).

Doctrine of absorption of common crimes. Also called Hernandez doctrine. The rule enunciated in *People v. Hernandez* [[99 Phil. Rep 515 \(1956\)](#)] that the ingredients of a crime form part and parcel thereof, and hence, are absorbed by the same and cannot be punished either separately therefrom or by the application of Art. 48 of the Rev. Penal Code. [*Enrile v. Amin*, GR 93335, Sept. 13, 1990]. It held that the crime of rebellion under the [Rev. Penal Code of the Phils.](#) is charged as a single offense, and that it cannot be made into a [complex crime](#).

Doctrine of actio personalis moritur cum persona. Lat. [The doctrine that] personal action terminates or dies with the person. [*Santos v. Sec. of Labor*, L-21624, 27Feb. 1968].

Doctrine of adherence of jurisdiction. Rem. Law. 1. The principle that once a court has acquired jurisdiction, that jurisdiction continues until the court has done all that it can do in the exercise of that jurisdiction. 2. The doctrine holding that [e]ven the finality of the judgment does not totally deprive the court of jurisdiction over the case. What the court loses is the power to amend, modify or alter the judgment. Even after the judgment has become final, the court retains jurisdiction to enforce and execute it [*Echegaray v. Sec. of Justice*, 301 SCRA 96]. Also called Doctrine of continuity of jurisdiction.

Doctrine of adherence to judicial precedents. Also called the Doctrine of stare decisis. [The] doctrine [that] enjoins adherence to judicial precedents. It requires courts in a country to follow the rule established in a decision of its Sup. Court. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. [*Phil. Guardians Brotherhood, Inc. (PGBI) v. Comelec*, GR 190529, Apr. 29, 2010].

Doctrine of agency by [estoppel](#). Also known as the Doctrine of holding out. The doctrine where the principal will be estopped from denying the grant of authority if 3rd parties have changed their positions to their detriment in reliance on the representations made.

Doctrine of alter ego. A doctrine based upon the misuse of a corporation by an individual for wrongful or inequitable purposes, and in such case the court merely disregards the corporate entity and holds the individual responsible for acts knowingly and intentionally done in the name of the corporation. The doctrine imposes upon the individual who uses a corporation merely as an instrumentality to conduct his own business liability as a consequence of fraud or injustice perpetuated not on the corporation, but on third persons dealing with the corporation. [Cited *Sulo ng Bayan, Inc. v. Araneta, Inc.*, GR L-31061 Aug. 17, 1976].

Doctrine of apparent authority. [T]he doctrine [under which] acts and contracts of the agent, as are within the apparent scope of the authority conferred on him, although no actual authority to do such acts or to make such contracts has been conferred, bind the principal. The principal's liability, however, is limited only to 3rd persons who have been led reasonably to believe by the conduct of the principal that such actual authority exists, although none was given. In other words, apparent authority is determined only by the acts of the principal and not by the acts of the agent.[Banate v. Phil. Countryside Rural Bank, Inc., GR 163825, July 13, 2010]. Also called the Holding out theory; or Doctrine of ostensible agency or Agency by estoppel. See Apparent authority doctrine. Doctrine of assumption of risk. The precept that denotes that a person who knows and comprehends the peril and voluntarily exposes himself or herself to it, although not negligent in doing so, is regarded as engaging in an assumption of the risk and is precluded from a recovery for an injury ensuing therefrom. Also called Doctrine of volenti non fit injuria.

Doctrine of attractive nuisance. A legal doctrine which makes a person negligent for leaving a piece of equipment or other condition on property which would be both attractive and dangerous to curious children. These have included tractors, unguarded swimming pools, open pits, and abandoned refrigerators. Liability could be placed on the people owning or controlling the premises even when the child was a trespasser who sneaked on the property. See Attractive nuisance doctrine.

Doctrine of bar by prior judgment. Rem. Law. [A concept of res judicata holding that] When, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action. [Antonio v. Sayman Vda. de Monje, GR 149624, 29 Sept. 2010, 631 SCRA 471, 480].

Doctrine of caveat emptor. Also called the Doctrine of let the buyer beware. A warning that notifies a buyer that the goods he or she is buying are "as is," or subject to all defects. The [principle](#) under which the [buyer](#) could not recover damages from the [seller](#) for defects on the [property](#) that rendered the property unfit for ordinary purposes. The only exception was if the seller actively concealed latent defects or otherwise made material misrepresentations amounting to fraud.

Doctrine of collateral estoppel. A doctrine that prevents a person from relitigating an issue. Once a court has decided an issue of fact or law necessary to its judgment, that decision preclude[s] relitigation of the issue in a suit on a different [cause of action](#) involving a party to the first case. Also called Doctrine of preclusion of issues.

Doctrine of command responsibility. The doctrine under which any government official or supervisor, or officer of the PNP or that of any other law enforcement agency shall be held accountable for "Neglect of Duty" if he has knowledge that a crime or offense shall be committed, is being committed, or has been committed by his subordinates, or by others within his area of responsibility and, despite such knowledge, he did not take

preventive or corrective action either before, during, or immediately after its commission. [Sec. 1, EO 226. Feb. 17, 1995].

Doctrine of comparative injury. 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.

Doctrine of comparative negligence, [The doctrine that allows] a recovery by a plaintiff whose own act contributed to his injury, provided his negligence was slight as compared with that of the defendant. [Rakes v. The Atlantic, Gulf and Pacific, Co., GR 1719, Jan. 23, 1907].

Doctrine of compassionate justice. The doctrine that the harsh provisions of law and the rigid rules of procedure may sometimes be tempered and dispensed with to give room for compassion.

Doctrine of completeness. [The doctrine holding that] a dying declaration to be admissible must be complete in itself. To be complete in itself does not mean that the declarant must recite everything that constituted the res gestae of the subject of his statement, but that his statement of any given fact should be a full expression of all that he intended to say as conveying his meaning in respect of such fact. [People v. De Joya, GR 75028, Nov. 8, 1991].

Doctrine of conclusiveness of judgment. Rem. Law. A concept of res judicata holding that] where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as to those matters actually and directly controverted and determined and not as to matters merely involved therein. Stated differently, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies, whether or not the claim, demand, purpose, or subject matter of the two actions is the same. [Antonio v. Sayman Vda. de Monje, GR 149624, 29 Sept. 2010, 631 SCRA 471, 480].

Doctrine of condonation. Admin. Law. [The doctrine that a] public official cannot be removed for administrative misconduct committed during a prior term, since his re-election to office operates as a condonation of the officer's previous misconduct to the extent of cutting off the right to remove him therefor. The foregoing rule, however, finds no application to criminal cases pending against petitioner. [Aguinaldo v. Santos, 212 SCRA 768, 773 (1992)]. Also called Doctrine of forgiveness.

Doctrine of constitutional supremacy. [The doctrine that] if a law or contract violates any norm of the constitution, that law or contract, whether promulgated by the legislative or by the executive branch or entered into by private persons for private purposes, is null and void and without any force and effect. Thus, since the Constitution is the

fundamental, paramount and supreme law of the nation, it is deemed written in every statute and contract. [Manila Prince Hotel v. GSIS, 335 Phil. 101 (1997)].

Doctrine of constructive compliance. Succ. Doctrine which states that if, without the fault of the heir, the modal institution cannot take effect in the exact manner stated by the testator, it shall be complied with in a manner most analogous to and in conformity with his wishes. [Art. 883, CC].

Doctrine of constructive trust. A general principle that one who acquires land or other property by fraud, misrepresentation, imposition, or concealment, or under any such other circumstances as to render it inequitable for him to retain the property, is in equity to be regarded as a trustee ex maleficio thereof for a person who suffers by reason of the fraud or other wrong, and is equitably entitled to the property, even though such beneficiary may never have any legal estate therein. [Magallon v. Montejo, GR 73733, Dec. 16, 1986].

Doctrine of continuity of jurisdiction. Rem. Law. The general principle that once a court has acquired jurisdiction, that jurisdiction continues until the court has done all that it can do to exercise that jurisdiction. See Doctrine of adherence of jurisdiction.

Doctrine of corporate negligence. [T]he judicial answer to the problem of allocating hospital's liability for the negligent acts of health practitioners, absent facts to support the application of respondeat superior or apparent authority. Its formulation proceeds from the judiciary's acknowledgment that in these modern times, the duty of providing quality medical service is no longer the sole prerogative and responsibility of the physician. The modern hospitals have changed structure. Hospitals now tend to organize a highly professional medical staff whose competence and performance need to be monitored by the hospitals commensurate with their inherent responsibility to provide quality medical care. [Professional Services, Inc. v. Agana, GR 126297, Jan. 31, 2007].

Doctrine of corporate responsibility. The doctrine following which it was held that] a hospital x x x has the duty to see that it meets the standards of responsibilities for the care of patients. Such duty includes the proper supervision of the members of its medical staff. [Professional Services, Inc. v. Agana, GR 126297, Jan. 31, 2007].

Doctrine of deference and non-disturbance on appeal. [The doctrine that the Sup.] Court on appeal would not disturb the findings of the trial court on the credibility of witnesses in view of the latter's advantage of observing at first hand their demeanor in giving their testimony. [Tehankee, concurring op., Llamoso v Sandiganbayan, GR L-63408 & 64026 Aug. 7, 1985].

Doctrine of dependent relative revocation. Succ. Doctrine which states that a revocation subject to a condition does not revoke a will unless and until the condition occurs. Thus, where a testator "revokes" a will with the proven intention that he would execute another will, his failure to validly make a latter will would permit the allowance of the earlier will.

Doctrine of discovered peril. The doctrine [holding] that where both parties are negligent, but the negligent act of one is appreciably later in time than that of the other, or when it is impossible to determine whose fault or negligence should be attributed to the incident, the one who had the last clear opportunity to avoid the impending harm and failed to do so is chargeable with the consequences thereof. [See *Picart v. Smith*, 37 Phil. 809]. See Last clear chance doctrine.

Doctrine of disregarding the distinct personality of the corporation. [The doctrine stating that] when “the notion of legal entity is used to defeat public convenience, justify wrong, protect fraud, or defend crime, x x x the law will regard the corporation as an association of persons, or in the case of two corporations, merge them into one, the one being merely regarded as part or instrumentality of the other. [Yutivo & Sons Hardware Co. v. CTA, 1 SCRA 160]. The same is true where a corporation is a dummy and serves no business purpose and is intended only as a blind, or an alter ego or business conduit for the sole benefit of the stockholders. [McConnel v. CA, 1 SCRA 722].

Doctrine of effective occupation. A doctrine in international law which holds that in order for a nation to occupy a coastal possession, it also had to prove that it controlled sufficient authority there to protect existing rights such as freedom of trade and transit. See Effective occupation doctrine.

Doctrine of election of remedies. A doctrine developed to prevent a plaintiff from a double recovery for a loss, making the person pursue only one remedy in an action. Although its application is not restricted to any particular [cause of action](#), it is most commonly employed in contract cases involving [fraud](#), which is a [misrepresentation](#) of a material fact that is intended to deceive a person who relies on it.

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.

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. [Smith Kline and Beckman Corp. v. CA, 409 SCRA 33].

Doctrine of equivalents test. A test established to determine infringement which recognizes that minor modifications in a patented invention are sufficient to put the item beyond the scope of literal infringement. Thus, an infringement also occurs when a device appropriates a prior invention by incorporating its innovative concept and, albeit with some modification and change, performs substantially the same function in substantially the same way to achieve substantially the same result. [Godinez v. CA, GR 97343. Sep. 13, 1993]. Compare with Literal infringement test.

Doctrine of estoppel. Rem. Law. [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. [PNB v. CA, 94 SCRA 357].

Doctrine of estoppel by laches. Rem. Law. An equitable doctrine by which some courts deny relief to a claimant who has unreasonably delayed or been negligent in asserting a claim. A person invoking laches should assert that an opposing party has slept on his/her rights and that the party is no longer entitled to his/her original claim.

Doctrine of executive privilege. [The doctrine stating that a] “x x x President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately. These are the considerations justifying a presumptive privilege for Presidential communications. The privilege is fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution x x x ” [Almonte v. Vasquez, 314 Phil. 150 (1995)].

Doctrine of exhaustion of administrative remedies. The general rule that before a party may seek the intervention of the court, he should first avail of all the means afforded him by administrative processes. The issues which administrative agencies are authorized to decide should not be summarily taken from them and submitted to a court without first giving such administrative agency the opportunity to dispose of the same after due deliberation. [Rep. v. Lacap, GR 158253, Mar. 2, 2007, 517 SCRA 255].

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. [Borjal v. CA, 361 Phil. 1999].

Doctrine of finality of judgment. Rem. Law. [The doctrine that] once a judgment attains finality it thereby becomes immutable and unalterable. It may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land. Just as the losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of his case. 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.

[Gallardo-Corro v. Gallardo, 403 Phil. 498 (2001)].

Doctrine of forgiveness. See Doctrine of condonation.

Doctrine of forum non-conveniens. Lat. The forum is inconvenient. Priv. Internatl. Law. [A rule designed] to deter the practice of global forum shopping, [Coquia and Aguilang-Pangalangan, Conflicts Of Laws, pp. 40-41, 2000 Ed.] that is to prevent non-resident litigants from choosing the forum or place wherein to bring their suit for malicious reasons, such as to secure procedural advantages, to annoy and harass the defendant, to avoid overcrowded dockets, or to select a more friendly venue. Under this doctrine, a court, in conflicts of law cases, may refuse impositions on its jurisdiction where it is not the most “convenient” or available forum and the parties are not precluded from seeking remedies elsewhere.

[First Phil. Internatl. Bank v. CA, 252 SCRA 259, 281 (1996)].

Doctrine of governmental immunity from suit. The doctrine that no governmental body can be sued unless it gives permission.

Doctrine of hierarchy of courts. Rem. Law. An established policy that parties must observe the hierarchy of courts before they can seek relief directly from th[e Sup.] Court. The rationale for this rule is twofold: (a) it would be an imposition upon the limited time of th[e Sup.] Court; and (b) it would inevitably result in a delay, intended or otherwise, in the adjudication of cases, which in some instances, had to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as better equipped to resolve the issues because th[e Sup.] Court is not a trier of facts. [Heirs of Hinog v. Melicor, GR 140954, 12 Apr. 2005, 455 SCRA 460].

Doctrine of holding out. Also known as the Doctrine of agency by [estoppel](#). The doctrine where the principal will be estopped from denying the grant of authority if 3rd parties have changed their positions to their detriment in reliance on the representations made.

Doctrine of hold-over. The doctrine under which a public officer whose term has expired or services have been terminated is allowed to continue holding his office until his successor is appointed or chosen and had qualified.

Doctrine of immunity from suit. 1. [The doctrine the application of which] has been restricted to sovereign or governmental activities [jure imperii]. The mantle of state immunity cannot be extended to commercial, private and proprietary acts [jure gestionis]. [Jusmag v. NLRC, GR 108813. Dec. 15, 1994]. 2. The restrictive application of State immunity is proper when the proceedings arise out of commercial transactions of the foreign sovereign, its commercial activities or economic affairs. Stated differently, a State may be said to have descended to the level of an individual and thus can be deemed to have tacitly given its consent to be used only when it enters into business

contracts. It does not apply where the contract relates to the exercise of its sovereign functions. [US v. Ruiz, GR L-35645, May 22, 1985, 136 SCRA 487, 490].

Doctrine of immutability and inalterability of a final judgment. The doctrine that has a 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. [SSS v. Isip, GR 165417, Apr. 3, 2007].

Doctrine of immutability and inalterability of a final judgment. Exceptions: (1) the correction of clerical errors; (2) the so-called nunc pro tunc entries that cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable. [Temic Semiconductors, Inc. Employees Union (TSIEU)-FFW v. Federation of Free Workers (FFW), GR 160993, May 20, 2008, 554 SCRA 122, 134].

Doctrine of immutability of judgment. A fundamental legal principle that a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the highest court of the land. The only exceptions to the general rule on finality of judgments are the so-called nunc pro tunc entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision which render its execution unjust and inequitable. [Sacdalan v. CA, GR 128967, May 20, 2004, 428 SCRA 586, 599].

Doctrine of implications. Stat. Con. That which is plainly implied in the language of a statute is as much a part of it as that which is expressed. [In Re: McCulloch Dick, 35 Phil. 41, 45, 50].

Doctrine of implied municipal liability. A municipality may become obligated upon an implied contract to pay the reasonable value of the benefits accepted or appropriated by it as to which it has the general power to contract. [Province of Cebu v. IAC, 147 SCRA 447].

Doctrine of implied trust. [The doctrine] enunciated in Art. 1456 of the Civ. Code [which provides that] if property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes." [Armamento v. Guerrero, GR L-34228 Feb. 21, 1980].

Doctrine of in pari delicto. [Legal principle](#) that if two [parties](#) in a [dispute](#) are equally [at fault](#), then the party in [possession](#) of the contested [property](#) gets to retain it and the [courts](#) will not interfere with the [status quo](#). It implies that if a party whose [action](#) or [failure](#) to [act](#) precipitates breach of a [contract](#), or who fails to take appropriate action or takes inappropriate action to limit or [recoup](#) a [loss](#), such party may not [claim](#) nor be awarded [damages](#).

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. [Dean Tupaz, 24 Hours Before the Bar (1st Ed. 2005), p. 133].

Doctrine of incompatibility of public offices. Pol. Law. It concerns a potential clash of two incompatible public offices held by a single official. In other words, the doctrine concerns a conflict between an individual's performance of potentially overlapping public duties.

Doctrine of incorporation. Intl. Law. The doctrine that states that the rules of Intl. Law form part of the law of the land and no legislative action is required to make them applicable to a country. The Phils. follows this doctrine, because Sec. 2. Art. II of the Consti. states that the Phils. adopts the generally accepted principles of international law as part of the law of the land.

Doctrine of indefeasibility of torrens titles. A certificate of title, once registered, should not thereafter be impugned, altered, changed, modified, enlarged or diminished except in a direct proceeding permitted by law. [De Pedro v. Romasan, GR 158002, Feb. 28, 2005].

Doctrine of indelible allegiance. The doctrine that an individual may be compelled to retain his original nationality notwithstanding that he has already renounced or forfeited it under the laws of the 2nd state whose nationality he has acquired.

Doctrine of informed consent. A duty imposed on a doctor to explain the risks of recommended procedures to a patient before a patient determines whether or not he or she should go forward with the procedure. See Informed consent doctrine.

Doctrine of interlocking confessions. Evid. [The doctrine under which] extra-judicial confessions independently made without collusion which are identical with each other in their essential details and are corroborated by other evidence on record are admissible, as circumstantial evidence, against the person implicated to show the probability of the latter's actual participation in the commission of the crime. [People v. Molleda, 86 SCRA 667, 701 (1978)].

Doctrine of inverse condemnation. [It involves] [t]he action to recover just compensation from the State or its expropriating agency. It has the objective to recover the value of property taken in fact by the governmental defendant, even though no formal exercise of the power of eminent domain has been attempted by the taking agency. [Napocor v. Heirs of Sangkay, GR 165828, Aug. 24, 2011].

Doctrine of judicial admissions. [The] well-settled [doctrine] that judicial admissions cannot be contradicted by the admitter who is the party himself and binds the person who makes the same, and absent any showing that this was made thru palpable mistake, no amount of rationalization can offset it. [Binarao v. Plus Builders, Inc., GR 154430, June 16, 2006, 491 SCRA 49, 54].

Doctrine of judicial stability. [The doctrine that] no court can interfere by injunction with the judgments or orders of another court of concurrent jurisdiction having the power to grant the relief sought by the injunction. [Cabili v. Balindong, AM RTJ-10-2225, Sept. 6, 2011].

Doctrine of judicial stability. An elementary principle in the administration of justice [where] no court can interfere by injunction with the judgments or orders of another

court of concurrent jurisdiction having the power to grant the relief sought by the injunction. [Go v. Villanueva, Jr., GR 154623, Mar. 13, 2009, 581 SCRA 126, 131-132]. See Doctrine of non-interference.

Doctrine of judicial supremacy. 1. [The doctrine recognizing that] the judiciary is vested with the power 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 v. Sec. of Agrarian Reform, GR 78742. July 14, 1989]. 2. The power of judicial review under the Constitution. [Angara v. Electoral Commission, 63 Phil. 139].

Doctrine of jus sanguinis. [Lat.](#) Right of blood. A principle of [nationality law](#) by which [citizenship](#) is not determined by place of birth but by having instead one or both parents who are citizens of the state or more generally by having state citizenship or membership to a nation determined or conferred by ethnic, cultural or other descent or origin.

Doctrine of jus soli. [Lat.](#) Right of the soil. The doctrine recognizing the [right](#) of anyone born in the territory of a state to [nationality](#) or [citizenship](#).

Doctrine of laches. Also Doctrine of stale demands. 1. [A doctrine] based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and x x x is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted. [Tijam v. Sibonghanoy, 23 SCRA 29 (1968)]. 2. The time-honored rule anchored on public policy that relief will be denied to a litigant whose claim or demand has become “stale”, or who has acquiesced for an unreasonable length of time, or who has not been vigilant or who has slept on his rights either by negligence, folly or inattention. [Arradaza v. CA, 170 SCRA 12, 20 (1989)].

Doctrine of lack of capacity to sue. The doctrine of lack of capacity to sue based on failure to first acquire a local license is based on considerations of public policy. It was never intended to favor nor insulate from suit unscrupulous establishments or nationals in case of breach of valid obligations or violations of legal rights of unsuspecting foreign firms or entities simply because they are not licensed to do business in the country. [Facilities Mngt. Corp. v. De la Osa, GR L-38649, Mar. 26, 1979, 89 SCRA 131].

Doctrine of last clear chance. Also known as the Doctrine of discovered peril or the Humanitarian doctrine. A doctrine in the law of torts which states that the contributory negligence of the party injured will not defeat the claim for damages if it is shown that the defendant might, by the exercise of reasonable care and prudence, have avoided the consequences of the negligence of the injured party. In such cases, the person who had the last clear chance to avoid the mishap is considered in law solely responsible for the consequences thereof. [Ong v. Metropolitan Water District, 104 Phil. 405 (1958)]. See Last clear chance doctrine.

Doctrine of legal entity of the separate personality of the corporation. [The doctrine] that a corporation may not be made to answer for acts and liabilities of its stockholders or those of legal entities to which it may be connected or vice versa. [Panay, Inc. v. Clave, GR L-56076, Sept. 21, 1983, 124 SCRA 638].

Doctrine of let the buyer beware. Also called the Doctrine of caveat emptor. A warning that notifies a buyer that the goods he or she is buying are "as is," or subject to all defects. The [principle](#) under which the [buyer](#) could not recover damages from the [seller](#) for defects on the [property](#) that rendered the property unfit for ordinary purposes. The only exception was if the seller actively concealed latent defects or otherwise made material misrepresentations amounting to fraud.

Doctrine of liberal construction of retirement laws. Stat. Con. [The doctrine] that retirement laws are liberally construed and administered in favor of the persons intended to be benefited. All doubts as to the intent of the law should be resolved in favor of the retiree to achieve its humanitarian purposes. [Borromeo v. CSC, 199 SCRA 924 (1991)].

Doctrine of limited liability. The ship agent shall also be civilly liable for the indemnities in favor of 3rd persons which may arise from the conduct of the captain in the care of the goods which he loaded on the vessel; but he may exempt himself therefrom by abandoning the vessel with all the equipments and the freight it may have earned during the voyage. [Art. 587, Code of Commerce; Yangco v. Lasema, 73 Phil. 330 (1941)].

See Limited liability doctrine.

Doctrine of lis pendens. Lat. A pending suit. The jurisdiction, power or control which a court acquires over the property involved in a suit pending the continuance of the action and until final judgment thereunder.

Doctrine of loss of confidence. Requisites: (1) Loss of confidence should not be simulated; (2) it should not be used as a subterfuge for causes which are improper, illegal, or unjustified; (3) it may not be arbitrarily asserted in the face of overwhelming evidence to the contrary; (4) it must be genuine, not a mere afterthought to justify an earlier action taken in bad faith; and (5) the employee involved holds a position of trust and confidence. [Midas Touch Food Corp. v. NLRC, GR 111639, July 29, 1996, 259 SCRA 652]. See Loss of confidence doctrine.

Doctrine of malicious prosecution. [The doctrine that pertains to] persecution through the misuse or abuse of judicial processes; or the institution and pursuit of legal proceedings for the purpose of harassing, annoying, vexing or injuring an innocent person. [Villanueva v. UCPB, GR 138291, Mar. 7, 2000].

Doctrine of management prerogative. [The doctrine under which] every employer has the inherent right to regulate, according to his own discretion and judgment, all aspects of employment, incl. hiring, work assignments, working 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, Inc. vs Julve, 517 SCRA 17].

Doctrine of mortgagee in good faith. The rule that all persons dealing with property covered by a Torrens Certificate of Title, as buyers or mortgagees, are not required to go beyond what appears on the face of

the title. The public interest in upholding the indefeasibility of a certificate of title, as evidence of the lawful ownership of the land or of any encumbrance thereon, protects a buyer or mortgagee who, in good faith, relied upon what appears on the face of the certificate of title. [Cavite Devt. Bank v. Sps. Lim, GR 131679, 1 Feb. 2000].

Doctrine of mutuality of remedy. A civil law doctrine founded on the idea that one party should not obtain from equity that which the other party could not obtain.

Doctrine of necessary implication. Stat. Con. The doctrine which states that what is implied in a statute is as much a part thereof as that which is expressed. [Natl. Assoc. of Trade Unions (NATU) v. Torres, GR 93468. Dec. 29, 1994].

Doctrine of non-delegation. 1. [The principle that] delegated power constitutes not only a right but a duty to be performed by the delegate through the instrumentality of his own judgment and not through the intervening mind of another. 2. The recognized exceptions to this principle are as follows: (1) Delegation of tariff powers to the Pres. under Sec. 28 (2) of Art. VI of the Consti.; (2) Delegation of emergency powers to the Pres. under Sec. 23(2) of Art. VI of the Consti.; (3) Delegation to the people at large; (4) Delegation to local governments; and (5) Delegation to administrative bodies. [Abakada Guro Party List v. Ermita, GR 168056, Sept. 1, 2005, 469 SCRA 1, 115-116].

Doctrine of non-interference. Rem. Law. 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. [Rep. v. Reyes, 155 SCRA 313 (1987)]. Also Doctrine of judicial stability.

Doctrine of non-suability. The basic postulate enshrined in the constitution that '(t)he State may not be sued without its consent,' [which] reflects nothing less than a recognition of the sovereign character of the State and an express affirmation of the unwritten rule effectively insulating it from the jurisdiction of courts. It is based on the very essence of sovereignty. [DA v. NLRC, GR 104269, Nov. 11, 1993, 227 SCRA 693].

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. [Planters Products, Inc. v. Fertiphil Corp., GR 166006, 14 Mar. 2008]. See also Operative fact doctrine.

Doctrine of ostensible agency. [The doctrine which] imposes liability, not as the result of the reality of a contractual relationship, but rather because of the actions of a principal or an employer in somehow misleading the public into believing that the relationship or the authority exists. [Professional Services, Inc. v. Agana, GR 126297, 126467 and 127590, Jan. 31, 2007, 513 SCRA 478, 500-501]. See Doctrine of ostensible authority.

Doctrine of ostensible authority. Also known as Doctrine of apparent authority. [The doctrine holding that] if a corporation knowingly permits one of its officers, or any other agent, to do acts within the scope of an apparent authority, and thus holds him out to the public as possessing power to do those acts, the corporation will, as against any one who has in good faith dealt with the corporation through such agent, be estopped from denying his authority [Prudential Bank v. CA, GR 103957, June 14, 1993].

Doctrine of outside appearance. The doctrine which states 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.

Doctrine of overbreadth. Consti. Law. [A]n exception to the prohibition against third-party standing, [the doctrine] permits a person to challenge a statute on the ground that it violates the [free speech] rights of third parties not before the court, even though the law is constitutional as applied to that defendant. In other words, the overbreadth doctrine provides that: "Given a case or controversy, a litigant whose own activities are unprotected may nevertheless challenge a statute by showing that it substantially abridges the [free speech] rights of other parties not before the court." [Chemerinsky, Consti. Law, p. 86, 2nd Ed. (2002)]. Compare with Doctrine of void for vagueness.

Doctrine of parens patriae (father of his country). The doctrine [referring] to the inherent power and authority of the state to provide protection of the person and property of a person non sui iuris. Under that doctrine, the state has the sovereign power of guardianship over persons under disability. Thus, the state is considered the parens patriae of minors. [Govt. of the P. I. v. Monte de Piedad, 35 Phil. 728].

Doctrine of pari delicto. [The doctrine under which] no recovery can be made in favor of the plaintiffs for being themselves guilty of violating the law. [Ponce v. CA, GR L-49494 May 31, 1979].

Doctrine of part performance. An equitable principle that allows a court to recognize and enforce an oral contract despite its legal deficiencies and provides a way around the statutory bar to the enforcement of an oral contract. By applying the doctrine, a party can establish the existence of a contract despite the lack of any written evidence.

Generally, without written evidence, a contract does not satisfy the formal requirements set by the legislature under the statute of frauds. The doctrine is an exception to this as it allows failure to comply with the statute of frauds to be overcome by a party's execution, in reliance on an opposing party's oral promise, of an oral contract's requirements.

Doctrine of piercing the veil of corporate entity. The doctrine used whenever a court finds that the corporate fiction is being used to defeat public convenience, justify wrong, protect fraud, or defend crime, or to confuse legitimate issues, or that a corporation is the mere alter ego or business conduit of a person or where the corporation is so

organized and controlled and its affairs are so conducted as to make it merely an instrumentality, agency, conduit or adjunct of another corporation. [Indophil Textile Mill Workers Union v. Calica, 205 SCRA 697 (1992)].

Doctrine of political question. [The] well-settled doctrine that political questions are not within the province of the judiciary, except to the extent that power to deal with such questions has been conferred upon the courts by express constitutional or statutory provisions. [Tañada v. Cuenco, GR L-10520, Feb. 28, 1957].

Doctrine of preclusion of issues. The doctrine under which issues actually and directly resolved in a former suit cannot again be raised in any future case between the same parties involving a different cause of action. [Borlongan v. Buenaventura, GR 167234, Feb. 27, 2006]. Also called Doctrine of collateral estoppel.

Doctrine of prejudicial question. The doctrine [that] comes into play generally in a situation where civil and criminal actions are pending and the issues involved in both cases are similar or so closely related that an issue must be pre-emptively resolved in the civil case before the criminal action can proceed. Thus, the existence of a prejudicial question in a civil case is alleged in the criminal case to cause the suspension of the latter pending final determination of the former. [Quiambao v. Osorio, GR L-48157 Mar. 16, 1988].

Doctrine of presumed-identity approach. Also called Doctrine of processual presumption. Where a foreign law is not pleaded or, even if pleaded, is not proved, the presumption is that foreign law is the same as ours. [EDI-Staffbuilders Internatl., v. NLRC, GR 145587, Oct. 26, 2007, 537 SCRA 409, 430].

Doctrine of presumption of regularity in the performance of official duty. The doctrine holding that every public official, absent any showing of bad faith and malice, is entitled to the presumption of regularity in the performance of official duties.

Doctrine of primary jurisdiction. Rem. Law. [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. [Industrial Enterprises, Inc. v. CA, GR 88550. Apr. 18, 1990].

Doctrine of prior restraint. [The doctrine concerning] official governmental restrictions on the press or other forms of expression in advance of actual publication or dissemination. [Bernas, The 1987 Consti. of the Rep. of the Phils., A Commentary, 2003 ed., p. 225].

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.

Doctrine of privileged communication. 1. [The doctrine] that utterances made in the course of judicial proceedings, incl. all kinds of pleadings, petitions and motions, belong to the class of communications that are absolutely privileged. [US v. Salera, 32 Phil. 365]. 2. [The doctrine that] statements made in the course of judicial proceedings are absolutely privileged – that is, privileged regardless of defamatory tenor and of the presence of malice – if the same are relevant, pertinent, or material to the cause in hand or subject of inquiry. [Tolentino v. Baylosis, 1 SCRA 396].

Doctrine of [privity](#) of [contract](#). Doctrine that provides that a [contract](#) cannot confer rights or impose obligations arising under it on any person or agent except the parties to it. The basic premise is that only parties to contracts should be able to sue to enforce their rights or claim damages as such.

Doctrine of pro reo. Rem. Law. [The doctrine that] where the evidence on an issue of fact is in question or there is doubt on which side the evidence weighs, the doubt should be resolved in favor of the accused. [People v. Abarquez, GR 150762, 20 Jan. 2006, 479 SCRA 225, 239]. See Pro reo doctrine.

Doctrine of processual presumption. [The doctrine holding that] if the foreign law involved is not properly pleaded and proved, our courts will presume that the foreign law is the same as our local or domestic or internal law. [Lim v. Collector, 36 Phil. 472].

Doctrine of promissory estoppel. [The doctrine under which] an estoppel may arise from the making of a promise, even though without consideration, if it was intended that the promise should be relied upon and in fact it was relied upon, and if a refusal to enforce it would be virtually to sanction the perpetration of fraud or would result in other injustice. In this respect, the reliance by the promisee is generally evidenced by action or forbearance on his part, and the idea has been expressed that such action or forbearance would reasonably have been expected by the promisor. Mere omission by the promisee to do whatever the promisor promised to do has been held insufficient 'forbearance' to give rise to a promissory estoppel.' [Ramos v. Central Bank of the Phils., GR L-29352, Oct. 4, 1971; 41 SCRA 565 at p. 588].

Doctrine of proper submission. Consti. Law. 1. All the proposed amendments to the Consti. shall be presented to the people for the ratification or rejection at the same time, not piecemeal. 2. Plebiscite may be held on the same day as regular election provided the people are sufficiently informed of the amendments to be voted upon, to conscientiously deliberate thereon, to express their will in a genuine manner.

Submission of piece-meal amendments is constitutional. All the amendments must be submitted for ratification at one plebiscite only. The people have to be given a proper frame of reference in arriving at their decision. They have no idea yet of what the rest of the amended constitution would be. [Tolentino v. Comelec, 41 SCRA 702].

Doctrine of protection against compulsory disclosures. [The doctrine that] no person could be compelled to testify against himself or to answer any question which would

have had a tendency to expose his property to a forfeiture or to form a link in a chain of evidence for that purpose, as well as to incriminate him. [Cabal v. Kapunan, Jr., GR L-19052, Dec. 29, 1962].

Doctrine of proximate cause. The [doctrine stating that] proximate legal cause is that acting first and producing the injury, either immediately or by settling other events in motion, all constituting a natural and continuous chain of events, each having a close causal connection with its immediate predecessor, the final event in the chain immediately affecting the injury as a natural and probable result of the cause which first acted, under such circumstances that the person responsible for the first event should, as an ordinarily prudent and intelligent person, have reasonable ground to expect at the moment of his act or default that an injury to some person might probably result therefrom. [Vda. de Bataclan v. Medina, GR L-10126, Oct. 22, 1957].

Doctrine of public policy. [The doctrine under which], as applied to the law of contracts, courts of justice will not recognize or uphold a transaction when its object, operation, or tendency is calculated to be prejudicial to the public welfare, to sound morality or to civic honesty. [Cui v. Arellano University, GR L-15127, 30 May 1961, 2 SCRA 205, 209].

Doctrine of purposeful hesitation. [The doctrine that charges every court, including the Sup. Court,] with the duty of a purposeful hesitation before declaring a law unconstitutional, on the theory that the measure was first carefully studied by the executive and legislative departments and determined by them to be in accordance with the fundamental law before it was finally approved. [Drilon v. Lim, 235 SCRA 135 (1994)].

Doctrine of qualification. Conf. of Laws. 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. [Agpalo, Conflict of Laws, p. 18]. See Characterization.

Doctrine of qualified political agency. Pol. Law. The doctrine which holds that, as the Pres. 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. [Carpio v. Exec. Sec., GR 96409. Feb. 14, 1992].

Doctrine of quantum meruit. Lat. As much as one deserves. [Doctrine that] prevents undue enrichment based on the equitable postulate that it is unjust for a person to retain benefit without paying for it. [See Soler v. CA, 410 Phil. 264, 273 (2001)].

Doctrine of qui facit per alium. See Doctrine of respondeat superior.

Doctrine of ratification in agency. [The doctrine pertaining to] the adoption or confirmation by one person of an act performed on his behalf by another without authority. The substance of the doctrine is confirmation after conduct, amounting to a

substitute for a prior authority. [Manila Memorial Park Cemetery, Inc. v. Linsangan, GR 151319, Nov. 22, 2004, 443 SCRA 394-395].

Doctrine of rational equivalence. [The] reasonable necessity of the means employed [to repel the unlawful aggression] does not imply material commensurability between the means of attack and defense [but] [w]hat the law requires is rational equivalence, in the consideration of which will enter the principal factors of the emergency, the imminent danger to which the person attacked is exposed, and the instinct, more than the reason, that moves or impels the defense, and the proportionateness thereof does not depend upon the harm done, but rests upon the imminent danger of such injury. [People v. Gutual, 324 Phil. 244, 259-260 (1996)].

Doctrine of relations back. 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 and 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." [Allied Banking Corp. v. CA, GR 85868. Oct. 13, 1989]. Also called Doctrine of relation back.

Doctrine of renvoi. Fr. Refer back. The process by which a court adopts the rules of a foreign jurisdiction with respect to any conflict of laws that arises. In some instances, the rules of the foreign state might refer the court back to the law of the forum where the case is being heard.

Doctrine of res gestae. Lat. Things done. Doctrine that is a recognized exception to the rule against [hearsay](#) evidence based on the belief that, because certain statements are made naturally, spontaneously, and without deliberation during the course of an event, they leave little room for misunderstanding or misinterpretation upon hearing by someone else, i.e., by the witness, who will later repeat the statement to the court, and thus the courts believe that such statements carry a high degree of credibility.

Doctrine of res ipsa loquitur. Lat. The thing itself speaks. A doctrine of law that one is presumed to be negligent if he had exclusive control of whatever caused the injury even though there is no specific evidence of an act of negligence, and without negligence the accident would not have happened.

Doctrine of res judicata. The doctrine [that] has 2 aspects. The first is the effect of a judgment as a bar to the prosecution of a second action upon the same claim, demand or cause of action. The second aspect is that it precludes the relitigation of a particular fact or issues in another action between the same parties on a different claim or cause of action. [Lopez v. Reyes, GR L-29498, Mar. 31, 1977, 76 SCRA 179].

Doctrine of res perit domino. Lat. The thing is lost to the owner. The doctrine that states that when a thing is lost or destroyed, it is lost to the person who was the owner of it at the time.

Doctrine of respect for administrative or practical construction. See Respect for administrative or practical construction doctrine.

Doctrine of respondeat superior. [Lat.](#) Let the master answer. A [legal doctrine](#) which states that, in many circumstances, an [employer](#) is responsible for the actions of employees performed within the course of their employment.

Doctrine of ripeness for judicial review. This [doctrine] determines the point at which courts may review administrative action. The basic principle of ripeness is that the judicial machinery should be conserved for problems which are real and present or imminent and should not be squandered on problems which are future, imaginary or remote. [Mamba v. Lara, GR 165109, Dec. 14, 2009].

Doctrine of secondary meaning. The doctrine [under which] a word or phrase originally incapable of exclusive appropriation with reference to an article in the market, because geographical or otherwise descriptive might nevertheless have been used so long and so exclusively by one producer with reference to this article that, in that trade and to that group of the purchasing public, the word or phrase has come to mean that the article was his produce. [Ang v. Teodoro, 74 Phil. 56].

Doctrine of self-help. The doctrine enunciated in Art. 429 of the Civ. Code which provides: "The owner or lawful possessor of a thing has the right to exclude any person from the enjoyment and disposal thereof. For this purpose, he may use such force as may be reasonably necessary to repel or prevent an actual or threatened unlawful physical invasion or usurpation of his property."

Doctrine of separability. [The doctrine that] enunciates that an arbitration agreement is independent of the main contract. The arbitration agreement is to be treated as a separate agreement and the arbitration agreement does not automatically terminate when the contract of which it is part comes to an end. [Gonzales v. Climax Mining Ltd., GR 161957, Jan. 22, 2007].

Doctrine of separation of church and state. The doctrine enshrined in Sec. 6, Art. II of the 1987 Phil. [Consti.](#) which provides that: "The separation of Church and State shall be inviolable." The idea advocated by this principle is to delineate the boundaries between the two institutions and thus avoid encroachments by one against the other because of a misunderstanding of the limits of their respective exclusive jurisdictions. [Austria v. NLRC, GR 124382, 16 August 1999].

Doctrine of separation of powers. A basic postulate that forbids one branch of government to exercise powers belonging to another co-equal branch; or for one branch to interfere with the other's performance of its constitutionally-assigned functions.

[Velasco, Jr., concurring op., *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, GR 180643, Mar. 25, 2007].

Doctrine of severability. See Doctrine of separability.

Doctrine of shifting majority. For each House of Congress to pass a bill, only the votes of the majority of those present in the session, there being a quorum, is required.

Doctrine of sole and exclusive competence of the labor tribunal. Labor. The doctrine that recognizes the Labor Arbiters' exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural: (1) Unfair labor practice cases; (2) Termination disputes; (3) If accompanied with a claim for reinstatement, those cases that workers may file involving wages, rate of pay, hours of work and other terms and conditions of employment; (4) Claims for actual, moral, exemplary and other forms of damages arising from the employer-employee relations; (5) Cases arising from any violation of Art. 264 of the Labor Code, including questions involving the legality of strikes and lockouts; and (6) Except claims for employees compensation, social security, medicare and maternity benefits, all other claims arising from employer-employee relations, including those of persons in domestic or household service, involving an amount exceeding P5,000.00, whether or not accompanied with a claim for reinstatement. [From Art. 217, LC].

Doctrine of sovereign immunity. 1. [Doctrine] expressly provided in Art. XVI of the 1987 Consti., viz: "Sec. 3. The State may not be sued without its consent." 2. [The doctrine which holds that] a sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends. Also called Doctrine of non-suability.

Doctrine of stale demands. Also Doctrine of laches. 1. [A doctrine] based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and x x x is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted. [*Tijam v. Sibonghanoy*, 23 SCRA 29 (1968)]. 2. The time-honored rule anchored on public policy that relief will be denied to a litigant whose claim or demand has become "stale", or who has acquiesced for an unreasonable length of time, or who has not been vigilant or who has slept on his rights either by negligence, folly or inattention. [*Arradaza v. CA*, 170 SCRA 12, 20 (1989)].

Doctrine of stare decisis. Also called the Doctrine of adherence to judicial precedents. [The] doctrine [that] enjoins adherence to judicial precedents. It requires courts in a country to follow the rule established in a decision of its Sup. Court. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. [*Phil. Guardians Brotherhood, Inc. (PGBI) v. Comelec*, GR 190529, Apr. 29, 2010].

Doctrine of stare decisis et non quita movere. Lat. To adhere to precedents and not to unsettle things which are established. The doctrine [that] enjoins adherence to judicial precedents. It requires courts in a country to follow the rule established in a decision of the Supreme Court thereof. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. The doctrine of stare decisis is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument. [Fermin v. People, GR 157643, Mar. 28, 2008, 550 SCRA 132].

Doctrine of State immunity. [The doctrine under which] a State cannot be sued in the courts of another State, without its consent or waiver. [Jusmag Phils. v. NLRC, GR 108813 Dec. 15, 1994].

Doctrine of state responsibility to aliens. Intl. Law. The doctrine under which a state is under obligation to make reparation to another state for the failure to fulfill its primary obligation to afford; in accordance with international law, the proper protection due to an alien who is a national of the latter state. See also State responsibility doctrine.

Doctrine of statistical improbability. Also known as Lagumbay doctrine. [Lagumbay v. Comelec, 16 SCRA 175 (1966)]. Elec. Law. The doctrine [that] is applied only where the unique uniformity of tally of all the votes cast in favor of all the candidates belonging to one party and the systematic blanking of all the candidates of all the opposing parties appear in the election return. [Sinsuat v. Pendatun, GR L-31501, June 30, 1970, 33 SCRA 630].

Doctrine of strained relations. Labor. [The rule] that where reinstatement is not feasible, expedient or practical, as where reinstatement would only exacerbate the tension and strained relations bet. the parties, or where the relationship bet. the employer and employee has been unduly strained by reason of their irreconcilable differences, particularly where the illegally dismissed employee held a managerial or key position in the company, it would be more prudent to order payment of separation pay instead of reinstatement. [Quijano v. Mercury Drug Corp., GR 126561. July 8, 1998].

Doctrine of subrogation. The principle [that] covers a situation wherein an insurer [who] has paid a loss under an insurance policy is entitled to all the rights and remedies belonging to the insured against a 3rd party with respect to any loss covered by the policy. It contemplates full substitution such that it places the party subrogated in the shoes of the creditor, and he may use all means that the creditor could employ to enforce payment. [Keppel Cebu Shipyard, Inc. v. Pioneer Ins. and Surety Corp., GR 180880-81 & 180896-97, Sept. 25, 2009, 601 SCRA 96, 141-142].

Doctrine of supervening event. The doctrine under which facts and events transpiring after the judgment or order had become final and executory [which circumstances] affect or change the substance of the judgment and render its execution inequitable

would justify the suspension or nullification of such final and executory judgment or order.

Doctrine of supervening negligence. Also Doctrine of discovered peril. The doctrine x x x to the effect that where both parties are negligent, but the negligent act of one is appreciably later in time than that of the other, or when it is impossible to determine whose fault or negligence should be attributed to the incident, the one who had the last clear opportunity to avoid the impending harm and failed to do so is chargeable with the consequences thereof. [Picart v. Smith, 37 Phil. 809]. [A]n antecedent negligence of a person does not preclude the recovery of damages for supervening negligence of, or bar a defense against the liability sought by, another if the latter, who had the last fair chance, could have avoided the impending harm by the exercise of due diligence. [Pantranco North Express, Inc. v. Baesa, 179 SCRA 384].

Doctrine of the law of the case. That principle under which determination of questions of law will generally be held to govern a case throughout all its subsequent stages where such determination has already been made on a prior appeal to a court of last resort. It is “merely a rule of procedure and does not go to the power of the court, and will not be adhered to where its application will result in an unjust decision. It relates entirely to questions of law, and is confined in its operation to subsequent proceedings in the same case. [Villa v. Sandiganbayan, GR 87186, Apr. 24, 1992, 208 SCRA 283, 295-296].

Doctrine of the proper law. Conf. of Laws. The doctrine applied in the [choice of law](#) stage of a [lawsuit](#) involving the [conflict of laws](#). In a conflicts lawsuit, one or more [statelaws](#) will be relevant to the decision-making process. If the laws are the same, this will cause no problems, but if there are substantive differences, the choice of which law to apply will produce a different [judgment](#). Each state therefore produces a set of rules to guide the choice of law, and one of the most significant rules is that the law to be applied in any given situation will be the proper law. This is the law which seems to have the closest and most real connection to the facts of the case, and so has the best claim to be applied.

Doctrine of the real and hypothecary nature of maritime law. Mar. Ins. [The rule that] a ship owner’s liability is merely co-extensive with his interest in the vessel, except where actual fault is attributable to the shipowner. [Aboitiz Shipping Corp. v. CA, GR 121833, Oct. 17, 2008].

Doctrine of the third group. [The doctrine] to the effect that the right of the owner of the shares of stock of a Phil. Corp. to transfer the same by delivery of the certificate, whether it be regarded as statutory or common law right, is limited and restricted by the express provision that “no transfer, however, shall be valid, except as between the parties, until the transfer is entered and noted upon the books of the corporation.” [Uson v. Diosomito, GR L-42135, June 17, 1935].

Doctrine of ultimate consumption. Goods intended for civilian use which may ultimately find their way and be consumed by belligerent forces, may be seized on the way. See Ultimate consumption doctrine.

Doctrine of ultimate destination. The final destination in the territory of an enemy or under its control making goods contraband under the doctrine of continuous voyage. See Ultimate destination doctrine.

Doctrine of ultra vires. Lat. Beyond the powers. The doctrine in the law of corporations that holds that if a corporation enters into a contract that is beyond the scope of its corporate powers, the contract is illegal.

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. [So v. Food Fest land, Inc., [GR 183628 & 183670. Apr. 7, 2010](#)]. Art. 1267 provides: "When the service has become so difficult as to be manifestly beyond the contemplation of the parties, the obligor may also be released therefrom, in whole or in part."

Doctrine of vagueness. An aspect of the due process requirement of notice, [which] holds that a law is facially invalid if persons of "common intelligence must necessarily guess as at its meaning and differ as to its application."

Doctrine of vicarious liability. A legal doctrine that assigns liability for an injury to a person who did not cause the injury but who has a particular legal relationship to the person who did act negligently. Also referred to as Imputed [negligence](#).

Doctrine of void for vagueness. Consti. Law. [The doctrine that] is most commonly stated to the effect that a statute establishing a criminal offense must define the offense with sufficient definiteness that persons of ordinary intelligence can understand what conduct is prohibited by the statute. It can only be invoked against that specie of legislation that is utterly vague on its face, i.e., that which cannot be clarified either by a saving clause or by construction. [Estrada v. Sandiganbayan, GR. 148560, 19 Nov. 2001]. Compare with Doctrine of overbreadth.

Doctrine of volenti non fit injuria. [The doctrine that] 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. [Nikko Hotel Manila Garden v. Reyes, GR 154259, Feb. 28, 2005].

Doctrine of waiver. A doctrine resting upon an equitable principle which courts of law will recognize, that a person, with full knowledge of the facts shall not be permitted to act in a manner inconsistent with his former position or conduct to the injury of another, a rule of judicial policy, the legal outgrowth of judicial abhorrence so to speak, of a person's taking inconsistent positions and gaining advantages thereby through the aid of courts. [Lopez v. Ochoa, GR L-7955, May 30, 1958].

Doctrine of waiver of double jeopardy. [The doctrine that holds that] when the case is dismissed with the express consent of the defendant, the dismissal will not be a bar to another prosecution for the same offense; because, his action in having the case

dismissed constitutes a waiver of his constitutional right or privilege, for the reason that he thereby prevents the court from proceeding to the trial on the merits and rendering a judgment of conviction against him. [People v. Salico, 84 Phil. 722 (1949)].