

Introduction to Legal Bibliography

Federico Moreno in this book "Philippine Legal Bibliography" notes that legal bibliography is the study of the tools and materials essential to legal research. It is the study of legal authorities. Legal research on the other hand is concerned with the method or system by which inquiry and investigation into legal queries may be accomplished. Simply put, legal bibliography and legal research involves knowing and finding the best basis for our responses to legal questions or issues.

Legal bibliography principles classify authorities as primary and secondary. Again, using Moreno's tract:

1. An authority is considered primary when legislation (or statutes) or court decisions are involved.

Primary authorities are either mandatory or persuasive.

a. It is mandatory when "legislation is effective in the place where it has been enacted or promulgated or when a decision is rendered with finality by a superior court in the case or in another case with a similar set of facts, or by the same court in another case."

b. Any other type of legislation or court decision is considered persuasive.

2. An authority is considered secondary, "when primary authority is commented on, criticized, explained or restated."

Here are the basic principles of Philippine legal bibliography:

I. *Not all legal authorities are created equal.*

II. *Some authorities are considered primary; while others, only secondary.*

III. *The following is a practitioner's take on the Hierarchy of Authorities --*

A. Primary

1. Statutes

(i) The Constitution

(ii) Statutes proper, treaties

(iii) Municipal legislation

(iv) Administrative rules issued pursuant to law.

Annual Legal Bibliography A Select Volume 5

JA Banks



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