

FOOTNOTES

- ¹Joaquin G. Bernas, S.J. The (Revised) 1973 Philippine Constitution Notes and Cases, 1983 Ed. pp. 210-211
- ²PD 1416 dated June 9, 1978: "Granting Continuing Authority to the President of the Philippines to Reorganize the National Government.
- ³(i.e. the Minister of Trade and Industry)
- ⁴Sec. 3, Executive Order 953.
- ⁵Whereas clauses, E.O. 934 dated February 13, 1984.
- ⁶Sec. 3, Article IV, 1973 Philippine Constitution.
- ⁷Sec. 3, Rule 126 and Sec. 6, Rule 112; Revised Rules of Court in Philippines (1964).
- ⁸66 SCRA 299, 306.
- ⁹Shadwick v. City of Tampa, 40 LW 4758.
- ¹⁰Joaquin G. Bernas, S.J., *supra*, pp. 212-213.
- ¹¹*supra*.
- ¹²Sec. 2, E.O. 934.
- ¹³Shadwick v. City of Tampa, *supra*.
- ¹⁴US v. Addison, 28 Phil 570
- ¹⁵Blacks' Law Dictionary
- ¹⁶Sec. 3, E.O. 953.
- ¹⁷Revised Administrative Code
- ¹⁸*Ibid*
- ¹⁹PD 1883 (Defining the Crimes of Blackmarketing and Salting of Foreign Exchange and Imposing Increased Penalties Thereon).

CIVIL AND ADMINISTRATIVE REMEDIES IN THE PHILIPPINES FOR INFRINGEMENT OF INTELLECTUAL PROPERTIES

Eduardo D. de los Angeles*

The Philippines has provided in its Constitution that:

"The exclusive right in inventions, writings and artistic creations shall be secured to inventors, authors, and artists for a limited period."¹

This avowed policy is complemented by the following salient principles

1. *Under the Philippine Copyright Law*
 - a) that the creator owns the copyright to his books, periodicals, lectures, letters, dramatic or musical compositions, drawings, painting, sculpture, reproduction, original ornamental designs or models, plans, photographic or cinematographic works, computer programs, prints, labels, translations, collections and other literary, scholarly, scientific and artistic works;²
 - b) that the copyright accrues from the moment of creation without need of registration;³
 - c) that the copyright consists in the *exclusive* right to print, reprint, publish, distribute, sell, translate, exhibit, use and dispose the intellectual creation,⁴ subject only to the limitations of Article II of Presidential Decree 49⁵ and the licensing provisions of Presidential Decree 285.⁶
2. *Under the Philippine Trademark Law*
 - a) that the producer or dealer of merchandise may appropriate to his *exclusive* use a trademark, tradename or service mark not so appropriated by another, to distinguish his merchandise, business or service from others;⁷
 - b) that subject to Section 2⁸ and 4⁹ of Republic Act 166, such trademark, tradename or service mark is registrable in the principal registrar.

*Dean, Ateneo College of Law; Notes and Developments Editor, Ateneo Law Journal, 1966.

3. Under the Philippine Patent Law

- a) that subject to Section 8¹⁰ of Republic Act 165, any invention of a new and useful machine, manufactured product or substance, process, or an improvement thereof, shall be patentable;¹¹
- b) that once patented, a patentee shall have the *exclusive* right to make, use and sell the patented machine, article or product and to use the patented process for the purpose of industry or commerce, throughout the Philippines¹² subject to compulsory licensing.¹³

These Philippine laws which grant exclusivity to the copyright, trademark or patent, necessarily extend to its respective creator, owner or inventor civil, administrative and criminal¹⁴ remedies in case of infringement.

Definition of Infringement

Infringement of copyright (or piracy) occurs where there is an unauthorized doing by any person of anything which the law solely vests on the owner of the copyright.¹⁵

Infringement of trademark happens where a person uses, without the consent of the registrant, any reproduction, counterfeit, copy or colorable imitation of any registered mark or trade name in connection with the sale, offering for sale, or advertising of any goods, business or services on or in connection with which such use is likely to cause confusion or mistake or to deceive purchasers or others as to the source or origin of such goods or services, or identity of such business; or reproduce, counterfeit, copy or colorably imitate any such mark or trade name and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used upon or in connection with such goods, business or services.¹⁶

Infringement of patent arises where there is an unauthorized making, using, or selling for practical use, or for profit, of an invention covered by a valid claim of a patent during the life thereof.¹⁷

Civil Remedies in Infringement

For purposes of this lecture, infringement is assumed. The corresponding civil remedies are:

1. In infringement of Copyright

- a) injunction
- b) claim for actual damages
- c) impounding
- d) destruction
- e) claim for other relief including moral and exemplary damages

2. In infringement of Trademark

- a) injunction

- b) claim for damages
- c) destruction
- d) cancellation

3. In infringement of Patent

- a) injunction
- b) claim for damages or a sum amounting to a royalty, if the patent is registered

Injunction

Injunction is an equitable remedy to protect from irreparable injury property or other rights by commanding acts to be done or prohibiting their commission.¹⁸ Thus, in a copyright case, the author of copyrighted Spanish books may obtain a writ of injunction, where without his permission or that of his publisher spurious copies of his books are sold by a book store and by ambulant peddlers.¹⁹

In a trademark case²⁰ the owner of a registered mark and tradename "Ang Tibay" in the manufacture and sale of slippers and shoes successfully was able to obtain an injunction against a newcomer who used the same "Ang Tibay" mark for pants and shirts. The Court said that "in the present state of development of the law on Trade-Marks, Unfair Competition, and Unfair Trading, the test employed by the courts to determine whether noncompeting goods are or are not of the same class is confusion as to the origin of the goods of the second user. Although two noncompeting articles may be classified under two different classes by the Patent Office because they are deemed not to possess the same descriptive properties, they would, nevertheless, be held by the courts to belong to the same class if the simultaneous use on them of identical or closely similar trade-marks would be likely to cause confusion as to the origin, or personal source, of the second user's goods. x x x The original owner is entitled to the preservation of the valuable link between him and the public that has been created by his ingenuity and the merit of his wares or services. Experience has demonstrated that when a well-known trade-mark is adopted by another even for a totally different class of goods, it is done to get the benefit of the reputation and advertisements of the originator of said mark, to convey to the public a false impression of some supposed connection between the manufacturer of the article sold under the original mark and the new articles being tendered to the public under the same or similar mark. x x x The owner of a trade-mark or trade-name has a property right in which he is entitled to protection, since there is damage to him from confusion of reputation or goodwill in the mind of the public as well as from confusion of goods. The modern trend is to give emphasis to the unfairness of the acts and to classify and treat the issue as a fraud."

In a patent case²¹ the owner of a patented process for the manufacture of curved handles for canes, parasols and umbrellas by means of a lamp or blowpipe fed with mineral oil or petroleum was also granted a protective writ by enjoining another manufacturer from using the same process save that the latter used a lamp fed with alcohol. The court held that "an alteration in a patented combination

which merely substitutes another old ingredient for one of the ingredients in the patented combination is an infringement of the patent, if the substitute performs the same function and is well known at the date of the patent as a proper substitute for the omitted ingredient. *Bona fide* inventors of a combination are as much entitled to suppress every other combination of the same ingredients to produce the same result, not substantially different from what they have invented."

Courts are slow in issuing writs of preliminary and final injunction. For preliminary injunction, they require proof that (a) there is a clear and certain right to the exclusive use of the copyright, trademark or patent and to the relief demanded, which consists in the restraining of the infringement or continuance thereof; (b) the injury which results from the infringement is irreparable i.e. it cannot be measured monetarily; and (c) there is a threat or continued commission of infringement.²² A prior hearing is therefore mandated²³ otherwise the injunction is void.

If a remedy is urgently needed, a restraining order with a life of 20 days may be requested.²⁴ Unfortunately, the hearing for the preliminary injunction entails time in view of the technical skirmishes regarding the complainant's capacity to sue, the existence of a cause of action, and of the existence of infringement.

Consequently, the "prior hearing" which precedes the issuance of the preliminary injunction almost always exceeds the 20-day life span of a restraining order. There will result an interim period where no restraining order exists and where the infringer may continue committing the acts of infringement.

Even when a preliminary injunction is issued, the writ posted is effective only within the territorial jurisdiction of the court. Not only that. Some infringers nullify the writ with deceptive schemes.

Thus, in one case²⁵ a long time manufacturer of "bagoong" (anchovies) sought to enjoin Jocson from using the trademark "LORINGS" in the latter's production and sale of anchovies for being a colorable imitation of the former's trademark. The court issued a preliminary injunction. Upon receiving the writ, Jocson changed the trademark to "CORINGS" and continued to manufacture and sell anchovies. The manufacturer amended its complaint and secured another preliminary injunction to prevent Jocson from using "CORINGS". Upon receipt of the writ, Jocson altered the trademark to "ROMINGS" and again continued to manufacture and sell anchovies. By the time the manufacturer could re-amend its complaint and secure a new writ of preliminary injunction, two years had lapsed. Worse, contending that the manufacturer could be fully compensated for the damages it would suffer, Jocson was able to obtain an order from the appellate court for the lifting of the preliminary injunction upon the posting of a bond.

Of course, that was a unique case. But it illustrates the difficulty of obtaining relief even if remedies are expressly provided for by law.

Damages

Damages may also be recovered from the infringer. However, under the Copyright Law, the creator or owner of the intellectual property, referred to in letters A-D of Section, 2 PD 49, must first establish that he has registered and deposited with the National Library two complete copies of his work before he

can recover damages from the infringer.²⁶ Thereafter, the creator or owner may ask for (a) actual damages²⁷ which recompense for loss or injury sustained inclusive of unrealized profits;²⁸ (b) recovery of profits from sales made by the infringer as a result of the infringement, less costs;²⁹ (c) moral damages which assuage mental anguish and besmirched reputation;³⁰ and (d) exemplary damages which are imposed by way of example or as a correction for the public good.³¹

Actual damages and profits must be established by clear and convincing evidence;³² otherwise they may not be adjudged. Realizing the difficulty of gathering evidence to prove damages in infringement cases, Presidential Decree 49 permits the court to grant such damages which appear just in the premises in lieu of an award of actual damages and recovery of profits, which amount shall not be less than ₱1,000.³³ This is illustrated in a case³⁴ where the complainant tried to recover the profits earned by the infringer, but was unable to prove how many infringing postcards were printed and how much money the infringer made out of the sale of such postcards. Hence, the court availed of the discretionary clause and simply awarded the complainant ₱2,000.

The Trademark Law also conditions recovery of damages in infringement cases to the registration of the mark or tradename. The amount of actual damages is either the reasonable profit which the complainant would have made had not the infringer infringed his rights, or the profit which the infringer actually made out of the infringement.³⁵ If the amount of damages is not readily ascertainable, then the court may award as damages a reasonable percentage of the gross sales of the infringer.³⁶ Moral and exemplary damages may also be imposed.³⁷ The court, at its discretion, may even double the damages, in cases where there is actual intent to mislead the public or to defraud the person entitled to the exclusive use of the trademark.³⁸

The Patent Law also allows recovery of actual, moral and exemplary damages in infringement cases from the time the infringer has actual notice of the patent, unless the patentee has given notice to the public that the machine, device, article or process is patented through the placing thereon or on its package the words "Philippine Patent" with the number of the patent.³⁹ The action must be brought within four years from the date of infringement.⁴⁰ And, if the amount of the damage is not readily ascertainable, the court may award as damages a sum amounting to a reasonable royalty.⁴¹

Confiscation and Destruction

In addition to its remedies of injunction and/or damages the owner of the infringed copyright may also obtain from the court an order to impound and destroy all infringing copies or devices, plates, molds or other means for making such infringing copies.⁴² The same remedy may be sought in cases of infringement of trademark where the court may direct destruction of all labels, signs, prints, packages, wrappers, receptacles and advertisements in the possession of the infringer bearing the registered mark or tradename or any reproduction or colorable imitation thereof, as well as all plates, molds, matrices and other means of making the same.⁴³

Cancellation

Further, in any action involving a registered mark or trade name, the court may determine the right to registration and order the cancellation of the infringing trademark's registration.⁴⁴

Administrative Remedies in Infringement

As earlier stated, beside civil remedies, Philippine laws grant the creator, owner or inventor the following administrative remedies in case of:

1. *Infringement of Copyright*
 - a) seizure and condemnation of imported pirated articles
2. *Infringement of Trademark*
 - a) interference proceedings
 - b) opposition to registration
 - c) cancellation of registration
 - d) prohibition to the importation of articles with the infringing trademark
 - e) complaint before the Food and Drug Administration
3. *Infringement of Patent*
 - a) protest
 - b) interference proceedings
 - c) cancellation of patents

Seizure and Condemnation

There is legal prohibition to import any piratical copies or likeness of any work in which Philippine copyright subsists so that any importation or entry into the country of the materials infringing the copyright may be seized, condemned and disposed of administratively.⁴⁵

The registered owner of a trademark has the same administrative remedy in barring importation and entry in the Philippines of merchandise bearing infringing marks or tradenames.⁴⁶ To invoke this remedy, however, the registered owner of a mark must annotate in the books of the Collector of Customs its name and residence, the name of the place where its goods are manufactured and a copy of the certificate of registration. It must also furnish the Collector of Customs with facsimiles of the foregoing for transmittal to different ports of entry.⁴⁷

Opposition

If the user of the infringing mark or tradename attempts to register such mark or tradename in the Philippines Patent Office to give a color of legitimacy thereto, as to enable him to use such mark or tradename in the Philippines, the trademark owner may oppose⁴⁸ such registration. The trademark owner must specify under oath the grounds on which the opposition is based and include a statement of the facts relied upon. After hearing, the Director of Patents may reject the application for registration because the trademark applied for so resem-

bles a mark previously registered and used by another in the Philippines.⁴⁹ This may, therefore, be considered as another administrative remedy to suppress an infringement of trademark or name.

Interference

Another remedy arises when the Director of Patents declares an "interference" because an application is made for the registration of a trademark or tradename which so resembles a mark or tradename previously registered by another as to be likely, when applied to the merchandise or when used in connection with the business of the applicant, to cause confusion or mistake or to deceive purchasers.⁵⁰

The "interference" is a proceeding instituted for the purpose of determining the question of priority of adoption and use of a trademark, tradename or service mark between two or more parties claiming ownership of the same or substantially similar trademark, tradename or servicemark.⁵¹

Cancellation

If in the meantime, the infringing trademark or name is somehow registered, the true owner may seek cancellation of such registration in the "interference" proceeding⁵² or institute before the Patent Office separate cancellation proceedings on the ground, among others, that the registration was fraudulently obtained.⁵³ In the latter instance, the Director of Patents can order the cancellation of registration if after notice and hearing, the true owner is able to prove the ground for cancellation. This administrative procedure for cancellation is more expeditious than its judicial counterpart because the Patent Office is not bound by the strict rules of court and because the Patent Office enjoys a decisive expertise over the subject.

Note, however, that a party who unsuccessfully files an Opposition to application for registration cannot later file a petition for cancellation of registration. As held in one case,⁵⁴ "the opposition to a registration and the petition for cancellation are alternative proceedings which a party may avail of according to his purposes, needs and predicaments."

Finally, if a trademark or name covering food, drug and cosmetics is so infringed as to constitute misbranding it may administratively be seized by the Minister of Health.⁵⁵

With respect to patents, the available remedies against infringement are: (a) protest, which a person may file with the Patent Office to inform it of an opposition to the granting of an infringing patent⁵⁶ and which, unfortunately, is not to be acted upon but merely to be acknowledged by the Principal Patent Examiner; (b) interference, which is instituted to determine the question of priority of invention between two or more parties claiming substantially the same patentable invention;⁵⁷ and (c) cancellation of the infringing patent because the person to whom it is issued is not the true and actual inventor, designer or author of the utility model and/or did not derive his rights from the true and actual inventor, designer or author.⁵⁸

Right of Foreigners to Avail of Remedies

From the foregoing, it can be discerned that the Philippines adequately provides legal remedies to minimize infringement of intellectual properties. Such protection extends to foreign authors if they obtain a local copyright to protect their intellectual creation and if the infringement occurs in the Philippines. But even if no copyright is obtained locally if the foreign author is a citizen or national of a country which is a member of the Berne Convention, he may claim exclusive right to his work and secure protection under Philippine law. Under Article 4 of the Berne Convention, authors who are nationals of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which their respective laws now or may hereafter grant to their nationals, as well as the rights specially granted by the Convention.

The Berne Convention provides as follows:

"(1) Authors who are nationals of any of the Countries of the Union shall enjoy in Countries other than the Country of origin of the work, for their works, whether unpublished or first published in a Country of the Union, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the Country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the Country where protection is claimed."⁵⁹

It will be noted from the foregoing provisions that whereas the enjoyment and exercise of copyright shall not be subject to any formality, nevertheless a foreign author whose country is a member of the Berne Convention still has to comply with the laws of the country where protection is claimed, insofar as extent of protection and the means of redress to protect his rights are concerned.

On the other hand, authors who are not nationals of one of the countries of the Union and who first publish their works in one of those countries shall enjoy in that country the same right as native authors, and in the other countries of the Union the rights granted by the Berne Convention.⁶⁰

With respect to patent infringement, any foreign corporation or juristic person to which a patent for an invention or design has been granted or assigned under this Act may bring an action for infringement in the Philippines, whether or not it has been duly licensed to do business herein at the time it brings the complaint: Provided, That the country of which the said foreign corporation or juristic person is a citizen, or in which it is domiciled, by treaty, convention, or law, grants a similar privilege to corporate or juristic citizens of the Philippines.⁶¹ A similar provision⁶² exists in favor of a foreign corporation or juristic person where there is infringement of trademark or tradename.

It certainly appears, therefore, that the Philippines has, through its laws, abided by its constitutional policy to secure to inventors and authors their exclu-

sive rights to their intellectual creations. The remaining problem lies in the quick detection and confiscation of the infringing articles and brands, and the swift prosecution of the infringers. But the expanse of our shoreline as contrasted to the size of our enforcing agencies hinder resolution of the problem. It is only through the proper education of the consumer to discern fake brands and products, and their oftentimes inferior qualities, and the vigilance of our patent and trademark lawyers that we can contain the ever gnawing problem of infringement.

FOOTNOTES

¹Sec. 9, Art. XV, 1973 Philippine Constitution

²Sec. 6, PD 49

³Sec. 2, PD 49

⁴Sec. 5, PD 49

⁵Article II of PD 49 provides in part that:

Section 10. When a work has been lawfully made accessible to the public, the author shall not be entitled to prohibit:

1. Its recitation or performance (a) if done privately and free of charge; or (b) if made for strictly charitable or educational purposes, or at religious services by any educational, charitable or religious institution or society.

2. Reproductions, translations and adaptations thereof destined exclusively for personal and private use.

Section 13. Libraries, public archives and museums have the right, subject to the conditions specified in the succeeding paragraphs, to produce for purposes of their activities by photographic means, and without the consent of the creator or proprietor, copies of a literary or artistic work. Nevertheless, except in cases where special reasons justify it, not more than two copies may be made.

⁶PD 285 provides that:

Section 1. Whenever the price of any educational, scientific or cultural book, pamphlet and other written materials, whether of domestic or foreign origin, has become so exorbitant as to be detrimental to the national interest, as determined and declared by a committee composed of the Secretary of Education and Culture, the Director-General of the National Economic and Development Authority, and the Chairman of the Media Advisory Council, such book, pamphlet or written material may be reprinted by the Government or by any private printer or printers for a limited period and only for the purpose of making the same available to the people at reasonable cost.

Section 3. The reprinting of the above books, pamphlets and materials shall be subject to the condition that the reprinter shall pay, in local currency, a royalty of three per centum (3%) of the gross selling price, if so demanded by the authors, publishers or copyright proprietors concerned, whoever is legally entitled thereto: *Provided*, That in the case of non-resident authors, publishers or copyright proprietors, the payment of the royalties shall be made only to them personally in the Philippines or their respective representatives or branch offices in the Philippines.

⁷Sec. 2A, RA 166

⁸Section 2. *What are registrable.* Trademarks, trade names, and service marks owned by persons, corporations, partnerships or associations domiciled in the Philippines and by persons, corporations, partnerships or associations domiciled in any foreign country may be registered in accordance with the provisions of this Act: *Provided*, That said trade marks, trade names, or service marks are actually in use in commerce and services not less than two months in the Philippines before the time the applications for registration are filed: *And provided, further*, That the country of which the applicant for registration is a citizen grants by law substantially similar privileges to citizens of the Philippines, and such fact is officially certified, with a certified true copy of the foreign law translated into the English language, by the government of the foreign country to the Government of the Republic of the Philippines.

⁹Section 4. *Registration of trade-marks, trade names and service-marks on the principal register.* — There is hereby established a register of trade-marks, trade names and service-marks which shall be known as the principal register. The owner of a trademark, trade name or service-mark used to distinguish his goods, business or services from the goods, business or services of others shall have the right to register the same on the principal register, unless it:

(a) Consists of or comprises immoral, deceptive or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute;

(b) Consists of or comprises a name, portrait or signature identifying a particular living individual except by his written consent, or the name, signature, or portrait of a deceased President of the Philippines, during the life of his widow, if any, except by the written consent of the widow;

(d) Consists of or comprises a mark or trade name which so resembles a mark or trade name registered in the Philippines or a mark or trade name previously used in the Philippines by another and not abandoned, as to be likely, when applied to or used in connection with the goods, business or services of the applicant, to cause confusion or mistake or to deceive purchasers; or

(e) Consists of a mark or trade name which, when applied to or used in connection with the goods, business or services of the applicant is merely descriptive or deceptively misdescriptive of them, or when applied to or used in connection with the goods, business or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or is primarily merely a surname;

(f) Except as expressly excluded in paragraphs (a), (b), (c) and (d) of this section, nothing herein shall prevent the registration of a mark or trade name used by the applicant which has become distinctive of the applicant's goods, business or services. The Director may accept as *prima facie* evidence that the mark or trade name has become distinctive, as applied to or used in connection with the applicant's goods, business or services, proof of substantially exclusive and continuous use thereof as a mark or trade name by the applicant in connection with the sale of goods, business or services for the five years next preceding the date of the filing of the application or its registration.

¹⁰Section 8. *Inventions not patentable.* — An invention shall not be patentable if it is contrary to public order or morals, or to public health or welfare, or if it constitutes a mere idea,

scientific principle or abstract theorem not embodied in an invention as specified in Section seven hereof, or any process not directed to the making or improving of a commercial product.

¹¹Sec. 7, RA 165

¹²Sec. 37, RA 165

¹³Section 34. *Grounds for compulsory license.* — Any person may apply to the Director for the grant of a license under a particular patent at any time after the expiration of three years from the date of the grant of the patent, under any of the following circumstances:

(a) If the patented invention is not being worked within the Philippines on a commercial scale, although capable of being so worked, without satisfactory reason;

(b) If the demand for the patented article in the Philippines is not being met to an adequate extent and on reasonable terms, without satisfactory reason;

(c) If by reason of the refusal of the patentee to grant a license or licenses on reasonable terms, or by reason of the conditions attached by the patentee to licenses or to the purchase, lease or use of the patented article or working of the patented process or machine of production the establishment of any new trade or industry in the Philippines is prevented, or the trade or industry therein is unduly restrained; or

(d) If the patented invention relates to food or medicine or is necessary for public health or public safety.

The term "worked" or "working" as used in this section means the manufacture and sale of a patented article, or the carrying on of a patented process or the use of a patented machine for production, in or by means of a definite and substantial establishment or organization in the Philippines and on a scale which is adequate and reasonable under the circumstances. (RA 165)

¹⁴The criminal remedy is discussed by another lecturer in the conference.

¹⁵Martin, Commentaries and Jurisprudence on Philippine Commercial Laws 1981 ed. p. 376

¹⁶Sec. 22, RA 166

¹⁷Martin, Commentaries and Jurisprudence on Philippine Commercial Laws 1981 ed. p. 434

¹⁸Sec. 1, Rule 58, Revised Rules of Court

¹⁹Icasiano v. Pasicolan, CA-GR 28748-R, Oct. 21, 1971

²⁰Ang v. Teodoro, 74 Phil. 50

²¹Gsell v. Yap-Jue, 12 Phil. 520

²²Sec. 3, Rule 58 Revised Rules of Court

²³Sec. 8, Interim Rules of Court

²⁴Dionisio v. CFI, 124 SCRA 222

²⁵Jocson v. Salonga, 9 CAR 852

²⁶Sec. 26, PD 49

²⁷Sec. 28, PD 49

²⁸Art. 2200, New Civil Code

²⁹Sec. 28, PD 49

³⁰Arts. 2217 and 2220, New Civil Code

³¹Art. 2229, New Civil Code

³²Caedo v. Yu, 26 SCRA 410; Abesamis v. Woodcraft, 30 SCRA 372