

LEGAL EDUCATION PROFESSIONAL DEVELOPMENT

Comprehensive Guide to Legal Research and Writing: Methodologies, Technical Frameworks, and Academic Standards in the Philippine Legal System

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Legal research and writing (LRW) constitute the fundamental pillars of legal practice and academic excellence. In the context of the Philippine legal system, which represents a unique blend of civil law and common law traditions, the mastery of these disciplines is not merely an academic requirement but a prerequisite for effective advocacy and judicial administration. This guide provides an in-depth technical analysis of legal research methodologies, the structural mechanics of legal writing, and the evolving trends in legal ethics research, drawing insights from the academic rigor exemplified by institutions such as the Arellano University School of Law.

1. The Theoretical Framework of Legal Research

Legal research is defined as the process of identifying and retrieving information necessary to support legal decision-making. In its broadest sense, it includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation. The necessity of legal writing arises directly from the existence of legal disputes; without a conflict of rights or obligations, the requirement for formal legal documentation diminishes. Therefore, the core of legal writing is the resolution of disputes through the application of the law to specific facts.

1.1. The Taxonomy of Legal Authorities

In the Philippine jurisdiction, legal authorities are categorized into primary and secondary sources. Understanding this hierarchy is critical for any researcher to ensure that their arguments are grounded in mandatory, rather than merely persuasive, authority.

- **Primary Authorities:** These are the actual laws and rules that are binding upon the courts. They include the 1987 Constitution, statutes (Acts of Congress, Batas Pambansa, Presidential Decrees), administrative rules and regulations, and judicial decisions (jurisprudence).
- **Secondary Authorities:** These are materials that discuss, explain, interpret, or analyze the law. Examples include legal encyclopedias, law review articles, textbooks (such as those by Rufus Rodriguez), and legal reviewers (like those produced by the Arellano Law Gazette). While not binding, they are essential for locating primary sources and understanding complex legal

concepts.

1.2. The Principle of Stare Decisis

The doctrine of **Stare Decisis et non quieta movere** (to adhere to precedents and not to unsettle things which are established) is the technical backbone of legal research. It dictates that once a case has been decided by the Supreme Court, it sets a precedent that must be followed in subsequent cases involving the same legal questions. Research must therefore focus on identifying the *ratio decidendi* (the reason for the decision) as opposed to mere *obiter dicta* (incidental remarks).

2. Technical Workflow of the Legal Research Process

Effective legal research follows a systematic algorithmic approach. A failure in the initial stages of fact-gathering can lead to the application of incorrect legal theories, rendering the entire research output void.

Step 1: Fact Discovery and Categorization

The researcher must first isolate the **legally significant facts** from the background information. This involves the "TAR" method: **T**hing or subject matter, **A**ction or cause of action, and **R**elief sought. Within the framework of the Arellano Law reviewers, this is often emphasized as the "discovery phase," where the material facts define the scope of the legal inquiry.

Step 2: Identification of Legal Issues

Once facts are established, they must be framed as legal questions. A common error in technical legal writing is framing issues too broadly (e.g., "Is the defendant liable?"). A precise issue statement should integrate the specific legal rule with the core facts (e.g., "Whether the defendant's failure to maintain the brake system constitutes actionable negligence under Article 2176 of the Civil Code").

Step 3: Search for Governing Authorities

This involves a multi-tiered search strategy:

1. **Statutory Search:** Checking the Philippine Annotated Laws or the Official Gazette for relevant legislation.
2. **Jurisprudential Search:** Utilizing tools like the SCRA (Supreme Court Reports Annotated) or digital repositories (eLibrary) to find cases with similar factual matrices.
3. **Administrative Search:** Identifying circulars or memorandums from agencies like the BIR or SEC if the matter is regulatory.

Research Tool Type	Primary Function	Examples in Philippine Practice
Statutory Compilations	Locating legislative enactments	Official Gazette, ChanRobles Virtual Law Library
Case Digests/Reports	Summarizing judicial precedents	SCRA, Philippine Reports, Arellano Law Gazette
Annotated Codes	Providing expert commentary on laws	Civil Code by Tolentino, Criminal Law by Reyes
Citators	Verifying the current validity of a case	Philippine Citations, Digital Search Indices

3. Economic Analysis and Bibliometric Trends in Legal Research

Modern legal research is increasingly intersecting with other disciplines, such as economics and data science. As noted in technical papers concerning the **Economic Analysis of Feasible Rates**, legal research now often involves determining the **Ability to Pay (ATP)** and **Willingness to Pay (WTP)** of users within a regulatory framework. This represents a shift toward "Empirical Legal Studies."

3.1. Mathematical Models in Rate Determination

In public utility and taxation law research, the determination of feasible rates often follows an algorithmic model where:

$$R = (V - D)r + E$$

Where: **R** = Total Revenue Requirement **V** = Value of assets (Rate Base) **D** = Accumulated Depreciation **r** = Allowed Rate of Return **E** = Operating Expenses

Technical legal writers must be able to synthesize these mathematical models into persuasive legal arguments regarding "reasonableness" and "due process."

3.2. Bibliometric Analysis in Legal Ethics

A recent trend in legal scholarship is the use of **bibliometric analysis** to identify the intellectual structure of legal ethics. By analyzing citation networks and keyword co-occurrence, researchers can map how concepts like "professional responsibility" and "legal malpractice" have evolved. This data-driven approach allows for a more objective understanding of the "trends in legal ethics research," moving beyond anecdotal evidence to quantitative rigor.

4. The Mechanics of Legal Writing

Legal writing is a technical exercise in logic and persuasion. It requires the adherence to specific structures that ensure clarity and minimize ambiguity.

4.1. The IRAC Method: The Gold Standard

The **IRAC (Issue, Rule, Application, Conclusion)** method is the most widely accepted formula for legal analysis. Technical writers at institutions like Arellano University emphasize this structure in their midterm reviewers to ensure students develop a disciplined approach to legal problems.

- Issue: State the specific legal question.
- Rule: Cite the relevant statute or case law. This section must be purely objective.
- Application: This is the most critical part. It is the bridge where the law is applied to the facts. It should explain how the rule leads to a specific result in this instance.

- Conclusion: A direct answer to the issue posed.

4.2. Drafting Legal Memoranda and Briefs

A formal legal memorandum, often used for internal firm research, follows a standard technical structure:

1. Heading: Identifying the sender, recipient, date, and matter.
2. Question Presented: The legal issue in context.
3. Brief Answer: A concise summary of the conclusion.
4. Statement of Facts: An objective, chronological narrative of the events.
5. Discussion: The detailed IRAC analysis.
6. Conclusion/Recommendation: Actionable advice based on the analysis.

5. Comparative Evaluation: Legal Research vs. Legal Writing

While often grouped together, the technical requirements for research and writing differ significantly in terms of cognitive load and output.

Feature	Legal Research	Legal Writing
Primary Objective	Information retrieval and validation	Synthesis, communication, and persuasion
Output Format	Annotated bibliographies, raw notes, case lists	Pleadings, briefs, opinions, memoranda
Critical Skills	Boolean searching, hierarchical analysis, speed reading	Grammar, logic, structural organization, citation accuracy
Tools Used	Digital databases (e.g., Westlaw, Lexis), Libraries	Word processors, citation software (e.g., Bluebook)

6. Practical Implementation: Field Guide for Law Students and Practitioners

Drawing from the 2012 Legal Research & Writing notes by Engr. Jessie A. Salvador and the works of Rufus Rodriguez, the following steps are recommended for high-stakes legal documentation.

6.1. Citation Integrity

In Philippine legal writing, the **Manual of Legal Citations** (usually the UP Law Center version) is the standard. Failure to cite correctly is not just a stylistic error; it is a technical failure that undermines the credibility of the document. For instance, a Supreme Court case must be cited as: *Title*, Volume SCRA Page (Year). Proper citation allows the reader to verify the authority and ensures transparency in the judicial process.

6.2. Avoiding Legalese

Modern technical writing in law favors "Plain English." While terms of art (e.g., *habeas corpus*, *res ipsa loquitur*) are necessary, the use of archaic fillers like "hereinabove," "wherefore," and "said" should be minimized. The goal is to provide a clear, unambiguous technical roadmap of the legal argument.

6.3. Troubleshooting Common Failure Modes

Technical errors in legal research often stem from:

- Using Overruled Cases: Failing to check if a case has been reversed or modified by the Supreme Court En Banc.
- Misapplying Statutes: Citing a law that was not yet in effect at the time the facts occurred (violating the principle of prospectivity).
- Fact-Law Disconnect: Providing a brilliant analysis of a legal rule that has no relevance to the actual facts of the client's case.

7. Synthesis and Future Implications

The landscape of legal research and writing is undergoing a significant transformation driven by digital integration and interdisciplinary analysis. The traditional methods of searching through physical volumes of the SCRA are being replaced by AI-driven search engines that utilize natural language processing to identify relevant precedents. However, the core technical requirement remains the same: the ability to synthesize complex legal rules with specific factual scenarios into a coherent, persuasive, and ethically sound written product.

Academic contributors, such as those from the Arellano University School of Law, continue to play

a pivotal role in standardizing these processes through the publication of rigorous reviewers and gazettes. As bibliometric trends suggest, the future of the field lies in a more empirical, data-driven approach to law, where economic feasibility and ethical patterns are analyzed alongside traditional statutory interpretations. For the practitioner and the student alike, the mastery of LRW is a lifelong pursuit of technical precision, logical clarity, and professional integrity. The ability to navigate the vast sea of legal information and distill it into a sharp, effective legal instrument is what separates a mere legal researcher from a master of the law.