

[REPUBLIC ACT NO. 5440, September 09, 1968]

AN ACT AMENDING SECTIONS NINE AND SEVENTEEN OF THE JUDICIARY ACT OF 1948.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section nine of Republic Act Numbered Two hundred ninety-six, otherwise known as "The Judiciary Act of 1948," is hereby amended to read as follows:

"SEC. 9. *The Supreme Court; quorum of the court; designation of Justices of the Court of Appeals and District Judges to sit in the Supreme Court; number of Justices necessary to reach a decision.*—The Supreme Court of the Philippines shall consist of a Chief Justice and ten Associate Justices, which shall sit *in banc* in the hearing and determination of all cases within its jurisdiction. The presence of six Justices shall be necessary to constitute a *quorum* except when the judgment of the lower court imposes the death penalty, in which case the presence of eight Justices shall be necessary to constitute a *quorum*. In the absence of a *quorum*, the Court shall stand *ipso facto* adjourned until such time as the requisite number shall be present, and a memorandum showing this fact shall be inserted by the clerk in the minutes of the court.

" If on account of illness, absence, or incapacity upon of the grounds mentioned in Section one, Rule One "Hired and thirty-seven of the Rules of Court, of any the Justices of the Supreme Court, or whenever, by reason of temporary disability of any Justice thereof, or vacancies occurring therein, the requisite number of Justices necessary to constitute a *quorum* or to render a judgment in any given case, as heretofore provided, is not present, the President of the Philippines, upon the recommendation of the Chief Justice, may designate such number of Justices of the Court of Appeals or District Judges as may be necessary, to sit temporarily as Justices of the Supreme Court in order to form a *quorum*, or until a judgment in said case is reached: *Provided, however,* That no Justice of the Court of Appeals or District Judge may be designated to act in any case in the decision of which he has taken part.

"The concurrence of at least six Justices of the Court shall be necessary for the pronouncement of a judgment. However, for the purpose of declaring a law or a treaty unconstitutional, at least eight Justices must concur. When the necessary majority, as herein provided, to declare a law or a treaty unconstitutional cannot be had, the Court shall so