

[REPUBLIC ACT NO. 296, June 17, 1948]

THE JUDICIARY ACT OF 1948

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Title of Act.*—This Act shall be known as the Judiciary Act of 1948.

SEC. 2. *Supreme Court, Court of Appeals and other courts.*—The courts referred to in this Act are the Supreme Court, the Court of Appeals, the Courts of First Instance, the Municipal Courts and the Justice of the Peace Courts.

SEC. 3. *Special provision in oath of judges.*—The oath of office of judges, including justices of the peace and judges of municipal courts, shall contain, in addition to the matters prescribed in section twenty-three of the Revised Administrative Code, a declaration to the effect that the affiant will administer justice without respect to person and do equal right to the poor and the rich.

The oath of office of the justice of the peace and judge of a municipal court shall be the same in substance as that prescribed for a judge of first instance. Said oath shall be filed with the clerk of Court of First Instance in the province or city, as the case may be, and shall be there preserved.

SEC. 4. *Preservation of oath of office of judge.*—The oath of office of a judge shall be filed with the clerk of the court to which the affiant pertains and shall be entered upon its records. Where a judge is authorized by law to exercise his functions in more than one court, it shall suffice if his oath is recorded in the court where he has his official station.

SEC. 5. *Judge's certificate as to work completed.*—District judges, judges-at-large, cadastral judges, judges of municipal courts, and justices of the peace shall certify on their applications for leave, and upon salary vouchers presented by them for payment, or upon the pay rolls upon which their salaries are paid, that all special proceedings, applications, petitions, motions, and all civil and criminal cases which have been under submission for decision or determination, for a period of ninety days or more have been determined and decided on or before the date of making the certificate, and no leave shall be granted and no salary shall be paid without such certificate.

In case any special proceeding, application, petition, motion, civil or criminal case is resubmitted upon the voluntary application or consent in writing of all the parties to

the case, cause, or proceeding, and not otherwise, the ninety days herein prescribed within which a decision should be made shall begin to run from the date of such resubmission.

SEC. 6. *Disposition of moneys paid into court.*—All moneys accruing to the Government in the Supreme Court, in the Court of Appeals, and in the Courts of First Instance, including fees, fines, forfeitures, costs, or other miscellaneous receipts, and all trust or depository funds paid into such courts shall be received by the corresponding clerk of court and, in the absence of special provision, shall be paid by him into the National Treasury to the credit of the proper account or fund and under such regulations as shall be prescribed by the Auditor General.

A clerk shall not receive money belonging to private parties except where the same is paid to him or into court by authority of law.

SEC. 7. *Disbursement of funds for judiciary establishment.*—Except as otherwise specially provided, national funds available for the judiciary establishment shall be disbursed by the disbursing officer of the Bureau of Justice.

SEC. 8. *Annual report of clerks of courts.*—The clerk of the Supreme Court, the clerk of the Court of Appeals, and all clerks of Courts of First Instance shall make annual reports to the Solicitor General, of such scope and in such form as shall be by the latter prescribed, concerning the business done in their respective courts during the year.

CHAPTER II

SUPREME COURT

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 any of the grounds mentioned in section one, Rule One hundred and twenty-six of the Rules of Court, of any of 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 declare, and in such case the validity or constitutionality of the act or treaty involved shall be deemed upheld.

Whenever the judgment of the lower court imposes the death penalty, the case shall be determined by eight Justices of the Court. When eight Justices fail to reach a decision as herein provided, the penalty next lower in degree than the death shall be imposed.

SEC. 10. *Place of holding sessions.*—The Supreme Court shall hold its sessions in the City of Manila. Whenever the public interest so requires, it may hold its sessions in any other place within the Philippines.

SEC. 11. *Appointment of Justices of the Supreme Court.*—The Chief Justice and the Associate Justice of the Supreme Court shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments. The Chief Justice of the Supreme Court shall be so designated in his commission; and the Associate Justices shall have precedence according to the dates of their respective commissions, or, when the commissions of two or more of them bear the same date, according to the order in which their commissions may have been issued by the President of the Philippines: *Provided, however,* That any member of the Supreme Court who has been reappointed to that Court after rendering service in any other branch of the Government shall retain the precedence to which he is entitled under his original appointment and his service in the Court shall, to all intents and purposes, be considered as continuous and uninterrupted.

SEC. 12. *Vacancy in office of Chief Justice.*—In case of a vacancy in the office of Chief Justice of the Supreme Court or of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice.

SEC. 13. *Authority of Supreme Court over administration of its own affairs.*—The Supreme Court shall have exclusive administrative control of all matters affecting the internal operations of the Court.

SEC. 14. *Status of subordinates.*—Except as regards the appointment and compensation of the Reporter, Clerk, and such private secretaries to the individual Justices, as the Court may authorize, all subordinates and employees of the Supreme Court shall be governed by the provisions of the Civil Service Law; but the Court may, by resolution, remove any of them for cause.

SEC. 15. *Clerk of the Supreme Court; his appointment; his compensation; his bond.*—The Supreme Court of the Philippines shall appoint a Clerk of Court who shall exercise powers and perform duties in regard to all matters within its jurisdiction, as are heretofore exercised and performed by the Clerk of the Supreme Court of the Philippines; and in the exercise of those powers and in the performance of those duties the Clerk shall be under the direction of the Court. No person may be

appointed Clerk of the Supreme Court unless he has been engaged for five years or more in the practice of law, or has been clerk or deputy clerk of a court of record for the same period of time.

The clerk shall have the rank of a bureau director and shall receive an annual compensation of seven thousand and two hundred pesos. Before entering upon the discharge of the duties of his office, he shall file a bond in the amount of six thousand pesos, such bond to be approved by the Treasurer of the Philippines. The bond shall be kept in the Office of the Treasurer of the Philippines and entered in his books, the same being subject to inspection by interested parties.

The Clerk of Court may require any of his deputies or assistants to give an adequate bond as security against loss by reason of any wrong-doings or gross negligence on the part of such deputies or, assistants.

SEC. 16. *Vacation period.*— The regular sessions of the Supreme Court may, in the discretion of the Court, be suspended for the period beginning with the first of April and closing with the fifteenth of June of each year, which, in case of such suspension, shall be known as the Supreme Court vacation.

During vacation at least one of the Justices, to be designated in such manner as the Court by resolution shall direct, shall remain on duty.

SEC. 17. *Jurisdiction of the Supreme Court.*—The Supreme Court shall have original jurisdiction over cases affecting ambassadors, other public ministers, and consuls; and original and exclusive jurisdiction an petitions for the issuance of writs of certiorari, prohibition and mandamus against the Court of Appeals.

In the following cases, the Supreme Court shall exercise original and concurrent jurisdiction with Courts of First Instance:

1. In petitions for the issuance of writs of certiorari, prohibition, mandamus, *quo warranto*, and *habeas corpus*;
2. In actions between the Roman Catholic Church and the municipalities or towns, or the Filipino Independent Church for controversy as to title to, or ownership, administration or possession of hospitals, convents, cemeteries or other properties used, in connection therewith;
3. In actions brought by the Government of the Philippines against the Roman Catholic Church or vice versa for the title to, or ownership of, hospitals, asylums, charitable institutions, or any other kind of property; and
4. In actions brought to prevent and restrain violations of law concerning monopolies and combinations in restraint of trade.

The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm on appeal, certiorari or writ of error, as the law or rules of court may provide, final judgment and decrees of inferior courts as herein provided, in

1. All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question;
2. All cases involving the legality of any tax, impost, Assessment or toll, or any penalty imposed in relation thereto;

3. All cases in which the jurisdiction of any inferior court is in issue;
4. All criminal cases involving offenses for which the penalty imposed is death or life imprisonment; and those Involving other offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion, as that giving" rise to the more serious offense, regardless of whether the accused are charged as principals, accomplices, or accessories, or whether they have been tried jointly or separately;
5. All civil cases in which the value in controversy exceeds fifty thousand pesos, exclusive of interests and costs, or in which the title or possession of real estate exceeding in value the sum of fifty thousand pesos to be ascertained by the oath of a party to the cause or by other competent evidence, is involved or brought in question. The Supreme Court shall likewise have exclusive jurisdiction over all appeals in civil cases, even though the value in controversy, exclusive of interests and costs, is fifty thousand pesos or less, when the evidence involved in said cases is the same as the evidence submitted in an appealed civil case within the exclusive jurisdiction of the Supreme Court as provided herein.
6. All other cases in which only errors or questions of law are involved.

SEC. 18. *Regular terms of Supreme Court.*—The Supreme Court shall hold at Manila two regular terms for the hearing of causes, the first commencing on the second Monday of January and the second on the last Monday of June. Each regular term shall continue to and include the day before the opening of the next regular term. The Office of the Clerk of the Supreme Court shall always be open for the transaction of business, except upon lawful holidays, and the Court shall always be open for the transaction of such interlocutory business as may be done by a single member thereof.

The sessions of the Court for the hearing of cases shall b held on such days in the week, and for such length of time, as the Court by its rules may order.

SEC. 19. *Preservation of order in Supreme Court.*—The sheriff of the City of Manila or of the province where the Supreme Court may be in session shall, in person or by deputy, attend the sessions of the Supreme Court, enforce proper decorum in the court room, and preserve good order in its precincts. To this end he shall carry into effect that rules or orders of the Court made in this behalf, or of any judge thereof, and shall arrest any person there disturbing the court or violating the peace.

SEC. 20. *Service of process of Supreme Court*—Writs, processes, and orders of the Supreme Court, or of any justice thereof, shall be served or executed by the sheriff of the City of Manila or of the province where the Supreme Court may he in session, or by any officer having authority to execute the writs, processes, or orders of a Court of First Instance.

SEC. 21. *Form of decisions—When opinion to be reported.*—When a decision is rendered by the Supreme Court, a written opinion or memorandum exemplifying the ground and scope of the judgment of the court shall be filed with the Clerk of the Court and shall be by him recorded in an opinion book. When the Court shall deem a decision to be of sufficient importance to require publication, the Clerk shall furnish