

[EXECUTIVE ORDER NO. 86, January 07, 1946]

**AMENDING FURTHER SECTION 133 OF THE REVISED
ADMINISTRATIVE CODE, AS AMENDED BY EXECUTIVE ORDER
NO. 40, DATED MAY 4, 1945.**

WHEREAS, Executive Order No. 40, dated May 4, 1945, authorizes the Supreme Court to sit in two divisions, one of six and another of five Justices, and requires the concurrence of five members of a division for the pronouncement of a judgment by each division; and

WHEREAS, the speedy administration of justice demands that four members of a division be permitted to constitute a quorum for the transaction of business by each division and that the number required for the pronouncement of judgment by a division be reduced to the affirmative vote of the majority of the members thereof;

NOW, THEREFORE, by virtue of the powers vested in me by the Constitution and existing laws of the Philippines, I, SERGIO OSMEÑA, President of the Philippines, do hereby order:

1. That section 133 of the Revised Administrative Code, as amended by section 2 of Commonwealth Act No. 3 and sections 1 and 2 of Commonwealth Act No. 259 and by the aforesaid Executive Order No. 40, dated May 4, 1945; be further amended so as to read as follows:

"SEC. 133. Justices of the Supreme Court; quorum of the 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, any eight of whom shall constitute a quorum, for its sessions in banc. 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.

"The Supreme Court shall, as a body, sit in banc, but it may sit in two divisions, one of six and another of five Justices, to transact business, and the two divisions may sit at the same time.

"Whenever the constitutionality of a law or a treaty is involved, the case shall be heard and determined by the Court sitting in banc, and no law or treaty may be declared unconstitutional without the concurrence of at least eight Justices. When the necessary majority is 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 law or treaty involved shall be deemed upheld.

"Whenever the judgment of the lower court imposes the death penalty, the case shall likewise be heard and determined by the Court sitting in banc, and the