

[Acts No. 4023, December 08, 1932]

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-THREE AND ONE HUNDRED AND THIRTY-EIGHT OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, AS AMENDED, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one hundred and thirty-three of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 133. *Judges of Supreme Court.*—The Supreme Court of the Philippine Islands shall consist of eleven judges, namely, the Chief Justice and ten Associate Justices, any seven of whom shall 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."

SEC. 2. Section one hundred and thirty-eight of the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 138. *Sessions of Court in banc or in divisions.*—The Supreme Court shall, as a body, sit in banc, but it may sit in two divisions of five judges or in divisions of three judges to transact business, and two or more divisions may sit at the same time. One of the divisions of five judges shall be known as the 'First Division', and the other as the 'Second Division'.

"Whenever the judgment of the lower court imposed the death penalty, the case shall be heard and determined by the Court sitting in banc, and the concurrence of all the judges present in the Philippine Islands, not disqualified or physically incapacitated, shall be necessary for the pronouncement of a judgment imposing the death penalty. When the Court fails to reach a unanimous decision as herein provided, the penalty next lower in degree than the death penalty shall be imposed.

"Whenever the validity of an Act of the Philippine Legislature, or the interpretation of an Act of Congress or Treaty of the United States is involved, the case shall likewise be heard and determined by the Court sitting in banc, the concurrence of a majority of at least seven judges being necessary for the pronouncement of judgment. When the necessary majority as herein provided cannot be had, the Court shall so declare, and the validity of the Act involved, or the interpretation of the Act or Treaty adopted by the official or officials charged with the duty of carrying it into effect, shall be deemed upheld.

"Whenever a division of five judges fails to reach a unanimous decision in