

Recent Legislation

Fundamental Changes Effected By The New Judiciary Law

BRIEF HISTORY

REPUBLIC Act No. 296, more popularly known as the new Judiciary Law of the Philippines, is not altogether new. It represents a system which can be traced as far back as the Spanish regime. The Supreme Court of the Philippines, for instance, had previously existed under the Spanish administration as the *Audiencia Territorial de Manila* and which under American ascendancy, was reestablished by G. O. No. 20 of the Military Governor, dated May 29, 1899. With respect to lower courts, the orders of the Commanding Generals and Military Governors, acting under the war powers of the President of the United States, preserved such courts substantially unchanged as they existed under the Spanish sovereignty and created or established new ones only whenever in their judgment the administration of justice by that means was feasible.¹ Thus, G. O. No. 8 of August 22, 1898 recognized local civil courts for certain purposes, although it created at the same time not only provost courts but also military commissions with different jurisdictions.² Military commissions were not abolished until the proclamation of the President of the United States on July 4, 1902. Non-military matters pending in military courts were transferred, civil actions by Act No. 136, sec. 78, July 11, 1901 and certain criminal cases by Act No. 186; August 9, 1901; but no enactment relating to military commissions appears to have been passed until September 3, 1903³ authorizing Courts of First Instance to carry out unexecuted sentences of both classes of military courts.⁴ G. O. No. 58 of April 23, 1900, regulating criminal procedure in the Islands, recognized both civil and military tribunals, each within proper limits, in section 109 thereof.

The first comprehensive law, however, relating to the Philippine judiciary was Act No. 136, enacted by the Philippine Commission on July 11, 1901. The manifest purpose and object of Act No. 136 was to replace the old judicial system together with its incidents and traditions drawn from the Spanish sources, with a new system modelled in all its essential characteristics upon the judicial system of the

¹ U. S. vs. Beecham, 15 Phil. 272.

² Cabantag vs. Wolfe, 6 Phil. 273; Conchada vs. Director of Prisons, 31 Phil. 94; U. S. vs. Beecham, *supra*.

³ Act No. 865.

⁴ Cabantag vs. Wolfe, *supra*.

United States.⁵ Its provisions had for their object the organization of the judiciary in the Philippine Islands under the system of government established therein by the United States of America in substitution for that which existed when, by virtue of the Treaty of Paris, the Spanish government transferred its sovereignty over said Islands to the United States of America. After the judiciary was organized, the jurisdiction corresponding to each of its divisions was assigned and after the courts established by virtue of said Act were already in operation, the Congress of the United States passed the Act known as the "Philippine Bill," which among other things said: "The Supreme Court and the Courts of First Instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by the Government of said Islands, subject to the power of the said Government to change the practice and method of procedure."⁶ The Congress of the United States by the Philippine Bill placed its high sanction on the organization of the judiciary in approving and confirming it as it had been established by Act No. 136.

Immediately prior to the enactment of Republic Act No. 296, the judiciary law of the Philippines was embodied in the Revised Administrative Code of 1917, as amended, which was a collation of all the previous laws enacted by the Philippine Commission and the subsequent legislative bodies of the country. With some modifications, additions, and changes to suit the exigencies of the present, Republic Act No. 296 is, in more ways than one, a re-enactment of the Judiciary Law in the Revised Administrative Code. It is the sole purpose of this short article to point out the more important of these changes.

A. THE SUPREME COURT

1. CONSTITUTION AND SITTINGS.

The Supreme Court must now always sit *in banc* in the hearing and determination of all cases within its jurisdiction.⁷ Formerly, the highest court of the land may sit either *in banc* or in two divisions, one of six and the other of five justices, and the two divisions may sit at the same time.⁸

⁵ *Alzua and Arnalot vs. Johnson*, 21 Phil. 308; 231 U. S. 106; 42 Phil. 980.

⁶ *Conchada vs. Director of Prisons*, *supra*.

⁷ Sec. 9, Republic Act No. 296.

⁸ Sec. 4, Art. VIII, Constitution of the Philippines; Sec. 133, Revised Administrative Code as amended by Sec. 2, Com. Act No. 3 and Secs. 1 and 2 of Com. Act No. 259 and by Ex. Order No. 40 dated May 4, 1945 and further amended by Ex. Order No. 86, dated January 7, 1946. Pursuant to these laws, the Supreme Court could sit *in banc* only in seven cases, to wit:

- (1) Whenever the constitutionality of a law or treaty is involved;
- (2) Whenever the judgment of the lower court imposes the death penalty;

This change is in conformity with the provision of the Constitution⁹ which empowers the Congress of the Philippines to provide by law not only for the numerical composition of the Supreme Court but also the manner of its sittings.

The simplification of the set-up in the Supreme Court on this regard is too apparent to need any comment. However, it may be said that the legislators, in their desire to simplify matters, overlooked the advantage of allowing the Supreme Court to sit into two divisions. With the multiplicity of law-suits being elevated to this Court, the need for two divisions working at the same time cannot be over-emphasized. The Supreme Court as a body cannot be expected to act with a certain degree of dispatch over all cases pending in its dockets if it has to deliberate on each and all of such cases *in banc*. Nevertheless, the lawmakers must have taken into consideration the fact that the recreated Court of Appeals¹⁰ works as a clearing house for many of the appealed cases, thus leaving to the Supreme Court the more weighty ones.¹¹

2. QUORUM

Under the present law, only six Justices are required 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. The former law required the presence of eight Justices for the sessions of the Supreme Court *in banc*, except when the judgment of the lower court imposed the death penalty in which case, the presence of all the Justices was necessary.¹²

This reduction in the number of Justices required to form a quorum inures to the more expeditious transaction of the business by the Court. As will be noted later, this reduced number makes the imposition of the death penalty easier.

(3) Whenever a division fails to reach a decision in a case submitted to it;

(4) Whenever such division so orders;

(5) Whenever the Chief Justice, in the exercise of a sound discretion, so orders;

(6) Whenever the admiralty jurisdiction of the Court is involved;

(7) To make proper orders or rules to govern the allotment of cases between the divisions, the constitution of such divisions, the regular rotation of Justices between them, the filling of vacancies occurring therein, and other matters relating to the business of the Court.

All the cases that do not fall under any of the above classifications were allotted between the two divisions for trial and decision.

⁹ The Supreme Court shall be composed of a Chief Justice and ten Associate Justices and may sit either in banc or in two divisions unless otherwise provided by law.—Sec. 4, Art. VIII.

¹⁰ Republic Act No. 52.

¹¹ Secs. 17, 2nd part, and 30, Rep. Act No. 296.

¹² Sec. 133, Revised Administrative Code as amended.

As regards the requisite number of a quorum for the the case mentioned above, the law is very clear. There seems to be, however, some difficulty as to the number of Justices required to form a quorum for the purpose of declaring a law or a treaty unconstitutional. And it is made doubly so by the provision of the new law requiring the concurrence of at least eight Justices for the purpose of declaring a law or a treaty unconstitutional. Be that as it may, it is believed that like in other cases six Justices are sufficient to form a quorum on the matter. The excepting clause of Section nine of the Act mentions only a judgment of a lower court imposing the death penalty.^{12a} The consideration of the constitutionality of a law or a treaty, therefore, falls within the general rule. *Inclusio unius est exclusio ulterius.*

3. AFFIRMATIVE VOTE REQUIRED FOR JUDGMENT.

The new law makes a very fundamental change with regard to the affirmative vote required for the imposition of the death penalty. Whereas, formerly the concurrence of all the Justices present in the Philippines not disqualified or physically incapacitated was necessary for the pronouncement of a judgment of death, this rule of unanimity has been abandoned. As the law stands now, a criminal can be sentenced to death by the affirmative vote of only eight Justices of the Court.¹³ At first blush, this may appear to place a cheaper price on life, but considering the disastrous results that can be caused by a die-hard criminal, this provision is an innovation, even only to serve as a potent deterrent in the commission of capital offenses. During the times past, a criminal had not been penalized to the fullest extent of the law simply because of the presence in the Supreme Court of a magistrate with deep-seated moral and religious convictions firmly opposed to the imposition of the capital punishment. With this provision, that difficulty has been well-nigh obviated.

In all other cases, no change has been made as to the affirmative vote necessary to reach a decision.¹⁴

4. TEMPORARY APPOINTMENT OF A JUDGE OF A LOWER COURT TO ACT AS JUSTICE OF THE SUPREME COURT.

Previously, only Justices of the Court of Appeals could be designated by the President, upon the recommendation of the Chief Justice, to sit temporarily as Justices of the Supreme Court to form

^{12a} 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.

¹³ Sec. 9, par. 4, Rep. Act No. 296.

¹⁴ Sec. 9, par. 3, Rep. Act No. 296; Sec. 133, par. 5, Revised Administrative Code.

a quorum in case of temporary vacancies therein or until a judgment in any given case is reached, whenever the requisite number of Justices necessary to constitute a quorum or to render a judgment in any such case is not present.¹⁵ Under the present law, District Judges may be so appointed.¹⁶ This new provision increases in no small measure the prestige and dignity of the District Judges.

5. SENIORITY OF THE JUSTICES.

The present Judiciary Act adds a proviso 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.¹⁷

Evidently, this proviso was inserted in the Act for the accommodation of Justice Roman Ozaeta who was relieved from the Department of Justice and returned to the bench.

6. VACATION PERIOD.

The vacation period of the Court has been shortened by fifteen days. Under the old law, it lasted for three months, beginning on the first of April up to the first of July. Now, it closes on the fifteenth of June of each year, commencing as before.¹⁸

7. JURISDICTION.

a. *Original and Exclusive.*

Before this Act has been enacted, the only original and exclusive jurisdiction of the Supreme Court of the Philippines was over all actions brought by the Philippine Government against any person or corporation involving the construction of Section 4 of the so-called Cooper Law or any right existing thereunder, duty enjoined or act prohibited thereby, or any contract made in pursuance thereof.¹⁹ In keeping with the independent status of the country this provision is eliminated. Now the original and exclusive jurisdiction of the Supreme Court extends to three cases, to wit: petitions for the issuance of writs of certiorari, prohibition, and mandamus against the Court of Appeals.²⁰

¹⁵ Sec. 133, Revised Administrative Code as amended by Com. Act No. 3.

¹⁶ Sec. 9, par. 2, Rept. Act No. 296.

¹⁷ Sec. 11, Rep. Act No. 296.

¹⁸ Sec. 16, Rep. Act No. 296.

¹⁹ Act of the United States Congress of February 6, 1905 which authorized the Philippine Government to enter into a contract of guaranty with any railroad corporation of the United States for the construction of railways in the Philippines; *Conchada vs. Director of Prisons, supra*; Moran's *Comments on the Rules of Court*, Vol. II, Appendix E, p. 907.

²⁰ Sec. 17, Rep. Act No. 296.

b. Original Jurisdiction Concurrent with the Courts of First Instance.

The first part of Section 17 of the new Judiciary Law embodies the original jurisdiction of the Supreme Court concurrent with the Courts of First Instance, which, heretofore, was prescribed by different laws²¹ and scattered in the Rules of Court. No marked change has been made, however, except that the Supreme Court has no longer any original jurisdiction concurrent with the Courts of First Instance "in actions between the Roman Apostolic Church and any other person for controversy as to title to any and all churches, convents or cemeteries in the Philippines and real and personal property used in connection therein, or as to the ownership, right of administration or possession thereof."²² The phrase "or other person" has been deleted from the new law and therefore, if there is no clerical error with respect to this provision, the jurisdiction of the Supreme Court on this particular case is limited to said actions between the Roman Catholic Church and the municipalities or towns or the Filipino Independent Church.²³ It seems now that under this provision a private person can not bring such suit originally in the Supreme Court.

Although the new law makes no mention as regards cases affecting ambassadors, other public ministers and consuls, it must be assumed that the Supreme Court retains original jurisdiction concurrent with the Courts of First Instance over these matters. The Congress of the Philippines could not legally deprive the highest Court of such jurisdiction because the Constitution expressly confers it.²⁴

The exclusive appellate jurisdiction of the Supreme Court remains the same in all respects as provided for in previous laws.

B. THE COURT OF APPEALS

No appreciable change has been effected by the new law relative to the organization or jurisdiction of the Court of Appeals. However, Republic Act No. 296 has elevated the Clerk of the Appellate Court to the rank of a Bureau Director, attaching to the office greater importance and an increased salary.²⁵ The number of deputy clerks has been increased, too, from two to five, and fixing

²¹ Secs. 17 and 56, Act No. 136; Secs. 1, 8, and 9, Act No. 1376; Sec. 4, Act No. 3247.

²² Secs. 1 and 8, Act No. 376.

²³ Sec. 17, No. 2, Rep. Act No. 296.

²⁴ Sec. 2, Art. VIII.

²⁵ Under Sec. 145-M of the Revised Administrative Code as amended by Sec. 10, Com. Act No. 259, the Clerk of the Court of Appeals receives ₱5040 per annum. Sec. 36, par. 2 of the present law grants him an annual compensation of ₱7200.

a higher compensation than that provided previously by the Administrative Code.²⁶

C. THE COURT OF FIRST INSTANCE

1. IN GENERAL

The Judiciary Law of 1948 increased the number of the judicial districts from nine as established in the Revised Administrative Code, with fifty-seven judges to sixteen, with seventy-four district judges.²⁷ Also, the new law added six judges-at-large; under the old law,²⁸ there were only twelve, now there are eighteen.²⁹ This expansion will to a great extent minimize, it is hoped, the clogging of the dockets of the Courts of First Instance, thus expediting the administration of justice in which heretofore and on this regard there has been much to be desired.

The new law³⁰ expressly provides for fifteen Cadastral Judges. The old law made no mention of Cadastral Judges. Like Judges-at-Large, the Cadastral Judges shall not be assigned permanently to any judicial district and shall render duty in such district or province as may from time to time be designated by the Department head.³¹ Cadastral Judges are judges of the first instance and are vested with the judicial function in the Court of First Instance.³² As such they are empowered to solemnize marriages. It must be considered then that the Marriage Law³³ is amended by the new Judiciary Law to the extent of inserting Cadastral Judges in the list of persons authorized to perform the marriage ceremony.

2. JURISDICTION

One of the most important changes effected by the new law is the elimination of the original jurisdiction on civil matters of the Courts of First Instance concurrent with the Justices of the Peace and Municipal Courts. Now, a civil case must either fall under the exclusive original jurisdiction of the Courts of First Instance or the Municipal and Justice of the Peace Courts. The Courts of First Instance have exclusive original jurisdiction in cases in which the demand, exclusive of interest, or the value of the property in contro-

²⁶ Sec. 37, Republic Act No. 296; Sec. 145-M, Revised Administrative Code, as amended by Sec. 11, Com. Act No. 259.

²⁷ Secs. 49 and 50, Republic Act No. 296.

²⁸ Sec. 157, Revised Administrative Code.

²⁹ Sec. 53, Republic Act No. 296.

³⁰ *Ibid.*

³¹ *Ibid.*

³² Sec. 40, Rep. Act No. 296.

³³ Act No. 3613.

versy, amounts to more than two thousand pesos.³⁴ All civil cases where the value of the subject matter or amount of the demand does not exceed two thousand pesos, exclusive of interest and costs, fall within the exclusive original jurisdiction of the Municipal and Justice of the Peace Courts.³⁵ To this degree, the jurisdiction of the Courts of First Instance in civil cases had been diminished by the law under consideration. "Where exclusive jurisdiction is conferred on one court, this precludes the exercise of jurisdiction of another court, unless the case is brought within some exception to the grant of exclusive jurisdiction."³⁶ "Where original and exclusive jurisdiction is conferred upon one court, another court which formerly possessed such jurisdiction is deprived thereof."³⁷

It must be understood, however, that the original jurisdiction of the Courts of First Instance concurrent with the Municipal and Justice of the Peace Courts in cases for the inclusion and exclusion of voters from the electoral list as provided for in the Election Code³⁸ and of offenses punishable under the Census Act³⁹ has not been affected by Republic Act No. 296. "A court is not ousted of jurisdiction which it possesses over a subject by a subsequent legislative enactment conferring jurisdiction on another court over the same subject, unless such an intention is plainly manifested either by the words of the statute or by a necessary implication therefrom".⁴⁰ There is nothing in Republic Act No. 296 which inhibits the Courts of First Instance from exercising original jurisdiction over the two above-stated subjects concurrent with the Municipal and Justice of the Peace Courts.

It is apparent that the enumeration made by the new law⁴¹ as to the subjects over which the Courts of First Instance exercise original jurisdiction is not exclusive. Matters over which the Courts of First Instance can exercise like jurisdiction and which are prescribed by special laws, such as actions for declaratory relief,^{41a} and for perpetuation of testimony,⁴² are still within the original jurisdiction of the Courts of First Instance, notwithstanding the silence of the Republic Act No. 296 on this regard. The same can be said as to the appellate jurisdiction of these Courts. Un-

³⁴ Sec. 44(c), Republic Act No. 296.

³⁵ Sec. 88, par. 1, Republic Act No. 296.

³⁶ 15 Corpus Juris 1130; *Becker vs. Chester*, 115 Wis. 90, 91 N. W. 87.

³⁷ 15 Corpus Juris 1130; *Fisher vs. Prewitt*, 7 Ind. 519.

³⁸ Sec. 113, Com. Act No. 357.

³⁹ Sec. 28, Com. Act No. 170.

⁴⁰ 15 Corpus Juris 1131; *State vs. Abram*, 4 Ala. 272.

⁴¹ Sec. 44, Republic Act No. 296.

^{41a} Rule 66, Rules of Court.

⁴² Rule 19, Rules of Court.

doubtedly, the Courts of First Instance can still exercise appellate jurisdiction over cases regarding the use of public waters decided by the Department Head under Act No. 2152.⁴³ This law is not inconsistent with the provisions of Republic Act No. 296 and is, therefore, not repealed or modified.

3. DETAIL OF JUDGES TO ANOTHER DISTRICT OR PROVINCE.

Section 51 of the new Judiciary Act provides that no district judge shall be assigned to hold sessions in a *province* other than that to which he is appointed without the approval of the Supreme Court being first had and obtained.⁴⁴ Under the proviso of the old law, no district judge could be assigned to hold sessions in a *judicial district* other than that to which he was appointed without the approval of the Supreme Court being first had and obtained. It seems that the present provision is more stringent, prohibiting as it does the assignment of a district judge to a province different from that to which he has been appointed. What was prohibited under the old law was merely the assignment of a judge to hold sessions in another district without the approval of the Supreme Court.

There is a difficulty, however. As before, district judges are still commissioned for a particular judicial district and not for a province. Hence, they still hold these positions of judges of first instance of definite districts and not judges of particular provinces, although they may be assigned to preside over the Court of First Instance of a province. It must be remembered in this connection that the Constitution of the Philippines prohibits the designation or transfer to another district of a judge appointed for a particular district without the approval of the Supreme Court. This constitutional protection is different from the provision under consideration; the latter refers only to the temporary detail of a judge of the Court of First Instance to another province.

It may be noted that the salutary purpose of the prohibition, that is to preserve the independence of the judiciary, is better achieved under the present provision than under that of the old law. An example would illustrate the point: The Seventh Judicial District is comprised of the provinces of Rizal, Cavite, and Palawan, and the cities of Quezon, Rizal, Cavite, and Tagaytay with five judges,⁴⁵ three of whom preside over the Courts of First Instance of the Province of Rizal, Quezon City and Rizal City and

⁴³ Secs. 4 and 10, Act 2152 as amended by Act No. 3208, II Moran, *Comments on the Rules of Court*, Appendix E, p. 895. (c).

⁴⁴ Sec. 155, Revised Administrative Code; Sec. 2, Com. Act No. 145.

⁴⁵ Sec. 49, Republic Act No. 296.

known as judges of the first and second branches thereof, respectively, the judge of the second branch to preside also over the Court of First Instance of Palawan.^{45a} Under the old law, a judge presiding over the Court of First Instance of the Province of Rizal can be detailed by the Secretary of Justice, without the approval of the Supreme Court as now required, to hold sessions in the Court of First Instance of the Cities of Cavite and Tagaytay or in the Court of First Instance of Palawan. The power of the Secretary of Justice on this respect was therefore limited to the above-mentioned extent, thus protecting more the judiciary from any possible encroachment on the part of the Executive Department or from any source, for that matter.

Section 51 is, however, qualified by the last paragraph of Section 66 which empowers the Department Head (Secretary of Justice) "when in his judgment the emergency shall require to direct any judge assigned to vacation duty to hold during the vacation a special term of court in any district." Nonetheless, the protection is not diminished because the power can only be exercised over the Judges of First Instance assigned to vacation duty and only during such vacation.

4. PERMANENT STATIONS OF DISTRICT JUDGES.

The present law is very explicit as to the permanent stations of district judges. It specifies with particularity the places where each and every judge for all the districts and branches is permanently stationed. The old judiciary law did not so particularize. It merely stated that the residence of a Judge of First Instance should in no case be at a place more than thirty kilometers from the seat of his Court.⁴⁶

5. THE SIXTH JUDICIAL DISTRICT (Formerly the Fourth)

The present Judiciary Act eliminated the provision regarding the exclusive jurisdiction of the Fourth Branch of the Fourth Judicial District (now the Sixth) over land registration cases in the City of Manila and with it the important position occupied by the judge thereof over such cases.⁴⁷ The old law provided: "In the Court of First Instance of the Fourth District all cases relative to the registration of real estate in the city of Manila and all matters involving the exercise of the powers conferred upon the fourth branch of said court or the judge thereof in reference to the registration of land shall be within the exclusive jurisdiction of said fourth branch and shall go or be assigned thereto for disposition accord-

^{45a} Sec. 50, par. 7, Rep. Act No. 296.

⁴⁶ Sec. 156, Revised Administrative Code, as amended by Sec. 2, Com. Act No. 145.

⁴⁷ Secs. 60 and 64, Republic Act No. 296.

ing to law. All other business appertaining to the Court of First Instance of the City of Manila shall be equitably distributed among the judges of the nine branches in such manner as shall be agreed upon by the judges themselves; but in proceeding to such distribution of the ordinary cases a smaller share shall be assigned to the fourth branch, due account being taken of the amount of land registration work which may be required of this branch."⁴⁸

Presently, all the business in the Sixth Judicial District are "equitably distributed among the judges of the ten branches (formerly nine) as shall be agreed upon by the judges themselves."⁴⁹

D. JUSTICES OF THE PEACE AND JUDGES OF MUNICIPAL COURTS

1. COURT ATTENDANCE.

For a better and more speedy administration of justice, Justices of the Peace and Auxiliary Justices, acting as Justices of the Peace, are now enjoined to be present at least four hours on each business day in their offices or at the places where their courts are held.⁵⁰ Formerly, they were only required to be present at least once each business day at an appointed hour in their offices or at the places where their courts are held.⁵¹

2. JUSTICES OF THE PEACE EX-OFFICIO.

The field from which the President of the Philippines may appoint a Justice of the Peace, *ex-officio*, has been greatly circumscribed. Whereas, under the old law, he could appoint any suitable person in the government service to act in the capacity of Justice of the Peace, *ex-officio*, without additional compensation, in any specially-organized province when the public interest so required,^{51a} now, he can only so appoint a *qualified* person in the government service.⁵² It is believed that this change of term purports that the Justices of the Peace, *ex-officio*, so appointed by the President, must have the qualifications mentioned in Section 71 of the New Judiciary Act, to wit: (1) at least 21 years of age; (2) a citizen of the Philippines; (3) of good moral character and has not been convicted of any felony; and (4) has been admitted by the Supreme Court to the practice of law.

⁴⁸ Sec. 167, Revised Administrative Code as amended by Sec. 1 of Act No. 3107 and further amended by Sec. 1 of Com. Act No. 545.

⁴⁹ Sec. 60, Republic Act No. 296.

⁵⁰ Sec. 77, Republic Act No. 296.

⁵¹ Sec. 215, Revised Administrative Code.

^{51a} Sec. 119, Revised Administrative Code.

⁵² Sec. 81, Republic Act No. 296.

3. JURISDICTION.

a. *Criminal.*

Justice of the Peace Courts of municipalities and Municipal Courts of chartered cities have now exactly the same criminal jurisdiction. The old law⁵³ only provided that "Justices of the Peace shall have original jurisdiction to try parties charged with misdemeanors, offenses, violations of regulations adopted by the respective provincial boards, and infractions of municipal ordinances committed within their jurisdictions in which the penalty provided by law does not exceed six months' imprisonment or a fine of ₱200.00 or both such imprisonment and fine." The enumeration under par. c of Sec. 87 of the present Act⁵⁴ related formerly to the criminal jurisdiction only of the chartered cities.⁵⁵ The present law combines these provisions and makes them applicable without distinction to the Municipal and Justice of the Peace Courts. Thus, except for the difference in the amount of salary of the judges therein and the qualifications required therefore, the Municipal Courts and Justices of the Peace Courts are now of the same plane and footing, even only as regards to jurisdiction.

The present law increased the penalty that can be imposed by the Justices of the Peace in the capital of provinces assigned by the respective District Judge in each case to try parties charged with an offense committed within the province. Now, the proper Justice of the Peace can be assigned to try an offense in which the penalty provided by law does not exceed imprisonment for two years and four months, or a fine of two thousand pesos or both such imprisonment and fine. Before the passage of the new law, such Justice of the Peace could only be assigned to try offenses in which the penalty provided by law does not exceed imprisonment for two years, or a fine of two thousand pesos, or both such imprisonment or fine.⁵⁶

⁵³ Sec. 4, Act 2131.

⁵⁴ All criminal cases arising under the laws relating to:

- (1) Gambling and management or operation of lotteries;
- (2) Assaults where the intent to kill is not charged or evident upon the trial;
- (3) Larceny, embezzlement and estafa, where the amount of money or property stolen, embezzled, or otherwise involved, does not exceed two hundred pesos;
- (4) Sale of intoxicating liquors;
- (5) Falsely impersonating an officer;
- (6) Malicious mischief;
- (7) Trespass on Government or private property; and
- (8) Threatening to take human life.

⁵⁵ Sec. 2468, Revised Administrative Code, for the City of Manila and Sec. 2562-A, Revised Administrative Code, for the City of Baguio.

⁵⁶ Sec. 87, last par., Republic Act No. 196.

The new Judiciary law makes no provision regarding offenses arising under the Census Act. The silence of the law on this respect notwithstanding, it is believed that the offenses punishable under the Census Act are still as before within the original and concurrent jurisdiction of the Courts of First Instance and the Justice of the Peace Courts.⁵⁷

b. *Civil.*

The concurrent jurisdiction of the Courts of First Instance and the Municipal and Justice of the Peace Courts over civil actions where the value of the subject matter or the amount of the demand exceeded ₱200 but less than ₱600 as provided for in the previous Judiciary Act⁵⁸ has been eliminated under the provisions of the present law.⁵⁹ Pursuant to this change, therefore, a civil case must now either fall under the exclusive jurisdiction of the Courts of First Instance or the Municipal and Justice of the Peace Courts, as the case may be.

And the maximum limit of the original jurisdiction of the Municipal and Justice of the Peace Courts over civil cases has been raised to two thousand pesos. Formerly, the original jurisdiction of the inferior courts over civil cases fell under three classes,⁶⁰ to wit:

1. Exclusive original jurisdiction over civil actions the value of the subject matter or amount of the demand of which does not exceed two hundred pesos.

2. Original jurisdiction concurrent with the Courts of the First Instance over civil actions where such value or demand exceeded two hundred but is less than six hundred pesos;

3. Jurisdiction by Assignment of the Courts of the First Instance—The Justice of the Peace in the capitals of provinces organized under the Provincial Government Act may, by assignment of the respective Judge of the Court of First Instance in each case, have like jurisdiction within the province as the Court of First Instance, in which the subject of the litigation is capable of pecuniary estimation and the value of the subject matter or the amount of the demand does not exceed two thousand pesos exclusive of interest and costs, except cases involving the legality of any tax, impost or assessment or actions involving admiralty or maritime jurisdiction.

⁵⁷ Sec. 28, Com. Act No. 170.

⁵⁸ Sec. 68, Act No. 136, as amended by Act No. 2131.

⁵⁹ Sec. 88, Republic Act No. 296.

⁶⁰ Sec. 68, Act No. 136, as amended by Act No. 2131.

The present state of the law has done away with this classification, leaving only the exclusive original jurisdiction the maximum limit of which is two thousand pesos.⁶¹ While it is true that jurisdiction by assignment has been retained, this kind of jurisdiction is no longer general as obtained previously, but it is now limited to land registration and cadastral cases covering lots where there is no controversy or opposition, or contested lots the value of which does not exceed two thousand pesos.⁶¹ It should also be noted in this connection that all Justices of the Peace, provided they are duly qualified members of the bar, can be so assigned; under the old law, only Justices of the Peace in capitals of provinces organized under the Provincial Government Act are the only ones qualified for this purpose. Formerly, the Justice of the Peace of the capital, although he was not a qualified member of the bar, might be given such assignment. Now the law is explicit: the Justice of the Peace must be a duly qualified member of the bar.

c. Interlocutory Jurisdiction.

The occasions necessitating the exercise of interlocutory jurisdiction by the Justices of the Peace in the capitals of provinces were more frequent previously than now. This is so, because then, in the absence of the district judge from the province, the proper Justice of the Peace was authorized to exercise within the province like interlocutory jurisdiction as the Courts of First Instance.⁶² At present, this jurisdiction can only be exercised in the absence of the District Judge, Judge-at-Large or Cadastral Judge from the province.

It must be understood that the provision of the present law on this matter (*interlocutory jurisdiction*) is subject to the Election Law.⁶³

CONCLUSION

Perhaps the most fundamental change effected by the Judiciary Act of 1948 can be discerned in the increased importance of the inferior courts. The expanded jurisdiction of these courts, especially over civil actions, as outlined above, would alone suffice to show the growing tendency of legislation in this country towards granting to Municipal and Justice of the Peace Courts the broader powers and the greater dignity which they justly deserve. Section 91 of the present law, enumerating the incidental powers of Municipal and Justice of the Peace Courts, is not an original grant; the

⁶¹ Sec. 88, par. 2, Republic Act No. 296.

⁶² Sec. 68, Act No. 136.

⁶³ Secs. 117 and 118, Republic Act No. 180, Revised Election Code.

powers specified are not only inherent in all courts but are expressly provided for in the Rules of Courts.⁶⁴ The provision, therefore, not only emphasizes the powers so enumerated but also the importance intended to be attached to the courts as well. Even the Rules of Court are fully cognizant of this importance of the inferior courts, extending as they do, the presumption of jurisdiction in their favor.⁶⁵ Because of this recognition of importance of inferior courts, it is about time that Rule 9 of the Rules of Court on answer be made applicable to the Municipal and Justice of the Peace Courts. Commensurate with the increased importance of these inferior courts, it is fitting and proper that answers to complaints filed therein must be in writing. In this wise it is believed, justice would be better administered.

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⁶⁴ Sec. 5, Rule 124, Rules of Court.

⁶⁵ Sec. 13, Rule 19, Rules of Court.

