

THE ABOLITION OF THE JUSTICE OF THE PEACE COURTS: A DISSENT

JUAN T. SANTOS *

In the symposium held under the auspices of the Order of the Purple Feather, honor society of the College of Law, University of the Philippines, on September 24, 1954, it was proposed that Justice of the Peace Courts be abolished. It should be noted that no mention was made of Judges of Municipal Courts. It seems that the fate of one should be that of the other since they belong to the same category and are endowed with the same judicial powers, except that of conducting preliminary investigations which is denied to judges of Municipal Courts.¹ If one of them is to be preserved, the proponent's plan would be inconsistent, for while one of the eyes of this class of courts will be closed, the other will remain open.

Several reasons were alleged in support of the abolition. We beg to disagree on the following grounds:

1. The first reason advanced is, using the language of the advocator, "many Justices of the Peace are doing nothing for days and sometimes for months on end." If this charge has ever been true, it is now a matter of history. Under the Judiciary Act of 1948 the original jurisdiction of the inferior courts has been expanded. In civil cases they exercise jurisdiction where the value of the subject-matter or amount of demand does not exceed ₱2,000.00 exclusive of interest and costs, as against less than ₱600.00 under the old law. Justices of the Peace who are qualified members of the bar may be assigned to hear certain types of cadastral or land registration cases, and those in the capitals of provinces, in the absence of the Judge of the Court of First Instance, may exercise a limited interlocutory jurisdiction.² Their miscellaneous powers have been retained.³ In 1951 they were given power to take cognizance over adoption and guardianship cases, where the property involved is within their jurisdiction.⁴ In criminal cases their exclusive jurisdiction over violation of municipal ordinances committed within their respective jurisdiction and offenses where the penalty is not more than six (6)

* Formerly Judge of the Court of First Instance; retired Professor of Remedial Law, College of Law, University of the Philippines.

¹ 2 Moran 677, 1952 Edition.

² Sec. 88.

³ Sec. 76.

⁴ Republic Act No. 643.

months and/or fine not exceeding ₱200.00 was retained. Besides, they were given concurrent jurisdiction with the Courts of First Instance over certain offenses⁵ which in the past were under the competency of the Courts of First Instance and Municipal Courts.⁶ The Justices of the Peace of capitals of provinces may by assignment take cognizance of offenses where the penalty does not exceed two (2) years and 4 months imprisonment and/or fine not exceeding ₱2,000.00, and hear applications for bail in the absence of the District Judge. The growing complexity of human affairs, coupled with the increase of population, has considerably augmented the number of cases in courts. The resultant increase of the volume of work of the Justices of the Peace will be more than sufficient to keep them busy during their office hours.

2. It was averred that there are 858 Justices of the Peace Courts with a total annual salary of ₱2,560,480.00 and 114 Judges of Courts of First Instance, who, with the court employees, receive a total annual salary of ₱2,462,880.00. It was suggested that 200 additional Judges of Courts of First Instance be appointed instead. On the basis of the figures given by the advocator, the Government will have an outlay of around ₱4,400,000.00 with the creation of additional courts, or about two million pesos over its actual expenses for the Justices of the Peace. This is a heavy financial weight on the Government, which will be saved if the present set up is maintained.

3. Another objectionable feature of the Sebastian plan is that the findings of fact of the Courts of First Instance are made final. This, we believe, does not sufficiently safeguard the rights of the litigants. The present volume of work of the Courts of First Instance is already heavy. It will be heavier if the plan is carried into effect. Under such circumstances, the possibility of a judge committing errors in the appreciation of evidence is not slight. Because of the natural limitations of man, there should be another higher court empowered to review the findings of fact of the Courts of First Instance. The Securities and Exchange Commission and the Court of Industrial Relations whose findings of fact are final⁷ may not be compared with the ordinary courts of justice. Only properties are involved in their jurisdiction, not the liberty or life and death of the citizens.

4. Should the findings of fact of the Courts of First Instance be made final, the Court of Appeals would have to be abolished because then only questions of law would be raised in all appeals. Under the Judiciary Act of 1948 it is the Supreme Court which takes cognizance of

⁵ Sec. 87, Judiciary Act of 1948.

⁶ 2 Moran 1015, 1952 Edition.

⁷ Rule 43, Sec. 2 and Rule 44, Sec. 2, of the Rules of Court.

appeals when only issues of law are involved.⁸ But granting *arguendo* that there may still be room for the Court of Appeals, it is extremely doubtful that this court may, as planned by the advocator, be given the power to decide the constitutionality of the ordinance or legality of any tax, impost or assessment, because such competency is lodged in the Supreme Court.⁹ To give the Court of Appeals concurrent jurisdiction with the Supreme Court over such matters will be *pro tanto* depriving the Supreme Court of such jurisdiction, which is prohibited by the Constitution.¹⁰

5. The proponent synthesizes his program as follows: "There should be a grouping of municipalities of a province, according to accessibility and transportation facilities and choose the most central and most strategic of said municipalities and make it the seat of the Judge of First Instance for that given circuit." The simplification of judicial system may be best effected not by elimination or abolition of the Justices of the Peace but by a reduction of their number. Such contingency has already been provided for in the Judiciary Act of 1948 by extending the territorial jurisdiction of a Justice of the Peace to cover several municipalities or minor political places or by grouping municipalities together, as vacancies occur, and appointing one Justice of the Peace and one auxiliary Justice of the Peace to exercise jurisdiction over all of them.¹¹ The Government will then have the opportunity to select the best man for the job and economize as a result of reduced personnel. The Justice of the Peace so appointed will be a great help to the Judge of the Court of First Instance because of the former's enlarged jurisdiction. The bigger job may eventually be a training ground for higher ranks in the Judiciary.

6. The Justice of the Peace Courts should be maintained. Under the law the justice of the peace must have been admitted to the practice of law. Because of his long residence in the municipality, he is well acquainted with the people and vice-versa. The justice of the peace is actually looked upon as a friend, elder, adviser, and leader. They go to him to express their grievances. A good justice of the peace has excellent opportunities to quell a controversy before it ripens into litigation. By his direct relationship with the people he possesses the human equation in the problems submitted to him for consideration. The Judge of the Court of First Instance does not enjoy these advantages. He, as a rule, is not acquainted with the people. Although some may know the Judge, they are reluctant to approach him. For fear, they do not go to him; because of confidence, the people go to the justice of the peace.

⁸ Sec. 17.

¹⁰ Sec. 2, Art. 8, Constitution of the Philippines.

¹¹ Sec. 68.

The justice of the peace is "of great importance to the people at large, because it opens the door of justice near their homes and not only affords inexpensive and speedy remedy for several minor grievances as to the rights and properties but also renders substantial aids in the prevention and punishment of crimes."¹² Borrowing the language of the Supreme Court of the United States, the justices of the peace "occupy positions of considerable power in the local community and exercise control in remote districts."¹³

7. The present composition of courts in the Philippines fairly satisfies the needs of the people. By enlarging their jurisdiction, as above shown, Congress has recognized the importance of inferior courts. Although the cases appealed to the Courts of First Instance may be appealed within the limits authorized by law, yet, as a general rule, the judgments of the Courts of First Instance are abided by unless *amor proprio* is involved. From the judgment of the Courts of First Instance appeal lies either to the Court of Appeals or to the Supreme Court depending upon the issues raised in the appellate court, the amount involved or the penalty imposed by the court *a quo*.¹⁴ From the judgment of the Court of Appeals certiorari may be sued out in the Supreme Court.¹⁵ The remedy, however, is not a matter of right but discretionary upon the Supreme Court and allowed only when the question raised is a matter of substance not theretofore decided by the Supreme Court or when the Court of Appeal's decision is not in accord with law or the applicable decisions of the Supreme Court or when the Court of Appeals has so far deviated or sanctioned such deviation from the normal course of judicial proceeding as to call for an exercise of the power of supervision.¹⁶

¹² 31 Am. Jur. 708, 709.

¹³ *Alberto v. Nicolas*, 73 L. Ed. 642.

¹⁴ Judiciary Act of 1948, Secs. 17 and 29.

¹⁵ Rule 46, Rules of Court.

¹⁶ Rule 46, Sec. 4, Rules of Court.