

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

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In my speech delivered at the Symposium held on September 24, 1954, under the auspices of the Order of the Purple Feather of the College of Law, U.P., I advanced the proposition of abolishing the Justice of the Peace Courts, and increase, on the other hand, the number of judges of First Instance who will hold court in central and strategic places in the provinces.

In suggesting the abolition of the Justice of the Peace Courts, I want to make it clear that I have nothing personal against any of the Justices of the Peace. Some are my friends and a few of them are my close relatives. It is my honest belief, however, that the plan I have suggested will, if properly implemented, serve three purposes: (1) the simplification of our judicial system; (2) less expenses for litigants and for the Government, and (3) establishment of courts more responsive and better adapted to present conditions.

The plan, as conceived and outlined by me, is undoubtedly not devoid of imperfections. I am not and have never claimed to be an authority on judicial matters. I launched the idea merely with the hope that other persons, who could speak more authoritatively than my humble self, would pick up the subject, study it more thoroughly and devise a judicial system more simple and better suited to our present conditions than the present system.

It has never been my intention to raise a controversial issue regarding the Justice of the Peace Courts. I am happy to note, however, that our distinguished Undersecretary of Justice, Judge Jesus Barrera, has taken up the cudgels for the Justices of the Peace, by pleading for the retention of the Justice of the Peace Courts. It is also gratifying to know that my plan has merited the close scrutiny of Judge Juan T. Santos, Professor of Remedial Law, University of the Philippines.

In my speech, one of the reasons I advanced for the abolition of the Justice of the Peace Courts is that many of the justices of the peace do not have enough work to do. It is of common knowledge that many justices of the peace in the provinces have very little work, if any at all, for days and sometimes for months on end. Professor Santos, in his dissent, contends, however, that such a charge, "if it has ever been true is now a matter of history," for today, the writer avers, under the Judi-

ciary Act of 1948, "the original jurisdiction of the inferior courts has been expanded." Thus, Justice of the Peace Courts now exercise jurisdiction in civil cases where the value of the subject matter or amount of the demand does not exceed ₱2,000.00, exclusive of interest and costs, as against ₱600.00 under the old law; adoption and guardianship cases; criminal cases where the penalty is not more than 6 months and/or fine not exceeding ₱200.00, besides their jurisdiction over violation of municipal ordinances. With this expanded jurisdiction, it is further averred, coupled with the increase in population, the number of cases and the volume of work of the justice of the peace "will be more than sufficient to keep them busy."

While the above contention is not completely devoid of persuasive force, yet it must be admitted that despite the "expanded jurisdiction," the fact remains that many, not to say most, of our justice of the peace in the provinces still have very little work to do. True, Congress has given the justice of the peace jurisdiction over cases which originally fell under the jurisdiction of the Courts of First Instance. The action of Congress in thus expanding the jurisdiction of the Justice of the Peace Courts clearly shows that justices of the peace did not have enough work to keep them busy. It is in fact an argument in favor of the abolition of the Justice of the Peace Courts and the establishment in their stead of additional Courts of First Instance.

It is further claimed by Professor Santos that the simplification of the judiciary "may best be effected not by elimination or abolition of the Justice of the Peace Courts but by a reduction of their number." His idea is to extend the territorial jurisdiction of a justice of the peace to cover several municipalities.

We seem to agree on this point of grouping municipalities together in a circuit. We only differ in that while Professor Santos would place four or five municipalities under a justice of the peace, under my plan four or five or more municipalities would be grouped together and placed under a judge of a Court of First Instance who would try not only cases properly belonging to the Court of First Instance, but cases which under our present laws fall within the original jurisdiction of the Justice of the Peace Courts. Another difference is that under the plan suggested by Professor Santos, cases falling under the original jurisdiction of the Justice of the Peace Courts would be tried by the justice of the peace of the circuit, and then tried *de novo* on appeal by the judge of the Court of First Instance; while under my plan, such a case would only be tried once by the judge of the Court of First Instance and his judgment would be final. If the case is appealable to the Court of Appeals, or to the Supreme Court, under our present laws, then an appeal could be taken to said superior courts; otherwise, the judgment of the Court of First

Instance would be final. There is still another difference in our respective plans. While Professor Santos would have the justices of the peace remain as Justices of the Peace with expanded jurisdiction over four or five municipalities, in my plan I would have the justices of the peace, or at least as many of them as are duly qualified and have the necessary background, training and experience, promoted and made judges of the Courts of First Instance to preside over the same circuit or group of four or five municipalities.

Another objection to my plan is that it would need an outlay of P4,400,000.00, or an increase of around P2,000,000.00 over the Government's actual expenses for justices of the peace. As pointed out by me in my presentation speech, the total salary of the 858 justices of the peace in the Philippines, according to the appropriation act, is P2,560,480.00 per annum. So, with P2,560,480.00 we could have 200 additional judges of Courts of First Instance. Granting that there would be need of employing court personnel and that we would also have to set aside an extra outlay for supplies and office expenses, it is safe to say that with P2,560,480.00, we would increase the number of judges of Courts of First Instance if not to 300, then to at least 230, using as our basis the amount of P2,468,880.00 which is the total appropriation for the salaries of 114 Judges of First Instance, and the salaries of their employees. With 230 or more judges of Courts of First Instance distributed all over the Philippines and placed at strategic and central places, justice would, in my opinion, be better and more efficiently administered, and the Courts of First Instance would hold court in places nearer and more accessible to the people than at present.

It may be contended that such a plan as the one suggested by me would give the Courts of First Instance a heavier load which they may not be able to sustain. This contention, however, is more imaginary than real. The Courts of First Instance, as I have pointed out at the beginning, will have the same load as they have at present, for the reason that most, if not all, of the cases now tried in the Justices of the Peace Courts are elevated to the Courts of First Instance on appeal. In fact, with the increase in the number of judges, the average load of any single Court of First Instance will be much less than what it is at present.

As regards the argument that my plan "does not sufficiently safeguard the rights of the litigants," which is ostensibly based on my statement that the findings of fact of the Court of First Instance would be final, it would seem that I have not made myself sufficiently clear on this point. The plan as outlined by me does not preclude an appeal to

the Court of Appeals or to the Supreme Court, as the case may be, with respect to cases which under our present laws are appealable to said Courts. When I said that the judgment of the Court of First Instance would be final, I referred to cases which under our present laws would fall under the original jurisdiction of the Justice of the Peace Courts, and which on appeal would be tried *de novo* by the Courts of First Instance. In other words, the plan as outlined by me does not divest the Court of Appeals or the Supreme Court of their original and/or appellate jurisdiction. To illustrate, all cases involving violation of an ordinance would be tried only once by the Court of First Instance and the decision of the court in such cases would be final, unless the validity and constitutionality of the ordinance is involved in which case an appeal would lie either to the Court of Appeals or to the Supreme Court, as the case may be.

Professor Santos decries in his article the fact that I made no mention regarding judges of Municipal Courts. I must confess that I purposely omitted mentioning municipal courts, as municipal courts only exist in chartered cities. Such being the case, I would leave the question to the legislative body to determine whether or not a particular chartered city should have municipal courts. Personally, I favor the abolition of all municipal courts and the establishment of police courts in chartered cities to take cognizance of traffic violations and other violations of city ordinances.

In urging the maintenance of the present system, Professor Santos lays stress on the fact that a justice of the peace, because "of his long residence in the municipality is well acquainted with the people and vice-versa, while a judge of the Court of First Instance, as a rule, is not acquainted with the people". The justice of the peace, it is farther averred, is looked upon as a friend, elder, adviser, and leader while on the other hand, people do not go to the judge of the Court of First Instance for fear.

I beg to disagree. He premises his argument on the supposition that a justice of the peace is a native or at least has been residing long in a given municipality. This is not always true. Most justices of the peace are not natives of the municipality where they serve. Moreover, Professor Santos' suggestion that a justice of the peace should exercise jurisdiction over three or four municipalities, leads to argument of "long residence in a municipality" and of "knowing the people." A judge of the Court of First Instance covering the same circuit composed of four or five municipalities would be in the same position as a justice of the peace.

In conclusion, I wish to repeat that I do not in the least claim that the plan whose broad outlines I have tried to describe is perfect. My suggestion is designed to simplify our judicial system and I would feel more than amply rewarded if those in the Government would seriously study the question that I have raised and devise if need be, a more simplified and economic system, for the benefit of litigants and the Government and in the interest of the administration of justice.