

IMPROVING OUR JUSTICE OF THE PEACE COURTS

The importance of the justice of the peace courts as part and parcel of our judicial system cannot be over-emphasized. This the late President Quezon aptly put when he said that these courts are often the only tribunals accessible to the larger portions of our population and it is essential that they be maintained worthy of their confidence. For if the disinherited cannot obtain redress of their grievances or vindication of their rights in these courts, they have no further recourse, for the Courts of First Instance, the Court of Appeals, and the Supreme Court are often beyond their reach. By the impartiality and integrity of the justices of the peace, therefore, the judiciary of the Philippines is judged by the people living in the barrios and out-of-way places.¹

Although in the past a few have raised their voices for better justice of the peace courts,² not much has been done. Recently the Supreme Court, the Court of Appeals, and the Courts of First Instance underwent some changes intended by the legislators for the better,³ but the justice of the peace courts have been left untouched.

Pursuant to a constitutional mandate,⁴ Congress has by law provided that there shall be one justice of the peace in each municipality and municipal district, and if the public interest shall so require, in any minor political division or unorganized territory in the Philippines.⁵

I. Selection and Qualifications

As provided for in the Judiciary Act of 1948, no person shall be eligible to appointment as justice of the peace or auxiliary justice of the peace unless he is (1) at least twenty-three years of age; (2) a citizen of the Philippines; (3) of good moral character and has not been con-

¹ Quezon's Speech of Acceptance, July 20, 1935.

² In a letter dated March 16, 1936, the late President Quezon wrote: "There is no use talking of improving the administration of justice if the Justices of the Peace are to be appointed through political patronage. For ninety per cent of our population, the justice of the peace is the only court to which they can appeal for the protection of their rights and redress of their grievances... In a way it is more important to have good and independent judges in the justice of the peace courts than in the Courts of First Instance. The litigants that go to the Courts of First Instance have the means to take up their cases to the highest tribunal of the land. If they suffer from incompetence or dishonesty of a Judge of the Court of First Instance, they can get redress from the higher courts; but the poor man who is the victim of an incompetent or dishonest justice of the peace has usually no other recourse but to suffer the injustice or abuse of which he is a victim."

³ Republic Act No. 1186. For the text see 29 Phil. L. J., 422-428.

⁴ Sec. 1, Art. VIII.

⁵ Sec. 68, R.A. 296, as amended, otherwise known as the Judiciary Act of 1948.

victed of any felony; and (4) has been admitted by the Supreme Court to the practice of law.⁶

Unlike the qualifications required of judges of the municipal court of any chartered city or justices of the peace of provincial capitals,⁷ actual practice of law is not made a requisite to the appointment of justices of the peace in municipalities other than provincial capitals.

It is submitted that at least two years' practice be made a requirement in the appointment of justices of the peace in municipalities other than provincial capitals. The reason which prompted our legislators to require the practice of law in the Philippines for a certain number of years or its equivalent in the case of municipal judges and justices of the peace for provincial capitals may well apply to the other justices of the peace. Two years' practice or its equivalent will give the justice of the peace an actual taste of the advocate's task and a chance to bridge the gap between the purely classroom work and the life he has to live as a member of the legal profession, entrusted with the particular duty of judging the conduct of his fellow human beings.

If the government is to serve public needs and inspire confidence, it must exercise care in the selection of personnel. It should require that aspirants to public office be possessed of the proper qualifications. Ability, integrity and loyalty are the main considerations. A public official must combine the gifts of competence with devotion to public duty.⁸ Although this is a general statement on the law of public officers, it also applies to justices of the peace in particular. For to strengthen the faith of the common people in our courts, it is necessary that utmost care be exerted in the selection of justices of the peace.⁹

In this regard it is suggested that the better practice would be for the President of the Philippines to appoint justices of the peace only after consultation with the local bar association of the province where the municipality for which the appointment is to be made lies.¹⁰ This, it is believed, would limit the encroachment of politics¹¹ and ensure competence and integrity of justices of the peace. That the interference of politics with the justice of the peace courts causes no little harm upon the independence of the judiciary and hence in the administration of justice, is too obvious

⁶ Sec. 71, par. 1, R.A. 296, as amended.

⁷ Sec. 71, par. 2, R.A. 296; C.A. 224, as amended.

⁸ FERNANDO & FERNANDO, *Law of Public Administration*, p. 29 (1954).

⁹ *Supra*, note 1.

¹⁰ In the State of New York, "the Governor never made a judicial appointment unless the Bar Association approved the candidate's character and professional attainments. But, in addition, it was his practice to check the prospective appointee's reputation informally with a few lawyers before submitting his name to the Bar Association." Justice Bernard Botstein, *Trial Judge*, p. 4 (1952).

¹¹ If there is anything that permits of no doubt as to the purpose of the Constitution, it is certainly in its intent to establish an independent judiciary, absolutely and completely divorced from politics. President Quizon's Letter, March 16, 1936.

to need further elaboration. One even feels sorry for calling attention to it.

The scheme here suggested, although it does not completely purge the appointment of its political flavor, which, under our system, cannot be totally avoided, at least will assure the public that, over and above political considerations, the needs of justice have been attended to. This undoubtedly will go a long way towards a good legal ordering.

Human as they are, judges cannot avoid being influenced by extra-legal factors in the making of their decisions. To a certain degree this cannot be helped. But the law has also put a check to certain extra-legal excesses.¹² An examination of these instances under which a justice of the peace may be disqualified from sitting in a case, would reveal an inadequate safeguard against partiality, prejudice and other deviations from faithful performance of judicial duty. It is true that justices of the peace, like other judicial officers, are expected to be faithful to the trust reposed in them. But to press this point any further is only to beg the question.

Therefore, it is suggested that no person shall be appointed justice of the peace for the municipality of which he is a native or in which he resides. In the former case, he cannot avoid cases wherein relatives, those not covered by Section 1, Rule 126 of the Rules of Court, are involved. There is no escaping the verity of the old saying that blood is thicker than water. The close association of a judge with his townmates is likely to affect unhealthily his decisions, consciously or unconsciously, though the same may be made with apparent honesty and good faith.

This has been the policy of past administrations. But it has only been a policy, hence subject to be disregarded when the exigencies of politics or party interests necessitate a departure from such avowed policy. It is, therefore, suggested that this public policy be expressed in a statute so that it could weather the ever changing political climate.

II. Compensation

One way of assuring a higher sense of efficiency and inspiring a firmer sense of loyalty is the assurance of adequate pecuniary reward. Salaries for officials should thus provide for a decent, not to say a comfortable, living. Without that guaranty, the brighter young people are likely to gravitate to private employment.¹³ This also applies to the case of justices of the peace.

¹² Sec. 1, Rule 126, Rules of Court, provides: "No judicial officer shall sit in any case in which he, or his wife or child is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, computed according to the rules of civil law, or in which he has been executor, administrator, guardian, trustee, or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the consent of all parties in interest, signed by them and entered upon the record."

¹³ FERNANDO & FERNANDO, op. cit., p. 106.

The Judiciary Act of 1948 provides:

"Except as provided for in the next succeeding section, justices of the peace shall receive the following salaries per annum:

"(a) Of circuit courts, from two thousand forty to two thousand six hundred forty pesos each;

"(b) In municipalities of the first class, from one thousand eight hundred to one thousand nine hundred twenty pesos each;

"(c) In municipalities of the second class, from one thousand four hundred forty to one thousand six hundred eighty pesos each;

"(d) In municipalities of third class, fourth class, and fifth class and municipal district and other places not specially provided for by law, from one thousand two hundred to one thousand three hundred twenty pesos each."¹⁴

The most a justice of the peace can receive is the sum of two hundred and twenty pesos (P220.00) a month. If he falls under subdivision (d) of the above-quoted provision, he receives a monthly compensation of from one hundred (P100.00) to one hundred and ten pesos (P110.00).¹⁵ That this offers no attraction to capable young men cannot be doubted. This may explain why most people look down upon the position of justice of the peace.

It is indeed lamentable that the plight of the justices of the peace has been brazenly neglected. Congress recently passed a law increasing the salaries of Judges of the Courts of First Instance, Justices of the Court of Appeals, and Justices of the Supreme Court.¹⁶ The justices of the peace were forgotten and ignored. But if efficiency and integrity are to be expected from the justices of the peace, they too should be taken into account from the financial viewpoint. They should be allowed adequate compensation commensurate with the dignity of their office.

III. Office Matters

In municipalities other than provincial capitals, the municipal councils may allow the justices of the peace one clerk each, at the expense of the respective municipalities, with a salary not to exceed seven hundred and twenty pesos per annum.¹⁷ Again, this salary does not offer an attraction to competent young people, for this can hardly be enough for living expenses even in the rural areas.

¹⁴ Sec. 82, R.A. 296, as amended.

¹⁵ Comparison with R.A. 602, otherwise known as the Minimum Wage Law.

¹⁶ R.A. No. 1186. See note 3 for reference to text of the statute.

¹⁷ Sec. 75, par. 2, R.A. No. 296, as amended.

It should be noted that the proceedings in the justice of the peace courts are not recorded stenographically, unlike those in the Courts of First Instance. It is suggested that the same be recorded by a stenographer. For this purpose, the position of clerk should be transformed into that of stenographer-clerk. In this connection, it is worthwhile to note that there are many young men and young women who have finished secretarial courses and are now jobless. From their ranks may be drawn the personnel needed for this kind of work. With a monthly compensation of from one hundred and twenty pesos, these graduates in secretarial courses will find the position of stenographer-clerk inviting. In the small towns, the proposed compensation is considered economically adequate.

Regarding courtroom and supplies, Republic Act No. 296, as amended, provides that "the municipalities and municipal districts to which a justice of the peace pertains shall provide him with a room in the tribunal, or elsewhere in the center of population, suitable for holding court and shall supply the necessary furniture, lights, and janitor service therefor, and shall also provide him with such of the printed laws in force in the Philippines as may be required for his official use."¹⁸ Under a similar provision in the Revised Administrative Code, as amended,¹⁹ it was held that a judge of the Court of First Instance has the power to determine ultimately what is really essential for the administration of justice.²⁰ It is submitted that like power should lie in the justice of the peace over municipal officials.

Notwithstanding the foregoing provisions, it requires but little effort to notice that justice of the peace courts are ill-equipped. Perhaps this is due to the financial inability of the municipalities themselves, or just sheer neglect on the part of the officials concerned, or partly to both. To remedy this situation, it is suggested that the national government take a direct hand in furnishing these courts with necessary equipment, leaving the municipalities to provide only the room for the court.

IV. Administrative Supervision

The District Judge shall at all times exercise supervision over the justices of the peace within his district, and shall keep himself informed

¹⁸ Sec. 74, par. 1.

¹⁹ Sec. 2102 (c).

²⁰ In the case of *Tarlac v. Gale*, 26 Phil. 338 (1913), the Supreme Court stated: "The only proper proceeding, therefore, necessary to the enforcement of a duty owed by the provincial officials to a Court of First Instance of a given province is that proceeding which acts directly upon the officials who owe the duty and which compels them to act, an order of the court requiring them to perform or to show cause why they should not. No action for a writ of mandamus need be brought by the judge, or by any other person in the court's behalf to compel the fulfillment of such duty. It is sufficient that an order be directed to the officials to furnish within a reasonable time those things which the court deems necessary. If the officials fail to comply with the order, the court may then take such proceedings as shall be necessary to compel compliance and to punish for wilful disobedience."

of the manner in which they perform their duties, by personal inspection whenever possible, from reports which he may require from them, from cases appealed to his court, and from all other available sources. The justice of the peace shall, during the first five days of the fiscal year, forward to the District Judge a report concerning the business done in his court for the previous year, upon forms to be prescribed by the Secretary of Justice.²¹

It has already been suggested above that the position of clerk be transformed into that of stenographer-clerk. This is for the purpose of taking the proceedings in the justice of the peace courts by stenographic notes. Without any record of the proceedings, the justice of the peace has too great a latitude in making decisions, just or unjust, sound or unsound, whether the basis for the same be law or prejudice. Objections to the presentation of evidence and the rulings made thereon cannot be available with sufficient accuracy. In criminal cases within the jurisdiction of the justice of the peace court, the judge may acquit the accused upon a flimsy ground which does not actually provide for reasonable doubt, without any chance on the part of the aggrieved party to go after such an abuse of authority, even administratively. In such cases the accused can no longer be prosecuted, for double jeopardy can be invoked in his behalf,²² resulting in a miscarriage of justice. And even if the accused has the right to appeal to the Court of First Instance in case of conviction, the abuses that have been committed by the justice of the peace is hard, if not impossible, to establish. Hence the need for putting the proceedings in the justice of the peace courts on record.

To carry out a program of strict and continuous supervision over the justice of the peace courts will force the government to incur more expenses. But the advantages that can be derived from such a program are more than enough to compensate for the expenses.²³ The efficiency resulting from such a program and the consequent public confidence inspired thereby cannot be measured in terms of things material.

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²¹ Sec. 96, R.A. No. 296, as amended.

²² Sec. 1 (20), Art. III, Constitution; Sec. 2 (h), Rule 113, Rules of Court; *Melo v. People of the Philippines*, 47 O.G. 4631 (1951).

²³ Any agency or office of the Government entrusted with the administrative supervision of the inferior courts will have to devote its full time to the job. Such superintendence will involve, not only a close check-up of the statistics of the cases disposed of by each and everyone of...about 1,000 justices of the peace and municipal judges, but likewise continuous inspections of the different courts throughout the breadth and length of our country. This should be done if the new administration wants to deviate from the path of routine followed by the previous administrations, and would like to stop the practice of many judges of not holding daily sessions during office hours from 9 to 12 and from 2 to 5. Guevara, G. B., *For a Better Judiciary*, 18 *Lawyers' Journal* 576 (1953).