

RECENT LEGISLATION

REPUBLIC ACT NO. 1409

Third Congress of the Republic
of the Philippines
Second Special Session

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H. No. 4506
S. No. 382

REPUBLIC ACT NO. 1409

AN ACT

TO AMEND CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED TWELVE HUNDRED SIXTY-SEVEN.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section one of Republic Act Numbered Twelve hundred sixty-seven is amended to read as follows:

"SECTION 1. *Creation*.—For the enforcement of all laws and regulations governing the relation of capital and labor on all agricultural lands under any system of cultivation, there is hereby created a Court of Agrarian Relations, which shall be under the executive supervision of the Department of Justice."

SEC. 2. Section two of the same Act is amended to read as follows:

"SEC. 2. *The Court; its Composition*.—The Court shall consist of an Executive Judge and eight Associate Judges with the rank of Judges of the Court of First Instance, who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the Congress. There shall be no seniority in rank among the Associate Judges by reason of service or otherwise.

"The Judges may be suspended or removed in the same manner and upon the same grounds as the Judges of the Court of First Instance.

"The Court shall keep a record of its procedure and its orders or decisions shall be appealable directly to the Supreme Court, in accordance with the provisions of sections twelve and thirteen."

SEC. 3. The first paragraph of section three of the same Act is amended to read as follows:

"SEC. 3. *Qualifications of Judges; their Tenure of Office; Compensation; Oath of Office; and Vacation Period*.—The Executive Judge and the Associate Judges shall have the same qualifications as Judges of the Court of First Instance and, in addition, shall have engaged in the actual practice of law or shall have held a government position requiring the qualifications of a lawyer for at least ten years prior to their appointments and must be at least thirty-five years of age. They shall hold

office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office."

SEC. 4. The first paragraph of section six of the same Act is amended to read as follows:

"SEC. 6. *The Court; its Seat.*—The Court of Agrarian Relations, except for the Executive Judge who shall sit in Manila and the adjacent provinces and perform the administrative functions of the Court, shall have its seat in the capital of the province where each Judge is assigned. The Executive Judge shall assign at least one Judge to any province who shall hear and decide matters and/or cases brought before the Court under the provision of this Act. The decision of one Judge on any matter or case brought before the Court shall be the decision of the Court."

SEC. 5. Section seven of the same Act is amended to read as follows:

"SEC. 7. *Jurisdiction of the Court.*—The Court shall have original and exclusive jurisdiction over the entire Philippines, to consider, investigate, decide, and settle all questions, matters, controversies or disputes involving all those relationships established by law which determine the varying rights of persons in the cultivation and use of agricultural land where one of the parties works the land: *Provided, however,* That cases pending in the Court of Industrial Relations upon approval of this Act which are within the jurisdiction of the Court of Agrarian Relations, shall be transferred to, and the proceedings therein continued in, the latter court."

SEC. 6. The first paragraph of section ten of the same Act is amended to read as follows:

"SEC. 10. *Rules of Procedure.*—The Court of Agrarian Relations shall adopt its rules of procedure and shall have such other powers as generally pertain to a court of justice: *Provided, however,* That in the hearing, investigation and determination of any question or controversy and in exercising any duty and power under this Act, the Court shall, in the hearing and determination of cases pending before it, not be bound strictly by the technical rules of evidence."

SEC. 7. Section twelve of the same Act is amended to read as follows:

"SEC. 12. *Execution of Orders or Decisions.*—At the expiration of fifteen days from notice of the order or decision, judgment shall be entered in accordance therewith, unless during said fifteen days an aggrieved party shall move for a reconsideration of the order or decision or appeal therefrom to the Supreme Court as provided for in the next succeeding section. The institution of an appeal shall not stay the execution of the order or decision sought to be reviewed, unless for a special reason, the Court of Agrarian Relations or the Supreme Court shall

order that execution be stayed, in which event the Court, in its discretion, may require the appellant to deposit with the Clerk of Court such amount as would answer for the sum involved in the order or decision or require him to give bond in such form and such amount as to insure compliance with the order or decision in case the same is confirmed: *Provided, however, That an order or decision ejecting a tenant from his landholding shall not be executed until after the decision has become final and conclusive.*

"Any order or decision of the Court of Agrarian Relations after it has become executory may be enforced by a writ of execution or any other remedy provided by law in respect to enforcement and execution of orders, decisions, or judgments of the Courts of First Instance."

SEC. 8. Section thirteen of the same Act is amended to read as follows:

"SEC. 13. *Review by the Supreme Court.*—Appeal may be taken from an order or decision of the Court of Agrarian Relations promulgated under the provisions of this Act and a review of such order or decision may be obtained in the Supreme Court by filing in such court within fifteen days from receipt of notice of such order or decision a written petition praying that it be modified or set aside in whole or in part. The review by the court shall be limited to questions of law, and findings of fact when the decision is not supported by substantial evidence."

SEC. 9. Section fourteen of the same Act is totally repealed.

SEC. 10. The first paragraph of section fifteen of the same Act is amended to read as follows:

"SEC. 15. *Personnel of the Court.*—Upon the recommendation of the Secretary of Justice, the President of the Philippines, with the consent of the Commission on Appointments of the Congress of the Philippines, shall appoint the Commissioners of the Court and the clerks of court. The deputy clerks of said Court and such other employees as may be required in the interest of judicial service in addition to the personnel transferred from the Tenancy Division of the Court of Industrial Relations as provided in section eleven of this Act, shall be appointed by the Executive Judge, with the approval of the Court, subject to the Civil Service rules and regulations."

SEC. 11. Section seventeen of the same Act is amended to read as follows:

"SEC. 17. *Abolition of the Tenancy Division of the Court of Industrial Relations.*—The Tenancy Division of the Court of Industrial Relations is hereby abolished and the powers and functions thereof under Commonwealth Act Numbered One hundred three, as amended, together with the appropriations of the Tenancy Division of said Court provided for under Republic Act Numbered Thirteen hundred and fifty, its per-

sonnel with Civil Service eligibility, property and equipment, are hereby transferred to the Court of Agrarian Relations: *Provided however*, That the aforementioned personnel who actually rendered service after the date of approval of Republic Act Numbered Twelve hundred and sixty-seven shall be entitled to payment of their salaries for such service upon certification of the Secretary of Justice that they have rendered such services."

SEC. 12. Section eighteen of the same Act is amended to read as follows:

"SEC. 18. *Appropriations.*—In addition to the appropriation mentioned in the preceding section, the sum of four hundred thousand pesos, or so much thereof as may be necessary, is hereby appropriated out of the unappropriated funds in the Philippine Treasury for salaries, per diem, traveling expenses, purchases of materials and equipment and other necessary sundry expenses that may be incurred in the carrying out of the provisions of this Act up to the last day of the fiscal year nineteen hundred and fifty-six. The expenses for the succeeding years shall be provided for in the current appropriations for such years."

SEC. 13. This Act shall take effect upon its approval.

Approved, September 9, 1955.