

# SYNOPSIS OF THE JUDICIARY REORGANIZATION ACT OF 1980

By RENATO V. PUNO

On August 7, 1980, President Ferdinand E. Marcos issued Executive Order No. 611 creating a Presidential Committee on Judicial Reorganization imbued with the purpose of formulating a plan on the reorganization of the judiciary. Appointed as Chairman of the Presidential Committee was Chief Justice Enrique M. Fernando, with Minister Ricardo C. Puno of the Ministry of Justice as Co-Chairman, and four other members.<sup>1</sup> The formation of the said Committee was a recognition of the long standing need to create a Judiciary more receptive to the present needs of the Filipino people. As of July of 1980, there were an estimated 455,900 cases pending before the various courts from the Supreme Court down to the municipal courts, including the newly created Sandiganbayan.<sup>2</sup> This backlog of cases merely reflected the structural weakness of the present Judicial System resulting in its failure to cope with the bulk of litigation in the various courts and its inability to provide for the speedy disposition of these cases.

In response to the call of President Marcos, the Presidential Committee on Judicial Reorganization submitted the Proposed Guidelines for Judicial Reorganization which was the subsequent basis of Cabinet Bill No. 42 entitled "An Act Reorganizing the Judiciary, Appropriating Funds Therefor, And for Other Purposes," as introduced to the Batasang Pambansa by Co-Chairman Minister Puno. The bill was passed by the Batasang Pambansa on its Third Reading, and was later signed into law by President Marcos on August 14, 1981 as the Judiciary Reorganization Act of 1980.

## The Judiciary Reorganization Act of 1980 – Its Salient Features

The judicial reorganization, to be implemented under Batas Pambansa Blg. 129, calls for the abolition of all courts except the Supreme Court and the Sandiganbayan, and includes within its scope the Court of Appeals, the Courts of First Instance, the Circuit Criminal Courts, the Juvenile and Domestic Relations Courts, the Courts of Agrarian Relations, the City Courts and the Municipal Courts. In its stead, the Judiciary Reorganization Act creates the Intermediate Appellate Court, the Regional Trial Courts, the Metropolitan Trial Courts, the Municipal Trial Courts, and the Municipal Circuit Trial Courts.<sup>3</sup>

<sup>1</sup>Exploratory note of Cabinet Bill No. 42.

<sup>2</sup>Records in the Office of the Court Administrator.

<sup>3</sup>Batas Pambansa Blg. 129; Sec. 2.

The Intermediate Appellate Court takes over from the present Court of Appeals with distinct institutional changes. The Court of Appeals (CA) is presently composed of 44 Associate Justices and a Presiding Justice who are constituted into 15 divisions. Each division is composed of three members, and decisions require a unanimous vote of all the three. In case of dissent, a temporary regrouping of five members is called for. The Intermediate Appellate Court (to be subsequently referred to here as IAC) shall be composed of 49 Intermediate Appellate Justices and a Presiding Appellate Justice who shall be constituted into ten divisions.<sup>4</sup> Each division shall be composed of five permanent members which can operate with a quorum of three out of the five members.<sup>5</sup>

In the CA, there is no specialization, as every division takes cognizance of any case within the jurisdiction of the court. In the IAC, there shall be specialization inasmuch as, of the ten divisions, four divisions will take cognizance only of appeals in criminal cases, and four divisions will be called upon to decide on special cases (such as petitions for review, and appeals in all other cases).<sup>6</sup> Familiarization with particular types of cases is expected to produce expertise and speed in their disposition.

The present CA exercises original jurisdiction to issue writs of mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction. The IAC shall exercise original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction.<sup>7</sup>

Motion for reconsideration will be resolved by the Appellate Court within 90 days. Second motions for reconsideration are barred unless action on the first motion resulted in reversal or substantial modification of the original decision, in which case the second motion for reconsideration must be resolved within 45 days.<sup>8</sup> Moreover, the IAC has been given the power to try cases, conduct hearings, and receive evidence to resolve factual issues falling within its original and appellate

<sup>4</sup>IBID, Sect. 3

<sup>5</sup>IBID, Sec. 11

<sup>6</sup>IBID, Sec. 8

<sup>7</sup>IBID, Sec. 9

<sup>8</sup>IBID, Sec. 11

jurisdiction including the power to grant and conduct new trials.<sup>9</sup> In the present system, no additional evidence can be received without returning the case to the trial court from whence it came.

The Regional Trial Courts assumes the functions of the present Court of First Instance again with marked institutional changes. The present Court of First Instance (CFI) has territorial divisions apportioned on the basis of sixteen Judicial districts. A judge is appointed to a province and branch of the court which constitutes his official station; and he is rooted to his station and may not be transferred to another station for more than six months without his consent as provided in the Constitution. The Regional Trial Court shall have thirteen Judicial Regions which are the same as the present administrative and Batasan Regions.<sup>10</sup> A judge would be appointed to a *region* which shall be his official station; thus, he would be a judge of the whole region. As such, the Regional trial judge shall be more mobile as he may be assigned anywhere within the region whenever such assignment is called for in the public interest, as for example, when necessary to remedy temporary irregularities of caseloads in the trial courts.<sup>11</sup>

Courts of special jurisdiction such as the Court of Agrarian Relations, Juvenile and Domestic Relations Court, and Circuit Criminal Courts shall be integrated into the Regional Trial Courts. The Supreme Court may designate certain branches of the Regional Trial Courts to handle exclusively criminal cases, juvenile and domestic relations cases, agrarian cases, urban land reform cases.<sup>12</sup> The result would be that these branches would absorb the functions of the previously mentioned special courts, although the special procedures and technical rules now governing these special courts would remain applicable. The merging of these courts of special jurisdiction allows the rechannelling of cases for flexibility in their assignment from one congested docket to another less congested one. This is of course without prejudice to the power of the Supreme Court to designate certain branches of the Regional Trial Courts whenever necessary, to handle specific kinds of cases exclusively in the interest of swift and efficient administration of justice.

Highly urbanized and populous areas created by law into "metropolitan areas" are given special consideration with the creation of Metropolitan Trial

<sup>9</sup>IBID, Sec. 9

<sup>10</sup>IBID, Sec. 13

<sup>11</sup>IBID, Sec. 17

<sup>12</sup>IBID, Sec. 23

Courts, grouping the complex in such a manner as to facilitate and simplify procedures for the transfer of cases and of judges from one branch of the Metropolitan Trial Court to another whenever required by public interest. Every Metropolitan Trial Judge shall be appointed to a metropolitan area and he may be assigned by the Supreme Court to any branch, other than his original assignment, within the metropolitan area as the interests of justice may require.<sup>13</sup>

With respect to the Municipal Trial Courts and Municipal Circuit Trial Courts, the Judiciary Reorganization Act provides that the Supreme Court may designate certain branches of a Municipal Trial Court to exercise special jurisdiction over certain cases, and may authorize the adoption of simplified rules of procedure for such cases (e.g. traffic cases, ejectment cases, etc.).<sup>14</sup> The present Municipal Courts do not have this special jurisdiction. Also, under the Judiciary Reorganization Act, courts in municipalities may be circuitized with those in cities not forming part of metropolitan complexes.<sup>15</sup>

As a final note, a discussion of the General Provisions of the Judiciary Reorganization Act is in order. Under the General Provisions, a new conception in the procedure of appeals is introduced. Periods of appeal, previously lengthy and varying in time from case to case, and from court to court, have been shortened and made uniform. Under the new law, the period of appeal from final judgments and orders of any court and in all cases shall uniformly be 15 days counted from notice. There has also been a further simplification in the procedure of appeal in that no "record on appeal" shall henceforth be required; and in lieu thereof, the entire original record is to be transmitted.<sup>16</sup>

<sup>13</sup>IBID, Sec. 28

<sup>14</sup>IBID, Sec. 35

<sup>15</sup>IBID, Sec. 31

<sup>16</sup>IBID, Sec. 39

## A SURVEY OF RECENT LEGISLATION

By DENNIS G. DIMAGIBA \*

BP 122  
3/10/81 An Act to Submit to the Filipino People, for Ratification or Rejection, the Amendments to the Constitution of the Philippines, Proposed by the Batasang Pambansa, Sitting as a Constituent Assembly, in Its Resolutions Numbered Two, Three, and One, and to Appropriate Funds Therefor.

BP 125  
3/10/81 An Act Providing for the Election of president of the Philippines under the Constitution, as Amended, and Appropriating Funds Therefor. (Applicable only to presidential election of 1981)

BP 126  
4/28/81 An Act Providing for the Accreditation of Political Parties or Groups and Defining Certain Rights or Privileges Thereof, and for Other Purposes.  
(Applicable only to presidential election of 1981)

(Other BPs involve: establishment of hospitals, change of certain public buildings, conversion of schools into universities, creation of a barangay)

BP 129 An Act Reorganizing the Judiciary, Appropriating Funds Therefor, and For Other Purposes.

### Cabinet Bill No. 45

BP 130 An Act Amending Articles 214, 217, 231, 232, 234, 249, 250, 251, 257, 262, 263, 264, 265, 278, 283, and 284 of Presidential Decree Numbered Four Hundred and Forty-Two, Otherwise known as the Labor Code of the Philippines, as Amended, to Further Promote Free Trade Unionism and Collective Bargaining and for Other purposes.

PD 1737  
9/12/80 Granting emergency powers to the President/Prime Minister.

Under this decree, the President/Prime Minister, whenever in his judgment there exist a grave emergency or a threat or imminence thereof, is vested with the power to issue orders to meet the emergency, including but not limited to:

- i) preventive detention;
- ii) prohibit the wearing of certain uniforms and emblems;
- iii) restrain or restrict the movement and other activities of persons or entities to prevent them from acting in a manner prejudicial to the national security;
- iv) direct the closure of subversive publications or other forms of media;
- v) ban or regulate the holding of entertainment or exhibitions detrimental to the national interest;
- vi) control admissions to educational institutions whose operations are found to be prejudicial to the national security;
- vii) authorize the taking of measures to prevent damage to the viability of the economic system.

Any violations of the mandates of these orders issued by the President/Prime Minister shall be punishable by imprisonment from 30 days to 1 year.

The Decree further grants the President/Prime Minister the power to authorize the Minister of National Defense to issue search warrants for the seizure of any document or property subject of an offense or used or intended to be used as a means of committing an offense.

The Decree finally holds the incumbent President/Prime Minister, any Cabinet member or any other public officer from from any criminal and civil liability for any act performed or order issued while in office pursuant to the provisions of this Decree.

PD 1790 Reserving to the President/Prime Minister Stand-by Authority to Issue Wage Orders.

In the interest of social and economic stability, considering the continuous instability of wages and prices due to external factors beyond the nation's control, it is necessary that such powers be re-

\*Staff, Ateneo Law Journal

tained by the President.

The determination of appropriate new minimum wage rates, allowances or other wage-related benefits whether on a national, regional or industry basis and the issuance of the corresponding wage orders may be done by the President in either of the following ways:

- i) at his own initiative and on the basis of urgent economic necessity;
- ii) upon recommendation of the National Wages Council based on its findings after continuous study of the wage rates that the prevailing minimum wages are no longer adequate to maintain the minimum standard of living necessary for the health, efficiency, and general well-being of the workers within the framework of the national development program.

PD 1807  
1/16/81

Prescribing the Procedure Whereby the Republic of the Philippines May Waive Sovereign Immunity from Suit and Other Legal Proceedings With Respect to Itself or its Property in Connection with Foreign Obligations Contracted by it Pursuant to Law.

The Decree states in its "Whereas" clauses the following:

- 1) in the pursuit of economic growth and development, it has become imperative for the Republic of the Philippines to enter into contracts or transaction with international banking, financial and other foreign enterprises;
- 2) circumstances in the international market may require that sovereign states entering into contracts or transactions make express waivers of sovereign immunity in connection with such contracts or transactions.

The Decree provides that in instances where the law expressly authorizes the Republic of the Philippines to contract or incur a foreign obligation, it may consent to be sued in connection therewith. The President or his duly designated representative may, in behalf of the country, contractually agree to waive any claim to sovereign immunity from suit or legal proceedings and from set-off, attachment or execution with respect to its property, and to be sued in any appropriate

jurisdiction in regard to such foreign obligation.

For purpose of this Decree, a foreign obligation means any direct, indirect, or contingent obligation or liability capable of pecuniary estimation and payable in a currency other than Philippine currency.

PD 1755  
12/24/80

Amending Article 1146 of the Civil Code

The transition from the period of Martial Law to that of normalcy in our present political situation requires the immediate and expeditious settlement of whatever disputes that may have arisen out of the proclamation of Martial Law, inclusive of actions for damages against public officers by those who feel aggrieved by the action, activity or conduct of such public officers in the implementation of Martial Law.

Art. 1146 was amended to read as follows: "The following actions must be instituted within 4 years:

- 1) Upon injury to the rights of the plaintiff;
- 2) Upon a quasi-delict;

However, when the action arises from or out of any public officer involving the exercise of powers or authority arising from Martial Law including the arrest, detention and/or trial of the plaintiff, the same must be brought within one (1) year."

1764

Requiring compliance with competition bidding regulations and adoption of uniform general terms and conditions in case of certain government and private contracts.

1766  
1/11/81

Conveying certain parcels of land of the public domain to the National Development Company for priority projects, establishing a special procedure for making available lands of the public domain for priority projects of the NDC and for other purposes.

1767  
1/11/81

Empowering the President to determine the terms and conditions of power contract of the government with aluminum smelter projects and for other purposes.

1789  
1/16/81 A decree to revise, amend and codify the Investment, Agricultural and Export Incentives Acts to be known as the Omnibus Investments Code.

1800  
1/16/81 Providing for the taxation of certain passive income.

1801  
1/16/81 Establishing the Central Bank of the Philippines as the Central Monetary Authority.

1804  
1/16/81 Prohibiting and penalizing the granting of permits for the holding of public rallies, demonstrations, assemblies and similar meetings to persons found guilty of rebellion, sedition, or subversion who have not been granted amnesty, therefor, and to persons charged with any of said crimes.

This decree, in the interest of public order and safety, regulates the exercise of the power of local officials to grant permits to hold public rallies, mass demonstrations, assemblies and similar meetings.

The penalty of prision correccional in its medium period to prision mayor in its minimum period shall be imposed upon the public officer or employee who violates the provision of this decree.

1810  
1/16/81 Authorizing the continuance of the system of review by the President of contracts, franchises, permits and other forms of privileges granted by the State, established under PD 1677-A.

1812  
1/16/81 Amending PD 464, as amended, otherwise known as the Real Property Tax Code, by granting special authority to the President to provide flexibility in the real property tax system to meet economic exigencies and/or promote the general welfare.

1818  
1/16/81 Prohibiting courts from issuing restraining orders or preliminary injunctions in cases involving infrastructures and natural resources development projects of, and public utilities operated by the government.

Sec. 1 provides "No court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project, or a mining, fishery, forest or other natural resources development project of the government, or any public utility operated by the government, including among others public utilities for the transport of the goods or commodities, stevedoring and arrastre contracts, to prohibit any person or persons, entity or government official from proceeding with, or continuing the execution or implementation of any such project, or the operation of such public utility, or pursuing any lawful activity necessary for such execution, implementation or operation.

1822  
1/16/81 Providing for the trial by court martial of members of the Armed Forces charged with offenses related to the performance of their duties.