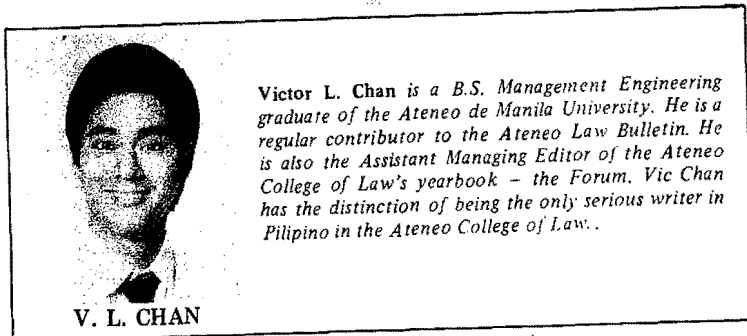


nito'y nakakasama na sa kaniya at sa bansa, tungkulin niya ang bawiin ang kaniyang pagtataguyod. Magsalita, magpahayag, magkatipon, at magpetisyon upang malunasan ang katiwalian sa pamahalaan.

Mapagpaparayaan pa ba natin na lumaki at manganak ang BUWAYA?



THE ORGANIZATIONAL STRUCTURE OF THE PHILIPPINE GOVERNMENT

A. F. Paguia

"The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them."

— Philippine Constitution, Art. II, Sec. 1

The history of the Filipino people did not start in 1521. Like the rest of the more enlightened inhabitants of this planet, the Filipino traces his origin from the Creator himself. As his own historian, he sees his beginnings "(I)n the beginning"; and from such perspective, takes-off to chart his own destiny. His principles of government are, therefore, necessarily rooted in the principles of creation, primarily, and historical experience, secondly.

Today, there are about 50 million Filipinos. By way of representation, they agreed and put down in writing — in their Constitution — their principles of government. These principles have been translated or reduced into an organizational structure. What this structure is, which today governs the lives of 50 million Filipinos, is the subject matter of this article.

PHILIPPINE GOVERNMENT IN GENERAL

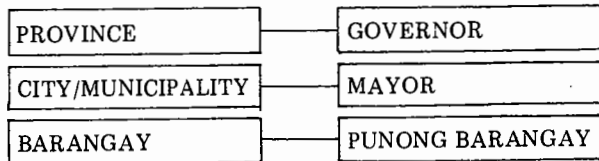
The Government of the Philippines is a term which refers to the corporate governmental entity through which the functions of government are exercised throughout the Philippine territory, including, save as the contrary appears from the context, the various arms through which political authority is made effective in said territory, whether pertaining to the central government or to the provincial or municipal branches or other form of local government (*Revised Administrative Code, Sec. 2*).

The central government, better known as the National Government, is divided into three main branches, to wit:

1. Executive Branch
2. Legislative Branch
3. Judicial Branch.

See Organization Chart No. 1

Of these three, the most powerful is the Executive Branch. Its head, the President, acts not only as Chief Executive but likewise exercises legislative powers (*Amendment No. 6, 1976 and 1981 Amendments*). Under the present state of the law, he may issue Presidential Decrees, orders or letters of instructions which shall form part of the law of the land. Below the President is the Prime Minister who exercises general supervisory powers over the various ministries. In sum, the President, the Prime Minister, and the various Ministries constitute the Executive Branch in the national level. For a general view of the set-up, see Organization Chart No. 4. In the lower levels of government, the Executive Branch is represented by the local governments, that is, the Provincial Government, the City Government, the Municipal Government, and the Barangay Government. Each of these local governments has its corresponding local Chief Executive, to wit:



The President exercises general supervision over local governments to ensure that local affairs are administered according to law. General supervision includes the power to order an investigation of the conduct of local government officials whenever necessary. Such general supervision is exercised primarily through the Ministry of Local Government (*Local Government Code*, otherwise known as B.P. 337, Sec. 14).

All ministries and national offices having to do with local government administration are confined to the setting of uniform standards and guidelines to obviate the need for requiring prior approval or pre-clearance on regular and recurring transactions and other activities normal to local governments. In this regard, the Ministry of Local Government establishes and maintains appropriate coordinative and consultative arrangements with other ministries and national offices concerned with respect to the monitoring and securing of proper compliance with such standards and guidelines specially on matters which are highly technical in nature. Moreover, as a matter of general policy and whenever appropriate, the Ministry of Local Government exercises its supervisory authority over municipalities through the provinces, and barangays through municipalities and cities.

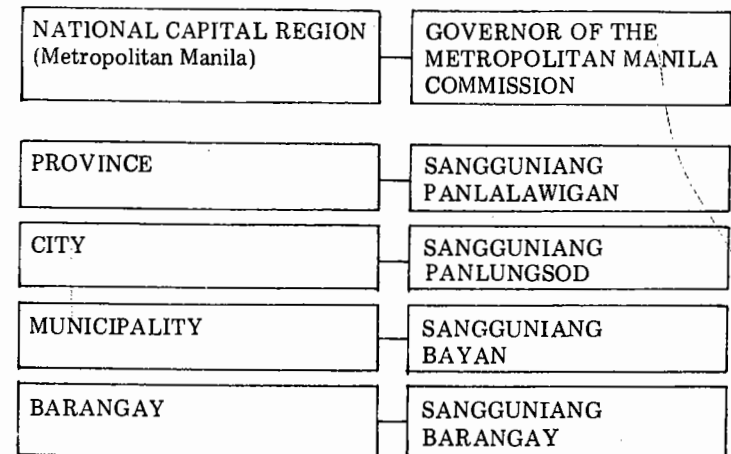
Where appropriate, ministries and national agencies with project implementation functions other than the Ministry of Local Government, coordinate with and secure the desired integration with allied national government functions.

Unless the contrary is provided by law, the regional offices or appropriate field units of the various ministries and national agencies in the region constitute the major points of contact and liaison between local governments and the national government. For this purpose, the national government, as a general policy and as much as practicable, effects substantial delegation of authority and powers to the regional offices (B.P. 337, *supra*).

Under the Constitution, Article VIII, Section 1, legislative power is vested in the Batasang Pambansa. This is without prejudice to the legislative power of the President as earlier mentioned. The Batasang Pambansa is composed of about 200 members called *assemblymen*. This includes representatives elected from the different regions of the Philippines, those elected or selected from various sectors as provided by law, and those chosen by the President from the members of the cabinet. Regional representatives are apportioned among the regions in accordance with the number of their respective inhabitants and on the basis of a uniform and progressive ratio (B.P. 337, Sec. 2).

The Batasang Pambansa is headed by its elected Speaker.

In sum, therefore, the Batasang Pambansa and the President — in a mutually independent relationship — constitute the Legislative Branch in the national level. In the lower levels, the Legislative Branch is represented as follows:



Under the Constitution, judicial power is vested in one Supreme Court and in the inferior courts established by law (Art. X, Sec. 1). Aside from the Supreme Court, all other courts are inferior courts. Although the

Batasang Pambansa has the power to define, prescribe, and apportion the jurisdiction of the various courts, it may not however, deprive the Supreme Court of its jurisdiction over cases enumerated in the Constitution. The Lupong Tagapayapa in the barangay level is not a court, nor is the Punong Barangay a judge. The Lupon is a forum for amicable settlement of disputes between barangay residents. Under the Code of Muslim Personal Laws, or Presidential Decree No. 1083, which took effect on February 4, 1977, legal disputes between Muslims pertaining to persons and family relations, property, succession and wills are to be decided by *Shari'a* Courts which are of two kinds:

1. *Shari'a* District Court (SDC), and
2. *Shari'a* Circuit Court (SCC).

EXECUTIVE BRANCH

The President, as head of the Executive Branch, has control of the ministries; while the Prime Minister exercises supervision over the same. Control is the power of an officer to alter or modify or nullify or set aside what a subordinate officer had done in the performance of his duties and to substitute the judgment of the former for that of the latter (*Mondano v. Silvosa*, 97 Phil. 143). Supervision is the power to modify or set aside the action of the subordinate officer only when said action is wrong.

The Executive Branch delivers services to the public mainly through the various ministries. For a general view of the set-up, see Organization Chart No. 4.

Basic Framework of a Ministry

Ministries are established for the functional distribution of the Executive Branch and for the performance of functions expressly assigned to them by law. Each ministry is responsible for a substantive field of administration.

A ministry is headed by a Minister who is assisted, as a rule, by one Deputy Minister.

The Minister has the following functions:

1. Advise the President in the promulgation of executive orders, regulations, and decrees relative to matters under the jurisdiction of the ministry;
2. Establish the policies and standards for the operation of the ministry pursuant to the President's program of government;

3. Promulgate rules and regulations necessary to carry out ministry objectives, policies, and functions;
4. Exercise supervision and control over all bureaus and offices under the ministry;
5. Delegate authority for the performance of any function to officers and employees under his direction; and
6. Perform such other functions as may be provided by law (Integrated Reorganization Plan).

When the Minister is unable to perform his duties owing to illness, absence, or other cause, or in case of vacancy in the office, the Deputy Minister temporarily performs the functions of said office.

The Minister and Deputy Minister, together with the personnel in their immediate offices, constitute the Office of the Minister.

The ministry proper includes the Office of the Minister and the staff units directly under it. These units, each headed by a Chief, are: the Planning Service, the Financial and Management Service, the Administrative Service and, when necessary, the Technical Service. In addition to the aforementioned staff units, a Legal Service may be provided where substantive legal work essentially forms part of the operations of the ministry, in which case the Administrative Service shall not have a Legal Division. Where the workload does not warrant a Legal Service or Legal Division, there is instead one or more legal assistants, as may be necessary, in the Office of the Minister.

Where necessary, there may be one or more positions of Assistant Minister in the ministry who provides advice and assistance to the Deputy Minister in the performance of his functions (IRP).

Bureau in General

The bureau is a basic sub-division of the ministry, performing a single task or a series of closely related tasks. In general, bureaus are either staff or line, and are under the direct supervision of the Office of the Minister.

A staff bureau performs primarily policy and program development and advisory functions for the ministry. The implementation of programs and projects is assumed by the regional offices, which are organized on a ministry-wide basis and directly supervised by the Office of the Minister.

A line bureau directly implements programs adopted within the context of ministry policies and plans.

Each bureau is headed by a Director who may have, whenever necessary, one or more Assistant Directors as his deputy or deputies (IRP).

Regional Office

In line with the policy on decentralization, each ministry has regional offices spread throughout the country. Each regional office is headed by a Regional Director who is authorized within the jurisdiction of the regional office to take final action on matters pertaining to substantive and administrative functions of the agency as enumerated in the Integrated Reorganization Plan.

The Province

As a political unit comprised of a group of municipalities and component cities, the province serves as an effective mechanism in the development process and assumes basically area-wide functions, roles and activities (Batas Pambansa 337, Sec. 195).

The officials of the Provincial Government are:

1. Governor
2. Vice-Governor
3. Members of the Sangguniang Panlalawigan
4. Provincial Secretary
5. Provincial Treasurer
6. Provincial Assessor
7. Provincial Budget Officer
8. Provincial Engineer
9. Provincial Agriculturist
10. Provincial Planning and Development Coordinator.

The City

As a political unit covering more urbanized and developed communities, the city is akin to the municipality and serves as a general-purpose government for the coordination and delivery of all basic, regular and direct services within its jurisdiction (B.P. 337 Sec. 162).

The officials of the City Government are:

1. City Mayor
2. City Vice-Mayor

3. Members of the Sangguniang Panlungsod
4. City Secretary
5. City Treasurer
6. City Assessor
7. City Engineer
8. City Budget Officer
9. City Planning and Development Coordinator.

In highly urbanized cities, there are, in addition to the above, the following officials:

10. City Legal Officer
11. City Civil Registrar
12. City Administrator
13. City Veterinarian
14. City Social Services and Development Officer
15. City General Services Officer; and, where appropriate, a
16. City Agriculturist.

Highly urbanized cities are cities with a minimum population of 150,000 as certified by the National Census and Statistics Office, and with the latest annual income of at least P30,000,000 as certified by the Minister of Finance.

Cities which do not meet the above requirements are considered component cities of the province in which they are geographically located. If a component city is located within the boundaries of two or more provinces, said city shall be considered a component of the province of which it used to be a municipality (B.P. 337, Sec. 166).

The Municipality

The municipality, consisting of a group of barangays, serves primarily as a general-purpose government for the coordination and delivery of basic, regular and direct services within its jurisdiction (B.P. 337, Sec. 133).

The officials of the Municipal Government are:

1. Municipal Mayor
2. Municipal Vice-Mayor
3. Members of the Sangguniang Bayan
4. Municipal Secretary
5. Municipal Treasurer
6. Municipal Assessor
7. Municipal Budget Officer
8. Municipal Planning and Development Coordinator

The Barangay

As the basic political unit, consisting of a group of families, the barangay serves as the primary planning and implementing unit of government programs, projects and activities, and as a forum in which the collective views of the people in the community are sought to be crystalized and considered (B.P. 337, Sec. 81).

The officials of the Barangay Government are:

1. Punong Barangay
2. 6 elective Members of the Sangguniang Barangay
3. Chairman of the Kabataang Barangay (Barangay Youth)
4. Barangay Secretary
5. Barangay Treasurer

In addition to the above, Executive Officers of barangay brigades (Tanod Brigade, Traffic Brigade, Ladies Auxiliary Brigade, etc.) and such other positions or offices as may be deemed necessary to carry out the purpose of the Barangay Government may be created by the Sangguniang Barangay.

LEGISLATIVE BRANCH

In the national level, the Legislative Branch is represented by the Batasang Pambansa and the President who both exercise legislative powers. For an inner view of the Batasang Pambansa, see Organization Chart No. 2. In the regional level, it is only in the National Capital Region or Metropolitan Manila where the Legislative Branch may be said to be represented by the Governor of the Metropolitan Manila Commission who issues ordinances and executive orders.

Sangguniang Panlalawigan

Each provincial government has a provincial legislature known as the Sangguniang Panlalawigan, upon which is vested the provincial legislative power.

The Sangguniang Panlalawigan is composed of the following officials:

1. Governor
2. Vice-Governor
3. Elective Members (elected at large)
 - 4, if the provincial population is less than 100,000
 - 6, if said population is 100,000 or more
 - 8, if said population is more than 1,000,000
4. Appointive Members (by the President)
 - President of the Katipunang Panlalawigan ng mga Barangay
 - President of the Kabataang Barangay Provincial Federation (B.P. 337, Sec. 205)

Sangguniang Panlungsod

The Sangguniang Panlungsod, as the legislative body of the city, is composed of the Vice-Mayor, as presiding officer, the elected Sangguniang Panlungsod members, and the members appointed by the President of the Philippines consisting of the presidents of the Katipunang Panlungsod ng mga Barangay and the Kabataang Barangay City Federation.

Sangguniang Bayan

The Sangguniang Bayan is the legislative body of the municipality. It is composed of the:

1. Municipal Mayor, as presiding officer
2. Vice-Mayor, as presiding officer *pro tempore*
3. 8 Members elected at large
4. Members appointed by the President of the Philippines
 - President of the Katipunang Bayan
 - President of the Kabataang Barangay Municipal Federation

Sangguniang Barangay

The Sangguniang Barangay is the legislative body of the barangay. It is composed of the:

1. Punong Barangay, as presiding officer
2. 6 Sangguniang Barangay members elected at large
3. Chairman of the Kabataang Barangay

JUDICIAL BRANCH

See Organization Chart No. 3.

The Supreme Court has the following powers:

1. Exercise original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, and over petitions for *certiorari*, prohibition, *mandamus*, *quo warranto*, and *habeas corpus*.
2. Review and revise, reverse, modify, or affirm on appeal or *certiorari*, as the law or the Rules of Court may provide, final judgments and decrees of inferior courts in —
 - (a) All cases in which the constitutionality or validity of any treaty,

- executive agreement, law, or ordinance, or executive order or regulation is in question.
- (b) All cases involving the legality of any tax, impost, assessment or toll, or any penalty imposed in relation thereto.
 - (c) All cases in which the jurisdiction of any inferior court is in issue.
 - (d) All criminal cases in which the penalty imposed is death or life imprisonment.
 - (e) All cases in which only an error or question of law is involved.
3. Assign temporarily judges of inferior courts to other stations as public interest may require. Such temporary assignment shall not last longer than 6 months without the consent of the judge concerned.
 4. Order a change of venue or place of trial to avoid a miscarriage of justice.
 5. Promulgate rules concerning pleading, practice, and procedure in all courts, the admission to the practice of law, the integration of the Bar, which, however, may be repealed, altered, or supplemented by the Batasang Pambansa. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights.
 6. Appoint its officials and employees in accordance with the Civil Service Law. (*Constitution*, Art. X, Sec. 5.)

Intermediate Appellate Court

The Intermediate Appellate Court shall exercise:

1. 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; and
2. Appellate jurisdiction over all final judgments; decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, excluding those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution and other applicable laws or decrees (B.P. 129, Sec. 9).

Regional Trial Court

Jurisdiction in civil cases. — Regional Trial Courts exercise exclusive original jurisdiction:

- (1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;

- (2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;
- (3) In all actions in admiralty and maritime jurisdiction where the demand or claim exceeds twenty thousand pesos (P20,000.00);
- (4) In all matters of probate, both testate and intestate, where the value of the estate exceeds twenty thousand pesos (P20,000.00);
- (5) In all actions involving the contract of marriage and marital relations;
- (6) In all cases not within the exclusive jurisdiction of any court, tribunal, person or body exercising judicial or quasi-judicial functions;
- (7) In all cases falling within the exclusive original jurisdiction of a Juvenile and Domestic Relations Court and of the Courts of Agrarian Relations as now provided by law; and
- (8) In all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to more than twenty thousand pesos (P20,000.00) (B.P. 129, Sec. 19).

Jurisdiction in Criminal Cases. — Regional Trial Courts exercise exclusive original jurisdiction in all criminal cases not within the exclusive jurisdiction of any court, tribunal, person or body, except those now falling under the exclusive and concurrent jurisdiction of the Sandiganbayan which shall hereafter be exclusively taken cognizance of by the latter (B.P. 129, Sec. 20).

Original jurisdiction in other cases. — Regional Trial Courts exercise original jurisdiction:

- (1) In the issuance of writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, *habeas corpus* and injunction which may be enforced in any part of their respective regions; and
- (2) In actions affecting ambassadors and other public minister and consuls. (B.P. 129, Sec. 21).

Appellate jurisdiction. — Regional Trial Courts exercise appellate jurisdiction over all cases decided by Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in their respective territorial jurisdictions. Such cases are decided on the basis of the entire record of the proceedings had in the court of origin and such memoranda and/or briefs as may be submitted by the parties or required by the Regional Trial Courts. The decision of the Regional Trial Courts in such cases are appealable by petition for review to the Intermediate Appellate Court which may give it due course only when the petition shows *prima facie* that the lower court has committed an error of fact, or of fact and law, that will warrant a reversal or modification of the decision of judgment sought to be reviewed (B.P. 129, Sec. 22).

Special Jurisdiction to try special cases. — The Supreme Court may designate certain branches of the Regional Trial Courts to handle exclusively criminal cases, juvenile and domestic relations cases, agrarian cases and/or such other special cases as the Supreme Court may determine in the interest of a speedy and efficient administration of justice (B.P. 129, Sec. 23).

Metropolitan Trial Court,
Municipal Trial Court and Municipal Circuit Trial Court

Jurisdiction in Criminal Cases. — Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts, and Municipal Circuit Trial Courts exercise;

- (1) Exclusive original jurisdiction over all violations of city or municipal ordinances committed within their respective territorial jurisdiction;
- (2) Exclusive original jurisdiction over all offenses punishable with imprisonment of not exceeding four years and two months, or a fine of not more than four thousand pesos, or both such fine and imprisonment, regardless of other inposable assessorly or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: *Provided, however,* That in offenses involving damage to property through criminal negligence they shall have exclusive original jurisdiction where the inposable fine does not exceed twenty thousand pesos.

Jurisdiction in Civil Cases. — Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts exercise:

- (1) Exclusive original jurisdiction over civil actions, including the grant of provisional remedies, where the value of the subject matter or amount of the demand does not exceed twenty thou-

sand pesos exclusive of interest but inclusive of damages of whatever kind, the amount of which must be specifically alleged: *Provided,* That where there are several claims or causes of action between the same parties embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions;

- (2) Exclusive original jurisdictions over cases of forcible entry and unlawful detainer: *Provided,* That when, in such cases, the defendant raises the question of ownership in his pleading and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.

Delegated jurisdiction in cadastral and land registration cases. — Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts may be assigned by the Supreme Court to hear and determine cadastral or land registration cases covering lots where there is no controversy or opposition, or contested lots the value of which does not exceed twenty thousand pesos, such value to be ascertained by the affidavit of the claimant or by agreement of the respective claimants if there are more than one, or from the corresponding tax declaration of the real property. Their decisions in these cases shall be appealable in the same manner as decisions of the Regional Trial Courts.

Special jurisdiction in certain cases. — In the absence of all the Regional Judges in a province or city, any Metropolitan Trial Judge, Municipal Trial Judge, Municipal Circuit Trial Judge may hear and decide petitions for a writ of *habeas corpus* or applications for bail in criminal cases in the province or city where the absent Regional Trial Judges sit.

Lupong Tagapayapa

The Lupon of each Barangay has authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:

- (1) Where one party is the government, or any subdivision or instrumentality thereof;
- (2) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- (3) Offenses punishable by imprisonment exceeding 30 days, or a fine exceeding P200.00;
- (4) Offenses where there is no private offended party;
- (5) Such other classes of disputes which the Prime Minister may in the interest of justice determine, upon recommendation of the Minister of Local Government.

No complaint, petition, action or proceeding involving any matter within the authority of the Lupon as provided in Sec. 2 of P.D. 1508 may be filed or instituted in court or any other government office for adjudication unless there has been a confrontation of the parties before the Lupon Chairman or the Pangkat and no conciliation or settlement has been reached as certified by the Lupon Secretary or the Pangkat Secretary, attested by the Lupon or Pangkat Chairman, or unless the settlement has been repudiated. However, the parties may go directly to court in the following cases:

- (1) Where the accused is under detention;
- (2) Where a person has otherwise been deprived of personal liberty calling for *habeas corpus* proceedings;
- (3) Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support *pendente lite*; and
- (4) Where the action may otherwise be barred by the Statute of Limitations. (P.D. 1508, Secs. 2 and 6.)

Sandiganbayan

Section 4 of P.D. 1606 provides that the *Sandiganbayan* shall have jurisdiction over:

- “(a) Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, and Republic Act No. 1379;
- (b) Crimes committed by public officers and employees, including those employed in government-owned or controlled corporations, embraced in Title VII of the Revised Penal Code, whether simple or complex with other crimes; and
- (c) Other crimes or offenses committed by public officers or employees, including those employed in government-owned or controlled corporations, in relation to their office.

The jurisdiction herein conferred shall be original and exclusive if the offense charged is punishable by a penalty higher than *prision correccional*, or its equivalent, except as herein provided; in other offenses, it shall be concurrent with the regular courts.

In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees.

Where an accused is tried for any of the above offenses and the evidence is insufficient to establish the offense charged, he may nevertheless be convicted and sentenced for the offense proved, included in that which is charged.

Any provision of law or the Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability arising from the offense charged shall at all times be simultaneously instituted with, and jointly determined in the same proceeding by, the *Sandiganbayan*, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized; *Provided*, however, that, in cases within the

exclusive jurisdiction of the *Sandiganbayan*, where the civil action had theretofore been filed separately with a regular court but judgment therein has not yet been rendered and the criminal case is hereafter filed with the *Sandiganbayan*, said civil action shall be transferred to the *Sandiganbayan* for consolidation and joint determination with the criminal action, otherwise, the criminal action may no longer be filed with the *Sandiganbayan*, its exclusive jurisdiction over the same notwithstanding, but may be filed and prosecuted only in the regular courts of competent jurisdiction; *Provided*, further, that, in cases within the concurrent jurisdiction of the *Sandiganbayan* and the regular court, where either the criminal or civil action is first filed with the regular courts, the corresponding civil or criminal action, as the case may be, shall only be filed with the regular courts of competent jurisdiction.

Excepted from the foregoing provisions, during martial law, are criminal cases against officers and members of the armed forces in the active service.”

Court of Tax Appeals

The Court of Tax Appeals has exclusive appellate jurisdiction to review by appeal the following:

1. Decisions of the Commissioner of Internal Revenue in cases involving disputed assessments, refunds of internal revenue taxes, fees, or other charges, penalties imposed in relation thereto, or other matters arising under the National Internal Revenue Code or other law or part of law administered by the Bureau of Internal Revenue;
2. Decisions of the Commissioner of Customs in cases involving liability for customs duties, fees, or other money charges, seizure, detention, or release of property affected; fines, forfeitures or other penalties imposed in relation thereto; or other matters arising under the Customs Law or other law or part of law administered by the Bureau of Customs. (R.A. 1125, Sec. 7, as amended by P.D. Nos. 76 and 464.)

Shari'a Courts

Original jurisdiction. — (1) The *Shari'a* District Court shall have exclusive original jurisdiction over:

- (a) All cases involving custody, guardianship, legitimacy, paternity and filiation arising under P.D. 1083;
- (b) All cases involving disposition, distribution and settlement of the estate of deceased Muslims, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or the aggregate value of the property;
- (c) Petitions for the declaration of absence and death and for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of P.D. 1083;

- (d) All actions arising from customary contracts in which the parties are Muslims, if they have not specified which law shall govern their relations; and
- (e) All petitions for *mandamus*, prohibition, injunction, *certiorari*, *habeas corpus*, and all other auxiliary writs and processes in aid of its appellate jurisdiction.
- (2) Concurrently with existing civil courts, the *Shari'a* District Court has original jurisdiction over:
- (a) Petitions by Muslims for the constitution of a family home, change of name and commitment of an insane person to an asylum;
 - (b) All other personal and real actions not mentioned in paragraph 1(d) wherein the parties involved are Muslims except those for forcible entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the Municipal Circuit Courts; and
 - (c) All special civil actions for interpleader or declaratory relief wherein the parties are Muslims or the property involved belongs exclusively to Muslims (P.D. 1083, Art. 143.)

Appellate jurisdiction. — (1) *Shari'a* District Courts have appellate jurisdiction over all cases tried in the *Shari'a* Circuit Courts within their territorial jurisdiction. (2) The *Shari'a* District Court decides every case appealed to it on the basis of the evidence and records transmitted as well as such memoranda, briefs or oral arguments as the parties may submit.

The decisions of the *Shari'a* District Courts whether on appeal from the *Shari'a* Circuit Court or not are final. But nothing herein contained affects the original and appellate jurisdiction of the Supreme Court as provided in the Constitution (P.D. 1083, Arts. 144 and 145.)

Acknowledgements

1. Organization Chart No. 4: The Executive Branch of the National Government, was prepared by the Presidential Commission on Reorganization (PCR), headed by Chairman Armand V. Fabella.
2. Organization Chart No. 2: The Batasang Pambansa, was specially prepared for the Ateneo Law Journal by Assemblyman Makairog Aznar.

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A.F. PAGUIA

INDEX OF CHARTS

1. Organization Chart No. 1:
*The 3 Branches
of the National Government*
2. Organization Chart No. 2:
*The Legislative Branch
of the National Government
(Batasang Pambansa)*
3. Organization Chart No. 3:
*The Judicial Branch
of the National Government*
4. Organization Chart No. 4:
*The Executive Branch
of the National Government*