

LEGISLATION

The First National Assembly during its *inaugural session* passed Bill No. 157 which finally found itself into our statute book as C.A. No. 3 on Dec. 31, 1935. It is entitled: AN ACT TO AMEND CERTAIN PROVISIONS OF THE REVISED ADMINISTRATIVE CODE OF THE JUDICIARY, BY REDUCING THE NUMBER OF JUSTICES OF THE SUPREME COURT AND CREATING THE COURT OF APPEALS AND DEFINING THEIR RESPECTIVE JURISDICTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

Section 3 thereof provided as follows: "Chap. 9, Title IV of the REV. ADM. CODE is hereby amended by inserting immediately after Art. II thereof a new article to be known as 'Art. II-A — Court of Appeals, which shall contain the following provisions:

ART II — A — Court of Appeals

SEC. 145 — A. *The Court of Appeals.* The Court of Appeals of the Philippines shall consist of a *Presiding Judge and ten appellate Judges*, who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. . . . The said Court of Appeals shall, as a body, sit *in banc*, but it may sit in 2 divisions, one of 6 and another of 5 Judges, to transact business, and the two divisions may sit at the same time.

Thus our Court of Appeals was originally created with a *Presiding Justice and ten Associate Justices*. The purpose of the creation of the Court of Appeals is to facilitate the decision of appealed cases which otherwise would take the Supreme Court long time to decide. So with increase in the volume of appealed cases is the concomitant increase in the number of Justices of the Court of Appeals, and hence, the number of divisions. So that on April 7, 1938 C.A. No. 259 was passed amending C.A. No. 3 increasing the number of justices from 11 to 15.¹ The number of divisions was correspondingly increased from 2 to 3.² Then came the Judiciary Act of 1948. Congress at this time was rather reluctant to increase the number of justices but it realized that the Court of Appeals must somehow step-up its energy in deciding cases, because of the tremendous increase in appealed cases brought about by post liberation era. So what it did was to increase the number of divisions by reducing the members thereof, from 3 divisions of 5 justices each to 5 divisions of 3 justices each. These new divi-

¹ C.A. No. 259 § 4.

² *Id.*

sions have the same powers and prerogatives as before. The 5 divisions may sit at the same time.³ Thus, under this new arrangement, the capacity of the Court of Appeals in deciding cases was increased by 66 2/3% without in any way increasing the number of justices, hence, also the expenditure of the government.

Despite the increase in the number of divisions under the Judiciary Act of 1948, there is still an accumulation of cases in the Court of Appeals, the number of cases filed annually is estimated on the average as 2,832.⁴ The number of cases decided annually is 1,892.⁵ The difference, or the number of cases left undecided annually is 940 and the total number of cases pending on January 17, 1956, is 4004.⁶ These figures indicate that 940 more cases are filed yearly; that the present Court of Appeals is unable to cope with the increasing number of cases that are filed from year to year with the result that there is an accumulation of cases left undecided.⁷ Furthermore, we have also increased the number of Judges of the Courts of First Instance and it is certain from the statistics given by the Department of Justice that in order not to impair the administration of justice in the Philippines, it is very necessary that there should be an increase in the number of justices of the Court of Appeals.⁸

Under this circumstances Congress was left with no other alternative but to increase the number of justices of the Court of Appeals. So Senate Bill No. 436 was filed amending the Judiciary Act of 1948. It originally provided for an increase of 6 justices, that is, from 15 to 21; and the divisions of 3 justices each, from 5 to 7. Senator Laurel, chairman of the Committee on Justice was not in favor of an increase by 6. He stated thus:

I am not however advocating the increase by six, for the reason that it may be that the backlog of cases is due to the fact that the justices of the Court of Appeals are not working hard enough. It is also possible that later on, by some other measures adopted by the government, either by Congress or the executive department, we may later on discover that we have appointed a larger number of justices of the Court of Appeals in which case it will be difficult to get rid of the justices that we shall have appointed in that event, because it is easy or at least easier to appoint a judge but difficult to remove him because of the security of the tenure and the other guaranties provided in the Constitution. For this reason, we must be slow in increasing the number of justices.

But I am convinced from the examination of the statistics of the Department of Justice that it is really necessary to increase the number of justices of the Court of Appeals not by six, by appointing not six new justices of the Court of Appeals, but by appointing three.⁹

³ JUDICIARY ACT OF 1948 § 24 (R.A. No. 296).

⁴ 4 S. CONG. REC. 1169.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

[R.A. No. 1605]

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE COURT OF APPEALS AND FOR OTHER PURPOSES, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED TWO HUNDRED AND NINETY-SIX, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY ACT OF NINETEEN HUNDRED AND FORTY-EIGHT."

SECTION 1. Section twenty-four of Republic Act Numbered Two hundred and ninety-six, as amended, is hereby further amended to read as follows:

"SEC. 24. *The Court of Appeals.* — The Court of Appeals of the Philippines shall consist of a *Presiding Justice* and *seventeen Associate Justices* who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the Congress. The *Presiding Justice* of the Court of Appeals shall be so designated in his commission, and the other Justices of the Court shall have precedence according to the dates of their respective commissions, or when the commissions of two or more of them shall bear the same date, according to the order in which their commissions have been issued by the President of the Philippines.

"The *Presiding Justice* and the *Associate Justices* of the Court of Appeals shall not be removed from office except on impeachment upon the grounds and in the manner provided for in Article IX of the Constitution.

"The Court of Appeals, shall, as a body, sit *in banc*, but it may sit in *six divisions of three Justices each*. The six divisions may sit at the same time.

SEC. 2. Section Twenty-eight of Republic Act Numbered Two hundred and ninety-six, as amended, is hereby further amended to read as follows:

"SEC. 28. *Qualifications and compensation of Justices of Court of Appeals.* — Justices of the Court of Appeals shall have the same qualifications as those provided in the Constitution for members of the Supreme Court, except that no person shall be appointed a Justice of the Court of Appeals unless he has been a Judge of a Court of Record for at least ten years or has been in active actual practice of law before civil courts for the same period. The *Presiding Justice* of the Court of Appeals shall receive an annual compensation of sixteen thousand pesos, and each *Associate Justice*, an annual compensation of fifteen thousand pesos."

SEC. 3. The first paragraph of Section thirty-three of Republic Act Numbered Two hundred and ninety-six, as amended, is hereby further amended to read as follows:

"SEC. 33. *Quorum of the Court.* — Eleven Justices of the Court of Appeals shall constitute a *quorum* for its session *in banc*; and three Justices shall constitute a *quorum*, for the sessions of a division. In the absence of a *quorum*, the court of the division shall stand *ipso facto* adjourned until such time as the requisite number shall be present, and a memorandum showing this fact shall be inserted by the clerk in the minutes of the Court. The affirmative vote of ten Justices is necessary to pass a resolution of the Court *in banc*. The unanimous vote of the three Justices of a division shall be necessary for the pronouncement of a judgment. In the event that the three Justices do not reach a unanimous vote, the *Presiding Justice* shall designate two Justices from among the other members of the Court to sit temporarily with them, forming a division

of five Justices, and the concurrence of majority of such division shall be necessary for the pronouncement of a judgment.

"Every decision of the Court of Appeals shall contain complete findings of fact on all issues properly raised before it.

"All cases submitted to a division of the Court of Appeals for decision shall be decided or terminated therein within the term in which they were heard and submitted for decision: *Provided, however*, That when a case is complicated or otherwise attended with special circumstances which demand additional time for its study or consideration, the Court of Appeals, sitting *in banc*, may, upon petition of the division concerned, grant an additional period not exceeding three months for its disposition or termination."

SEC. 4. Section thirty-seven of Republic Act Numbered Two hundred and ninety-six, as amended, is hereby further amended to read as follows:

"SEC. 37. *Appointment by Court of Appeals of deputy clerks of court and other officers.* — The Court may appoint six deputy clerks of court, who shall have the same qualifications as those of the clerk of the Court of Appeals, with an annual compensation of six thousand pesos for the first deputy, and five thousand four hundred pesos for the other deputy clerks each, and other officers in such number and with such compensation as may be hereafter authorized."

SEC. 5. The sum necessary to carry out the provisions of this Act is hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

SEC. 6. This Act shall take effect upon its approval.

Approved, August 23, 1956.