

Assessing the Constitutionality of Republic Act No. 11576 in Delegating Jurisdiction Allocation in First-Level Courts

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I. INTRODUCTION

All courts are creations of the law.¹ The Constitution, the highest law of the land, vests judicial power to the Supreme Court together with the rest of the

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judiciary.² Other than judicial power, the Constitution also grants several other important powers to the highest court in the nation.³

For purposes of checks and balances, however, the Constitution grants the power to define and apportion the jurisdiction of courts to Congress. This power is co-existent with the powers of the Supreme Court provided in Article VIII, Section 5 of the Constitution, to wit:

- (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, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:
 - (a) All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, 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 lower court is in issue.
 - (d) All criminal cases in which the penalty imposed is *reclusion perpetua* or higher.
 - (e) All cases in which only an error or question of law is involved.
- (3) Assign temporarily judges of lower courts to other stations as public interest may require. Such temporary assignment shall not exceed six months without the consent of the judge concerned.
- (4) Order a change of venue or place of trial to avoid a miscarriage of justice.

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1. PHIL. CONST. art. VIII, § 1.
2. PHIL. CONST. art. VIII, § 1.
3. PHIL. CONST. art. VIII, §§ 1-6.

- (5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the underprivileged. 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. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.
- (6) Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law.⁴

Looking at the enumeration above, it is clear that there is no overlap between the constitutional powers of the Court and the constitutional power to apportion jurisdiction by Congress. The Supreme Court holds almost all of the powers over the lower courts save for a few exceptions, including this specific power.

In 2021, then President Rodrigo R. Duterte signed into law Republic Act No. 11576 (R.A. No. 11576), which expanded the jurisdiction of the Metropolitan Trial Courts (MeTC), Municipal Trial Courts in Cities (MTCC), Municipal Trial Courts (MTC), and Municipal Circuit Trial Courts (MCTC), in effect amending Batas Pambansa Blg. 129 (B.P. 129).⁵ The law consists of only seven sections, containing three key provisions.⁶ The first two sections increased the jurisdictional amounts covered by the Regional Trial Court and first-level courts in civil cases, respectively.⁷ The third section, on the other hand, provided for the delegation of authority by Congress to the Supreme Court to adjust the jurisdictional amounts for first- and second-level courts.⁸ This latter section is the main focus of this Article.

The transfer of authority to alter jurisdictional amounts, though well-intentioned, treads on untested constitutional waters. It gives the Supreme Court authority that is not explicitly provided by the Constitution, possibly

4. PHIL. CONST. art. VIII, § 5.

5. An Act Further Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as “The Judiciary Reorganization Act of 1980,” As Amended, Republic Act No. 11576, §§ 1-7 (2021).

6. *Id.*

7. *Id.* §§ 1-2.

8. *Id.* § 3.

disrupting the delicate balance of governmental checks and balances. This Article does not question the Court's intellect or integrity, but merely intends to uphold the fundamental principles it is sworn to protect.

While altering jurisdictional limits is appropriate and timely, the initiative should not undermine the constitutional framework. Thus, the crux of concern lies not in the adjustment of jurisdictional amounts itself, but in the method of its execution through Section 3 of RA No. 11576. As guardians of the Constitution,⁹ the judiciary is positioned ideally to recognize the importance of upholding the separation of powers. Permitting expediency alone to dictate constitutional interpretation risks trading the enduring stability of democratic principles for fleeting administrative ease.

Thus, the scrutiny of the Authors will be restricted to Section 3 of RA No. 11576, recognizing the law's merits while cautioning against constitutional overreach. This Article will discuss the following matters in the succeeding Sections: (1) the background of the law; (2) the constitutional principles involved; (3) the constitutionality of the allocation of power to the Supreme Court; and (4) the conclusion of the Authors.

II. BACKGROUND OF REPUBLIC ACT NO. 11576

The delegation given to the Supreme Court is not unbounded, as the law provides only for three situations wherein it is allowed to adjust the jurisdictional amount, to wit —

Section 3. Delegated Authority of the Supreme Court to Adjust the Jurisdictional Amounts for First and Second Level Courts. — The Supreme Court, unless otherwise provided by law, without prejudice, however, on the part of the Congress to adjust the amounts when the circumstances so warrant, may adjust the jurisdictional amount for first and second level courts to: (1) *reflect the extraordinary supervening inflation or deflation of currency*; (2) *reflect change in the land valuation*; [and] (3) *maintain the proportion of caseload between first[-] and second[-]level courts*.¹⁰

While at the onset, it may appear that the delegation is indeed limited, are the standards listed above sufficient to guide the Supreme Court?

A. Legislative History

R.A. No. 11576 took a little more than a year to be enacted. Congressman Luis Raymund F. Villafuerte, Jr., together with four other co-authors,

9. See *Ifurung v. Carpio Morales*, 831 Phil. 135 (2018).

10. *Batas Pambansa Blg. 129*, § 3 (emphasis supplied).

introduced and filed House Bill No. 6589 (H.B. No. 6589) last 11 March 2020.¹¹ The bill was sponsored by Congressman Vicente S.E. Veloso during the second reading, and by the conclusion of that reading, a total of 16 authors had co-sponsored it.¹² After being approved at the third reading, the bill was transmitted to the Senate.¹³

After being read on the first reading in the Senate, the bill was referred to the Committee on Justice and Human Rights.¹⁴ Rather than proceeding with the subsequent readings, the Senate requested that the House of Representatives (HoR) establish a bicameral conference committee to discuss the bill alongside the existing Senate Bill No. 1886 (S.B. No. 1886).¹⁵ In May 2021, the HoR adopted S.B. No. 1886 as an amendment to H.B. No. 6589.¹⁶ By the following month, the consolidated version of the bills was forwarded to the Office of the President for signature.¹⁷ On 25 August 2021, R.A. No. 11576 was enacted into law.¹⁸

In their final versions, neither H.B. No. 6589 nor S.B. No. 1886 included provisions for the delegated authority of the Supreme Court. Rather, H.B. No. 6589 proposed a delegated jurisdiction of first-level courts in cadastral and land registration cases; meanwhile, S.B. No. 1886 made no mention of any delegation at all.¹⁹ It is worth noting that both Senate and House bills were dated in the year 2020.²⁰ It is therefore reasonable to assume that the insertion of the controversial provision occurred in 2021, during the

11. H. REC., Vol. 4, No. 54, at 27, 18th Cong., 1st Reg. Sess. (Mar. 11, 2020).

12. An Act Further Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as “The Judiciary Reorganization Act of 1980,” As Amended, H.B. No. 6589, 18th Cong., 1st Reg. Sess. (2020).

13. H. JOURNAL NO. 59, at 118, 18th Cong. 1st Reg. Sess. (June 1, 2020).

14. S. JOURNAL NO. 2, at 57–58, 18th Cong., 2d Reg. Sess. (July 29, 2020).

15. S. JOURNAL NO. 50, at 256, 18th Cong., 2d Reg. Sess. (Feb. 22, 2021).

16. S. JOURNAL NO. 62, at 748–49, 18th Cong., 2d Reg. Sess. (May 24, 2021).

17. Senate of the Philippines, Legislative History (Senate Bill No. 1886), available at https://legacy.senate.gov.ph/lis/bill_res.aspx?congress=18&q=HBN-6589 (last accessed Oct. 31, 2023).

18. Office of the Court Administrator, Effectivity of Republic Act No. 11576, OCA Circular No. 115-2021, para. 1 (Aug. 20, 2021).

19. H.B. No. 6589, § 3.

20. Senate of the Philippines, *supra* note 17.

conference committee hearings. When the enrolled bill appeared in the Office of the President, it was worded as it appears now as R.A. No. 11576.²¹

B. Constitutional Issues Raised

The insertion of Section 3 in R.A. No. 11576 raises a couple of constitutional issues. The first is apparent — is the delegation by the Congress of the power to apportion jurisdiction to the Supreme Court constitutional? Will this fall as an example of acceptable delegation by Congress? Further, assuming that Congress is indeed allowed to do so, does the law include sufficient standards that will serve as guidelines for the Supreme Court in its implementation?

These questions are important to answer as the matter blurs the line between the separation of powers of the Congress and the judiciary.

III. CONSTITUTIONAL FRAMEWORK AND PRINCIPLES

A. Separation of Powers

1. Defined

Separation of Powers is a basic principle in political law and in the Philippine system of government. The constitutional expert, Father Joaquin G. Bernas, S.J., summarized the concept, stating “in essence, separation of powers means that legislation belongs to Congress, execution to the executive, settlement of legal controversies to the judiciary. Each is prevented from invading the domain of the others. But the separation is not total.”²² In the words of Justice Jose P. Laurel, “[e]ach department of the government has exclusive cognizance of matters within its jurisdiction, and is supreme within its own sphere.”²³

The purpose of the doctrine is to prevent the concentration of political powers or authority in one person or a group of persons.²⁴ The Federalist Papers emphasized the importance of separating the powers of government into distinct branches to prevent any one branch from becoming too

21. See Republic Act No. 11576, §§ 1-7.

22. JOAQUIN G. BERNAS, *THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY* 678 (2009).

23. *Angara v. Electoral Commission*, 63 Phil. 139, 156 (1936).

24. See *Atitw v. Zamora*, 504 Phil. 321, 342 (2005) (citing *Bengzon v. Drilon G.R. No. 103524*, 208 SCRA 133, 142 (1992) & *In Re: Wenceslao Laureta, G.R. No. 68635*, 148 SCRA 381, 420 (1987)).

dominant.²⁵ James Madison noted, “the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.”²⁶

One cannot discuss the concept of Separation of Powers without also mentioning Checks and Balances. Charles Louis de Secondat, Baron de Montesquieu similarly emphasized the necessity of separating powers within a government, stating that “[t]here would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”²⁷ Montesquieu went further by proposing a system of checks and balances, where different branches or entities are entrusted with distinct functions to prevent the abuse of power.²⁸

As summarized succinctly in *Springer v. Government of the Philippine Islands*,²⁹ “the legislature cannot exercise either executive or judicial power; the executive cannot exercise either legislative or judicial power; the judiciary cannot exercise either executive or legislative power.”³⁰

2. Under Philippine Law

In the Philippines, governmental powers are compartmentalized into three co-equal branches, namely the legislative, executive, and judicial branches. The concept of Separation of Powers and Checks and Balances, while not explicitly mentioned, are fully codified in the Philippine Constitution.³¹ Each branch is allocated its own distinct powers and authorities, outlined in separate articles of the Constitution.³² As per the oft-quoted *Angara v. Electoral Commission*,³³ “the Constitution has blocked out with deft strokes

25. Alexander Hamilton, *No. 71*, in *THE FEDERALIST* 371 (George W. Carey & James McClean eds., 2001).

26. *Id.* at 268.

27. I BARON DE MONTESQUIEU, *THE SPIRIT OF LAWS* 125 (Thomas Nugent trans., 1900).

28. *Id.*

29. *Springer v. Government of the Philippine Islands*, 277 U.S. 189 (1928).

30. *Id.* at 202-03.

31. *See generally* PHIL. CONST. arts. VI-VIII & XI.

32. *See generally* PHIL. CONST. arts. VI-VIII.

33. *Angara*, 63 Phil. at 157.

and in bold lines, allotment of power to the executive, the legislative[,] and the judicial departments of the government.”³⁴

For instance, Congress passes laws, which require the final approval of the President.³⁵ Once these laws are in effect, the President is bound by them and cannot act in opposition to those passed by Congress.³⁶ Another example is the release of governmental funds, which can only be authorized by Congress.³⁷ The President, however, has the power to veto specific items in the appropriation or revenue bill before it is signed into law.³⁸ Finally, the Supreme Court holds the authority to declare acts of Congress or the President as unconstitutional.³⁹ This does not imply, however, that the judiciary has superiority over the other two branches.⁴⁰ The Constitution itself tempers this power by permitting the courts to rule only on justiciable controversies.⁴¹ If not, the wisdom of its co-equal branch may never be questioned.⁴²

Thus, each branch holds distinct yet interconnected powers to maintain and ensure effective governance of public affairs. These inherent powers, by nature, cannot be delegated to another branch. In certain instances, however, delegation is allowed by law and established jurisprudence.

B. Non-Delegability of Legislative Powers

I. Legislative Power

Thomas M. Cooley defines legislative power as “the authority, under the Constitution, to make laws, and to alter and repeal them.”⁴³ Cooley adds that laws are “rules of civil conduct”⁴⁴ created for the regulation of new

34. *Id.*

35. BERNAS, *supra* note 22, at 678.

36. *Id.*

37. PHIL. CONST. art. VI, §§ 24-25.

38. PHIL. CONST. art. VI, § 27.

39. PHIL. CONST. art. VII, § 4 (2).

40. *Angara*, 63 Phil. at 158.

41. PHIL. CONST. art. VIII, § 1, para. 2.

42. *Angara*, 63 Phil. at 159.

43. THOMAS M. COOLEY, A TREATISE ON THE CONSTITUTIONAL LIMITATIONS WHICH REST UPON THE LEGISLATIVE POWER OF THE STATES OF THE AMERICAN UNION 90 (1868). *See also* BERNAS, *supra* note 22, at 676.

44. COOLEY, *supra* note 43, at 90 & 92.

controversies.⁴⁵ These laws and the exercise of legislative power, in general, are subject to the non-abrogation of the people's rights enshrined by the Constitution and the permissible bounds of legislative authority.⁴⁶ Justice George A. Malcolm discussed the same in *Government of the Philippine Islands v. Springer*⁴⁷ —

Someone has said that the powers of the legislative department of the Government, like the boundaries of the ocean, are unlimited. In constitutional governments, however, as well as governments acting under delegated authority, the powers of each of the departments of the same are limited and confined within the four walls of the [C]onstitution or the charter, and *each department can only exercise such powers as are expressly given and such other powers as are necessarily implied from the given powers.* The [C]onstitution is the shore of legislative authority against which the waves of legislative enactment may dash, but over which they cannot leap.⁴⁸

Consistent with Cooley's limitations, legislative power in the Philippines is "subject to substantive limitations which circumscribe both the exercise of the power itself and the allowable subjects of legislation. The substantive limitations are chiefly found in the Bill of Rights."⁴⁹

2. Non-Delegability as a General Rule

Cooley highlighted a basic precept in constitutional law — "[w]here the sovereign power of the State has located the authority, there it must remain."⁵⁰ The Principle of Non-Delegability is rooted in republican constitutional theory, which asserts that the original legislative power belongs to the people[,] which in turn, is conferred to the legislature through the Constitution.⁵¹ Since these powers of the government have been "delegated" to them by the people, who hold original sovereignty, they can no longer transfer the said power to another.⁵² In fact, the legislature cannot

45. *Id.* at 92.

46. *Id.* at 87-88, 176-78, 525, & 582.

47. *Government of the Philippine Islands v. Springer*, 50 Phil. 259 (1927).

48. *Id.* at 309 (emphasis supplied).

49. BERNAS, *supra* note 22, at 679.

50. COOLEY, *supra* note 43, at 117.

51. BERNAS, *supra* note 22, at 679.

52. *Id.* at 679-80. The people and, in turn, the Constitution, have expressly endowed powers to the legislature, therefore, "legislative power is not to be delegated." JOHN LOCKE, TWO TREATISES OF GOVERNMENT 118 & 312-13 (New ed., 1821).

create a statute that depends on a particular contingency or condition since such a statute would effectively transfer the legislative discretion to another. The power to create and modify laws is the ultimate responsibility of the legislature granted by the Constitution.⁵³ The maxim *delegatus non potest delegari*, *delegata potestas non potest delegari*, or “what has been delegated can no longer be delegated” is the principle of this rule.⁵⁴ Violation of this may be considered “a breach of the national fundamental law[.]”⁵⁵

As the complexities of governments grew, however, so did the development of the rule of Non-Delegability which gave rise to the concept of permissible delegation.⁵⁶

3. Exceptions

“Accordingly, with the growing complexity of modern life, the multiplication of the subjects of governmental regulation, and the increased difficulty of administering the laws, there is a constantly growing tendency toward the delegation of greater powers by the legislature, and toward the approval of the practice by the court.”⁵⁷ This passage from *Pangasinan Transportation Co., Inc. v. Public Service Commission*⁵⁸ captures the reason why acceptable delegation became gradually permissible over time.⁵⁹

While it has been stated that the power to legislate rests with the legislative alone as a result of Separation of Powers, there are several recognized exceptions to this principle of Non-Delegability of legislative powers. Some are even codified in our Constitution.⁶⁰ Delegation of legislative powers is permitted in the following cases: (1) delegation to the

53. LOCKE, *supra* note 52, at 121.

54. Patrick W. Duff & Horace E. Whiteside, *Delegata Potestas Non Potest Delegari A Maxim of American Constitutional Law*, 14 CORNELL L. REV. 168, 171-73 (1929) (citing HENRY DE BRACON, *DE LEGIBUS ET CONSUETUDINIBUS ANGLIAE* 1878 (Sir Travers Twiss ed., 1878)).

55. *Belgica v. Ochoa, Jr.*, G.R. No. 208566, 710 SCRA 1, n. 194 (2013).

56. *See Pangasinan Transportation Co., Inc. v. Public Service Commission*, G.R. No. 47065, 70 Phil. 221, 229 (1940).

57. *Id.* (citing *Dillon Catfish Drainage Dist. v. Bank of Dillon*, 141 S. E. 274, 275 (1928) (S.C., U.S.) & *State vs. Knox County*, 54 S. W. 2d. 973, 976 (1893) (Tenn., U.S.)).

58. *Pangasinan Transportation Co., Inc.*, 70 Phil. 221.

59. *Id.*

60. *See* PHIL. CONST. art. VI, §§ 1, 23 (2), 24, 32 & art. X, § 2.

people at large;⁶¹ (2) delegation of emergency powers to the President;⁶² (3) delegation of tariff powers to the President;⁶³ (4) delegation to local governments;⁶⁴ and (5) delegation to administrative bodies.⁶⁵

a. Delegation to the People at Large

As mentioned, the “people” are the original holders of legislative power.⁶⁶ In fact, the Constitution concurrently holds legislative power together with Congress. Article VI, Section 1 provides that the legislative power shall be vested in the Congress “except to the extent reserved to the people by the provision on initiative and referendum.”⁶⁷ The final section of Article VI expounds on that power, to wit —

Section 32. The Congress shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject any act or law or part thereof passed by the Congress or local legislative body after the registration of a petition therefor signed by at least ten per centum of the total number of registered voters, of which every legislative district must be represented by at least three per centum of the registered voters thereof.⁶⁸

According to Father Bernas, through these two sections, the people have “reserved for themselves ordinary legislative power[.]”⁶⁹ He further mentioned that the purpose of the framers for putting this in the Constitution is to “institutionalize people power.”⁷⁰ While this is generally considered an exception to Non-Delegability, it is not a true exception at all.

b. Delegation of Emergency Powers to the President

In Article VI, Section 23 (2) of the Constitution, the law provides expressly for permissible delegation of legislative power from the Congress to the

61. PHIL. CONST. art. VI, §§ 1 & 32.

62. PHIL. CONST. art. VI, § 23 (2).

63. PHIL. CONST. art. VI, § 24.

64. PHIL. CONST. art. X, § 2.

65. *People v. Vera*, 65 Phil. 56, 116 (1937).

66. COOLEY, *supra* note 43, at 175.

67. *See* PHIL. CONST. art. VI, § 1.

68. PHIL. CONST. art. VI, § 1.

69. BERNAS, *supra* note 22, at 680 & COOLEY, *supra* note 43, at 175.

70. BERNAS, *supra* note 22, at 680.

President, but only during “times of war or other national emergency[.]”⁷¹
The provision states that

[i]n times of war or other national emergency, the Congress may, by law, authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Congress, such powers shall cease upon the next adjournment thereof.⁷²

Breaking down the provision, the following conditions must be met before the President could exercise this power: (1) there must be a war or other national emergency; (2) there must be a law that will authorize the President to exercise said power; (3) the authority is for a limited period only and may be subject to further restrictions by Congress; and (4) the exercise of the same must be for the carrying out of a declared national policy.⁷³ Another limitation is that the power may be withdrawn by Congress at will.⁷⁴ If not, the same will automatically cease upon the next adjournment of Congress.⁷⁵ If any of the conditions are not met, the Supreme Court can strike the exercise as unconstitutional.⁷⁶

Thus, while the delegation may have been permitted, the Constitution ensured and obligated the President “to operate within carefully prescribed procedural limitations.”⁷⁷

c. Delegation of Tariff Powers to the President

This is the final delegation that is codified in the Constitution.⁷⁸ Article 28 (2) provides —

The Congress may, by law, authorize the President to fix within specified limits, and subject to such limitations and restrictions as it may impose, tariff

71. PHIL. CONST. art. VI, § 23 (2). *See also* David v. Arroyo, G.R. No. 171396, 489 SCRA 160, 227 (2006) (citing Garcia-Padilla v. Enrile, G.R. No. L-61388, 121 SCRA 472, 502 (1983)).

72. PHIL. CONST. art. VI, § 23 (2).

73. *David*, 489 SCRA at 251.

74. PHIL. CONST. art. VI, § 23 (2).

75. PHIL. CONST. art. VI, § 23 (2).

76. *See David*, 489 SCRA at 275. Former President Gloria Macapagal-Arroyo’s Proclamation 1017 has been declared unconstitutional by the Court as there was no legislation that authorized the President to exercise legislative power.

77. *Id.* at 236.

78. PHIL. CONST. art. VI, § 28 (2).

rates, import and export quotas, tonnage and wharfage dues, and other duties or imposts within the framework of the national development program of the Government.⁷⁹

Subject to limitations it may impose on the President, the Constitution once again provides for an allowable delegation that Congress may choose to exercise.

d. Delegation to Local Government Units

Local government units, as Cooley describes, “are governments of enumerated powers, acting by a delegated authority.”⁸⁰ The regulations imposed by these local government units directly limit the legislative power of the State, but must nonetheless be in harmony with the laws of the State.⁸¹ This principle is embodied in Article II, Section 25 of the 1987 Constitution wherein “[t]he State shall ensure the *autonomy* of local governments.”⁸² Only decentralization of administration exists for local government units in relation to the National Government in the sense that “[o]nly administrative powers over local affairs are delegated to political subdivisions. The purpose of the delegation is to make governance more directly responsive and effective at the local level.”⁸³

The General Welfare Clause under Section 16 of the Local Government Code (LGC) has endowed local government units with the power to issue regulations for the general welfare of its inhabitants to improve their quality of life.⁸⁴ By virtue of the General Welfare Clause, police power has been handed down to local government units.⁸⁵ Likewise, through Section 19 of the LGC, Congress has “delegated the power of eminent domain to the local

79. PHIL. CONST. art. VI, § 28 (2).

80. COOLEY, *supra* note 43, at 192.

81. *Id.* at 198–200.

82. PHIL. CONST. art. II, § 25 (emphasis supplied).

83. *Pimentel v. Aguirre*, G.R. No. 132988, 336 SCRA 201, 217 (2000). *See Limbona v. Mangelin*, G.R. No. 80391, 170 SCRA 786, 795 (1989).

84. An Act Providing for a Local Government Code of 1991 [LOCAL GOV'T CODE], Republic Act No. 7160, §§ 5 (c) & 16 (1991). *See* LOCAL GOV'T CODE, §§ 389 (b), 391 (a) (1), 444 (b), 447 (a), 455 (b), 458 (a), 465 (b), & 468 (a).

85. *Id.* *See* *City of Manila v. Laguio*, G.R. No. 118127, 455 SCRA 308, 328 (2005).

government units.”⁸⁶ Likewise, the power of taxation has also been granted to local government units by the Constitution.⁸⁷

e. Delegation to Administrative Bodies

There are two types of permissible delegation of legislative power to administrative bodies, namely: (1) subordinate legislation, and (2) contingent legislation.⁸⁸ Subordinate legislation is defined as the delegation of authority to administrative bodies, allowing them to add specific details to a statute.⁸⁹ The need for subordinate legislation has been recognized to adapt to the complexities of modern governments.⁹⁰

Contingent legislation merely refers to the legislature’s delegation “to another body the power to ascertain facts necessary to bring the law into actual operation.”⁹¹ This concept was portrayed in the early United States (U.S.) Supreme Court case of *The Aurora v. United States*,⁹² which emphasized that the legislature can exercise its discretion in delegating legislative authority through contingent provisions based on certain conditions or events.⁹³

For there to be a valid delegation of legislative power, two fundamental requisites have to be met, namely: (1) the statute making the delegation must be complete, and (2) a sufficient standard exists.⁹⁴ Regarding the first requisite, the statute must be fully specified in all its terms and provisions,⁹⁵ to the extent that “all [that] the delegate will have to do when the statute reaches it is to implement it.”⁹⁶ On the other hand, a sufficient standard exists

86. *City of Manila v. Prieto*, G.R. No. 221366, 907 SCRA 602, 613 (2019).

87. PHIL. CONST. art. X, § 5. *See Mandanas v. Ochoa*, G.R. No. 199802, 869 SCRA 440, 497 (2018).

88. *Lagman v. Ochoa*, G.R. No. 197422, 959 SCRA 258, 331 (2020).

89. *Id.* at 333.

90. *See People v. Rosenthal and Osmeña*, 68 Phil. 328, 343 (1939).

91. *Lagman*, 959 SCRA at 331. *See Calalang v. Williams*, 70 Phil. 726, 732-34 (1940).

92. *The Aurora v. United States*, 11 U.S. 382 (1813).

93. *Id.* at 388.

94. *Solicitor General v. Metropolitan Manila Authority*, G.R. No. 102782, 204 SCRA 837, 844 (1991) (citing *Pelaez v. Auditor General*, G.R. No. L-23825, 15 SCRA 569, 601 (1965)).

95. *Metropolitan Manila Authority*, 204 SCRA at 844.

96. *Id.*

if the law contains limitations or guidelines to determine the scope of authority of the delegated entity.⁹⁷ The purpose of the latter requisite “is to map out the boundaries of the delegate’s authority.”⁹⁸ It has been highlighted by Justice Isagani A. Cruz in his *ponencia* of *Eastern Shipping Lines v. Philippine Overseas Employment Administration*⁹⁹ that “[b]oth tests are intended to prevent a total transference of legislative authority to the delegate, who is not allowed to step into the shoes of the legislature and exercise a power essentially legislative.”¹⁰⁰

C. Judicial Power and Judicial Review

1. Judicial Power

The duty of the courts is clear: “[i]t is emphatically the duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret the rule.”¹⁰¹ The 1987 Constitution is explicit and direct in its definition —

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.¹⁰²

As Justice George A. Sutherland would define in *Springer v. Government of the Philippine Islands*,¹⁰³ “legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement.”¹⁰⁴ On the other hand, Cooley differentiated between judicial and legislative power —

[A] marked difference exists between the employment of judicial and legislative tribunals. The former decide upon the legality of claims and conduct, and the latter make rules upon which, in connection with the

97. *Kilusang Mayo Uno v. Aquino*, G.R. No. 210500, 899 SCRA 492, 541 (2019).

98. *Metropolitan Manila Authority*, 204 SCRA at 844.

99. *Eastern Shipping Lines v. Philippine Overseas Employment Administration*, G.R. No. 76633, 166 SCRA 533, 544 (1988).

100. *Id.* at 544.

101. *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

102. PHIL. CONST. art. VIII, § 1.

103. *Springer*, 277 U.S. 189.

104. *Id.* at 202.

constitution, those decisions should be founded. It is the province of judges to determine what is the law upon existing cases.¹⁰⁵

*Marbury v. Madison*¹⁰⁶ is a good example of this distinction.¹⁰⁷ At the time, the Constitution of the U.S. reads as follows, “[t]he Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a [State] shall be a party. In all other cases, the Supreme Court shall have appellate jurisdiction.”¹⁰⁸ The majority opinion discussed that the original jurisdiction granted by the Constitution is limited only in cases enumerated therein, namely: (1) those cases affecting ambassadors, (2) other public ministers and consuls, and (3) those in which a State shall be a party.¹⁰⁹ It cannot assign itself more cases as the power to assign original jurisdiction remains with the legislature.¹¹⁰ When the Constitution goes so far as to enumerate what is included in the term “judicial power,” any interpretation other than what was written is a transgression of the law.¹¹¹

Similarly, in the Philippines, the judicial power granted by the Constitution is “*the* judicial power under our political system[,]” which includes accordingly “the entirety of ‘all’ of said power[,]” except only those conferred by the Constitution to some other branch such as the power to apportion jurisdiction to Congress.¹¹² The proper exercise of judicial power requires precisely that the court must have “jurisdiction to hear and decide ... controversies or disputes, in the first instance and/or on appeal.”¹¹³ Therefore, judicial power in its exercise requires legislative action and is not something that it can exercise on its own.¹¹⁴ This is what *Angara* summarizes precisely, “the Constitution has blocked out with deft strokes and in bold

105. COOLEY, *supra* note 43, at 92.

106. *Marbury*, 5 U.S. 137.

107. *See id.* at 177.

108. U.S. CONST. art. III, § 2.

109. *Marbury*, 5 U.S. at 174-76.

110. *Id.* at 176.

111. *Id.*

112. *Lopez v. Roxas, et al.*, G.R. No. L-25716, 17 SCRA 756, 760-61 (1966).

113. *Id.* at 761.

114. *Id.*

lines, allotment of power to the executive, the legislative[,] and the judicial departments of the government.”¹¹⁵

2. Rule-Making Power of the Supreme Court

Article VIII, Section 5, Paragraph 5 of the 1987 Constitution is clear that the Supreme Court can “[p]romulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts.”¹¹⁶ This provision is qualified by the statement that these rules “shall not diminish, increase, or modify substantive rights.”¹¹⁷

The Supreme Court has not explicitly addressed the issue of delegation of legislative power to the judiciary, and it seems unlikely that such a delegation would be valid or constitutional. While this type of delegation is closest to delegation to administrative bodies, it is important to highlight that this sort of delegation (i.e., delegation of legislative power to the judiciary) is not comparable to delegation to administrative bodies. The judiciary, as a co-equal body of the legislature, differs fundamentally from administrative agencies. Furthermore, there is no explicit provision in the Constitution, or a clear legal basis, affirming that such an action would not violate the Separation of Powers and the doctrine of Non-Delegability.

IV. ASSESSING THE CONSTITUTIONALITY OF JURISDICTION ALLOCATION

A. Restriction on Jurisdiction

To assess the constitutionality of the power to allocate jurisdiction, one must first define the concept of jurisdiction which is “the power and authority of a court to hear, try[,] and decide a case.”¹¹⁸ More importantly, “jurisdiction is the authority to hear and determine a cause — the right to act in a case. Since it is the power to hear and determine, it does not depend either upon the regularity of the exercise of that power or upon the rightfulness of

115. *Angara*, 63 Phil. at 157.

116. PHIL. CONST. art. VIII, § 5 (5).

117. PHIL. CONST. art. VIII, § 5 (5).

118. *Asia International Auctioneers, Inc. v. Parayno, Jr.*, G.R. No. 163445, 540 SCRA 536, 546 (2007) (citing *Veneracion v. Mancilla*, G.R. No. 158238, 495 SCRA 712, 726 (2006)); *Platinum Tours and Travel, Inc. v. Panlilio*, G.R. No. 133365, 411 SCRA 142, 146 (2003); *United BF Homeowner’s Association v. BF Homes, Inc.*, G.R. No. 124873, 310 SCRA 304, 317 (1999); & *Zamora v. CA*, G.R. No. 78206, 183 SCRA 279, 283 (1990)).

decision made.”¹¹⁹ These definitions place emphasis on the pivotal role of jurisdiction in facilitating the administration of justice and maintaining the rule of law within a legal system.

To expound further, subject matter jurisdiction refers to the authority “to hear and determine cases of the general class to which the proceedings in question belong and is conferred by the sovereign authority which organizes the court and defines its powers.”¹²⁰ Jurisdictional amounts allocate jurisdiction among different levels of trial courts based on the matter and the financial threshold involved in the dispute, thereby coming into the ambit of subject matter jurisdiction.¹²¹ This means that rather than being left to judicial discretion, jurisdiction distribution is fundamentally a constitutional and legislative power. Changes in jurisdictional allocation have an impact on the fundamental power and authority of lower courts to hear and decide cases.

I. Congressional Authority over Apportionment of Lower Courts

The power to allocate and apportion the jurisdiction of lower courts has been expressly stated in Article VIII, Section 2 of the 1987 Constitution. Specifically,

[t]he Congress shall have the power to define, prescribe, and *apportion the jurisdiction of various courts* but may not deprive the Supreme Court of its jurisdiction over cases enumerated in Section 5 hereof.

No law shall be passed reorganizing the Judiciary when it undermines the security of tenure of its Members.¹²²

Father Bernas explained that this power means “Congress is free to add to or subtract from the powers of the courts except insofar as these have been fixed by the Constitution.”¹²³ The Constitutional provision both limits Congress’ authority and, at the same time, gives it a dual obligation. First, Congress has the authority to create courts, as expressly stated in the Constitution.¹²⁴ This emphasizes the legislative body’s key role in establishing the institutional composition of the judiciary, allowing it to form more courts when needed. Second, Article VIII, Section 2 gives Congress

119. *Herrera v. Barretto*, 25 Phil. 245, 251 (1913).

120. *Reyes v. Diaz*, 73 Phil. 484, 486 (1941).

121. Republic Act No. 11576, § 1.

122. PHIL. CONST. art. VIII, § 2 (emphasis supplied).

123. BERNAS, *supra* note 22, at 815.

124. PHIL. CONST. art. VIII, § 2.

the ability to define, regulate, and allocate jurisdiction, explaining the exact legal domains within which these newly formed courts shall operate.¹²⁵

This multifaceted authority granted by the Constitution includes not only determining what types of cases each court is competent to hear, but also allocating jurisdictional responsibilities among the many parts of the judiciary. The reinforcement of the Separation of Powers is implicit in this allocation of authority, highlighting that the delineation of judicial jurisdiction is a legislative duty.¹²⁶ In essence, the language of Article VIII, Section 2 of the Constitution defines the scope of Congressional authority in creating lower courts and shaping their jurisdiction, while also discreetly reinforcing the fundamental principle of Separation of Powers.¹²⁷

According to the 1986 Constitutional Commission's deliberations on Article VIII, Section 2, the framers of the Constitution intended to grant the legislature the right to define, prescribe, and apportion the jurisdiction of the various courts.¹²⁸ This provision retained the power granted under the 1973 Constitution,¹²⁹ and during the deliberations, there was no explicit intention to either expand or restrict this authority.¹³⁰

2. Limits on Congressional Delegation of Judicial Power

As previously defined, legislative power includes the creation of laws, which are "rules of civil conduct"¹³¹ created for the regulation of new controversies.¹³² The legislative function, however, extends beyond the establishment of judicially enforceable rights. This constitutional prerogative involves the delineation of which court or courts possess the authority to adjudicate types of controversies.¹³³

It should be noted that a salient constraint is imposed on this prerogative in Article VIII, Section 2 of the 1987 Constitution. Specifically, Congress is expressly prohibited from divesting the Supreme Court of its jurisdiction in

125. BERNAS, *supra* note 22, at 959.

126. *See* PHIL. CONST. art. VIII, § 2.

127. PHIL. CONST. art. VIII, §§ 1-2.

128. BERNAS, *supra* note 22, at 958-61.

129. 1973 PHIL. CONST. art. X, § 1 (superseded in 1987).

130. 5 RECORD OF THE CONSTITUTIONAL COMMISSION, NO. 26.

131. COOLEY, *supra* note 43, at 90 & 92.

132. *Id.* at 92.

133. BERNAS, *supra* note 22, at 959.

cases explicitly enumerated in Article VIII, Section 5 of the Constitution.¹³⁴ This provision operates as a safeguard, unequivocally securing the Supreme Court's ultimate authority in matters explicitly designated by the Constitution. In doing so, Article VIII, Section 2 of the 1987 Constitution fortifies the foundational principle of the Separation of Powers between co-equal branches of government. In fact, Congress cannot reorganize or even alter the composition of the Supreme Court.¹³⁵

B. Nature of the Power Delegated

To address the inquiry raised in this Article, it is essential to elucidate the essence of the delegated power under Section 3 in R.A. No. 11576. Specifically, in this context, the power under consideration pertains to Congress' authority to distribute and assign the jurisdiction of lower courts. The crux lies in the intricacies of the nature of this delegation, since this may extend beyond mere procedural delegation, transcending into the very essence of how justice is meted out within the Philippine legal framework.

As previously discussed, Article VIII, Section 5 (5) of the 1987 Constitution is clear that the Supreme Court can promulgate rules for the dispensation of substantive rights, however, it "shall not diminish, increase, or modify substantive rights."¹³⁶ Justice Pedro T. Tuason's *ponencia* in *Bustos v. Lucero*¹³⁷ discussed substantive law and that it "creates substantive rights and the two terms in this respect may be said to be synonymous. Substantive rights is a term which includes those rights which one enjoys under the legal system prior to the disturbance of normal relations."¹³⁸

The Supreme Court *en banc* has made it clear in a long line of jurisprudence that "[j]urisdiction is a matter of *substantive law*. Thus, an action may be filed only with the court or tribunal where the Constitution or a statute says it can be brought."¹³⁹

134. PHIL. CONST. art. VIII, § 2.

135. PHIL. CONST. art. VIII, § 1. See also BERNAS, *supra* note 22, at 961 & Vargas v. Rilloraza, 80 Phil. 297, 322 (1948).

136. PHIL. CONST. art. VIII, § 5 (5).

137. *Bustos v. Lucero*, 81 Phil. 640 (1948).

138. *Id.* at 649-50 (citing 60 C.J., 980).

139. *Non v. Office of the Ombudsman*, G.R. No. 251177, 951 SCRA 459, 478 (2020) (citing *Radiowealth Finance Co., Inc. v. Pineda*, G.R. No. 227147, 874 SCRA 529, 3 (2018) & *City of Lapu-Lapu v. Phil. Economic Zone Authority*, 749 Phil. 473, 522 (2014)) (emphasis supplied).

It is therefore clear that the power to allocate jurisdiction is inherently legislative and a matter of substantive law, not just a matter of procedure. Plainly worded, it is within the ambit of the legislative branch rather than the judiciary. This understanding is crucial in determining the constitutionality of Section 3 of R.A. No. 11576.

V. CONSTITUTIONAL CHALLENGES

A. *Constitutionality of the Delegation*

As discussed, changes in jurisdictional allocation have an impact on the fundamental power and authority of lower courts to hear and determine cases.¹⁴⁰ The constitutionality of Section 3 of Republic Act No. 11576 fails to muster the required legal basis. The Authors respectfully highlight that the path to efficient reform lies not in redrawing constitutional boundaries, but in perfecting the synergy of distinct and constitutionally defined roles.

1. Non-Delegable Constitutional Power

The authority to define and apportion jurisdiction is intrinsically legislative, stemming from Congress' power to craft substantive law.¹⁴¹ While the Supreme Court has the authority to make procedural rules, jurisdiction delineation for lower courts goes beyond shaping substantive rights and court access.¹⁴² This brings jurisdictional allocation squarely within the purview of the legislature rather than judicial discretion. Delineating jurisdiction provides the essential authority and limits of judicial power, influencing the Separation of Powers between the legislative and judicial departments.

An analysis of the delegation of authority to delineate jurisdiction over subordinate courts provides a detailed understanding of how the legislative and judicial branches of the Philippine legal system are kept in balance. Nonetheless, the Authors are of the opinion that there is no delegable power when it comes to the setting of jurisdictional amounts since this is a matter of substantive law. As Louis L. Jaffe succinctly described it —

Power should be delegated where there is agreement that a task must be performed and it cannot be effectively performed by the legislature without the assistance of a delegate or without an expenditure of time so great as to lead to the neglect of equally important business. Delegation is most commonly indicated where the relations to be regulated are highly

140. *See Reyes*, 73 Phil. at 486.

141. *See PHIL. CONST.* art. VI.

142. *PHIL. CONST.* art. VIII, § 2.

technical or where their regulation requires a course of continuous decision.¹⁴³

A restatement of the Latin maxim *delegatus non potest delegari* or *delegata potestas non potest delegari* or “what has been delegated can no longer be delegated” is the principle of this rule.¹⁴⁴

2. Expressly Provided for Under the Constitution

Furthermore, the power to allocate and apportion the jurisdiction of lower courts has been expressly stated in Article VIII, Section 2 of the 1987 Constitution.¹⁴⁵ Hence, these specific legislative functions are not delegated to the judiciary since these are expressly provided for under the Constitution. The legislative, not the judicial branch, was obviously designed to have these powers over inferior courts, according to the Constitution. Any attempt to delegate or transfer these responsibilities would violate the principle of Separation of Powers and consequently, it would be “a breach of the national fundamental law[.]”¹⁴⁶

B. Implications if the Provision Is Ruled Unconstitutional

In the event that Section 3 of R.A. No. 11576 is declared unconstitutional, it has no bearing on the jurisdiction of first- and second-level courts. Section 3 acts as a delegation of authority to the Supreme Court for altering jurisdictional amounts.¹⁴⁷ Sections 1 and 2 amended B.P. 129 and would remain valid independently.¹⁴⁸ The primary objective of Section 3 is to allow flexibility in altering jurisdictional amounts based on economic conditions without the need for additional legislation.¹⁴⁹ The removal of this delegation has no effect on the jurisdiction thresholds already established in Sections 1 and 2.

143. Louis L. Jaffe, *An Essay on Delegation of Legislative Power: I*, 47 COLUM. L. REV. 3, 361 (1947).

144. Duff & Whiteside, *supra* note 54, at 169.

145. PHIL. CONST. art. VIII, § 2.

146. *Belgica*, 710 SCRA at n. 194.

147. *See* Republic Act No. 11576, § 3.

148. *Id.* § 5.

149. *See id.* § 3.

The presence of a separability clause in Section 5 strengthens the case that nullifying Section 3 would have no effect on the jurisdictional requirements in Sections 1 and 2 because it expressly indicates that the unconstitutionality of one provision does not affect the remaining ones.¹⁵⁰ Furthermore, through modifications to B.P. 129, Congress retains the authority to independently change jurisdictional amounts. As a result, jurisdiction is not primarily based on the delegated power described in Section 3.

VI. CONCLUSION

A. The Provision Improperly Delegates Legislative Power

First, delegation to the judiciary is not one of the permissible delegations of legislative power. It is neither mentioned under the Constitution, nor is it mentioned in any jurisprudence.¹⁵¹ The constitutionality of Section 3 of R.A. No. 11576 is questionable because the power to allocate jurisdiction is intrinsically legislative under Congress' authority to make substantive law. Thus, the Authors conclude that jurisdiction-setting likely cannot be delegated from Congress to the Supreme Court. Furthermore, the 1987 Constitution grants expressly Congress the power to allot the jurisdiction of lower courts under Article VIII, Section 2. As this is an enumerated legislative function under the Constitution regarding a substantive matter, there is a strong argument that it cannot be delegated.

Second, assuming arguendo that delegation to the judiciary is allowed, the provision fails to pass the tests for a valid delegation of legislative power.¹⁵² Thus, Section 3 of R.A. No. 11576 poses several constitutional challenges in its transfer of legislative authority to the judiciary. It contradicts the clear constitutional allocation of powers, fails to meet recognized requirements for proper delegation, and may weaken the idea of Separation of Powers, all of which are fundamental to the Philippine constitutional framework. The position of the Authors is that it is apt to bring the matter to the Court's attention to decide whether indeed this will pass the test of constitutionality.

150. *Id.* § 5.

151. See generally PHIL. CONST. art. VIII, § 3.

152. *Metropolitan Manila Authority*, 204 SCRA at 844.

B. The Provision Upsets the Balance of Power Between Branches

In terms of the structure of the judiciary, the Constitution establishes a balance of authority between the legislative and judicial departments.¹⁵³ Congress has the authority to establish lower courts and shape their jurisdiction, giving lawmakers control over court formation and legal scope.¹⁵⁴ The Constitution, however, forbids Congress from changing the makeup of the Supreme Court or relinquishing authority over constitutionally-defined issues.¹⁵⁵ This confirms the Supreme Court's supremacy in basic constitutional issues, while allowing Congress to construct inferior courts. The Constitution tries to create an equilibrium through this differentiated allocation of powers — Congress can extend and reconfigure inferior courts while the Supreme Court preserves protected jurisdiction, preserving judicial independence and separation of powers.¹⁵⁶ This system balances legislative and judicial authority over court design. Allowing Section 3 to remain disrupts that delicate balance.

While efforts to streamline and distribute judicial workload are vital and laudable, it should not come at the expense of well-established boundaries of Separation of Powers. The efficient administration of justice is an essential aim, but it must be undertaken within the constitutional framework that controls the judicial system. The legislative delegation of power to change jurisdictional amounts, although conceivably practical, risks undermining the basic foundations that underpin the Philippine republican system of government.

A more constitutionally sound approach could include closer collaboration between the judiciary and the legislature, with the judiciary making recommendations to the legislature. Thus, the allocation of jurisdiction remains a fundamentally legislative function, as intended in the Constitution. This method would maintain the balance of powers while also meeting the practical demands of the courts. Another approach that can be taken in conjunction might be more frequent legislative evaluations of jurisdictional thresholds, potentially on a regular basis, which might give the flexibility needed to ensure the jurisdictional thresholds remain compatible in the face of economic realities. This method would respect both the judicial

153. See PHIL. CONST. art. VIII, § 2.

154. PHIL. CONST. art. VIII, § 1.

155. BERNAS, *supra* note 22, at 959.

156. See PHIL. CONST. art. VIII, § 1 & BERNAS, *supra* note 22, at 961. See also Vargas, 80 Phil. at 322.

branch's vital insights and the legislative branch's constitutional responsibilities.

These approaches ensure that efforts to improve the administration of justice do not undermine the foundational framework of the legal system on which it stands. Lest the people forget, the principle of Separation of Powers is not, and should not be, an obstacle to overcome, but a bulwark against the concentration of authority.