

REPUBLIC ACT NO. 1186

AN ACT TO AMEND AND REPEAL CERTAIN SECTIONS OF
REPUBLIC ACT NUMBERED TWO HUNDRED AND NINETY-
SIX, OTHERWISE KNOWN AS "THE JUDICIARY ACT OF
1948" AND FOR OTHER PURPOSES.

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

SECTION 1. Sections eleven, twenty-eight, forty, forty-one, forty-two, the second, third, eleventh and twelfth paragraphs of section forty-nine, fifty, fifty-one, fifty-two, the second, third, fourth, fifth, seventh, tenth, and eleventh subparagraphs of the second paragraph of section fifty-four, and section sixty of Republic Act Numbered Two hundred ninety-six, as amended, are amended to read as follows:

"SEC. 11. *Appointment and compensation of Justices of the Supreme Court.* — The Chief Justice and the Associate Justices of the Supreme Court shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments. The Chief Justice of the Supreme Court shall receive a compensation of twenty-one thousand pesos per annum, and each Associate Justice shall receive a compensation of twenty thousand pesos per annum. The Chief Justice of the Supreme Court shall be so designated in his commission; and the Associate Justices shall have precedence according to the dates of their respective commissions, or, when the commissions of two or more of them bear the same date, according to the order in which their commissions may have been issued by the President of the Philippines: *Provided, however,* That any member of the Supreme Court who has been reappointed to that Court after rendering service in any other branch of the Government shall retain the precedence to which he is entitled under his original appointment and his service in the Court shall, to all intents and purposes, be considered as continuous and uninterrupted.

"SEC. 28. *Qualifications and compensation of Justices of Court of Appeals.* — The Justices of the Court of Appeals shall have the same qualifications as those provided in the Constitution for members of the Supreme Court. 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. 40. *Judges of First Instance.* — The judicial function in Courts of First Instance shall be vested in District Judges, to be appointed and commissioned as hereinafter provided: *Provided, however,* That those who are District Judges at the time of the approval of this amendatory Act shall continue as such in their respective districts without need of new appointments by the President of the Philippines and new confirmations by the Commission on Appointments.

"SEC. 41. *Limitation upon tenure of office.* — District Judges shall be appointed to serve during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office, unless sooner removed in accordance with law.

"SEC. 42. *Qualification and salary.* — No person shall be appointed District Judge unless he has been ten years a citizen of the Philippines and has practised law in the Philippines for a period of not less than ten years or has held during a like period, within the Philippines, an office requiring admission to the prac-

— laws or judgments promulgated or by determinations or conventions agreed upon in a foreign court (Art. 17, par. 5, *Ibid*).

Divorce is to effect a change in the civil status of those to whom it is granted. Since the status of Filipino citizens residing abroad is governed by Philippine laws, and considering that public policy frowns upon divorce as being repugnant to good morals and destructive to public order, it is believed that a decree of divorce granted by a foreign court to Filipino nationals residing abroad

of law in the Philippines as an indispensable requisite.

"The District Judge shall receive a compensation at the rate of twelve thousand pesos per annum.

"SEC. 49. *Judicial districts.* — Judicial districts for Courts of First Instance in the Philippines are constituted as follows:

"The First Judicial District shall consist of the Provinces of Cagayan, Batanes, Isabela, and Nueva Vizcaya;

"The Second Judicial District, of the Provinces of Ilocos Norte, Ilocos Sur, Abra, City of Baguio, Mountain Province and La Union;

"The Tenth Judicial District, of the Provinces of Camarines Sur, Albay, Catanduanes, Sorsogon and Masbate;

"The Eleventh Judicial District, of the Provinces of Capiz, Romblon and Iloilo, the City of Iloilo and the Province of Antique;

"SEC. 50. *Judges of First Instance for Judicial Districts.* — Five judges shall be commissioned for the First Judicial District. Two judges shall preside over the Courts of First Instance of Cagayan and Batanes, and shall be known as judges of the first and second branches thereof, respectively, the judge of the second branch to preside also over the Court of First Instance of Batanes; two judges shall preside over the Court of First Instance of Isabela, and shall be known as the judges of the first and second branches thereof; and one judge shall preside over the Court of First Instance of Nueva Vizcaya.

"Seven judges shall be commissioned for the Second Judicial District. Two judges shall preside over the Court of First Instance of Ilocos Norte; two judges shall preside over the Court of First Instance of Ilocos Sur; one judge shall preside over the Court of First Instance of Abra; one judge shall preside over the Court of First Instance of the City of Baguio and Mountain Province; and another judge shall preside over the Court of First Instance of La Union.

"Six judges shall be commissioned for the Third Judicial District. Five judges shall preside over the Court of First Instance of Pangasinan and shall be known as judges of the first, second, third, fourth and fifth branches thereof, respectively; two judges shall preside over the Court of First Instance of Lingayen to be known as the judges of the first branch and the second branch, respectively; two judges shall preside over the Court of First Instance of the City of Dagupan and shall be known as the judges of the third and fourth branches thereof, respectively, and one and shall be known as the judge of the fifth branch. One judge shall preside over the Court of First Instance of Urdaneta shall preside over the Court of First Instance of Zambales.

"Five judges shall be commissioned for the Fourth Judicial District. Three judges shall preside over the Courts of First Instance of Nueva Ecija and Cabanatuan City and shall be known as judges of the first, second, and third branches thereof, respectively; and two judges shall preside over the Court of First Instance of Tarlac, and shall be known as judges of the first and

— will not be recognized as binding in this jurisdiction. The personal relations of the citizens of this Islands cannot be affected by decrees of foreign countries in a manner which our government believes is contrary to public order and good morals. (*Barreto Gonzales vs. Gonzales*, 58 Phil. 67, 72).

(Sgd.) PEDRO TUASON
Secretary of Justice

second branches thereof, respectively.

"Five judges shall be commissioned for the Fifth Judicial District. Two judges shall preside over the Court of First Instance of Pampanga and shall be known as judges of the first and second branches thereof, respectively; one judge shall preside over the Court of First Instance of Bataan; and two judges shall preside over the Court of First Instance of Bulacan and shall be known as judges of the first and second branches thereof, respectively.

"Eighteen judges shall be commissioned for the Sixth Judicial District. They shall preside over the Courts of First Instance of Manila and shall be known as judges of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth branches thereof, respectively.

"Eight judges shall be commissioned for the Seventh Judicial District. Five judges shall preside over the Courts of First Instance of the Province of Rizal, Quezon City and Pasay City and shall be known as judges of the first, second, third, fourth and fifth branches thereof, respectively; two judges shall preside over the Courts of First Instance of the Province of Cavite and the Cities of Cavite and Tagaytay, and shall be known as judges of the first and second branches thereof, respectively; and one judge shall preside over the Court of First Instance of Palawan.

"Seven judges shall be commissioned for the Eighth Judicial District. Three judges shall preside over the Courts of First Instance of Laguna and the City of San Pablo, and shall be known as judges of the first, second and third branches thereof, respectively; three judges shall preside over the Courts of First Instance of Batangas and the City of Lipa, and shall be known as judges of the first, second and third branches thereof, respectively; and one judge shall preside over the Courts of First Instance of Mindoro Oriental, Mindoro Occidental and Marinduque.

"Four judges shall be commissioned for the Ninth Judicial District. Three judges shall preside over the Court of First Instance of Quezon and shall be known as judges of first, second, and third branches thereof, respectively; and one judge shall preside over the Court of First Instance of Camarines Norte.

"Seven judges shall be commissioned for the Tenth Judicial District. Three judges shall preside over the Courts of First Instance of Camarines Sur and Naga City and shall be known as judges of the first, second and third branches thereof, respectively; two judges shall preside over the Court of First Instance of Albay and Legaspi City and of Catanduanes and shall be known as judges of the first and second branches thereof; one judge shall preside over the Court of First Instance of the Province of Sorsogon; and one judge shall preside over the Court of First Instance of Masbate.

"Seven judges shall be commissioned for the Eleventh Judicial District. Two judges shall preside over the Courts of First Instance of Capiz and Romblon and shall be known as judges of the first and second branches thereof, respectively; the judge of the first branch to preside also over the Court of First Instance of Romblon; and four judges shall preside over the Courts of First Instance of the Province of Iloilo and the City of Iloilo, and shall be known as judges of the first, second, third, and fourth branches thereof, respectively; and one judge shall preside over the Court of First Instance of the Province of Antique.

"Six judges shall be commissioned for the Twelfth Judicial District. Four judges shall preside over the Courts of First Instance of Occidental Negros and the City of Bacolod, and shall be known as judges of the first, second, third and fourth branches thereof, respectively; and two judges shall preside over the Courts of First Instance of Oriental Negros, Dumaguete City and the Sub-province of Siquijor.

"Nine judges shall be commissioned for the Thirteenth Ju-

dicial District. Three judges shall preside over the Courts of First Instance of Samar and Calbayog City and shall be known as judges of the first, second and third branches thereof, respectively; and six judges shall preside over the Courts of First Instance of Leyte and the Cities of Ormoc and Tacloban, and shall be known as judges of the first, second, third, fourth, fifth and sixth branches thereof, respectively.

"Six judges shall be commissioned for the Fourteenth Judicial District. Five judges shall preside over the Courts of First Instance of the Province of Cebu and the City of Cebu, and shall be known as judges of the first, second, third, fourth and fifth branches thereof, respectively; and one judge shall preside over the Court of First Instance of Bohol.

"Five judges shall be commissioned for the Fifteenth Judicial District. One judge shall preside over the Court of First Instance of Surigao; one judge shall preside over the Courts of First Instance of Agusan and Butuan City; one judge shall preside over the Courts of First Instance of Oriental Misamis and Cagayan de Oro City; one judge shall preside over the Court of First Instance in the Province of Bukidnon; and one judge shall preside over the Court of First Instance of Lanao and the Cities of Davao and Iligan.

"Nine judges shall be commissioned for the Sixteenth Judicial District. Three judges shall preside over the Courts of First Instance of Davao and Davao City; two judges shall preside over the Court of First Instance of Cotabato; one judge shall preside over the Courts of First Instance of Occidental Misamis and Ozamis City; one judge shall preside over the Court of First Instance of Zamboanga del Norte; one judge shall preside over the Courts of First Instance of Zamboanga del Sur and Zamboanga City; and one judge shall preside over the Courts of First Instance of Sulu and Basilan City.

"SEC. 51. *Detail of judge to another district or province.* — Whenever a judge stationed in any province or branch of a court in a province shall certify to the Secretary of Justice that the condition of the docket in his court is such as to require the assistance of an additional judge, or when there is any vacancy in any court or branch of a court in a province, the Secretary of Justice may, in the interest of justice, with the approval of the Supreme Court and for a period of not more than three months for each time, assign any judge of any other court or province whose docket permits his temporary absence from said court, to hold sessions in the court needing such assistance, or where such vacancy exists. No judge so detailed shall take cognizance of any case when any of the parties thereto objects and the objection is sustained by the Supreme Court.

"SEC. 52. *Permanent stations of district judges.* — The permanent station of judges of the Sixth Judicial District shall be in the City of Manila.

"In other judicial districts, the permanent stations of the judges shall be as follows:

"For the First Judicial District, the judge of the first branch of the Court of First Instance of Cagayan shall be stationed in the Municipality of Tuguegarao, same province; the judge of the second branch, in the Municipality of Aparri, same province; one judge shall be stationed in the Municipality of Ilagan, Province of Isabela; one judge shall be stationed at Cauayan, Isabela; and another judge, in the Municipality of Bayombong, Province of Nueva Vizcaya.

"For the Second Judicial District, two judges shall be stationed in the Municipality of Laoag, Province of Ilocos Norte; two judges in the Municipality of Vigan, Province of Ilocos Sur; one judge, in the City of Baguio, Mountain Province; one judge, in the Municipality of Bangued, Province of Abra; and one judge, in the Municipality of San Fernando, Province of La Union.

"For the Third Judicial District, two judges shall be stationed

in the Municipality of Lingayen, Province of Pangasinan; two judges shall be stationed in the City of Dagupan; and one judge in the Municipality of Iba, Province of Zambales; and one in the Municipality of Urdaneta.

"For the Fourth Judicial District, three judges shall be stationed in the City of Cabatuan, and two judges in the Municipality of Tarlac, Province of Tarlac.

"For the Fifth Judicial District, one judge shall be stationed in the Municipality of San Fernando, Province of Pampanga; and one judge shall be stationed in the Municipality of Guagua, Province of Pampanga; one judge in the Municipality of Balanga, Province of Bataan; and two judges, in the Municipality of Malolos, Province of Bulacan.

"For the Seventh Judicial District, the two judges of the first and second branches of the Court of First Instance of Rizal shall be stationed in the Municipality of Pasig, same province; that of the third branch, in Pasay City; and those of the fourth and fifth branches, Quezon City; one judge, in the Municipality of Puerto Princesa, Province of Palawan; and two judges, in the City of Cavite.

"For the Eighth Judicial District, two judges shall be stationed in the Municipality of Biñan and the Municipality of Santa Cruz, Province of Laguna, respectively, and one judge in the City of San Pablo; the judge of the first branch of the Court of First Instance of Batangas shall be stationed in the Municipality of Bantangan, Province of Batangas; and those of the second and third branches in the City of Lipa and the Municipality of Balayan, Province of Batangas, respectively; and one judge, in the Municipality of Calapan, Province of Mindoro Oriental.

"For the Ninth Judicial District, the two judges shall be stationed in the Municipality of Lucena, Province of Quezon; one judge shall be stationed in the Municipality of Gumaca, in the same province; and one judge, in the Municipality of Daet, Province of Camarines Norte.

"For the Tenth Judicial District, three judges shall be stationed in the City of Naga, Province of Camarines Sur; two judges in Legaspi City; one judge, in the Municipality of Sorsogon, Province of Sorsogon; and one judge, in the Municipality of Maabate, Province of Maabate.

"For the Eleventh Judicial District, one judge shall be stationed in Roxas City and Romblon; and one judge, in the Municipality of Calivo, Province of Capi; and four judges, in the City of Iloilo; and one judge in the Municipality of San Jose de Buenavista, Province of Antique.

"For the Twelfth Judicial District, four judges shall be stationed in the City of Bacolod; two judges, in the City of Dumaguete.

"For the Thirteenth Judicial District, the judge of the first branch of the Court of First Instance of Samar shall be stationed in the Municipality of Cathalagan, Province of Samar; the judge of the second branch, in the Municipality of Borongan, same province; and the judge of the third branch, in the Municipality of Laang, same province; the judges of the first and second branches of the Court of First Instance of Leyte shall be stationed in the City of Tacloban, the judge of the third branch, in the Municipality of Maasin, Province of Leyte; the judge of the fourth branch, in the Municipality of Baybay, same province; the judge of the fifth branch, in the City of Ormoc; and the judge of the sixth branch, in the Municipality of Cariagra, Leyte.

"For the Fourteenth Judicial District, five judges shall be stationed in the City of Cebu and one judge, in the Municipality of Tagbilaran, Province of Bohol.

"For the Fifteenth Judicial District, one judge shall be stationed in the Municipality of Surigao, Province of Surigao; one judge, in the City of Cagayan de Oro; one judge, in the City of

Dansalan; one judge, in the Municipality of Malaybalay, Province of Bukidnon; and one judge, in the City of Butuan.

"For the Sixteenth Judicial District, three judges shall be stationed in the City of Davao, Province of Davao; two judges in the Municipality of Cotabato, Province of Cotabato; one judge, in the Municipality of Oroquieta, Province of Occidental Misamis; one judge, in the Municipality of Dipolog, Province of Zamboanga del Norte; one judge, in the City of Zamboanga; and one judge in the Municipality of Jolo, Province of Sulu."

"SEC. 54. *Places and time of holding Court.* — x x

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"Second Judicial District: At Bontoc, Mountain Province, on the first Tuesday of March, June, and November of each year; and, whenever the interest of justice so require, a special term of court shall be held at Lubagan, Subprovince of Kalunga.

"Seventh Judicial District: At Coron, Province of Palawan, on the first Monday of June and November of each year; and at Cuyo, same province, on the second Thursday of June and November of each year.

"Eight Judicial District: The judge shall hold special term at the municipalities of Lubang, Mamburao and San Jose, Mindoro Occidental; Pinamalayan and Roxas, Mindoro Oriental, once every year, as may be determined by him; at Boac, Province of Marinduque, on the first Tuesday of March, July and October of each year.

"Ninth Judicial District: At Infanta, Province of Quezon, for the municipalities of Infanta, Casiguran, Baler and Poililo, on the first Tuesday of January and June of each year.

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"Eleventh Judicial District: At Culasi, Province of Antique, on the first Tuesday of December of each year.

"Fifteenth Judicial District: At Cantilan, Province of Surigao, on the first Tuesday of August of each year; a special term of court shall also be held once a year in either the Municipality of Tandag or the Municipality of Hinatuan, Province of Surigao, in the discretion of the district judge; at Mambajao, Province of Oriental Misamis, on the first Tuesday of March of each year. A special term of court shall, likewise, be held, once a year, either in the Municipality of Talisayan or in the Municipality of Gingoog, Province of Oriental Misamis, in the discretion of the district judge; at Iligan, Province of Lanao, on the first Tuesday of March and October of each year, and at any time of the year at the Municipality of Baroy.

"Sixteenth Judicial District: At Dipolog, Province of Zamboanga del Norte, terms of court shall be held at least four times a year and in the Municipality of Sindangan of said province, on dates to be fixed by the district judge; at Pagadian, Zamboanga del Sur, at least three times a year; at Isabela, City of Basilan, at least four times a year on dates to be fixed by the district judge; at Baganga and Mati, Province of Davao; and at Glan, Province of Cotabato, terms of court shall be held at least once a year on dates to be fixed by the district judge.

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"SEC. 60. *Division of business among branches of Court of Sixth District.* — In the Court of First Instance of the Sixth District all cases relative to the registration of real estate in the City of Manila and all matters involving the exercise of the powers conferred upon the fourth branch of said court or the judge thereof in reference to the registration of land shall be within the exclusive jurisdiction of said fourth branch and shall go or be assigned thereto for disposition according to law. All other

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RAPE OF THE JUDICIARY

BY REP. DIOSDADO MACAPAGAL

Among the piling sins of the party in power can be included the enactment into law of H. Bill No. 1961 which, in the guise of judicial reorganization, will remove from office thirty-three judges at large and cadastral judges. The plea of the opposition to avoid this rape of the judiciary fell on majority ears that have become deaf to the call of justice but keen in hearkening to the siren call of political patronage to create positions for office-hungry political proteges.

The removal of these judges tramples upon the constitution. It plunges a dagger into the heart of judicial independence. It directly transgresses the constitutional provision providing that "The members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office." Dr. Jose M. Aruego, chronicler of the proceedings of the constitutional convention, attests that this provision is the sinew that gives strength to judicial independence:

"The convention sought to secure the independence of the judiciary through the provisions to the effect (1) that the members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office."

The party in power invokes the power of Congress to create inferior courts under the constitutional provision that: "The judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law." But in the words of Justice Jose P. Laurel in the case of "Zanduetta vs. de la Costa," 66 Phil. 615, "the principles embodied in these two sections of the same article of the constitution must be coordinated and harmonized." Justice Laurel said further:

"Cases may arise where the violation of the constitution regarding security of judicial tenure is palpable and plain, and that legislative power of reorganization may be sought to cloak an unconstitutional and evil purpose. When a case of that kind arises, it will be time to make the hammer fall and heavily."

The case envisaged by Dr. Laurel has arisen in this measure.

The purpose of this enactment is avowedly to prevent the transfer judges of first instance from one province to another known as "rigodon de jueces." This objective can be carried out without removing the present judges by changing their designation and prohibiting their transfer except within the same judicial district. The power to create courts must be exercised without removing the incumbent judges, particularly where their removal is not essential to the purpose of the judicial reorganization.

It follows that the removal of the incumbent judges is a political move made at the sacrifice of judicial independence which is consecrated in the fundamental law. This assault on the constitution by the ruling party is aggravated by the fact that in paragraph V of the 1953 Nacionalista platform, the party committed itself solemnly "to maintain an independent judiciary." By its consistency in reversing its election pledges, the new Nacionalista party may yet go down in our political history as the party of broken promises.

With the precedent established in this bill, every new party in power will follow this infamous example, abolish the positions of incumbent judges, and employ its own men. Security of judicial tenure thereby becomes a fiction. Judges will be induced to take sides in political fights knowing that their stay in office will depend on which party will win. Judicial independence is thereby converted into sycophaney to the political gods.

This political assault on the courts also partakes of cruelty and ingratitude if it is considered that before the election the Nacionalista party hailed the judiciary as truly the last bulwark of democracy against the alleged tyranny of the past administration for deciding case after case involving acts of the Liberal administration against the latter. Now that the Nacionalista party won partly through the moral support of the judiciary, it seeks to transform the latter from a bulwark of democracy into political booty.

The prostitution of the judicial independence by the majority party not only arouses the conscience against this conversion of the constitution into a scrap of paper to satiate a lust for political patronage, but also induces despair at the crystalizing truth that there has been a change of administration but no change in official morality.

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business appertaining to the Court of First Instance of said district shall be equitably distributed among the judges of the eighteen branches, in such manner as shall be agreed upon by the judges themselves; but in proceeding to such distribution of the ordinary cases, a smaller share shall be assigned to the fourth branch, due account being taken of the amount of land registration work which may be required of this branch: *Provided, however,* That at least four branches each year shall be assigned by rotation to try only criminal cases.

"Nothing contained in this section and in section sixty-three shall be construed to prevent the temporary designation of judges to act in this district in accordance with section fifty-one."

SEC. 2. Whenever the words "Judge-at-Large" or "Cadastral Judge" appear in Republic Act Numbered Two hundred ninety-six, the same shall read "District Judge".

SEC. 3. All the present district judges shall continue as such, but if any district judge is commissioned for the Courts of First Instance of two provinces, and a separate district judge has been provided for herein for one of such courts, the former shall

have the option to select the court over which he shall continue to preside and notify the President of his selection within a reasonable time. If the number of branches in any Court of First Instance has been increased, the district judge presiding over any branch thereof in a particular place shall continue to preside over such branch notwithstanding a change in its number under the provisions of this Act.

All the existing positions of Judges-at-Large and Cadastral Judges are abolished, and section fifty-three of Republic Act Numbered Two hundred ninety-six is hereby repealed.

SEC. 4. Any judge-at-large or cadastral judge who shall not be appointed as district judge by virtue of the provisions of this Act, shall be given a gratuity in an amount of one month's salary for each year of service of such judge, the total amount not to exceed the salary for one year. The sum necessary to carry out the provisions of this Act is hereby appropriated.

SEC. 5. This Act shall take effect upon its approval.

Approved,