

[PRESIDENTIAL DECREE NO. 411, March 15, 1974]

CONVERTING BRANCH XII OF THE COURT OF FIRST INSTANCE OF LEYTE INTO A JUVENILE AND DOMESTIC RELATIONS COURT

WHEREAS, the Provinces of Leyte and Southern Leyte, including the cities of Tacloban and Ormoc, have a total population of 1,523,145 giving rise to numerous juvenile cases and domestic problems;

WHEREAS, a Juvenile and Domestic Relations Court is needed in the aforementioned provinces and cities to exclusively handle and resolve juvenile cases and domestic problems; and

WHEREAS, Branch XII of the Court of First Instance of Leyte with station at Tacloban City is still unorganized and its conversion into a Juvenile and Domestic Relations Court will not adversely affect the administration of justice;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby order and decree:

SECTION 1. *The Juvenile and Domestic Relations Court.* — Branch XII of the Court of First Instance of Leyte is hereby converted into a Juvenile and Domestic Relations Court of the Provinces of Leyte and Southern Leyte, including the Cities of Tacloban and Ormoc, for which a judge who shall possess the same qualifications, enjoy the same privileges and receive the same salary as judges of the Court of First Instance, shall be appointed by the President.

The Juvenile and Domestic Relations Court shall have exclusive original jurisdiction to hear and decide cases in the Provinces of Leyte and Southern Leyte, including the Cities of Tacloban and Ormoc which are of the following nature:

- a. Criminal cases cognizable by the courts of first instance, circuit criminal court, municipal courts and city wherein the accused is under sixteen years of age at the time of the trial: *Provided*, That city and municipal courts shall exercise concurrent jurisdiction over:
 1. All violations of municipal or city ordinances committed within their respective territorial jurisdictions;
 2. Malicious mischief, concealment of deadly weapons and all criminal cases arising under the laws relating to gambling;
- b. Cases involving custody, guardianship, adoption, paternity and acknowledgment: *Provided*, That city and municipal courts shall continue to exercise the jurisdiction to appoint guardians conferred upon them by Section 86(c) of the Judiciary Act;
- c. Annulment of marriages, legal separation of spouses and action for support;
- d. Proceedings brought under the provisions of Articles one hundred sixteen, two hundred twenty-five, two hundred fifty-two and three hundred thirty-two of

- the Civil Code;
- e. Petitions for the declaration of absence and for the change of name;
- f. Actions for the separation of property of spouses;
- g. Proceedings affecting a dependent or neglected child, as hereinafter defined.

The Juvenile and Domestic Relations Court shall likewise have such incidental powers as are generally possessed by courts of first instance.

If any question involving any of the above matters should arise case pending in the ordinary courts, said incident shall be determined in any main case.

In case of the temporary absence, disqualification, or inhibition of the judge, the Supreme Court may designate a Judge of the Court of First Instance to act in the court or on a particular case in accordance with the procedures provided for under this Decree. Such designation may also be made under the conditions provided in the first paragraph of Section fifty-one of the Judiciary Act.

For the more economical and expeditious disposition of cases pending before it, the court shall have the authority to designate any judge of an inferior court within its jurisdiction to act as a commissioner for the purpose of receiving evidence in the city or municipality wherein he is stationed. Such commissioner shall proceed to receive evidence without delay and shall submit to the court a full report of the proceedings under him within twenty (20) days after the termination of said proceedings. The court shall have discretion either to render a decision on the basis of the commissioner's report thus submitted, or require the commissioner to receive further evidence, or conduct further hearings itself.

SEC. 2. *"Dependent" or "Neglected" Child Defined.* — The term "dependent" child or "neglected" child shall mean any child under sixteen years of age who is dependent upon the public for support or who is destitute, homeless or abandoned; or who habitually begs or receives alms, or who is found living in any house of ill fame or with any vicious or disreputable person, or whose home, by reason of neglect, cruelty or depravity on the part of his parents, guardian or other person in whose care he may be, is an unfit place for such child.

SEC. 3. *Proceedings Concerning a "Dependent" or "Neglected" Child.* Any representative of the Secretary of the Department of Social Welfare who is assigned in the province or city, having knowledge of a child in the province or city who appears to be a "dependent" or "neglected" child may file with the clerk of court a written petition, setting forth the facts constituting the child as "dependent" or "neglected," which petition shall be verified by the affidavit of the petitioner. It shall be sufficient if the affidavit shall be upon information and belief. Such petition shall set forth the name of the parent or parents of such child, if known, and their residence; and if such child has no parent living, then the name and residence of the guardian of such child, if he has one.

Upon the filing of such petition, the judge of the court shall fix the day and time for the hearing of such petition. If it appears that one or both of such parents, or guardian, if there be no parents, reside in the province, the clerk of said court shall immediately issue summons, which shall include a copy of the petition, and which shall be served on such parent, parents, or guardian, if any, if either can be found in the province or city, not less than two (2) days before the time fixed for the said hearing, requiring them to appear on said day and hour to show cause, if any, why such child should not be declared by said court to be a "dependent" or "neglected"