

[Commonwealth Act No. 3, December 31, 1935]

AN ACT TO AMEND CERTAIN PROVISIONS OF THE REVISED ADMINISTRATIVE CODE ON 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.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections one hundred and twenty-six, one hundred and thirty, and one hundred and thirty-two of the Revised Administrative Code are hereby amended to read as follows:

"SEC. 126. *The various courts.*—The courts referred to in this chapter are the Supreme Court, the Court of Appeals, and the Courts of First Instance.

"SEC. 130. *Disposition of moneys paid into court.*—All moneys accruing to the Government in the Supreme Court, in the Court of Appeals, and in the Courts of First Instance, including fees, fines, forfeitures, costs, or other miscellaneous receipts, and all trust or depository funds paid into such courts shall be received by the corresponding clerks of court and, in the absence of special provision, shall be paid by him into the Philippine Treasury to the credit of the proper account or fund and under such regulations as shall be prescribed by the Auditor General: Provided, That forty per centum of the fines collected under sections two thousand seven hundred and fifty-one and two thousand seven hundred and fifty-two of this Code, shall accrue to the school funds of the municipality in which the offense is committed, and ten per centum shall accrue to the school funds of the respective provinces.

"A clerk shall not receive money belonging to private parties except where the same is paid to him or into court by authority of law.

"SEC. 132. *Annual report of clerks of courts.*—The clerk of the Supreme Court, the clerk of the Court of Appeals, and all clerks of Courts of First Instance shall make annual reports to the Secretary of Justice, of such scope and in such form as shall be by the latter prescribed, concerning the business, done in their respective courts during the year."

SEC. 2. Sections one hundred and thirty-three, one hundred and thirty-four, and one hundred and thirty-eight of the Revised Administrative Code are hereby amended to read as follows:

"SEC. 133. *The Supreme Court; quorum of the Court; designation of Judges of the Court of Appeals to sit in Supreme Court; number of Justices necessary to reach a decision.*—The Supreme Court of the Philippines shall consist of a Chief Justice and six Associate Justices, which shall sit in banc in the hearing and determination of all cases within its jurisdiction. The presence of six Justices shall be necessary to

constitute a quorum, except when the judgment of the lower court imposes the death penalty, in which case the presence of all Justices shall be necessary to constitute quorum. In the absence of a quorum, the Court 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.

"If on account of illness, absence, or incapacity upon any of the grounds mentioned in section eight of Act Numbered One hundred and ninety, of any of the Justices of the Court, or, whenever, by reason of temporary disability of any Justices of the Court, Justice thereof or of vacancies, occurring therein, the requisite number of Justices necessary to constitute a quorum or to render a judgment in any given case, as heretofore provided, is not present, the President of the Philippines, upon the recommendation of the Chief Justice, may designate such number of Judges of the Court of Appeals, as may be necessary, to sit temporarily as Justices of said Court, in order to form a quorum, or until a judgment in said case is reached: Provided, however, That no Judge of the Court of Appeals may be designated to act in any case in the decision of which he has taken part.

"The concurrence of at least four Justices of the Court shall be necessary for the pronouncement of a judgment. However, for the purpose of declaring a law or a treaty unconstitutional, at least five Justices must concur. When the necessary majority, as herein provided, to declare a law or a treaty unconstitutional cannot be had, the Court shall so declare, and in such case the validity or constitutionality of the act or treaty involved shall be deemed upheld.

"Whenever the judgment of the lower court imposes the death penalty, the case shall be heard and determined by all the Justices of the Court, and the unanimous decision of all of such Justices shall be necessary for the pronouncement of a judgment imposing the death penalty. When the Court fails to reach a unanimous decision as herein provided, the penalty next lower in degree than the death penalty shall be imposed.

"SEC. 133-A. *Place of holding sessions.*—The Supreme Court shall hold its sessions in the City of Manila.

"SEC. 134. *Appointment 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 of the National Assembly. 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.

"SEC. 134-A. *Vacancy in office of Chief Justice.*—In case of a vacancy in the office of Chief Justice of the Supreme " ° Court, or of his inability to perform the duties and powers of his office, they shall 'devolve upon the

Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice.

"SEC. 138. *Jurisdiction of the Supreme Court.*—The Supreme Court shall have such original jurisdiction as may be possessed and exercised by the Supreme Court of the Philippines at the time of the approval of this Act, including cases affecting ambassadors, other public ministers, and consuls.

"The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm, on appeal, certiorari or writ of error, as the law or rules of court may provide, final judgments and decrees of inferior courts as herein provided, in—

"(1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question;

"(2) All cases involving the legality of any tax, impost, assessment or toll, or any penalty imposed in relation thereto;

"(3) All cases in which the jurisdiction of any inferior court is in issue;

"(4) All criminal cases in which the penalty imposed is death or life imprisonment;

"(5) All civil cases in which the value in controversy exceeds twenty-five thousand pesos, or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand pesos, to be ascertained by the oath of a party to the cause or by other competent evidence, is involved or brought in question ;

"(6) All other cases in which only errors or questions of law are involved."

SEC. 3. Chapter nine, Title IV of the Revised Administrative Code is hereby amended by inserting immediately after Article II thereof a new article to be known as "Article II-A—Court of Appeals," which shall contain the following provisions:

"ARTICLE 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 Presiding Judge of the Court of Appeals shall be so designated in his commission, and the other Judges of the Court shall have precedence according to the dates of their respective commission, or, when the commissions of two or more of them shall bear the same date according to the order in which their commissions may have been issued by the President of the Philippines. The said Court of Appeals shall, as a body, sit hereinafter, but it may sit in two divisions, one of six and another of five