

Concepcion vs. Paredes

G.R. No. L-16342; March 23, 1923; 42 Phil. 599

Facts

In March 1921, the Secretary of Justice of the Philippines instructed all judges of the Courts of First Instance (CFI) to go to Manila for a “drawing of lots” that would reassign them among various judicial districts. Prominent Filipino lawyers opposed this, asserting that the “judicial lottery” was unconstitutional pursuant to Act No. 2941, which amended certain provisions of the Administrative Code. The case was brought by Judge Pedro Concepcion against Secretary of Justice Quintin Paredes.

1. **Initiation of the Case:** Judge Concepcion filed a petition challenging the validity of Section 148, as amended by Act No. 2941, and sought to prevent the Secretary of Justice from conducting the lottery.
2. **Preliminary Injunction:** Justice Malcolm issued a preliminary injunction restraining the Secretary of Justice from proceeding with the lot-drawing.
3. **Hearings and Briefs:** Two public hearings were conducted, and ten briefs were filed presenting various arguments and constitutional concerns regarding Act No. 2941.

Issues

The primary issue was whether the second paragraph of Section 148 of the Administrative Code, as amended by Act No. 2941, was constitutional.

Key Issues Examined:

1. **Appointment and Transfer of Judges:** Whether the provision allowing for the reassignment of judges every five years through the drawing of lots undermines the constitutional powers of the Governor-General and the Philippine Senate regarding judicial appointments.
2. **Validity of Legislative Enactment:** Whether this reassignment method violates sections of the Organic Act, specifically in the context of the lawful appointment process for judges in the Philippines.

Court’s Decision

The Supreme Court, led by Justice Malcolm, declared that the second paragraph of Section 148 of the Administrative Code, as maintained by Act No. 2941, was unconstitutional.

1. **Appointment vs. Lottery:** The Court highlighted that the Organic Act mandated that judges be appointed by the Governor-General with the consent of the Philippine Senate. Any

reassignment requiring judges to serve in new districts without reassessment and fresh appointment disregards this constitutional provision.

2. **Executive and Legislative Authority:** The Court ruled that the act of drawing lots equates to the illegal transfer of judges by chance, which intruded upon the executive discretion and Senate's advisory role.

3. **Independence of Judiciary:** Highlighting the importance of an independent judiciary, the Court concluded that judges could not be subject to arbitrary reassignment such as that prescribed by Act No. 2941.

4. **Judiciary Integrity:** The decision noted that transferring judges randomly undermines the appointment's legality and the judiciary's integrity.

Doctrine

The case affirmed the doctrine that judicial appointments are intrinsically an executive act requiring the exercise of discretion by the appointing authority (Governor-General) and confirmation by the legislative assembly (Philippine Senate). The ruling reinforced the separation of powers and underscored the necessity for constitutional compliance in appointing and positioning members of the judiciary.

Class Notes

- **Separation of Powers:** Emphasizes the strict division and independence between the executive's power to appoint judges and the legislature's power to confirm.
- **Judicial Appointments:** Judges cannot be reassigned by chance; proper executive action and legislative consent are mandated.
- **Relevant Statutes:**
 - Organic Act of August 29, 1916 (The Jones Law)
 - Act No. 2941 (Philippine Legislature)
 - Sections 21 & 26 of the Jones Law highlighted the Governor-General's power in judicial appointments with the Senate's consent.
 - Section 148 of the Administrative Code, as amended, which was invalidated.

Historical Background

This case emerged during a period of American colonial rule in the Philippines, governed by the Jones Law, which aimed to grant more autonomy while ensuring American sovereignty. The judicial system's integrity and the proper channel for judicial appointments became vital to maintaining the rule of law and balancing the colonial administration's powers. The decision reinforced the adherence to constitutional governance principles in the face of legislative attempts to streamline judicial rotations.