

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-THREE AND ONE HUNDRED AND THIRTY-EIGHT OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, ...

Acts No. 4023, December 08, 1932

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one hundred and thirty-three of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 133. Judges of Supreme Court.—The Supreme Court of the Philippine Islands shall consist of eleven judges, namely, the Chief Justice and ten Associate Justices, any seven of whom shall constitute a 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."

SEC. 2. Section one hundred and thirty-eight of the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 138. Sessions of Court in banc or in divisions.—The Supreme Court shall, as a body, sit in banc, but it may sit in two divisions of five judges or in divisions of three judges to transact business, and two or more divisions may sit at the same time. One of the divisions of five judges shall be known as the 'First Division', and the other as the 'Second Division'.

"Whenever the judgment of the lower court imposed the death penalty, the case shall be heard and determined by the Court sitting in banc, and the concurrence of all the judges present in the Philippine Islands, not disqualified or physically incapacitated, 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.

"Whenever the validity of an Act of the Philippine Legislature, or the interpretation of an Act of Congress or Treaty of the United States is involved, the case shall likewise be heard and determined by the Court sitting in Banc, the concurrence of a majority of at least seven judges being necessary for the pronouncement of judgment. When the necessary majority as herein provided cannot be had, the Court shall so declare, and the validity of the Act involved, or the interpretation of the Act or Treaty adopted by the official or officials charged with the duty of carrying it into effect, shall be deemed upheld.

"Whenever a division of five judges fails to reach a unanimous decision in a case submitted to it, or whenever such division shall so order, or whenever the Chief Justice, in the exercise of a sound discretion, so orders, or whenever the admiralty jurisdiction of the court is involved, the case shall be heard and determined by the court sitting in banc, the affirmative vote of a majority of at least six judges being necessary for the pronouncement of a judgment.

"The First Division shall have power to hear and determine all cases that are criminal or penal in nature and

not herein required to be heard and determined by the court in banc, and the concurrence of five judges composing the division shall be necessary for the pronouncement of a judgment.

"Any three of the judges composing the First Division may sit as a division of three judges, which shall have power to hear and determine all criminal cases in which the judgment of the lower court imposed not more than ten years imprisonment or not more than ten thousand pesos fine, and the concurrence of three judges composing the division shall be necessary for the pronouncement of a judgment.

"The Second Division shall have power to hear and determine all cases that are civil in nature and not herein required to be heard and determined by the Court in banc, and the concurrence of five judges composing the division shall be necessary for the pronouncement of a judgment.

"Any three of the judges composing the Second Division may sit as a division of three judges, which shall have power to hear and determine all civil cases in which the amount in controversy does not exceed ten thousand pesos, or in which the right to a municipal office is involved, and the concurrence of three judges composing the division shall be necessary for the pronouncement of a judgment.

"Whenever a division of three judges fails to reach a unanimous decision in a case submitted to it, or whenever s«chi division shall so order, or whenever the Chief Justice, in the exercise of a sound discretion so orders, the case shall be heard and determined by either the First Division or the Second Division, according to the nature of the case involved.

"In order to attain an equal distribution of cases between the different divisions, whether of five judges or of three judges, the Court may order the submission to any of them of any additional cases, within the respective powers of each division as hereinabove provided.

"The Court shall from time to time make proper orders or rules to govern the allotment of cases among the several divisions, the sitting of the divisions, the regular rotation of judges among the divisions, the filling of vacancies occurring therein, and other matters relating to the business of the court. If the Chief Justice is present whether in banc or in division, he shall preside. In his absence, that one of the judges attending in banc or in division shall preside who holds the senior commission."

SEC. 3. This Act shall take effect upon its approval.

Approved, December 8, 1932.

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