

AN ACT CREATING A PEOPLE'S COURT AND AN OFFICE OF SPECIAL PROSECUTORS FOR THE PROSECUTION AND TRIAL OF CRIMES AGAINST NATIONAL SECURITY COMMITTED DURING THE SECOND WORLD WAR, A...

Commonwealth Act No. 682, September 25, 1945

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

SECTION 1. There is hereby created a People's Court composed of a Presiding Judge and fourteen Associate Judges, who shall be appointed by the President, with the consent of the Commission on Appointments, from among the District Judges of First Instance, Judges-at-large of First Instance, Cadastral Judges, Judges of the Court of Industrial Relations, the Securities and Exchange Commissioner, and the Public Service Commissioner. No Judge who held any office or position under the Philippine Executive Commission, or the Government called Philippine Republic, or under any branch or agency of said Governments, shall be appointed to the People's Court: Provided, That should the number of the qualified members of the judiciary as specified herein be sufficient to constitute the People's Court, the President may appoint with the consent of the Commission on Appointments members of the Bar who have the qualifications of Judge of First Instance.

SEC. 2. The People's Court shall have jurisdiction to try and decide all cases of crimes against national security committed between December eight, nineteen hundred forty-one and September two, nineteen hundred forty-five, and filed within six (6) months from the passage of this Act: Provided, however, That any such cases not so instituted within said period of six (6) months shall be filed with, tried and determined by the proper Court of First Instance; and Provided, further, That where, in its opinion, the evidence is not sufficient to support the offense charged, the People's Court may, nevertheless, convict and sentence the accused for any crime included in the acts alleged in the information and established by the evidence.

SEC. 3. Judges of the People's Court shall receive a compensation of ten thousand pesos (P10,000) per annum, besides traveling and necessary expenses incident to the discharge of their duties: Provided, however, That those who in any other capacity draw a lower salary or other compensation from the Government shall receive the difference between his aforementioned salary and the compensation provided in this Act.

SEC. 4. The People's Court shall exist and the Judges thereof shall serve until such time as the President shall certify that all cases filed, within the period set forth in section two hereof, with said Court, have been tried and disposed of by the same. Thereupon, the Judges thereof shall cease as such and shall resume the discharge of the duties of the offices respectively held by them, at the time of their appointment to the People's Court.

SEC. 5. No Judge of the People's Court shall be removed therefrom, except for the causes and in the manner provided for in existing laws with respect to the removal of Judges of First Instance.

SEC. 6. The People's Court shall, as a body, sit in banc, but it may sit in five divisions of three Judges each. The five divisions may sit at the same time.

If the Presiding Judge is present in any session of the Court, whether in banc or in division, he shall preside. In his absence, that one of the Associate Judges attending shall preside who is first in 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.

SEC. 7. No Judge of the People's Court may disqualify himself or be disqualified except in accordance with the provisions of existing laws or where the accused in a case had intervened in any previous appointment of the Judge to any position in the Government service. If and when a quorum and/or the majority required for a decision of the Court, either in banc, or division, cannot be had owing to the legal disqualification of a Judge of the People's Court, the President shall designate a District Judge of First Instance, Judge-at-large of First Instance, Cadastral Judge, Judge of the Court of Industrial Relations, Securities and Exchange Commissioner, or Public Service Commissioner, who does not fall under section one hereof, to sit and vote, in lieu of the disqualified Judge of the People's Court, in connection with the case which brought about the disqualification.

SEC. 8. The People's Court in banc and its five divisions shall hold sessions in the City of Manila. Whenever the Court in banc shall find that public interest requires the holding of sessions elsewhere in the Philippines, the Court shall, by resolution, provide for the holding of such sessions in banc or by any of its divisions.

SEC. 9. Nine Judges of the People's Court shall constitute a quorum for its sessions in banc, and two Judges for the sessions in divisions. In the absence of a quorum, the Court or the division shall stand ipso facto adjourned until such time as the requisite number shall be present, and a memorandum to this effect shall be inserted by the clerk in minutes of the Court.

SEC. 10. All of the cases of the People's Court shall be allotted as may be determined by the Court among the five divisions thereof for trial and decision, and the affirmative vote of the majority of the Judges of each division shall be necessary for the pronouncement of a judgment.

Whenever a division of the People's Court fails to reach a decision in a case submitted to it, the same shall be heard and decided by the Court sitting in banc, but the recorded evidence shall be used without retaking the same.

The affirmative vote of at least eight Judges shall be necessary for the pronouncement of judgment by the Court, when sitting in banc.

SEC. 11 Upon the recommendation of the People's Court, the Secretary of Justice may designate, from among the officers and employees under the Department of Justice, or appoint the personnel necessary for the People's Court, including a Clerk of Court and five Deputy Clerks of Court: Provided, however, That those designated shall not receive additional compensation, except traveling and necessary expenses incident to the performance of their respective duties.

SEC. 12. The People's Court shall try and decide or otherwise dispose of its cases in the manner provided for herein and in existing laws not inconsistent herewith.

SEC. 13. Decisions and final orders of the People's Court in banc shall be subject to review by the Supreme Court, in accordance with Rule 46 of the Rules of Court; and those of a division shall be appealable under Rule 42 thereof. The Supreme Court shall sit in banc to hear and decide the case promptly and without the necessity of placing it upon the regular calendar. Whenever, in any case decided by the People's Court or by a division thereof, the death penalty shall have been imposed, the record shall be forwarded to the Supreme Court, whether the defendant shall have appealed or not, for review and judgment, as law and justice shall dictate, in accordance with Rule 118, section 9, of the Rules of Court.

SEC. 14. Any Justice of the Supreme Court who held any office or position under the Philippine Executive Commission or under the government called Philippine Republic may not sit and vote in any case brought to that Court under section thirteen hereof in which the accused is a person who held any office or position under either or both the Philippine Executive Commission and the Philippine Republic or any branch, instrumentality and/or agency thereof.

If, on account of such disqualification, or because of any of the grounds of disqualification of judges in Rule 126, section 1 of the Rules of Court, or on account of illness, absence or temporary disability the requisite number of Justices necessary to constitute a quorum or to render judgment in any case is not present, the President may designate such number of Judges of First Instance, Judges-at-large of First Instance, or Cadastral Judges, having none of the disqualifications set forth in said section one hereof, 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.

SEC. 15. The provisions of any law or rule of court to the contrary notwithstanding the direction and control of the prosecution in the cases mentioned in section two hereof shall be exercised by an Office of Special Prosecutors, which is hereby created, composed of fifteen members, who shall be appointed by the President, with the consent of the Commission on Appointments, from among the members of the Philippine Army or recognized guerilla organizations, public prosecutors and members of the Bar. Whenever the volume of work shall so demand, the President may increase the number of Special Prosecutors. The Solicitor General shall be the Head of the Office.

SEC. 16. No person shall be appointed Special Prosecutor who does not possess the qualifications required for provincial fiscals or has held any office or position under the Philippine Executive Commission, or the government called Philippine Republic, or under any branch, instrumentality and/or any agency thereof.

SEC. 17. Special Prosecutors appointed from the Judge Advocate Service of any recognized guerilla organization and/or from the Bar, who do not draw any salary from the Government of the Commonwealth or that of the United States, shall receive compensation at the rate of seven thousand two hundred pesos (P7,200) per annum. Those who draw a lower salary or compensation shall receive, in addition thereto, a Special Prosecutors, the difference between their salary or compensation and the sum of seven thousand two hundred pesos (P7,200). Members of the Office of Special Prosecutors, as constituted under section fifteen hereof, shall be entitled to traveling and necessary expenses incident to the discharge of their duties, in addition to their salary or compensation.

SEC. 18. The Office of Special Prosecutors shall co-exist with the People's Court. Upon the abolition of the People's Court, as provided for in section four hereof, the Special Prosecutors, who, at the time of their appointment as such, held any other office or position under the Commonwealth Government, shall resume the discharge of the duties of their respective former offices or positions.

SEC. 19. Upon delivery by the Commander-in-Chief of the Armed Forces of the United States in the Philippines of the persons detained by him as political prisoners, to the Commonwealth Government, the Office of Special Prosecutors shall receive all records, documents, exhibits and such other things as the Government of the United States may have turned over in connection with and/or affecting said political prisoners, examine the aforesaid records, documents, exhibits, etc., and take, as speedily as possible, such action as may be proper: Provided, however, That existing provisions of law to the contrary notwithstanding, the aforesaid political prisoners may, in the discretion of the People's Court, after due notice to the Office of Special Prosecutors and hearing, be released on bail, even prior to the presentation of the corresponding information, unless the Court finds that there is strong evidence of the commission of a capital offense: And, provided, further, That, in the interest of public security ,

the provisions of article one hundred twenty-five of the Revised Penal Code, as amended, shall be deemed, as they are hereby, suspended, insofar as the aforesaid political prisoners are concerned, until the filing of the corresponding information with the People's Court, but the period of suspension shall not be more than six (6) months from the formal delivery of said political prisoners by the Commander-in-Chief of the Armed Forces of the United States in the Philippines to the Commonwealth Government.

SEC. 20. To assist the Office of Special Prosecutors in the performance of the duties thereof, the Secretary of Justice may, upon the recommendation of the Solicitor General, appoint such number of agents and subordinate personnel as may be deemed necessary therefor and/or detail, to the Office of Special Prosecutors, any officer or employee of the Department of Justice or of any Bureau or Office under the Executive supervision thereof: Provided, however, That those designated shall not receive additional compensation, except traveling and necessary expenses incident to the performance of their respective duties.

SEC. 21. As Head of the Office of Special Prosecutors, the Solicitor-General may call upon any office of the Commonwealth Government, make use of the facilities thereof, and otherwise secure its cooperation, which shall be fully given by the office concerned. He or any of the Special Prosecutors shall have authority to administer oath in matters of official business and to conduct investigations by taking oral and documentary evidence, and for this purpose may, by subpoena or subpoena duces tecum, summon witnesses to appear and testify under oath before him, and bring books, documents or other things under their control, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application before the People's Court, or before any inferior or superior court within the jurisdiction of which the witness or evidence may be found.

SEC. 22. The prosecution, trial and disposal of cases before the People's Court shall be governed by existing laws and rules of court, unless otherwise expressly provided herein: Provided, however, That, in cases triable before the People's Court, a preliminary examination and/or investigation shall not be required.

SEC. 23. The People's Court may adopt such rules, for its internal organization, as may expedite the trial and disposition of said cases.

SEC. 24. Orders, writs and other processes of the People's Court shall be served and enforced in the same manner as those issued by Superior Courts, in accordance with section 3, Rule 124 of the Rules of Court.

SEC. 25. For administrative purposes, the People's Court and the Office of Special Prosecutors shall be under the supervision and control of the Department of Justice.

SEC. 26. Upon the request of the People's Court and/or the Office of Special Prosecutors, and the recommendation of the Secretary of Justice, the President may, in the interest of justice and public service, detail or transfer to the People's Court and/or the Office of Special Prosecutors such officers or employees, under any other Department of the Executive Branch, as may be necessary for the proper discharge of the powers, duties and functions of said Court and/or Office: Provided, however, That those designated shall not receive additional compensation, except traveling and necessary expenses incident to the performance of their respective duties.

SEC. 27. Such amount of money as may be necessary for the operation of the People's Court and of the Office of Special Prosecutors, during the fiscal year 1945-1946, not exceeding one million pesos (P1,000,000), is hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated. Thereafter, the sums necessary therefor shall be included in the General Appropriation Act.

SEC. 28. The President shall appoint the Presiding Judge and the Associate Judges of the People's Court, as well as the Special Prosecutors provided for in this Act, within ten days from the approval hereof.

SEC. 29. This Act shall take effect upon its approval.

Approved, September 25, 1945.

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