

AN ACT AMENDING SECTIONS NINE AND SEVENTEEN OF THE JUDICIARY ACT OF 1948.

REPUBLIC ACT NO. 5440, September 09, 1968

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

SECTION 1. Section nine of Republic Act Numbered Two hundred ninety-six, otherwise known as "The Judiciary Act of 1948," is hereby amended to read as follows:

"SEC. 9. The Supreme Court; quorum of the court; designation of Justices of the Court of Appeals and District Judges to sit in the Supreme Court; number of Justices necessary to reach a decision.—The Supreme Court of the Philippines shall consist of a Chief Justice and ten 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 eight Justices shall be necessary to 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.

" If on account of illness, absence, or incapacity upon of the grounds mentioned in Section one, Rule One "Hired and thirty-seven of the Rules of Court, of any the Justices of the Supreme Court, or whenever, by reason of temporary disability of any Justice thereof, or 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 Justices of the Court of Appeals or District Judges as may be necessary, to sit temporarily as Justices of the Supreme Court in order to form a quorum, or until a judgment in said case is reached: Provided, however, That no Justice of the Court of Appeals or District Judge may be designated to act in any case in the decision of which he has taken part.

"The concurrence of at least six 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 eight 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 determined by eight Justices of the Court. When eight Justices fail to reach a decision as to the propriety of the imposition of the death penalty, the penalty next lower in degree shall be imposed."

SEC. 2. Section seventeen of the same Act, as amended. is hereby further amended to read as follows:

"SEC. 17. Jurisdiction of the Supreme Court.— Supreme Court shall have original jurisdiction over cast affecting ambassadors, other public ministers, and consuls; and original and exclusive jurisdiction in petitions for the issuance of writs of certiorari, prohibition mandamus against the Court of Appeals.

"In the following cases, the Supreme Court shall exercise original and concurrent jurisdiction with Court First Instance:

1. In petitions for the issuance of writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus; and
2. In actions brought to prevent and restrain violations law concerning monopolies and combinations in restraint of trade.

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

'(1) All criminal cases involving offenses for which the penalty imposed is death or life imprisonment; and those involving other offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion, as that giving rise to the more serious offense, regardless of whether the accused are charged as principals, accomplices or accessories, or whether they have been tried jointly or separately;

"(2) All cases involving petitions for naturalization or denaturalization; and

"(3) All decisions of the Auditor General, if the appellant is a private person or entity.

"The Supreme Court shall further have exclusive jurisdiction to review, revise, reverse, modify or affirm on certiorari as the law or rules of court may provide, final 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 courts is in issue;

"(4) All other cases in which only errors or questions of law are involved: Provided, however, That if, in addition to constitutional, tax or jurisdictional questions, the cases mentioned in the three next preceding paragraph also involve questions of fact or mixed questions of fact and law, the aggrieved party shall appeal to the Court Appeals; and the final judgment or decision of the latte may be reviewed, revised, reversed, modified or affirmed by the Supreme Court on writ of certiorari; and

"(5) Final awards, judgments, decisions or orders of the Commission on Elections, Court of Tax Appeals, Court of Industrial Relations, the Public Service Commission, and the Workmen's Compensation Commission."

SEC. 3. The Supreme Court shall provide by rule for the procedure governing petitions for writs of certiorari to review judgments mentioned in Section seventeen of Republic Act Numbered Two hundred ninety-six, as amended by this Act and the effect of the filing thereof on the judgment or decree sought to be reviewed. Until the Supreme Court provides otherwise, said petitions shall be filed within the period fixed in the rules of court for appeals in criminal or civil cases or special civil actions or special proceedings, depending upon the nature of the case which the judgment or decree sought to be reviewed, was rendered; the filing of said petition shall stay the execution of the judgment sought to be reviewed; and the aforesaid petitions shall be filed and served in the form required for petitions for review by certiorari of decisions of the Court of Appeals.

SEC. 4. This Act shall not affect appeals perfected before its passage.

SEC. 5. This Act shall take effect upon its approval.

Approved, September 9, 1968.

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