

CONSTITUTING MUNICIPAL COURTS INTO MUNICIPAL CIRCUIT COURTS

PRESIDENTIAL DECREE NO. 537, August 12, 1974

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WHEREAS, there are at present 1,444 municipal courts exclusive of city courts in the inferior courts level all over the country;

WHEREAS, a number of these municipal courts did not receive a single case for investigation or trial during Fiscal Year 1971-1972 and a still much bigger number received not more than 60 cases during the said period;

WHEREAS, these municipal courts may be constituted into municipal circuit courts each comprising two or more municipalities without detriment to the administration of justice;

WHEREAS, the constitution of municipal circuit courts will mean substantial savings in public funds which can be profitably utilized for carrying out vital projects of the national government.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order that municipal circuit courts be constituted and organized out the present municipal court of the land under and in accordance with the following conditions and criteria:

- The capital of a province shall not be grouped with any other municipality except in the third, fourth, fifth, sixth and seventh class provinces.
- The municipalities to be constituted under a municipal circuit court shall, as much as possible, be contiguous to each other.
- The circuit judge shall have his official station in a municipality within the circuit which shall be as centrally located and easily accessible as possible from the other municipalities comprising the circuit.
- The jurisdiction of municipal circuit courts of which the capital of a province or sub-province is a part shall be the same as that of the municipal courts of provincial capitals, while the jurisdiction of other municipal circuit courts shall be the same as that of ordinary municipal courts under existing law.
- All cases arising within the circuit shall be tried at the official station of the circuit judge; Provided, however, That whenever the number of cases or the interest of the administration of justice requires it, the Supreme Court may authorize the circuit judge to hold session outside his official station but within the circuit.
- The municipal circuit courts shall be courts of record. All proceedings therein, shall be recorded, and appeals from their judgments shall be taken and prosecuted in accordance with the procedure prescribe under existing law and rules.
- The Supreme Court shall carry out the provisions of this decree through implementing orders, on a province-to-province basis.

TRANSITORY PROVISIONS

- Pending the issuance by the Supreme Court of the implementing orders herein above authorize, the municipal courts shall continue to function as presently constituted and organized.

- The most senior in point of service in the judiciary among the municipal judges of the municipalities constituted into a circuit court shall be retained as municipal circuit judge, unless the Supreme Court, in the interest of a better administration of justice, deems it necessary to consider other factors. The judge who is retained shall, with the approval of the Supreme Court, appoint a clerk of court, two stenographers, a clerk-interpreter, and such other personnel as may be provided of the municipal courts comprising the circuit.

For this purpose, the Chief Justice is hereby authorized, within the limits of appropriations authorized for the Municipal Courts, to create additional positions, to change the designations of existing positions, to make changes in the assignment of personnel, and to effect such reorganization as maybe necessary.

- Upon the issuance of the implementing orders by the Supreme Court, the municipal circuit courts constituted thereunder shall commence to exist. The municipal courts organized into the circuit shall be deemed automatically abolished, and the incumbent municipal judges not designated to continue as circuit judge shall cease to hold office.

- Municipal judges and subordinate employees who shall be separated from office by reason of this decree shall be entitled, in addition to the money value of their accumulated leave credits, a gratuity equivalent to one month salary for every year of service rendered but not exceeding twelve months on the basis of the highest salary received, chargeable against savings in appropriations for the courts; Provided, if said judges and employees are entitled to gratuity or pension under any retirement law, they shall select either the gratuity or pension under said retirement law or the gratuity provided for in this decree.

- All cases pending in the municipal courts constituted and organized into a circuit shall be transferred to the proper municipal circuit court and shall be tried and decided therein.

- This decree shall not apply to city courts in chartered cities. If a chartered city is reverted to a municipality, such municipality shall be grouped with other municipalities constituted under a municipal circuit court.

This Decree shall take effect immediately.

Done in the City of Manila, this 12th day of August, in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.)

FERDINAND E. MARCOS

President of the Philippines

By the President:

(Sgd.)

ALEJANDRO MELCHOR

Executive Secretary

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