

AN ACT CONCERNING THE JUDICIARY MAKING PROVISION REGARDING THE COURT OF APPEALS CREATED BY ACT ENTITLED “AN ACT DENNING THE JURISDICTION OF THE SUPREME COURT OF THE PHILIPPINE I...

Act No. 3618, December 05, 1929

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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. The Court of Appeals created by Act entitled "An Act defining the jurisdiction of the Supreme Court of the Philippine Islands, creating a Court of Appeals and defining its jurisdiction, and for other purposes," approved during the Second Session of the Eighth Philippine Legislature, shall consist of a Chief Justice and four Associate Justices who shall possess the same qualifications required for the office of Justice of the Supreme Court of the Philippine Islands, and who shall be appointed by the Governor-General by and with the advice and consent of the Philippine Senate. The Chief Justice shall receive an annual salary of fifteen thousand pesos and each Associate Justice an annual salary of fourteen thousand pesos.

SEC. 2. The Chief Justice of the Court of Appeals shall -be so designated in the order of appointment and in the c commission issued to him by the Governor-General, and the Associate Justices shall have precedence according to the dates of their commissions, or, when the commissions of sc two or more of them bear the same date, according to their ages.

SEC. 3. The Court of Appeals shall hold sessions at the -City of Manila. Any three of the Justices of said Court shall constitute a quorum, and the concurrence of three Justices shall be necessary to any decision thereof. 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. 4. In case of a vacancy in the office of Chief Justice, or his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. In case of a vacancy, absence, or of the temporary disability or disqualification, for any reason, of one or two of the judges of said Court, the Secretary of Justice may, upon the request of the Chief Justice of said Court, designate any judge or judges of Court of First Instance to act in his or their place, and such judge or judges of Court of First Instance shall be duly qualified so to act: Provided, That no judge who had tried or heard a cause or question shall form part of the Court of Appeals in the hearing of such cause or question.

SEC. 5. The Court of Appeals shall appoint a clerk who shall perform and exercise the same duties and powers in regard to all matters within the jurisdiction of said Court as are now exercised and performed by the Clerk of the Supreme Court of the Philippine Islands. The clerk shall receive a salary of five thousand pesos per annum, and before entering upon the performance of his duties shall execute a bond to the Government of the Philippine Islands in the penal sum of twenty thousand pesos, with sufficient surety, to be approved by the Insular Treasurer,

conditioned for the faithful performance of his duties and for the payment to those entitled thereto of all sums of money that shall come into his hands or into those of his deputies and assistants by virtue of his office. The bond shall be recorded in the books of the Insular Treasurer and be retained in his office, and shall be available for any party in interest.

The clerk may require of his deputies and assistants a sufficient bond to indemnify him against the malfeasance or nonfeasance of such deputies or assistants.

SEC. 6. In addition to the clerk, the Court may appoint a deputy clerk at a salary of three thousand six hundred pesos per annum, five stenographers at a salary of not to exceed three thousand two hundred pesos per annum each, and such other officers and employees and at such salaries, as may be authorized by the Secretary of Justice.

SEC. 7. All the provisions of the laws of Civil and Criminal Procedure and other laws governing the filing, hearing, and disposition of cases within the original and appellate jurisdiction of the Supreme Court of the Philippine Islands, are hereby made applicable to the filing, hearing, and disposition of cases within the original and appellate jurisdiction of the Court of Appeals.

SEC. 8. The provisions of sections one hundred thirty-five, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-nine, one hundred forty, one hundred forty-one, one hundred forty-two, one hundred forty-three, one hundred forty-four, two hundred sixty-eight, two hundred sixty-nine, and two hundred seventy of the Revised Administrative Code, are hereby applied to the Court of Appeals so far as the same may be applicable.

SEC. 9. The sum of two hundred and fifty thousand pesos, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act and of said Act entitled "An Act defining the jurisdiction of the Supreme Court of the Philippine Islands, creating a Court of Appeals and defining its jurisdiction, and for other purposes."

SEC. 10. This Act shall take effect upon the date that said Act entitled "An Act denning the jurisdiction of the Supreme Court of the Philippine Islands, creating a Court of Appeals and denning its jurisdiction, and for other purposes takes effect."

Approved, December 5, 1929.

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