

FURTHER AMENDING THE JUDICIARY ACT OF 1948, REPUBLIC ACT NO. 296, AS AMENDED, BY INCREASING THE NUMBER OF ASSOCIATE JUSTICES OF THE COURT OF APPEALS TO FORTY-FOUR.

PRESIDENTIAL DECREE NO. 1482, June 10, 1978

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WHEREAS, the dockets of the Court of Appeals are clogged and the increasing number of cases now before it will clog its dockets further unless remedial measures are taken;

WHEREAS, justice is unduly delayed tantamount to its denial to parties whose cases have long been pending before the Court of Appeals;

WHEREAS, apart from other remedial measures which the Supreme Court in the exercise of its administrative authority over courts may devise, it becomes imperative to increase the number of Justices of the Court of Appeals.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution of the Philippines, do hereby decree as follows:

SECTION 1. Chapter III, Section 24 of Republic Act No. 296, as amended, is hereby amended to read as follows:

"SECTION 24. The Court of Appeals.—The Court of Appeals of the Philippines shall consist of a Presiding Justice and forty-four Associate Justices who shall be appointed by the President of the Philippines. The Presiding Justice of the Court of Appeals shall be so designated in his commission, and the other Justices of the Court shall have precedence according to the date of their respective commissions, or when the commissions of two or more of them shall bear the same date, according to the order in which their commissions have been issued by the President of the Philippines. Provided, however, That a member of the Court of Appeals appointed to any other branch of the government shall receive as compensation from that branch not less than his compensation in the Court of Appeals. Any such member who is reappointed to that Court after rendering service in any other branch of the government shall retain the precedence to which he is entitled under his original appointment and his service in the Court shall, to all intents and purpose, be considered as continuous and uninterrupted.

The Court of Appeals shall, as a body sit in banc but it may sit in fifteen divisions of three justices each. The fifteen divisions may sit at the same time."

SECTION 2. The first paragraph of Section 33 of the same Act is hereby amended to read as follows:

"SECTION 33. Quorum of the Court.—Twenty-four Justices of the Court of Appeals shall constitute a quorum for its sessions in banc; and three Justices shall constitute a quorum for the sessions of a division. 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 showing this fact shall be inserted by the clerk in the minutes of the Court. The affirmative vote of twenty-four Justices is necessary to pass a resolution of the Court in banc. The unanimous vote of the three Justices of a division shall be necessary for the pronouncement of a judgment. In the event that the three Justices do not reach a unanimous vote, the Presiding Justice shall designate two Justices from among the other members of the Court to sit temporarily with them, forming a division of five

Justices, and the concurrence of a majority of such division shall be necessary for the pronouncement of a judgment."

SECTION 3. Section 37 of the same Act is hereby amended to read as follows:

"SECTION 37. Appointment by Court of Appeals of deputy clerks of court and other officers.—The Court may appoint fifteen deputy clerks of court who shall have the same qualifications as those of the clerk of the Court of Appeals, and other officers in such number, and such compensation as now, and may be hereafter, authorized."

SECTION 4. The sum of Two Million Pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, for the salaries and allowances of the additional Justices as well as those of the complementary officers and personnel during the current calendar year, whose positions are hereby created, and for such other expenses necessary to provide them with offices and equipment.

SECTION 5. This decree shall take effect immediately.

Done in the City of Manila, this 10th day of June in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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