

AN ACT TO AMEND CERTAIN PROVISIONS OF THE ADMINISTRATIVE CODE, AS AMENDED BY COMMONWEALTH ACT NUMBERED THREE, RELATING TO THE SUPREME COURT AND THE COURT OF APPEALS AND TO APPRO...

Commonwealth Act No. 259, April 07, 1938

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. The first paragraph of section one hundred thirty-three of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 133. The Supreme Court; quorum of the Court; designation of Justices of the Court of Appeals 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 six Associate Justices, which shall sit in banc in the hearing and determination of all cases within its jurisdiction. The presence of five 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 all the 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."

SEC. 2. Section one hundred and thirty-three-A of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 133-A. Place of holding sessions.—The Supreme Court shall hold its sessions in the City of Manila. Whenever the public interest so requires, it may hold its sessions in any other place within the Philippines."

SEC. 3. Paragraphs four and five of section one hundred thirty-eight of the Administrative Code, as amended by Commonwealth Act Numbered Three, are further amended so as to read as follows:

"(4) 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.

"(5) All civil cases in which the value in controversy exceeds fifty thousand pesos, exclusive of interests and costs, or in which the title or possession of real estate exceeding in value the sum of fifty thousand pesos to be ascertained by the oath of a party to the cause or by other competent evidence, is involved or brought in question. The Supreme Court shall likewise have exclusive jurisdiction over all appeals in civil cases, even though the value in controversy, exclusive of interests and costs, is fifty thousand pesos or less, when the evidence involved in said cases is the same as the evidence submitted in an appealed civil case within the exclusive jurisdiction of the Supreme Court as provided herein."

SEC. 4. Section one hundred and forty-five-A of the Administrative Code, as amended by Commonwealth Act

Numbered Three, is further amended so as to read as follows:

"SEC. 145-A. The Court of Appeals.—The Court of Appeals of the Philippines shall consist of a Presiding Justice and fourteen Associate Justices, who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly. 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 dates 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. The said Court of Appeals shall, as a body, sit in bane, but it may sit in three divisions of five Justices each. The three divisions may sit at the same time.

"Whenever the terms 'Presiding Judge' and 'Appellate Judge' or 'Judge' appear in Commonwealth Act Numbered Three, they shall be read as 'Presiding Justice' and 'Associate Justice/ respectively."

SEC. 5. Section one hundred and forty-five-E of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-E. Qualifications and compensation of Justices of Court of Appeals.- The Justices of the Court of Appeals shall have the same qualifications as those provided in the Constitution for members of the Supreme Court. The Presiding Justice of the Court of Appeals shall receive an annual compensation of thirteen thousand pesos, and each Associate Justice, an annual compensation of twelve thousand pesos."

SEC. 6. Section one hundred and forty-five-I of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-1. Place of holding sessions.—The Court of Appeals in bane and its three divisions shall hold sessions in the City of Manila. Whenever the President of the Philippines shall find that the public interest requires that the court hold session in any other place within the Philippines, the court shall, by resolution, make provision for the holding of such session in bane or by any of its divisions."

SEC. 7. Section one hundred and forty-five-J of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-J. Quorum of the Court.—Nine Justices of the Court of Appeals shall constitute a quorum for its sessions in banc, and four Justices shall constitute a quorum for its sessions in 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."

SEC. 8. Section one hundred and forty-five-K of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"Sec. 145-K. Distribution of cases between divisions.—All of the cases of the Court of Appeals shall be allotted between the three divisions thereof for trial and decision, and the affirmative vote of the majority of the members of each division shall be necessary for the pronouncement of a judgment. Whenever in any criminal case submitted to a division, the said division, or any member thereof, should be of the opinion that the penalty of death or life imprisonment should be imposed, the said Court shall refrain from entering judgment thereon and shall forthwith certify the case to the Supreme Court for final determination, as if the case had been brought before it on appeal.

"Whenever a division of the Court of Appeals fails to reach a decision in a case submitted to it, or whenever such division shall so order, or whenever the Presiding Justice, in the exercise of his sound discretion, so orders, the case shall be heard and determined by the Court sitting in banc, the affirmative vote of at least eight Justices being necessary for the pronouncement of a judgment."

SEC. 9. Section one hundred and forty-five-L of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-L. Power of the Court to adopt rules.—The Court of Appeals, sitting in banc, shall make proper orders or rules to govern the allotment of cases between the three divisions, the constitution of such divisions, the regular rotation of Justices between them, the filling of vacancies occurring therein, and other matters relating to the business of the Court; and these rules shall continue in force until repealed or altered by it or by the Supreme Court of the Philippines."

SEC. 10. Section one hundred and forty-five-M of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-M. Clerk of the Court of Appeals; his appointment; his compensation; his bond.—The Court of Appeals shall appoint a clerk of court, who shall exercise the same powers and perform the same duties in regard to all matters within its jurisdiction, as are exercised and performed by the clerk of the Supreme Court of the Philippines, in so far as the same may be applicable; and in the exercise of those powers and in the performance of those duties, the clerk shall be under the direction of the Court. No person may be appointed clerk of the Court of Appeals unless he has been engaged for five years or more in the practice of law or has been a clerk or deputy clerk of a court of record for the same period of time.

"The clerk shall receive an annual compensation of five thousand forty pesos. Before entering upon the discharge of the duties of his office, he shall file a bond in the sum of twenty thousand pesos, with sufficient sureties to be approved by the Treasurer of the Philippines, running to the Government, for the benefit of whom it may concern, conditioned for faithful performance of his duties, and for the delivery of payment to the Government, or the persons entitled thereto, of all property or sums of money that should officially come into his hands or into those of his deputies or assistants. The bond shall be kept in the office of the Treasurer of the Philippines and entered in his books for the inspection of interested parties.

"The clerk of Court may require any of his deputies or assistants to give an adequate bond as security against loss by reason of any wrongdoing on the part of such deputy or assistant."

SEC. 11. Section one hundred and forty-five-N of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-N. Appointment by Court of Appeals of deputy clerks of Court and other officers.—The Court may appoint two deputy clerks of court, who will have the same qualifications as those of the clerk of the Court of Appeals, with an annual compensation of four thousand and twenty pesos for the first deputy, and three thousand and six hundred pesos for the second deputy, and other officers in such number and with such compensation as may be hereafter authorized."

SEC. 12. Section one hundred and forty-five-P of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-P. Applicability of laws and rules covering appeals.—All provisions of law or of the rules of court in force upon the approval of this Act, relating to appeals to the Supreme Court, or to procedure in said Court, shall be applicable to the Court of Appeals in cases falling within its jurisdiction."

SEC. 13. For the purposes of this Act, there is appropriated out of the funds of the Philippine Treasury not otherwise appropriated, for the disbursement until December thirty-one, nineteen hundred and thirty-eight, the sum of ninety thousand pesos or so much thereof as may be necessary for such purposes.

SEC. 14. This Act shall take effect upon its approval.

Approved, April 7, 1938.

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