

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
1st Regular Session

House Bill No. 4959



Introduced by Representatives PAOLO Z. DUTERTE and ERIC G. YAP

EXPLANATORY NOTE

By virtue of Commonwealth Act No. 3, the Court of Appeals (CA) was created on December 3, 1935 and was formally organized on February 1, 1936. Its principal mandate is to exercise appellate jurisdiction on all cases not falling within the original and exclusive jurisdiction of the Supreme Court. It exercises original jurisdiction on the issuance of writs of mandamus, prohibition, injunction, certiorari, habeas corpus, and all other writs whether or not in aid of its appellate jurisdiction.

As time went by, the mandate and the jurisdiction of the CA broadened with the enactment of numerous laws. For instance, Batas Blg. 129, or the Judiciary Reorganization Act of 1980, vested the CA with the authority to assume jurisdiction over actions for annulment of judgments of the Regional Trial Courts and with the power to try and conduct hearings, receive evidence and perform all acts necessary to resolve factual issues falling within its original and appellate jurisdiction.

In support of the CA's mission to streamline the court adjudicative processes to ensure the delivery of justice real time by elimination unnecessary time lags (waiting time) in the completion and decision stages of cases in the country, this bill seeks to create additional divisions in the Court of Appeals, increasing the number of CA Justices from sixty-nine (69) to seventy-eight (78). It shall enable the CA to operate and manage its case load to serve the Filipino people more efficiently and effectively.

In view of the foregoing, approval of this bill is earnestly sought.

PAOLO Z. DUTERTE

ERIC G. YAP

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House Bill No. **4959**

Introduced by Representatives PAOLO Z. DUTERTE and ERIC G. YAP

AN ACT
**CREATING ADDITIONAL DIVISIONS IN THE COURT OF APPEALS,
INCREASING THE NUMBER OF COURT OF APPEALS JUSTICES FROM SIXTY-
NINE (69) TO SEVENTY-EIGHT (78), AMENDING FOR THE PURPOSE BATAS
PAMBANSA BILANG 129, AS AMENDED OTHERWISE KNOWN AS THE
JUDICIARY REORGANIZATION ACT OF 1980, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. Section 3, Chapter 1 of Batas Pambansa Bilang 129, as amended, is hereby further amended to read as follows:

"Sec. 3. *Organization.* - There is hereby created a Court of Appeals which shall consist of a Presiding Justice and seventy-seven (77) Associate Justices who shall be appointed by the President of the Philippines. The Presiding Justice shall be so designated in his appointment, and the Associate Justices shall have precedence according to the dates of their respective appointments or, when the appointments of two or more of them shall bear the same date, according to the order in which their appointments were issued by the President. Any member who is reappointed to the Court after rendering service in any other position in the government shall retain the precedence to which he was entitled under his original appointment, and his service in the court shall, for all intents and purposes, be considered as continuous and uninterrupted."

SEC. 2. Section 4, Chapter 1 of Batas Pambansa Bilang 129, as amended, is hereby further amended to read as follows:

"Sec. 4. *Exercise of Powers and Functions.* - The Court of Appeals shall exercise its powers, functions, and duties through twenty-six (26) divisions each composed of three (3) members. The Court may sit en

banc for the purpose of exercising administrative, ceremonial, or other non-adjudicatory functions."

SEC. 3. Section 10, Chapter 1 of Batas Pambansa Bilang 129, as amended, is hereby further amended to read as follows:

"Sec. 10. Place of Holding Sessions. - The Court of Appeals shall have its permanent stations as follows:

"The first seventeen (17) Divisions shall be stationed in the City of Manila for cases coming from the Third (3rd) to the Fifth (5th) Judicial Regions;

"The Eighteenth (18th), Nineteenth (19th), and Twentieth (20th) Divisions shall be stationed in the City of Cebu for cases coming from the Sixth (6th), Seventh (7th), and Eighth (8th) Judicial Regions;

"The Twenty-first (21st), Twenty-second (22nd), and Twenty-third (23rd) Divisions shall be stationed in the City of Cagayan de Oro for cases coming from the Ninth (9th) and Tenth (10th) Judicial Regions;

"The Twenty-fourth (24th) Division shall be stationed in the City of Vigan for cases coming from the First (1st) and Second (2nd) Judicial Regions; and

"The Twenty-fifth (25th) and Twenty-sixth (26th) Divisions shall be stationed in the City of Davao for cases coming from the Eleventh (11th) and Twelfth (12th) Judicial Regions.

"Whenever demanded by public interest or whenever justified by an increase in case load, the Supreme Court, upon its own initiative or upon recommendation of the Presiding Justice of the Court of Appeals, may authorize any division of the Court to hold sessions periodically or for such periods and at such places as the Supreme Court may determine for the purpose of hearing and deciding cases.

"Trials or hearings in the Court of Appeals must be continuous and must be completed within three (3) months unless extended by the Chief Justice of the Supreme Court."

SEC. 4. Funding. - The amounts necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 5. Upon the effectivity of this Act, all pending cases, except those which have been submitted for resolution, shall be referred to the proper division of the Court of Appeals.

SEC. 6. Nothing in this Act shall be construed to allow the transfer, except in cases of temporary assignment, of any member of the Court of Appeals to any place or station without such member's written consent, or to undermine the security of tenure of its members as provided in the Constitution, or alter the seniority in the Court of Appeals in accordance with existing laws.

SEC. 7. *Separability Clause.* - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision thereof not affected thereby shall remain in full force and effect.

SEC. 8. *Repealing Clause.* - All laws, presidential decrees, letters of instruction, executive orders, rules, or regulations, or any part thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,