

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1566



Introduced by: HONORABLE MARCELINO C. LIBANAN

EXPLANATORY NOTE

This bill provides for the appointment of the Associate Justice who is next in rank in case of vacancy in the position of Presiding Appellate Justice of the Court of appeals and the removal by impeachment of the members thereof.

The State has utmost interest in the preservation and maintenance of the independence of the judiciary. The objective is to ensure that judicial proceedings are conducted free from outside influence or pressure. It is imperative that this objective be realizable in the Court of Appeals. For this purpose, the following measures must be adopted:

- 1) The associate Justice next in rank shall be appointed to the position of Presiding Appellate Justice of the Court of Appeals in case of vacancy;
- 2) Removal from office of the members of the Court of appeals by impeachment;

The Judiciary Reorganization Act of 1980 provides that in case of vacancy in the Office of the Presiding Appellate Justice of the Court of Appeals, the Associate Appellate Justice who is first in precedence shall perform his powers, functions and duties until another Presiding Appellate Justice is appointed and has qualified. Under this provision, the President is not obliged to appoint the Associate Appellate Justice who is next in rank to the vacant position. He can choose anyone to become the Presiding Appellate Justice. This situation is often an invitation to pressure groups to influence the President to select their choice. The consequences of the appointment of a Presiding Appellate Justice under such situation may not be palatable to the nation. The pressure group may influence his future actions in the dispensation of justice.

Presidential Decree No. 1606 provides for the removal from office of the Presiding Justice of the Sandiganbayan by impeachment. There is no similar law applying to the members of the Court of Appeals. In fact, the Constitution does not include the members of the Court of Appeals as subject to impeachment.

There is actually no visible reason why erring members of the Court of Appeals cannot be removed from office through impeachment. The Sandiganbayan is a special court of the same level as the court as the Court of appeals. However, the Court of Appeals may be considered higher court second only to the Supreme Court because the Sandiganbayan is a court of limited jurisdiction. The jurisdiction of the Court of Appeals has been enlarged recently by Republic Act No. 7902.

There is a need to place the Court of Appeals on par with the Sandiganbayan. This will ensure stability in the Court and insulate from unnecessary harassment by outside forces.

In view of the foregoing, the approval of this bill requested.


HON. MARCELINO C. LIBANAN

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HOUSE BILL NO. 1566

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AN ACT

PROVIDING FOR THE AUTOMATIC SUCCESSION OF THE ASSOCIATE APPELLATE JUSTICE WHO IS FIRST IN PRECEDENCE TO POSITION OF PRESIDING APPELLATE JUSTICE OF THE COURT OF APPEALS IN CASE OF VACANCY AND THE REMOVAL BY IMPEACHMENT OF THE MEMBERS THEREOF, AMENDING FOR THE PURPOSE THE JUDICIARY REORGANIZATION ACT

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

SECTION 1. Section 5. Chapter 1 of Batas Pambansa Bilang 129, otherwise known as "The Judiciary Reorganization Act of 1980," is hereby amended to read as follows:

"SEC. 5. Succession to the Office of Presiding Appellate Justice.- In case of a vacancy in the Presiding Appellate Justice, THE ASSOCIATE APPELLATE JUSTICE WHO IS FIRST IN PRECEDENCE SHALL BE APPOINTED TO THE POSITION. [or in] In the event of [his] The absence or inability OF THE PRESIDING APPELLATE JUSTICE to perform the powers, functions, and duties of his office, the Associate Appellate Justice who is first in precedence shall perform his powers, functions and duties until such disability is removed [,]. [or another Presiding Appellate justice is appointed and qualified.]

SECTION 2. A new section, designated as Section 5-A, shall be inserted between Section 5 and Section 6 of the same law to read as follows:

"SEC. 5-A. REMOVAL FROM OFFICE OF THE MEMBERS OF THE COURT OF APPEALS.- THE PRESIDING APPELLATE JUSTICE AND ASSOCIATE APPELLATE JUSTICES OF THE COURT OF APPEALS SHALL NOT BE REMOVED FROM OFFICE EXCEPT IMPEACHMENT UPON GROUNDS AND IN THE MANNER PROVIDED FOR IN SECTION 2 AND 3 OF ARTICLE XI OF THE CONSTITUTION OF THE PHILIPPINES."

SECTION 3. This Act shall take effect upon its approval.

Approved.