

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

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. **5721**



Introduced by Honorable Arthur R. Defensor, Jr

EXPLANATORY NOTE

Annulment of Judgment is a remedy under Rule 47 of the Rules of Court to annul judgments, final orders and resolutions of the Regional Trial Court in civil cases. It is independent of the case where the judgment sought to be annulled was rendered. It is only based on grounds of extrinsic fraud and lack of jurisdiction. It is available even if the judgment had already been fully executed.¹

Parenthetically, the policy behind the remedy of Annulment of Judgment is really the mandate of the Constitution that "[n]o person shall be deprived of life, liberty and property without due process of law x x x".² The attendance of extrinsic fraud, which deprives a person of the right to be heard, and lack of jurisdiction, is failure to satisfy the requirements of procedural due process.³

Under the Rules of Court, jurisdiction over Annulment of Judgment is exercised by the Court of Appeals. However, the remedy is not available against decisions in quasi-judicial agencies like the Securities and Exchange Commission, Energy Regulatory Commission, Housing and Land Use Regulatory Board, etc.. The bill entitled "AN ACT EXPANDING THE JURISDICTION OF THE COURT OF APPEALS, AMENDING FOR THE PURPOSE SECTION NINE OF BATAS PAMBANSA BLG. 129, AS AMENDED, KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1980", therefore, seeks to include decisions of quasi-judicial

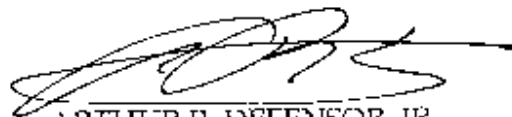
¹ REGALADO I Remedial Law Compendium (2010), p. 628; citing *Islamic Da' Wah Council of the Phil. Vs. CA, et al.*, G.R. No. 80892, September 29, 1989.

² CONSTITUTION, Article III, Section 1.

³ In *Banco Español Filipino v. Palafox*, 37 Phil 921 (1918), the Supreme Court laid down the essential requirements of procedural due process:

- (1) There must a court or tribunal clothed with judicial power to hear and determine the matter before it;
- (2) Jurisdiction must be lawfully acquired over the person of the defendant or over the property which is the subject of the proceedings;
- (3) The defendant must be given an opportunity to be heard; and
- (4) Judgment must be rendered upon lawful hearing.

agencies against which the remedy of Annulment of Judgment shall be available. This is achieved by adding decisions of quasi-judicial agencies to judgments of Regional Trial Courts in Section 9 of Batas Pambansa Blg. 1980, the "The Judiciary reorganization Act of 1980". It is conceded that the same principles apply, and kindred requirements obtain, in due process before quasi-judicial agencies.



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**AN ACT EXPANDING THE JURISDICTION OF THE COURT OF APPEALS,
AMENDING FOR THE PURPOSE SECTION NINE OF BATAS PAMBANSA BLG.
129, AS AMENDED, KNOWN AS THE JUDICIARY REORGANIZATION ACT OF
1980.**

Section 1. Section 9 of Batas Pambansa Blg. 129, as amended, known as the Judiciary Reorganization Act of 1980, is hereby further amended to read as follows:

"Sec. 9. Jurisdiction. - The Court of Appeals shall exercise:

"(1) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;

"(2) Exclusive original jurisdiction over actions for annulment of judgment of Regional Trial Courts AND QUASI-JUDICIAL AGENCIES, INSTRUMENTALITIES, BOARDS OR COMMISSIONS; and

"(3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commission, and the Civil Service Commission, except

those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, SUCH AS:

- (A) ALL CASES IN WHICH THE CONSTITUTIONALITY OR VALIDITY OF ANY TREATY, INTERNATIONAL OR EXECUTIVE AGREEMENT, LAW, ORDINANCE, OR REGULATION IS IN QUESTION.
- (B) ALL CASES INVOLVING THE LEGALITY OF ANY TAX, IMPOST, ASSESSMENT, OR TOLL, OR ANY PENALTY IMPOSED IN RELATION THERETO.
- (C) ALL CASES IN WHICH THE JURISDICTION OF ANY LOWER COURT IS IN ISSUE.
- (D) ALL CRIMINAL CASES IN WHICH THE PENALTY IMPOSED IS RECLUSION PERPETUA OR HIGHER.
- (E) ALL CASES IN WHICH ONLY AN ERROR OR QUESTION OF LAW IS INVOLVED.

"The Court of Appeals shall have the power to try cases and conduct, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings. 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."

Section 2. All provisions of laws and rules inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 3. This Act take effect after fifteen (15) days following its publication in a newspaper of general circulation.