

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5473



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Article VIII Section 6 of the 1987 Constitution expressly provides that "[T]he Supreme Court shall have administrative supervision over all courts and the personnel thereof". However, current practice under the present law – Batas Pambansa 129 – runs counter to the aforesaid constitutional mandate.

BP 129, otherwise known as "*The Judiciary Reorganization Act of 1980*", as amended, inadvertently denies the Supreme Court the power to permanently reassign judges of Regional, Metropolitan, Municipal and Municipal Circuit Trial Courts to other stations on the same court level. For a judge to be transferred to a court of the same level in a neighboring town or city, a new nomination from the Judicial and Bar Council and a new appointment by the President shall have to be secured for such transfer to ensue, as if the judge is being appointed for the first time.

This process, however, is unique to the judicial branch of government. In the Executive, the Administrative Code of the Philippines and Presidential Decree No. 1 allow the reassignment of employees and Career Executive Service personnel, respectively, provided that such transfer shall not involve a reduction in rank, salary, or status.

Such tedious personnel management process in the Judiciary results to clogged dockets, as delayed lateral transfer of judges to new assignments contributes to prolonged vacancies in trial courts. As a stop-gap solution, said court vacancies are temporarily assigned with pairing and assisting judges who are doubly burdened as they also have to attend to other pressing cases in their own salas. Such is the case in Cebu alone, where four (4) branches of the Municipal Trial Courts in Cities branches remain vacant following the dismissal of presiding

judges from service. An offshoot of said vacancies are 4,389 unresolved cases, prompting the IBP-Cebu City chapter to pass a resolution asking the President, the Supreme Court and the Judicial Bar and Council (JBC) to consider as urgent the filling up of the vacancies.

More importantly, this process further exposes our courts to political interference and pressure. As aptly observed by Justice Antonio Carpio of the Supreme Court: *"[E]very time a judge makes a lateral transfer like this, he accumulates political debts, which weaken his independence."*

It is hoped that with this remedial piece of legislation, the Supreme Court can finally exercise its constitutional mandate of administrative supervision over all its courts and personnel, which in turn can result to case decongestion and the delivery of speedy trial, and to a more independent judiciary.

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



GARY C. ALEJANO

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AN ACT

GRANTING THE SUPREME COURT THE POWER TO REASSIGN TRIAL COURT JUDGES TO OTHER BRANCHES OF THE SAME LEVEL, THEREBY AMENDING SECTIONS 17, 28, 30 AND 31 OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980"

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

1 **SECTION 1.** Section 17 of Batas Pambansa Blg. 129, otherwise known as "*The*
2 *Judiciary Reorganization Act of 1980*", is hereby amended to read as follows:

3
4 "Sec. 17. Appointment, [and] assignment **AND REASSIGNMENT** of
5 Regional Trial Judges.

6
7 Every Regional Trial Judge shall be appointed to a region which shall
8 be his [permanent] station, and his appointment shall state the branch of the
9 court and the seat thereof to which he shall be originally assigned. However,
10 the Supreme Court may assign temporarily **OR REASSIGN**
11 **PERMANENTLY** a Regional Trial Judge to **ANY BRANCH OF**
12 **REGIONAL TRIAL COURT IN THE PHILIPPINES** [another region] as
13 public interest may require[,] [provided that such, temporary assignment shall
14 not last longer than six (6) months without the consent of the Regional Trial
15 Judge concerned]. **TEMPORARY ASSIGNMENTS SHALL NOT**
16 **REQUIRE THE CONSENT OF THE REGIONAL TRIAL JUDGE**
17 **CONCERNED, EXCEPT WHEN THE PERIOD OF ASSIGNMENT**
18 **EXCEEDS SIX (6) MONTHS. PERMANENT REASSIGNMENTS**
19 **SHALL REQUIRE THE CONSENT OF THE REGIONAL TRIAL**
20 **JUDGE CONCERNED AND SHALL CREATE A PERMANENT**
21 **VACANCY IN THE ORIGINAL OFFICE NO REGIONAL TRIAL**
22 **JUDGE SHALL BE PERMANENTLY REASSIGNED BY THE**
23 **SUPREME COURT TO ANOTHER STATION MORE THAN ONCE**
24 **IN FIVE (5) YEARS."**

1 SEC. 2. Section 28 of the same law is hereby amended to read as follows:
2

3 "Sec. 28. *Other Metropolitan Trial Courts.* - The Supreme Court shall
4 constitute Metropolitan Trial Courts in such other metropolitan areas as may
5 be established by law whose territorial jurisdiction shall be co-extensive with
6 the cities and municipalities comprising the metropolitan area.
7

8 Every Metropolitan Trial Judge shall be appointed to a metropolitan
9 area which shall be his [permanent] station, and his appointment shall state
10 THE branch of the court and the seat thereof to which he shall be originally
11 assigned. HOWEVER, THE SUPREME COURT MAY ASSIGN
12 TEMPORARILY OR REASSIGN PERMANENTLY A
13 METROPOLITAN TRIAL JUDGE TO ANY BRANCH OF
14 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT OR
15 MUNICIPAL CIRCUIT TRIAL COURT IN THE PHILIPPINES AS
16 PUBLIC INTEREST MAY REQUIRE. TEMPORARY ASSIGNMENTS
17 SHALL NOT REQUIRE THE CONSENT OF THE METROPOLITAN
18 TRIAL JUDGE CONCERNED, EXCEPT WHEN THE PERIOD OF
19 ASSIGNMENT EXCEEDS SIX (6) MONTHS. PERMANENT
20 REASSIGNMENTS SHALL REQUIRE THE CONSENT OF THE
21 METROPOLITAN TRIAL JUDGE CONCERNED AND SHALL
22 CREATE A PERMANENT VACANCY IN THE ORIGINAL OFFICE.
23 NO METROPOLITAN, MUNICIPAL OR MUNICIPAL CIRCUIT
24 TRIAL JUDGE SHALL BE PERMANENTLY REASSIGNED BY THE
25 SUPREME COURT TO ANOTHER STATION MORE THAN ONCE
26 IN FIVE (5) YEARS. [A Metropolitan Trial Judge may be assigned by the
27 Supreme Court to any branch within said metropolitan area as the interest of
28 justice may require, and such assignment shall not be deemed an assignment
29 to another station within the meaning of this section.]"
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32 SEC. 3. Section 30 of the same law, as amended, is hereby further amended to read as
33 follows:
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35 "Sec. 30. *Municipal Trial Courts.* - In each of the municipalities that
36 are not comprised within a metropolitan area and a municipal circuit, there
37 shall be a Municipal Trial Court which shall have one branch, except as,
38 hereunder provided:
39

40 Two branches for San Fernando, La Union;
41 Four branches for Tuguegarao;
42 Three branches for Lallo, and two branches for Aparri, both of
43 Cagayan;
44 Two branches for Santiago, Isabela;
45 Two branches each for Malolos, Meycauayan and Bulacan, all of
46 Bulacan Province;
47 Four branches for San Fernando and two branches for Guagua, both of
48 Pampanga;
49 Two branches for Tarlac, Tarlac;
50 Two branches for San Pedro, Laguna; and

Two branches each for Antipolo and Binangonan, both in Rizal.

EVERY MUNICIPAL TRIAL JUDGE SHALL BE APPOINTED TO A MUNICIPALITY WHICH SHALL BE HIS STATION. HOWEVER, THE SUPREME COURT MAY ASSIGN TEMPORARILY OR REASSIGN PERMANENTLY A MUNICIPAL TRIAL JUDGE TO ANY BRANCH OF METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT OR MUNICIPAL CIRCUIT TRIAL COURT IN THE PHILIPPINES AS PUBLIC INTEREST MAY REQUIRE. TEMPORARY ASSIGNMENTS SHALL NOT REQUIRE THE CONSENT OF THE MUNICIPAL TRIAL JUDGE CONCERNED, EXCEPT WHEN THE PERIOD OF ASSIGNMENT EXCEEDS SIX (6) MONTHS. PERMANENT REASSIGNMENTS SHALL REQUIRE THE CONSENT OF THE MUNICIPAL TRIAL JUDGE CONCERNED AND SHALL CREATE A PERMANENT VACANCY IN THE ORIGINAL OFFICE. NO METROPOLITAN, MUNICIPAL, OR MUNICIPAL CIRCUIT TRIAL JUDGE SHALL BE PERMANENTLY REASSIGNED BY THE SUPREME COURT TO ANOTHER STATION MORE THAN ONCE IN FIVE (5) YEARS.

SEC. 4. Section 31 of the same law is hereby amended to read as follows:

"Sec. 31. *Municipal Circuit Trial Court.* - There shall be a Municipal Circuit Trial Court in each area defined as a municipal circuit, comprising one or more cities and/or one or more municipalities. The municipalities comprising municipal circuits as organized under Administrative Order No. 33, issued on June 13, 1978 by the Supreme Court pursuant to Presidential Decree No. 537, are hereby constituted as municipal circuits for purposes of the establishment of the Municipal Circuit Trial Courts, and the appointment thereto of Municipal Circuit Trial Judges: *Provided, however,* That the Supreme Court may, as the interest of justice may require, further reorganize the said courts taking into account workload, geographical location, and such other factors as will contribute to rational allocation thereof, pursuant to the provisions of Presidential Decree No: 35 537 which shall be applicable insofar as they are not inconsistent with this Act.

Every Municipal Circuit TRIAL Judge shall be appointed to a municipal circuit which shall be his [official] station. **HOWEVER, THE SUPREME COURT MAY ASSIGN TEMPORARILY OR REASSIGN PERMANENTLY A MUNICIPAL CIRCUIT TRIAL JUDGE TO ANY BRANCH OF METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT AND MUNICIPAL CIRCUIT TRIAL COURT IN THE PHILIPPINES AS PUBLIC INTEREST MAY REQUIRE. TEMPORARY ASSIGNMENTS SHALL NOT REQUIRE THE CONSENT OF THE MUNICIPAL CIRCUIT JUDGE CONCERNED, EXCEPT WHEN THE PERIOD OF ASSIGNMENT EXCEEDS SIX (6) MONTHS. PERMANENT REASSIGNMENTS SHALL REQUIRE THE CONSENT OF THE MUNICIPAL CIRCUIT TRIAL JUDGE CONCERNED AND SHALL CREATE A PERMANENT VACANCY IN**

1 **THE ORIGINAL OFFICE. NO METROPOLITAN, MUNICIPAL, OR**
2 **MUNICIPAL CIRCUIT TRIAL JUDGE SHALL BE PERMANENTLY**
3 **REASSIGNED BY THE SUPREME COURT TO ANOTHER STATION**
4 **MORE THAN ONCE IN FIVE (5) YEARS.**

5 The Supreme Court shall determine the city or municipality where the
6 Municipal Circuit Trial Court shall hold sessions."

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9 **SEC. 5.** All laws, decrees, orders and other issuances inconsistent with the provisions
10 of this Act are repealed or modified accordingly.
11

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13 **SEC. 6.** This Act shall take effect fifteen (15) days following its publication in the
14 Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,