

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'13 JUL -3 P12 :43

SENATE

S.No. **343**

RECEIVED BY: *jin*

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

Section 7, Article IX-A of the 1987 Constitution expressly states that "[E]ach Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof."

Of the three Constitutional Commissions, Commission on Elections (COMELEC), Commission on Audit (COA) and the Civil Service Commission (CSC) covered by the provision mentioned above, it is only the CSC whose decision, order, or ruling is subject to the appellate review of the Court of Appeals pursuant to Section 9 of Batas Pambansa Blg. 129, as amended, known as the Judiciary Reorganization Act of 1980 as implemented by Section 1, Rule 43 of the Revised Rules of Court. However, recognizing that the CSC, just like the COMELEC and COA, is an independent Constitutional Commission and is supreme in its own field, there has been a strong move to restore to the Supreme Court the sole power to review through a special civil action on certiorari any decision, order or ruling of the CSC. It is high time that a highly-regarded Constitutional Commission such as the CSC be given its just respect for, among other things, unceasingly protecting the security of tenure of government officials and employees and promoting merit and fitness in the bureaucracy.

It is in this context that I introduce and recommend the passage of this present bill restoring to the Supreme Court the sole power to review, through the special civil action on certiorari, all actions of the CSC.

LOREN LEGARDA
Senator

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Senate Bill No. **343**

Introduced by Senator Loren Legarda

AN ACT RESTORING JURISDICTION OVER FINAL DECISIONS, ORDERS, OR RESOLUTIONS OF THE CIVIL SERVICE COMMISSION FROM THE COURT OF APPEALS TO THE SUPREME COURT, AMENDING FOR THE PURPOSE SECTION 9 (3) OF BATAS PAMBANSA BLG. 129, AS AMENDED, 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 9 of Batas Pambansa Blg. 129, as amended, known as the Judiciary
2 Reorganization Act of 1980, is hereby further amended to read as follows:

3 "Sec. 9, Jurisdiction. — The Court of Appeals shall exercise:

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

7 "(2) Exclusive original jurisdiction over actions for annulment of judgment
8 of Regional Trial Courts; and

9 "(3) Exclusive appellate jurisdiction over all final judgments, decisions,
10 resolutions, orders or awards of Regional Trial Courts and quasi-judicial
11 agencies, instrumentalities, boards or commissions, including the
12 Securities and Exchange Commission, the Social Security Commission,
13 **AND the Employees Compensation Commission, [and the Civil Service**
14 **Commission]** except those falling within the appellate jurisdiction of the
15 Supreme Court in accordance with the Constitution, the Labor Code of the
16 Philippines under Presidential Decree No. 442, as amended, the
17 provisions of this Act, and of subparagraph (1) of the third paragraph and
18 subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act
19 of 1948.

20 "The Court of Appeals shall have the power to try cases and conduct hearings,
21 receive evidence and perform any and all acts necessary to resolve factual issues
22 raised in cases falling within its original and appellate jurisdiction, including the
23 power to grant and conduct new trials or further proceedings. Trials or hearings
24 in the Court of Appeals must be continuous and must be completed within three
25 (3) months, unless extended by the Chief Justice."

1 **Section 2.** Any decision, order or ruling of the Civil Service Commission may be
2 brought to the Supreme Court through a special civil action on *certiorari* under the
3 Revised Rules of Court by the aggrieved party in accordance with the Constitution.

4 **Section 3.** All provisions of laws and rules inconsistent with the provisions of this Act
5 are hereby repealed or amended accordingly.

6 **Section 4.** This Act shall take effect after fifteen (15) days following its publication in a
7 newspaper of general circulation.

8 Approved,