


13TH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

DEPARTMENT OF JUDICIARY

'04 JUL -6 AM 10:09

SENATE

RECEIVED BY: 

S. Bill No. 1370

Introduced by Senator Ralph G. Recto

EXPLANATORY NOTE

The Judiciary Development Fund (JDF) was created by Presidential Decree No. 1949 in recognition of the meager budgetary allocations provided by Congress to the Judiciary. The JDF which is derived from the increase in legal fees since 1984, and from other sources such as: 1) bar examination fees, 2) interest on deposits of its income, 3) confiscated bail bonds, 4) income from publications of the Supreme Court Printing Press, 5) rentals of facilities in Halls of Justice, is intended to augment the Judiciary's budget to maintain and preserve its independence.

The Judiciary, the third and co-equal branch of government, is consistently given less than 1% of the national budget. For 2000 and 2001, no cash allocation was released by the Department of Budget and Management for capital outlay. The Court had to rely on the JDF for equipment and facilities.

To "ensure the uplift" of the members and personnel of the Judiciary, Section 1 of PD 1949 provides that "the Fund shall be used to augment the allowances of members and personnel of the Judiciary and to finance the acquisition, maintenance, and repair of office equipment and facilities."

Clearly, the law provides that the proper source of the increase of salaries for the justices and judges and their court personnel should be the Judiciary Development Fund (JDF). Yet there have been allegations that this has been isolated by the Chief Justice and used like a discretionary fund, which have become the basis for Congressional investigations and the filing of an impeachment case against the Chief Justice in the previous Congress.

This measure seeks to streamline the purpose of the fund by creating a Local Government Judicial Development Fund to be administered by the Executive Judge of the appropriate judicial region or district; widen the coverage in the grant of bigger allowances to the members and personnel of the Judiciary; and transfer the authority in the administration and allocation of the JDF.

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


RALPH G. RECTO

MRC/JDF

13TH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SECRETARY

01 JUN -6 11:29

SENATE

1370

RECEIVED BY

S. Bill No. _____

Introduced by Senator Ralph G. Recto

AN ACT
AMENDING PRESIDENTIAL DECREE NO. 1949 "ESTABLISHING A
JUDICIARY DEVELOPMENT FUND AND FOR OTHER PURPOSES"

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

1 SECTION 1. Section 1 of Presidential decree No. 1949 is hereby amended to read as
2 follows:

3
4 "SECTION 1. There is hereby established a Judiciary development
5 Fund, hereinafter referred to as the Fund, for the benefit of the members and
6 personnel of the Judiciary to help ensure and guarantee the independence of
7 the Judiciary, as mandated by the Constitution and public policy and required
8 by the impartial administration of justice. The Fund shall be derived from,
9 among others, the increase in the legal fees prescribed in the amendments to
10 Rule 141 of the Rules of Court to be promulgated by the Supreme Court of the
11 Philippines. The Fund shall be used to augment the allowances of the
12 members and personnel of the Judiciary and to finance the acquisition,
13 maintenance and repair of office equipment and **FOR MAINTENANCE**
14 **AND OTHER OPERATING EXPENSES (MOOE)** [facilities]: *Provided,*
15 *That at least eighty percent (80%) of the Fund shall be used for cost of living*
16 *allowances, and not more than twenty percent (20%) of the said Fund shall be*
17 *used for office equipment and facilities of the Courts located where the legal*
18 *fees are collected: Provided, further, That said allowances of the members and*
19 *personnel of the Judiciary shall be distributed in proportion of their basic*

1 salaries: and *Provided, finally*, That bigger allowances may be granted to those
2 receiving a basic salary of less than P10,000.00 [P1,000.00] a month.”

3
4 SEC. 2. Section 4 of the same Presidential Decree is hereby amended to read as
5 follows:

6
7 “SEC. 4. Nothing herein shall be construed to affect or diminish the
8 duty of local government units to provide office spaces, equipment, and
9 facilities to the courts within their respective territorial jurisdiction as required
10 under existing laws. **FOR THIS PURPOSE, A LOCAL GOVERNMENT**
11 **JUDICIAL DEVELOPMENT FUND IS HEREBY CREATED TO BE**
12 **ADMINISTERED BY THE EXECUTIVE JUDGE OF THE**
13 **APPROPRIATE JUDICIAL REGION OR DISTRICT: PROVIDED,**
14 **HOWEVER, THAT EACH SALA IN SAID JUDICIAL REGION OR**
15 **DISTRICT SHALL RECEIVE A UNIFORM RATE OF ALLOTMENT**
16 **AS DETERMINED BY THE SUPREME COURT. INTERMEDIATE**
17 **APPELLATE JUSTICES, REGIONAL TRIAL JUDGES,**
18 **METROPOLITAN TRIAL JUDGES, MUNICIPAL TRIAL JUDGES,**
19 **AND MUNICIPAL CIRCUIT TRIAL JUDGES, AS THE CASE MAY BE**
20 **AND THEIR COURT PERSONNEL ARE EXPRESSLY PROHIBITED**
21 **FROM RECEIVING COMPENSATION AND ALLOWANCES FROM**
22 **LOCAL GOVERNMENT UNITS. [Moreover, there shall be no reduction of**
23 **the compensation, allowances, benefits and privileges enjoyed by the members**
24 **and personnel of the Judiciary on the date of the effectivity of this Decree.]”**

25
26 SEC. 3. *Separability Clause.* – If any provision of this Act or the application thereof
27 is held invalid or unconstitutional, all the other provisions not affected thereby shall remain
28 valid.

1 SEC. 4. *Repealing Clause.* – All laws, decrees, orders, proclamations, rules and
2 regulations or parts thereof which are inconsistent with any of the provisions of this Act are
3 hereby repealed, modified or amended accordingly.

4

5 SEC. 5. *Transitory Provision.* – For a period of three (3) years from the effectivity of
6 this Act, the present allowances received by judges from local governments shall be paid out
7 of the judicial development fund.

8

9 SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of general circulation.

Approved,