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SENATE
S. No. 1732

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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.¹

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."²

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, immediate enactment of this measure is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ See '4,389 cases remain pending in 8 RTCs' by Kevin A. Lagunda. Monday, June 3, 2013. SunStar Cebu. Information retrieved from <http://www.sunstar.com.ph/cebu/local-news/2013/06/03/4389-cases-remain-pending-8-rtcs-285533> on 9/18/2013.

² Antonio T. Carpio. Senior Associate Justice, Supreme Court. *Judicial reform in the Philippines* [Speech delivered during the Central Luzon Regional Convention of the Integrated Bar of the Philippines, June 29, 2012]; Information retrieved from <http://www.ibp.ph/PDF/IBP%20Speeches/Justice%20Carpio.pdf> on 9/17/2013.

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



Senate
Office of the Secretary

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

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

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

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

7 Every Metropolitan Trial Judge shall be appointed to a metropolitan area
8 which shall be his [permanent] station, and his appointment shall state
9 **THE** branch of the court and the seat thereof to which he shall be
10 originally assigned. **HOWEVER, THE SUPREME COURT MAY**
11 **ASSIGN TEMPORARILY OR REASSIGN PERMANENTLY A**
12 **METROPOLITAN TRIAL JUDGE TO ANY BRANCH OF**
13 **METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT**
14 **OR MUNICIPAL CIRCUIT TRIAL COURT IN THE PHILIPPINES**
15 **AS PUBLIC INTEREST MAY REQUIRE. TEMPORARY**
16 **ASSIGNMENTS SHALL NOT REQUIRE THE CONSENT OF THE**
17 **METROPOLITAN TRIAL JUDGE CONCERNED, EXCEPT**
18 **WHEN THE PERIOD OF ASSIGNMENT EXCEEDS SIX (6)**
19 **MONTHS. PERMANENT REASSIGNMENTS SHALL REQUIRE**
20 **THE CONSENT OF THE METROPOLITAN TRIAL JUDGE**
21 **CONCERNED AND SHALL CREATE A PERMANENT VACANCY**
22 **IN THE ORIGINAL OFFICE. NO METROPOLITAN,**
23 **MUNICIPAL OR MUNICIPAL CIRCUIT TRIAL JUDGE SHALL**
24 **BE PERMANENTLY REASSIGNED BY THE SUPREME COURT**
25 **TO ANOTHER STATION MORE THAN ONCE IN FIVE (5)**
26 **YEARS. [A Metropolitan Trial Judge may be assigned by the Supreme**
27 **Court to any branch within said metropolitan area as the interest of justice**
28 **may require, and such assignment shall not be deemed an assignment to**
29 **another station within the meaning of this section.]**

30
31 **SEC. 3.** Section 30 of the same law, as amended, is hereby further amended to read as
32 follows:

33 **“Sec. 30. Municipal Trial Courts.** – In each of the municipalities that are
34 not comprised within a metropolitan area and a municipal circuit, there
35 shall be a Municipal Trial Court which shall have one branch, except as
36 hereunder provided:

37 Two branches for San Fernando, La Union;
38 Four branches for Tuguegarao;
39 Three branches for Lallo, and two branches for Aparri, both of Cagayan;
40 Two branches for Santiago, Isabela;
41 Two branches each for Malolos, Meycauyan and Bulacan, all of Bulacan
42 Province;
43 Four branches for San Fernando and two branches for Guagua, both of
44 Pampanga;
45 Two branches for Tarlac, Tarlac;

1 Two branches for San Pedro, Laguna; and
2 Two branches each for Antipolo and Binangonan, both in Rizal.
3

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

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

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

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

1 REASSIGNMENTS SHALL REQUIRE THE CONSENT OF THE
2 MUNICIPAL CIRCUIT TRIAL JUDGE CONCERNED AND
3 SHALL CREATE A PERMANENT VACANCY IN THE ORIGINAL
4 OFFICE. NO METROPOLITAN, MUNICIPAL, OR MUNICIPAL
5 CIRCUIT TRIAL JUDGE SHALL BE PERMANENTLY
6 REASSIGNED BY THE SUPREME COURT TO ANOTHER
7 STATION MORE THAN ONCE IN FIVE (5) YEARS.

8 The Supreme Court shall determine the city or municipality where the
9 Municipal Circuit Trial Court shall hold sessions.”

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

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

Approved,