

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

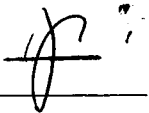


Senate
Office of the Secretary

'16 JUL 21 AIO :26

SENATE

S. B. No. 728

RECEIVED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
FURTHER AMENDING BATAS PAMBANSA BLG. 129, OR
THE JUDICIARY REORGANIZATION ACT OF 1980,
AS AMENDED

EXPLANATORY NOTE

This bill is being filed to possibly further enhance the disposition of cases in court.

Undeniably, vacant courts and the non-availability of courts have resulted in the clogging of court dockets, especially in areas where cases have significantly increased.

With this proposed amendment of Batas Pambansa Blg. 129, as amended, it is believed that the Supreme Court shall be afforded the required flexibility in the management of courts. The re-assignment of judges from one judicial region or branch of a region to another through lateral transfer shall now be allowed as a matter of administrative prerogative on the part of the Supreme Court.

In view of the above, passage of this legislation with utmost dispatch is sought.

FRANCIS G. ESCUDERO

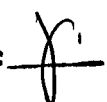
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**AN ACT
FURTHER AMENDING BATAS PAMBANSA BLG. 129, OR
THE JUDICIARY REORGANIZATION ACT OF 1980,
AS AMENDED**

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, as amended, is hereby
2 further amended to read as follows:

3 “SEC. 17. - Appointment and assignment of Regional Trial Judges. -
4 Every Regional Trial Judge shall be appointed to a **JUDICIAL** region
5 which shall be his permanent station, and his appointment shall state the
6 branch of the court and the seat thereof to which he shall be originally
7 assigned. **IN THE EVENT OF THE FILING OF APPLICATIONS FOR**
8 **VOLUNTARY LATERAL TRANSFERS BY SITTING JUDGES TO**
9 **ANOTHER REGION OR TO ANOTHER BRANCH WITHIN THE**
10 **SAME REGION, THE SUPREME COURT SHALL ACT UPON SAID**
11 **APPLICATIONS AND SHALL ISSUE THE APPROPRIATE ORDERS**
12 **FOR THE PURPOSE; PROVIDED THAT THE SAID TRANSFER**
13 **SHALL NOT IN ANY MANNER BE INIMICAL TO THE SPEEDY**
14 **DISPENSATION OF JUSTICE.** However, the Supreme Court may assign
15 temporarily a Regional Trial Judge to another region **OR TO ANOTHER**
16 **BRANCH WITHIN THE SAME REGION**, as public interest may require,
17 provided that such temporary assignment shall not last longer than six (6)
18 months without the consent of the Regional Trial Judge concerned.

19 A Regional Trial Judge may be assigned by the Supreme Court to
20 any branch or city or municipality within the same region as public

1 interest may require, and such assignment shall not be deemed an
2 assignment to another station within the meaning of this section. "

3 SECTION 2. Section 28 of Batas Pambansa Blg. 129, as amended, is hereby
4 further amended to read as follows:

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

10 Every Metropolitan Trial Judge shall be appointed to a
11 metropolitan area which shall be his permanent station and his
12 appointment shall state the branch of the court and the seat thereof to
13 which he shall be originally assigned. **IN THE EVENT OF VOLUNTARY
14 APPLICATIONS FOR LATERAL TRANSFERS BY SITTING JUDGES
15 TO ANOTHER REGION OR TO ANOTHER BRANCH WITHIN THE
16 SAME REGION, THE SUPREME COURT SHALL ACT UPON SAID
17 APPLICATIONS AND SHALL ISSUE THE APPROPRIATE ORDERS
18 FOR THE PURPOSE; PROVIDED THAT THE SAID TRANSFER
19 SHALL NOT IN ANY MANNER BE INIMICAL TO THE SPEEDY
20 DISPENSATION OF JUSTICE.** A Metropolitan Trial Judge may be
21 assigned by the Supreme Court to any branch within said metropolitan
22 area as the interest of justice may require, and such assignment shall not
23 be deemed an assignment to another station within the meaning of this
24 section. **HOWEVER, THE SUPREME COURT MAY ASSIGN
25 TEMPORARILY A METROPOLITAN TRIAL JUDGE TO ANOTHER
26 REGION OR TO ANOTHER BRANCH WITHIN THE SAME REGION,
27 AS PUBLIC INTEREST MAY REQUIRE, PROVIDED THAT SUCH
28 TEMPORARY ASSIGNMENT SHALL NOT LAST LONGER THAN
29 SIX (6) MONTHS WITHOUT THE CONSENT OF THE
30 METROPOLITAN TRIAL JUDGE CONCERNED.**

31 SECTION 3. Section 31 of Batas Pambansa Blg. 129, as amended, is hereby
32 further amended to read as follows:

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

15 Every Municipal Circuit Trial Judge shall be appointed to a
16 municipal circuit which shall be his official station.

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

19 SECTION 4. A new section, Section 31-A, is hereby inserted to read
20 as follows:

21 "SEC.31-A. A MUNICIPAL TRIAL JUDGE SHALL BE
22 APPOINTED TO A JUDICIAL REGION TO PRESIDE OVER A
23 MUNICIPAL TRIAL COURT IN CITIES, MUNICIPAL TRIAL COURT
24 OR A MUNICIPAL CIRCUIT TRIAL COURT WHICH SHALL BE HIS
25 PERMANENT STATION, AND HIS APPOINTMENT SHALL STATE
26 THE BRANCH OF THE COURT AND THE SEAT THEREOF TO
27 WHICH HE SHALL BE ORIGINALLY ASSIGNED. IN THE EVENT
28 OF VOLUNTARY APPLICATIONS FOR LATERAL TRANSFERS BY
29 SITTING JUDGES TO ANOTHER REGION OR TO ANOTHER
30 BRANCH WITHIN THE REGION, THE SUPREME COURT SHALL
31 ACT UPON SAID APPLICATIONS AND SHALL ISSUE THE
32 APPROPRIATE ORDERS FOR THE PURPOSE; PROVIDED THAT
33 THE SAID TRANSFER SHALL NOT IN ANY MANNER BE INIMICAL
34 TO THE SPEEDY DISPENSATION OF JUSTICE. HOWEVER, THE

1 SUPREME COURT MAY ASSIGN TEMPORARILY A MUNICIPAL
2 TRIAL JUDGE TO ANY MUNICIPAL COURT IN ANOTHER REGION
3 OR TO ANOTHER BRANCH WITHIN THE REGION, AS PUBLIC
4 INTEREST MAY REQUIRE, PROVIDED THAT SUCH TEMPORARY
5 ASSIGNMENT SHALL NOT LAST LONGER THAN SIX (6) MONTHS
6 WITHOUT THE CONSENT OF THE MUNICIPAL TRIAL JUDGE
7 CONCERNED."

8 SECTION 5. A new Section 44 is hereby inserted into Batas Pambansa Blg. 129 as
9 amended, which is to read as follows:

10 "SEC. 44. THE AMOUNT NECESSARY TO CARRY OUT THE
11 PROVISIONS OF THIS ACT ON PRIORITY BASIS AS DETERMINED
12 BY THE SUPREME COURT IS HEREBY AUTHORIZED TO BE
13 INCLUDED IN THE APPROPRIATIONS OF THE SUPREME COURT
14 IN THE ANNUAL GENERAL APPROPRIATIONS ACT OF THE YEAR
15 FOLLOWING ITS ENACTMENT INTO LAW AND THEREAFTER:
16 PROVIDED, THAT, TO EFFECTIVELY IMPLEMENT THIS ACT, THE
17 SUPREME COURT IS HEREBY VESTED WITH THE POWER TO
18 PRIORITIZE OR TO DETERMINE WHICH SALA OR SALAS SHALL
19 BE ESTABLISHED FOR A GIVEN YEAR: PROVIDE, FURTHER, THAT,
20 FOR REASONS OF EFFICIENCY, ECONOMY AND ACCESSIBILITY,
21 THE SUPREME COURT IS HEREBY AUTHORIZED TO TRANSFER A
22 SALA FROM ONE STATION, AS DETERMINED HEREIN, TO
23 ANOTHER WITHIN THE SAME JUDICIAL REGION: PROVIDED,
24 FINALLY, THAT THE SUPREME COURT SHALL NOT EFFECT THE
25 TRANSFER OF A SALA OFTENER THAN ONCE EVERY THREE (3)
26 YEARS."

27 SECTION 6. The existing Sections 44 through 48 of Batas Pambansa Blg. 129 as
28 amended are hereby renumbered as Sections 45 through 49 accordingly.

29 SECTION 7. *Repealing Clause* - All other laws, decrees, executive orders, executive
30 issuances or letters of instructions, rules and regulations, or any part thereof,
31 inconsistent or contrary to the provisions of this Act are hereby deemed repealed,
32 amended or modified accordingly.

1 **SECTION 8. *Separability Clause*** - If any provision of this Act is declared
2 unconstitutional or invalid, other parts or provisions hereof not affected shall continue
3 to be in full force and effect.

4 **SECTION 9. *Effectivity***. - This Act shall take effect (15) days after completion of its
5 publication in the Official Gazette or of two (2) newspapers of general circulation.

6 *Approved,*