



SENATE

S. No. 2002

'18 SEP 12 P 5:00

Introduced by **Senator Richard J. Gordon**

RECEIVED

AN ACT
CREATING THE POSITIONS OF JUDGES-AT-LARGE, AMENDING
FOR THE PURPOSE BATAS PAMBANSA BILANG 129, OTHERWISE
KNOWN AS THE "THE JUDICIARY REORGANIZATION ACT OF
1980," AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Justice delayed is justice denied.

The 1987 Philippine Constitution specifically states that "all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies (Article III, Section 16).

In ***Matias v. Plan***¹, the Supreme Court, through then Justice (now Chief Justice) Reynato S. Puno, expressed grave concern if such constitutional guarantee is ignored, thus:

The Constitution guarantees the right of persons against unreasonable delay in the disposition of cases before all judicial, quasi-judicial or administrative bodies. Judges play an active role in ensuring that cases are resolved with speed and dispatch so as not to defeat the cause of the litigants.

x x x

The need for speedy administration of justice cannot be ignored. Excessive delay in the disposition of cases renders the rights of people guaranteed by various legislations inutile. x x x.

Moreover, Justice Isagani A. Cruz recognized that the constitutional provision on speedy disposition of cases "deserves support and its implementation depends ultimately upon the Supreme Court, which unfortunately is no paragon of speedy justice either."²

The clogged dockets of the courts cause great delay in the disposition of cases. Based on the latest available data from the Judiciary, the total caseload of the Supreme

¹ A.M. No. MTJ-98-1159, August 3, 1998, 293 SCRA 532.

² Cruz, Constitutional Law, 2007 Edition, p. 295.

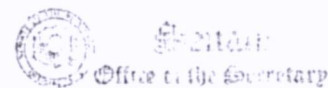
Court and the Lower Courts is 974,602 – 804,309 of which are disposed or archived while 170,293 cases are still pending as of June 30, 2018.

One of the factors for the low disposition rate of cases is the lack of judges. The profile of judges shows that there are 2,663 positions for judges in the Philippines. Of this number, only 1,826 positions (68.67%) are filled, and 837 positions (31.43%) remain unfilled as of June 30, 2018.

This bill seeks to propose the creation of "Judges-At-Large" positions in the lower courts which shall have no permanent salas. The judges-at-large can therefore be detailed by the Supreme Court as Acting or Assisting Judges to any court in the Philippines, as public interest may require.



RICHARD J. GORDON
Senator



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S. No. 2002

18 SEP 12 6:00

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FOR THE PURPOSE BATAS PAMBANSA BILANG 129, OTHERWISE
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1980," AND APPROPRIATING FUNDS THEREFOR

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

Section 1. Short title. - This Act shall be known as the "Judges-At-Large Act of
2018".

Section 2. A new paragraph (n) is inserted in Section 14 of Batas Pambansa Blg.
129, otherwise known as "The Judiciary Reorganization Act of 1980", and shall read as
follows:

"(N) ONE HUNDRED (100) POSITIONS OF REGIONAL TRIAL
JUDGES-AT-LARGE ARE CREATED. THE DULY APPOINTED REGIONAL
TRIAL JUDGES-AT-LARGE SHALL HAVE NO PERMANENT SALAS AND CAN
BE DETAILED BY THE SUPREME COURT AS ACTING OR ASSISTING
JUDGES TO ANY REGIONAL TRIAL COURT IN THE PHILIPPINES AS
PUBLIC INTEREST MAY REQUIRE. THE SAID JUDGES-AT-LARGE ARE
ENTITLED TO SALARIES, PRIVILEGES, ALLOWANCE, EMOLUMENTS,
BENEFITS, RANK AND TITLE OF A REGIONAL TRIAL JUDGE."

Section 3. Section 15 of the same Act is amended to read as follows:

"Sec. 15. *Qualifications.* - No person shall be appointed Regional Trial Judge
or **REGIONAL TRIAL JUDGE-AT-LARGE** unless [he] **THAT PERSON** is a
natural-born citizen of the Philippines, at least thirty-five years of age, and, for at
least ten years, has been engaged in the practice of law in the Philippines or has
held a public office in the Philippines requiring admission to the practice of law as
an indispensable requisite."

Section 4. A new section to be denominated as Section 25-A is hereby inserted
after Section 25 of the same Act to read as follows:

"SEC. 25-A. CREATION OF POSITION FOR MUNICIPAL TRIAL
JUDGES-AT-LARGE - FIFTY (50) POSITIONS OF MUNICIPAL TRIAL

1 JUDGES-AT-LARGE ARE CREATED. THE DULY APPOINTED MUNICIPAL
2 TRIAL JUDGES-AT-LARGE SHALL HAVE NO PERMANENT SALAS AND CAN
3 BE DETAILED BY THE SUPREME COURT AS ACTING OR ASSISTING
4 JUDGES TO ANY FIRST LEVEL COURT IN THE PHILIPPINES AS PUBLIC
5 INTEREST MAY REQUIRE. THEY SHALL BE ENTITLED TO THE SALARIES,
6 PRIVILEGES, ALLOWANCES, EMOLUMENTS, BENEFITS, RANK AND TITLE
7 OF A JUDGES OF A MUNICIPAL TRIAL COURT IN CITIES.”
8
9

10 **Section 5.** Section 26 of the same Act is amended to read as follows:
11

12 “Sec. 26. *Qualifications.* – No person shall be appointed judge of a
13 Metropolitan Trial Court, Municipal Trial Court, [or] Municipal Circuit Trial Court,
14 **OR A MUNICIPAL TRIAL JUDGE-AT-LARGE** unless [he] **THAT PERSON** is a
15 natural-born citizen of the Philippines, at least 30 years of age, and, for at least
16 five years, have been engaged in the practice of law in the Philippines, or has held
17 a public office in the Philippines requiring admission to the practice of law as an
18 indispensable requisite.”
19

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21 **Section 6.** Section 41 of the same Act is amended to read as follows:
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23 “Sec. 41. *Salaries.* – Intermediate Appellate Justices, Regional Trial Judges,
24 **REGIONAL TRIAL JUDGES-AT-LARGE**, Metropolitan Trial Judges, Municipal
25 Trial Judges [and] Municipal Circuit Trial Judges, **AND MUNICIPAL TRIAL**
26 **JUDGES-AT-LARGE** shall receive such compensation and allowances as may be
27 authorized by the President along the guidelines set forth in Letter of
28 Implementation No. 93 pursuant to Presidential Decree No. 985, as amended by
29 Presidential Decree No. 1597.”
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32 **Section 7.** Section 42 of the same Act is amended to read as follows:
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34 “Sec. 42. Longevity pay **AND DISPLACEMENT ALLOWANCE.** – A
35 monthly longevity pay equivalent to 5% of the monthly basic pay shall be paid to
36 the Justices and Judges of the courts herein created for each five years of
37 continuous, efficient, and meritorious service rendered in the judiciary: *Provided,*
38 That in no cases shall the total salary of each Justice or Judge concerned, after
39 this longevity pay is added, exceed the salary of the Justice or Judge next in rank.
40

41 “**REGIONAL TRIAL JUDGES-AT-LARGE AND MUNICIAPL TRIAL**
42 **JUDGES-AT-LARGE SHALL RECEIVE DISPLACEMENT ALLOWANCES,**
43 **WHICH SHALL COVER THEIR HOUSING, FOOD, TRANSPORTATION, AND**
44 **OTHER NECESSARY EXPENSES INCURRED DURING THEIR DETAIL TO**
45 **COURTS LOCATED OUTSIDE THEIR PERMANENT RESIDENCES. THE**
46 **SUPREME COURT, UPON THE RECOMMENDATION OF THE COURT**
47 **ADMINISTRATOR AND THE PLANTILLA COMMITTEE, SHALL DETERMINE**
48 **THE AMOUNT OF DISPLACEMENT ALLOWANCE FOR EACH DETAILED**
49 **JUDGE-AT-LARGE.”**
50

51
52 **Section 8. Funding.** The amount necessary for the implementation of this Act
53 shall be charged against the available appropriations of the Judiciary under the current

1 General Appropriations Act. Thereafter, such sums as may be necessary for its continued
2 implementation shall be included in the annual General Appropriations Act.

3
4 **Section 9. Implementing Rules and Regulations.** Within sixty (60) days
5 from the approval of this Act, the Supreme Court, in consultation with the Secretary of
6 Budget and Management shall promulgate the necessary rules and regulations for the
7 effective implementation of this Act.

8
9 **Section 10. Separability Clause.** If any provision or part of this Act is declared
10 invalid or unconstitutional, the remaining parts or provisions not affected shall remain in
11 full force and effect.

12
13 **Section 11. Effectivity.** This Act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in any newspaper of general circulation.

Approved,