



Transcript of Overview of the Philippine Judicial System

Overview:

Philippine Judicial System

Judicial System prior to the Spanish Conquest

Datu

Gained position either through: inheritance, wealth, wisdom or physical prowess

Elders assisted him with vital matters, such as:

Promulgation of Laws

Trial of Cases

Declaration of War

Negotiation of treaties with different Barangays

Judicial System prior to the Spanish Conquest

Barangays

Governed by a Datu

Consisted of 30 to 100 families

Had permanent settlement

Independent from different Barangays

Judicial System prior to the Spanish Conquest

System of Government

Datu exercised all functions of Government (Legislative, Executive and Judiciary)

Datus could form a confederation, lead by a Superior Datu (called Raja, for the purpose of this presentation. Raja and Datu are interchangeable in reality)

Judicial System prior to the Spanish Conquest

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Judicial System prior to the Spanish Conquest

Formulation of Law

Oral

Oral laws are customs and Traditions passed down from generation to generation

Written

Promulgated by a Datu, with the aid of Elders in the Barangay

In formulating laws that would take effect for the whole confederation of Barangays

The Raja will invite the other Datus of the confederation to his home and discuss his reasons why a certain law needs to be promulgated

The other Datus must agree (which they usually did) and it shall be written down

Judicial System prior to the Spanish Conquest

Judicial process

The Datu acts as Judge while Elders act as Jury

Disputes between Datus or members of different Barangays were settled through mediation of Datus or Elders of other Barangays not part of the dispute. Through this, war was usually averted

A public trial is called for both Civil and Criminal

Accuser and Accused pleaded their own cases and presented their witnesses

Witnesses take an oath to tell the truth before testifying. Perjury was rare.

When court is in doubt, it becomes a trial by ordeal

Judicial System during the Spanish Regime

Governor General

Acted as presiding officer in Judicial proceedings in the superior courts

Had the power to appoint judges of the lower courts

The Residencia checked the powers of the Governor General and other officials. A Judicial inquest into their official conduct held at the expiration of their term presided by their successor.

Judicial System during the Spanish Regime

Peace Courts

Authorized in every pueblo.

Decisions of Justice of the Peace Courts were appealed to Courts of First Instance

Judicial System during the Spanish Regime

Courts of First Instance

Established in provinces under the Alcalde-Mayor

Divided into three classes:

De Entrada

De Ascenso

De Termino

Decisions by the Judges of Courts of First Instance were appealed to the Audiencia Territorial De Manila or Audiencia de lo Criminal de Vigan or Audiencia de lo Criminila de Cebu.

Judicial System during the Spanish Regime

Audiencia de lo Criminal de Cebu

Had criminal jurisdiction over Visayas and the northern part of Mindanao

Audiencia de lo Criminal de Vigan

Had criminal jurisdiction over Luzon and Batanes Islands

Decisions in either Audiencia can still be appealed to the Audiencia de Territorial de Manila

Judicial System during the Spanish Regime

Audiencia Territorial de Manila

An appellate court

Divided into:

Sala de lo Civil

Sala de lo Criminal

Assumed governmental control in case of vacancy in the gubernatorial office

Advisory body to the Governor General

The King made appointments to the Audiencia through Decrees

Audiencia to the Supreme Court of Spain

Located in Madrid

Only heard cases that were appealed in the Audiencia Territorial de Manila

Judicial System During the American Regime

Act. 136

(Judiciary Law of the Second Philippine Commission)

Enacted by the Philippine Commission

Abolished the Audiencia or Supreme Courts of the First Instance

Courts of justice in every province in the Philippines

Judicial powers of the Government of the Philippines shall be vested in a Supreme Court, courts of First Instance and Justice of the Peace

Act. 136

(Judiciary Law of the Second Philippine Commission)

Philippine Bill of 1902 and Jones Law of 1916 –
ratified the jurisdiction of the Court

Act. 136

(Judiciary Law of the Second Philippine Commission)

Supreme Court consisted of:

Chief Justice

Associate Judges (6)

any five of whom, when convened, formed quorum and could transact business of the Court

Appointed by:

Philippine Commission

Seniority:

date of their respective commissions

Act. 136

(Judiciary Law of the Second Philippine Commission)

Judicial District

one CFI from each province

Judges at Large

four additional judges (2 Americans, 2 Filipinos)

without territorial jurisdiction of their own

Secretary of Finance or the Secretary of Justice assign any of them to any district

assisted in clearing dockets

Act. 136

(Judiciary Law of the Second Philippine Commission)

Justice of the Peace

important because of their accessibility to the masses

unfortunately, failed to maintain the respect of litigants because majority of them were poorly equipped and were political proteges

Act. 136

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Supreme Court of the United States

had jurisdiction to review, revise, reverse, modify, or affirm the final judgements and decrees of the Supreme Court of the Philippine Islands in all actions and proceedings in which the constitution or any statute, treaty, title, right, or privilege of the United States was involved, or in which the value in controversy exceeded \$25,000.

Tydings-McDuffie Act – all cases involving the Constitution of the Commonwealth

Act. 136

(Judiciary Law of the Second Philippine Commission)

Philippine Commission

provided clerks of court and the concept of the sheriff

One notary public was required for each municipality who was appointed by the judge of the first instance of the province.

Private defenders and private counsels were provided to the accused.

Courts were allowed to employ assessors to assist in trials and advice judges.

Judicial System During the Commonwealth

Tydings-McDuffie Law

Authorized the Philippine Legislature to provide for the election of delegates to the Constitution Convention

Constitutional Convention – adopted the Philippine Constitution signed by President Roosevelt and ratified by the Filipino people at a plebiscite.

took effect upon inauguration of the Commonwealth of the Philippines (November 15, 1935)

Constitution of the present Republic (July 4, 1946)

Philippine Constitution

independence of the judiciary

security of tenure of its member

prohibition on diminution of compensation

transferred the rule-making power from the Legislature to the Supreme Court

The Supreme Court recognized and limited the jurisdiction of cases to those involving errors or questions of law

Court of Appeals (15 members)

provide a court of last resort on questions of facts

Japanese Occupation

Post-war

Commonwealth Act. No. 682

-try and decide all cases of crimes against national security committed during the Japanese Occupation

Direction and control of

the prosecution of cases cognizable by the People's Court.

Preliminary examination

and investigation was not required.

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