Overview of the Philippine Judicial System

Overview:

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 Audencia Territorial De Manila or Audencia de lo Criminal de Vigan or Audencia de lo Criminal de Cebu.

Judicial System during the Spanish Regime

Audencia de lo Criminal de Cebu
Had criminal jurisdiction over Visayas and the northern part of Mindanao
Audencia de lo Criminal de Vigan
Had criminal jurisdiction over Luzon and Batanes Islands

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

Judicial System during the Spanish Regime

Audencia 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 Audencia through Decrees
Audencia to the Supreme Court of Spain
Located in Madrid
Only heard cases that were appealed in the Audencia 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 Audencia 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
(Judiciary Law of the Second Philippine Commission)
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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