



The Supreme Court Today

After the overthrow of President Ferdinand E. Marcos in 1986, President Corazon C. Aquino, using her emergency powers, promulgated a transitory charter known as the Freedom Constitution, which, however, did not affect the composition and powers of the Supreme Court. The Freedom Charter was replaced by the present Constitution, which vests judicial power in “one Supreme Court and in such lower courts as may be established by law.”

SC Buildings

The offices of the Supreme Court were formerly housed only in one building located at Taft Avenue, Manila, known as the Old SC Building. In 1971, the SC expanded and moved some of its offices to what is now known as the New SC Building along Padre Faura St. The New SC Building was actually built in 1930 and was originally part of the Manila Campus of the University of the Philippines, along with the Old SC Building which was built in 1933. Behind the New SC Building is the Annex Building. The Centennial Building (*right*) is on the corner of Padre Faura St. and Taft Avenue. The other buildings of the SC are the SC Multi-Purpose Building and the SC-CA Multi-Purpose Building.



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June 11, 1901 marks the birth of the Supreme Court. Act 136 of the Second Philippine Commission, otherwise known as the Judiciary Law, took effect on that date. By virtue of that law, judicial power in the Philippine Islands was vested in the Supreme Court, Courts of First Instance, and Justice of the Peace courts. Other courts were subsequently established.

The Pre-Spanish Period



Filipino lawyers brought their cases to the Spanish-dominated *Audiencia Territorial de Manila*, which had two branches—the *sala de lo civil* (for civil cases) and the *sala de lo criminal* (for criminal cases).

Prior to June 11, 1901, institutions exercising judicial power were already in existence. Before the Spaniards came, judicial authority “in its primitive form” was in the hands of barangay chiefs. During the early years of the Spanish regime, these powers were vested upon Miguel Lopez de Legazpi, the first governor-general of the Philippines. He administered civil and criminal justice under the Royal Order of August 14, 1569.

The Royal Audiencia

The *Royal Audiencia*, a collegial body established on May 5, 1583, was composed of, among others, a president, four *oidores* (justices), and a fiscal. It was the highest tribunal in the Philippines, below only the *Consejo de Indias* of Spain. However, this body also exercised administrative, not just judicial, functions.

The *Audiencia's* functions and structure underwent substantial modifications in 1815 when its president was replaced by a chief justice and the number of justices was increased. It then became known as the *Audiencia Territorial de Manila* with a branch each for civil and criminal cases, the *sala de lo civil* and *sala de lo criminal*. The *Audiencia* was converted to a purely judicial body by a Royal Decree issued on July 4, 1861, but its decisions were appealable to the Supreme Court of Spain sitting in Madrid.

On February 26, 1886, a territorial *Audiencia* was organized in Cebu, followed by an *Audiencia* for criminal cases in Vigan. However, the pre-eminence of the Supreme Court as the sole interpreter of the law was unknown during the Spanish regime.

Americans Take Over

When the Americans took over the reins of government in 1898, Gen. Wesley Merritt established a military government, suspended the criminal jurisdiction of the *Audiencias*, and organized military commissions or court-martial and provost courts.

On May 29, 1899, Major General Elwell S. Otis issued General Order No. 20 re-establishing the *Audiencia* and giving it jurisdiction over civil and criminal cases but only insofar as this was compatible with the sovereignty of the United States. The Order named six Filipinos as members of the *Audiencia* with Cayetano Arellano as the first Chief Justice. The *Audiencia*, however, was abolished with the enactment of Act 136 on June 11, 1901. The new Supreme Court promulgated its first decision on August 8, 1901.



The last Fil-Am SC. From left to right: Justice Carlos A. Imperial, Justice John A. Hull, Justice Antonio Villareal, Justice Thomas A. Street, Chief Justice Ramon Q. Avanceña, Justice George A. Malcolm, Justice Jose Abad Santos, Justice James C. Vickers, and Justice George C. Butte. Not in the picture were Justices Anacleto Diaz and Leonard S. Goddard.

Genuine Judicial Independence

Act 136 granted the SC genuine judicial independence. Unlike the tribunals established earlier, the SC was not made subservient to colonial, military, or executive sovereigns.

The judicial structure introduced by Act 136 was re-affirmed by the US Congress with the passage of the Philippine Bill of 1902. The Administrative Code of 1917 ordained the Supreme Court as the highest judicial tribunal with nine members—a chief justice and eight associate justices.



ALL-FILIPINO SC. Chief Justice Ramon Q. Avanceña (seated in the middle) presided over the first all-Filipino Supreme Court.

Filipinization of the Supreme Court

From 1901 to 1935, although a Filipino was always appointed chief justice, majority of the members of the Supreme Court were Americans. Complete Filipinization was achieved only with the establishment of the Commonwealth in 1935. Claro M. Recto and Jose P. Laurel were among the first Filipino appointees replacing the American justices. With the ratification by the Filipino people of the 1935 Constitution on May 14, 1935, the membership in the Supreme Court was increased to 11—a chief justice and ten associate justices, who sat *en banc* or in two divisions of five members each. The judicial structure introduced by Act 136 was re-affirmed by the US Congress with the passage of the Philippine Bill of 1902. The Administrative Code of 1917 ordained the Supreme Court as the highest judicial tribunal with nine members—a chief justice and eight associate justices.