

Judicial Power in the Philippines: Its Governance, Structure, and Independence

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This Speech was delivered by the former Chief Justice at “III Conferencia de Presidentes de Tribunales y Cortes Supremas de Justicia de Iberoamerica, Portugal y Espana,” held on 27-30 October 1997 in Madrid, Spain. It opens by discussing the history of courts in the Philippines, beginning with the Spanish Regime all the way to the status of the judiciary under the 1987 Constitution of the Philippines. It also examines the special courts and administrative tribunals or quasi-judicial agencies, as well as the structure of the Philippine judiciary, integrated judicial system and expanded court system. This is done by showing a diagram which shows the hierarchy of the different courts under the judiciary.

The Speech also discusses how the laws of Spain are made applicable to the Philippines by showing its development from the time of the American occupation up to the time of the formation of the Independent Republic. The continuing influence of Spanish Law is also examined in three areas, namely: (1) civil law; (2) commercial law; (3) criminal law. Lastly, it discusses the independence of the judiciary, particularly, its relation to the legislative and executive branch of the government, the limitations on legislations, its insulation from political influence, the security of tenure, guaranteed compensation, fiscal autonomy, and particular powers.