

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 769

Introduced by **HON. ROZZANO RUFINO B. BIAZON**


EXPLANATORY NOTE

The continuing problem of the clogging of our courts' dockets has reached alarming proportions. This Congress, in an effort to continuously strive for better means to provide speedy justice to our citizens, must explore every possible approach to provide a workable remedy that will address this problem. This it must do, if it is to lend meaning to the constitutional mandate which provides 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)

The filing and pendency of a great number of maritime cases have significantly contributed to the clogging of the dockets of our courts. Hence, a marked delay in the resolution of these cases almost always redounds to the prejudice of the parties. Almost every year, we are witnesses to the many vessels that have sunk in this jurisdiction resulting to the loss of hundreds of lives and precious properties. The delay in the resolution of the claims for damages by the victims of such tragedies is at best deplorable. For this reason, it is respectfully submitted that the establishment of a specialized maritime court is in order.

An equally important consideration is that, at present, jurisdiction over maritime conflicts is vested in courts of general jurisdiction. These courts are not always necessarily possessed with the requisite technical expertise and experience to resolve said cases. It is therefore imperative that a specialized court be created to resolve these conflicts with more dispatch and consistency.

In view of the foregoing, passage of this bill is earnestly sought.


ROZZANO RUFINO B. BIAZON
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Lone District, Muntinlupa City

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AN ACT
CREATING A MARITIME COURT FOR THE PURPOSE OF
ADJUDICATION OF ADMIRALTY DISPUTES OCCURRING WITHIN
PHILIPPINE WATERS.

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 *Maritime Court Act.*”

Sec. 2. *Organization.* – There is hereby created a Maritime Court which shall consist of a Presiding Judge and two (2) Associate Judges, each of whom shall be appointed by the President upon nomination by the Judicial and Bar Council.

Sec. 3. *Qualifications.* – No person may be appointed a Presiding Judge or Associate Judge of the Maritime Court unless he is forty (40) years old, a Philippine citizen, has been a member of the Philippine Bar for at least ten (10) years and with proven competence in the field of maritime law and other related laws, probity and independence.

Sec. 4. *Term.* – The Presiding Judge shall be so designated in the appointment issued to him by the President, and the two (2) Associate Judges shall have precedence according to the dates of their respective appointments. The Judges of the Maritime Court shall hold office until they reach the age of seventy (70) years or become incapacitated in discharging the duties of their office.

Sec. 5. *Supervision and Discipline.* – The Supreme Court shall have administrative supervision over the Judges of the Maritime Court as well as over its

personnel, who shall all be governed by the rules and regulations promulgated by the Supreme Court.

The Supreme Court en banc shall have the power to discipline the Presiding Judge and Associate Judges of the Maritime Court, or order their dismissal by a vote of a majority of its members who actually took part in the deliberations on the issues in the case.

Sec. 6. *Salaries.* – The Presiding Judge and Associate Judges shall receive the salary and benefits accruing to an Associate Justice of the Court of Appeals.

Sec. 7. *Quorum.* – Any two judges of the Maritime Court shall constitute a quorum.

Sec. 8. *Clerk of Court.* – The Maritime Court shall have a Clerk of Court who shall be appointed by the Supreme Court en banc. No person shall be appointed as Clerk of the Maritime Court unless he is a Philippine Citizen and a member of the Philippine Bar with at least two (2) years of practice of law. He shall perform the same functions as those being performed by clerks of regular Regional Trial Courts and shall receive a salary and all the benefits accruing to a clerk of a regular Regional Trial Court.

Sec. 9. *Other Personnel.* – The Maritime Court shall appoint, in accordance with civil service laws, rules and regulations, the necessary personnel to assist in the performance of its duties. It shall fix the salaries and prescribe the duties of said personnel and, moreover, shall submit to the President within thirty (30) days from the completion of the appointment of its members, a staffing pattern which shall be the basis of an implementing order to be issued by the President.

Sec. 10. *Disqualification and Inhibitions.* – The Presiding Judge and Associate Judges of the Maritime Court shall be subject to the same inhibitions and disqualifications applicable to other members of the judiciary as prescribed in the Rules of Court.

Sec. 11. *Place of Holding Sessions.* – The Maritime Court shall have its permanent station in the City of Manila. Whenever demanded by public interest, the Supreme Court, upon its own initiative or upon the recommendation or request of the Presiding Judge of the Maritime Court, may authorize said court to hold sessions outside the City of Manila, periodically, or for such periods as the Supreme Court may determine, for the purpose of deciding cases.

Sec. 12. *Original Jurisdiction.* – The Maritime Court shall exercise original and exclusive jurisdiction over all cases arising out of acts of maritime commerce, transportation and traffic occurring within Philippine waters.

Sec. 13. *Appellate Jurisdiction.* – The Maritime Court shall have exclusive jurisdiction to review on appeal:

- (a) Decisions of the Commandant of the Philippine Coast Guard involving maritime disputes on government fees and other money charges, including seizures and fines imposed for violation of Philippine merchant marine rules and regulations as may be resolved by the Special Board of Marine Inquiry;
- (b) Decisions of the Commissioner of the Bureau of Customs in maritime cases including but not limited to the non-payment or under-payment of customs duties, fees or other money charges, orders of seizure and the imposition of fines and forfeitures or other penalties in relation to the enforcement of the laws administered by the Bureau of Customs;
- (c) Decisions of the Administrator of the Philippine Ports Authority on matters within its jurisdiction and those relating to port fees, charges and orders of seizure;
- (d) Decisions of the Administrator of the Maritime Industry Authority on maritime conflicts involving the charging of fees relating to the charter of vessels and the imposition of fines and other penalties for the violation of authorized routes as well as for violations of the rules and regulations of the Maritime Industry Authority.

Such cases shall be decided on the basis of the entire record of the proceedings, if any, in the administrative body of origin and such memoranda and/or briefs may be submitted by the parties or required by the Maritime Court. The decisions of the Maritime Court in said appealed cases shall be appealable by petition for review to the Court of Appeals within fifteen (15) days from receipt by the aggrieved party of a copy of the decision of the Maritime Court. The Court of Appeals may give due course to said appeal when the petition shows that the administrative body concerned has committed an error in fact or law that will warrant a reversal or modification of the decision or judgment sought to be reviewed, or when the administrative body concerned is shown to have committed a grave abuse of discretion or has acted without or in excess of its jurisdiction.

Sec. 14. *Proceedings.* – The Maritime Court shall keep a record of all its proceedings and shall have a seal for its official processes. It shall have the power to prescribe its own rules of procedure as well as the forms for its writs and processes, subject to the approval of the Supreme Court.

Sec. 15. *Fees.* – The Maritime Court shall, with the approval of the Supreme Court, fix and charge reasonable fees for the filing of cases and appeals before it, as well as for certified true copies of any transcript of record or order and for authorized services rendered by its personnel.

Sec. 16. *Power to Administer Oaths, Issue Subpoena and Punish for Contempt.* – The Maritime Court shall have the power to administer oaths, receive evidence, summon witnesses, and require the production of documents as well as all other powers and prerogatives vested in regular courts by the Rules of Court or other laws. The Maritime Court shall likewise have the power to punish for direct or indirect contempt in accordance with pertinent provisions of the Rules of Court.

Sec. 17. *Decisions.* – Original and appealed cases brought to the Maritime Court shall be decided within sixty (60) days from the submission thereof for decision. Said decisions of the Maritime Court shall be in writing stating clearly and distinctly the facts and the law or laws on which they are based and signed by the Judges concurring therein. The affirmative votes of a majority of the Judges shall be necessary to pass a resolution or for the pronouncement of a decision of the Maritime Court.

A motion for reconsideration of the decision of final resolution of the Maritime Court shall be resolved within thirty (30) days from the time it is submitted for resolution. No second motion for reconsideration shall be entertained unless the action upon the first motion for reconsideration shall have resulted in a reversal or substantial modification of the decision or final resolution. The second motion for reconsideration shall be resolved by the Maritime Court within twenty (20) days from the time it is submitted for decision.

Sec. 18 *Appeals.* – Decisions or final resolutions of the Maritime Court may be appealed to the Court of Appeals by petition for review within fifteen (15) days from receipt by the aggrieved party of the same.

Sec. 19. *Appropriations.* – The sum of Fifty Million Pesos (P50,000,000.00) is hereby appropriated from any fund in the National Treasury not otherwise appropriated for the establishment of the Maritime Court for the current fiscal year. Thereafter, the funds necessary for the operation of the Maritime Court shall be included in the annual General Appropriations Act.

Sec. 20. *Transitory Provisions.* – The provisions of this Act shall be immediately carried out and all cases falling within the exclusive and appellate jurisdiction of the Maritime Court shall, together with all pertinent records, be transferred by the Regional Trials Courts to the Maritime Court.

Sec. 21. *Separability Clause.* – If for any reason, any section or provision of this Act is held unconstitutional or invalid, no other section or provision shall be affected.

Sec. 22. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, issuances or any parts thereof inconsistent with the provisions of this Act are deemed repealed or amended accordingly.

Sec. 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,