

AN ACT SO AMENDING SECTIONS TWELVE, ONE HUNDRED AND FORTY-THREE, AND FIVE HUNDRED AND TWELVE OF ACT NUMBERED ONE HUNDRED AND NINETY AS TO DIMINISH THE EXPENSE OF CONDUCTING TRI...

Act No. 1123, April 27, 1904

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Section twelve of Act Numbered One hundred and ninety, entitled "An Act providing a Code of Procedure in civil actions and special proceedings in the Philippine Islands," is hereby amended so as to read as follows:

"SEC. 12. Official language.—The official language of all courts and their records shall be the Spanish language until the first day of January, nineteen hundred and six. After that date English shall be the official language, but the Supreme Court or any Court of First Instance may in its discretion order a duplicate record in the English language made and duly enrolled in any action or proceedings whenever the court shall determine that such duplicate record would promote the public convenience and the interests of the parties: Provided, That any party or his counsel may examine or cross-examine witnesses or make an oral argument in English or a native dialect, and the same shall be clearly interpreted into Spanish by a court interpreter whenever the judge shall so require: and the party or his counsel may submit a written or printed pleading or brief in English or a native dialect if at the same time he accompanies it by a correct Spanish translation: And provided further, That in cases in which all the parties or counsel stipulate in writing, and the court consents, the proceedings may be conducted in English or in a native dialect only, and in such cases the record of the pleadings, the bills of exceptions, and judgments need not be translated into Spanish: And provided further, That when a case, civil or criminal, is so tried in the English language in the trial court, in the event of an appeal the English record shall be used in the Supreme Court, but the briefs shall be accompanied by a translation into the Spanish language."

SEC. 2. Section one hundred and forty-three of said Act Numbered One hundred and ninety is hereby amended by striking out the second paragraph of said section reading as follows__

"Immediately upon the allowance of a bill of exceptions by the judge, it shall be the duty of the clerk to transmit to the clerk of the Supreme Court a certified copy of the bill of exceptions and of all documents which by the bill of exceptions are made a part of it. The cause shall be heard in the Supreme Court upon the certified copy of the bill of exceptions so transmitted" and by inserting' in lieu thereof the following paragraph.

"Immediately upon the allowance of a bill of exceptions by the judge, it shall lie the duty of the clerk to transmit to the clerk of the Supreme Court the original bill of exceptions and all documents which by the bill of exceptions are made a part of it. The cause shall he heard in the Supreme Court upon the bill of exceptions so transmitted, all duly certified by the clerk of the Court of First Instance."

SEC. 3. Said Act Numbered One hundred and ninety is hereby further amended by inserting a new section between sections numbered one hundred and forty-three and one hundred and forty-four, to read as follows:

"SEC. 143 1/2. Appeals by paupers.—In case a defeated party desires to carry his action to the Supreme Court for revision and shall establish to the satisfaction of the court that he is a pauper and unable to pay the expenses of prosecuting the exceptions in the Supreme Court, and that the case is of such importance, by reason of the amount involved or the importance of the questions raised, that it ought to be revised by the Supreme Court, the judge may enter an order entitling such person to a pauper's appeal. Upon such order being made the clerk shall immediately transmit to the clerk of the Supreme Court the entire record of said cause, including the evidence taken on trial and the bill of exceptions, and the cause shall be heard in the Supreme Court upon the original record so transmitted without the same being copied or printed in the Supreme Court. The party so prosecuting a bill of exceptions may file a typewritten brief, and the same shall be considered by the Supremo Court with the original record in the case; and upon final decision the original record shall be returned to the lower court for execution in accordance with said decision. The clerk of the Supreme Court before returning the record to the lower court shall make a memorandum of all the papers in the record and a copy of the decision and keep the same on file in his office as a record of such cause. No fees for the clerk of the Supreme Court shall be charged in such causes."

SEC. 4. Section five hundred and six of said Act Numbered One hundred and ninety is hereby amended by adding at the end thereof the following words:

"It shall likewise be the duty of the clerk of the Supreme Court, within ten (lavs after the close of any term, to remit to the clerks of the Courts of First Instance, with the notices of all judgments of the Supreme Court in this section referred to, likewise all the original documents and the record of the action transmitted by the clerk of the Court of First Instance, to the clerk of the Court of First Instance, in order that the files of the action may remain together in that court."

SEC. 5. Section five hundred and twelve of said Act Numbered One hundred and ninety is hereby amended by adding at the end thereof the following words:

"Provided, however, That in no action, civil or criminal, shall the printed bill of exceptions contain the evidence that has been adduced on the trial: And provided further, That in all causes in which the Supreme Court may review the evidence taken in the court below, in accordance with the provisions of paragraphs numbered one, two, and three of section four hundred and ninety-seven, the Supreme Court shall refer to the original testimony on file in the clerk's office and to any original documents constituting a part of the files of the cause.

SEC. 6. This Act shall apply to pending causes.

SEC. 7. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 8. This Act shall take effect oh its passage.

Enacted, April 27, 1904.

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