

AN ACT REPEALING ALL ACTS, CODES, AND ORDERS RELATING TO THE CHALLENGING OF JUDGES, MAGISTRATES, JUSTICES OF THE PEACE, ASSESSORS, AND AUXILIARIES TO TRIBUNALS, AND DEFINING THE...

Act No. 81, January 28, 1901

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

SECTION 1. The whole of Title V, embracing sections one hundred and seventy-two to two hundred and thirty-one, inclusive, of the Code of Civil Procedure of the Philippine Islands, and all those portions of the Code of Criminal Procedure relating to challenges of judges, magistrates, justices of the peace, assessors, and auxiliaries to tribunals, and all other acts or parts of acts, or orders relating to challenges of any of the above-named officials, in either civil or criminal procedure, are hereby repealed.

SEC. 2. All challenges of the competency of any of the officials named in section one that have heretofore been made, and all pending proceedings relating to challenges of such officials and all orders of disqualification of such officials that have heretofore been rendered in pending causes, are hereby vacated and set aside; and all of said officials whose competency has been assailed by challenge or by order, are declared to be competent to perform the duties of their respective offices, in all actions and special proceedings now or hereafter pending, unless prohibited therefrom by the further provisions of this Act.

SEC. 3. No judge, magistrate, justice of the peace, assessor, referee or presiding officer of any tribunal shall sit or take part in any cause or proceeding in which he is pecuniarily interested, or related to either party within the fourth degree of consanguinity or affinity, or in which he has been counsel, or in which he has presided in an inferior jurisdiction when his ruling or decision is the subject of review, without the written consent of all the parties in interest, signed by them and entered upon the record. A judgment rendered in violation of this section shall be set aside by the Supreme Court & on appeal by the aggrieved party after final judgment in the court of the official so offending.

SEC. 4. No challenge as to the competency of any of the officials named in this Act shall be received or allowed. But if it be claimed that the official is disqualified by the provisions of section three, the party objecting to his competency may, in writing, file with the official his objection, stating the grounds thereof, and the official shall thereupon proceed with the trial, or withdraw therefrom, in accordance with his determination of the question of his disqualification. His decision shall be forthwith made in writing and filed with the other papers in the case. But no appeal or stay of action shall be allowed from, or by reason of his decision in favor of his own competency until after final judgment in his court.

SEC. 5. This Act shall take effect on its passage.

Enacted, January 28, 1901.

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