

AN ACT AMENDING SECTION SEVEN HUNDRED AND EIGHTY-FIVE OF ACT NUMBERED ONE HUNDRED AND NINETY, ENTITLED "AN ACT PROVIDING A CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS..."

Act No. 1586, January 21, 1907

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

SECTION 1. Section seven hundred and eighty-five 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. 785. (a) It shall be lawful for the clerk of the Supreme Court, the clerks of Courts of First Instance, and commissioners appointed by the Courts of First Instance, assessors in Courts of First Instance and in courts of justices of the peace, governors as officers of the court, sheriffs, bailiffs, justices of the peace, notaries public, and other officers and persons hereinafter mentioned, together with their assistants and deputies, to demand, receive, and take the several fees hereinafter mentioned and allowed for any business by them respectively done by virtue of their several offices, and no more: Provided, however, That any poor person, not having sufficient means to prosecute or defend an action, or special proceeding, may apply to the Court of First Instance in which the action or special proceeding is intended to be brought, or is pending, for leave to prosecute or defend as a poor person : the Court of First Instance, if satisfied upon full and careful investigation that such person has not sufficient means to pay the court or clerk's fees required to be paid for the prosecution or defense of the action, or special proceeding, as the case may be, may admit the applicant to prosecute or defend as a poor person, and may in its discretion make an order remitting, reducing, or postponing the payment of any court or clerk's fees or charges required by law to be paid for filing papers, for swearing witnesses on the trial, or for issuing process of the court, and I hereafter all papers shall be filed, all witnesses on the trial shall be sworn, and all process shall be issued in accordance with such order, and all poor persons, whether plaintiffs or defendants, shall have the same remedies in such an action or special proceeding as are provided by law in other cases: Provided, however, That nothing in this Act shall be construed to authorize the remission, reduction, or postponement of the payment of sheriff's fees for the service or execution of process as at present required by law.

(b) If a person so admitted be guilty of any improper or of any unjustifiable delay in the prosecution of such action or special proceeding, as the case may be, or it be made to appear that the a allegation of poverty is untrue, or if the court be satisfied that the alleged cause of action is frivolous or malicious, the court shall annul such order and such party shall thereafter be deprived of all benefit of the order admitting him to prosecute or defend as herein provided, and such person shall be deemed to be guilty of contempt of court and shall be punished by a fine of not more than one hundred pesos, or by imprisonment for not more than thirty days, or both, in the discretion of the court.

"(c) In the cases herein provided for, judgment may be rendered for fees and costs at the conclusion of such action or special proceeding as in other cases.

"(d) Clerks of courts shall include in their reports to the Insular Auditor all actions or special proceedings brought or defended under the provisions of this section, stating that, by order of the court, the fees have been

remitted, reduced, or postponed, as the case may be, and upon the conclusion of such actions or special proceedings shall, as in other cases, account for all fees that may be collected in such actions or proceedings as is now or may be hereafter provided by law."

SEC. 2. The public good requiring the speedy enactment of this passage of the same is hereby expedited in accordance with Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 3. This Act shall take effect on its passage.

Enacted, January 21, 1907.

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