

AN ACT TO AMEND SECTIONS TWO, THREE, TWELVE, NINETEEN, TWENTY, TWENTY-ONE, TWENTY-FOUR, AND TWENTY-SEVEN OF COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND TWO, AND INSERTING NEW SEC...

Commonwealth Act No. 659, June 21, 1941

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two of Commonwealth Act Numbered Five hundred and two is amended so as to read as follows:

"SEC. 2. Powers.-The territory within the boundaries described in the next succeeding section and the inhabitants thereof, shall be a municipal corporation which shall be known as Quezon City; and by that name it shall have perpetual succession; have and use a common seal and alter the same at pleasure; sue and be sued, and prosecute and defend suits to final judgment and execution; take, purchase, receive, hold, lease, convey, and dispose of real and personal property interests of the City and, subject to the approval of the department head, condemn private property for public use; contract and be contracted with; and execute all the powers hereinafter conferred."

SEC. 2. Section three of Commonwealth Act Numbered Five hundred and two is amended so as to read as follows:

"SEC. 3. Boundaries.-The boundaries and limits of the territory of said city are established and prescribed as follows: Beginning at a point marked "1" which is identical to Boundary Monument No. 1 of Piedad Estate; thence to point "2", which is Boundary Monument No. 2 of Piedad Estate; thence downstream following the Arroyo between Payatas Estate and Mariquina Estate to point "3", which is 100 meters north of the water pipe line of the Metropolitan Water District; thence following the ridge southwestward to point "4" where the water pipe line crosses the ravine; thence following the ridge southwestward to point "5", which is Boundary Monument No. 25 of Mariquina Estate; thence following the boundary of the Mariquina Estate southward to point "6", which is the junction of the Mariquina estate and the Mariquina River; thence downstream following the Mariquina River to point "7", which is the crossing of Mariquina River by the old Rosario Road; thence westward following the old Rosario Road to point "8", which is the south-easternmost corner of the Wack Wack Golf and Country Club; thence following the road along the south boundary of the Wack Wack Golf and Country Club to point "9", where the said road crosses the creek which is the source of Salapan Creek; thence downstream following the Salapan Creek to point "10", which is the junction of Salapan Creek and Dario River; thence southward following the Salapan River to its intersection with the east boundary of the City of Manila to point "11"; thence north-westward following the east boundary of the City of Manila to point "12", near La Loma cabaret, which is a corner of the boundary of the City of Manila near the entrance to the North Cemetery; thence northward following the boundary of the City of Manila to point "13", which is the northeast corner of said city; thence westward along said City of Manila boundary at a distance of 100 meters to point "14"; thence northward paralleling the Novaliches road to a distance of 100 meters from the property line on the side of said road to point "15", which is at a distance of 100 meters north of the crossing of Samson Street (road connecting Balintawak Monument with Bonifacio Monument); thence eastward paralleling

Samson Street and the circumferential road at a distance of 100 meters on the northside of said street and road to point "16", which is the center of the Culiati Creek; thence upstream following the Culiati Creek to point "17", which is the junction of Pasong Tamo River and Culiati Creek; thence upstream following Pasong Tamo River to point "18", which is the junction of Pasong Tamo River and Pinagpatayan Buaya Creek; thence to point of beginning."

SEC. 3. Subsection (c) of section twelve of Commonwealth Act Numbered Five hundred two is amended so as to read as follows:

"SEC. 12. The City Council-Powers.-The City Council shall have power by ordinance or resolution:

"(c) To issue licenses fixing the amount of the license fee for the following: hawkers, peddlers, hucksters, not including hucksters or peddlers who sell only native vegetables, fruits or foods, personally carried by the huckster or peddler, auctioneers, plumbers, barbers, embalmers, collecting agencies, mercantile agencies, transportation companies and agencies, advertising agents, tattooers, hotels, clubs, restaurants, lodging houses, boarding houses, livery stables, boarding stables, laundries, cleaning and dyeing establishments, establishments for the storage of highly combustible or explosive materials, public warehouses, circus, and other performances and places of amusement, public vehicles, horse races, bowling alleys, pawnbrokers, dealer in second-hand merchandise, junk dealers, billiard tables, theaters, theatrical performances, and all other performances and places of amusement, shooting galleries, slot machines not used for gaming, and merry-go-rounds; to license, regulate, or prohibit the selling, giving away, or disposing in any manner of any intoxicating, spiritous, vinous, or fermented liquors, and determine the amount to be paid for such licenses; to regulate and license signs, signboards, and billboards displayed or maintained in any place exposed to public view, except those displayed at the place or places where the professions or business advertised thereby is in whole or in part conducted.

"If after due investigation, the Mayor shall decide that any person licensed under the provisions of this subsection is abusing his license and privilege to the injury of the public morals or peace or that any place so licensed has been or is conducted in a disorderly or unlawful manner, or is a nuisance, or is permitted to be used as a resort for disorderly characters, criminals, or women of ill repute, he may by order summarily revoke such license, subject to appeal shall be final. Such revocation shall operate to forfeit to the city all sums which may have been paid for said license and to prohibit the issuance to the person whose license is so revoked of any other license for a term which may be fixed in said order."

SEC. 4. A new section is inserted between sections thirteen and fourteen of Commonwealth Act Numbered Five hundred two, to be known as section thirteen-A, which shall read as follows:

"SEC. 13-A. Power over subdivisions.-The city council shall have power by ordinance approved by the department head to require that no plat or plan of subdivision of a residential estate within its jurisdiction shall be presented for approval or verification by the Bureau of Lands or the General Land Registration Office until the same shall have been approved by the city engineer under such regulations as may be provided by ordinance. Such regulations may provide for the proper arrangements, design, and width of streets in relation to other existing or planned streets, for adequate and convenient open spaces for traffic, public services, access of fire-fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population, including minimum width and area of lots in the several districts or sections of the city. Such regulations may also include provisions as to the extent to, and methods by, which streets and other ways may be graded, drained, and improved and water and sewer and other public service mains, piping, or other facilities installed. Such regulations shall provide for approval of the plat or plan within sixty days after the submission thereof to the city engineer. Any person aggrieved by any decision of the city engineer concerning a subdivision plat or plan may appeal to the competent court."

SEC. 5. Section nineteen of Commonwealth Act Numbered Five hundred two is amended, by adding, after

paragraph (i) thereof, a new paragraph to be known as paragraph (j), which shall read as follows:

"(j) He shall perform the duties and functions prescribed by law for registers of deeds."

SEC. 6. Section twenty of Commonwealth Act Numbered Five hundred two is amended so as to read as follows:

"SEC. 20. The Assistant City Attorney.-There shall be three assistant city attorneys and such number of deputy city attorneys as may be provided by ordinance, who shall assist the city attorney as he shall direct."

SEC. 7. Section twenty-one of Commonwealth Act Numbered Five hundred two is amended so as to read as follows:

"SEC. 21. Regular and acting judges of the municipal court.-There shall be a municipal court for Quezon City, with two judges to be known as judges of the first and of the second branch, respectively.

"The municipal judge may, upon proper application, be allowed a vacation leave of not more than thirty days every year, with salary.

" In case of the absence, incapacity or inability, of the judges of the municipal court of Quezon City, the Secretary of Justice shall designate a judge of the municipal court, and he shall hold the office temporarily until any of the regular incumbents shall have resumed office, or until a judge shall have been appointed in accordance with the provisions of this Act.

" The judges of the municipal court shall receive a salary of four thousand eight hundred pesos per annum each."

SEC. 8. New sections are inserted between sections twenty-one and twenty-two of Commonwealth Act Numbered Five hundred two, to be known as sections twenty-one-A, twenty-one-B, twenty-one-C, twenty-one-D, twenty-one-E, twenty-one-F, and twenty-one-G, which shall read as follows:

"SEC. 21-A. Clerk and employees of the municipal court.-There shall be a clerk of the municipal court who shall be appointed by the mayor in accordance with the civil service laws, rules and regulations and who shall receive a compensation to be fixed by ordinance approved by the department head. He shall keep the seal of the court and affix it to all orders, judgements, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have the power to administer oaths.

" The clerk of the municipal court shall at the same time be sheriff of the city and shall as such have the same powers and duties as assigned by existing law to provincial sheriffs. The city council may provide for such number of clerks in the office of the clerk of the municipal court as the needs of the service may demand."

"SEC. 21-B. Jurisdiction of municipal court.- The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as are at present conferred by law upon justice of the peace courts. It shall have concurrent jurisdiction with the Court of First Instance in Quezon City over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or not evident upon the trial, to theft and swindling where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on government or private property, and to threatening to take human life. It may also conduct preliminary investigations for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court."

"SEC. 21-C. Incidental powers of municipal court.-The municipal court shall have power to administer oaths and to give certificates thereof; to issue summonses, writs, warrants, executions, and all other processes necessary to enforce its orders and judgments; to compel the attendance of witnesses; to punish contempts of court by fine or imprisonments, or both, within the limitations imposed by law; and to require of any person arrested a bond for good behavior or to keep the peace, or for further appearance of such person before a court of competent jurisdiction. But no such bond shall be accepted unless it be executed by the person in whose behalf it is made, with sufficient surety or sureties, to be approved by the court."

"SEC. 21-D. Procedure in municipal court in prosecutions for violations of laws and ordinances.-In a prosecution for the violation of any ordinance, the first process shall be a summons; except, that a warrant for the arrest of the offender may be issued in the first instance upon the affidavit of any person that such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof, which warrant shall conclude: 'Against the ordinance of the city in such case made and provided.' All proceedings and prosecutions for offenses against the laws of the Philippines shall conform to the rules relating to process, pleading, practice, and procedure for the judiciary of the Philippines, and such rules shall govern the municipal court and its officers in all cases in so far as the same may be applicable."

"SEC. 21-E. Costs, fees, fines, and forfeitures in municipal court.-There shall be taxed against and collected from the defendant, in case of his conviction in the municipal court, such costs and fees as may be prescribed by law in criminal cases in justice of the peace courts. All costs, fees, fines, and forfeitures shall be collected by the clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer for the benefit of the city, in the next business day after the same are collected, and take receipts therefor. The municipal judges shall examine said docket each day, compare the same with the amount receipted for by the city treasurer, and satisfy themselves that all such costs, fees, fines, and forfeitures have been duly accounted for."

"SEC. 21-F. No person sentenced by municipal court to be confined without commitment.-No person shall be confined in the city prison by sentence of the municipal court until the warden or officer in charge of the prison shall receive a written commitment showing the offense for which the prisoner was tried, the date of the trial, the exact terms of the judgment or sentence, and the date of the order of the commitment. The clerk shall, under seal of the court, issue such a commitment in each case of sentence to imprisonment."

"SEC. 21-G. Procedure on appeal from municipal court to Court of First Instance.-An appeal shall lie to the Court of First Instance of Quezon City in all cases where fine or imprisonment, or both, is imposed by the municipal court. The party desiring to appeal shall, before six o'clock postmeridian of the day following the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and process in the case. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial de novo upon its merits. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the municipal court or the judge of the Court of First Instance, upon sufficient bail, in accordance with the procedure in force, to await the judgment of the appellate court.

"Appeals in civil cases shall be governed by the ordinary procedure established by law for appeals from decisions of justice of the peace courts."

SEC. 9. Paragraph (c) of section twenty-four of Commonwealth Act Numbered Five hundred two is amended so as to read as follows:

"SEC. 24. The City Treasurer.-There shall be a city treasurer who shall have the following general powers and duties:

"(c) He shall perform in the city the duties prescribed by the Internal Revenue Code and section one thousand eight hundred and forty-seven of the Revised Administrative Code for provincial treasurers and their deputies, and such further duties prescribed by law for provincial treasurers as are not inconsistent with the provisions of this Act."

SEC. 10. Section twenty-seven of Commonwealth Act Numbered Five hundred two is amended so as to read as follows:

"SEC. 27. Real estate exempt from taxation.-The following shall be exempt from taxation:

"(a) Lands or buildings owned by the United States of America, the Commonwealth of the Philippines, Quezon City, the Province of Rizal, and burying grounds, churches, and their adjacent parsonages and convents, and lands or buildings used exclusively for religious, charitable, scientific, or educational purposes, and not for profit; but such exemption shall not extend to lands or buildings held for investment, although the income therefrom be devoted to religious, charitable, scientific, or educational purposes;

"(b) When the entire assessed valuation of real property belonging to a single owner is not in excess of one hundred pesos, or when the assessed valuation of a house, used as residence of the owner thereof, together with the lot on which the same is built, does not exceed three hundred pesos and such owner has no other real property, the tax thereon shall not be collected, nor shall the tax be collected on dwelling house built on the field, nor on an adjacent orchard, if any, as improvement, if the assessed value of each, assessed separately, is not in excess of one hundred pesos, though in any event the property shall be valued for the purposes of assessment and record shall be kept thereof as in other cases, and

"(c) Machinery, which term shall embrace machines, mechanical contrivances, instruments, appliances, and apparatus attached to the real estate, used for industrial, agricultural or manufacturing purposes, during the first five years of the operation of the machinery."

SEC. 11. Any reference made in Commonwealth Act Numbered Five hundred and two to the justice of the peace court of Quezon City or to the justice of the peace of Quezon City, and to the Court of First Instance of Rizal shall read, respectively, the Municipal Court of Quezon City, the municipal judge of Quezon City, and the Court of First Instance of Quezon City.

SEC. 12. Pending the appointment of a judge for the Court of First Instance of Quezon City, which, for the purposes hereof, shall be deemed to belong to the Fourth Judicial District, the cases elevated to it either by appeal or otherwise, as well as those originally triable therein shall be heard and decided by any judge of the Court of First Instance of Rizal whom the Secretary of Justice may designate, and the judge so designated is authorized to hear and decide such cases either in the Province of Rizal or in Quezon City.

SEC. 13. This Act shall take effect upon its approval, except section ten hereof which shall take effect as of July first, nineteen hundred and forty: Provided, That cases pending in the existing justice of the peace court of Quezon City and those corresponding to Quezon City pending in the Court of First Instance of Rizal, on the date of the approval of this Act, shall, when trial on the merits of such cases has been started in said courts, be governed by the provisions of the laws in force before the approval of this Act.

Approved, June 21, 1941.

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