

AN ACT TO AMEND SECTION SIXTY-EIGHT OF ACT NUMBERED ONE HUNDRED AND THIRTY-SIX, AS AMENDED, AND SECTION FOUR OF ACT NUMBERED SIXTEEN HUNDRED AND TWENTY-SEVEN, AS AMENDED, AUTHOR...

Act No. 3881, November 14, 1931

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section sixty-eight of Act Numbered One hundred and thirty-six, as amended by Act Numbered Thirty-seven hundred and sixty-four, is hereby further amended, to read as follows:

"SEC. 68. Civil jurisdiction and powers.—In all civil actions, including those mentioned in sections two hundred and sixty-two to two hundred and seventy-two as hereby amended, inclusive, and chapter eighteen of Act Numbered One hundred and ninety, arising in his municipality, and not exclusively cognizable by the Court of First Instance, the justice of the peace shall have exclusive original jurisdiction where the value of the subject matter or amount of the demand does not exceed two hundred pesos, exclusive of interest and costs; and where such value or demand exceeds two hundred pesos but is less than six hundred pesos, the justice of the peace shall have jurisdiction concurrent with the Court of First Instance. In forcible entry and detainer proceedings the justice shall have original jurisdiction, but he may receive evidence upon the question of title therein solely for the purpose of determining the character and extent of possession and damages for detention. In forcible entry proceedings he may grant preliminary injunctions, in accordance with the provisions of Act Numbered One hundred and ninety, to prevent the defendant from committing further acts of dispossession against the plaintiff.

"The jurisdiction of a justice of the peace shall not extend to civil actions in which the subject of litigation is not capable of pecuniary estimation, except in forcible entry and detainer cases; nor to those which involve the illegality of any tax, impost, or assessment; nor to actions involving admiralty or maritime jurisdiction; nor to matters of probate, the appointment of guardians, trustees, or receivers; nor to actions for annulment of marriages: Provided, however, That justices of the peace in the capitals of provinces and subprovinces organized under the Provincial Law and justices of the peace of municipalities considered as provincial capitals in accordance with the provisions of Act Numbered Thirty-six hundred and twenty-two, may, with the approval of the Secretary of Justice first had, by assignment of the respective judge of the Court of First Instance in each case have like jurisdiction within the province as the Court of First Instance to hear and determine (a) cadastral cases covering lots where there is no controversy or opposition, and (b) cases originally cognizable by said court in which the subject of litigation is capable of pecuniary estimation and the value of the subject matter or amount of the demand does not exceed two thousand pesos exclusive of interest and costs, except cases involving the legality of any tax, impost, or assessment, or action involving admiralty or maritime jurisdiction.

"Justices of the peace in the capitals of provinces and subprovinces organized under the Provincial Law and the governors of provinces not organized under said law acting as ex officio justices of the peace, in the absence of the judge of the district from the province pay exercise within the province like interlocutory jurisdiction as the

Court of First Instance, which shall be held to include the hearing of all motions for the appointment of a receiver, for temporary injunctions, and for all other orders of the court which are not final in their character and do not involve a decision of the case on its merits, the hearing of petitions for a writ of habeas corpus, and all questions which may arise concerning the appointment of inspectors of election, or the inclusion in or exclusion from the register of voters of the names of electors."

SEC. 2. Whenever the justice of the peace of the capital of a province or subprovince organized under the Provincial Law or the justice of the peace of a municipality considered as a provincial capital in accordance with the provisions of Act Numbered Thirty-six hundred and twenty-two acts upon assignment by the judge of the Court of First Instance of the province, either under the provisions of section sixty-eight of Act Numbered One hundred and thirty-six, as amended by section one of this Act, or under the provisions of section four of Act Numbered Sixteen hundred and twenty-seven, as amended by section two of Act Numbered Twenty-one hundred and thirty-one, he shall receive, in addition to his salary, during the time that he is acting by virtue of such assignment, a per diem not to exceed five pesos: Provided, however, That if said justice of the peace acts upon assignment by the judge of the Court of First Instance to hear and determine cadastral cases, and if in the judgment of the Secretary of Justice the public interest and the speedy administration of justice require the hearing of such cadastral cases to take place elsewhere than in the municipality in which said justice of the peace exercises jurisdiction, he shall be paid, in addition to his necessary traveling expenses, a per diem to be fixed by the Secretary of Justice but not in excess of fifteen pesos.

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

Approved, November 14, 1931.

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