

## **AN ACT AMENDING CERTAIN SECTIONS OF ACTS NUMBERED ONE HUNDRED AND THIRTY-SIX, ONE HUNDRED AND NINETY, AND ONE HUNDRED AND NINETY-FOUR, AND MAKING ADDITIONAL PROVISIONS SO AS TO ...**

*Act No. 1450, February 03, 1906*

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

SECTION 1. Section sixty-seven of Act Numbered One hundred and thirty-six, entitled "An Act providing for the organization of courts in the Philippine Islands," is hereby amended so as to read as follows:

"SEC. 67. Appointment and term of office of justices of the peace and auxiliary justices of the peace.—Justices of the peace and auxiliary justices of the peace shall be appointed by the Governor-General,, by and with the consent of the Philippine Commission, for a period of two years from the first Monday in January nearest the date of appointment. They shall be appointed from lists of suitable persons submitted to the Governor-General by the judge of the Court of First Instance of the judicial district in which the municipalities respectively are situated. Vacancies shall be filled for an unexpired term in the same manner as original appointments are made. It shall be the duty of each judge of the Court of First instance forthwith to prepare and forward to the Governor-General a list of eligibles in his district from which appointments may be made for the terms of office of justices of the peace and auxiliary justices of the peace beginning on the first Monday in January, nineteen hundred and six, and thereafter it shall be the duty of each judge, at least thirty days prior to the expiration of the terms of office of the justices of the peace and auxiliary justices of the peace within his district, and immediately after a vacancy arises, to prepare and forward to the Governor-General a like list of eligibles from which appointments may be made for the ensuing term, or to fill a vacancy, as the case may be."

SEC. 2. Section seventy of Act Numbered One hundred and thirty-six is hereby amended so as to read as follows:

"SEC. 70. No clerk authorized for justice courts.—No clerk shall t be provided for any justice of the peace. Justices of the peace shall keep their own records."

Justices of the peace shall not be required to reduce to writing ; any testimony adduced before them, either in civil or criminal actions or in making preliminary investigations: Provided, That, in case a defendant in a preliminary investigation of a criminal offense shall elect to testify in his own behalf as provided in section two of Act Numbered One hundred and ninety-four, his testimony shall be reduced to writing and signed by him, and if he refuses to sign the same that fact shall be certified by the justice of the peace, with the reason for such refusal given by the accused.

That portion of section two of Act Numbered One hundred and ninety-four, entitled "An Act conferring jurisdiction on justices of the peace and presidents to make preliminary investigations of criminal offenses, and amending General Orders, Number Fifty-eight, of the Military Governor of the year nineteen hundred," winch reads, "All witnesses, including the complainant, shall be examined under oath and the evidence of each shall be taken down in writing and signed by the witnesses so testifying," is hereby repealed. The justice of "the peace shall, however, record the names of the witnesses testifying for the plaintiff or for the Government, and also the

names of those testifying for the defendant, in either civil or criminal cases and in preliminary investigations. In criminal actions tried by a justice of the peace, in case appeal is taken by the defendant to the Court of First Instance, the justice of the peace shall transmit to the fiscal of the province, as soon as the appeal is perfected, a brief statement of the substance of the testimony of the material important witnesses according to his recollection and in case a defendant in a preliminary investigation for a criminal offense shall be bound over to trial before the Court of First Instance the justice of the peace shall immediately, upon the conclusion of the trial, forward to the fiscal a like brief statement of the substance of the testimony of the material important witnesses in order that the fiscal may be able to judge of the proper form in which the complaint should be made in the Court of First Instance, and to furnish him the names of the important witnesses.

SEC. 3. No justice of the peace shall be required to attend the sessions of the Court of First Instance to give testimony in a criminal action where the preliminary investigation was held before the justice of the peace unless the judge of the Court of First Instance shall specially direct that the justice be summoned to meet any particular testimony that shall be offered on the trial.

SEC. 4. Justices of the peace shall be entitled to occupy the office of the municipal secretary for the hearing of actions properly triable within the municipality, and if a justice does not occupy the office of the secretary of the municipality he shall maintain at the seat of municipal government an office or a suitable place for the trial of such cases as may come before him.

SEC. 5. Justices of the peace and auxiliary justices are not required to devote their whole time to the duties of justice of the peace or auxiliary justice, but may carry on any other occupation or profession such as will not interfere with the performance of their official duties.

SEC. 6. Section seventy-one of Act "Numbered One hundred and thirty-six is hereby amended as follows:

- (a) By striking out of said section the words "A justice shall be entitled to a fee of three pesos for each action, civil or criminal, tried by him," and inserting in lieu thereof the following: "A justice of the peace shall be entitled to a fee of three pesos for each civil action and of five pesos for each criminal action tried by him. He shall be entitled to no additional fees for issuing subpoenas or any process in the action, or for administering oaths, or for issuing execution, or for any other service therein, or for appeal or proceedings appertaining thereto, including the taking of bond and making and forwarding the transcript of record ;" and

- (b) By striking out of said section the words "If the auditors are of the opinion that needless prosecutions have been instituted for the purpose of enhancing fees, they shall report the facts to the Commission and request the removal of the justice so offending," and inserting in lieu thereof the following: "If the auditors are of the opinion that needless prosecutions have been instituted for the purpose of enhancing fees, they shall report the facts to the judge of the Court of First Instance and request the removal of the justice so offending."

SEC. 7. Section seventy-six of Act: Numbered One hundred and thirty-six is hereby amended so as to read as follows:

"SEC. 76. Auxiliary justices.—There shall be one auxiliary justice of the peace for each municipality which has a court of a justice of the peace, who shall preside in the justice court in the municipality in case of the absence, disqualification, or disability of the justice, and, in case of the death of the justice, until the successor to the deceased justice shall have been appointed and qualified. The auxiliary justice shall receive the fees that would have appertained to the office of the justice during such time as he shall perform the duties of the justice as herein provided, but shall receive no other compensation."

SEC. 8. Section seven hundred and ninety 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. 790. Justice of the peace.—For each action tried, including entry of action, judgment, record, swearing all witnesses, issuing summons, subpoenas and executions, and appeal, with proceedings, taking bond, making and forwarding transcript of record, three pesos for each civil action and five pesos for each criminal action. For the purposes of this section a preliminary hearing of a person charged with crime shall be deemed to be a criminal action. For writing and certifying depositions, including the administration of the oath to witnesses, ten centavos for each one hundred words in the deposition and certificate, but no statement or testimony of a witness for the prosecution shall be deemed to be a deposition within the meaning of this provision if made before the justice of the peace trying the case; for certified copies of any records of proceedings of which any person is entitled to receive a copy, ten centavos for each one hundred words. A justice of the peace on receiving payment of fees allowed him by law must render to the person or persons so paying an itemized account thereof.."

SEC. 9. When a warrant of arrest, subpoena, or other lawful process is issued by a justice of the peace it can not be executed outside of the province in which it is issued unless indorsed by the judge of the Court of First Instance, or, in his absence, by the provincial fiscal, certifying that, in his opinion, the interest of justice requires that such warrant or process be served or executed anywhere in the Philippine Islands, or within certain designated territory, as the case may be.

SEC. 10. It shall be unlawful and sufficient cause for removal , from office for any justice of the peace or auxiliary justice to purchase or otherwise acquire an interest in any judgment rendered by him.

SEC. 11. The judge of the Court of First Instance in each province or judicial district shall, within the limits of his territorial jurisdiction, have supervision over the justices of the peace and their auxiliaries.

All complaints of misfeasance, malfeasance, or nonfeasance on . the part of such officials, or of any misconduct calculated to render any such official an improper person to hold such office, shall be made to the judge of the Court of First Instance, who shall have , authority, pending an investigation, to suspend the justice or auxiliary justice, and it shall be his duty in such cases to make full investigation and within thirty days after such suspension to report to the Governor-General the facts in relation to such conduct of the justice of the peace or auxiliary justice, together with his recommendations as to the removal of such official.

SEC. 12. It shall be the duty of the judge of the Court of First t Instance of each judicial district to call a meeting of the justices of the peace of each province in his district, at the provincial capital, at least once in each year, for the purpose of discussing" questions relating to the administration of their offices, and in-structing them in the performance of their duties: Provided, however, That the judge of the Court of First Instance may, for; good cause shown, excuse any justice of the peace from attendance ^ upon said meetings. The provincial fiscal shall be required to" attend all such meetings.

SEC. 13. Justices of the peace and auxiliary justices of the peace t, holding office at the time of the passage of this Act shall continue to hold office and perform the duties appertaining to the office in the manner and for the fees heretofore provided by law until their successors shall be duly appointed and qualified as provided in this Act.

Sec. 14. 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. 15. This Act shall take effect on its passage, except section nine, which shall take effect on March fifteenth, nineteen hundred and six.

Enacted, February 3, 1906.

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