

AN ACT TO AMEND AND REVISE CERTAIN SECTIONS OF ACTS NUMBERED ONE HUNDRED AND THIRTY-SIX, ONE HUNDRED AND FORTY, AND ONE HUNDRED AND FIFTY-ONE, RELATING TO THE ORGANIZATION OF CO...

Act No. 867, September 05, 1903

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

SECTION 1. The following sections are substituted for sections five and six of Act Numbered One hundred and thirty-six, entitled "An Act providing for the organization of courts in the Philippine Islands":

"SEC. 5. Court vacation and judicial leaves of absence.—(a) The regular sessions of the Supreme Court and of the Courts of First Instance in the Islands may be suspended for the period beginning with the first of May and closing with the first of July of each year, which shall be known as the court vacation.

"(b) During the court vacation one judge of the Supreme Court and one judge of the Court of First Instance of the judicial district of Manila shall be present in Manila, one of the four judges at large of the Court of First Instance shall remain in the Islands subject to the call of the Civil Governor, and, of the judges of First Instance outside the district of Manila assigned to regular judicial districts, at least five shall remain on duty in their respective districts.

"(c) On or before the first of December of each year, the Chief Justice of the Supreme Court shall recommend to the Governor the names of the judges who should be assigned to duty as above during the court vacation. In making his recommendation the Chief Justice shall select the five judges with a view to the convenient exercise of interlocutory jurisdiction by each of the judges selected in two neighboring districts, so that for interlocutory purposes there may be a judge available in every three districts. The Civil Governor shall, on or before the first of January each year, issue an executive order naming the judge of the Supreme Court and of all Courts of First Instance who shall remain on duty, subject to call for the purposes of interlocutory jurisdiction, throughout the Islands. In this executive order the Governor shall assign to the regular judges of the Courts of First Instance the districts over which, in addition to their own districts, they shall during vacation exercise interlocutory jurisdiction. The assignment of judges for vacation duty, shall be so arranged that no judge shall be assigned for vacation duty more than once in three years. The executive order herein, required may be modified from time to time upon the recommendation of the Chief Justice and adjusted to emergencies and newly arising conditions.

"(d) The interlocutory jurisdiction referred to in the previous sections of this Act shall be held to include the hearing of all motions for appointment of 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 pending upon its merits. The interlocutory jurisdiction shall also include the hearing of petitions for the writ of habeas corpus, applications for bail, the holding of preliminary examinations, and such orders in criminal causes as do not involve a final sentence of conviction or judgment of acquittal.

"(e) The judge of the Supreme Court assigned to vacation duty shall have jurisdiction, not only to make the interlocutory orders in the Supreme Court which one judge under the law has power to make, but he may also

act as a judge of the Court of First Instance to exercise the interlocutory jurisdiction delined in the foregoing section in every district in the Islands: and Tor this purpose he may direct process to issue from the clerk's office of the proper court, making the service returnable in the city of Manila, where he shall have the hearing. If a hearing in Manila will subject the parties to unjust and burdensome expense, he may assign the cause to be heard by one of the judges of First instance on vacation duty at a more convenient place. A judge of a Court of First Instance assigned by the executive order of the Civil Governor to exercise interlocutory jurisdiction during vacation in two or three districts may direct process to issue by the clerk of the proper court, to be returnable to any place in either district under his jurisdiction where he can hear the pending matter. The judge at large of the Court of First instance assigned to vacation duty shall be subject to the call of the Civil Governor to visit any district and there hold court as a judge of First Instance of that district to dispose of interlocutory matters.

"(f) The Civil Governor may, when in his judgment the emergency shall require, direct any judge assigned to vacation duty to hold during the vacation a special term of court in any district, there to hear civil or criminal cases and enter final judgment therein.

"(g) The judges of the Supreme Court and judges of the Courts of First Instance not assigned to vacation duty may spend their vacation either in the Islands or abroad. Every third year, in addition to his vacation, each judge of the Supreme Court and each judge of a Court of First instance shall be entitled to an additional vacation of three months. This five months vacation shall be assigned to him by the Civil Governor, but shall always be fixed for a period to include the regular court: vacation. No leave shall accumulate from year to year to the judges under this Act, but the Governor may, in his discretion, postpone the extra three months' vacation in the case of any judge from one year to the next, if this is required by the public business, provided the judge shall have at least two such vacations in six years: Provided, however, That for the period prior to the going into effect of this Act any judge may have the benefit of the leave then accruing to him under the provisions of Act Numbered Eighty and its amendments, if he so elect, after the passage of this Act.

"(h) Leaves of absence for the Attorney-General Solicitor-General, Assistant Attorney-General, and all subordinates in the office of the Attorney-General shall be granted by the Secretary of Finance and Justice in accordance with the terms of Act Numbered Eighty, as amended.

"(i) Leaves of absence for the clerk of the Supreme Court and the clerks of the Courts of First Instance and the subordinate officials and employees of said courts shall be granted by the Secretary of Finance and Justice upon the recommendation, in the case of the Supreme Court officials, of the Chief Justice, and in the case of the officials and employees of the Courts of First Instance, upon the recommendation of the respective judges of First Instance, all in accordance with the provisions of Act Numbered Eighty, as amended.

"(j) During the court vacation, and during the leaves of absence for five months granted every third year, the judges affected thereby and enjoying the same shall draw full pay. The right to a leave of absence for five months shall accrue to all judges who have served three years in the Islands and who have not during that lime visited the United States, and this provision shall be retroactive. The leaves of absence to visit the United States granted to judges of the Supreme Court and judges of the Courts of First Instance shall he announced in the same executive order which the Civil Governor is required to issue under section five (c), assigning the judges to vacation duty. The service of a judge appointed from the United States shall be deemed to have begun for the purposes of this section thirty days before he landed in the Islands ready for duty.

"SEC. 6 (a) A person residing in the United States who is appointed judge of the Supreme Court or judge of a Court of First Instance of the Philippine Islands shall be paid the traveling expenses of himself and family from his place of residence to Manila, if he shall come by the route directed by the Chief Executive of the Islands. He shall be allowed one-half salary from the date of leaving home to come to Manila, and full salary from the date of his arrival in the Islands: Provided, That he proceed directly to the islands; otherwise, he shall be allowed half salary for such time only as is ordinarily required to perform the journey from his place of

residence to Manila.

"(b) If one has been employed as judge in the Philippine Islands for three years, he shall, if he so requests, upon his retirement from the service, be furnished with transportation for himself and family from Manila to his place of residence."

SEC. 2. The following is substituted for section eleven of Act Numbered One hundred and thirty-six:

"SEC. 11. Sessions of the Supreme Court.—The Supreme Court shall hold at Manila two regular terms for the hearing of causes, the first commencing on the second Monday of January and the second on the second Monday of July. Each regular term shall continue to and include the day before the opening of the next regular term. The Supreme Court shall convene and hold a session after the regular court vacation on the first day of July, or, if that be a holiday, then upon the next day thereafter not a holiday, for the purpose of hearing such motions and applications as should be heard before the close of the term. The court shall also meet upon the second day of January, or if that be a holiday, upon the next day thereafter which is not a holiday, for the purpose of hearing such business of the regular July term as should be heard before the end of the term. The office of the clerk of the Supreme Court shall always be open for the transaction of business, except upon lawful holidays, and the court shall always be open for the transaction of such interlocutory business as may be done by a single member thereof. The sessions of the court for the hearing of cases shall be held on such days in the week, and for such length of time, as the court by its rules may order."

SEC. 3. The following is substituted for section thirteen of Act Numbered One hundred and thirty-six:

"SEC. 13. Where actions shall be heard.—All actions coming into the Supreme Court shall be heard at Manila except when special shall be ordered by the court to be held at Cebu or Iloilo, in which case the court shall by order direct the hearing of those cases which are to be heard at such places, respectively."

SEC. 4. Judges of First Instance; two additional.—The judges of First Instance appointed under existing law and assigned to the Manila Judicial District and to the various numbered judicial districts, and the judges of First Instance at large, shall continue to act as judges of such Manila and numbered districts and at large, respectively. There shall be appointed, in addition to the existing judges of First Instance, by the Civil Governor, with the consent of the Commission, two judges of First Instance, one for the Mountain District and the other for the Fifteenth Judicial District, who shall respectively hold the Courts of First instance in those districts as defined in the fifth and seventh sections of this Act, and who shall receive the salaries prescribed in the sixth section of this Act.

SEC. 5. Judicial Districts.—The following judicial districts for Courts of First Instance in the Philippine Islands are hereby established:

The city of Manila shall constitute one judicial district, to be known as the Judicial District of Manila, and the other judicial districts shall severally consist of the provinces and islands as hereinafter stated:

The First Judicial District shall consist of the Provinces of Cagayan and Isabela.

The Second Judicial District shall consist of the Provinces of Ilocos Norte, Ilocos Sur, and Abra.

The Mountain Judicial District shall consist of the Provinces of Lepanto-Bontoc, Benguet, and Nueva Vizcaya.

The Third Judicial District shall consist of the Provinces of La Union, Pangasinan, and Zambales.

The Fourth Judicial District, shall consist of the Provinces of Tarlac, Pampanga, and Nueva Ecija.

The Fifth Judicial District shall consist of the Provinces of Bulacan and Rizal.

The Sixth Judicial District shall consist of the Provinces of La Laguna, Cavite, and Bataan.

The Seventh Judicial District shall consist of the Provinces of Batangas, Tayabas, and Mindoro.

The Eighth Judicial District shall consist of the Provinces of Sorsogon, Albay, and Ambos Camarines.

The Ninth judicial District shall consist of the Province of Iloilo.

The Tenth Judicial District shall consist of the Provinces of Occidental Negros and Antique.

The Eleventh Judicial District shall consist of the Provinces of Cebu, Oriental Negros and Bohol. The judge of First Instance at large resident at Cebu may hold any Court of First Instance in the Eleventh Judicial District upon written assignment by the regular judge of the district, and without the action by the Civil Governor required by law in respect to holding of court by judges of First Instance at large in other cases.

The Twelfth Judicial District shall consist of the Provinces of Samar and Leyte.

The Thirteenth Judicial District shall consist of the Provinces of Surigao and Misamis. the district of Lanao, and the subdistrict of Dapitan, of the Moro Province.

The Fourteenth Judicial District shall consist of the Moro Province, except the district of Lanao and the subdistrict of Dapitan.

The Fifteenth Judicial District shall consist of the Provinces of Capiz, Bomblon, Masbate and Paragua.

SEC. 6. Salaries of judges of First Instance.—The annual salaries of the judges of the Courts of First Instance shall be as follows, payable monthly:

The judges for the Mountain District and for the First, Second,

Thirteenth, Fourteenth, and Fifteenth Districts, and the judges at largo, four thousand five hundred dollars each.

The judges for the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth Districts, five thousand dollars each.

The judges for the District of Manila, five thousand five hundred dollars each.

SEC. 7. Times and places of holding Courts of First Instance.—The several judges of judicial districts shall hold regular terms of the Courts of First Instance within their districts at the times and places hereinafter prescribed:

MANILA.

In and for the city of Manila, commencing on the first Mondays of January, April, July, and October.

FIRST DISTRICT.

At Tuguegarao, in and for the Province of Cagayan, commencing on the first Tuesdays of February and July of each year.

At Ilagan, in and for the Province of Isabela, commencing on the first Tuesdays of March and October of each year.

SECOND DISTRICT.

At Vigan, in and for the Province of Ilocos Sur, commencing on the first Tuesdays of January, April, September, and December.

At Bangued, in and for the Province of Abra, commencing on the first Tuesdays of March and October of each year.

At Laoag, in and for the Province of Ilocos Norte, commencing on the first Tuesdays of July and November of each year.

MOUNTAIN DISTRICT.

At Baguio, in and for the Province of Benguet, commencing on the first Tuesdays of January and September of each year.

At Bayombong, in and for the Province of Nueva Vizcaya, commencing on the first Tuesdays of March and October of each year.

At Cervantes, in and for the Province of Lepanto-Bontoc, commencing on the first Tuesdays of July and December of each year. In Courts of First Instance in the Mountain District, process shall be served by the governor of the province in which the court is held acting as an officer of the court as in other provinces, by a sheriff appointed and qualified as in other provinces, by a lieutenant-governor, if any, or by a member of the Philippines Constabulary, or by a deputy appointed by the governor, as he may elect.

THIRD DISTRICT.

Assignment of part of Zambales to jurisdiction of court of Pangasinan.—At Lingayen, in and for the Province of Pangasinan, on the first Tuesdays of January, July, and November of each year.

At San Fernando, in and for the Province of La Union, commencing on the third Tuesdays of February and August of each year.

At Iba, in and for the Province of Zambales, commencing on the first Tuesdays of April and October of each year.

For the convenience of litigants and witnesses the territorial jurisdiction of the Court of First Instance of the Province of Pangasinan is hereby extended to include the following municipalities of the Province of Zambales: Agno, Alaminos, Alos, Anda, Balincaguin, Bani, Bolinao, Dasol, Infanta, San Isidro, and Zaragoza; and the officers of the Court of First Instance of Pangasinan, including the governor of the Province of Pangasinan, while acting as the sheriff, the sheriff, the fiscal, and the clerk, shall discharge the same duties in aiding the court in its exercise of its jurisdiction in the said eleven towns of Zambales as in the Province of Pangasinan. The territorial jurisdiction of the Court of First Instance of Zambales and the incidental jurisdiction of its officers is hereby reduced to the Province of Zambales, less the municipalities above named. Appeals from justices of the peace in and for the municipalities named above shall lie taken to the Court of First Instance of Pangasinan, and procedure in the courts held by them shall in all respects be governed as if they were justices of the peace in the Province of Pangasinan, both in civil and criminal causes. Persons charged with times having preliminary examinations before justices of the peace of the eleven towns named, if bound over and held to answer, shall be bound over to the Court of First Instance of Pangasinan, at Lingayen, and the justice of the peace of Lingayen shall also have jurisdiction to hold the preliminary examination in such cases when the accused is a prisoner in the provincial jail at Lingayen. All persons committed to a provincial jail for offenses committed in the eleven towns named, either for safe-keeping or in execution of a sentence, shall be confined in the provincial jail of the Province of

Pangasinan. The officers of the Insular Constabulary on duty in the eleven towns named shall execute process of the Court of First Instance of Pangasinan therein as in other cases: Provided, however, That nothing herein contained shall diminish the executive jurisdiction of the governor and the other officials of the Province of Zambales, including the provincial board, as conferred by the general provincial Act and its amendments, save and except in respect to those duties pertaining to the exercise of judicial jurisdiction by the Court of First Instance and justices of the peace in said towns. The duty of the governor of Zambales to maintain the peace and to see that the laws are faithfully executed in the said eleven towns, except in the service of judicial process, is hereby continued. To defray the additional expenses to which the Province of Pangasinan will be subjected by this change of judicial jurisdiction, ten per centum of the court and jail expenses paid out of the treasury of the Province of Pangasinan, as determined by the Auditor, in each fiscal year shall within the next fiscal year be paid by the treasurer of Zambales to the treasurer of Pangasinan. All civil and criminal cases arising in the towns of Zambales herein named now pending in the Court of First Instance of the Province of Zambales are hereby transferred to the Court of First Instance of the Province of Pangasinan, where they shall be tried or proceeded with as if originally begun in the latter court, and the judge of the Third Judicial District shall make the proper order in both courts to carry this provision into effect.

FOURTH DISTRICT.

At Bacolor, in and for the Province of Pampanga, commencing on the first Tuesdays of January, May, July, and November of each year.

At Tarlac, in and for the Province of Tarlac, commencing on the third Tuesdays of February and August of each year.

At San Isidro, in and for the Province of Nueva Ecija, commencing on the first Tuesdays of April and October of each year.

FIFTH DISTRICT.

At Pasig, in and for the Province of Rizal, commencing on the first Tuesdays of January, April, July, and December of each year.

At Malolos, in and for the Province of Bulacan, commencing on the third Tuesdays of February, August, and October of each year.

SIXTH DISTRICT.

At Santa Cruz, in and for the Province of La Laguna, commencing on the first Tuesdays of January and July of each year.

At Cavite, in and for the Province of Cavite, commencing on the third Tuesdays of February and August of each year.

At Balanga, in and for the Province of Bataan, commencing on the first Tuesdays of April and October of each year.

SEVENTH DISTRICT.

At Batangas, in and for the Province of Batangas, commencing on the first Tuesdays of January and July and the second Tuesday of October of each year.

At Tayabas, in and for the Province of Tayabas, except Marinduque, commencing on the first Tuesday of April and the second Tuesday of November of each year.

At Boac, in and for the Province of Tayabas, consisting of the Island of Marinduque, commencing on the first Tuesday of February and the second Tuesday of August of each year.

At Calapan, in and for the Province of Mindoro, commencing on the first Tuesday of March and the second Tuesday of September of each year.

EIGHTH DISTRICT.

At Nueva Caceres, in and for the Province of Ambos Camarines, commencing on the first Tuesdays of January, July, and November of each year. Daet shall not, as heretofore, be a regular place for holding a Court of First Instance exercising Jurisdiction over Camarines Norte, but the court at Nueva Caceres shall exercise jurisdiction and hear causes arising in every part of the Province of Ambos Camarines.

At Albay, in and for the Province of Albay, commencing on the third Tuesdays of February and August of each year.

At Sorsogon, in and for the Province of Sorsogon, commencing on the first Tuesdays of April and October of each year.

NINTH DISTRICT.

At Iloilo, in and for the Province of Iloilo, commencing on the first Tuesdays of January, April, July, and November of each year.

TENTH DISTRICT.

At Bacolod, in and for the Province of Occidental Negros, on the first Tuesdays of January, April, July, and November of each year.

At San Jose, in and for the Province of Antique, commencing on the first Tuesdays of March and October of each year.

ELEVENTH DISTRICT.

At Cebu, in and for the Province of Cebu, commencing on the first Tuesdays of January, April, July, and November of each year. Barili shall not, as heretofore, be a regular place for holding a Court of First Instance having jurisdiction over a certain part of the Province of Cebu; but the court held at the town of Cebu shall exercise jurisdiction and hear causes arising in all parts of the province.

At Dumaguete, in and for the Province of Oriental Negros, commencing on the first Tuesdays of February and September of each year.

At Tagbilaran, in and for the Province of Bohol, commencing on the first Tuesdays of March and October of each year.

TWELFTH DISTRICT.

At Tacloban, in and for the Province of Leyte, commencing on the first Tuesdays of January, April, July, and November of each year. Maasin shall not, as heretofore, be a regular place for the holding of a Court of First

Instance having jurisdiction over a certain part of the Province of Leyte, but the court held at Tacloban shall exercise jurisdiction and hear causes arising in all parts of the province.

At Catbalogan, in and for the Province of Samar, commencing on the first Tuesdays of March and August of each year.

THIRTEENTH DISTRICT.

At Cagayan, in and for the Province of Misamis, commencing on the first Tuesdays of January and July of each year.

At Iligan, in and for the district of Lanao in the Moro Province, commencing on the first Tuesdays of February and August of each year.

At Dapitan, in and for the subdistrict of Dapitan of the Moro Province, commencing on the first Tuesdays of March and October of each year.

At Surigao, in and for the Province of Surigao, commencing on the first Tuesdays of April and November of each year.

FOURTEENTH DISTRICT.

At Zamboanga, in and for the district of Zamboanga of the Moro Province, excluding the subdistrict of Dapitan, commencing on the first Tuesdays of January and July of each year.

At Cottabato, in and for the district of Cottabato, commencing on the first Tuesdays of February and August of each year.

At Davao, in and for the district of Davao, commencing on the first Tuesdays of March and September of each year.

At Jolo, in and for the Job District, except the Tawi-Tawi Group, commencing on the first Tuesdays of April and November of each year.

At Bongao, in and for the Tawi-Tawi Group, on the first Tuesday of October of each year.

FIFTEENTH DISTRICT.

At Capiz, in and for the Province of Capiz, commencing on the first Tuesdays of January and July of each year.

At Romblon, in and for the Province of Romblon, commencing on the second Tuesdays of February and August of each year.

At Masbate, in and for the Province of Masbate, commencing on the first Tuesdays of March and September of each year.

At Cuyo, in and for that part of the Province of Paragua included in the Cuyo, Calamianes, and Cagayan groups of islands, commencing on the first Tuesdays of April and October of each year.

At Puerto Princesa, in and for the remainder of the Province of Paragua, on the first Tuesday of November of each year.

SEC. 8. Places for trial of causes arising in places not within provinces or districts.—Actions triable in Courts of First Instance and arising in any island not included within any province, and not in this Act specifically

mentioned, shall be triable in the Court of First Instance held in that island or province nearest to the island in which the cause of action shall arise: Provided, however, That, the court first taking jurisdiction of a cause arising in such a place may exercise it even if it be doubtful whether it is exactly within the foregoing requirement.

SEC. 9. Special terms; bills of exception in such terms.—A judge of the Court of First Instance may hold a special term of court at any time, when in his opinion the public good so requires, at a place provided by this Act for holding regular terms of court in his district, The proceedings of the court at such special term shall be in all respects as valid and effective as though had at the regular term.

SEC. 10. Special terms at other than regular places of holding court.—A judge of a Court of First Instance is authorized to hold a special term of the Court of First Instance in any province at another place within the province than that fixed by section seven hereof whenever, in the opinion of the Civil Governor, the same may be necessary to the economical and speedy administration of justice, and he shall by executive order so direct: Provided, however, That nothing herein shall be construed to authorize the Civil Governor permanently to change the regular places of holding court as provided in section seven of this Act.

SEC. 11. Special provision for traveling and subsistence of court and employees when court held at unusual place.—In case special terms are held at other than the regular places of holding court, as provided in the preceding section, the actual and necessary traveling expenses and subsistence expenses, the latter not to exceed three pesos, Philippine currency, per day of the clerk, escribiente, stenographer, and interpreter, if such employees are necessary, shall be paid in the same manner as the other expenses of the Bureau of Justice, and the names of the persons entitled to such compensation shall be certified to by the judge who presided at the special session.

SEC. 12. Interlocutory orders in a cause, a judge may make when he is out of the province where cause is pending within the district.—A judge of First Instance shall have power to issue writs of injunction and to make orders appointing receivers in causes pending in the Court of First Instance within his district, and all other preliminary and interlocutory orders, when he is within the district but without the province; and to hear and determine, when within the district but without the province, any interlocutory motion or issue after due and reasonable notice to the parties; but all final hearings shall be had within the province unless the parties by their counsel consent in writing to a hearing at a place not within the province.

On the filing of a petition for the writ of habeas corpus or for release upon bail or reduction of bail in any Court of First Instance, the hearing may be had at any place in the judicial district which the judge shall deem convenient. All criminal trials must be tried at the place designated in the law as the place at which the court having jurisdiction thereof shall be held, unless the Civil Governor shall otherwise order, as provided in section ten of this Act.

SEC. 13. Judges in certain cases authorized to sign final judgment when out of territorial jurisdiction of court.—Whenever a judge of a Court of First Instance or a justice of the Supreme Court shall hold a session, special or regular, of the Court of First Instance of any province, and shall thereafter leave the province in which the court was held without having entered judgment in all the cases which were heard at such session, it shall be lawful for, if the case was heard and duly argued or an opportunity given for argument to the parties or their counsel in the proper province, to prepare his judgment after he has left the province and to send the same back properly signed to the clerk of the court, to be entered in the court as of the day when the same was received by the clerk, in the same manner as if the judge had been present in court to direct the entry of the judgment: Provided, however, That no judgment shall be valid unless the same was signed by the judge while within the jurisdiction of the Philippine Islands. Whenever a judge shall prepare and sign his judgment beyond the jurisdiction of the court of which it is to be a judgment, he shall inclose the same in an envelope and direct it to

the clerk of the proper court and send the same by registered mail.

SEC. 14. Time within which notice of appeal must be filed in cases under previous section.—In every case in which judgment is entered in the Court of First Instance of a province by direction of a judge not in the province at the time, under the provisions of section thirteen hereof, it shall be the duty of the clerk of the court at once to notify the parties to the suit or their counsel of the nature of the judgment by personal notice in writing or registered mail, and in such case the time within which the parties shall be required to except to said judgment and to file notice of their desire to prosecute their bill of exceptions to the judgment shall be extended to twenty days from the date of receipt of the notice from the clerk.

SEC. 15. Judge of Fifth Judicial District may reside in Manila.—The judge of the Court of First Instance of the Fifth Judicial District may reside in the city of Manila, and shall have the same power to act in the city of Manila with respect of causes pending in the Courts of First Instance of Bulacan and Rizal that is given by section twelve of this Act to a judge of First Instance with respect to causes pending in a Court of First Instance within his district when he is within the district but without the province of said court.

SEC. 16. Traveling expenses of judges and allowance for their subsistence in certain provinces and districts.—A judge of the Court of First Instance shall be allowed his actual traveling expenses in going from his usual place of residence to the places of holding court and returning therefrom and in case the court is held in a province or district in which the governor thereof is not required by law to make provision for the entertainment and subsistence of the judge, the judge shall receive an allowance of six pesos, Philippine currency, a day in lieu of his actual expenses of subsistence while absent from his usual place of residence in attendance upon such court: Provided, however, That, if a judge does not reside at a regular place for the holding of court, he shall only receive traveling expenses and subsistence allowance as if he had his usual place of residence at that regular place of holding court nearest to his actual residence.

SEC. 17. Fiscals may be aided by lawyers appointed by Attorney-General; duties of such appointees; compensation.—It shall be lawful for the Attorney-General to appoint any lawyer, either a subordinate from his office, or with the approval of the Secretary of Finance and Justice, a competent person not in the public service, temporarily to assist the fiscal of a province or district in the discharge of his duties and to represent the Attorney-General in such matters. The person so appointed shall have all the powers of the Attorney-General or Solicitor-General in the conduct of causes in which the Government is interested and to which he may be assigned. If such appointee is not receiving a salary from the Government he may be allowed by the Attorney-General, with the approval of the Secretary of Finance and Justice, any sum not exceeding thirty Philippine pesos per day for the time employed and his actual traveling expenses incurred in the performance of his duties.

SEC. 18. Fiscal for Mountain District; duties, salary, and allowances.—A fiscal for the Mountain District shall be appointed by the Civil Governor, by and with the consent of the Commission. He shall discharge the same duties in the three provinces constituting the Mountain District which, by virtue of section eleven of the Provincial Government Act and its amendments, and by other Acts of the Commission, provincial fiscals are now required to discharge in their respective provinces. He shall receive a salary of one thousand six hundred dollars per annum, in money of the United States, and shall be allowed his actual and necessary traveling expenses and his expenses of subsistence when absent from his usual place of residence in the district on official business, the subsistence expenses not to exceed four Philippine pesos a day: Provided, however, That he shall live at a regular place for holding the Court of First Instance.

SEC. 19. Offices of fiscal of Lepanto-Bontoc and Nueva Vizcaya abolished.—The office of fiscal of the Province

of Lepanto-Bontoc and that for the Province of Nueva Vizcaya are hereby abolished.

SEC. 20. Mode and limit of employment of assistance for fiscal of Mountain District.—The Attorney-General, with the approval of the Secretary of Finance and Justice, may authorize the employment of such clerical, interpreting, and translating assistants for the provincial fiscal of the Mountain District as may be necessary: Provided, however, That the total annual cost thereof shall not exceed one thousand six hundred dollars.

SEC. 21. Who shall prosecute crimes in Moro Province.—The prosecution of criminal offenses in the Courts of First Instance of Jolo, Bongao, Zamboanga, Cottabato, and Davao shall be conducted by the provincial attorney of the Moro Province until the legislative council shall, in its discretion, provide for the appointment of fiscals assigned to assist the provincial attorney in this work in one or more of the districts of the province. Such fiscals shall be paid, out of the treasury of the Moro Province, salaries and allowances fixed by the legislative council.

SEC. 22. Who shall prosecute crimes in the district of Lanao and the sub district of Dapitan of the Moro Province.—The prosecution of offenses in the courts held at Iligan in the district of Lanao, and Dapitan in the subdistrict of Dapitan, of the Moro Province, shall be conducted by the provincial attorney of the Moro Province, or by the provincial fiscal of Misamis at the request and under the supervision of the provincial attorney of the Moro Province. For this service the provincial fiscal of Misamis shall receive in addition to his regular salary, the sum of two hundred pesos, in Philippine currency, for each term of court he attends at Iligan or Dapitan, to be paid out of the treasury of the Moro Province, and in addition his necessary traveling expenses and his reasonable expenses of subsistence, not exceeding four pesos, Philippine currency, a day, while absent from Misamis on such duty, all to be paid out of the treasury of the Moro Province: Provided, however, That nothing herein shall prevent the legislative council of the Moro Province from making due provision for the appointment of a fiscal to conduct prosecutions and discharge the other usual duties of a provincial fiscal in the district of Lanao and the subdistrict of Dapitan.

SEC. 23. Offices of fiscals of Fourteenth and part of Thirteenth Judicial Districts abolished.—The office of fiscal of the Fourteenth, Judicial District as constituted before the passage of this Act, and the office of fiscal for part of the Thirteenth Judicial District as constituted before the passage of this Act, are hereby abolished.

SEC. 24. Creating office of fiscal for part of Fifteenth District, including Romblon, Masbate, and Paragua; duties, salary, and clerical assistance.—There shall be one fiscal for that part of the Fifteenth Judicial District constituted by the Provinces of Romblon, Masbate, and Paragua, to be appointed by the Civil Governor, with the consent of the Commission, who shall receive an annual salary of one thousand four hundred dollars, to be paid out of the Insular Treasury. He shall discharge all the duties of fiscal in the three provinces required of a fiscal under the Provincial Government Act and its amendments. He shall attend the Courts of First Instance in each of the provinces, he shall live in the town of Romblon or Cuyo or Masbate and shall receive the same provision for his actual traveling and subsistence expenses as provided for the fiscal of the Mountain District. He shall be allowed such clerical and translating assistants as may be authorized by the Attorney-General, with the approval of the Secretary of Finance and Justice, provided the total salaries shall not exceed one thousand four hundred dollars, in money of the United States.

SEC. 25. Fiscals of Romblon and Masbate abolished.—The offices of fiscal for the Province of Romblon and of fiscal for the Province of Masbate are hereby abolished.

SEC. 26. Temporary substitutes for fiscals of Mountain and Fifteenth Districts.—Whenever the fiscal of the Mountain District or the fiscal of that part of the Fifteenth Judicial District composed of the Provinces of Romblon, Masbate, and Cuyo fails to discharge or is disabled from discharging the duties of his office on account of sickness, absence, or private interest in conflict with his public duty, the judge of the Court of First instance

may appoint a temporary fiscal to discharge the duties of the office which the regular fiscal fails or is unable to perform. The temporary fiscal shall receive the same compensation and allowance per day as that provided by law for the regular fiscal for the days actually employed, such compensation to be paid out of the salary of the regular fiscal or from the appropriation for contingent expenses Bureau of Justice, as the Secretary of Finance and Justice shall decide, upon rules enforced in respect to the civil service in analogous cases.

SEC. 27. Clerks of Courts of First Instance outside of Manila and their salaries; deputy clerks.—There shall be clerks of Courts of First Instance outside the city of Manila, appointed in the manner hereinafter provided for provinces, parts of provinces, districts, and subdistricts, and they shall receive annual salaries, payable monthly from the Insular Treasury, all as hereinafter specified:

For the Provinces of Iloilo and Cebu, one thousand, two hundred dollars each.

For the Provinces of Pangasinan, Batangas, and Occidental Negros, one thousand one hundred dollars each.

For the Provinces of Pampanga, Bulacan, Bohol, and Leyte, one thousand dollars each.

For the Provinces of Ilocos Norte, Ilocos Sur, La Union, Tarlac, Nueva Ecija, Rizal, La Laguna, Cavite, Tayabas, Albay, Ambos Camarines, Capiz, Antique, Samar, and Misamis, nine hundred dollars each.

For the Provinces of Cagayan, Zambales, Bataan, Mindoro, Sorsogon, Oriental Negros, and Surigao, eight hundred dollars each.

For the Provinces of Isabela and Abra, and for the Court of First Instance of the Province of Tayabas at Boac, Marinduque, seven hundred dollars each.

For the Province of Romblon, five hundred dollars

For the Province of Paragua, three hundred dollars, and a deputy clerk for the court at Puerto Princesa, at a salary of two hundred dollars.

For the Province of Masbate, four hundred dollars.

For the district of Lanao, in the Moro Province, three hundred dollars.

For the subdistrict of Dapitan, in the Moro Province, three hundred dollars.

For the Mountain District, one clerk at an annual salary of one thousand six hundred dollars, who shall act as clerk of the three Courts of First Instance in the district and as interpreter and translator and shall accompany the judge to each court of the district. There shall be appointed three deputy clerks, one for each of the three courts of the district, at an annual salary of three hundred dollars each. The deputy clerks of the Mountain District are hereby made justices of the peace with jurisdiction throughout their respective provinces. The office of clerk of Court of First Instance for Lepanto-Bontoc and that for Nueva Vizcaya are hereby abolished.

For the district of Jolo, one clerk, who shall also perform the duties of interpreter and translator in the courts at Jolo and Bongao, at a salary of one thousand dollars per annum, and there shall be appointed one deputy clerk for the court at Jolo and one deputy clerk for the court at Bongao, each at a salary of two hundred dollars.

For the district of Zamboanga (except the subdistrict of Dapitan), the district of Cottabato, and the district of Davao, all in the Moro Province, one clerk, who shall also perform the duties of interpreter and translator in the courts of Zamboanga, Cottabato, and Davao, at a salary of one thousand two hundred dollars. A deputy clerk at Zamboanga, at Cottabato, and at Davao, each at an annual salary of two hundred dollars, shall be appointed.

The offices of deputy clerks of the Courts of First Instance at Barili in Cebu, at Daet in Ambos Camarines, at

Mauban in Tayabas, and at Maasin in Leyte are hereby abolished.

SEC. 28. Fees of clerk belong to Insular Government; clerk responsible for default of deputy; bond of deputy.—All fees charged by clerks or deputy clerks of Courts of First Instance shall belong to the Insular Government. A clerk shall be pecuniarily responsible under his bond for the official defaults of his deputy and shall require of his deputy sufficient bond of indemnity for his security against loss by malfeasance or nonfeasance of the deputy.

SEC. 29. Clerks and deputy clerks and court subordinates whose offices are not abolished to continue; vacancies to be filled by Attorney-General, upon approval of Secretary of Finance and Justice.—All of the clerks mentioned in this Act, and all deputy clerks, whether mentioned in this Act or not, whose offices are not in this Act specifically abolished, who are now holding office, shall continue to discharge their duties and receive their emoluments as provided by law; but all vacancies in such offices existing at the time this Act shall take effect, or occurring thereafter, shall be filled by appointment of the Attorney-General, subject to the provisions of the Civil Service Act, and upon the approval of the Secretary of Finance and Justice, and, in case of deputy clerks, upon the recommendation of the proper clerk. They shall hold office during the pleasure of the judge, and may be summarily removed, but their successors shall be appointed under the rules of the Civil Service Act in the manner above provided. The Attorney-General may with the approval of the Secretary of Finance and Justice, abolish such deputy clerkships as are not specifically provided for in section twenty-seven hereof, if the public interest so requires. Such stenographers, typewriters, interpreters, translators, escribientes, and messengers as are needed for the proper transaction of the business of the Courts of First Instance outside the city of Manila shall be appointed by the Attorney-General under the rules of the Civil Service Act and with the approval of the Secretary of Finance and Justice, subject to summary removal by the judge of the court in which they are serving. The Attorney-General shall determine the number of such employees that may be necessary for such courts in the different provinces and the salaries to be paid to such employees, all upon the approval thereof by the Secretary of Finance and Justice: Provided, however, That such stenographers, typewriters, and other subordinate court employees appointed under section two of Act Numbered One hundred and fifty-two, or section fifty-eight of Act Numbered One hundred and thirty-six, shall continue as such until removed by proper authority or unless the office to which they have been assigned has been or shall be abolished, in which case their employment shall cease unless by proper authority they may be transferred to another office.

SEC. 30. Clerks and deputy clerks not to leave provinces or districts without permission of Attorney-General; places of absent clerks and deputies; how supplied.—A clerk or deputy clerk shall leave the district or province in which he is required by law to discharge his duties, without obtaining permission of the Attorney-General, and, in case of the absence of a clerk or deputy clerk and the public interest requires it, the Attorney-General may designate some one in the office of the absent officer, if there be any such person who is suitable, to act in the place of such clerk or deputy clerk, and Acts Numbered .Four hundred and eight and Six hundred and twenty-six are made applicable to such cases as far as may be.

SEC. 31. Where no fiscal or treasurer to examine collecting accounts of clerks and deputies and to certify pay vouchers, Civil Governor to designate officer for purpose.—In cases in which the provisions of Act Numbered four hundred and fifty-two are inoperative in respect to clerks of Courts of First Instance because there is no provincial treasurer or fiscal to whom the Act can apply, the Secretary of Finance and Justice, upon the recommendation of the Insular Auditor, shall designate the judge of the Court of First Instance or some suitable local official to make examination of the collection accounts of clerks in the manner provided in section one of said Act and to certify to all vouchers under section two of said Act.

SEC. 32. Traveling expenses and subsistence allowance for clerks of Mountain District and in Moro Province.—The clerks hereinbefore provided in the Mountain District, in the district of Jolo, and in the districts of

Zamboanga, Cottabato, and Davao, whose duty it shall be to accompany the judges of their respective districts from one place of holding court to another therein and to act as interpreters and translators therein, shall receive their actual traveling expenses and their expenses of subsistence while absent from their usual places of residence, the latter not to exceed four pesos a day, to be paid out of the Insular Treasury as other expenses of the Bureau of Justice: Provided, however, That such clerks shall reside at one of the usual places of holding court in their respective districts.

SEC. 33. Temporary sheriffs.—A temporary sheriff appointed in any district under Act Numbered One hundred and fifty-nine shall not serve for more than ninety days and no temporary sheriff shall again be appointed in such district except to a vacancy occurring after a permanent sheriff shall have been appointed and qualified.

So much of section two of Act Numbered One hundred and four as provides a fiscal for the Province of Romblon.

Sections five six, eleven, thirteen, fifty-eight, and sixty three of Act Numbered One hundred and thirty-six, entitled "An Act providing for the organization of courts in the Philippine Islands."

Act Numbered One hundred and forty, entitled "An Act defining the judicial districts of the Philippine Islands, prescribing the salaries of the judges thereof, and the times when and the places where terms of Courts of First Instance shall be held in the several districts."

Act Numbered One hundred and fifty-one, entitled "An Act fixing the compensation of the clerk of the Court of First Instance for each Province."

Act Numbered One hundred and fifty-eight, amendatory of Act Numbered One hundred and fifty-one.

Act Numbered One hundred and sixty, entitled "An Act making temporary provision for the appointment of fiscals in the provinces and islands not yet organized under the Provincial Government Act."

Act Numbered One hundred and sixty-one, entitled "An Act so amending Act Numbered One hundred and forty as to define the time and place of holding the Court of First Instance in and for the Province of Masbate."

Act Numbered One hundred and seventy-seven, amending section fifty-eight of Act Numbered One hundred and thirty-six.

Section one of Act Numbered Two hundred and twenty-one, providing a fiscal for Masbate.

Act Numbered Two hundred and sixty-nine, entitled "An Act amending Act Numbered One hundred and forty so as to provide that sessions of the Court of First Instance for the Provinces of Lepanto and Bontoc shall be held at Cervantes instead of at Cayan."

Act Numbered Three hundred, entitled "An Act amending sections forty-seven, fifty-two, fifty-three, and sixty-three of Act Numbered One hundred and thirty-six, providing for the organization of courts in the Philippine Islands."

Section two of Act Numbered Three hundred and twenty-five, providing for an increase in the salary of the judge for the Third Judicial District of the Philippine Islands.

Paragraph (d) of section two of Act Numbered Three hundred and thirty-seven, as amended by paragraph (a) of section one of Act Numbered Three hundred and eighty-eight, fixing the salary of a provincial fiscal of Nueva Vizcaya.

Section nine of Act Numbered Three hundred and thirty-seven, providing for the appointment and prescribing the duties of the fiscal of Nueva Vizcaya.

Act Numbered Three hundred and ninety, entitled "An Act amending Act Numbered One hundred and forty so as to authorize judges of Courts of First Instance to hold special terms of their several courts at places within their respective districts other than those fixed in said Act."

Act Numbered Four hundred and one, entitled "An Act so amending Act Numbered One hundred and forty, entitled 'An Act defining the judicial districts of the Philippine Islands, prescribing the salaries of the judges thereof, and the times when and the places where terms of Courts of First Instance shall be held in the several districts' as to authorize actions pending in certain provinces to be tried at another place in the province than the one required by said Act."

Act Numbered Four hundred and fourteen, entitled "An Act authorizing the judge of the Court of First instance for the Sixth Judicial District to hold certain sessions of the court for the southern part of the Province of Tayabas in the municipality of Tayabas."

Act Numbered Four hundred and forty-two, entitled "An Act amending Act Numbered Three hundred and ninety so as to authorize the payment of the traveling expenses of certain officials and employees of Courts of First Instance when sessions are held at other places than those fixed for regular sessions."

Act Numbered Four hundred and fifty, entitled "An Act making the Province of Nueva Vizcaya a separate judicial district and authorizing the governor to perform the duties of judge of the Court of First Instance therein."

Act Numbered Five hundred and one, entitled "An Act transferring the Province of Tayabas from the Sixth to the Seventh Judicial District, and the Province of Iloilo from the Seventh to the Sixth Judicial District, providing for the holding of the terms of court for Tayabas at the towns of Tayabas and Boac, and amending Act Numbered One hundred and forty."

Act Numbered Five hundred and fifty-two, entitled "An Act transferring the Province of Bataan from the Fifth to the Sixth Judicial District, and amending Act Numbered One hundred and forty."

Act Numbered Five hundred and seventy-five, entitled "An Act authorizing judges of Courts of First Instance and justices of the Supreme Court holding a session, special or general, of the Court of First Instance of any province to prepare and sign judgments in the cases tried by them outside of the province where such sessions were held."

Act Numbered Seven hundred and twelve, entitled "An Act amending section two of Act Numbered One hundred and forty, by providing for an increase in the salaries of judges of the Courts of First Instance."

And all other Acts or parts of Acts inconsistent with the provisions of this Act.

SEC. 35. This Act shall be known by the short title of "Act Amending Organization of Courts."

SEC. 36. 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. 37. This Act shall take effect October first, nineteen hundred and three; but appointments to offices created herein may be made and confirmed and the appointees qualified at any time after the passage of this Act: Provided, That such appointees shall not begin the discharge of their duties or the earning of their salaries until the date above mentioned.

Enacted, September 5, 1903.

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