

AN ACT PROVIDING FOR THE PAYMENT OF FEES IN CRIMINAL PROCEEDINGS, APPROPRIATING THE SUM OF SEVENTY-FIVE THOUSAND PESOS TO BE DISTRIBUTED BY THE AUDITOR AMONG THE PROVINCES AND T...

Act No. 1764, October 11, 1907

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

SECTION 1. Until other provision is made covering the subject, governors, sheriffs, there shall accrue for all services of clerks of courts and officers and deputies of courts, whether governors, sheriffs, their deputies or special deputies, for issuing or serving all process and the performance of all duties in criminal proceedings, the same fees as those which would, accrue for like services by virtue of the provisions of Act Numbered One hundred and ninety, providing a Code of Procedure in Civil Actions and Special Proceedings. Such fees shall be taxed against the defendant as a part of the costs to be paid if he be convicted. When incurred in behalf of the Government in proceedings before a justice of the peace, such fees shall be paid by the municipality in which the trial or preliminary investigation is held.

SEC. 2. On the first day of each month the justice of the peace of each municipality shall present to the municipal treasurer a detailed statement of the fees accruing to officers of courts from the municipal treasury during the preceding month by virtue of this Act. The account thus rendered shall forthwith be audited by the municipal president and treasurer, and the officer entitled thereto shall thereupon receive from the municipal treasury the amount of his fees as allowed by these auditors. For the purpose of the auditing herein provided, the auditors shall examine the records of the justice of the peace or any other papers or persons deemed necessary.

SEC. 3. If the services described in section one of this Act are rendered in the prosecution of a case in any Court of First Instance, the fees shall be taxed against the defendant as part of the costs if he be convicted, and it shall be the duty of all clerks of the Court of First Instance to collect such costs. The fees earned by the sheriff or other officer of the court, for the service of any process or orders of the Court of First Instance, except in Manila, shall be paid out of the treasury of the province in which the trial is held. The services of the clerk of the court on behalf of the Government convicted criminal. In criminal cases shall be rendered gratis; but this provision shall not be deemed to relieve a defendant who has been convicted from having such fees taxed against him as part of the costs.

SEC. 4. On the first day of each month the clerk of the Court of First Instance shall present: to the provincial treasurer a detailed statement of the fees accruing to the sheriff or other officer of the Court of First Instance from provincial funds for the service of process or orders of the court during the preceding month by virtue of this Act. Such statement shall forthwith be audited by the provincial treasurer, and the officer entitled to the fees shall thereupon receive from the provincial treasury the amount thus allowed. For the purpose of this audit the treasurer shall examine the records of the clerk of court and any papers and persons deemed necessary.

SEC. 5. All costs collected in Courts of First Instance in criminal proceedings, accruing on account of fees for the

service of process contemplated in the last, preceding section, shall be paid into the provincial treasury and accounted for to the Insular Auditor. All other costs collected in Courts of First Instance in criminal cases, and all fines thus collected, shall be deposited in the Insular Treasury to the credit of the appropriation "Judiciary" and shall be accounted for to the Insular Auditor.

SEC. 6. In the city of Manila it shall be the duty of all members of the police department of said city to serve within its limits the criminal process of all courts, without extra compensation for such services. But the fees which would accrue for such services, if performed by officers of courts in the provinces, shall nevertheless be taxed against defendants who are convicted, and when costs so taxed are collected they shall accrue to the appropriation "Judiciary."

SEC. 7. The Insular Auditor is hereby directed to cancel all sums cancellation of now unpaid and owing to the Insular Government by the provinces and the city of Manila for court fees in criminal cases, and to refund to each province and the city of Manila a portion of the sums hitherto paid by them to the Insular Government on account of such fees. For this purpose there is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, the sum of seventy-five thousand pesos, to be distributed among the respective provinces and the city of Manila, upon the pro rata basis of the payments made by such provinces and the city of Manila. All costs heretofore adjudged against defendants in criminal cases and remaining uncollected on the date of the passage of this Act shall, when collected, accrue to the appropriation "Judiciary."

SEC. 8. Whenever the duties of a governor, sheriff, deputy or special deputy, or other officer of a court in criminal proceedings, require travel or transportation of provincial prisoners or furnishing food for prisoners, in whole or in part outside of the province of such officer, the officer performing the service shall receive a compensation of four pesos for each day necessarily employed in performing the service and the actual necessary expenses incurred in traveling and in transporting prisoners and in furnishing food for them, and no more.

SEC. 9. Section one of Act Numbered Three hundred and two and Repeal Acts Numbered Four hundred and four and Thirteen hundred and thirty-five are hereby repealed.

SEC. 10. 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. 11. This Act shall take effect on its passage.

Enacted, October 11, 1907.

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