

AN ACT TO AMEND SECTION SEVEN HUNDRED AND EIGHTY-EIGHT OF ACT NUMBERED ONE HUNDRED AND NINETY, COMMONLY KNOWN AS THE CODE OF CIVIL PROCEDURE.

Act No. 3395, December 05, 1927

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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. The first two paragraphs of section seven hundred and eighty-eight of Act Numbered One hundred and ninety are hereby amended to read as follows:

"SEC. 788. Fees of Clerks of Courts of First Instance.—Fees shall be assessed in accordance with the following schedule:

"1. If the case does not directly or indirectly concern property and it is so stated under oath in the complaint, sixteen pesos.

"2. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is less than two hundred pesos, eight pesos.

"3. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is two hundred pesos or more, but less than six hundred pesos, twelve pesos.

"4. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is six hundred pesos or more, but less than one thousand pesos, sixteen pesos.

"5. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is one thousand pesos or more, but less than five thousand pesos, twenty pesos.

"6. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is five thousand pesos or more, but less than twenty thousand pesos, thirty pesos.

"7. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is twenty thousand pesos or more, but less than fifty thousand pesos, forty pesos.

"8. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is fifty thousand pesos or more, but less than one hundred thousand pesos, fifty pesos.

"9. If the sum claimed, exclusive of interest and damages, or the value of the property in litigation is one hundred thousand pesos, but does not exceed one hundred and fifty thousand pesos, seventy-five pesos; and in addition thereto, one peso shall be paid for each five thousand pesos in excess of one hundred and fifty thousand pesos if the sum claimed, exclusive of interest and damages, or the value of the litigation is in excess of one hundred and fifty thousand pesos: Provided, That if the litigation concerns real estate, the assessed value thereof shall be considered in computing the fees under the provisions of this Act: Provided, further, That in case an amended complaint is filed claiming a greater sum or property of greater value than claimed in the original complaint, the difference in the fees shall be collected in accordance with the above schedule:

Provided, finally, That in case the value of the sum or property claimed is less, in accordance with the appraisal of the sentence, the excess amount of fees paid shall be refunded.

"10. (a) When the amount in litigation cannot be estimated and a sworn statement to this effect is made in the complaint, one hundred pesos.

"(b) For all services as referee or as commissioner to take testimony under appointment by the court, such sum as the judge shall allow, but the allowance shall be proportionate to the other fees in this section provided.

"(c) For certifying the official act of a justice of the peace or other certificate, with seal, one peso.

"(d) For filing and recording all papers relating to an adoption or a divorce, twelve pesos.

"(e) For filing and recording all papers relating to the dissolution of a corporation, partnership or company, twenty-four pesos.

"(f) For certified copies of any paper, record, decree, judgment or entry of which any person is entitled to demand and receive a copy, for each one hundred words, twenty centavos.

"(g) For all clerical services in the allowance of wills, granting letters of administration, appointment of guardians, trustees, settlement of the accounts of executors, administrators, guardians, trustees, and recording final and interlocutory orders, judgments, and decrees therein, filing all inventories and appraisements, and for all other work as clerk pertaining to any one estate, fees payable out of the estate shall be collected in accordance with the value of the property involved in each proceeding, as follows:

"(h) Estates the value whereof does not exceed three thousand pesos, sixteen pesos.

"(i) Estates the value whereof does not exceed five thousand pesos, but is greater than three thousand pesos, twenty pesos.

"(j) Estates the value whereof does not exceed ten thousand pesos, but is greater than five thousand pesos, thirty pesos.

"(k) Estates the value whereof does not exceed thirty thousand pesos, but is greater than ten thousand pesos, eighty pesos.

"(l) Estates the value whereof does not exceed fifty thousand pesos, but is greater than thirty thousand pesos, one hundred and thirty-five pesos.

"(m) Estates the value whereof does not exceed seventyfive thousand pesos, but is greater than fifty thousand pesos, two hundred and twenty pesos.

"(n) Estates the value whereof does not exceed one hundred thousand pesos, but is greater than seventy-five thousand pesos, two hundred and seventy pesos.

"(o) Estates the value whereof is greater than one hundred thousand pesos, two hundred and seventy pesos for the first one hundred thousand pesos, and in addition thereto, one-half peso for each one thousand pesos of the amount in excess: Provided, That if the value of any such estate, as definitively fixed by the committee appointed to appraise the estate and allow claims against it, created by section six hundred and sixty-nine of this Act, after deducting the amount of the claims allowed against such estate, is in excess of the value declared in the application, it shall be the duty of the administrator to pay of his own accord, as soon as said committee files its report, the additional amount of fees payable on the excess in value of the estate: Provided, further, That the administrator shall be liable on his bond and personally for the payment of such additional fees, even after he has ceased to hold office, in case he was able to pay but failed to do so: Provided, likewise, That for the purposes of the collection of all the fees established in this section, the value of the property involved in each proceeding shall be specified in the complaint or application: Provided, finally, That if the value of the

property involved cannot be estimated, the plaintiff or applicant shall so state under oath in the complaint or petition.

"(p) For the services of all clerks of court in the performance of their duties in all criminal proceedings, sixteen pesos shall be collected."

SEC. 2. This Act shall govern the collection of fees in actions begun or filed on and after the date on which it shall take effect, but not in those filed prior thereto, though pending at such time.

SEC. 3. This Act shall take effect on January first, nineteen hundred and twenty-eight.

Approved, December 5, 1927.

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