

AN ACT AMENDING SECTION THREE HUNDRED AND EIGHTY-THREE OF ACT NUMBERED ONE HUNDRED AND NINETY, KNOWN AS "CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN THE PHILIPINES"

Act No. 2252, February 11, 1913

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

SECTION 1. Section three hundred and eighty-three of Act Numbered One hundred and ninety, known as "Code of Procedure in Civil Actions and Special Proceedings," is hereby amended to read as follows:

"SEC. 383. Incompetency of witnesses.—The following persons can not be witnesses:

"1. Those who are of unsound mind at the time of their production for examination, to such degree as to be incapable of perceiving and making known their perceptions to others;

"2. Children who appear to the court to be of such tender age and inferior capacity as to be incapable of receiving the just impressions of the facts respecting which they are examined, or of relating them truly;

"3. A husband can not be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, or to a criminal action or proceeding for a crime committed by one against the other;

"4. An attorney can not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of client and his employer, concerning any fact, the knowledge of which has been acquired in such capacity;

"5. A clergyman or priest can not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs;

"6. a public officer can not be examined during his term of office or afterwards as to communications made to him in official confidence, when the court finds that the public interests would suffer by the disclosure;

"7. Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or proceeding is prosecuted, against an executor or administrator or other representative of a deceased person, or against a person of unsound mind, upon a claim or demand against the estate of such deceased person or against such person of unsound mind, can not testify as to any matter of fact occurring before the death of such deceased person or before such person became of unsound mind.

"8. No person duly authorized to practice medicine, surgery or obstetrics shall be compelled, without the consent of the patient, in any civil case to disclose any information which he may have acquired in attending such patient in a professional capacity, which information was necessary to enable him to act in that capacity, and which shall tend to blacken the character of the patient."

SEC. 2. This Act shall take effect on its passage.

Enacted, February 11, 1913.

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