

AN ACT EXTENDING TO THE MOUNTAIN PROVINCE THE PROVISIONS OF GENERAL LAWS PROVIDING FOR THE ORGANIZATION, JURISDICTION, PROCEDURE AND FEES OF JUSTICE OF THE PEACE COURTS, WITH CE...

Act No. 2418, November 10, 1914

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

SECTION 1. The provisions of the general laws providing for the organization, jurisdiction, procedure, and fees for the justice of the peace courts are hereby extended and ed to-made applicable to the municipalities, townships, and unorganized districts of the Mountain Province, except as herein provided, or inconsistent with the provisions hereof.

SEC. 2. One justice of the peace and one auxiliary justice shall be appointed by the Governor-General, by and with towns the consent of the Philippine Commission, for each municipality, and may be so appointed for each township or unorganized district: Provided, however, That, upon the recommendation of the Secretary of Finance and Justice upon the proposal to him of either the Secretary of the Interior or of the judge of first instance having jurisdiction, such appointments may be made, by and with the consent of the Philippine Commission, for districts including more than one municipality, township, or unorganized district, or for one or more subprovinces.

SEC. 3. The Governor-General may appoint, by and with the consent of the Philippine Commission, any clerk of the court in the Mountain Province, or any local officer or employee of the Insular Government, to act as ex officio justice of the peace or auxiliary justice for one or more townships, unorganized districts, or one or more subprovinces, with the exclusion, in case of the latter, of the municipalities thereof: Provided, That a sum not to exceed one thousand pesos annually may be paid as additional salary to any person serving as ex officio justice of the peace, or as ex officio auxiliary justice of the peace while acting as justice of the peace under the provisions of this section, the provisions of Act Numbered One hundred and forty-eight to the contrary notwithstanding. And provided also, That no additional salary shall be paid to any governor, lieutenant-governor, supervisor, or superintendent of exchanges, appointed justice of the peace or auxiliary justice, for his service in such public office.

SEC. 4. After December thirty-first, nineteen hundred and fourteen, no officer or employee of the municipal, provincial, or Insular Government shall be appointed as justice of the peace, or auxiliary justice of the peace, and the powers of all persons mentioned in the preceding section and of all persons in the Mountain Province now serving as ex officio justices of the peace, or as auxiliary justices of the peace, shall terminate, and they shall no longer serve in that capacity, except such person or persons as to whom the Secretary of the Interior shall communicate to the Governor-General in writing, his opinion that they should continue in office or be appointed if not then in office in the interest of the public welfare; and such persons shall so continue, or if not in office may be appointed: Provided, That the Governor-General, upon the request of the Secretary of the Interior, may, at any time, terminate the designation.

SEC. 5. It shall be the duty of all justices of the peace to hold regular sessions, at fixed dates, in each municipality, township, or unorganized district: Provided, That, when the district of a justice of the peace comprises more than one municipality, township, or unorganized district, he shall, in addition to the regular sessions in the municipality, hold court at least once in every two months in each township or unorganized district.

SEC. 6. Any justice of the peace or auxiliary justice may, in his discretion, transfer any case within his jurisdiction to the most accessible justice of the peace of the province, directing him to try the case, if the interest of the parties, in a civil action, or the interests of the accused, in a criminal case, so require, and the justice of the peace to whom the case has been so referred, shall have jurisdiction over the case as if originally within his jurisdiction, and he shall try the case as soon as practicable: Provided, That any justice of the peace, or auxiliary justice, provided for by this Act may be directed by the judge or the auxiliary judge of the Court of First Instance having jurisdiction to proceed to any other justice of the peace district in the Mountain Province, and the justice of the peace or auxiliary justice so directed shall hold session, and shall have jurisdiction in the same manner as the regular justice of the peace: And provided further, That no fees of any kind shall be taxed or awarded against the Mountain Province, any subprovince, municipality, township, or unorganized district in the Mountain Province, in any action or criminal proceedings before a justice of the peace.

SEC. 7. The fines imposed by a justice of the peace for infractions of provincial, municipal, or other ordinances shall accrue to the treasury of the municipality or township where the violation has been committed; but, if committed outside the territory of any municipality or township, the fines shall be covered into the provincial treasury.

SEC. 8. All justices of the peace or auxiliary justices within the Mountain Province, other than ex officio justices of the peace, shall receive salaries not to exceed two thousand four hundred pesos annually for each, which salaries shall be fixed in their respective appointments.

SEC. 9. The justice of the peace presiding over a district shall have concurrent original jurisdiction with the township or unorganized district court, and upon appeal, which may be made without bond within fifteen days in all cases after the notification of the decision, unless the judge or auxiliary judge of the Court of First Instance shall by rule prescribe otherwise, the said justice of the peace shall have authority to revise, revoke, or modify any of such decisions, and in that case the decision of the justice of the peace shall be final. The court above mentioned shall hereafter be presided over by the secretary-treasurer of the township.

SEC. 10. All Acts or parts of Acts inconsistent with this Act are hereby repealed: Provided, however, That none of the provisions of this Act shall be applicable to the sub-provinces of Bontoc, Kalinga, Apayao, and Ifugao, until ordered by the Governor-General upon the specific request of the Secretary of the Interior.

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

Enacted, November 10, 1914.

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