

AN ACT TO AMEND CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED FIVE HUNDRED AND TWENTY-ONE, OTHERWISE KNOWN AS **CHARTER OF CAGAYAN DE ORO CITY;**

REPUBLIC ACT NO. 3969, June 18, 1964

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The first and fourth paragraphs of Section seventy-six of Republic Act Numbered Five hundred twenty-one are hereby amended to read as follows:

"There shall be a City Court with two salas for the City of Cagayan de Oro for which there shall be appointed two city judges and one auxiliary judge. The city judge presiding over the first sala shall be the executive judge. The retirement pay of either of the city judges shall be based upon the last monthly salary he was receiving at the time of retirement and he shall be automatically entitled to a lump sum payment equivalent to five years salary, and upon survival after the expiration of the five-year period to further annuity payable monthly during the residue of his natural life. He may retire, if he so desires, under the provisions of subsection (e) of Section twelve of Commonwealth Act Numbered One hundred eighty-six, as inserted by Republic Acts Numbered Sixteen hundred sixteen and Six hundred sixty, and as amended by Republic Acts Numbered Seven hundred twenty-eight and Three thousand ninety-six notwithstanding the provisions of law to the contrary."

SEC. 2. Section seventy-seven of the same Act is hereby amended to read as follows:

" Sec. 77. Clerk and employees of the City Court.—There shall be a city clerk and deputy clerk of the City Court who shall be appointed by the city judge in accordance with Civil Service Law, rules and regulations, and who shall receive a compensation, to be fixed by ordinance approved by the Secretary of Justice, at not less than four thousand eight hundred pesos and three thousand six hundred pesos per annum, respectively. The city clerk shall be the custodian of the record and property of the City Court and shall keep the seal of the court and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in summary manner the names of the parties and the various proceedings in civil cases, and in criminal cases, the name of the defendant, the charge against him, the names of the witnesses, the date of the arrest, the appearance of the defendant, the dispositive part of the judgment together with the fines and costs adjudged or collected. The city clerk and deputy clerk of court shall have the authority to make and/or issue court clearances and certified copies of all papers and records of the court not otherwise confidential and shall have the power to administer oath upon the payment of fees to be determined by the City Council which shall be used for the acquisition and/or purchase of books, supplies and expenses of the court: Provided, That in administering oaths, no fees shall be collected if and when required for papers and/or documents to be filed with the court or by any government office or agency.

"The city clerk of the city court shall at the same time be sheriff of the city and shall as such have the same powers and duties conferred by existing law to provincial sheriffs with an additional compensation to be fixed by the municipal board at not less than one thousand two hundred pesos per annum. The municipal board shall provide for such number of stenographers, interpreters, clerks in the office of the city clerk of the city court as the needs of the service may demand. The city judges shall be entitled to a gasoline allowance the amount by

the municipal board at not less than one hundred pesos a month."

SEC. 3. Section seventy-eight of the same Act is amended to read as follows:

"SEC 78. Jurisdiction of the City Court.—The City Court shall have like jurisdiction in civil and criminal cases and the same incidental powers as are at present conferred by law upon jurisdiction of the municipal courts of capitals of provinces and city courts of chartered cities. It may also conduct preliminary investigations for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court."

SEC. 4. Section eighty-one of same Act is hereby amended to read as follows:

"Sec. 81. Costs, fees, fines and forfeitures in City Court.—There shall be tax against and collected from the defendant, in case of his conviction in the City Court, such costs and fees as may be prescribed by law in criminal cases in municipal courts. All costs, fines and forfeitures shall be collected by the city clerk of court, who shall keep a docket of those imposed and of those collected, and shall pay collections of the same to the city treasurer, for the benefit of the city, on the next business day after the same are collected, and take receipts therefor. The city judge shall examine said docket each day, compare the same with the amount receipted for by the city treasurer and satisfy himself that all such costs, fees, fines, and forfeitures have been duly accounted for."

SEC. 5. Section eighty-three of the same Act is likewise amended to read as follows:

"SEC. 83. Procedure on appeal from City Court to Court of First Instance.—With the exception of the decisions appealable directly to the Court of Appeals or Supreme Court as the case may be, pursuant to the last paragraph of section seventy-eight of this Act, an appeal shall lie to the Court of First Instance in all cases where fine or imprisonment, or both, is imposed by the City Court. The party desiring to appeal shall, before six o'clock post meridian of the fifteenth day after the rendition and entry of the judgment by the City Court, file with the city clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken, shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and processes in the case. A perfected appeal shall operate to vacate the judgment of the City Court, and the action when duly entered in the Court of First Instance, shall stand for trial de novo upon its merits as though the same had never been tried. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the city court or of the judge of the Court of First Instance, upon sufficient bail, in accordance with the procedure in force, to await the judgment of the appellate court.

"Appeals in civil cases shall be governed by the ordinary procedure established by law."

SEC. 6. All Acts or parts of Acts inconsistent herewith are hereby repealed.

SEC. 7. This Act shall take effect on July first, nineteen hundred sixty-four.

Approved, June 18, 1964.

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