

AN ACT TO AMEND SECTIONS FOURTEEN, THIRTY-SIX, AND SEVENTY-ONE OF ACT NUMBERED ONE HUNDRED AND NINETY, PROVIDING A CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN ...

Act No. 1702, August 31, 1907

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

SECTION 1. Section fourteen of Act Numbered One hundred and ninety is hereby amended by striking out the word "twenty-three" in the third line of said section and inserting in lieu thereof the word "twenty-one," so that said section, as amended, shall read as follows:

"SEC. 14. Qualification of applicants.—Any resident of the Philippine Islands, not a subject or citizen of any foreign government, mission to bar. of the age of twenty-one' years, of good moral character, and who possesses [J]U; necessary qualifications of learning and ability, is entitled to admission as a member of the bar of the Islands and to practice as such in all their courts."

SEC. 2. Section thirty-six of Act Numbered One hundred and ninety is hereby amended so as to read as follows:

"Sec. 36. Judges as lawyers.—Judges of the Supreme Court, Court of First Instance, Court, of Land Registration, the municipal court of Manila, the Attorney-General, Solicitor-General, Assistant Attorney-General, the assistant attorneys in the Bureau of Justice, the prosecuting attorney of the city of Manila, and his assistants the city attorney, and assistant attorney of the city of Manila, the attorney and assistant attorney for the Moro Province, provincial fiscals, the fiscal for the Mountain District, and the clerks of court shall not while holding office engage in private practice as attorneys at law or give professional advice to clients."

SEC. 3. Section seventy-one of Act Numbered One hundred and ninety is hereby amended so as to read as follows:

"SEC. 71. Final disposition of dockets.—Whenever any justice of the peace shall die or resign or shall be removed from office or shall remove from the municipality to which he was appointed, or whenever his office shall in any way become vacant, such justice of the peace, or his legal representative in case of his death, shall, within ten days after such death, resignation, removal from office, removal from the municipality, or vacancy in the office, deliver his docket, process, paper, books, and all records relating to his office to the justice appointed to fill such vacancy or to the auxiliary justice appointed for such municipality; and if any justice of the peace, or his legal representative in ease of his death, refuses or neglects to deliver as hereby prescribed such docket, process, papers, books, and records to such newly appointed justice or to the said auxiliary justice of the peace, as the case may be, he shall be punished by a fine not exceeding five hundred dollars or by imprisonment of not more than six months, or by both.

"Such auxiliary justice of the peace shall, during the time he shall perform the duties of the office, keep in his office the docket, process, papers, books, and records delivered to him and shall, while kept by him, certify copies thereof whenever lawfully demanded, and, upon the appointment and qualification of a justice of the

peace to fill such vacancy, the said auxiliary justice shall, within ten days after such appointment and qualification, deliver to such justice of the peace so appointed and qualified such docket, together with all process, papers, books, and records relating to his office, and if any auxiliary justice of the peace, or his legal representative in case of his death, refuses or neglects to deliver such docket, process, papers, books, and records to such justice of the peace, as herein prescribed, he shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars or, by imprisonment for not more than six months, or by both.

"If there shall be on such docket any judgment unexecuted while such docket, process, papers, books, and records are in the custody of the auxiliary justice of the peace or the justice appointed to fill such vacancy, the auxiliary justice, or such newly appointed justice, as the case may be, may issue execution upon such judgment, and the execution so issued shall have the same effect as if issued by the justice who rendered the judgment.

"Whenever the office of any justice of the peace shall become vacant for any cause and there shall be pending before him any matter or action undetermined, and the books and papers of such justice shall have been delivered pursuant to law to the justice appointed to fill such vacancy or to the auxiliary justice of the peace, as the case may be, such newly appointed justice or auxiliary justice, as the case may be, shall proceed to hear, try, and determine such matter or action; and in case the time fixed for the trial of such matter or action by such ex-justice shall have passed, the newly appointed justice or the auxiliary justice, as the case may be, shall cause at least three days' notice of the time of such hearing to be given to the parties to such action or proceeding."

SEC. 4. 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. 5. This Act shall take effect on its passage.

Enacted, August 31, 1907.

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