

AN ACT TO AMEND SECTIONS SIXTY-SEVEN AND SEVENTY-ONE OF ACT NUMBERED ONE HUNDRED AND THIRTY-SIX, AS AMENDED, AND SECTION 1 FIVE OF ACT NUMBERED FOURTEEN HUNDRED AND FIFTY, AS AM...

Act No. 2617., February 04, 1916

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

SECTION 1. Section sixty-seven of Act Numbered One hundred and thirty-six, as amended by Act Numbered Two thousand and forty-one, is hereby further amended to read as follows:

"SEC. 67. Appointment and term.-One justice of the peace and one auxiliary justice shall be appointed by the Governor-General, by and with the consent of the Philippine Commission, for the city of Manila, for each municipality organized according to the Municipal Code, and for such other towns or places as may be determined by resolution of said Commission: Provided, however, That upon the recommendation of the Secretary of Finance and Justice the Governor-General, with the consent of the Philippine Commission, may appoint one justice of the peace and one auxiliary justice for two or more such municipalities, towns, or places, at a salary not to exceed seventy-five per centum of the sum of the salaries of the combined positions. Whenever a vacancy occurs therein, except in the city of Manila, the judge of the Court of First Instance of the district shall forward to the Governor-General a list of persons qualified to fill said vacancy. All applications filed shall be forwarded together with said list. In

making appointments preference shall be given first to any justice of the province who may desire to transfer to another station or any auxiliary justice of the peace whose record entitles him to promotion: Provided, however, That the Governor-General may appoint any qualified person not included in such lists when the interests of the service so require.

"In case new municipalities are formed by the Governor-General he shall, in the same manner, designate which of the justices and auxiliary justices within the territory so formed into the municipality shall continue in office and the powers of all others therein shall cease. All justices of the peace and auxiliary justices shall hold office during good behavior and those now in office who have not the qualifications required by this Act shall continue in office until their successors are appointed."

SEC. 2. Section seventy-one of Act Numbered One hundred and thirty-six, as amended by section three of Act Numbered Twenty-one hundred and thirty-one, is hereby further amended to read as follows :

"SEC. 71. Salary and disposition of fines and fees.-Justices of the peace shall receive salary as follows: In first-class municipalities, nine hundred and sixty pesos a year; in second-class municipalities, eight hundred and forty pesos a year; in third-class municipalities, seven hundred and twenty pesos a year; in fourth-class municipalities, or in towns or places as provided in the first section of this Act six hundred pesos a year: Provided, however, That the justice of the peace of the city of Manila shall receive a salary of three thousand six hundred pesos a year, and the justices of the peace in the capitals of the Provinces of Ilo-ilo, Cebu, and Pangasinan, two

thousand four hundred pesos a year each; and that justices of the peace in the capitals of the Provinces of Albay, Ambos Camarines, Batangas, Bulacan, Ilocos Sur, Occidental Negros, Pampanga, and Tayabas, shall receive a salary of one thousand eight hundred pesos a year; those in the capitals of the Provinces of Cagayan, Capiz, Cavite, Ilocos Norte, Laguna, Rizal, Samar, and Sorsogon, one thousand five hundred pesos a year, and those in the capitals of Mindoro, Palawan and Batanes, and in the capitals of the remaining provinces organized under the Provincial Government Act and any municipality which under the provisions of section ten of Act Numbered Two thousand and forty-one, as amended, shall be considered as the capital of a province, one thousand two hundred pesos a year: Provided, That the justices of the peace of the capitals of Palawan and Batanes shall at the same time be clerks of the Courts of First Instance of said provinces, without receiving additional compensation therefor. The salaries herein provided shall not be paid to public officers appointed justices of the peace while acting in such public offices.

SEC. 3. Section five of Act Numbered Fourteen hundred and fifty, as amended by section four of Act Numbered Twenty-one hundred and thirty-one, is hereby further amended so as to read as follows:

"Sec. 5. Qualifications and privileges.-No person shall be eligible to appointment as justice of the peace or auxiliary justice unless he shall be (1) at least twenty-three years of age; (2) a citizen of the Philippine Islands or of the United States; (3) of good moral character; and (4) admitted by the Supreme Court to practice law, or shall have completed at least the study of law in a recognized school, or shall have passed the examination and be eligible under civil service rules for clerk of court, or an examination to be held once each two years or as often as may be necessary in each province before a board composed of the judge of the Court of First Instance, the provincial fiscal, and a practicing lawyer appointed by the judge, under regulations to be prescribed by the Attorney-General with the approval of the Secretary of Finance and Justice, and in such case the duration of the eligibility so acquired shall be for four years only from the date of such examination, if during said four years the person examined has not held the office of justice of the peace or auxiliary justice of the peace or notary public or procurador judicial, and in case he has held either of such offices the period of eligibility will be four years from the date on which he ceased to hold such 'office: Provided, however. That this last-mentioned requisite shall not be required in case the appointee is an officer of the United States Army or of the Philippine Government, or when there is no person having the necessary qualifications who is willing to accept the office. In this last-mentioned case the appointment shall continue until such time as a qualified person can be found who is willing to accept the office: And provided, further, That no person shall be appointed justice of the peace or auxiliary justice for the city of Manila or for any capital of a province who has not been admitted by the Supreme Court to practice law, except auxiliary justices of the peace of Mindoro, Palawan, and Batanes so appointed. The justice of the peace shall be present as often as the business of his court requires and at least once each business day at an appointed hour in his office or at the place where his court is held, but he may, during his incumbency, with the permission of the judge of First Instance of the district, pursue any other vocation or hold any other office or position, notwithstanding the provisions of Act Numbered One hundred and forty-eight. But no justice or auxiliary justice may act as the attorney for any party to a cause commenced in his court or elsewhere except by special permission of said judge in each case. The applicant for examination for justice shall pay an examination fee of five pesos, to be collected by the clerk of the Court of First Instance, and the lawyer appointed by the judge as a member of the board of examination shall be entitled to a compensation of twenty pesos for each day of actual service."

SEC. 4. Upon the passage of this Act, the provincial governors, lieutenant-governors, provincial treasurers, provincial secretaries, and deputy clerks of Courts of First Instance of the provinces organized under Act Numbered Eighty-three, to which the Township Government Act has been applied, and those of the Provinces of Mindoro, Palawan, and Batanes shall cease to be ex-officio justices of the peace in all places where there shall be

duly appointed justices or auxiliary justices of the peace and to which the jurisdiction of the latter shall extend. All causes at present under their jurisdiction and pending judgment only shall be decided within thirty days after the passage of this Act; and all causes pending trial, filed at places where there is a duly appointed justice or auxiliary justice of the peace, shall forthwith be sent to such justice or auxiliary justice of the peace, who shall number and try said causes as if they had been originally filed in his court.

SEC. 5. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 6. This Act shall take effect on its passage.

Enacted, February 4, 1916.

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