

AN ACT AMENDING CERTAIN SECTIONS OF ACTS NUMBERED ONE HUNDRED AND THIRTY-SIX, FOURTEEN HUNDRED AND FIFTY, AND SIXTEEN HUNDRED AND TWENTY-SEVEN, AS AMENDED, AND ACT NUMBERED TWO ...

Act No. 2131, February 01, 1912

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

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

"SEC. 68. Civil jurisdiction and powers.—In all civil actions, including those mentioned in section two hundred and sixty-two to two hundred and seventy-two as hereby amended, inclusive, and chapter eighteen of Act Numbered One hundred and ninety, arising in his municipality, and not exclusively cognizable by the Court of First Instance, the justice of the peace shall have exclusive original jurisdiction where the value of the subject matter or amount of the demand does not exceed two hundred pesos, exclusive of interest and costs; and where such value or demand exceeds two hundred pesos but is less than six hundred pesos, the justice of the peace shall have jurisdiction concurrent with the Court of First Instance. In forcible entry and detainer proceedings the justice shall have original jurisdiction, but he may receive evidence upon the question of title therein solely for the purpose of determining the character and extent of possession and damages for detention. In forcible entry proceedings he may grant preliminary injunctions, in accordance with the provisions of Act Numbered One hundred and ninety, to prevent the defendant from committing further acts of dispossession against the plaintiff.

"Justices of the peace shall have exclusive original jurisdiction to adjudicate the questions of title to real estate or any interest therein when the value of the property in litigation does not exceed two hundred pesos, and where such value exceeds two hundred pesos but is less than six hundred pesos the justice of the peace shall have jurisdiction concurrent with the Court of First Instance.

"The jurisdiction of a justice of the peace shall not extend to civil actions in which the subject of litigation is not capable of pecuniary estimation, except in forcible entry and detainer cases; nor to those which involve the legality of any tax, impost, or assessment; nor to actions involving admiralty or maritime jurisdiction; nor to matters of probate, the appointment of guardians, trustees, or receivers; nor to actions for annulment of marriages: Provided, however, That justices of the peace in the capitals of provinces organized under the Provincial Government Act may by assignment of the respective judge of the Court of First Instance in each case have like jurisdiction within the province as the Court of First Instance to hear and determine cases originally cognizable by First Instance in which the subject of litigation is capable of pecuniary estimation and the value of the subject matter or amount of the demand does not exceed two thousand pesos exclusive of interest and costs, except cases involving the legality of any tax, impost, or assessment, or actions involving admiralty or maritime jurisdiction.

"Justices of the peace in the capitals of provinces organized under the Provincial Government Act, and the governors of provinces not organized under said Act acting as ex officio justices of the peace, in the absence of the judge of the district from the province may exercise within the province like interlocutory jurisdiction as

the Court of First Instance, which shall be held to include the hearing of all motions for the appointment of a receiver, for temporary injunctions, and for all other orders of the court which are not final in their character and do not involve a decision of the case on its merits, the hearing of petitions for a writ of habeas corpus, and all questions which may arise concerning the . appointment of inspectors of election, or the inclusion in or exclusion from the register of voters of the names of electors.

"A justice of the peace shall have power anywhere within his territorial jurisdiction to solemnize marriages, authenticate merchants' books as provided by articles nineteen and thirty-six of the Code of Commerce, administer oaths, take depositions and acknowledgments, and to perform all other acts which under the law may be performed by a notary public."

SEC. 2. Section four of Act Numbered Sixteen hundred and twenty-seven, as amended by section four of Act Numbered Two thousand and forty-one, is hereby further amended so as to read as follows:

"SEC. 4. Jurisdiction to try and sentence.—Justices of the peace, except in the city of Manila, shall have original jurisdiction to try parties charged with misdemeanors, offenses, violations of regulations adopted by the respective provincial boards, under the provisions of section thirteen (k), as amended, of Act Numbered Eighty-three, entitled 'The Provincial Government Act,' and infractions of municipal ordinances, committed within the territory within their jurisdiction, in which the penalty provided by law does not exceed six months' imprisonment or a fine of two hundred pesos, or both such imprisonment and fine.

"Justices of the peace in the capitals of provinces organized under the Provincial Government Act, and the governors of provinces not organized under said Act acting as ex officio justices of the peace, may by assignment of the respective judge of the district in each case have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within the province in which the penalty provided by law does not exceed two years' imprisonment or a fine of two thousand pesos or both such imprisonment and fine, and in the absence of the judge of the district shall have like jurisdiction within the province as the Court of First Instance to hear applications for bail.

"Subdivision (g) of section eighteen of Act Numbered Eighty-two is hereby repealed."

SEC. 3. Section seventy-one of Act Numbered One hundred and thirty-six, as amended by section six of Act Numbered Two thousand and forty-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 municipalities of Iloilo and Cebu 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, Pangasinan, 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, La Laguna, Rizal, Samar, and Sorsogon, one thousand five hundred pesos, and those of 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. The salaries herein provided shall not be paid to public officers appointed justices of the peace while acting in such public office.

"Except when the justice of the peace acts as judge of the Court of First Instance, all fines imposed by a justice of the peace in criminal prosecutions and all fees charged in civil suits or for any other service and collected shall lie paid without delay to the municipal treasurer, or in the city of Manila to the Collector of Internal

Revenue, to whom on the first day of each month the justice shall present a detailed statement of the amounts thus collected by him since his last previous report and of the amounts which the municipal treasurer should pay for fees in criminal proceedings during the preceding month. His account shall forthwith be audited by the municipal treasurer and president, or in Manila by the Insular Auditor, by examining the records of the justice of the peace and any other papers or persons deemed necessary, and all mutilated or spoiled receipts must be accounted for and turned in by said justice. But it shall not be necessary for the justice to prove the insolvency of parties who have failed to pay costs taxed against them.

"The collection of the above-mentioned fines and fees shall be under the jurisdiction of the Collector of Internal Revenue, who shall prescribe the administrative regulations therefor, and said fines and fees, except those collected in the city of Manila, shall be paid into the Insular Treasury to be credited to the appropriation provided in this Act. The salary of the justice of the peace shall be paid out of the funds of the Insular Treasury appropriated for that purpose: Provided, however, That in order to facilitate the payment of the salaries of the justices of the peace in the provinces the respective municipal treasurers shall pay such salaries monthly out of any municipal funds in their possession and the municipality shall be reimbursed monthly by the Insular Government from the appropriation therefor for the amount so paid."

SEC. 4. Section five of Act Numbered Fourteen hundred and fifty, as amended by section nine of Act Numbered Two thousand and forty-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 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 rules and 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, 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 organized under the Provincial Government Act who has not been admitted by the Supreme Court to practice law. 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 services."

SEC. 5. Sections ten and eleven of Act Numbered Two thousand and forty-one are hereby renumbered eleven and twelve, respectively, and the following shall be section ten of said Act:

"SEC. 10. For the purposes of section sixty-eight of Act Numbered One hundred and thirty-six, section five of

Act Numbered Fourteen hundred and fifty, and section four of Act Numbered Sixteen hundred and twenty-seven, as they are amended by this Act, the northern part of the Province of Leyte, as fixed in Act Numbered Two thousand and thirty-eight, shall be considered a province, the capital of which shall be the municipality of Tacloban, and that part of the Province of Leyte not included in such northern pan shall be considered another province, the capital of which, shall be Maasin."

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

Enacted, February 1, 1912.

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