

AN ACT AMENDING ACT NUMBERED ONE HUNDRED AND THIRTY-SIX, PROVIDING FOR THE ORGANIZATION OF COURTS, AS TO INCREASE THE NUMBER OF JUDGES OF COURTS OF FIRST INSTANCE, AND FIXING TH...

Act No. 396, May 09, 1902

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

SECTION 1. Section forty-nine of Act Numbered One hundred and thirty-six, entitled "An Act providing for the organization of courts in the Philippine Islands," is hereby amended so as to read as follows:

"SEC. 49. In Manila.—There shall be one Court of First Instance for the city of Manila, and three judges shall be appointed by the Civil Governor, with the advice and consent of the Commission, to preside in such court in separate court rooms. The judges so appointed may be removed by the Civil Governor, by and with the approval of the Commission. Actions brought in the Court of First Instance for the city of Manila shall be equally apportioned for trial between the judges thereof in accordance with rules to be made by the judges of the Supreme Court. Any action apportioned to one judge may be tried by another judge when more convenient to the judges."

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

"SEC. 60. The clerk in Manila.—The Civil Governor, with the advice and consent of the Commission, shall appoint a clerk and two assistant clerks in the city of Manila. The clerk and assistant clerks shall hold office during the pleasure of the judges, and may be removed and their successors appointed by the judges in accordance with the provisions of the civil-service law. The clerk shall receive a salary at the rate of two thousand dollars a year, and the assistant clerks at the rate of one thousand six hundred dollars per year each, and all fees charged by them shall belong to the Government. The clerk may appoint and remove one or more deputies, whose services shall be paid for out of his salary, unless the deputy be an assistant duly authorized, as in this section provided. The clerk may employ such assistants, to be selected under the provisions of the civil-service law, as the majority of the judges of the Supreme Court may decide to be necessary, and at salaries to be by them fixed, after approval thereof by the Chief Executive. The bond of the clerk shall be for six thousand dollars, and he may require a bond of indemnity from each of the assistant clerks, which shall be approved, filed, and recorded as provided in the last preceding section. The clerk shall be answerable on his bond for defaults of his deputies and assistants."

SEC. 3. The Civil Governor is hereby authorized to appoint, with the advice and consent of the Commission, four judges of Court of First Instance in addition to the number of judges authorized by said Act Numbered One hundred and thirty-six. Each of the judges so appointed shall receive a compensation at the rate of four thousand five hundred dollars per year, and shall possess the qualification required by law for judges of the Supreme Court, and may be required to perform the duties of judge of Court of First Instance of any province in the Islands or of the city of Manila when directed in writing to do so by the Civil Governor, in which case his acts, proceedings, and judgments shall be of the same validity as though he were the regular judge of the Court of First Instance in

the city of Manila or in the province in which he shall perform such duties. The judges so appointed shall receive an allowance for traveling expenses in accordance with the provisions of section sixty-three of said Act Numbered One hundred and thirty-six.

SEC. 4. Any judge of a Court of First Instance, including the judges of the Court of First Instance of the city of Manila, may be transferred from one judicial district to another by order of the Civil Governor, with the advice and consent of the Commission. Any judge so transferred shall, upon such transfer, cease the performance of judicial duties in the district to which he was originally appointed, and shall be the regular judge thereafter, in the judicial district to which he has been so assigned, and shall be entitled to the compensation of a judge of the Court of First Instance of the district to which he is assigned instead of that appertaining to the district to which he was originally appointed.

SEC. 5. 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. 6. This Act shall take effect on its passage.

Enacted, May 9, 1902.

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