

AN ACT TO PROVIDE THAT THE FUNCTIONS OF SHERIFF BE EXERCISED EX-OFFICIO BY THE CLERK OF THE COURT OF FIRST INSTANCE IN THE CITY OF MANILA AND IN THE SEVERAL PROVINCES BY PROVINC...

Act No. 3598, November 29, 1929

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one hundred and eighty-three of the Administrative Code of the Philippine Islands is hereby amended so as to read as follows:

"SEC. 183. Powers and duties of sheriff.—In the City of Manila and in each of the several provinces there shall be an officer to be known as the sheriff, whose powers and duties shall be these:

"(a) He shall be the legal custodian of the courthouse or of the quarters set apart for the court room and court offices, including, in the City of Manila, the buildings occupied by the Supreme Court, and he shall be charged with the care and safe-keeping of all public property therein, except the books, records, and papers appertaining to the office of the clerk.

"(b) He shall, in person or by deputy, attend the sessions of the Court of First Instance, shall enforce proper decorum in the court room, and preserve good order in its precincts. To this end he shall carry into effect the orders of the court made in this behalf, or of the judge thereof, and shall arrest any person there disturbing the court or violating the peace.

"(c) Except as otherwise specially provided, he shall, in person or by deputy, serve all writs, execute all processes, and carry into effect all orders issuing from the Court of First Instance or made by any judge thereof; and in the City of Manila the sheriff shall serve or execute civil writs, processes, and orders issued from the Supreme Court or any inferior or superior court or by a judge of any such court. Orders and processes in criminal cases from whatever court or by whatever judge issued, shall be served or executed in the City of Manila by members of the police department of the city, and in the provinces warrants of arrest in criminal cases shall be executed by members of the Philippine Constabulary or of the municipal police force, though the same may also be served or executed with equal effect by the sheriff."

SEC. 2. Section one hundred and eighty-four of the same Code is likewise amended so as to read as follows:

"SEC. 184. Appointment of deputies.—The provincial sheriffs in provinces of the first and second class may appoint three deputies; in provinces of the third and fourth class, two deputies; and in provinces of the fifth and sixth class, one deputy. The provincial sheriff shall be responsible for the acts of his deputies. The chief of police in each municipality shall be ex-officio deputy sheriff in his municipality without additional compensation. The salaries of the said provincial deputies shall be paid out of the insular funds."

SEC. 3. Section one hundred and eighty-six of the same Code is also amended so as to read as follows:

"SEC. 186. Officer in function of sheriff.—In the City of Manila the clerk of Court of First Instance of said city

shall exercise the functions of sheriff. In the several provinces of these Islands including the specially organized provinces said functions shall be exercised by a provincial sheriff who shall be appointed by the Secretary of Justice. No person shall be eligible to appointment as provincial sheriff unless he shall be: (1) at least twenty-five years of age; (2) a citizen of the Philippine Islands or of the United States; (3) of good moral character; (4) admitted by the Supreme Court to practice law, or be a person who has at least finished the courses of legal study in a recognized school, or shall have passed the corresponding civil service examination."

SEC. 4. Section one hundred and eighty-seven of the same Code is substituted by the following:

"SEC. 187. Carnage of arms by sheriff.—For the proper exercise of their functions and the protection of their persons against persons resisting their authority in the execution or service of judicial writs, processes, or orders, sheriffs shall supply themselves with a revolver and shall be entitled to the free carriage thereof. This right may be extended to deputies upon recommendation of the sheriff and approval of the Secretary of Justice."

SEC. 5. Section one hundred and eighty-eight of the same Code is also amended so as to read as follows:

"SEC. 188. Detail of policemen as attendants upon courts.—In the City of Manila, the Mayor, and in the provinces, the Provincial Governor or the municipal president shall direct the detail of one or more members of the provincial guard or municipal police of the place where a Court of First Instance or any superior court shall be held, to attend the sessions and enforce good order in and about the same under the direction of the sheriff. If no member of the provincial guard or municipal police can be thus detailed and it is impracticable to obtain the services of a member of the Constabulary upon request directed to the proper Constabulary officer in the province, the judge of the court may appoint a bailiff to serve as an emergency employee during such time as the court may be in session in the province."

SEC. 6. Section one hundred and eighty-nine of the same Code is also amended so as to read as follows:

"SEC. 189. Temporary sheriff.—When the office of provincial sheriff is vacant, or the proper appointee has not yet qualified, the Judge of the Court of First Instance of the province, may in case of emergency, make a temporary appointment to the office of sheriff of the province, pending the appointment and qualification of the sheriff in due course; and he may appoint the deputy clerk of the court or other officer in the Government service to act in said capacity. Such temporary appointee shall have all the powers of a regular provincial sheriff and shall cease in the performance of his duties only when his successor shall have duly qualified, or at the expiration of ninety days from his appointment. A second appointment of the same person as temporary sheriff shall not be made unless for the purpose of supplying the vacancy occurring after a permanent sheriff shall have been appointed and qualified."

SEC. 7. Section one hundred ninety-one of the same Code is also amended so as to read as follows:

"SEC. 191. Compensation of sheriff and his deputies.— In the City of Manila the clerk serving as sheriff shall receive from the City of Manila additional compensation at the rate of two thousand pesos per annum. In the provinces the officer or employee serving as provincial sheriff shall receive a compensation not exceeding two thousand four hundred pesos per annum in first-class provinces, one thousand eight hundred pesos per annum in second-class provinces, one thousand five hundred pesos per annum in third-class provinces, and one thousand two hundred pesos per annum in fourth, fifth and sixth-class provinces. Deputy sheriffs shall receive compensation at the rate of eight hundred and forty pesos per annum: Provided, That in classifying the especially organized provinces for that purposes of this Act the amount of insular aid received by the said provinces shall not be considered."

SEC. 8. After the approval of this Act all fees prescribed by law and payable to the sheriff for services performed by him shall hereafter accrue and be paid to the Insular Government and shall form part of the General Fund. The

sheriff of the City of Manila, provincial sheriffs and their deputies shall issue official receipts for all such fees collected by them for their services and shall turn over such amounts at the end of every month to the provincial treasurer of the province for transmittal to the Insular Treasurer. The original receipt shall be furnished the person paying the sheriffs fees, and the duplicate receipt shall be sent to the district auditor of the province.

The sheriff of the City of Manila, provincial sheriffs and persons acting in their place shall submit a monthly report of their collections duly sworn to by them, on the form to be prescribed by the Insular Auditor, to the Secretary of Justice, through the Judge of the Court of First Instance, furnishing copy thereof to the district auditor of the province. Said report shall contain the date of issue, the number of official receipts, the amount collected, the names of person or persons paying the fees, and the number of civil and criminal case under which the service was performed.

SEC. 9. The sheriff of the City of Manila, provincial sheriffs, their deputies and persons acting in their place are prohibited from collecting any fees not prescribed by law or excessive fees. Persons or corporations paying to sheriffs any amount exceeding the fees prescribed by law for services performed by them with a view to influencing the sheriff in order to execute an act other than that required of them by law shall be guilty of bribery: Provided, That in the case of a corporation or partnership, the president or the manager, as the case may be, or the employee making the payment to the sheriff or to his deputy, shall be liable to criminal prosecution. Violation of the provision of this section shall be punished by a fine not exceeding two hundred pesos or imprisonment of not more than six months or by both such fine and imprisonment at the discretion of the court. In the case of sheriffs their bonds shall be responsible for the payment to the aggrieved party of such fees unlawfully or exceedingly collected and the sheriff shall be dismissed from the service.

SEC. 10. There is hereby appropriated out of any funds in the Insular Treasury, not otherwise appropriated, such sum as may be necessary for the purpose of carrying out the provisions of this Act.

SEC. 11. This Act shall take effect on October sixteen, nineteen hundred and thirty-one.

Approved, November 29, 1929.

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