

AN ACT PROVIDING FOR THE APPOINTMENT BY PROVINCIAL GOVERNORS OF BAILIFFS IN COURTS OF FIRST INSTANCE AND IN THE COURT OF LAND REGISTRATION, AND AMENDING ACTS NUMBERED ONE HUNDRE...

Act No. 1680, August 12, 1907

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

SECTION 1. Section sixty-one 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. 61. Officer of the Court of First Instance.—The officer of the Court of First Instance to serve its process and enforce good order in and about the court room shall be the governor of the province in which the court is held, or his deputy, and the governor is hereby authorized to designate, for the purpose of attending the sessions and enforcing good order in and about the court room, a provincial guard or a member of the municipal police of the town in which the court is held, or, if none such is available, to appoint, a bailiff at a salary not to exceed twenty-five pesos per month, to be paid from the appropriation for the judiciary, for such time as the court may be in session in said province. In the city of Manila the officer of the Court of First Instance shall be the sheriff or his deputy."

SEC. 2. Section seven hundred and eighty-nine of Act Numbered One hundred and ninety, entitled "An Act providing a Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands," as amended by section one of Act Numbered Six hundred and forty-two and section one of Act Numbered Sixteen hundred and forty-seven, is hereby amended so as to read as follows:

SEC. 789. Governors, sheriff and oilier persons serving process.—For executing process, preliminary and final judgments, and decrees of any court, for each mile of travel in the service of fees and mileage, process, reckoned from the place of service to the place to which the process is returnable, six cents: for serving an attachment against the property of defendant, one dollar, together with a reasonable allowance to be made by the court for expenses, if any, necessarily incurred in caring for 'property attached; for arresting each defendant, fifty cents: for serving summons and copy of complaint for each defendant, one dollar; but if the complaint exceeds three hundred and fifty words, then for each additional one hundred words, five cents; but in special proceedings, testamentary or administrative, where several members of a family residing at the same place are defendants, the fee for each defendant shall be fifty cents; for serving subpoenas, for each witness served, ten cents besides travel fees; for each copy of any process necessarily deposited in the office of the registrar of deeds, five cents for each one hundred words, but not less than fifty cents in each ease: for taking bonds or other instruments of indemnity or security for each, twenty-five cents; for executing a writ of process to put a person in possession of real estate, one dollar; for attending with prisoner on habeas corpus trial, one day, one dollar; for transporting each prisoner on habeas corpus or otherwise, when required for every mile going and returning, ten cents; for furnishing food for prisoner, for each day, twenty cents; for advertising sale, besides printer's charge, fifty cents; for taking inventory of woods levied upon, to be charged only when the inventory is necessary, a sum fixed by the court not exceeding the actual reasonable cost of same to be shown by vouchers; for summoning assessors, six cents for each assessor summoned besides travel; for levying an

execution on property, one dollar.

"On all money collected by him by order or any decree, execution, attachment, or any other process, the following sums, to wit:

"On the first one hundred dollars or less, two per centum; on the second one hundred dollars, one and one-half per centum; on all sums between two hundred dollars and one thousand dollars, one per annum: on all sums in excess of one thousand dollars, one-half per centum : Provided, however, That in serving summons and copy of complaint, upon defendants, if copy of the complaint is furnished by the officer, there shall be charged for each one hundred words in excess of three hundred and fifty words in the original complaint, in each copy of the complaint served, five cents: but if copy of complaint for each defendant is furnished by the complainant no additional fee shall be charged for said copy.

"During the sessions of the Supreme Court, at other places than in the city of Manila, the officer of the court shall receive three dollars per day, in money of the United States, for each day the Supreme Court is in session in his province for attendance at such court by himself and necessary deputies."

SEC. 3. Section seventeen of Act Numbered Four hundred and ninety-six entitled "An Act to provide for the adjudication and registration of titles to lands in the Philippine Islands," as amended by section five of Act Numbered Eleven hundred and eight and by section four of Act Numbered Sixteen hundred and forty-eight is hereby further amended so as to read as follows:

SEC. 17. The Court of Land Registration, in all matters over which it has jurisdiction, may enforce its orders, judgments or decrees of the same manner as orders, judgments, and decrees, are enforced in the Courts of First Instance, including a writ of possession directing the governor or sheriff of any province, or the sheriff of the city of Manila, to place the applicant in possession of the property covered by a decree of the court in his favor; and upon the request of the judge of the Court of Land Registration, the governor or sheriff of any province, or the sheriff of the city of Manila, as the case may be, shall assign a deputy to attend the sittings of any province or city; and for the purpose of attending the sessions of the court and enforcing good order in and about the court room, the provincial governor is hereby authorized to designate a provincial guard or a member of the municipal police of the town in which the court is held; or if none such is available, to appoint a bailiff at a salary not to exceed twenty-five pesos per month, to be paid from the provincial treasury, for such time as the court may be in session in said province.

"The Court of Land Registration, in all matters over which it has jurisdiction, may issue an injunction for the protection of either or any of the parties in interest, in the following cases:

"(1) When it appears by the application, by verified petition, or by affidavits that the commission or continuance of some act during the proceedings for registration of title would produce waste or great or irreparable injury to the subject-matter of the registration proceedings.

"(2) When it appears during the pendency of the proceedings that either or any of the parties in interest is doing, or is about to do, or is threatening to do or is procuring or suffering to be done, some act in violation or to the prejudice of the rights of another party to the action respecting the subject-matter of the proceedings and tending to render the judgment ineffectual.

"Except as herein provided, preliminary and permanent injunctions shall be obtained, enforced, dissolved, or modified in the same manner as such injunctions are obtained, enforced, dissolved, or modified under the provisions of the Code of Civil Procedure."

SEC. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

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 October first, nineteen hundred and seven.

Enacted, August 12, 1907.

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