

AN ACT PROVIDING THE MEANS WHEREBY POOR DEFENDANTS IN COURTS OF FIRST INSTANCE SHALL BE DEFENDED FREE OF COST WITH CERTAIN EXCEPTIONS.

Act No. 1942, May 20, 1909

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

SECTION 1. Judges of First Instance are hereby authorized to designate a practicing lawyer in each province of their respective districts who shall be called defensor de oficio and whose duty it shall be to represent the defendant free of charge in all criminal cases in the Court of First Instance of the province when the defendant is unable to employ counsel.

SEC. 2. When such designation shall have been made and accepted, the court shall so the provincial treasurer, and the lawyer so appointed shall be exempted from the payment of the license tax established by subsection eight of section one hundred and forty-four of Act Numbered Eleven hundred and eighty-nine during the entire time that he holds the office.

SEC. 3. Before entering upon the performance of his duties as defensor de oficio, the person designated as such shall make a statement under oath to the judge which shall, among other things, contain the promise not to collect any money or receive any object from the defendants, as compensation, unless the court for good reason shall grant him special authority to do so.

SEC. 4. If at any time after the defense of a case has been intrusted to the defensor de oficio it shall be proved that the defendant has the means with which to pay a lawyer of his own, the court shall designate an equitable fee to be paid to the defensor de-oficio, and from such order of the judge of the court there shall be no appeal.

SEC. 5. Nothing contained in this Act shall be construed to prevent the defensor de oficio from engaging in private practice: Provided, That such practice shall not be incompatible with or detrimental to his official duties as defensor de oficio.

SEC. 6. The provisions of this Act shall not be held to repeal section seventeen of General Orders, Numbered Fifty-eight, issued by the Military Government of the Philippine Islands on April twenty-third, nineteen hundred, as amended by section one of Act Numbered Four hundred and forty, entitled "An Act amending General Orders Numbered Fifty-eight, office of the Military Governor, series of nineteen hundred, relating to criminal procedure, to as to allow the court under certain conditions to assign counsel who are not members of the bar to aid respondents in their defense."

Sec. 7. This Act shall take effect on its passage.

Enacted, May 20, 1909.

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