

[Acts No. 4178, December 05, 1934]

ACT ACT TO AMEND SECTION THIRTEEN OF GENERAL ORDERS, AMENDING GENERAL NUMBERED FIFTY-EIGHT, SERIES OF NINETEEN HUNDRED, AS AMENDED BY SECTION ONE OF ACT NUMBERED THREE THOUSAND AND FORTY-TWO, AND SECTION SIXTY-FOUR OF SAID GENERAL ORDERS, NUMBER FIFTY-EIGHT, AS AMENDED BY SECTION THIRTY-FIVE OF ACT NUMBERED SIXTEEN HUNDRED AND TWENTY-SEVEN, AND FOR OTHER PURPOSES.

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 thirteen of General Orders, Number Fifty-eight, series of nineteen hundred, as amended by section one of Act Numbered Three thousand and forty-two, is hereby further amended to read as follows:

"SEC. 13. When a complaint or information alleging the commission of a crime is laid before a magistrate, he must examine, on oath, the informant or prosecutor and the witnesses produced, and take their depositions in writing, causing them to be subscribed by the parties making them. If the magistrate be satisfied from the investigation that the crime complained of has been committed, and that there is reasonable ground to believe that the party charged order of arrest, has committed it, he must issue an order for his arrest. If the offense be bailable, and the defendant offers a sufficient security, he shall be admitted to bail; otherwise he shall be committed to prison. Upon issuing the order of arrest, the magistrate shall ascertain whether the accused is within or without his jurisdiction. In the latter case he shall make an order fixing the amount of the bail and authorizing any justice of the peace or judge of a Court of First Instance where the accused may be found or arrested to accept his bail. The magistrate who has admitted the accused to bail shall forthwith release him and inform the magistrate who issued the order of arrest of his action, forwarding the papers in the case: *Provided, however,* That in any case in which the complaint or information is for the violation of some law or ordinance and the penalty provided for such violation is imprisonment for not over one month or a fine of not more than two hundred pesos, or both, the magistrate shall not issue any order for the arrest of the accused but shall order the latter to appear on the day and hour fixed in the order to answer to the complaint or information, unless the accused is a recidivist, habitual criminal or fugitive from justice, or is charged with physical injuries, does not reside in the place where the violation of the law or ordinance was committed, or has no known residence in any other locality, and unless the magistrate, for reasons which shall be stated in the record of the case, shall order that the accused be not released except on bail, and unless the fiscal, any Constabulary officer or the chief of police who participated in the investigation of the case, recommends that the accused be not released except on bail, and the magistrate considers such recommendation as well founded: *Provided, further,* That if the