

# [ Act No. 3171, October 30, 1924 ]

## **AN ACT TO AMEND SECTION SEVENTY-EIGHT OF THE CODE OF CIVIL PROCEDURE, AS AMENDED BY ACT NUMBERED TWENTY-ONE HUNDRED AND ELEVEN.**

*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 seventy-eight of Act Numbered One hundred and ninety, known as the Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands, as amended by Act Numbered Twenty-one hundred and eleven, is hereby further amended to read as follows:

*"SEC. 78. Transmittal of the record and duties of the clerk of court upon the perfection of the appeal and forwarding of the papers in a case appealed from justice of the peace court.—The justice of the peace from whose decision an appeal is taken, shall, within five days after the perfection of said appeal, transmit to the clerk of the Court of First Instance for the province a certified copy of the docket entries, together with all the original papers and process in the case, and the original appeal bond or certificate of deposit in lieu thereof, together with the appellate court docket fee, upon receipt of all of which the clerk shall docket the cause in the Court of First Instance, and the same fees shall thereafter be charged upon such appeal as in suits originating in said court. Upon the docketing of the cause under appeal, the complaint filed in the justice of the peace court shall be considered reproduced in the Court of First Instance and it shall be the duty of the clerk of the court to notify the parties by registered mail, and the period for interposing a demurrer and making an answer shall begin with the date of the receipt of such notice by the defendant."*

SEC. 2. This Act shall take effect on its approval.

Approved, October 30, 1924.



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