

[Act No. 1627, March 30, 1907]

AN ACT TO AMEND CERTAIN SECTIONS, OF GENERAL ORDERS, NUMBERED FIFTY-EIGHT, SERIES OF NINETEEN HUNDRED, AND CERTAIN SECTIONS OF ACTS NUMBERED EIGHTY-TWO, ONE HUNDRED AND THIRTY-SIX, ONE HUNDRED AND EIGHTY-THREE AS AMENDED, ONE HUNDRED AND NINETY, ONE HUNDRED AND NINETY-FOUR AS AMENDED, SEVEN HUNDRED AND EIGHTY-SEVEN AS AMENDED: ALSO TO REPEAL ACTS NUMBERED FIVE HUNDRED AND NINETY AS AMENDED, NINE HUNDRED AND NINETY-TWO, AND FOURTEEN HUNDRED AND FIFTY, AND DESIGNED TO UNIFY THE SYSTEM OF JUSTICE OF THE "PEACE COURTS, CLARIFY EXISTING LEGISLATION RELATIVE THERETO AND FURTHER INCREASE THE EFFICIENCY THEREOF.

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

SECTION 1. Section sixty-seven of Act Numbered One hundred and thirty-six, as amended by section one of Act Numbered Fourteen hundred and fifty, is hereby amended so as to read as follows:

"SEC. 67. *Appointment and term.*— One justice of peace and one auxiliary justice shall be appointed by the Governor-General, and by with the consent of the Philippine Commission, for the city of Manila, for each municipality organized according to the Municipal Code, and for such other towns or places as may be determined by resolution of said Commission. Whenever a vacancy occurs therein the judge or judges of the Court of First Instance of the district shall forward to the Governor-General a list of names of persons qualified to fill said vacancy. In preparing said list preference shall be given to any justice of the province who may desire to transfer to another station and whose record entitles him to promotion. The Director of Education shall certify to the Governor-General the names of all persons, otherwise qualified, who. shall have completed the course for magistrates at the Philippine Normal School or University and have expressed their willingness to serve as justices. Appointments shall lie made from the lists furnished as above prescribed : *Provided, however,* That in the Moro Province persons so designated by the judge of First Instance may assume the duties of justice of the peace while awaiting formal appointment, and shall so continue until such designation is vacated by the Governor-General.

"In case new municipalities are formed by the Commission the Governor-General shall, in the same manner, designate which of the justices and auxiliary justices within the territory so formed into the municipality shall continue in office and the powers of all others therein shall cease. All justices of the peace and auxiliary justices shall hold office during good behavior and those now in office shall so continue."

SEC. 2. *Supervision: reports.*—The judge of the Court of First Instance shall at all times exercise a supervision over the justices of the peace within his district, and shall keep himself informed of the manner in which they perform their duties, by

personal inspection whenever possible, from reports which he may require from them, from cases appealed to his court, and from all other available sources. In proper cases he shall advise and instruct them whenever requested, or when occasion arises, and such justices of the peace shall apply to him and not to the Attorney-General for advice and instruction, and any such inquiries received by the Attorney-General shall be referred by him to the judge of the proper district. In lieu of the report now required by section seventy-seven of Act Numbered One hundred and thirty-six each justice of the peace hereafter shall, on or before December first of each year, forward to said judge of the district a report showing the number of suits begun in the court of said justice during the current year, the nature thereof, whether civil or criminal, the mode of disposition, whether by voluntary dismissal or judgment, the number still pending, the amount of costs and fees collected and for what service, and the number of marriages solemnized. Such report shall be filed in the office of the clerk of the Court of First Instance, and said judge of the district shall, with the assistance of said cleric, embody a summary of such reports for each province of his district, together with other matters of interest and importance relative to the administration of justice therein, particularly with reference the peace courts, in a brief report, which he shall forward by the close of each calendar year to the Secretary of Finance and Justice.

SEC. 3. Section sixty-eight of Act Numbered One hundred and thirty-six is hereby amended so as to read as follows:

"Sec. 68. Civil jurisdiction and powers.—In all civil actions (including those mentioned in sections two hundred and sixty-two to two hundred and seventy-two as herein amended), inclusive, and chapter eighteen of Act Numbered One hundred and ninety) arising in his municipality, and not exclusively cognizable by the Court of First Instance, the justice of the peace shall have exclusive original jurisdiction where the value of the subject-matter or amount of the demand does not exceed two hundred pesos, exclusive of interest and costs; and where such value or demand exceeds two hundred pesos but is less than six hundred pesos, the justice of the peace shall have jurisdiction concurrent with the Court of First Instance. In forcible entry and detainer proceedings the justice shall have original jurisdiction, but he may receive evidence upon the question of title therein solely for the purpose of determining character and extent of possession and damages for detention.

"A justice of the peace shall have no jurisdiction to adjudicate questions of title to real estate or any interest therein, and whenever a case requiring such adjudication is brought before him it shall be his duty, upon discovering the same, to suspend further proceedings therein and certify the cause forthwith to the Court of First Instance. The jurisdiction of a justice of the peace shall not extend to civil actions in which the subject of litigation is not capable of pecuniary estimation, except in forcible entry and detainer cases; nor to those which involve the legality of any tax, impost, or assessment; nor to actions involving admiralty or maritime jurisdiction; nor to matters of probate, the appointment of guardians, trustees, or receivers: nor to actions for annulment of marriage.

"A justice of the peace shall have power, anywhere within his territorial

jurisdiction, to solemnize marriages, administer oaths. take depositions and acknowledgments, and authenticate merchants' bonds as provided by articles nineteen and thirty-six of the Code of Commerce."

SEC. 4. *Jurisdiction In in/ and sentence.*—Justices of the peace, except in the city of Manila, shall have original jurisdiction to try parties charged with misdemeanors, offenses, and infractions of municipal ordinances, arising within the municipality, in which the penalty provided by law does not exceed six months' imprisonment or a fine of two hundred pesos, or both such imprisonment and fine: and subdivision (g) of section eighteen of Act Numbered Eighty-two is hereby repealed.

SEC. 5. Section seventy-one of Act Numbered One hundred and thirty-six, as amended by section six of Act Numbered Fourteen hundred and fifty, is hereby amended so as to read as follows:

"SEC. 71. *Audit and settlement.*— All fines and costs imposed by a justice of the peace in criminal prosecutions and all fees charged in civil suits or for any other service, and collected during any month, shall be paid, on the first day of the month succeeding their collection, to the municipal treasurer in the city of Manila to the Collector of Infernal Revenue, to whom, at the same time, the justice shall present a detailed statement of the amounts thus collected by him since his last previous report and of the amounts accruing to him from the municipal treasury during the same period. This account shall forthwith be audited by the municipal treasurer and president (in Manila, by the Insular Auditor) and he shall thereupon receive from the treasury the amount of his emoluments as allowed by such audit not exceeding for any month the monthly salary allowed by law to the president of the municipality : *Provided*, That in the city of Manila the justice of the peace shall receive, in lieu of all fees, the salary now fixed by law. The auditors above-mentioned shall examine the records of the justice of the peace and other papers or persons deemed necessary, and led receipts must be accounted for and turned in by said justice. But it shall not be necessary for the justice to of parties who have failed to pay costs taxed against them. If said auditors are of the opinion that needless prosecutions have been instituted for the purpose of enhancing fees, they shall report the facts to the judge of the Court of First Instance."

SEC. 6. Section seventy of Act Numbered One hundred and thirty-six, as amended by Act Numbered Fourteen hundred and fifty, is hereby repealed, and section seventy-five of Act Numbered One hundred and thirty-six is hereby amended so as to read as follows:

"SEC. 75. *Service of process; officer.*—The president of the municipality shall serve, or cause to be served, through the municipal police force, any process issued by the justice of the peace thereof and delivered to said president. Process of the justice may also be served through the same channels as process from the Court of First Instance, and civil process, other than executions, maybe served by any person designated by the justice for that purpose. The justice of the peace of Manila shall be allowed two clerks with salaries to be fixed in the annual appropriation Act for said city."

SEC. 7. Section seventy-six of Act Numbered One hundred and thirty-six, as amended by Act Numbered Fourteen hundred and fifty, is hereby amended so as to read as follows:

"SEC. 76. *The auxiliary justice* of the peace shall have the same qualifications and be subject to the same restrictions as the regular justice, and shall perform the duties of said office during any vacancy therein or in case of the absence of the regular justice from the municipality, or of his disability or disqualification, or in case of his death or resignation until the appointment and qualification of his successor, or in any cause whose immediate trial the regular justice shall certify to be specially urgent and which he is unable to try by reason of actual engagement in another trial. The auxiliary justice for such time as he shall perform the duties of justice shall receive the compensation which would have accrued to the office of justice: *Provided*, That the auxiliary justice of Manila shall receive for the trial of each cause certified to him by the regular justice, as above provided, the sum of three pesos, which amount shall be deducted from the salary of the regular justice."

"SEC. 8. Section seventy-three of Act Numbered One hundred and ninety is hereby amended so as to read as follows:

"SEC. 73. Disqualification of the regular justice shall result not alone from the disabilities mentioned in section eight of this Act (One hundred and ninety), but also when he is related within the sixth degree by marriage to either party. In every case if disqualification upon any of said grounds the regular justice shall notify the auxiliary, who shall thereupon appear and try the cause, unless he shall be likewise disqualified or otherwise disabled, in which event the cause shall be transferred to the next nearest justice of the peace of the province."

SEC. 9. Section fifty-one of Act Numbered One hundred and ninety is hereby amended by adding at the end thereof the following:

"But the time of appearance shall be regulated not by the latter but by the former code, unless the defendant shall reside more than fifteen kilometers from the *poblacion*."

SEC. 10. *Answer*.—The defendant may interpose any lawful defense orally or in writing, but if on appeal it does not otherwise appear, he shall be considered as having interposed a general denial only. A set-off, counterclaim, or reconvention for an amount within the justice's jurisdiction may also be interposed but must be in writing, and, if requested by the defendant, the justice shall reduce to writing the same. The first sentence of section fifty-six of Act Numbered One hundred and ninety is hereby repealed.

SEC. 11. *Demurrer*.—The defendant may challenge, orally or by written motion, the jurisdiction of the court over the subject-matter, the plaintiff's capacity to bring the action, or the sufficiency of the complaint on the ground that it fails to state a cause of action.

SEC. 12. Section sixty-five of Act Numbered One hundred and ninety is hereby amended so as to read as follows:

"SEC. 65. *Contempt proceedings*.—A justice of the peace may in contempt Proceed summarily impose a fine of not more than ten pesos or a term of imprisonment not exceeding one day, or both, upon any one guilty of

misconduct in the presence of the justice or so near as to interrupt the proceedings of his court or in open defiance of his authority; but the party adjudged in contempt may appeal from such sentence and the same shall lie slaved as in ordinary criminal cases."

SEC. 13. Section sixty-nine of Act Numbered One hundred and ninety is hereby amended so as to read as follows:

"Sec. 69. *Dockets: record.*—Every justice of the peace shall keep a well-bound book, labeled 'Docket,' in which he shall enter for each cause, civil or criminal:

- "1. Title of the proceeding, including the names of all parties.
- "2. Nature of the proceeding, whether civil or criminal, and if the latter, the offense charged.
- "3. Date of issuing preliminary and mesne or intermediate process, including orders of arrest and subpoenas and the time of return.
- "4. Appearance or default of the defendant.
- "5. Date of presenting of plea, answer, or demurrere and the nature of the same.
- "6. Minutes of the trial, including the date thereof of all adjournments.
- "7. Names and addresses of all witnesses.
- "8. Date and nature of judgment, and, if in a civil cause, the amount.
- "9. An itemized statement of the costs.
- "10. Date of execution, if one be issued, and copy of the return.
- "11. Date of filing notice of appeal, if one be filed, and by whom.

"It shall not be necessary for the justice to take down in writing the testimony of a witness in a cause, civil or criminal, except of the accused in preliminary investigations, as provided in section two of Act Numbered One hundred and ninety-four, as hereby amended, nor shall the justice be required to attend the sessions of the Court of First Instance except when regularly subpoenaed. But in criminal cases appealed to said court, and in preliminary investigations where the accused is bound over, the justice shall forward to the provincial fiscal a brief statement of the substance of the testimony. All witnesses, including the complainant, shall be examined under oath." Sections fifty-two and fifty-three of General Orders Numbered Fifty-eight, series of nineteen hundred, are hereby repealed.

SEC. 14. Venue.—The territorial jurisdiction of a justice of the peace, except in the case of *ex officio* justices and in other special cases provided by existing law, shall be coextensive with his municipality and the civil process of his court shall not run beyond the same except to summon a defendant impleaded with one who resides and has been served therein or as provided in section fifteen of this Act, forcible entry and detainer actions shall be brought in the municipality where the subject-matter thereof is situated. All other proceedings shall be instituted in the municipality wherein a defendant resides or may be served with summons.

SEC. 15. Section seventy-two of Act Numbered One hundred and ninety is hereby amended so as to read as follows:

"Sec. 72. *Execution.*—If after fifteen days from the rendition of the judgment no appeal shall have been perfected as provided in this Act, the