

[Act No. 1450, February 03, 1906]

AN ACT AMENDING CERTAIN SECTIONS OF ACTS NUMBERED ONE HUNDRED AND THIRTY-SIX, ONE HUNDRED AND NINETY, AND ONE HUNDRED AND NINETY-FOUR, AND MAKING ADDITIONAL PROVISIONS SO AS TO INCREASE THE EFFICIENCY OF COURTS OF JUSTICES OF THE PEACE.

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, entitled "An Act providing for the organization of courts in the Philippine Islands," is hereby amended so as to read as follows:

"SEC. 67. *Appointment and term of office of justices of the peace and auxiliary justices of the peace.*—Justices of the peace and auxiliary justices of the peace shall be appointed by the Governor-General,, by and with the consent of the Philippine Commission, for a period of two years from the first Monday in January nearest the date of appointment. They shall be appointed from lists of suitable persons submitted to the Governor-General by the judge of the Court of First Instance of the judicial district in which the municipalities respectively are situated. Vacancies shall be filled for an unexpired term in the same manner as original appointments are made. It shall be the duty of each judge of the Court of First instance forthwith to prepare and forward to the Governor-General a list of eligibles in his district from which appointments may be made for the terms of office of justices of the peace and auxiliary justices of the peace beginning on the first Monday in January, nineteen hundred and six, and thereafter it shall be the duty of each judge, at least thirty days prior to the expiration of the terms of office of the justices of the peace and auxiliary justices of the peace within his district, and immediately after a vacancy arises, to prepare and forward to the Governor-General a like list of eligibles from which appointments may be made for the ensuing term, or to fill a vacancy, as the case may be."

SEC. 2. Section seventy of Act Numbered One hundred and thirty-six is hereby amended so as to read as follows:

"SEC. 70. *No clerk authorized for justice courts.*—No clerk shall t be provided for any justice of the peace. Justices of the peace shall keep their own records."

Justices of the peace shall not be required to reduce to writing ; any testimony adduced before them, either in civil or criminal actions or in making preliminary investigations: *Provided*, That, in case a defendant in a preliminary investigation of a criminal offense shall elect to testify in his own behalf as provided in section two of Act Numbered One hundred and ninety-four, his testimony shall be reduced to writing and signed by him, and if he refuses to sign the same that fact shall be certified by the justice of the peace, with the reason for such refusal given by the accused.

That portion of section two of Act Numbered One hundred and ninety-four, entitled

"An Act conferring jurisdiction on justices of the peace and presidents to make preliminary investigations of criminal offenses, and amending General Orders, Number Fifty-eight, of the Military Governor of the year nineteen hundred," which reads, "All witnesses, including the complainant, shall be examined under oath and the evidence of each shall be taken down in writing and signed by the witnesses so testifying," is hereby repealed. The justice of the peace shall, however, record the names of the witnesses testifying for the plaintiff or for the Government, and also the names of those testifying for the defendant, in either civil or criminal cases and in preliminary investigations. In criminal actions tried by a justice of the peace, in case appeal is taken by the defendant to the Court of First Instance, the justice of the peace shall transmit to the fiscal of the province, as soon as the appeal is perfected, a brief statement of the substance of the testimony of the material important witnesses according to his recollection and in case a defendant in a preliminary investigation for a criminal offense shall be bound over to trial before the Court of First Instance the justice of the peace shall immediately, upon the conclusion of the trial, forward to the fiscal a like brief statement of the substance of the testimony of the material important witnesses in order that the fiscal may be able to judge of the proper form in which the complaint should be made in the Court of First Instance, and to furnish him the names of the important witnesses.

SEC. 3. No justice of the peace shall be required to attend the sessions of the Court of First Instance to give testimony in a criminal action where the preliminary investigation was held before the justice of the peace unless the judge of the Court of First Instance shall specially direct that the justice be summoned to meet any particular testimony that shall be offered on the trial.

SEC. 4. Justices of the peace shall be entitled to occupy the office of the municipal secretary for the hearing of actions properly triable within the municipality, and if a justice does not occupy the office of the secretary of the municipality he shall maintain at the seat of municipal government an office or a suitable place for the trial of such cases as may come before him.

SEC. 5. Justices of the peace and auxiliary justices are not required to devote their whole time to the duties of justice of the peace or auxiliary justice, but may carry on any other occupation or profession such as will not interfere with the performance of their official duties.

SEC. 6. Section seventy-one of Act "Numbered One hundred and thirty-six is hereby amended as follows:

- a. (a) By striking out of said section the words "A justice shall be entitled to a fee of three pesos for each action, civil or criminal, tried by him," and inserting in lieu thereof the following: "A justice of the peace shall be entitled to a fee of three pesos for each civil action and of five pesos for each criminal action tried by him. He shall be entitled to no additional fees for issuing subpoenas or any process in the action, or for administering oaths, or for issuing execution, or for any other service therein, or for appeal or proceedings appertaining thereto, including the taking of bond and making and forwarding the transcript of record ;" and
- b. (b) By striking out of said section the words "If the auditors are of the opinion that needless prosecutions have been instituted for the purpose of enhancing