

[Act No. 612, February 03, 1903]

AN ACT AMENDING ACT NUMBERED ONE HUNDRED AND EIGHTY-THREE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF MANILA," AS AMENDED BY ACTS NUMBERED TWO HUNDRED AND SIXTY-SEVEN AND FOUR HUNDRED AND SEVENTY-SIX, AND AMENDING ACT NUMBERED ONE HUNDRED AND EIGHTY-FIVE, ENTITLED "AN ACT REGULATING THE SALARIES OF OFFICERS AND EMPLOYEES IN THE MUNICIPAL SERVICE OF MANILA," AS AMENDED BY SAID ACT NUMBERED FOUR HUNDRED AND SEVENTY-SIX.

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

SECTION 1. Section thirty-nine of Act Numbered One hundred and eighty-three, entitled "An Act to incorporate the city of Manila," as amended by Act Numbered Four hundred and seventy-six, is hereby amended so as to provide that there shall be three Assistant Prosecuting Attorneys who shall assist the Prosecuting Attorney as he shall direct, instead of four such assistants, as provided in said Act Numbered Four hundred and seventy-six.

SEC. 2. Section forty of Act Numbered One hundred and eighty-three, entitled "An Act to incorporate the city of Manila," enacted July thirty-first, nineteen hundred and one, is hereby amended by abolishing the two municipal courts therein provided for and substituting therefor one municipal court with territorial jurisdiction embracing the entire police jurisdiction of the city, and with exactly the same powers and duties in the exercise of its jurisdiction over the whole territory within the police jurisdiction of the city as the two existing municipal courts have heretofore exercised within the limits of their respective territorial jurisdictions. All the provisions with respect to the processes, procedure, rights of parties, and jurisdiction, except territorial, of section forty shall be and remain in force, so far as the same are or can be made applicable to one court instead of two, with respect to the new court, except as hereinafter specifically amended or modified. The duties and powers which appertain to the executive officers of the city or the Insular Government, with respect to the two courts created by section forty, shall hereafter appertain to them in respect to the single court now substitute for the two existing courts.

The Civil Governor, by and with the consent of the Commission, shall appoint a judge and clerk for such new municipal court, and a vacancy occurring in the clerkship, after the first appointment, shall be filled under the provisions and restrictions of the Civil Service Act. A temporary vacancy in the office of the judge, occasioned by sickness or absence, shall be filled by appointment by the Civil Governor. It shall not be within the power of a defendant in the municipal court in a case triable in that court to demand a preliminary examination, except a summary one, the extent of which shall be within the discretion of the court, to enable the court to fix the bail, in any case where the prosecution announces itself ready and is ready for trial within three days, not including Sundays, after the request for a preliminary examination is presented to the court. In cases triable only in the Court of First Instance in the city of Manila, the defendant shall have a speedy trial, but shall not be entitled as of right to a preliminary examination in any case where the

prosecuting attorney, after a due investigation of the facts, under section thirty-nine of Act of which this is an amendment, shall have presented an information against him in proper form: *Provided, however,* That the Court of First Instance may make such summary investigation into the case as it may deem necessary to enable it to fix bail or to determine whether the offense is bailable.

SEC. 3. All cases now pending in the present municipal courts of Manila shall be transferred to the municipal court by this Act established, and they shall proceed to judgment exactly as if they had been begun in the municipal court by this Act established, and with the same effect as though they had been prosecuted to judgment in the present municipal courts.

SEC. 4. Section forty-two of Act Numbered One hundred and eighty-three, entitled "An Act to incorporate the city of Manila," as amended so that said section shall read as follows:

"SEC. 42. *Appeals to Courts of First Instance.*—An appeal shall lie to the Court of First Instance next to be held within the city, in all cases of acquittal, or where fine or imprisonment, or both, is imposed by the municipal court. To perfect an appeal, the party desiring to appeal shall, before six o'clock postmeridian of the day after the rendition and entry of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of proceedings and all the original papers and process in the case, and the clerk of the Court of First Instance shall docket the appeal in that court. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for trial *de novo* upon its merits in accordance with the regular procedure in that court, as though the same had never been tried and had been originally there commenced. Pending an appeal, the defendant shall remain in custody unless released in the discretion of the judge of the municipal court or of the judge of the Court of First Instance upon sufficient bail, in accordance with the rules and regulations now or hereafter in force, to await the judgment of the appellate court."

This section shall only apply to prosecutions for offenses committed after the passage hereof. As to offenses committed before the passage hereof, the provisions of law for appeals from the existing municipal courts shall be in force in so far as they may be applicable to appeals from the municipal court by this Act created.

SEC. 5. In the municipal court of Manila judicial notice shall be taken of all municipal ordinance passed by the Municipal Board for the city of Manila, and no proof of the same shall be required; and in cases of appeal from judgments of the municipal court into the Court of First Instance, the same rule of evidence shall obtain.

SEC. 6. Section twelve of Act Numbered One hundred and eighty-five, entitled "An Act regulating the salaries of officers and employees in the municipal service of