

[Act No. 867, September 05, 1903]

AN ACT TO AMEND AND REVISE CERTAIN SECTIONS OF ACTS NUMBERED ONE HUNDRED AND THIRTY-SIX, ONE HUNDRED AND FORTY, AND ONE HUNDRED AND FIFTY-ONE, RELATING TO THE ORGANIZATION OF COURTS, BY MAKING NEW PROVISION FOR A COURT VACATION AND THE LEAVES OF ABSENCE OF THE JUDGES, AND FOR THE TERMS, SESSIONS, AND PLACES FOR HOLDING THE SUPREME COURT, BY REARRANGING THE JUDICIAL DISTRICTS OF THE ISLANDS AND THE TIMES AND PLACES OF HOLDING COURTS IN EACH PROVINCE, WITH SPECIAL PROVISION ASSIGNING PART OF ZAMBALES PROVINCE TO JURISDICTION OF COURT OF PANGASINAN, ADDING TWO DISTRICTS AND PROVIDING A JUDGE FOR EACH NEW DISTRICT, BY REVISING EXISTING PROVISIONS OF LAW AS TO SPECIAL TERMS AND THE PERFECTING OF BILLS OF EXCEPTIONS AT SUCH TERMS, AS TO WHERE JUDGES MAY SIGN JUDGMENTS, AS TO THEIR TRAVELING EXPENSES AND THOSE OF CERTAIN FISCALS AND CLERKS, PROVIDING FOR SALARIES OF CLERKS AND FOR APPOINTMENT OF CLERKS AND DEPUTIES AND FISCALS IN CERTAIN DISTRICTS, AND FOR OTHER PURPOSES.

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

SECTION 1. The following sections are substituted for sections five and six of Act Numbered One hundred and thirty-six, entitled "An Act providing for the organization of courts in the Philippine Islands":

"SEC. 5. *Court vacation and judicial leaves of absence.*—(a) The regular sessions of the Supreme Court and of the Courts of First Instance in the Islands may be suspended for the period beginning with the first of May and closing with the first of July of each year, which shall be known as the court vacation.

"(b) During the court vacation one judge of the Supreme Court and one judge of the Court of First Instance of the judicial district of Manila shall be present in Manila, one of the four judges at large of the Court of First Instance shall remain in the Islands subject to the call of the Civil Governor, and, of the judges of First Instance outside the district of Manila assigned to regular judicial districts, at least five shall remain on duty in their respective districts.

"(c) On or before the first of December of each year, the Chief Justice of the Supreme Court shall recommend to the Governor the names of the judges who should be assigned to duty as above during the court vacation. In making his recommendation the Chief Justice shall select the five judges with a view to the convenient exercise of interlocutory jurisdiction by each of the judges selected in two neighboring districts, so that for interlocutory purposes there may be a judge available in every three districts. The Civil Governor shall, on or before the first of January each year, issue an executive order naming the judge of the Supreme Court and of all Courts of First Instance who shall remain on duty, subject

to call for the purposes of interlocutory jurisdiction, throughout the Islands. In this executive order the Governor shall assign to the regular judges of the Courts of First Instance the districts over which, in addition to their own districts, they shall during vacation exercise interlocutory jurisdiction. The assignment of judges for vacation duty, shall be so arranged that no judge shall be assigned for vacation duty more than once in three years. The executive order herein, required may be modified from time to time upon the recommendation of the Chief Justice and adjusted to emergencies and newly arising conditions.

"(d) The interlocutory jurisdiction referred to in the previous sections of this Act shall be held to include the hearing of all motions for appointment of receiver, for temporary injunctions, and for all other orders of the court which are not final in their character and do not involve a decision of the case pending upon its merits. The interlocutory jurisdiction shall also include the hearing of petitions for the writ of habeas corpus, applications for bail, the holding of preliminary examinations, and such orders in criminal causes as do not involve a final sentence of conviction or judgment of acquittal.

"(e) The judge of the Supreme Court assigned to vacation duty shall have jurisdiction, not only to make the interlocutory orders in the Supreme Court which one judge under the law has power to make, but he may also act as a judge of the Court of First Instance to exercise the interlocutory jurisdiction defined in the foregoing section in every district in the Islands: and for this purpose he may direct process to issue from the clerk's office of the proper court, making the service returnable in the city of Manila, where he shall have the hearing. If a hearing in Manila will subject the parties to unjust and burdensome expense, he may assign the cause to be heard by one of the judges of First instance on vacation duty at a more convenient place. A judge of a Court of First Instance assigned by the executive order of the Civil Governor to exercise interlocutory jurisdiction during vacation in two or three districts may direct process to issue by the clerk of the proper court, to be returnable to any place in either district under his jurisdiction where he can hear the pending matter. The judge at large of the Court of First instance assigned to vacation duty shall be subject to the call of the Civil Governor to visit any district and there hold court as a judge of First Instance of that district to dispose of interlocutory matters.

"(f) The Civil Governor may, when in his judgment the emergency shall require, direct any judge assigned to vacation duty to hold during the vacation a special term of court in any district, there to hear civil or criminal cases and enter final judgment therein.

"(g) The judges of the Supreme Court and judges of the Courts of First Instance not assigned to vacation duty may spend their vacation either in the Islands or abroad. Every third year, in addition to his vacation, each judge of the Supreme Court and each judge of a Court of First instance shall be entitled to an additional vacation of three months. This five months vacation shall be assigned to him by the Civil Governor, but shall always be fixed for a period to include the regular court: vacation. No leave shall accumulate from year to year to the judges under this Act,

but the Governor may, in his discretion, postpone the extra three months' vacation in the case of any judge from one year to the next, if this is required by the public business, provided the judge shall have at least two such vacations in six years: *Provided, however,* That for the period prior to the going into effect of this Act any judge may have the benefit of the leave then accruing to him under the provisions of Act Numbered Eighty and its amendments, if he so elect, after the passage of this Act.

"(h) Leaves of absence for the Attorney-General Solicitor-General, Assistant Attorney-General, and all subordinates in the office of the Attorney-General shall be granted by the Secretary of Finance and Justice in accordance with the terms of Act Numbered Eighty, as amended.

"(i) Leaves of absence for the clerk of the Supreme Court and the clerks of the Courts of First Instance and the subordinate officials and employees of said courts shall be granted by the Secretary of Finance and Justice upon the recommendation, in the case of the Supreme Court officials, of the Chief Justice, and in the case of the officials and employees of the Courts of First Instance, upon the recommendation of the respective judges of First Instance, all in accordance with the provisions of Act Numbered Eighty, as amended.

"(j) During the court vacation, and during the leaves of absence for five months granted every third year, the judges affected thereby and enjoying the same shall draw full pay. The right to a leave of absence for five months shall accrue to all judges who have served three years in the Islands and who have not during that time visited the United States, and this provision shall be retroactive. The leaves of absence to visit the United States granted to judges of the Supreme Court and judges of the Courts of First Instance shall be announced in the same executive order which the Civil Governor is required to issue under section five (c), assigning the judges to vacation duty. The service of a judge appointed from the United States shall be deemed to have begun for the purposes of this section thirty days before he landed in the Islands ready for duty.

"SEC. 6 (a) A person residing in the United States who is appointed judge of the Supreme Court or judge of a Court of First Instance of the Philippine Islands shall be paid the traveling expenses of himself and family from his place of residence to Manila, if he shall come by the route directed by the Chief Executive of the Islands. He shall be allowed one-half salary from the date of leaving home to come to Manila, and full salary from the date of his arrival in the Islands: *Provided,* That he proceed directly to the islands; otherwise, he shall be allowed half salary for such time only as is ordinarily required to perform the journey from his place of residence to Manila.

"(b) If one has been employed as judge in the Philippine Islands for three years, he shall, if he so requests, upon his retirement from the service, be furnished with transportation for himself and family from Manila to his place of residence."

SEC. 2. The following is substituted for section eleven of Act Numbered One hundred and thirty-six:

"SEC. 11. *Sessions of the Supreme Court.*—The Supreme Court shall hold at Manila two regular terms for the hearing of causes, the first commencing on the second Monday of January and the second on the second Monday of July. Each regular term shall continue to and include the day before the opening of the next regular term. The Supreme Court shall convene and hold a session after the regular court vacation on the first day of July, or, if that be a holiday, then upon the next day thereafter not a holiday, for the purpose of hearing such motions and applications as should be heard before the close of the term. The court shall also meet upon the second day of January, or if that be a holiday, upon the next day thereafter which is not a holiday, for the purpose of hearing such business of the regular July term as should be heard before the end of the term. The office of the clerk of the Supreme Court shall always be open for the transaction of business, except upon lawful holidays, and the court shall always be open for the transaction of such interlocutory business as may be done by a single member thereof. The sessions of the court for the hearing of cases shall be held on such days in the week, and for such length of time, as the court by its rules may order."

SEC. 3. The following is substituted for section thirteen of Act Numbered One hundred and thirty-six:

"SEC. 13. *Where actions shall be heard.*—All actions coming into the Supreme Court shall be heard at Manila except when special shall be ordered by the court to be held at Cebu or Iloilo, in which case the court shall by order direct the hearing of those cases which are to be heard at such places, respectively."

SEC. 4. *Judges of First Instance; two additional.*—The judges of First Instance appointed under existing law and assigned to the Manila Judicial District and to the various numbered judicial districts, and the judges of First Instance at large, shall continue to act as judges of such Manila and numbered districts and at large, respectively. There shall be appointed, in addition to the existing judges of First Instance, by the Civil Governor, with the consent of the Commission, two judges of First Instance, one for the Mountain District and the other for the Fifteenth Judicial District, who shall respectively hold the Courts of First instance in those districts as defined in the fifth and seventh sections of this Act, and who shall receive the salaries prescribed in the sixth section of this Act.

SEC. 5. *Judicial Districts.*—The following judicial districts for Courts of First Instance in the Philippine Islands are hereby established:

The city of Manila shall constitute one judicial district, to be known as the Judicial District of Manila, and the other judicial districts shall severally consist of the provinces and islands as hereinafter stated:

The First Judicial District shall consist of the Provinces of Cagayan and Isabela.

The Second Judicial District shall consist of the Provinces of Ilocos Norte, Ilocos Sur, and Abra.

The Mountain Judicial District shall consist of the Provinces of Lepanto-Bontoc, Benguet, and Nueva Vizcaya.

The Third Judicial District shall consist of the Provinces of La Union, Pangasinan, and Zambales.

The Fourth Judicial District, shall consist of the Provinces of Tarlac, Pampanga, and Nueva Ecija.

The Fifth Judicial District shall consist of the Provinces of Bulacan and Rizal.

The Sixth Judicial District shall consist of the Provinces of La Laguna, Cavite, and Bataan.

The Seventh Judicial District shall consist of the Provinces of Batangas, Tayabas, and Mindoro.

The Eighth Judicial District shall consist of the Provinces of Sorsogon, Albay, and Ambos Camarines.

The Ninth judicial District shall consist of the Province of Iloilo.

The Tenth Judicial District shall consist of the Provinces of Occidental Negros and Antique.

The Eleventh Judicial District shall consist of the Provinces of Cebu, Oriental Negros and Bohol. The judge of First Instance at large resident at Cebu may hold any Court of First Instance in the Eleventh Judicial District upon written assignment by the regular judge of the district, and without the action by the Civil Governor required by law in respect to holding of court by judges of First Instance at large in other cases.

The Twelfth Judicial District shall consist of the Provinces of Samar and Leyte.

The Thirteenth Judicial District shall consist of the Provinces of Surigao and Misamis. the district of Lanao, and the subdistrict of Dapitan, of the Moro Province.

The Fourteenth Judicial District shall consist of the Moro Province, except the district of Lanao and the subdistrict of Dapitan.

The Fifteenth Judicial District shall consist of the Provinces of Capiz, Bomblon, Masbate and Paragua.

SEC. 6. Salaries of judges of First Instance.—The annual salaries of the judges of the Courts of First Instance shall be as follows, payable monthly:

The judges for the Mountain District and for the First, Second,

Thirteenth, Fourteenth, and Fifteenth Districts, and the judges at large, four thousand five hundred dollars each.

The judges for the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth Districts, five thousand dollars each.

The judges for the District of Manila, five thousand five hundred dollars each.