

[Act No. 136, June 11, 1901]

AN ACT PROVIDING FOR THE ORGANIZATION OF COURTS IN THE PHILIPPINE ISLANDS.

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

CHAPTER I.

GENERAL PROVISIONS.

SECTION 1. *Courts of justice to be maintained in every province.* Courts of justice shall be maintained in every province in the Philippine Islands in which civil government shall be established; which courts shall be open for the trial of all causes proper for their cognizance, and justice shall be therein impartially administered without corruption or unnecessary delay.

SEC. 2. *Constitution of judiciary.*—The judicial power of the Government of the Philippine Islands shall be vested in a Supreme Court, Courts of First instance, and courts of justices of the peace, together with such special jurisdictions of municipal courts, and other special tribunals as now are or hereafter may be authorized by law. The two courts first named shall be courts of record.

SEC. 3. *Qualifications of judges, and so forth.*—In order to be eligible to the office of Chief Justice of the Supreme Court, or judge of the Supreme Court, or judge of a Court of First Instance, or Attorney-General, a person must:

1. Be more than thirty years of age;
2. Be a citizen of the United States or a native of the Philippine Islands, or have acquired, by virtue of the Treaty of Paris, the political rights of a native of the Islands;
3. He must have practiced law, or have been a judge of a court of record, in the United States or the Philippine Islands, or in Spain, or, previous to the date of the ratification of the Treaty of Paris, in any Spanish territory, for a period of five years, or must for a like period have filled any office which requires a legal degree as an indispensable qualification in the Philippine Islands or, previous to the date of the ratification of the Treaty of Paris, in any Spanish territory.

SEC. 4. *Hours of labor of court employees.*—The hours of labor of all employees in and about the Supreme Court and the Courts of First Instance shall be regulated by section one of Act Numbered Eighty, entitled, "An Act regulating the hours of labor, leaves of absence, and transportation of appointees under the Philippine Civil Service," enacted January twenty-sixth, nineteen hundred and one.

SEC. 5. *Leaves of absence.*—All leaves of absence of the judges of the Supreme Court, the Attorney-General, Solicitor-General, and Assistant Attorney-General, clerk, and other subordinates of the Supreme Court, and judges of Courts of First Instance, shall be granted by the Chief Justice.

Leaves of absence of clerks and other subordinates, officials or employees of Courts of First Instance shall be granted by the judge of the Court of First Instance, for each province within his judicial district. The Chief Justice shall determine his own leave of absence, but his leave of absence and that of all the other officials and employees in this Act named shall be governed by sections two and three of Act Numbered Eighty, above referred to.

SEC. 6. *Transportation of judges, and salary while traveling.*—A person residing in the United States who is appointed judge of the Supreme Court, or judge of the 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 steamer and 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 proceeds 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. If he has been employed as judge in the Philippine Islands for three years or more 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, and be allowed half salary for thirty days, in addition to full salary for the period for which he may be entitled as leave of absence, under the provisions of this Act, and of said Act Numbered Eighty.

SEC. 7. *Official oath of judicial officers.*—The judges and justices of the several courts shall, before they proceed to execute the duties of their respective offices, take and subscribe to the following oath or affirmation, to wit:

"I, _____ solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____, according to the best of my ability and understanding, agreeably to the laws of the Philippine Islands. And that recognize and accept the supreme authority of the United States of America in these Islands, and will maintain true faith and allegiance thereto; that I impose upon myself this obligation voluntarily, without mental reservation or purpose of evasion; so help me God." (The last four words to be stricken out in case of affirmation.)

"(Signature)_____

"Subscribed and sworn to (or affirmed) before me this _____ day of _____, 19____."

The oath may be administered by any member of the Philippine Commission, or by any judge or justice of the peace duly qualified to act, and shall be filed with the clerk of the court in which the official taking the oath presides, and be by him recorded in the records of the court.

SUPREME COURT.

SEC. 8. *Supreme Court.*—The Supreme Court shall consist of a Chief Justice and six associate judges, any five of whom when convened shall form a quorum, and may transact any of the business of the court; but in the absence of a quorum the member or members present may adjourn the court from time to time with the same effect as if all were present. The concurrence of at least four members of the court shall be necessary to pronounce a judgment. They shall be appointed by the Commission, and shall hold office during its pleasure. The word "Judges" or "Judge's of the Supreme Court," when used in this Act, shall include the Chief Justice.

SEC. 9. *Salaries of the judges of the Supreme Court.*—The annual salary of the Chief Justice shall be seven thousand five hundred dollars, and of the associate judges seven thousand dollars, all payable monthly.

SEC. 10. *The Supreme Court to sit in banc.*—The Supreme Court shall sit in bane as a body composed of all its members, and the Chief Justice shall be the presiding officer thereof. In case of his absence at a session of the court, the judge present next in seniority to the Chief Justice shall preside. The seniority of the associate judges shall be determined by the dates of their respective commissions.

SEC. 11. *Sessions of the Supreme Court.*—The Supreme Court shall always be open for the transaction of business. It shall hold regular terms for the hearing of causes at Manila, commencing on the second Monday of January and July, and at Iloilo, commencing on the first Monday of November and at Cebu on the first Monday of December of each year, and special sessions at either of the above-named places at such other times as may be prescribed by the judges thereof. The regular terms at Manila shall each continue for at least four successive months unless all the business of the sessions has been sooner completed. The rooms at other times occupied by the Courts of First Instance at Cebu and Iloilo shall be available for the use of the Supreme Court in its sessions at those cities. Sessions of the court for hearing causes shall be held on five days in each week, when there is business to be transacted, and the sessions shall continue not less than four hours on each day.

SEC. 12. *Allowance for traveling expenses.*—The judges and officers of the Supreme Court, the Attorney-General, the Solicitor-General, and assistant attorney-general shall be allowed their actual expenses of travel and subsistence when absent from Manila on the business of the court, or to attend its sessions, upon the certificate of the Chief Justice and the approval of the Auditor.

SEC. 13. *Where actions shall be heard.*—All actions coming into the Supreme Court from Courts of First Instance situated in the Islands of Luzon, Mindoro, Marinduque, and Paragua, shall be heard at Manila. Those coming into the Supreme Court from Courts of First Instance situated in the Islands of Romblon, Panay, Masbate, and Negros, the Sulu Archipelago, and the south half of Mindanao, shall be heard at Iloilo. Those coming from the Islands of Cebu, Bohol, Samar, Leyte, and the north half of Mindanao, shall be heard at Cebu. Original actions in the Supreme Court shall be filed in Manila, but may be hoard at Iloilo or Cebu, if the Court shall so order.

SEC. 14. *Transferring of hearings.*—Whenever the public good, or the convenience of individuals, or the necessity for speedy hearings, requires that any action, or any number of actions, which would by the terms of this Act be properly triable at either

one of said places, should be heard at another of them, the Supreme Court may order such action or actions to be heard at either Manila, Cebu, or Iloilo, as it finds most expedient, and with the same effect as though such actions or actions had been heard at the place provided in the preceding section.

SEC. 15. *Decisions to be in writing.*—In the determination of causes, all decisions of the Supreme Court shall be given in writing, signed by the judges concurring in the decision, and the grounds of the decision shall be stated as briefly as may be consistent with clearness.

SEC. 16. *Jurisdiction of the Supreme Court.*—The jurisdiction of the Supreme Court shall be of two kinds:

1. Original; and
2. Appellate.

SEC. 17. *Its original jurisdiction.*—The Supreme Court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, habeas corpus, and quo warranto in the cases and in the manner prescribed in the Code of Civil Procedure, and to hear and determine the controversies thus brought before it, and in other cases provided by law.

SEC. 18. *Its appellate jurisdiction.*—The Supreme Court shall have appellate jurisdiction of all actions and special proceedings properly brought to it from Courts of First Instance, and from other tribunals from whose judgment the law shall specially provide an appeal to the Supreme Court.

SEC. 19. *Power to issue all necessary auxiliary writs.*—The Supreme Court shall have power to issue writs of certiorari and all other auxiliary writs and process necessary to the complete exercise of its original or appellate jurisdiction.

SEC. 20. *The clerk and his assistants.*—The Commission shall appoint a clerk, who shall be the recording officer and interpreter and translator of the Court, and perform such duties as are prescribed in the Code of Civil Procedure. He shall receive a salary at the rate of three thousand dollars per year, and all fees charged by him for his own services or those of his assistants shall belong to the Government. He may be at any time removed by the judges of the Supreme Court, and his successor may be appointed by them from a list of eligibles provided by the Civil Service Board under the rules of the Civil Service Act. He may employ such deputies and assistants as the majority of the judges of the Supreme Court may decide to be necessary, and at salaries to be by them fixed, all with the approval of the Chief Executive. The selection of such assistants shall be made in accordance with the provisions of the Civil Service Act.

SEC. 21. *Clerk's bond.*—Before entering upon the performance of his duties the clerk of the Supreme Court shall execute a bond to the Government of the Philippine Islands in the penal sum of ten thousand dollars, with sufficient surety, to be approved by the Insular Treasurer, conditioned for the faithful performance of his duties and for the payment to those entitled thereto of all sums of money that shall come into his hands or into those of his deputies and assistants by virtue of his office. The bond shall be recorded in the books of the Insular Treasurer and be

retained in his office, and shall be available for any party in interest. The clerk may require of his deputies and assistants a sufficient bond to indemnify him against the malfeasance or nonfeasance of such deputies or assistants.

SEC. 22. *Governor of province to be officer of court.*—The officer of the Supreme Court to serve its process and enforce good order in and about the court room shall be the governor, or his deputy, of the province in which the court is held, when the court is in session at Cebu or Iloilo. At other times its officer shall be the sheriff of the city of Manila, as hereinafter provided.

SEC. 23. *Governor to execute an official bond.*—The governor of the province shall, before being qualified to perform the duties of officer of any court, execute a bond, with sufficient sureties, to the Government of the Philippine Islands, in the penal sum of ten thousand dollars, to be approved by the provincial treasurer, conditioned for the faithful performance of the duties of himself and his deputies as officer of the court, and the payment of all sums of money that shall come into his or their hands officially, to the persons entitled thereto. The bond shall be recorded in the books of the provincial treasurer and kept on file in his office, and shall be available as security for the benefit of any person in interest. The governor may require each deputy by him appointed to execute to him a sufficient indemnity for his protection against the malfeasance or nonfeasance of such deputy.

SEC. 24. *Provisions for officer when governor fails to give bond.*— In case the governor shall fail to give the bond provided in the preceding section within thirty days after his election, it shall be the duty of the judge of the Court of First Instance of the province to appoint, in writing, a suitable person as the officer of the courts of the province, and the officer so appointed, upon executing the bond provided in the preceding section, shall be the officer of the courts of the province, with the same powers in the execution of process and appointment of deputies as the governor would have had he given the bond required.

The person so appointed shall hold office until the expiration of the term of office, of the governor, and shall he called the sheriff of the province, and may require bonds of his deputies, as provided in the preceding section.

SEC. 25. *Officer of courts in Manila.*—The officer of the Supreme Court to serve its process and enforce good order in and about the court room of the courts in session at Manila shall be the sheriff of the city of Manila, to be appointed by the Commission, to hold office during its pleasure. The sheriff of the city of Manila shall have power to appoint as many deputies as he deems expedient, and may, in person or by his deputies, serve any process, preliminary or final, issued from the Supreme Court, a Court of First Instance, or court of justice of the peace in the city of Manila. Before entering upon the performance of his duties he shall execute a bond, with sufficient surety, to the Government of the Philippine Islands, in the penal sum of twenty-five thousand dollars, to be approved by the Insular Treasurer, conditioned for the faithful performance of the duties of himself and deputies as officers of the court, and the payment of all sums of money that shall come into his or their hands officially, to the persons entitled thereto. The bond shall be recorded in the books of the Insular Treasurer, and kept on file in his office, and shall be available as security for the benefit of any person in interest. The sheriff may require each deputy by him appointed to execute to him a sufficient indemnity for his protection against the malfeasance or nonfeasance of such deputy.