

[REPUBLIC ACT NO. 1401, September 09, 1955]

AN ACT CREATING A JUVENILE AND DOMESTIC RELATIONS COURT IN THE CITY OF MANILA-AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED FOUR HUNDRED AND NINE OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF MANILA.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Republic Act Numbered Four hundred nine is amended by inserting between sections thirty-eight and thirty-nine thereof a new Article, to be known as Article VIII-A, to read as follows:

"ARTICLE VIII-A.—The Juvenile and Domestic Relations Court

*"SEC 38-A.—The Juvenile and Domestic Relations Court.—*There shall be a Juvenile and Domestic Relations Court in the City of Manila for which a judge who shall possess the same qualifications, enjoy the same privileges and receive the same salary as judges of courts of first instance, shall be appointed by the President of the Philippines with the consent of the Commission on Appointments.

"Provisions of the Judiciary Act to the contrary notwithstanding, the court shall have exclusive original jurisdiction to hear and decide the following cases after the effectivity of this Act:

"(a) Criminal cases cognizable by the Municipal Court and the Court of First Instance of Manila wherein the accused is under sixteen years of age at the time of the trial;

"(b) Cases involving custody, guardianship, adoption, paternity and acknowledgement;

"(c) Annulment of marriages, legal separation of spouses, and action for support;

"(d) Proceedings brought under the provisions of articles one hundred sixteen, two hundred twenty-five, two hundred fifty-two and three hundred thirty-two of the Civil Code;

"(e) Petitions for the declaration of absence and for the change of name;

"(f) Actions for the separation of property of spouses;

"(g) Proceedings affecting a dependent or neglected child, as hereinafter

defined.

"The court shall likewise have such incidental powers as are generally possessed by courts of first instance.

"If any question involving any of the above matters should arise as an incident in any case pending in the ordinary courts, said incident shall be determined in the case.

"SEC. 38-B. *'Dependent' or 'neglected' child defined.*- The term 'dependent child' or 'neglected child' shall mean any child under sixteen years of age who is dependent the public for support or who is destitute, homeless or abandoned; or who has no proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill fame or with any vicious or disreputable person, or whose home, by reason c neglect, cruelty or depravity on the part of its parents guardian or other person in whose care it may be, is an unfit place for such child.

"SEC. 38-C. *Proceedings concerning a 'dependent' or 'neglected' child.*— The Social Welfare Administrator or his representative who is a resident of the city, having knowledge of a child in the city who appears to be a 'dependent' or 'neglected' child may file with the clerk of the court a written petition, setting forth the facts constituting the child 'dependent' or 'neglected;' which petition shall be verified by the affidavit of the petitioner. It shall be sufficient, if the affidavit shall be upon information and belief. Such petition shall set forth the name of the parent or parents of such child, if known, arid their residence; and if such child has no parent living, then the name and residence of the guardian of such child, if it has one.

"Upon the filing of such petition, the judge of said court shall fix the day and time for the hearing of such petition. If it appears that one or both of such parents, or guardian, if there be no parents, reside in the city, the clerk of said court shall immediately issue summons, which shall include a copy of the petition, and which shall be served on such parent, parents, or guardian, if any, if either can be found in the city, not less than two days before the time fixed for said hearing, requinj them to appear on said day and hour to show cause, if any, why such child should not be declared by said court to be a 'dependent' or 'neglected' child. If it appears from the petition that neither of said parents is living, or do not reside in the city and that said child has no guardian residing in said city, or in case one or both of said parents, or the guardian in case there be no parents, shall indorse on said petition a request that the child be declared a 'dependent child,' then the summons herein provided for shall not be issued; and the court may thereupon proceed to a hearing of the case. In case neither of the parents or guardian is found, then the court shall appoint some suitable person to represent said child in said case.

"Upon such hearing of such case the child shall be brought before said court; whereupon, the court shall investigate the facts, and ascertain whether the child is a 'dependent child,' its residence, and, as far as