

[RULES OF COURT THE SUPREME COURT OF THE PHILIPPINE ISLANDS, THE COURTS OF FIRST INSTANCE, AND RULES, October 02, 1918]

RULES OF COURT THE SUPREME COURT OF THE PHILIPPINE ISLANDS, THE COURTS OF FIRST INSTANCE, AND RULES FOR THE EXAMINATION OF CANDIDATES FOR ADMISSION TO THE PRACTICE OF LAW

MANILA BUREAU OF PRINTING 1918 RULES OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS. SEAL

1. The seal of this court shall be of the usual size, and shall bear, running from left to right, on the outside edge, the words "Supreme Court of the Philippine Islands" and in the center the design of an eagle similar to that contained in the seal of the Supreme Court of the United States.

CLERK'S OFFICE

2. The clerk of this court shall keep his office at Manila. All papers authorized or required to be filed in said office shall be filed at Manila. The clerk shall mark on all papers the day and hour when they were filed.
3. In addition to the books which the clerk is now, by law, required to keep, he shall keep a judgment book, in which shall be recorded at length all the final judgments rendered by the court.
4. The Attorney-General and attorneys de officio shall be permitted to withdraw the record of any case during the period allowed for the preparation of briefs. No other records shall be taken from the clerk's office without an order of the court, except as provided in the rule relating to the printing of the record.
5. The clerk shall have power to administer oaths in all actions or proceedings pending in the court, and in all other cases where it may be necessary in the exercise of the powers of the court, except those cases in which the law requires the oath to be administered by a Judge.
6. All unprinted documents presented to the Supreme Court of the Philippine Islands shall be written on paper of good quality twelve and three-eighth inches in length by eight and one-half inches in width, leaving a margin at the top and at the left-hand side not less than one inch and one-half in width. Paper Catalan of the first and second classes, legal cap, and typewriting paper of such weight as not to permit the writing of more than one original and two carbons at one time, will be accepted, provided that such paper is of the required size and of good quality. Documents written with ink shall not be of more than twenty-five lines to one page. Typewritten documents shall be written double-spaced. One side only of the page will be written upon, and the different sheets will be sewn together, firmly, by five stitches in the left-hand border in order to facilitate the formation of the expediente, and they must not be doubled. The first page will bear the heading prescribed by Form 1 of section 784 of the Code of Civil Procedure.
7. All papers required by these rules to be printed shall be printed with black ink on unglazed paper, with pages six inches in width by nine inches in length, in pamphlet form. The type used shall not be smaller than ten points. The paper used shall be of sufficient weight to prevent the printing upon one side from being visible upon the other.

8. All documents presented to this court must bear the postal address of the attorney or party by whom they are signed. All attorneys representing litigants in any civil or criminal case pending before this court shall leave their postal address in the clerk's office. All notifications to attorneys or to parties who appear in person required to be made by the clerk shall be sent by mail to the residences of said attorneys or parties. In case the residence or office of the attorney or party shall be unknown, the clerk will mail the same to the best of his ability and in conformity with such data as he may then have at hand concerning the residence of said attorney or party. Attorneys and parties have no right to any other notice than that required by this rule.

TITLE OF CASES.

9. In all actions, special proceedings, and criminal cases removed to this court, the party bringing the case here shall be called the "appellant" and the adverse party the "appellee," but the title of the case shall remain as it was below in all actions or criminal cases. The full names of all the parties to the proceeding shall be stated in the caption of the bill of exceptions or record on appeal.

ATTORNEYS.

10. Attorneys and guardians ad litem of the respective parties in the court below shall be considered as the attorney and guardians of the same parties respectively in this court until others are appointed and notice thereof is served on the adverse party.

MOTIONS AND NOTICES.

11. No oral argument will be heard in support of motions, but a typewritten or printed statement of the grounds for the motion shall be submitted with the motion and served with the notice. Objections to the allowance of the motion may be presented in like manner, within the periods prescribed by rule 13, computed from the date of the service of the motion, after the expiration of which the motion shall be deemed submitted for decision.
12. Whenever by these rules a notice is required to be given by the parties, and the period thereof is not elsewhere prescribed, the time of the notice shall be governed by Rule 13. All notices of motions shall be given in writing by the moving party to the adverse party, shall state generally the nature and grounds of the motion, and shall be accompanied by copies of all affidavits or other papers presented to the court in support thereof. Proof of the service of such notice shall be filed, such proof to consist of a written acceptance of the service, or the affidavit of the person making the service that he has delivered a copy of the papers to the attorney for the adverse party, or has left it at his office or residence in the hands of some person, to be designated by name, employed or resident therein and of sufficient discretion to receive the same, or the certificate of a sheriff or other authorized process server that he has made such service. Service may also be made by sending a copy of the papers to the attorney for the adverse party by registered mail, and proof of such service shall be made by affidavit as to the mailing of the papers, and by the production of the registry return card.
13. The periods within which all notifications required by these rules shall take effect, unless otherwise expressly provided, shall be as follows: Five days, if service is made in the city of Manila, or the Provinces of Rizal, Cavite, or Bulacan; seven days if service is made in any other province directly connected with Manila by any line of railroad; ten days if service is made in any province of Luzon not directly connected with Manila by any line of railroad, except the Provinces of Cagayan, Isabela, Albay, Ambos Camarines, and Sorsogon; twenty days if service is made in any province in the Islands of

Panay, Cebu, or Negros, or in the Provinces of Mindoro, Albay, Ambos Camarines or Sorsogon, except the Province of Antique; thirty days if service is made in any province of the Archipelago for which no shorter period is provided by this rule. Such periods shall be computed to begin with the day following that upon which the notice is served.

MAKING RETURN.

14. (a) Should the clerk of the trial court fail or refuse to transmit to the court the bill of exceptions or the record on appeal within ten days after its allowance and approval, it shall be the duty of the attorney for the appellant, by application to the judge of the lower court or to this court to require the performance of this obligation. If the bill of exceptions or the record on appeal is not received by the clerk of this court within thirty days after the allowance and certification thereof, the appellee may, upon notice to the appellant, move this court to grant an order directing the clerk of the lower court forthwith to transmit such bill of exceptions or record, or to declare the same abandoned for failure to prosecute. If upon such motion it appears that the attorney for the appellant has made no effort to cause the clerk of the lower court to transmit the bill of exceptions or record, and no reasonable excuse is given for such failure, this court may, in its discretion, declare the bill of exceptions or the appeal abandoned. The motion shall be supported by the affidavit of the moving party or of his attorney. (b) The clerk of the lower court shall give notice in writing, by registered mail, to the attorneys for the appellant. and appellee, of the date of transmission of the bill of exceptions or record on appeal to this court, and shall certify to this court that he has complied with this requirement and shall attach to such certificate the registry return card. It shall be the duty of the appellant in all civil cases, within ten days from the expiration of the periods respectively prescribed by rule 13, computed from the date of the receipt of the notice of the transmission of the bill of exceptions or record, as shown by the certificate of the clerk of the lower court, and the registry return card, to pay the clerk of this court the fees for the docketing of the appeal. If the docketing fee is not paid within the period prescribed by this rule, the appeal shall be deemed abandoned and dismissed, and the clerk of this court shall return the bill of exceptions or record to the court below, accompanied by a certificate under the seal of the court, showing that the appeal has been dismissed pursuant to section 500 of the Code of Civil Procedure and this rule. Upon the receipt of such certificate in the court below the case shall stand as though no bill of exceptions had been allowed or appeal taken. (c) The appellant may, at his election, pay the docketing fee to the clerk of the lower court at any time before the transmission of the bill of exceptions or record on appeal, in which event the docketing fee shall be transmitted with the record or bill of exceptions.

PRINTING RECORD.

15. Upon the receipt of a bill of exceptions or record on appeal the clerk shall make an estimate of the expense of printing thirty copies of the same, exclusive of the evidence, and shall notify the appellant thereof. The appellant shall pay the clerk the estimated cost of the printing within ten days from the expiration of the period prescribed by Rule 13 after the date of the receipt of the notice. (As amended, September 5, 1919.)
16. If the appellant shall fail to pay the estimated cost of printing, in accordance with the preceding rule, the court may, on motion of the appellee and notice to the appellant, or upon its own motion, declare the bill of exceptions or the appeal abandoned. (As amended, September 5, 1919)

17. Upon payment by their party of the said estimated expense the clerk shall at once cause to be printed for the use of the court and counsel thirty copies of the bill of exceptions or of the record on appeal. The clerk shall send to the printer the bill of exceptions transmitted from the court below or the transmitted record on appeal in special proceedings, and shall see that same is returned by the printer. The clerk shall supervise the printing and read the proof.
18. Upon receipt of said printed copies the clerk shall at once send by registered mail or otherwise deliver to each of the lawyers in the case five copies thereof.

BRIEFS AND ASSIGNMENT OF ERRORS.

19. Prefixed to the brief of the appellant, but stated separately, shall be an assignment of the errors intended to be urged. The specifications of error shall be separately, distinctly, and concisely stated without repetition, and shall be numbered consecutively. All briefs shall be printed and shall exhibit an abstract of the argument on the points of law or fact to be discussed, with reference to the pages of the record and the authorities relied upon in support of each point. The authorities relied upon shall be cited by the page of the report at which the case begins and the page of the report on which the citation is found. The brief of the appellant shall also contain a concise statement of the facts in the case.
20. No error not affecting the jurisdiction over the subject matter will be considered unless stated in the assignment of errors and relied upon in the brief.
21. Within thirty days from the receipt of the printed record on appeal or bill of exceptions the appellant shall serve upon the appellee three printed copies of his brief and of his assignment of errors and file thirty copies thereof with the clerk.
22. Within thirty days of the receipt of the brief of the appellant, the appellee shall serve on the appellant three printed copies of his brief and file thirty copies thereof with the clerk.
23. Motions for extension of time for the filing of briefs must be presented before the expiration of the time mentioned in rules 21 and 22, or within a time fixed by special order of the court. No such extension will be allowed except on notice to the opposite party in accordance with rule 13, and for good and sufficient cause shown. Extensions may also be granted upon stipulation of counsel, within reasonable limits.
24. (a) If the appellant, in any civil case, fails to serve his brief within the time prescribed by these rules the court may, on motion of the appellee and notice to the appellant, or on its own motion, dismiss the bill of exceptions or the appeal. (b) It shall be the duty of the clerk of the trial court upon the presentation of a notice of appeal in a criminal case, to ascertain from the appellant if he desires this court to appoint an attorney to defend him de officio, and to transmit with the record, upon a form to be prepared by the clerk of this court, a certificate of compliance with this duty and of the response of the appellant to his inquiry. If it appears from the certificate that the accused desires to be defended de officio the clerk of this court will designate a member of the bar to defend him, such designations to be made by strict rotation, unless otherwise directed by order of the court. If no attorney de officio is appointed pursuant to this rule the appeal will be dismissed upon motion of the Attorney-General, if no brief is filed on behalf of the appellant within the time prescribed by these rules.

DEATH OF PARTY.