

[Act No. 3598, November 29, 1929]

AN ACT TO PROVIDE THAT THE FUNCTIONS OF SHERIFF BE EXERCISED EX-OFFICIO BY THE CLERK OF THE COURT OF FIRST INSTANCE IN THE CITY OF MANILA AND IN THE SEVERAL PROVINCES BY PROVINCIAL SHERIFFS, AMENDING FOR THAT PURPOSE SECTIONS ONE HUNDRED EIGHTY-THREE, ONE HUNDRED AND EIGHTY-FOUR, ONE HUNDRED EIGHTY-SIX, ONE HUNDRED EIGHTY-SEVEN, ONE HUNDRED EIGHTY-EIGHT, ONE HUNDRED EIGHTY-NINE AND ONE HUNDRED NINETY-ONE OF THE ADMINISTRATIVE CODE OF THE PHILIPPINE ISLANDS, AND APPROPRIATING THE NECESSARY AMOUNT FOR THE SALARIES OF PROVINCIAL SHERIFFS AND THEIR DEPUTIES, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one hundred and eighty-three of the Administrative Code of the Philippine Islands is hereby amended so as to read as follows:

"SEC. 183. *Powers and duties of sheriff.*—In the City of Manila and in each of the several provinces there shall be an officer to be known as the sheriff, whose powers and duties shall be these:

"(a) He shall be the legal custodian of the courthouse or of the quarters set apart for the court room and court offices, including, in the City of Manila, the buildings occupied by the Supreme Court, and he shall be charged with the care and safe-keeping of all public property therein, except the books, records, and papers appertaining to the office of the clerk.

"(b) He shall, in person or by deputy, attend the sessions of the Court of First Instance, shall enforce proper decorum in the court room, and preserve good order in its precincts. To this end he shall carry into effect the orders of the court made in this behalf, or of the judge thereof, and shall arrest any person there disturbing the court or violating the peace.

"(c) Except as otherwise specially provided, he shall, in person or by deputy, serve all writs, execute all processes, and carry into effect all orders issuing from the Court of First Instance or made by any judge thereof; and in the City of Manila the sheriff shall serve or execute civil writs, processes, and orders issued from the Supreme Court or any inferior or superior court or by a judge of any such court. Orders and processes in criminal cases from whatever court or by whatever judge issued, shall be served or executed in the City of Manila by members of the police department of the city, and in the provinces warrants of arrest in criminal cases shall be executed by members of the Philippine Constabulary or of the municipal police force, though the same may also be served or executed with equal effect by the sheriff."

SEC. 2. Section one hundred and eighty-four of the same Code is likewise amended so as to read as follows:

"SEC. 184. *Appointment of deputies.*—The provincial sheriffs in provinces of the first and second class may appoint three deputies; in provinces of the third and fourth class, two deputies; and in provinces of the fifth and sixth class, one deputy. The provincial sheriff shall be responsible for the acts of his deputies. The chief of police in each municipality shall be ex-officio deputy sheriff in his municipality without additional compensation. The salaries of the said provincial deputies shall be paid out of the insular funds."

SEC. 3. Section one hundred and eighty-six of the same Code is also amended so as to read as follows:

"SEC. 186. *Officer in function of sheriff.*—In the City of Manila the clerk of Court of First Instance of said city shall exercise the functions of sheriff. In the several provinces of these Islands including the specially organized provinces said functions shall be exercised by a provincial sheriff who shall be appointed by the Secretary of Justice. No person shall be eligible to appointment as provincial sheriff unless he shall be: (1) at least twenty-five years of age; (2) a citizen of the Philippine Islands or of the United States; (3) of good moral character; (4) admitted by the Supreme Court to practice law, or be a person who has at least finished the courses of legal study in a recognized school, or shall have passed the corresponding civil service examination."

SEC. 4. Section one hundred and eighty-seven of the same Code is substituted by the following:

"SEC. 187. *Carnage of arms by sheriff.*—For the proper exercise of their functions and the protection of their persons against persons resisting their authority in the execution or service of judicial writs, processes, or orders, sheriffs shall supply themselves with a revolver and shall be entitled to the free carriage thereof. This right may be extended to deputies upon recommendation of the sheriff and approval of the Secretary of Justice."

SEC. 5. Section one hundred and eighty-eight of the same Code is also amended so as to read as follows:

"SEC. 188. *Detail of policemen as attendants upon courts.*—In the City of Manila, the Mayor, and in the provinces, the Provincial Governor or the municipal president shall direct the detail of one or more members of the provincial guard or municipal police of the place where a Court of First Instance or any superior court shall be held, to attend the sessions and enforce good order in and about the same under the direction of the sheriff. If no member of the provincial guard or municipal police can be thus detailed and it is impracticable to obtain the services of a member of the Constabulary upon request directed to the proper Constabulary officer in the province, the judge of the court may appoint a bailiff to serve as an emergency employee during such time as the court may be in session in the province."