

[Act No. 3434, November 28, 1928]

AN ACT TO PROVIDE FOR THE NECESSARY TRAVEL AND SUBSISTENCE EXPENSES FOR WITNESSES KNOWN TO BE INDIGENT, IN CRIMINAL CASES, UNDER CERTAIN CONDITIONS.

*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. The necessary traveling expenses, coming and returning, are hereby authorized in the case of witnesses known to be indigent whose testimony is considered material and indispensable in the trial of any criminal case in Courts of First Instance, and likewise the actual and necessary subsistence expenses of such witnesses, not to exceed one peso per diem, during the days they are at the disposal of the court.

SEC. 2. In order to secure the appearance of an indigent witness entitled to the payment of traveling and subsistence expenses, the fiscal or attorney for the defense assigned to a pauper defendant, as the case may be, shall previously apply therefor in writing and under oath to the court concerned, and it having been shown that the testimony of the witness is material and the witness indigent, said court shall order a summons issued and shall direct the provincial treasurer to provide, in so far as possible, the necessary means for the appearance of the witness out of provincial funds.

SEC. 3. The travel and subsistence expenses herein provided for shall be paid out of funds to be appropriated for such purposes by the provincial board or the municipal board of the City of Manila, which shall for this purpose be considered as a province, and said expenses shall be assessed as part of the costs for reimbursement to the province concerned.

SEC. 4. Indigent witnesses for the prosecution shall not be entitled to the benefits of this Act when the aggrieved party is using an attorney to represent him at the hearing, nor shall said benefits be made extensive to witnesses who in the opinion of the court are professional or habitual witnesses.

SEC. 5. This Act shall take effect on January first, nineteen hundred and twenty-nine.

Approved, November 28, 1928.



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