

[Act No. 3250, December 01, 1925]

AN ACT TO AMEND SUBSECTION (a) OF SECTION SEVEN HUNDRED AND EIGHTY-FIVE OF ACT NUMBERED ONE HUNDRED AND NINETY, AS AMENDED BY ACT NUMBERED FIFTEEN HUNDRED AND EIGHTY-SIX

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. Subsection (a) of section seven hundred and eighty-five of Act Numbered One hundred and ninety, as amended by Act Numbered Fifteen hundred and eighty-six, is hereby further amended to read as follows:

"SEC. 785. (a) It shall be lawful for the clerk of the Supreme Court, the clerks of Courts of First Instance, and commissioners appointed by the Courts of First Instance, assessors in Courts of First Instance and in courts of justices of the peace, governors as officers of the court, sheriffs, bailiff's, justices of the peace, notaries public, and other officers, and persons hereinafter mentioned, together with their assistants and deputies, to demand, receive, and take the several fees hereinafter mentioned and allowed for any business by them respectively done by virtue of their several offices, and no more: *Provided, however,* That any poor person, not having sufficient means to prosecute or defend an action, or special proceeding, may apply to the justice of the peace court or Court of First Instance in which the action or special proceedings is intended to be brought, or is pending, for leave to prosecute or defend as a poor person; said courts, if satisfied upon full and careful investigation that such person has not sufficient means to pay the court, clerk's or sheriff's fees required to be paid for the prosecution or defense of the action, or special proceeding, as the case may be, may admit the applicant to prosecute or defend as a poor person, and may in their discretion make an order remitting, reducing, or postponing the payment of any court, clerk's or sheriff's fees or charges required by law to be paid for filing papers, for swearing witnesses on the trial, or for issuing process of the court, and thereafter all papers shall be filed, all witnesses on the trial shall be sworn, and all process shall be issued in accordance with such order, and all poor persons, whether plaintiffs or defendants, shall have the same remedies in such an action or special proceeding as are provided by law in other cases: *Provided, further,* That if the summons is served by a municipal deputy sheriff residing in the municipality where the defendant or defendants are, such officer shall receive the fees for the service of the copies of the complaint, without mileage: *Provided, finally,* That in case judgment is rendered for the poor plaintiff or plaintiffs, the court shall assess all sheriff fees, including fees unpaid under the exemption provided for in this Act, as part of the costs, and such fees shall be collected by said officer."