

[ Act No. 2041, February 03, 1911 ]

**AN ACT AMENDING CERTAIN SECTIONS OF ACTS NUMBERED ONE HUNDRED AND THIRTY-SIX, ONE HUNDRED AND NINETY, FOURTEEN HUNDRED AND FIFTY, SIXTEEN HUNDRED AND TWENTY-SEVEN, INTRODUCING CERTAIN REFORMS IN THE JUSTICE OF THE PEACE COURTS, MAKING AN APPROPRIATION FOR THE PURPOSE THEREOF, AND FOR OTHER PURPOSES.**

*By authority of the United States, be it enacted by the Philippine Legislature, that:*

SECTION 1. Section sixty-seven of Act Numbered One hundred and thirty-six, as amended, is hereby amended so as to read as follows:

"SEC. 67. *Appointment and term.*—One justice of the peace and one auxiliary justice shall be appointed by the Governor-General, by and with the consent of the Philippine Commission, for the city of Manila, for each municipality organized according to the Municipal Code, and for such other towns or places as may be determined by resolution of said Commission: *Provided, however,* That upon the recommendation of the Secretary of Finance and Justice the Governor-General, with the consent of the Philippine Commission, may appoint one justice of the peace and one auxiliary justice for two or more such municipalities, towns, or places, at a salary not to exceed seventy-five per centum of the sum of the salaries of the combined positions. Whenever a vacancy occurs therein, except in the city of Manila, the judge of the Court of First Instance of the district shall forward to the Governor-General a list of names of persons qualified to fill said vacancy. In preparing said list preference shall be given to any justice of the province who may desire to transfer to another station and whose record entitles him to promotion. Appointments shall be made from the lists furnished as above prescribed: *Provided, however,* That the Governor-General may appoint any qualified person not included in such lists when the interests of the service so require.

"In case new municipalities are formed by the Governor-General he shall, in the same manner, designate which of the justices and auxiliary justices within the territory so formed into the municipality shall continue in office and the towers of all others therein shall cease. All justices of the peace and auxiliary justices shall hold office during good behavior and those now in office who have not the qualifications required by this Act shall continue in office until their successors are appointed."

SEC. 2. Section two of Act Numbered Sixteen hundred and twenty-seven is hereby amended to read as follows:

"SEC. 2. *Supervision; reports.*—The judge of the Court of First Instance shall at all times exercise a supervision over the justices of the peace within his district, and shall keep himself informed of the manner in which they perform their duties, by personal inspection whenever possible, from reports which he may require from them, from cases appealed to his court, and from all other available sources. In proper

cases he shall advise and instruct them whenever requested, or when occasion arises, and such justices of the peace shall apply to him and not to the Attorney-General for advice and instruction, and any such inquiries received by the Attorney-General shall be referred by him to the judge of the proper district. The justice of the peace shall during the first five days of the fiscal year forward to said judge of the district a report concerning the business done in his court for the previous year, upon forms to be prescribed by the Attorney-General with the approval of the Secretary of Finance and Justice, such report to show, among other particulars, the number of suits begun in the court of said justice during the current year, the nature thereof, whether civil or criminal, the mode of disposition, whether by voluntary dismissal or judgment, the number still pending, the amount of costs and fees collected and for what service, and the number of marriages solemnized. Such report shall be filed in the office of the clerk of the Court of First Instance, and said judge of the district shall, with the assistance of said clerk, embody a summary of such reports for each province of his district, together with other matters of interest and importance relative to the administration of justice therein, particularly with reference to justice of the peace courts, in a brief report, which he shall forward as soon as possible after the close of the fiscal year to the Secretary of Finance and Justice."

SEC. 3. Section sixty-eight of Act Numbered One hundred and thirty-six, as amended, is hereby further amended to read as follows:

"SEC. 68. *Civil jurisdiction and powers.*—In all civil actions, including those mentioned in sections two hundred and sixty-two to two hundred and seventy-two, as hereby amended, inclusive, and chapter eighteen of Act Numbered One hundred and ninety, arising in his municipality, and not exclusively cognizable by the Court of First Instance, the justice of the peace shall have exclusive original jurisdiction where the value of the subject-matter or amount of the demand does not exceed two hundred pesos, exclusive of interest and costs; and where such value or demand exceeds two hundred pesos but is less than six hundred pesos, the justice of the peace shall have jurisdiction concurrent with the Court of First Instance. In forcible entry and detainer proceedings the justice shall have original jurisdiction, but he may receive evidence upon the question of title therein solely for the purpose of determining character and extent of possession and damages for detention. In forcible entry proceedings he may grant preliminary injunctions, in accordance with the provisions of Act Numbered One hundred and ninety, to prevent the defendant from committing further acts of dispossession against the plaintiff.

"Justices of the peace shall have exclusive jurisdiction to adjudicate questions of title to real estate or any interest therein when the value of the property in litigation does not exceed two hundred pesos, and where such value exceeds two hundred pesos but is less than six hundred pesos the justice of the peace shall have jurisdiction concurrent with the Court of First Instance.

"The jurisdiction of a justice of the peace shall not extend to civil actions in which the subject of litigation is not capable of pecuniary estimation,

except in forcible entry and detainer cases; nor to those which involve the legality of any tax, impost, or assessment; nor to actions involving admiralty or maritime jurisdiction; nor to matters of probate, the appointment of guardians, trustees, or receivers; nor to actions for annulment of marriages: *Provided, however,* That justices of the peace in provincial capitals, except in the city of Manila, may by assignment of the respective judge of the Court of First Instance in each case have like jurisdiction within the province as the Court of First Instance to hear and determine cases originally cognizable by the Court of First Instance in which the subject of litigation<sup>1</sup> is capable of pecuniary estimation and the value of the subject-matter or amount of the demand does not exceed two thousand pesos exclusive of interest and costs, except cases involving the legality of any tax, impost, or assessment, or actions involving admiralty or maritime jurisdiction.

"Justices of the peace in the capitals of provinces organized under the Provincial Government Act, and the governors of provinces not organized under said Act acting as *ex officio* justices of the peace, in the absence of the judge of the district from the province may exercise within the province like interlocutory jurisdiction as the Court of First Instance, which shall be held to include the hearing of all motions for the appointment of a receiver, for temporary injunctions, and for all other orders of the court which are not final in their character and do not involve a decision of the case on its merits, the hearing of petitions for a *writ of habeas corpus*, and all questions which may arise concerning the appointment of inspectors of election, or the inclusion in or exclusion from the register of voters of the names of electors.

"A justice of the peace shall have power anywhere within his territorial jurisdiction to solemnize marriages, authenticate merchants' books as provided by articles nineteen and thirty-six of the Code of Commerce, administer oaths, take depositions and acknowledgments, and to perform all other acts which under the law may be performed by a notary public."

SEC. 4. Section four of Act Numbered Sixteen hundred and twenty-seven is hereby amended to read as follows:

"SEC. 4. *Jurisdiction to try and sentence.*—Justices of the peace, except in the city of Manila, shall have original jurisdiction to try parties charged with misdemeanors, offenses, and infractions of municipal ordinances, arising within the municipality, in which the penalty provided by law does not exceed six months' imprisonment or a fine of two hundred pesos, or both such imprisonment and fine.

"Justices of the peace in the capitals of provinces organized under the Provincial Government Act, and the governors of provinces not organized under said Act acting as *ex-officio* justices of the peace, may by assignment of the respective judge of the district in each case have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within the province in which the penalty provided by law does not exceed two years' imprisonment or a fine of two thousand pesos, or both such imprisonment and fine, and in the absence of the