

[**Act No. 1764, October 11, 1907**]

AN ACT PROVIDING FOR THE PAYMENT OF FEES IN CRIMINAL PROCEEDINGS, APPROPRIATING THE SUM OF SEVENTY-FIVE THOUSAND PESOS TO BE DISTRIBUTED BY THE AUDITOR AMONG THE PROVINCES AND THE CITY OF MANILA IN PROPORTION TO THE RESPECTIVE AMOUNTS BY THEM PAID ON ACCOUNT OF COURT FEES, AND REPEALING SECTION ONE OF ACT NUMBERED THREE HUNDRED AND TWO AND ACTS NUMBERED FOUR HUNDRED AND FOUR AND THIRTEEN HUNDRED AND THIRTY-FIVE.

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

SECTION 1. Until other provision is made covering the subject, governors, sheriffs, there shall accrue for all services of clerks of courts and officers and deputies of courts, whether governors, sheriffs, their deputies or special deputies, for issuing or serving all process and the performance of all duties in criminal proceedings, the same fees as those which would, accrue for like services by virtue of the provisions of Act Numbered One hundred and ninety, providing a Code of Procedure in Civil Actions and Special Proceedings. Such fees shall be taxed against the defendant as a part of the costs to be paid if he be convicted. When incurred in behalf of the Government in proceedings before a justice of the peace, such fees shall be paid by the municipality in which the trial or preliminary investigation is held.

SEC. 2. On the first day of each month the justice of the peace of each municipality shall present to the municipal treasurer a detailed statement of the fees accruing to officers of courts from the municipal treasury during the preceding month by virtue of this Act. The account thus rendered shall forthwith be audited by the municipal president and treasurer, and the officer entitled thereto shall thereupon receive from the municipal treasury the amount of his fees as allowed by these auditors. For the purpose of the auditing herein provided, the auditors shall examine the records of the justice of the peace or any other papers or persons deemed necessary.

SEC. 3. If the services described in section one of this Act are rendered in the prosecution of a case in any Court of First Instance, the fees shall be taxed against the defendant as part of the costs if he be convicted, and it shall be the duty of all clerks of the Court of First Instance to collect such costs. The fees earned by the sheriff or other officer of the court, for the service of any process or orders of the Court of First Instance, except in Manila, shall be paid out of the treasury of the province in which the trial is held. The services of the clerk of the court on behalf of the Government convicted criminal. In criminal cases shall be rendered gratis; but this provision shall not be deemed to relieve a defendant who has been convicted from having such fees taxed against him as part of the costs.

SEC. 4. On the first day of each month the clerk of the Court of First Instance shall present: to the provincial treasurer a detailed statement of the fees accruing to the sheriff or other officer of the Court of First Instance from provincial funds for the service of process or orders of the court during the preceding month by virtue of this Act. Such statement shall forthwith be audited by the provincial treasurer, and the officer entitled to the fees shall thereupon receive from the provincial treasury