

[Act No. 267, October 17, 1901]

AN ACT AMENDING IN SEVERAL PARTICULARS ACT NUMBERED ONE HUNDRED AND EIGHTY-THREE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF MANILA."

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

SECTION 1. Section twelve of Act Numbered One hundred and eighty-three, entitled "An Act to incorporate the city of Manila," is hereby amended by adding at the end thereof the following words:

"Provided, nevertheless, That the City Attorney and his assistant, and the Prosecuting Attorney and his assistants, and their successors, shall be appointed by the Civil Governor subject to the advice and approval of the Commission."

SEC. 2. Section seventeen of said Act is hereby amended so that paragraph "dd" thereof shall read as follows:

"To enforce the regulations of the Board of Health for the Philippine Islands, and by ordinance to prescribe fines and penalties for violations of such regulations."

SEC. 3. Section twenty of said Act is hereby amended by adding at the end thereof the following words:

"But contracts for completed work of any kind for the use of the city, or any of the department or offices thereof, involving both labor and materials, where the materials are furnished by the contractor, not by the city, shall not be deemed to be within the provisions of this section, but such contract shall be made in accordance with the subsequent provisions of this Act."

SEC. 4. Section twenty-three of said Act is hereby amended by adding at the end thereof the following words:

"The clerical force and assistants and laborers in the office of the City Superintendent of Schools shall be paid by the city of Manila, as well as the office expenses for supplies and material incident to carrying on said office."

SEC. 5. Section twenty-four of said Act is hereby amended by striking out the last sentence thereof, which reads: "All construction or repairs of schoolhouses ordered by the Municipal Board, subject to the limitations of Act Numbered Seventy-four, shall be carried on under the Department of Engineering and Public Works, and the care and custody of school buildings shall be under the Superintendent of Buildings and Illumination," and substituting therefor the following words:

"The Department of Engineering and Public Works shall have the care and custody of school buildings, and shall have charge of the construction and

repair of schoolhouses ordered by the Municipal Board, subject to the limitations of Act Numbered Seventy-four."

SEC. 6. Section twenty-five of said Act is hereby amended by striking out the word "first" in the seventeenth line thereof and inserting in lieu thereof the word "tenth."

SEC. 7. Section thirty-three of said Act is hereby amended by adding at the end thereof the following words:

"He shall supervise the laving of mains and connections for the purpose of supplying gas to the inhabitants of the city. He shall have power, subject to the approval of the Municipal Board, to cause buildings dangerous to the public to be made secure or torn down, and shall supervise and regulate the locations and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with the law and ordinance relating thereto."

SEC. 8. Section thirty-four of said Act is hereby amended by adding at the end thereof the following words:

"In addition to the employees authorized in the office of the City Engineer by section three of Act Numbered One hundred and eighty-five, there may be employed in his office two building inspectors of class nine; one inspector of weights and measures, Class I; one clerk for building inspection work, Class H; one clerk for building inspection work, Class I; one clerk for weights and measures, Class I."

SEC. 9. Section thirty-nine of said Act is hereby amended, by adding at the end thereof the following words:

"The Prosecuting Attorney shall cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the causes arose from the unlawful acts or omissions of other persons, or from foul play. For that purpose, he may cause autopsies to be made in case it is deemed necessary, and shall be entitled to demand and receive for purposes of such investigations or autopsies the aid of all surgeons connected with the police force of Manila. In case the Prosecuting Attorney shall deem it necessary to have further assistance for the successful accomplishment of the purpose last above stated, he shall make application to the Commissioner of Public Health for the detail of the Chief Health Inspector to assist in such investigation, and the Commissioner of Public Health shall thereupon make such detail, and the Chief Health Inspector shall assist in the investigations herein provided.

"All laws and orders establishing a 'medical-legal department' in the city of Manila are hereby repealed."

SEC. 10. Section forty of said Act is hereby amended by adding at the end thereof the following words:

"The clerk of each court shall execute a bond to the city of Manila in the penal sum of five thousand dollars, with sufficient surety or sureties to be approved by the judge of the court, conditioned for the faithful

performance of the duties of his office by himself and his deputies, and for the payment to the City Assessor and Collector of all sums of money officially received by him or them, in accordance with law. The bond shall be lodged and filed in the office of the Insular Treasurer. Each clerk may require sufficient bonds of indemnity to be executed to him by his deputies.

"In case of a temporary vacancy in the office of judge by reason of sickness or absence by the judge, the Civil Governor, by and with the consent of the Commission, may appoint an acting judge to preside during the disability or absence of the regular judge, and such acting judge shall have all the powers given by law to the regular judge, and shall receive a compensation during the time that he shall act at the same rate as the regular judge. During the period when such acting judge is performing the duties of a regular judge, the regular judge shall receive no salary, except such as he might be entitled to by reason of an earned leave of absence under existing law.

"The limitations upon the criminal jurisdiction of the municipal courts hereinbefore stated are subject, nevertheless, to the proviso that said courts shall also have concurrent jurisdiction with the Courts of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, and to assaults where the intent to kill is not charged or evident upon the trial, to larceny and embezzlement where the amount of money or property stolen or embezzled does not exceed the sum or value of one hundred dollars, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and threatening to take human life; but in all such cases an appeal to the Court of First Instance upon proper application shall be allowed as in other cases."

SEC. 11. Section forty-two of said Act is hereby amended so as to read as follows:

"SEC. 42. *Appeals to Courts of First Instance.*—An appeal shall lie to the Court of First Instance next to be held within the city, in all cases where fine or imprisonment is imposed by a municipal court. To perfect an appeal, the party desiring to appeal shall, within two hours after the rendition of the judgment by the municipal court, file with the clerk of the court a written statement that he appeals to the Court of First Instance. The filing of such statement shall perfect the appeal. The judge of the court from whose decision appeal is taken, shall, within five days after the appeal is taken, transmit to the clerk of the Court of First Instance a certified copy of the record of the proceeding and all the original papers and process in the case, and the clerk of the Court of First Instance shall docket the appeal in that court. A perfected appeal shall operate to vacate the judgment of the municipal court, and the action, when duly entered in the Court of First Instance, shall stand for the trial de novo upon its merits in accordance with the regular procedure in that court, as though the same had never been tried and had been originally then commenced. Pending an appeal, the defendant shall remain in custody unless released upon sufficient bail, in accordance with the rules and