

## [ Act No. 302, November 21, 1901 ]

### **AN ACT MAKING TEMPORARY PROVISIONS FOR THE FEES OF OFFICERS OF COURTS IN CRIMINAL PROCEEDINGS AND AUTHORIZING PROVINCIAL FISCALS TO ADMINISTER OATHS IN CERTAIN CASES.**

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

SECTION 1. Until provision is made covering the subject by a Code of Criminal Procedure, clerks of courts and officers of courts, whether governors, sheriffs, their deputies or special deputies, shall be entitled, for issuing or serving all process and the performance of all duties in criminal proceedings, to receive the same fees as those to which they would be entitled for like service 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, incurred in behalf of the Government in proceedings before a justice of the peace, shall be paid by the municipality in which the trial or preliminary investigation is held. Such fees shall be taxed against the defendant as a part of the costs to be paid if he be convicted and sentenced to pay the costs. But, if the services are rendered in the prosecution of a case in a Court of First Instance, the fees shall be paid out of the provincial treasury of the province in which the prosecution is held and taxed against the defendant as in prosecutions before a justice of the peace. 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. Also, on the first day of each month, the clerk of the Court of First Instance for each province shall present to the provincial treasurer a detailed statement of the fees accruing to the clerk or any officer of the court from the provincial treasury during the preceding month by virtue of this Act. Such accounts shall forthwith be audited by the provincial treasurer, and the officer entitled to the same shall thereupon receive from the provincial treasury the amount thus allowed by the treasurer. For the purpose of this auditing the treasurer shall examine the records of the justice of the peace or any other papers or persons deemed necessary.

SEC. 2. The fiscal of any province may, if he deems it wise, conduct investigations of crimes and misdemeanors by taking oral evidence of reputed witnesses, and for this purpose may issue subpoenas summoning witnesses to appear and testify under oath before him. and the attendance or evidence of absent or recalcitrant witnesses may be enforced by application to the justice of the peace of the municipality in which the investigation is being held, or the Court of First instance of the province. No witness summoned to testify under this section shall be under obligation to give testimony tending to criminate himself. This section shall not be construed to authorize a provincial fiscal to act as justice of the peace in any preliminary investigation, but only as authorizing him to secure the attendance of witnesses