

AN ACT AMENDING CERTAIN SECTIONS OF ACT NUMBERED THIRTY-THREE HUNDRED AND FIFTY-TWO, RELATIVE TO THE FILLING OF LOWLANDS IN THE CITY OF MANILA, AND FOR OTHER PURPOSES.

Acts No. 4261, November 07, 1935

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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. Section two of Act Numbered Thirty-three hundred and fifty-two is hereby amended so as to read as follows:

"SEC. 2. Filling of lowlands—When and how made.—Whenever the Director of Health shall declare, and shall so communicate to the Mayor of the City of Manila, that any lot or ground within the City of Manila belonging to any person or corporation, or to the Insular Government or any branch or political subdivision thereof, is so low, excavated or walled, diked or dammed as to admit or cause the formation on the surface thereof of stagnant or foul water, which is a nuisance or a menace to the public health, unless filled in, or its sanitary condition otherwise improved, the said City Mayor, if he deems it convenient for the best interest of the community, shall cause the City Engineer to serve a notice on the registered owner or owners, his or their duly authorized agents or representatives, or any person in control of such lot or ground, directing him or them, in case it shall not be feasible to drain such lot by means of surface drains into any channel with which such surface drain may lawfully communicate, or to cut or break any retaining wall, dike, or dam, so that such retained water may have free escape, to have said lot or ground filled in to such extent, in such manner, with such material, and within such reasonable time as may be prescribed in such notice; and in case the registered owner or owners or any of the aforesaid person shall neglect, refuse, or be unable to undertake the filling within the time specified in said notice, which shall not be less than two nor more than six months, the City Mayor shall have the power to have such lot or ground filled in and the expenses thereof charged to the land filled as hereinafter provided, and paid from the special fund herein created. Within thirty days after the receipt of the aforesaid notice issued by the City Mayor, any owner aggrieved by the declaration of Director of Health, by virtue of which the notice was issued, may appeal from the order of the City Mayor to the Secretaries of the Interior and Public Instruction, whose concurrent decision thereon shall be final."

SEC. 2. Section three of the same Act Numbered Thirty-three hundred and fifty-two is hereby amended to read as follows:

"SEC. 3. The city shall not fill the land should the cost of filling exceed one-half of the assessed value thereof.—Should the estimated cost of filling any lot or ground belonging to private owner exceed one-half of the assessed value thereof, the city shall not fill the said lot or ground without the consent of the owner thereof."

SEC. 3. Section five of the same Act Numbered Thirty-three hundred and fifty-two is hereby amended to read as follows:

"SEC. 5. The proceeds of the city bonds to constitute special revolving fund.—The proceeds of the bonds of the

City of Manila issued under the provisions of this Act shall constitute a special revolving fund, shall be kept in the Insular Treasury, subject to withdrawals therefrom by the Treasurer of the City of Manila, from time to time as circumstances may warrant, and shall be used only to defray the cost of filling lowlands situated within the city limits and such expenses shall be reimbursed by the owners of the real estate in twenty equal annual installments with an interest of not exceeding six per centum per annum on the investment. Before the first of November of each year the City Engineer shall certify to the City Assessor of Manila a list of the parcels of land filled by virtue of this Act during the previous twelve months, and the cost corresponding to each parcel which must be reimbursed. The City Assessor shall thereupon ascertain in respect to each parcel the annual installment required to amortize the said cost with interest at six per centum per annum: Provided, however, That the cost of filling lowlands which form part of the patrimonial property of the City of Manila or of the Insular Government shall also be advanced from the special fund herein created, subject to the same conditions as to reimbursements as prescribed for private owners: Provided, further, That the annual installments aforesaid which represent the cost of filling shall be assessed annually as a special tax against the real property filled by virtue of this Act, and all sums and amounts due from any owner or owners as a result of any action taken by virtue of the authority conferred in this Act shall be due and payable to the City Treasurer of Manila and in the same manner as the annual tax levied on real estate under the provisions of Article XI, Chapter 60, Title X, of the Administrative Code, and shall be subject to the same penalties for delinquency, and enforceable by the same remedies, as such annual tax; and all such sums and amounts, together with any such penalties incurred, shall from the date on which they were assessed constitute liens on the property against which the same were assessed and shall take precedence over any and all other liens which may exist upon such property excepting only such as may have attached as a result of the nonpayment of said annual tax."

SEC. 4. Section twelve of the same Act Numbered Thirty-three hundred and fifty-two is hereby amended to read as follows:

"SEC. 12. Annual appropriation for sinking fund.—A standing annual appropriation is hereby made out of the general funds in the Insular Treasury, not otherwise appropriated, of such sums as may be necessary to provide for the sinking fund created in section eleven and for the interest on the Insular bonds issued by virtue of this Act. A further appropriation is hereby made out of the general funds in the Insular Treasury, not otherwise appropriated, of a sufficient sum to cover the expenses of the issue and sale of the Insular and city bonds authorized by this Act. The Insular Government shall be reimbursed by the City of Manila for the sums so disbursed for the sinking fund, interest, and expenses of the issue and sale of the bonds, within thirty days after payment of said expenses by the Insular Government, to be taken from the interest earned on the investment of this fund: Provided, however, That in case said earned interest is insufficient to cover the full amount of the annual interest and installment payment to the sinking fund, any difference thereof shall be covered by the general fund of the City of Manila. In case the municipal board of the City of Manila shall fail to make such reimbursement, the Collector of Internal Revenue and the Treasurer of the Philippine Islands are hereby authorized and directed, any provisions of existing law to the contrary notwithstanding, to withhold from the revenues of said city that may come into their possession an amount sufficient to make said reimbursement or any other reimbursement above provided and shall deposit said sum with the Treasurer of the Philippine Islands, to the credit of the general funds of the Insular Government: Provided, further, That from the amount of said sinking fund required to be reimbursed by the City of Manila shall be deducted the unpaid installments, if there be such, due from the Insular Government in respect to Insular lowlands in the city filled by virtue of this Act."

SEC. 5. This Act shall take effect upon its approval.

Approved, November 7, 1935.

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