

AN ACT GRANTING TO THE CITY OF MANILA THE RIGHT TO INSTITUTE CONDEMNATION PROCEEDINGS FOR THE EXPROPRIATION OF LAND IN THE PROVINCE OF RIZAL NECESSARY FOR THE MAIN FOR THE NEW W...

Act No. 1641, May 06, 1907

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

SECTION 1. The city of Manila is hereby authorized to institute, through its proper officers, in the Court of First Instance of the Province of Rizal, in the Philippine Islands, condemnation proceedings for the expropriation of such land in the Province of Rizal as may be necessary for the main for the new water system for the city of Manila.

SEC. 2. Whenever the city of Manila has not obtained, by agreement with the owners thereof, the lands in the Province of Rizal necessary for the main for the new water system, it may in its complaint, which in each case shall lie instituted in the Court of First Instance of the Province of Rizal, where the land is situated, join as defendants all persons owning or claiming to own or occupy any of the land sought to be condemned or any interest therein, showing, so far as practicable, the interest of each defendant and stating with certainty the right of condemnation and describing the property sought to be condemned. Process requiring the defendants to appear and answer to said complaint shall be served upon all occupants of the land sought to be condemned and upon the owners and all persons claiming interest therein, so far as known. If the title to any lands sought to be condemned appears to be in the Insular Government, though the lands are occupied by private individuals, or if it is uncertain whether the title is in the Insular Government or in private individuals, or if the title is otherwise so obscure or doubtful that the city of Manila can not with accuracy or certainty specify who are the real owners, averment may be made by the city of Manila in its complaint to that effect. Process shall be served upon residents and nonresidents in the same manner as dents. provided in Act Numbered One hundred and ninety, and the rights of minors and persons of unsound mind shall be safeguarded in the manner in such cases provided in said Act. The court may order additional and special notice in any case where such additional and special notice is in its opinion required.

SEC. 3. In case it shall appear from the pleadings or from the report of the commissioners or the court shall otherwise be satisfied of the fact that the true ownership of the lands sought to be condemned is uncertain and that there are conflicting claims and diverse interests in any of said parcels of land, the court, if satisfied that the real owners of the land have been notified and are before the court, shall, upon rendering judgment for condemnation and for payment of the sum or sums fixed by the court as just compensation for the land taken, order such sum or sums to be paid to the clerk of the court for the benefit of the persons who shall ultimately be adjudged entitled thereto. The sum or sums so awarded shall be governed by the rules laid down in section two hundred and forty-four of Act Numbered One hundred and ninety. When condemnation proceedings are brought by the city of Manila as herein provided, the said city of Manila shall have the right to enter immediately upon the possession of the land involved, after and upon deposit by it with the clerk of the Court of First Instance in which such action is

pending the value of the land in money as provisionally and promptly ascertained and fixed by the court having jurisdiction of the proceedings, said sum to be held by the clerk of the court subject to the orders and final disposition of the court; and the court is empowered and directed by appropriate order and writ, if necessary, to place the city of Manila in possession of the land upon the making of such deposit. In case such payment is made into court the clerk of the court shall be responsible upon his bond for the sum so paid and shall be compelled to receive it.

SEC. 4. The effects of a bill of exceptions in such case, the provisions as to the cost, as to the fees of the commission, as to final judgment and its record and effect, as to the powers of a guardian, and as to persons not notified of the condemnation proceedings shall be such as are defined in sections two hundred and forty-eight to two hundred and fifty-three, inclusive, of Act Numbered One hundred and ninety.

SEC. 5. Any party claiming an interest in money paid into court in or deposited with the clerk of the Court of First Instance in accordance with the provisions of section three hereof may litigate in court his claim thereto, and the court shall apportion the sum so paid in among the various claimants thereto as justice shall require and shall award such costs as to it may seem equitable. But the plaintiff in the condemnation proceedings shall not be a necessary party to the proceedings for the distribution of the sum or sums paid into court nor be answerable for any cause arising from such litigation.

SEC. 6. The court in its order of appointment may direct the commissioners to report when any particular portion of the lands shall have been passed upon by the commissioners and may render judgment upon such partial report and direct the commissioners to proceed with their work as to subsequent portions of the land sought to be condemned and may from time to time so deal with the lands sought to be condemned.

SEC. 7. The proper judge of the Court of First Instance may act upon complaints for condemnation of lands under this Act in vacation time as well as in term time and may make appointments of commissioners, orders upon the reports of commissioners, and judgments of condemnation for the award and apportioning of damages at any time when it is convenient so to do, upon due notice to the parties in interest, and may make any orders to expedite proceedings in the same manner and to the same effect as though made in to expedite regular term time and in court. It shall be the duty of the court or judge to expedite these proceedings as much as the interest of justice will warrant.

SEC. 8. No judgments entered in pursuance of this Act, apportioning damages among rival claimants shall be conclusive as to the real ownership of the land affected thereby in proceedings of the Court of Land Registration for the purpose of obtaining a certificate of title.

SEC. 9. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 10. This Act shall take effect on its passage.

Enacted, May 6, 1907.

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