

AN ACT AUTHORIZING THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN AS TO PERSONAL PROPERTY AND PROPERTY THAT IS PARTLY PERSONAL AND PARTLY REAL, AND PROVIDING THE METHOD OF PROCEDUR...

Act No. 294, November 05, 1901

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

SECTION 1. The Government of the Philippine Islands and that of any province or department thereof, and of any municipality, shall have the right to condemn private personal property and property that is partly personal and partly real, for public use, and shall exercise that right substantially in the manner provided in sections two hundred and forty-one and two hundred and fifty-three, inclusive, of Act Numbered One hundred and ninety, entitled "An Act providing a Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands," which sections relate; to the exercise of the right of eminent domain in relation to real estate.

SEC. 2. The commissioners to be appointed in accordance with section two hundred and forty-three of said Code for condemnation of personal property and property that is partly personal and partly real shall be three judicious and disinterested residents of the province in which the property to be condemned, or some portion of the same, is situated; or if the same is situated in the city of Manila, then such residents of the city of Manila.

SEC. 3. The commissioners shall be sworn faithfully to perform their duty, before any authority authorized to administer oaths; they shall receive evidence, examine the property sought to be condemned, hear the parties or their counsel, assess the value of the property taken and used, as provided in section two hundred and forty-four of said Code; but, in the case of personal property, they shall assess only the actual value of the property taken and used, and shall allow no consequential damages to the owners of such property.

SEC. 4. The commissioners shall make report, as is provided in section two hundred and forty-five of said Code, and the court shall take action upon such report as provided in section two hundred and forty-six of said Code, the provisions of said sections being hereby made applicable to property that is personal and to such as is partly real and partly personal as well as to land.

SEC. 5. After the rendition of judgment of condemnation by the court, the plaintiff shall have the right to take possession of the property so condemned and appropriate the same to the public use defined in the judgment, in the same manner as though the property condemned had been real estate, in the manner defined in section two hundred and forty-seven of said Code.

SEC. 6. Exceptions to the judgment of the court shall be allowed as in other proceedings, but no stay of judgment shall be allowed pending such exceptions, the effect of exceptions in this respect being governed by section two hundred and forty-eight of said Code, which is hereby made applicable to personal property and property partly personal and partly real.

SEC. 7. The costs of the action, the fees of the commissioners, powers of guardians, and the effect of the action

upon persons not made parties defendant to the proceedings and not having actual or constructive notice thereof in such manner as the law requires, shall be governed by sections two hundred and forty-nine, two hundred and fifty, two hundred and fifty-two, and two hundred and fifty-three of said Code.

SEC. 8. The record of the final judgment, in an action for the condemnation of property under this Act, shall state definitely the particular property and items thereof condemned for the public use, and the nature of the public use. The effect of such judgment and the payment or tender of payment in accordance with law of the amounts awarded for the property condemned, shall be to vest in the plaintiff the title to the property so described.

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, November 5, 1901.

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