

AN ACT AUTHORIZING THE CITY OF MANILA TO FILL LOWLANDS, TO CHARGE THE COST THEREOF, INCLUDING INTEREST, AS AN ANNUAL ASSESSMENT AGAINST THE PROPERTY FILLED, TO ISSUE BONDS FOR T...

Act No. 3352, November 17, 1927

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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. Title of Act.—This Act shall be known as the City Lowland Improvement Act.

SEC. 2. Power of City Engineer to order filling of lowlands.—Whenever the Director of Health shall declare, and shall so communicate to the City Engineer 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, dike or dammed as to admit or cause the formation on the surface thereof of stagnant or foul water, which is a nuisance and a menace to the public health, unless filled in, or its sanitary condition otherwise improved, the said City Engineer shall cause a notice to be served on the owner or owners, his or their 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 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 ninety days, the City Engineer 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. Not later than thirty days prior to the termination of the time specified in the aforesaid notice issued by the City Engineer, any owner aggrieved by the declaration of the Director of Health, by virtue of which the notice was issued, may appeal from the order of the City Engineer to the City Mayor and the Secretaries of the Interior and Public Instruction, whose concurrent decision thereon shall be final.

SEC. 3. Owner may sell land to city.—Should the cost of filling any lot or ground belonging to a private owner exceed one-half of the assessed value thereof, the owner shall have the option to either sell the property to the city at current market value or reimburse the amount expended for filling in twenty equal annual installments as provided in section five of this Act. In case the owner decides to sell his property for inability to pay the cost of filling, the city shall purchase it and the cost thereof shall be charged to the special fund herein created: Provided, however, That the city shall dispose of the land by public auction to the highest and best bidder, but no award shall be made unless the amount of the offer is at least equal to the cost of the land, including the cost of filling and incidental expenses. The proceeds of such sale shall be restored to said special fund.

SEC. 4. City Engineer to have exclusive control of all works, which shall be undertaken by contract.—The City Engineer of the City of Manila shall have charge and exclusive control, of all works to be done and improvements

to be made by the city under the provisions of this Act, which works shall be begun as soon as the Treasurer of the City of Manila shall certify that the funds herein provided for are available provided that all filling works to be undertaken under the provisions of this Act shall be by contract, which shall be awarded to the lowest and best bidder, upon previous advertisement and public competitive bidding: Provided, however, That where the filling of certain parcels of lowlands may, in the opinion of the City Engineer, be undertaken by administration more economically, the Secretary of the Interior may so authorize, in which case, the City Engineer shall have authority to acquire the necessary equipment for filling and the cost thereof shall be charged to the fund herein created.

To carry out the provisions of this section, the City Engineer shall also have authority to employ the necessary personnel for the preparation of plans, supervision and execution of the works, subject to the existing law and regulations governing the employment of personnel by the City of Manila.

SEC. 5. The proceeds of the city bonds to constitute a 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 not more than twenty equal annual installments with an interest of not exceeding six per centum per annum on the investment, the term of reimbursement to be determined by the Secretary of Finance. 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, during the term of reimbursement determined by the Secretary of Finance: 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 condition 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 for a number of years equal to the said terms of reimbursement 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. 6. Issuance of Insular bonds—Collateral bonds of the City of Manila.—Pursuant to the provisions of section eleven of the Act of Congress approved August twenty-ninth, nineteen hundred and sixteen, entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those Islands," as amended by the Act of Congress approved May thirty-first, nineteen hundred and twenty-one, the City of Manila is hereby authorized to negotiate a loan in the sum of one million pesos, which shall be used exclusively for the filling of lowland areas within the residential, manufacturing, commercial, and business districts of said city, for the purpose of protecting the health comfort and convenience of the residents thereof. At the request of the Municipal Board of the City of Manila, the necessary bonds for said loan shall be issued by the Governor-General of the Philippine Islands, who is hereby authorized to issue the same in the name and behalf of the said city. The bonds so authorized shall be

issued in convenient denominations, in registered form, and shall be and registered and transferable and payable in the office of the Insular Treasurer in Manila. They shall have the same date, bear interest at the same rate, and be payable at the same time as the bonds of the Government of the Philippine Islands authorized to be issued in section eight of this Act: Provided, however, That the interest rate on said bonds shall not be in excess of five and one-half per centum per annum.

SEC. 7. Assignment of collateral city bonds to the Insular Government.—The Governor-General is further authorized to assign and transfer said bonds to the Government of the Philippine Islands for a consideration, charging the same to the net proceeds of the sale of the bonds of the Government of the Philippine Islands issued in an equivalent amount, as provided in section eight of this Act, and to deposit the proceeds of said assignment in an authorized depository of the Government of the Philippine Islands. The proceeds of the assignment to the Insular Government of said bonds shall be credited by the Insular Treasurer to the "Public Works Bond Issued Fund of the City of Manila" and shall be withdrawn only for the purposes set Ma forth in this Act, by order of the Secretary of Finance.

SEC. 8. The Secretary of War to issue bonds and to determine form and date of same, etc.—The Secretary of War is hereby authorized to issue in the name and behalf of the Government of the Philippine Islands, bonds to the amount of five hundred thousand dollars, United States currency, for a term of not exceeding thirty years, the term to be determined by the Governor-General, with such conditions, including conditions for optional redemption after ten years, as the Governor-General shall authorize, secured by the bonds of the City of Manila hereby authorized and assigned and transferred to the Insular Government as provided in sections six and seven of this Act.

The Secretary of War shall determine the form of the Insular bond, the dates of issue thereof, and the rate and dates of payment of the interest thereon, which rate shall not be in excess of five and one-half per centum per annum. The Insular bonds may be coupon bonds or registered bonds, convertible, in the discretion of the Secretary of War, into either form, and shall be registered in the Treasury of the United States, where the principal and interest shall be payable in gold coin of the United States. The Secretary of War is further authorized to sell such Insular bonds upon such terms and conditions as in his judgment are most favorable to the Government of the Philippine Islands, and he shall deposit the proceeds of the sale thereof in an authorized depository or depositories of the Government of the Philippine Islands in the United States, to the credit of the Treasurer of the Philippine Islands.

SEC. 9. The proceeds of Insular bonds appropriated to pay city bonds.—The proceeds of the sale of the Insular bonds authorized to be issued by this Act are hereby appropriated for the payment of the bonds issued by the City of Manila and assigned and transferred as security for the Insular bonds above mentioned, in accordance with sections six and seven of this Act.

SEC. 10. Bonds exempted from taxes.—The Insular and City bonds hereby authorized to be issued shall be exempt from taxation by the Government of the United States, by the Government of the Philippine Islands or any political or municipal subdivision thereof, or by any State or territory of the United States, or by any country, municipality, or other municipal subdivision of any State or territory of the United States, or by the District of Columbia, which fact shall be stated upon their face by virtue of section one of the Act of Congress approved February sixth, nineteen hundred and five, according to which Act, as well as in accordance with the Act of Congress approved on August twenty-ninth, nineteen hundred and sixteen, as amended, and in accordance with this Act, the said bonds are issued.

SEC. 11. Sinking fund for repayment of bonds.—A sinking fund is hereby created for the payment of the Insular

bonds issued under the provisions of this Act, in such manner that the total amount thereof at each annual due date of the bond issue shall be equal to the total of an annuity of nineteen hundred and thirty-seven pesos and thirteen centavos for each one hundred thousand pesos of bonds outstanding, accrued at the rate of interest of three and one-half per centum per annum. Said fund shall be under the custody of the Treasurer of the Philippine Islands, who shall invest the same, in such manner as the Secretary of Finance may approve, in accordance with the provisions of Act Numbered Three thousand and fourteen governing the investment of sinking funds shall charge all the expenses of such investment to said sinking fund, and shall credit to the same the interest on investments and other income belonging to it.

SEC. 12. Annual appropriation for sinking fund.—A standing annual appropriation is hereby made out of the general funds in the Insular Treasury, 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 01 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. 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, however, 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. 13. The City Treasurer to be disbursing officer.—The Treasurer of the City of Manila shall be the disbursing officer of the special fund created in this Act, shall keep a record of all operations concerning the special fund and all works, shall collect all moneys, dues and funds, and shall make all payments payable from the fund upon properly accomplished vouchers bearing the approval of the City Engineer of the City of Manila.

SEC. 14. Power of the Philippine Health Service or of the City of Manila not diminished.—Nothing in this Act shall diminish the existing powers of the Philippine Health Service or of the City of Manila in respect to the enforcement of existing sanitary laws, ordinances and regulations, or in respect to the enactment of new or amendatory sanitary laws, ordinances and regulations.

SEC. 15. Reversion of balances of the special fund.—After the Director of Health shall have declared that all lowlands within the City of Manila have been properly filled, and after all obligations chargeable to the special fund created in this Act, including the amortization of the city bonds issued pursuant to the provisions hereof, shall have been settled, all remaining balances in said special fund shall revert to the general fund of the City of Manila and shall, thereafter, be available for appropriation by the Municipal Board for the construction of permanent public improvements only.

SEC. 16. This Act shall take effect on its approval.

Approved, November 17, 1927.

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