

PROMULGATING REGULATIONS TO GOVERN THE ADMINISTRATION AND COLLECTION OF DELINQUENT IRRIGATION FEES FROM LANDOWNERS UNDER IRRIGATION SYSTEMS CONSTRUCTED UNDER THE PROVISIONS OF A...

EXECUTIVE ORDER NO. 161, August 23, 1938

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Whereas Commonwealth Act Numbered eighty-seven authorizes the President to administer irrigation systems constructed under the provisions of Act Numbered Two thousand one hundred fifty-two, as amended, and to effect adjustments in the irrigation charges to be paid by landowners under said systems, including the suspension of judicial proceedings for the collection of such charges;

Now, therefore, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers in me vested by said Commonwealth Act Numbered Eighty-seven, do hereby promulgate the following regulations:

- (1) Irrigation systems constructed under the provisions of Act Numbered Two thousand one hundred fifty-two, as amended, shall be administered in accordance with rules and regulations to be prepared by the Director of Public Works and approved by the President.
- (2) Landowners delinquent in the payment of irrigation charges for all years prior to 1937 shall be granted a period of ten years from September 1, 1938, within which they shall pay unpaid charges including the penalties and expenses of publication. Payments shall be made in ten equal installments, payable at the same time as the regular annual irrigation charges and to be collected in the same manner as said annual charges are collected. The benefits of this provision shall be extended only to those landowners who shall have paid their irrigation charges for the year 1937 on or before December thirty-first, nineteen hundred and thirty-eight.
- (3) Within ninety days after the promulgation of this executive order the Director of Public Works shall determine the sum total of the irrigation charges and penalties and expenses for publication due and unpaid for the years prior to nineteen hundred and thirty-seven, if any, on all and each of the parcels of land included within irrigation systems constructed under Act Numbered Two thousand one hundred fifty-two, as amended, with the exception of the San Miguel Irrigation System in the Province of Tarlac. Said total of the irrigation charges shall be recorded as debit in an account against the owner of the delinquent property and shall constitute a lien against the delinquent land and the crops raised thereon. Such lien shall have preference over all other liens except that for taxes on the land, and such preferred lien shall not be removed until all charges and penalties are paid or the property sold for the payment thereof.
- (4) As soon as the consolidated account provided for in paragraph three of this executive order shall be completed, the Director of Public Works shall notify the owners of the parcels of land included in said consolidated accounts, on a form to be prescribed by him, of the total indebtedness of their property, their privilege to pay in ten equal annual installments, the amount of said installments, and other pertinent information under the provisions of this Executive Order.
- (5) Failure to pay one annual installment shall be sufficient cause for the Director of Public Works to proceed in

the collection of the unpaid installments and the unpaid balance of the account, in the manner provided for in sections thirteen and twenty-nine of Act Numbered Two thousand one hundred fifty-two, as amended

Although the payments of the annual installment, shall have been kept to date, delinquency in the payment of irrigation charges for any year beginning the year nineteen hundred and thirty-seven, as provided in this Executive Order, shall be sufficient cause for the Director of Public Works to proceed in the collection of the delinquency, as the unpaid balance of the account, in the manner provided for in section thirteen of Act Numbered Two thousand one hundred fifty-two, as amended.

(6) All cases now pending in the courts for the collection charges for the years prior to nineteen hundred and thirty-seven shall be suspended, without prejudice to the reinstatement of said cases in the event of failure of the delinquent landowners to make payments as provided in this Executive Order.

(7) The owners of lands that have been forfeited to or purchased by the Government through judicial proceedings to satisfy the nonpayment of irrigation fees, and which lands now remain in the possession of the Government, shall be allowed until December 31, 1938, to file applications for the repurchase of such lands under the conditions prescribed in Executive No. 108, dated August 24, 1937.

(8) The irrigation fees to be paid, beginning January 1, 1939, by landowners under irrigation systems constructed under the provisions of Act No. 2152, as amended, and operated and maintained by the Director of Public Works, with the exception of the San Miguel Irrigation System in Tarlac province, shall consist of the follow.

- (a) Actual cost of operation and maintenance including equipment, with interest of four per cent.
- (b) An insurance charge at the rate of fifty centavos per hectare.
- (c) An additional charge to be applied on the cost of construction, provided that the total annual charge under (a), (b) and (c) hereof, for land under any system shall not exceed six pesos (P6.00) per hectare.

(9) The irrigation fees as fixed under paragraph (8) for any year shall be due and payable on or before August thirty-first of the following years, after which date the penalty shall be ten per cent additional to December thirty-first, and twenty per cent thereafter as prescribed by existing law. Landowners delinquent in the payment of said irrigation fees for one year or longer shall be subject to court action for the collection of the same as provided in section thirteen of Act Numbered Two thousand one hundred and fifty-two, as amended.

Executive Order Numbered One hundred forty-two, issued on February fifteenth, nineteen hundred and thirty-eight, is hereby repealed.

This Order takes effect on the date hereof.

Done at the City of Manila, this twenty-third day of August, in the year of Our Lord, nineteen hundred and thirty eight, and of the Commonwealth of the Philippines, the third.

(Sgd.) MANUEL L. QUEZON
President of the Philippines

By the President:

(Sgd.) JORGE B. VARGAS
Secretary to the President

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