

AN ACT TO ESTABLISH PROVISIONS ADDITIONAL TO THOSE CONTAINED IN ACT NUMBERED ONE HUNDRED AND NINETY WITH REGARD TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN IN CASES IN WHICH ...

Act No. 2826, March 05, 1919

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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. In addition to the procedure authorized for the exercise of the right of eminent domain by sections two hundred and forty-one to two hundred and fifty-three, inclusive, of Act Numbered One hundred and ninety, entitled "Code of Procedure in civil actions and special proceedings in the Philippine Islands," as amended, the procedure provided for in this Act may be adopted in case the right of condemnation is to be exercised in favor of the Insular Government or of any province or municipality of the Philippine Islands.

SEC. 2. When condemnation proceedings are instituted by or in favor of the Insular Government or any province or municipality of the Philippine Islands in any competent court of the Philippines, the plaintiff shall be entitled to enter immediately upon the land covered by such proceedings, after depositing with the provincial treasurer the value of said land in cash, as previously and promptly determined and fixed by the competent court, which money the provincial treasurer shall retain subject to the order and final decision of the court: Provided, however, That the court may permit that in lieu of cash, there may be deposited with the provincial treasurer a certificate of deposit of any depository of the Government of the Philippine Islands, payable to the provincial treasurer on sight, for the sum ordered deposited by the court. The certificate and the sums represented by it shall be subject to the order and final decision of the court, and the court shall have authority to place said plaintiff in possession of the land, upon such deposit being made, by the proper orders and a mandate, if necessary.

SEC. 3. In case it appears from the records or from the report of the commissioners, or if the court becomes by any other means convinced that the real ownership of the land to be condemned is uncertain, and that there are conflicting claims to the same and divers interests with regard to any parcel of the land to be condemned, the court, if it be convinced that the real owners have been notified and have appeared at the hearings, shall order, upon decreeing the condemnation and payment of the sum or sums fixed by the court as just compensation for the land taken, that such sum or sums be paid over to the clerk of the court for the benefit of the persons finally adjudged to be entitled to the same. In fixing the sum or sums to be paid, the court shall govern itself by the rules established in section two hundred and forty-four of Act Numbered One hundred and ninety. Upon the payment by the plaintiff to the defendants of the compensation awarded by the sentence, or after the tender of said sum to the defendants, and the payment of the costs, or in case the court orders the price to be paid into court, the plaintiff shall be entitled to appropriate the land so condemned to the public use specified in the sentence. In case payment is made to the court, the clerk of the same shall be liable on his bond for the sum so paid and shall be obliged to receive the same.

SEC. 4. The commissioners appointed for the purposes of this Act may render their report upon the completion of

the work with respect to any portion of the land covered by the complaint in condemnation proceedings, and the court may pronounce judgment upon such partial report if it deem the same just and reasonable, and said commissioners shall continue their work with respect to the remainder of said land and may continue to proceed in this manner until they shall be able to render a full accounting. Sec. 5. Any person believing himself to be entitled to the money paid over to the court in accordance with the provisions of the last preceding section, may prosecute his claim in the court, and said court shall distribute the money paid over to it among the several claimants as justice may demand and shall assess the costs as it may deem fair, but the plaintiff in condemnation proceedings shall not necessarily be a party to the proceedings for the distribution of the sum or sums paid into court, nor shall he be liable for the costs of said proceedings.

SEC. 6. This Act shall take effect on its approval.

Approved, March 5, 1919.

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