

AN ACT TO AMEND SECTION FOUR HUNDRED AND FIFTY-ONE OF THE CODE OF CIVIL PROCEDURE, AS AMENDED, REGULATING INDEMNITY BONDS IN CLAIMS OF THIRD PARTIES TO ATTACHED PROPERTY, ESTABL...

Acts No. 4108, December 06, 1933

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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. Section four hundred and fifty-one of Act Numbered One hundred and ninety, as amended by Act Numbered Thirty-five hundred and thirty-one, is hereby further amended to read as follows:

"SEC. 451. Right of third party against officer.—Any person alleging to be the owner of property levied on or to have a legal interest therein can claim such property by serving upon the sheriff or officer who has made the attachment, or the person acting in his stead, a written claim, verified by the oath of such claimant, setting out his title thereto and his right to possession thereof, stating the grounds of such claim. In this case the sheriff shall not be bound to keep the property claimed unless the plaintiff files a bond indemnifying the officer against such claim. The amount of the bond shall not be greater than the value of the property in the local market, and in case of disagreement as to the value or the terms or sureties of the bond, the same shall be decided by the court having jurisdiction of the case in which the writ was issued, after hearing the sheriff, the plaintiff, and the third party. Upon the filing of such bond, the sheriff shall forthwith proceed to comply with the writ, unless an injunction has been issued, in which case, as well as in the event that action is not brought upon the bond within one hundred and twenty days after the sale, the same shall be understood to be cancelled.

"No claim to property levied on by the sheriff shall be valid against the latter, or shall be received or be notice of any rights against him, unless a claim has been made to said property by a third party as provided in this section and said claim has been enforced by the proper action within one hundred and twenty days after the sale.

"When the execution or attachment is for the benefit of the Government of the Philippine Islands and is made under the immediate supervision of the Solicitor-General, the indemnity bond mentioned shall not be required, and in case the sheriff is sued for damages as a result of such execution or attachment, said sheriff shall be represented by the Solicitor-General, and if he is held liable therefor by final decision, the amount shall be paid by the Insular Treasurer from the funds appropriated for said purpose.

"Nothing contained in this section shall prevent the owner of the property levied on from vindicating his claim thereto by any proper action within the period established by the laws governing prescription."

SEC. 2. All rights of action against indemnity bonds filed under section four hundred and fifty-one of the Code of Civil Procedure before this Act took effect shall be prescribed and the bonds shall be canceled unless action is brought thereon within one hundred and twenty days after this Act takes effect.

SEC. 3. This Act shall take effect on its approval.

Approved, December 6, 1933.

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