

AN ACT AMENDING SECTIONS NUMBERED EIGHTY AND EIGHTY-EIGHT OF ACT NUMBERED ONE HUNDRED AND NINETY, PROVIDING A CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN THE P...

Act No. 1778, October 11, 1907

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

SECTION 1. Section eighty of Act Numbered One hundred and ninety, as amended, is hereby amended to read as follows:

"SEC. 80. Forcible entry into and detainer of land or buildings. Anyone deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, and any landlord, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or determination of the right to hold possession, by virtue of any contract, express or implied, and the legal representatives or assigns of any such landlord, vendor, vendee, or other person, shall at any time within one year after such unlawful deprivation or withholding of possession be entitled, as against the person or persons unlawfully withholding or depriving of possession, or against any person or persons claiming under them, to restitution of the land, building, and premises possession of which is unlawfully withheld, together with damages and costs: Provided, however, That no landlord shall commence any action against a tenant for restitution of possession of any land or building for failure to pay rent or to comply with the conditions of his lease, unless the tenant shall have failed, for a period of three days, to pay the rent due or comply with the conditions of his lease after demand therefor. The demand for payment or for the performance of any condition of the lease may be made upon the tenant personally, or by serving written notice of such demand upon any person who may be found upon the premises, or by posting such notice on the premises, if neither the tenant nor any other person can be found thereon at the time the landlord or his agent may have gone there for the purpose of making such demand."

SEC. 2. Section eighty-eight of said Act Numbered One hundred and ninety, as amended, is hereby amended to read as follows:

"SEC. 88. Appeal.—Either party may appeal from the judgment of the justice of the peace to the Court of First Instance within five days after the rendition of the judgment, and the suit shall be conducted therein in the same manner as appeals from justices of the peace in oilier civil actions. If the plaintiff recovers possession of the premises in the Court of First Instance he shall have judgment for the amount of rents and damages then due. If the defendant appeals from the judgment of the justice he shall give security by an obligation, with sufficient sureties, approved by the justice of the peace, to enter the action in the Court of First Instance, and to pay rents, damages, and costs, and the defendant and the sureties shall be liable upon their obligation has been filed with the justice and it is proven that at the time such appeal is taken all money found by the judgment to be due from the defendant to the plaintiff, either as rent or as the reasonable value of the use and occupation of the premises, as the case may lie. has been paid to the plaintiff or has been deposited in court pendency of the appeal it shall be the duty of the to pay to the plaintiff or into the Court of First Instance, on of the defendant, the amount of rent due from time to time under the contract, if any, as found by the judgment of the justice of

the peace to exist, or, in the absence of a contract, to pay to the plaintiff or into court, as above provided, on or before the tenth day of each calendar month, the reasonable value of the use and occupation of the premises for the preceding month at the rate determined by the judgment. All moneys so paid to the Court of First Instance shall be deposited in the provincial treasury, or, in the city of Manila in the Insular Treasury, there to be held until the final disposition of the appeal. Should the defendant to make the payments above prescribed from time to time under the contract, if any, as found by the judgment of the justice of the peace to exist, or, in absence of a contract, to pay to the plaintiff or into court, as above provided, on or before the tenth day of each calendar month, the reasonable value of the use and occupation of the premises for the preceding month at the rate determined by the judgment. All moneys so paid to the Court of First Instance shall be deposited in the provincial treasury, or in the city of Manila in the Insular Treasury, there to be held until the final disposition of the appeal. Should the defendant fail to make the payments above prescribed from time to time during the pendency of the appeal, the Court of First Instance, upon the motion of the plaintiff, of which the defendant shall have notice, upon proof of the failure of the defendant to make such payments, shall forthwith dismiss the appeal. The dismissal of the appeal shall revive the judgment of the justice of the peace and it may thereupon be enforced by execution as though no appeal had been taken. In case of the dismissal of an appeal as above provided all moneys paid by the defendant into court shall be delivered to upon the the plaintiff. If the case is tried on its merits in the Court of First Instance any money paid into court by the defendant for the purposes of the appeal shall be disposed of in accordance with the o£ provisions of the judgment of the Court of First Instance. The appeal bond above referred to shall be transmitted by the justice, with the other papers, to the clerk of the Court of First Instance to which the action is appealed."

SEC. 3. 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. 4. This Act shall take effect on its passage.

Enacted, October 11, 1907.

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