

AN ACT GIVING TO THE GOVERNOR-GENERAL IN BEHALF OF THE GOVERNMENT OF THE PHILIPPINE ISLANDS AND TO MUNICIPALITIES AND PROVINCES THE RIGHT TO ACQUIRE FOR PUBLIC USES REAL PROPERT...

Act No. 2249, February 11, 1913

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

SECTION 1. The Governor-General is hereby authorized, for and in behalf of the Government of the Philippine Islands, to determine when it is necessary or advantageous to exercise the right of eminent domain conferred upon said Government. It shall be the duty of the Attorney-General, when directed by the Governor-General, to cause condemnation proceedings to be begun in the court having jurisdiction.

SEC. 2. Municipal councils and provincial boards are hereby authorized, for and in behalf of their respective municipalities or provinces, subject to the approval of the Governor-General, to acquire real estate by the exercise of the right of eminent domain for school, cemetery, and park purposes, for municipal buildings, for opening and widening streets, for market sites, and public plazas, for the construction of crematories, artesian wells, and drainage, water supply and sewer systems, cesspools, wharves, and piers.

SEC. 3. The right granted in the two preceding sections shall be exercised in the manner provided in sections two hundred and forty-one to two hundred and fifty-three, inclusive, of Act Numbered One hundred and ninety, as amended.

SEC. 4. When condemnation proceedings are brought under and by virtue of the authority conferred by this Act in any court of competent jurisdiction in the Philippine Islands, the plaintiff shall have the right to enter immediately upon the possession of the land involved, after and upon the deposit by it with the provincial treasurer of the value of the land, in money, as provisionally and promptly ascertained and fixed by the court having jurisdiction of the proceedings, said sum to be held by the provincial treasurer subject to the orders and final disposition of the court: Provided, however, That the court may authorize the deposit with the provincial treasurer of a certificate of deposit of any depository of the Government of the Philippine Islands in lieu of cash, such certificate to be payable to the provincial treasurer on demand in the amount directed by the court to be deposited. The certificate and the moneys represented thereby shall be subject to the orders and final disposition of the court. After such deposit is made the court is empowered and directed, by appropriate order and writ, if necessary, to place the said plaintiff in possession of the land.

SEC. 5. In case it shall appear from the pleadings or from the report of the commissioners, or the court shall otherwise be satisfied of the fact, that the true ownership of the lands sought to be condemned is uncertain and that there are conflicting claims to, and diverse interests in, any parcel of land sought to be condemned, the court, if satisfied that the real owners of the land have been notified and are before the court, shall, upon rendering judgment for condemnation and for payment of the sum or sums fixed by the court as just compensation for the land taken, order such sum or sums to be paid to the clerk of the court for the benefit of the persons who shall

ultimately be adjudged entitled thereto. In fixing the sum or sums to be awarded the court shall be governed by the rules laid down in section two hundred and forty-four of Act Numbered One hundred and ninety. Upon the payment by the plaintiff to the defendants of compensation as fixed by the judgment, or after tender to the defendants of the amounts so fixed and payment of the costs, or in case the court shall order the compensation paid into court, the plaintiff shall have the right to appropriate to the public use defined in the judgment the land so condemned. If such payment is made into the court, the clerk of the court shall be responsible upon his bond for the sum so paid and shall be compelled to receive it.

SEC. 6. The commissioners appointed for the purposes of this Act may report upon the completion of their work with respect to any portion of the lands covered by the petition for expropriation, and the court may render judgment on said partial report if it deem the same just and reasonable, and said commissioners shall continue their work with regard to the remaining portions of the said lands, and may continue with this procedure until they are able to render a full report on their work.

SEC. 7. Any party claiming an interest in money paid into court in accordance with the provisions of the preceding section may litigate in court his claim thereto, and the court shall apportion the sum so paid in among the various claimants thereto as justice shall require, and shall award such costs as to it may seem equitable, but the plaintiff in the condemnation proceedings shall not be a necessary party to the proceedings for the distribution of the sum or sums paid into court, nor be answerable for any costs arising from such litigation.

SEC. 8. The Court of First Instance of the province wherein such real property is located shall have exclusive original jurisdiction of proceedings for the condemnation of real property for a municipality or province or for the Government of the Philippine Islands. For the purposes of this section the city of Manila shall be considered a province.

Enacted, February 11, 1913.

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