

AN ACT ON SALVAGE AND RENDERING OF ASSISTANCE TO VESSELS AND CARGOES.

Act No. 2616., February 04, 1916

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

SECTION 1. When, in case of shipwreck, the vessel or its cargo shall be beyond the control of the crew, or shall have been abandoned by them, and picked up and conveyed to a safe place by other persons, the latter shall be entitled to a reward for the salvage.

Those who, not being included in the above paragraph, assist in saving a vessel or its cargo from shipwreck, shall be entitled to a like reward.

SEC. 2. If the captain of the vessel, or the person acting in his stead, is present, no one shall take from the sea, or from the shores or coasts, merchandise or effects proceeding from a shipwreck, or proceed to the salvage of the vessel, without the consent of such captain or person acting in his stead.

SEC. 3. He who shall save or pick up a vessel or merchandise at sea, in the absence of the captain of the vessel, owner, or a representative of either of them, they being unknown, shall convey and deliver such vessel or merchandise, as soon as possible, to the collector of customs, if the port has a collector, and otherwise to the provincial treasurer or municipal president.

SEC. 4. After the salvage is accomplished, the owner or his representative shall have a right to the delivery of the vessel or things saved, provided that he pays, or gives a bond to secure, the expenses and the proper reward.

The amount and sufficiency of the bond, in the absence of agreement, shall be determined by the collector of customs or by the judge of Court of First Instance of the province in which the things saved may be found.

SEC. 5. The collector of customs, provincial treasurer, or municipal president, to whom a salvage is reported, shall order:

- (a) That the things saved be safeguarded and inventoried.
- (b) The sale at public auction of the things saved which may be in danger of immediate loss or of those whose conservation is evidently prejudicial to the interests of the owner, when no objection is made to such sale.
- (c) The advertisement within the thirty days subsequent to the salvage, in one of the local newspapers or in the nearest newspaper published, of all the details of the disaster, with a statement of the marks and number of the effects, requesting all interested persons to make their claims.

SEC. 6. If, while the vessel or thing saved are at the disposition of the authorities, the owner or his representative shall claim them, such authorities shall order their delivery to such owner or his representative, provided that there is no controversy over their value, and a bond is given by the owner or his representative to secure the payment of the expenses and the proper reward. Otherwise, the delivery shall not be made until this matter is decided by the Court of First Instance of the province.

SEC. 7. No claim being presented in the three months subsequent to the publication of the advertisements prescribed in subsection (c) of section five, the things saved shall be sold at public auction, and their proceeds, after deducting the expenses and the proper reward, shall be deposited in the Insular Treasury. If three years shall pass without anyone claiming it, one-half of the deposit shall be adjudged to him who saved the things, and the other half to the Insular Government.

SEC. 8. The following shall have no right to a reward for salvage or assistance:

- (a) The crew of the vessel shipwrecked or which was in danger of shipwreck;
- (b) He who shall have commenced the salvage in spite of opposition of the captain or of his representative; and
- (c) He who shall have failed to comply with the provisions of section three.

SEC. 9. If, during the danger, an agreement is entered into concerning the amount of the reward for salvage or assistance, its validity may be impugned because it is excessive, and it may be required to be reduced to an amount proportionate to the circumstances.

SEC. 10. In a case coming under the last preceding section, as well as in the absence of an agreement, the reward for salvage or assistance shall be fixed by the Court of First Instance of the province where the things salvaged are found, taking into account principally the expenditures made to recover or save the vessel or the cargo or both, the zeal demonstrated, the time employed, the services rendered, the excessive expenses occasioned, the number of persons who aided, the danger to which they and their vessels were exposed, as well as that which menaced the things recovered or salvaged, and the value of such things after deducting the expenses.

SEC. 11. From the proceeds of the sale of the things saved shall be deducted, first, the expenses of their custody, conservation, advertisement, and auction, as well as whatever taxes or duties they should pay for their entrance; then there shall be deducted the expenses of salvage; and from the net amount remaining there shall be taken the reward for the salvage or assistance, which shall not exceed fifty per cent of such amount remaining.

SEC. 12. If in the salvage or in the rendering of assistance different persons shall have intervened, the reward shall be divided between them in proportion to the services which each one may have rendered, and in case of doubt, in equal parts.

Those who, in order to save persons, shall have been exposed to the same dangers, shall also have a right to participation in the reward.

SEC. 13. If a vessel or its cargo shall have been assisted or saved, entirely or partially, by another vessel, the reward for salvage or for assistance shall be divided between the owner, the captain, and the remainder of the crew of the latter vessel, so as to give the owner a half, the captain a fourth, and all the remainder of the crew the other fourth of the reward, in proportion to their respective salaries, in the absence of an agreement to the contrary. The expenses of salvage, as well as the reward for salvage or assistance, shall be a charge on the things salvaged or their value.

SEC. 14. This Act shall take effect on its passage.

Enacted, February 4, 1916.

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