

AN ACT MAKING ADDITIONAL PROVISIONS TO THOSE CONTAINED IN ACT NUMBERED ONE HUNDRED AND NINETY, RELATING TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN IN CASES WHERE THE EXERCIS...

Act No. 1258, November 03, 1904

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

SECTION 1. In addition to the method of procedure authorized for the exercise of the power 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 "An Act providing a Code of Procedure in civil actions and special proceedings in the Philippine Islands," the procedure in this Act provided may be adopted whenever a railroad corporation seeks to appropriate land for the construction, extension, or operation of its railroad line.

SEC. 2. In case a railroad corporation is authorized to occupy any part of the public domain for the purpose of construction, extension, or operation of its line, it shall occupy only such portions of the public domain as and by its charter authorized, and the manner of acquiring possession thereof shall be such as is its charter especially defined.

SEC. 3. Whenever a railroad corporation is authorized by its charter, or by general law, to exercise the power of eminent domain in the city of Manila or in any province, and has not obtained by agreement with the owners thereof the lands necessary for its purposes as authorized by law, it may in its complaint, which in each case shall be instituted in the Court of First Instance of the city of Manila if the land is situated in the city of Manila, or in the Court of First Instance of the province where the land is situated, join as defendants all persons owning or claiming to own, or occupying, any of the lands sought to be condemned, or any interest therein, within the city or province, respectively, showing, so far as practicable, the interest of each defendant and stating with certainty the right of condemnation, and describing the property sought to be condemned. Process requiring the defendants to appeal in answer to the complaint shall be served upon all occupants of the land sought to be condemned, and upon the owners and all persons claiming interest therein, so far as known. If the title to any lands sought to be condemned appears to be in the Insular Government, although the lands are occupied by private individuals, or if it is uncertain whether the title is in the Insular Government or in private individual, or if the title is otherwise so obscure or doubtful that the company can not with accuracy or certainty specify who are the real owners, averment may be made by the company in its complaint to that effect, process shall be served upon residents and nonresidents in the same manner as provided therefor in Act Numbered One hundred and ninety, and the rights of minors and persons of unsound mind shall be safeguarded in the manner in such cases provided in said Act. The court may order additional and special notice in any case where such additional or special notice is in its opinion, required.

SEC. 4. Commissioners appointed in pursuance of such complaint, in accordance with section two hundred and forty-three of Act Numbered One hundred and ninety, shall have jurisdiction over all the lands included in the complaint, situated within the city of Manila or within the province, as the case may be, and shall be governed in

the performance of their duties by the provisions of sections two hundred and forty-four and two hundred and forty-five, and the action of the court upon report of the commissioners shall be governed by section two hundred and forty-six, of Act Numbered One hundred and ninety.

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. The sum or sums so awarded 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 the defendants of compensation as fixed by the judgment, 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 in accordance with the provisions of this section, the plaintiff shall have the right to enter in and upon the land so condemned, and to appropriate the same to the public use declined in the judgment, his case such payment is made into court, the clerk of the court shall be responsible upon his bond for the sum so paid and shall be compelled to receive it. The effect of a bill of exceptions in such case, the provisions as to costs, as to the fees of the commissioners, as to final judgment and its record and effect. as to the power of a guardian, and as to persons not notified of the condemnation proceedings, shall be such as are declined in sections two hundred and forty-eight to two hundred and fifty-three, inclusive of Act Numbered One hundred and ninety.

SEC. 6. 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. 7. The commissioners appointed to investigate and report upon damages to be awarded in condemnation proceedings under this Act may receive a greater compensation than that fixed by section two hundred and fifty, should the court in its order appointing the commissioners fix a greater compensation than that allowed by section two hundred and fifty of Act Numbered One hundred and ninety, but not to exceed ten pesos per day in all for each commissioner. If additional compensation is to be allowed, the sum to be allowed shall be fixed in the order of appointment.

SEC. 8. The court, in its order of appointment, may direct the commissioners to report when any particular portion of the lands situated within the city of Manila or in any province shall have been passed upon by the commissioners, and may render judgments upon such partial report, and direct the commissioners to proceed with their work as to subsequent portions of the land sought to be condemned, and may from time to time so deal with lands sought to be condemned within the city of Manila or province, as the case may be.

SEC. 9. The proper judge of the Court of First Instance may act upon complaints for condemnation of lands under this Act in vacation time as well as in term time, and may make appointments of commissioners, orders upon the reports of commissioners, and judgments of condemnation and for the awarding and apportioning of damages, at any time when it is convenient so to do, upon due notice to the parties in interest, and may make any orders to expedite proceedings in the same manner and to the same effect as though made in regular term time and in court. It shall be the duty of the court or judge to expedite these proceedings as much as the interests of justice will warrant.

SEC. 10. No judgments entered in pursuance of this Act, apportioning damages among rival claimants, shall be conclusive as to the real ownership of the land affected thereby in proceedings in the Court of Land Registration for the purpose of obtaining a certificate of title.

SEC. 11. 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. 12. This Act shall take effect on its passage.

Enacted, November 3, 1904.

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