

[REPUBLIC ACT NO. 240, June 12, 1948]

AN ACT PROVIDING FOR THE ATTACHMENT OF THE PROPERTY OF THE DEFENDANT IN CRIMINAL ACTION, BY AMENDING FOR THIS PURPOSE THE RULES OF COURT.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The Rules of Court is hereby amended by adding a new Rule after Rule One hundred twenty-two, to be known as Rule One hundred twenty-two-A which shall read as follows:

"Rule 122-A
"ATTACHMENT

"SECTION 1. *Attachment*.—At the commencement of a criminal action or at any time thereafter, when the civil action for the recovery of civil liability arising from the offense charged is not expressly waived or the right to institute such civil action separately is not reserved, the offended party may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered from the defendant, in the following cases:

"(a) When the defendant is about to depart from the Philippines;

"(b) When the criminal action is based on a claim for money or property which has been embezzled or fraudulently misapplied or converted to the use of the defendant who is a public officer, or any officer of a corporation, or an attorney, factor, broker, agent, or clerk, in the course of his employment as such, or by any other person in a fiduciary capacity, or for a willful violation of duty;

"(c) When the defendant has concealed, removed, or disposed of his personal property, or is about to do so;

"(d) When the defendant resides outside the Philippines;

"SEC. 2. Sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of Rule Fifty-nine of the Rules of Court governing attachment in civil actions shall apply to attachment provided for in the preceding section in so far as they may be applicable."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 12, 1948.