

[Act No. 3531, September 28, 1929]

AN ACT AMENDING SECTIONS FOUR HUNDRED AND FORTY-TWO AND FOUR HUNDRED AND FIFTY-ONE OF ACT NUMBERED ONE HUNDRED AND NINETY, COMMONLY KNOWN AS THE CODE OF CIVIL PROCEDURE.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section four hundred and forty-two of Act Numbered One hundred and ninety is hereby amended to read as follows:

"SEC. 442. *Right of third party against officer.*—If the property taken be claimed by any other person than the defendant or his agent and such person make an affidavit of his title thereto or right to the possession thereof, stating the grounds of such right or title, and serve the same upon the officer while he has possession of the property, the officer shall not be bound to keep the property under the attachment, unless the plaintiff, on demand of him, or his agent, indemnify the officer against such claim by an obligation with two sufficient sureties; and no claim to such property or damage for its seizure by any other person than the defendant or his agent shall be valid against the officer unless so made, but nothing herein contained shall prevent such third person from vindicating his claim to the property by any proper action: *Provided, however,* that when the plaintiff, or the person in whose favor the writ of attachment runs, is the Insular Government, or any officer duly representing it, the filing of such bond shall not be required, and in case the sheriff or attaching officer is sued for damages as a result of the attachment, he shall be represented by the Attorney-General and if held liable therefor, the actual damages adjudged by the court shall be paid by the Insular Treasurer out of such funds as may be appropriated for the purpose."

SEC. 2. Section four hundred and fifty-one of Act Numbered One hundred and ninety is hereby amended to read as follows:

"SEC. 451. *Claims by third persons to property levied on.* Property levied on can be claimed by a third person as his property, by a written claim, verified by the oath of such claimant, setting out his title thereto, his right to possession thereof, stating the grounds of such title, and served upon the governor, or his deputy, or officer making the levy. The officer in such case is not bound to keep the property, unless the plaintiff, or the person in whose favor the writ of execution runs, on demand, indemnify the officer against such claim by an obligation, signed by the plaintiff with good and sufficient surety, and no claim to such property shall be valid against the officer, or shall be received or be notice of any rights against him unless made as herein provided; but nothing herein contained shall prevent such third person from vindicating his claim to the property by any proper action: *Provided, however,* That when the plaintiff, or the person in whose favor the writ of execution runs, is the Insular Government, or any officer duly representing it, the filing of such bond