

[Act No. 2249, February 11, 1913]

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 PROPERTY OF PRIVATE OWNERSHIP BY CONDEMNATION UNDER JUDICIAL PROCESS AND CONFERRING ON COURTS OF FIRST INSTANCE EXCLUSIVE ORIGINAL JURISDICTION THEREOF, AND FOR OTHER PURPOSES.

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