

[Act No. 1724, September 23, 1907]

AN ACT APPROVING, CONFIRMING, AND RATIFYING THE AGREEMENT MADE BETWEEN THE SECRETARY OF WAR, REPRESENTING THE GOVERNMENT OF THE PHILIPPINE ISLANDS, AND THE ARCHBISHOP OF MANILA, REPRESENTING THE ROMAN CATHOLIC CHURCH IN THE PHILIPPINE ISLANDS, DETERMINING THE TITLE TO VARIOUS ESTATES AND PROPERTIES HERETOFORE A MATTER OF DISPUTE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE GOVERNMENT OF THE PHILIPPINE ISLANDS, AND SETTTLING THE RIGHT OF POSSESSION AND ADMINISTRATION OF SUCH ESTATES AND PROPERTIES, AND ADJUSTING CERTAIN CONTROVERSIES BETWEEN THE SAID GOVERNMENT AND THE BANCO ESPAÑOL-FILIPINO.

Whereas certain controversies have arisen between the Roman Catholic Church and the Government of the Philippine Islands as to the title to various estates and properties and as to the right of possession and administration thereof: and

Whereas there have been certain controversies between the Government of the Philippine Islands and the Banco Español-Filipino as to the rights and powers of the latter under its charter from the Kingdom of Spain : and

Whereas, for the purpose of ending these controversies, William H. Taft, as Secretary of War of the United States, representing the Government of the Philippine Islands, and Jeremiah J. Harty, archbishop of Manila, representing the Roman Catholic Church, in the Philippine Islands, and Jeremiah J. Marty, archbishop of Manila, representing and controlling a majority of the capital stock of the Banco Español-Filipino, did, on the eighth day of June, nineteen hundred and seven, enter into the following agreement determining and settling the controversies between the Roman Catholic Church and the Government of the Philippine Islands, and between the Banco Español-Filipino and the Government of the Philippine Islands, to wit:

"This memorandum of agreement, entered into by Archbishop Harty, archbishop of Manila, representing the Roman Catholic

Church in the Philippine Islands, and the Secretary of War, representing the Government of the Philippine Islands, is intended to form the basis of a compromise of a number of controversies arising between the Roman Catholic Church and the Government of the Philippine Islands,, and to end all such controversies.

"The controversies arising are as follows:

"First.—The right of the Roman Catholic Church, on the one hand, and the Philippine Government, on the other, to administer certain charitable trusts, and to take possession of, and assume control of, the following estates, to wit.:

"The buildings, estate and hospital plant of the Hospicio San Jose."

"Second,—The buildings, estates and hospital plant of San Juan de Dios. including all other estates or investments of said Hospital of San Juan de Dios.

"Third,—The Colegio de San Jose, now in litigation in the Supreme Court of the Philippine Islands, including buildings, hospital plant, or other property of the Colegio de San Jose, and any hospicios, estates or investments held by it.

"Fourth,—The Hospital of San Jose in Cavite, including the hind and buildings thereof in Cavite.

"Fifth,—The estate, hospital plant, buildings, and investments, or other property of the Colegio Santa Isabela.

"Sixth,—The buildings, hospital plant, estates, and all other property and investments of the hospital and foundation of San Lazaro.

"Seventh,—The buildings, plant, foundation and estates known as the Santa Potenciana.

"Also the controversy between the Banco Español-Filipino, in archbishop of the diocese of Manila, representing the Roman Catholic Church, represents and controls a majority of the capital stock, presents the issue whether the rights, privileges and immunities conferred upon the Banco Español-Filipino continue unimpaired under the American sovereignty brought about by the Paris, the Philippine Government contending that the right to pin in circulation notes of issue ceased to be, and was dependent thereafter upon any grant of the American or Philippine Government. The bank on its part claimed that under the terms of the Treaty of Paris the right to issue such notes continued unimpaired, and that the charter as granted by the Spanish Government without impairment under American sovereignty.

"Now, therefore, for the purpose of ending all these controversies, the following informal agreement is entered into, to be subject to the approval of the Philippine Commission, and to be carried into effect by the entry of consent decrees, in the proper Courts, in such from as to conform the titles in the persons by this agreement to take the respective properties, and by such legislation of the Philippine Commission as may be necessary to further confirm and put into execution said agreement, and also subject to the approval of the Secretary of War and of Archbishop Harty, through his agent, Festus J. Wade, of the statutes of the hank as they shall be revised, such revision to contain it restriction on the amount of money to be leaned by the Bank on real-estate security.

"In consideration of the foregoing, and in the manner prescribed wherein,

the Archbishop of the diocese of Manila, for the Roman Catholic Church in the Philippine Islands, is to take possession, and hold in absolute title, free from all claims or demands of the Philippine Government, the land and property, real, personal and mixed, set forth and described under sections one, two, three, four, and five hereof, namely:—Hospicio San Jose, San Juan de Dios-Colegio de San Jose; Hospital of San Jose in Cavite, and the Colegio Santa Isabela.

"It being understood, however, that the College of San Jose is to be surrendered and given into the possession and ownership of the Archbishop of Manila for the specific purpose of its foundation.

"And to the same extent, and in the same manner, the archbishop of Manila, for the Roman Catholic Church, relinquishes all claims and demands, of any nature, and to any extent, upon the buildings, plant, foundation and estates known as Santa Potenciana, and also upon the buildings, hospital, plant, church, estates, and all other property and investments, real, personal or mixed, of the hospital and foundation of San Lazaro, except as follows:

"First,—The archbishop of Manila is to take, hold, and own all of block numbered 156, as platted and set forth upon the map or plat hereto attached and made a part hereof for the purpose of this agreement, said conveyance being in consideration of the relinquishment by the Archbishop of Manila of any claim or demand to the church and land upon which it is situated and which is attached to, and a part of, the San Lazaro Hospital.

"Second,—All of the blocks platted and set forth upon the map hereto attached, beginning with block numbered 159 and up to and including block numbered 210, shall be divided as follows:

"The Archbishop of Manila, his agent or representative, shall select fifty hectares belonging to the San Lazaro estate north of the second street running parallel to the northern boundary of the present hospital ground, provided there be fifty hectares in this property. The selection shall be made by blocks, platted and numbered from 159 to 210, inclusive, upon the accompanying map or plat. The area of this described property shall be determined in hectares, and if it exceeds fifty hectares the selection shall be as follows:

"First,—The Archbishop, or his representative, will select a block, and then the representative of the Philippine Government will select a block, and alternate selections will follow until the Archbishop shall have received fifty hectares of land. If from the survey it is shown that these alternate selections by the Archbishop and by the Philippine Government will not give to the Archbishop the required fifty hectares of land, the Philippine Government shall withdraw from further selection as soon as its proportionate amount has been received, and give the balance of the property to the

Archbishop. It being understood that both the parties hereto agree to the dedication to public use of the streets and alleys shown on said plat or map.

"In relation to the Banco Español-Filipino, the following is agreed by and between the parties hereto:

"I. That the corporate existence of the Banco Español-Filipino shall be extended twenty-five years from January 1st, 1903. This period may be extended at the request of the majority of the stockholders of the bank, provided such request be made at least one year before the expiration of the twenty-five years mentioned.

"II. That the bank is authorized to change its name, at its option, to be known as the Bank of the Philippine Islands or the Philippine Bank.

"III. That the Government of the Philippine Islands renounces all rights which it may have derived under Spanish law to appoint the Governor and other officers of the Bank or to interfere in any way with its administration, except to make examination of its solvency and supervise its conduct in the interest of the public in the same manner as such examination and supervision are or may be exercised over national banks in the United States and as prescribed by the laws of the Philippine Islands.

"IV. That upon compliance with the preamble of this agreement, validity is given to all acts heretofore performed by the Bank, which would otherwise be legal, and whose validity might be questioned by reason of the failure of the Bank to comply with its statutes in regard to the participation of the Government in the management of the Bank.

"V. That the Government of the Philippine Islands renounces all right and title derived from Spanish law and the existing statutes of the bank to a loan of any money, to the Treasury of the Philippine Islands.

"VI. That the Treasurer of the Philippine Islands, provincial treasurers, and other authorized public officials shall, from time to time, deposit with the bank and its branches, upon such terms as may be prescribed by the Government of the Philippine Islands, such public moneys, and trust funds as may be available for this purpose, without discrimination against the Bank or in favor of other institutions: but this clause shall not bind such officials to make or maintain such deposits when, in their opinion, it is inadvisable.

"VII. That, the Treasurer of the Philippine Islands and all assistant treasurers, and provincial and municipal treasurers,