

[Acts No. 4261, November 07, 1935]

AN ACT AMENDING CERTAIN SECTIONS OF ACT NUMBERED THIRTY-THREE HUNDRED AND FIFTY-TWO, RELATIVE TO THE FILLING OF LOWLANDS IN THE CITY OF MANILA, AND FOR OTHER PURPOSES.

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 two of Act Numbered Thirty-three hundred and fifty-two is hereby amended so as to read as follows:

"SEC. 2. *Filling of lowlands—When and how made.*—Whenever the Director of Health shall declare, and shall so communicate to the Mayor of the City of Manila, that any lot or ground within the City of Manila belonging to any person or corporation, or to the Insular Government or any branch or political subdivision thereof, is so low, excavated or walled, diked or dammed as to admit or cause the formation on the surface thereof of stagnant or foul water, which is a nuisance or a menace to the public health, unless filled in, or its sanitary condition otherwise improved, the said City Mayor, if he deems it convenient for the best interest of the community, shall cause the City Engineer to serve a notice on the registered owner or owners, his or their duly authorized agents or representatives, or any person in control of such lot or ground, directing him or them, in case it shall not be feasible to drain such lot by means of surface drains into any channel with which such surface drain may lawfully communicate, or to cut or break any retaining wall, dike, or dam, so that such retained water may have free escape, to have said lot or ground filled in to such extent, in such manner, with such material, and within such reasonable time as may be prescribed in such notice; and in case the registered owner or owners or any of the aforesaid person shall neglect, refuse, or be unable to undertake the filling within the time specified in said notice, which shall not be less than two nor more than six months, the City Mayor shall have the power to have such lot or ground filled in and the expenses thereof charged to the land filled as hereinafter provided, and paid from the special fund herein created. Within thirty days after the receipt of the aforesaid notice issued by the City Mayor, any owner aggrieved by the declaration of Director of Health, by virtue of which the notice was issued, may appeal from the order of the City Mayor to the Secretaries of the Interior and Public Instruction, whose concurrent decision thereon shall be final."

SEC. 2. Section three of the same Act Numbered Thirty-three hundred and fifty-two is hereby amended to read as follows:

"SEC. 3. *The city shall not fill the land should the cost of filling exceed one-half of the assessed value thereof.*—Should the estimated cost of filling any lot or ground belonging to private owner exceed one-half of the assessed value thereof, the city shall not fill the said lot or ground without the consent of the owner thereof."