

[Act No. 3736, November 22, 1930]

AN ACT EMPOWERING THE COURTS TO MAKE DECLARATORY JUDGMENTS, 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. *Construction*.—Any person interested under a deed, contract or other written instrument, or whose rights are affected by a statute, may bring an action in a Court of First Instance to determine any question of construction or validity arising under the instrument or statute and for a declaration of his rights or duties thereunder.

SEC. 2. *Before breach*.—A contract may be construed before there has been a breach thereof.

SEC. 3. *Discretionary*.—The court may refuse to exercise the power to declare rights and to construe instruments in any case when a decision under it would not terminate the uncertainty or controversy which gave rise to the action, or in any case where the declaration or construction is not necessary and proper at the time under all the circumstances.

SEC. 4. *Parties*.—When declaratory relief is sought all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall, except as otherwise provided in these rules, prejudice the rights or persons not parties to the action.

SEC. 5. *Attorney-General*.—In any action which involves the validity of a statute the Attorney-General shall, before judgment is entered, be notified by the party attacking the statute, and shall be entitled to be heard upon such question.

SEC. 6. *Municipal ordinance*.—In any action which involves the validity of a municipal ordinance the provincial fiscal shall be similarly notified and entitled to be heard; and if the ordinance is alleged to be unconstitutional the Attorney-General shall also be notified and entitled to be heard.

SEC. 7. This Act shall take effect on its approval.

Approved, November 22, 1930.



Source: Supreme Court E-Library

This page was dynamically generated by the E-Library Content Management System (E-LibCMS)