

[Act No. 3083, March 16, 1923]

AN ACT DEFINING THE CONDITIONS UNDER WHICH THE GOVERNMENT OF THE PHILIPPINE ISLANDS MAY BE SUED

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. Subject to the provisions of this Act, the Government of the Philippine Islands hereby consents and submits to be sued upon any moneyed claim involving liability arising from contract, express or implied, which could serve as a basis of civil action between private parties.

SEC. 2. A person desiring to avail himself of the privilege herein conferred must show that he has presented his claim to the Insular Auditor and that the latter did not decide the same within two months from the date of its presentation.

SEC. 3. Original actions brought pursuant to the authority conferred in this Act shall be instituted in the Court of First Instance of the City of Manila or of the province where the claimant resides, at the option of the latter, upon which court exclusive original jurisdiction is hereby conferred to hear and determine such actions.

SEC. 4. Actions instituted as aforesaid shall be governed by the same rules of procedure, both original and appellate. as if the litigants were private parties.

SEC. 5. When the Government of the Philippine Islands is plaintiff in an action instituted in any court of original jurisdiction, the defendant shall have the right to assert therein, by way of set-off or counterclaim in a similar action between private parties.

SEC. 6. Process in actions brought against the Government of the Philippine Islands pursuant to the authority granted in this Act shall be served upon the Attorney-General whose duty it shall be to appear and make defense, either himself or through delegates.

SEC. 7. No execution shall issue upon any judgment rendered by any court against the Government of the Philippine Islands under the provisions of this Act; but a copy thereof duly certified by the clerk of the Court in which judgment is rendered shall be transmitted by such clerk to the Governor-General, within five days after the same becomes final.

SEC. 8. The Governor-General, at the commencement of each regular session of the Legislature, shall transmit to that body for appropriate action all decisions so received by him, and if said body determine that payment should be made, it shall appropriate the sum which the Government has been sentenced to pay, including the same in the appropriations for the ensuing year.

SEC. 9. This Act shall take effect on its approval.

Approved, March 16, 1923.