

[Act No. 1778, October 11, 1907]

AN ACT AMENDING SECTIONS NUMBERED EIGHTY AND EIGHTY-EIGHT OF ACT NUMBERED ONE HUNDRED AND NINETY, PROVIDING A CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN THE PHILIPPINE ISLANDS, AS AMENDED.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Section eighty of Act Numbered One hundred and ninety, as amended, is hereby amended to read as follows:

"SEC. 80. Forcible entry into and detainer of land or buildings. Anyone deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, and any landlord, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or determination of the right to hold possession, by virtue of any contract, express or implied, and the legal representatives or assigns of any such landlord, vendor, vendee, or other person, shall at any time within one year after such unlawful deprivation or withholding of possession be entitled, as against the person or persons unlawfully withholding or depriving of possession, or against any person or persons claiming under them, to restitution of the land, building, and premises possession of which is unlawfully withheld, together with damages and costs: *Provided, however,* That no landlord shall commence any action against a tenant for restitution of possession of any land or building for failure to pay rent or to comply with the conditions of his lease, unless the tenant shall have failed, for a period of three days, to pay the rent due or comply with the conditions of his lease after demand therefor. The demand for payment or for the performance of any condition of the lease may be made upon the tenant personally, or by serving written notice of such demand upon any person who may be found upon the premises, or by posting such notice on the premises, if neither the tenant nor any other person can be found thereon at the time the landlord or his agent may have gone there for the purpose of making such demand."

SEC. 2. Section eighty-eight of said Act Numbered One hundred and ninety, as amended, is hereby amended to read as follows:

"SEC. 88. *Appeal.*—Either party may appeal from the judgment of the justice of the peace to the Court of First Instance within five days after the rendition of the judgment, and the suit shall be conducted therein in the same manner as appeals from justices of the peace in other civil actions. If the plaintiff recovers possession of the premises in the Court of First Instance he shall have judgment for the amount of rents and damages then due. If the defendant appeals from the judgment of the justice he shall give security by an obligation, with sufficient sureties, approved by the justice of the peace, to enter the action in the Court of First Instance, and to pay rents, damages, and costs, and the defendant and the sureties shall be liable upon their obligation has been filed with