

[Act No. 1258, November 03, 1904]

AN ACT MAKING ADDITIONAL PROVISIONS TO THOSE CONTAINED IN ACT NUMBERED ONE HUNDRED AND NINETY, RELATING TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN IN CASES WHERE THE EXERCISE OF SUCH POWER IS INVOKED BY A RAILROAD CORPORATION FOR THE PURPOSES OF CONSTRUCTING, EXTENDING, OR OPERATING ITS LINE.

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

SECTION 1. In addition to the method of procedure authorized for the exercise of the power of eminent domain by sections two hundred and forty-one to two hundred and fifty-three, inclusive, of Act Numbered One hundred and ninety, entitled "An Act providing a Code of Procedure in civil actions and special proceedings in the Philippine Islands," the procedure in this Act provided may be adopted whenever a railroad corporation seeks to appropriate land for the construction, extension, or operation of its railroad line.

SEC. 2. In case a railroad corporation is authorized to occupy any part of the public domain for the purpose of construction, extension, or operation of its line, it shall occupy only such portions of the public domain as and by its charter authorized, and the manner of acquiring possession thereof shall be such as is its charter especially defined.

SEC. 3. Whenever a railroad corporation is authorized by its charter, or by general law, to exercise the power of eminent domain in the city of Manila or in any province, and has not obtained by agreement with the owners thereof the lands necessary for its purposes as authorized by law, it may in its complaint, which in each case shall be instituted in the Court of First Instance of the city of Manila if the land is situated in the city of Manila, or in the Court of First Instance of the province where the land is situated, join as defendants all persons owning or claiming to own, or occupying, any of the lands sought to be condemned, or any interest therein, within the city or province, respectively, showing, so far as practicable, the interest of each defendant and stating with certainty the right of condemnation, and describing the property sought to be condemned. Process requiring the defendants to appear in answer to the complaint shall be served upon all occupants of the land sought to be condemned, and upon the owners and all persons claiming interest therein, so far as known. If the title to any lands sought to be condemned appears to be in the Insular Government, although the lands are occupied by private individuals, or if it is uncertain whether the title is in the Insular Government or in private individual, or if the title is otherwise so obscure or doubtful that the company can not with accuracy or certainty specify who are the real owners, averment may be made by the company in its complaint to that effect, process shall be served upon residents and nonresidents in the same manner as provided therefor in Act Numbered One hundred and ninety, and the rights of minors and persons of unsound mind shall be safeguarded in the manner in such cases provided in said Act. The court may order additional and special notice in any case where such additional or special notice is in its opinion, required.

SEC. 4. Commissioners appointed in pursuance of such complaint, in accordance