

[**Commonwealth Act No. 394, September 05, 1938**]

AN ACT AMENDING ARTICLE VIII, CHAPTER FIFTY-TWO OF THE ADMINISTRATIVE CODE, REGARDING THE PHILIPPINE ; POSTAL SAVINGS BANK.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section nineteen hundred and ninety-nine of the Administrative Code is repealed.

SEC. 2. Section two thousand and two of the Administrative Code, as amended by Commonwealth Act Numbered One hundred and ninety-eight, is further amended so as to read as follows:

"SEC. 2002. *Dormant accounts.*—On the first day of January, nineteen hundred and thirty-nine and every two years thereafter, the Secretary of Public Works and Communications, upon the recommendation of the Director of Posts, shall declare any bank account dormant when there has been no deposit, withdrawal, or other transaction at the request of the depositor for ten years after the end of the fiscal year in which the last transaction in the account was made, or for ten years after stipulation period named in the application when the account was opened.

"Immediately following the declaration by the Secretary of Public Works and Communications, as above provided, the Director of Posts shall cause to be posted in conspicuous places in every municipality and every chartered city of the Philippines, a printed list arranged in alphabetical order, of the depositors in whose names said accounts are carried in the books of the bank, and said list shall, among other things, contain:

"(a) The name and last known place of residence or post office address of the depositor, and the name of his beneficiary, if one has been nominated.

"(b) The amount of his deposit including accrued interest thereon.

"(c) The date when the person in whose favor the deposit stands died, if known, or the date when he made his last deposit or withdrawal."

SEC. 3. Section two thousand and two-A of the Administrative Code, as inserted in said Code by Act Numbered Forty-two hundred and sixty, is amended so as to read as follows:

"SEC. 2002.-A. *Disposition of dormant accounts.*—At the expiration of one hundred and twenty days from the time the list herein above referred to is posted, the Director of Posts shall furnish the Solicitor-General with a list of outstanding dormant accounts in the Postal Savings Bank, to be prepared in the same manner as provided for in section two thousand and two of this Code together with sworn statements certifying as to the dates and places where the lists were posted and the latter

shall commence an action or actions in the Court of First Instance of the City of Manila with the Philippine Postal Savings Bank as the party plaintiff and the depositors or their heirs and/or beneficiaries, if known, as parties defendant. Service of process in such action or actions shall be made by publication of a copy of the summons, once a week for three consecutive weeks, in the Official Gazette. Upon trial, the court shall hear all parties who have appeared therein and if it be determined that such deposits are dormant and unclaimed, as herein above stated, then the court shall render judgment in favor of the Philippine Postal Savings Bank declaring that such deposits have escheated to said bank and shall become a part of its earnings after all expenses in connection with the proceedings herein shall have been paid.

"At the time of publication of the summons in the action above provided for, the clerk of court shall likewise issue a notice signed by him, giving the title and number of said action and referring to the complaint therein and directed to all persons, other than those named as defendants therein, claiming any interest in any deposit mentioned in said complaint and requiring them to appear within one hundred and twenty days after the date of the summons, and show cause, if any they have, why the deposits involved in said action should not be escheated in favor of the Philippine Postal Savings Bank, and notifying them further that if they do not appear and show cause, the said Philippine Postal Savings Bank will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to, and published with a copy of, said summons required to be published as above, and at the end of the copy of such notice so published, there shall be a statement of the date of the first publication. Any person interested may appear in said action and become a party thereto. Upon completion of the publication of the summons and notice as herein above provided, the court shall have full and complete jurisdiction in the Philippines over said deposits and over the persons having or claiming interest in them or any of them, and shall have full and complete jurisdiction to hear and determine the issue therein and render the appropriate judgment thereon."

SEC. 4. Section two thousand and seven of the Administrative Code is amended so as to read as follows:

"SEC. 2007. *Who may open accounts.*—Any person over seven years of age and not suffering under legal disability other than minority, may have one personal savings account, provided no parental or guardianship account is open in the same person's name, but no such account may be opened or maintained in the names of two or more persons jointly, or in the name of any commercial firm or corporation. Personal accounts shall remain in the exclusive control of their owners regardless of the minority or marriage relations of the latter."

SEC. 5. Section two thousand and thirteen of the Administrative Code is amended so as to read as follows:

"SEC. 2013. *Home savings boxes, thrift stamps, and cards* —To facilitate deposits of small savings, home savings boxes and postal savings bank thrift stamps, hereinafter referred to as thrift stamps, of