

Recent Legislation

FIRST CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

SECOND SPECIAL SESSION

(S. No. 345)

(REPUBLIC ACT No. 342)

AN ACT TO PROVIDE FOR THE LIFTING OF THE DEBT MORATORIUM AS REGARDS PRE-WAR OBLIGATIONS SUBJECT TO CERTAIN CONDITIONS AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Declaration of Policy.*—Because of the emergency resulting from the last war, Title III, Debt Moratorium, Executive Order No. 25 dated November 18, 1944, as amended by Executive Order No. 32 dated March 10, 1945, was promulgated and is now in full force and effect. Since liberation conditions have gradually returned to normal, but not so with regard to those who have suffered the ravages of war and who have not received any relief for the loss and destruction resulting therefrom. Rehabilitation of these elements of our national economy constitutes a prime concern of government, and while in one sense it is now deemed expedient to lift the effects of the debt moratorium on pre-war debts, this cannot be extended to war sufferers who should be afforded an opportunity to rehabilitate themselves by giving them a reasonable time within which to pay their pre-war debts so as to prevent their being victimized by their creditors. The emergency created by the last war as regards these war sufferers being still existent, it is the declared policy of the State that as to them the debt moratorium should be continued in force in a modified form as provided herein.

SEC. 2. All debts and other monetary obligations payable by private parties within the Philippines originally incurred or contracted before December 8, 1941, and still remaining unpaid, any provision or provisions in the contract creating the same or in any subsequent agreement affecting such obligation to the contrary not-

withstanding, shall not be due and demandable for a period of eight (8) years from and after settlement of the war damage claim of the debtor by the United States Philippine War Damage Commission, without prejudice, however, to any voluntary agreement which the interested parties may enter into after the approval of this Act for the settlement of said obligations.

SEC. 3. Title III, Debt Moratorium, Executive Order No. 25 dated November 18, 1944, as amended by Executive Order No. 32 dated March 10, 1945, is hereby further amended by lifting the moratorium therein declared in so far as it affects pre-war obligations, except that as regards those pre-war obligations referred to in Section 2 hereof, the lifting of said moratorium shall be subject to the conditions provided in said section. Should the provision of Section 2 hereof be in any way declared void and unenforceable, then as regard the obligations affected thereby, the provisions of Title III, Debt Moratorium, Executive Order No. 25 dated November 18, 1944, as amended by Executive Order No. 32 dated March 10, 1945, shall continue to be in force and effect, any contract or agreement affecting the same to the contrary notwithstanding, until subsequently repealed or amended by further legislative enactment.

SEC. 4. This Act shall take effect upon its approval.

Approved, July 26, 1948.

REPUBLIC ACT No. 240
H. No. 1900

AN ACT PROVIDING FOR THE ATTACHMENT OF THE PROPERTY OF THE DEFENDANT IN CRIMINAL ACTIONS, BY AMENDING FOR THIS PURPOSE THE RULES OF COURT.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled:

Sec. 1. The Rules of Court is hereby amended by adding a new Rule after Rule 122, to be known as Rule 122-A which shall read as follows:

“RULE 122-A
“ATTACHMENT

“Sec. 1. *Attachment.*—At the commencement of a criminal action or at any time thereafter, when the civil action for the recovery of

civil liability arising from the offense charged is not expressly waived or the right to institute such civil action separately is not reserved, the offended party may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered from the defendant, in the following cases:

“(a) When the defendant is about to depart from the Philippines;

“(b) When the criminal action is based on a claim for money or property which has been embezzled or fraudulently misapplied or converted to the use of the defendant who is a public officer, or any officer of a corporation, or an attorney, factor, broker, agent, or clerk in the course of his employment as such or by any other person in a fiduciary capacity, or for willful violation of duty;

“(c) When the defendant has concealed, removed, or disposed of his personal property, or is about to do so;

“(d) When the defendant resides outside of the Philippines;

“Sec. 2. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the Rule 59 of the Rules of Court governing attachment in civil actions shall apply to attachment provided for in the preceding section in so far as they may be applied.”

Sec. 2. This act shall take effect upon its approval.

Approved June 12, 1948.

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A GREAT LAWYER ON WORK

RUFUS CHOATE believed in hard work and struggle. When someone said to him that a certain fine achievement was the result of accident, he exclaimed: “Nonsense! You might as well drop the Greek alphabet on the ground and expect to pick up the Iliad.”