

RB 11/22/72

MEMORANDUM CIRCULAR NO. 9
Series of 1972. RB

Re: Presidential Decree No. 42.

For the information and proper guidance of all but especially the Heads of offices and officials whose duties and responsibilities are involved, there is reproduced hereunder in full the provisions of the Presidential Decree No. 42, of 9th November, 1972:

"MALACANANG
"Manila

"PRESIDENTIAL DECREE NO. 42

"AUTHORIZING THE PLAINTIFF IN EMINENT DOMAIN PROCEEDINGS TO TAKE POSSESSION OF THE PROPERTY INVOLVED UPON DEPOSITING THE ASSESSED VALUE FOR PURPOSES OF TAXATION.

"WHEREAS, the existing procedure for the exercise of the right of eminent domain is not expeditious enough to enable the plaintiff to take or enter upon the possession of the real property involved as soon as possible, when needed for public purposes;

"WHEREAS, this measure is in the national interest, in order to effect the desired changes and reforms to create a new social and economic order for the benefit of the country and its people.

"NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby decree and order as part of the law of the land that, upon filing in the proper court of the complaint in eminent domain proceedings or at anytime thereafter, and after due notice to the defendant, plaintiff shall have the right to take or enter upon the possession of the real property involved if he deposits with the Philippine National Bank, in its main office or any of its branches or agencies, an amount equivalent to the assessed value of the property for purposes of taxation, to be held by said bank subject to the orders and final disposition of the court.

"The provisions of Rule 67 of the Rules of Court and of any other existing law contrary to or inconsistent herewith are hereby repealed.

"This Decree shall take effect immediately.

"Done in the City of Manila, this 9th day of November, in the year of Our Lord, nineteen hundred and seventy-two.

(SGD.) "FERDINAND E. MARCOS
"President
"Republic of the Philippines"

"By the President:

(SGD.) "ALEJANDRO MELCHOR
"Executive Secretary"

Please be guided accordingly.

17 November, 1972, Diliman, Quezon City.