

J. Y. Interpretation No.35 (June 14, 1954) *

ISSUE: May a public document manifesting an administrative fine imposed on a private citizen by a government agency be treated as a ground for compulsory execution?

RELEVANT LAWS:

Article 8 of the Constitution (憲法第八條) ; Article 4 of the Compulsory Enforcement Act (強制執行法第四條) .

KEYWORDS:

compulsory enforcement (強制執行) .**

HOLDING: Compulsory enforcement against properties of private citizens may not be engaged unless certain entitlement foreclosure, as specified in Article 4 of the Compulsory Enforcement Act, has been obtained and relied upon. An official document issued by an administrative agency imposing fines according to law, may be taken as the entitlement foreclosure as specified in Article 4, Subparagraph 6, of the same Act, if there exists a law authorizing such compulsory

解釋文：對人民財產為強制執行，非有強制執行法第四條所列之執行名義，不得為之。行政機關依法科處罰鍰之公文書，如法律定有送由法院強制執行或得移送法院辦理者，自得認為同法第四條第六款所規定之執行名義，否則不能逕據以為強制執行。

* Translated by LEE & LI, ATTORNEYS-AT-LAW.

** Contents within frame, not part of the original text, are added for reference purpose only.

66 J. Y. Interpretation No.35

enforcement through court proceedings or in care of the court; otherwise, it is not to be taken as the basis for compulsory enforcement.