

J. Y. Interpretation No.37 (July 23, 1954) *

ISSUE: Shall the properties seized by the law-enforcement authority in enforcing special criminal cases be subject to the creditor's legitimate claims attached thereon?

RELEVANT LAWS:

Article 15 of the Constitution (憲法第十五條) ; Compulsory Execution Act (強制執行法) ; Article 475 of the Code of Criminal Procedure (刑事訴訟法第四百七十五條) .

KEYWORDS:

enforcing authority (執行機關) , the debts of the prisoner (受刑人所負債務) , seized properties (沒收之財產) , personal properties (人民財產權) , bona fides third party (善意第三人) , creditor's rights (債權人之權利) .**

HOLDING: The enforcing authority in the event of enforcing special criminal cases is not obligated to pay the debts of the prisoner with the seized properties. However, based on the spirit of Article 15 of the Constitution under which personal properties shall be protected, in the event that a bona fide third party

解釋文：執行機關執行特種刑事案件沒收之財產，對於受刑人所負債務固非當然負清償之責。惟揆諸憲法第十五條保障人民財產權之精神，如不知情之第三人就其合法成立之債權有所主張時，依刑事訴訟法第四百七十五條之規定，應依強制執行法有關各條規定辦理。

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claims creditor's rights, the enforcing authority shall, under Article 475 of the Code of Criminal Procedure, proceed in accordance with the Compulsory Enforcement Act.