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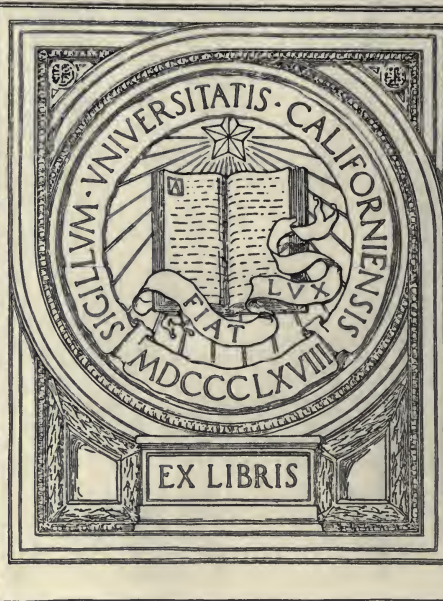
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THE GOVERNMENT OF THE PHILIPPINE ISLANDS
DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS

PRIMER

CONTAINING

QUESTIONS AND ANSWERS

ON THE PUBLIC LAND LAWS
IN FORCE IN THE PHIL-
IPPINE ISLANDS

ISSUED FEBRUARY 26, 1906

MANILA
BUREAU OF PRINTING
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QUESTIONS AND ANSWERS ON THE PUBLIC LAND LAWS.

PUBLIC LANDS.

(1) QUESTION. What is the difference between *public* land and *private* land?

ANSWER. Public land is land the title to which is in the Government and which is administered by the Government for the benefit of the whole people. No one can get this land for himself except in the way ordered by the Government. Public land is also called Government land because the Government controls it. Public land does not belong to the officials or officers of the Government. It belongs to the Government, which holds it for the benefit of all the people. Land which is owned by private persons is called private land. When any person buys public land from the Government, or gets title to public land in the way ordered by the Government, it becomes private land.

(2) Q. Which lands can not be taken up under the Public Land Act?

A. Private lands; lands which have been reserved for the use of Government farms, military reservations, forest reserves, schools, parks, etc.; and the lands recently purchased by the Philippine Government, commonly known as Friar Lands.

(3) Q. Is there very much public land in the Philippines?

A. It was estimated several years ago that there are 8,400,000 hectares of agricultural lands and twice that amount of forest lands on the public domain. Some of the forest lands will become agricultural lands when the timber is cut off.

(4) Q. Where is this public land?

A. It is in many provinces. Nearly all of the mountains and most of the land that is unplanted and far away from the towns

is public land. In Luzon these provinces have much public land: Cagayan, Isabela, and Nueva Vizcaya. All the provinces have some public land. Much of this land is good land. (See Question 61.)

(5) Q. Why is there so little private land?

A. Because the Filipinos have not tried hard to get land of their own. They have worked on the lands of other people. They have not often enough sought and planted new land for themselves.

(6) Q. Why did not the Filipinos try to get land for themselves?

A. They did not know where the public land was. They did not know how to get it. Also they did not like to move away from their homes to distant places. If a man wishes to have land and a home of his own, he must be willing to leave for a while his town and his amusements and friends. This is the way the early settlers of America and many other countries did.

(7) Q. How can a Filipino get public land so that it may be his?

A. In three ways—by making a homestead on public land; by gift from the Government; by buying it from the Government. A person may lease land from the Government, which gives him the right to live on it, to use and to cultivate it. If a person leases land from the Government, he does not own it.

(8) Q. What are the different amounts of land that a man may get from the Government by the various land laws?

A. If the lands are taken in order named below a man may own or control the following amounts of public land:

(1) Sixteen hectares as a homestead.

(2) Sixteen hectares by purchase.

(3) One thousand and twenty-four hectares by lease.

(9) Q. Is it necessary to put revenue stamps on the application for public lands?

A. Yes. Each time a notary public administers an oath he must see that a twenty-centavo internal-revenue stamp is attached to such oath, and also must see the cedula of the person to whom he administers oath, if such person is required by law to have a cedula.

FREE PATENTS TO PUBLIC LANDS.

(See Chapter IV, Public Land Act.)

(10) Q. What kind of public land may be obtained under a free patent?

A. Unreserved, unappropriated, nonmineral agricultural public land.

(11) Q. What is a "free patent" to public land?

A. It is a document giving absolute title to a tract of public land without charge.

(12) Q. Who may obtain free patents to public lands?

A. Only natives of the Philippines.

(13) Q. How is the right to a free patent obtained?

A. A free patent is given to any native of the Philippine Islands who has lived on public land without a title a certain number of years before January 1, 1907.

(14) Q. How long must a Filipino have lived on and cultivated public land to obtain a free patent?

A. From August 1, 1898, to the present time. If his ancestors have occupied and cultivated the land during part of this time and he the rest of the time, he is entitled to a free patent. Also, if he and his ancestors continuously occupied and cultivated the land from August 1, 1895, to August 1, 1898, and from July 4, 1902, to July 26, 1904, he may claim a free patent, even if he and his ancestors did not live on the land between August 1, 1898, and July 4, 1902.

(15) Q. How large a tract of land may be obtained under a free patent?

A. Not more than sixteen hectares, or about forty acres.

(16) Q. Will a free patent be given for more than one piece of land if the total area is not more than sixteen hectares?

A. No. One individual can obtain a free patent to only one tract of land.

(17) Q. How can title be obtained to an additional tract or tracts?

A. By making application to the Court of Land Registration under Chapter VI of the Public Land Act, No. 926.

(18) Q. Before what time must the application be made?

A. The application for a free patent must be made before January 1, 1907. After such date no application can be considered.

(19) Q. To whom must the application for free patent be sent?

A. To the provincial treasurer, who is local land officer in each province.

(20) Q. What must be written in the application for a free patent?

A. The application for a free patent must contain the following information:

- (a) The name, age, and post-office address of the applicant.
- (b) It must state that the applicant is a native of the Philippine Islands.
- (c) The location of the land (naming province, municipality, and barrio).
- (d) A description of the land, showing the boundaries, etc.
- (e) A statement that the land is not occupied by any other person.
- (f) A statement that the land has been occupied by the applicant or his ancestors for the prescribed time (see Question 14), and a description of the improvements, if any, that they have made on the land.
- (g) If the claim is based on the holding of land by an ancestor, the name of the ancestor and satisfactory evidence of the date and place of his death and burial must be given.

(21) Q. What notice must be given before a patent will be issued?

A. A written notice of the application must be posted in the municipality and barrio where the land is situated in order to give any person who has a claim to the land an opportunity to present same.

(22) Q. When must a survey and plat of the land be made?

A. Some time before the free patent is given.

(23) Q. Who pays the cost of making the survey and the plat?

A. The Government of the Philippine Islands.

(24) Q. May I sell, or borrow money on, the land acquired by a free patent?

A. After seven years from the time the free patent is given, you may borrow money on the land, or you may sell it, but not before the end of seven years.

(25) Q. May the land be sold for debt?

A. Not if the debt was made before the end of the seven years from the time the patent was given.

HOMESTEADS.

(See Chapter I, Public Land Act.)

(26) Q. What public land is subject to a homestead entry?

A. Any unoccupied, unreserved, unappropriated, nonmineral agricultural public land.

(27) Q. What is a homestead?

A. A homestead is the permanent home of a man and his family. The land that the Government gives him and the house that is built on it make the homestead.

(28) Q. Will the Government give a man a house and land?

A. No. It will give him the land, but he must build his own house. The land that the Government gives him is called a homestead.

(29) Q. How much land will the Government give a man for a homestead?

A. The Government will give sixteen hectares, or about forty acres, of public land to Filipinos who will live upon it and cultivate it for five years.

(30) Q. Why does the Government give homesteads to people?

A. Because it is better for the people to have land and homes of their own than to work for other people and live on the lands of others. People who have their own homes are better citizens and more prosperous than those who do not.

(31) Q. To whom will the Government give a homestead?

A. To any citizen of the Philippines, or of the United States, or of any insular possession of the United States, who is more than twenty-one years of age. If a man or woman is the head of a family, he or she may get a homestead even if less than twenty-one years of age.

(32) Q. May a married woman get a homestead?

A. Yes; if her husband will never be able to get food for his family, on account of sickness or insanity.

(33) Q. May the husband and the wife each have a homestead?

A. No; a husband and wife can have only one homestead.

(34) Q. May the son of a family get a homestead?

A. Yes; if he is over twenty-one years of age, or if he is the head of a family, even if not twenty-one years of age.

(35) Q. May a man who already owns land get a homestead?

A. No man who already owns more than sixteen hectares of land may get a homestead from the Government.

(36) Q. May a man get more than one homestead?

A. No.

(37) Q. What is the first thing I must do when I wish to get a homestead?

A. You must first find the Government land which you wish to own as your homestead.

(38) Q. How may I know that the land I want is surely public land?

A. Ask the provincial treasurer. It is his duty to tell you if he knows. Land that no one pays a tax on is probably public land. Tell the treasurer exactly where the land is, and he will tell you whether it is public land or not, as far as his records show.

(39) Q. What must I do next?

A. Ask the provincial treasurer for the blank paper called "Homestead Application, B. L. Form No. 7." This paper has questions on it that you must answer in writing. If you wish, you may write to the Director of Lands, Manila, and ask him to send you a copy of this paper.

(40) Q. What must I tell in this paper?

A. You must tell these things:

(a) Your name and post-office address.

(b) You must say in what province, municipality, and barrio the land is.

(c) You must say that the land contains no coal, salt, or valuable mineral, like gold or silver. You must also say that the land is more useful for farming than for cutting timber.

(d) You must say that no one lives on the land.

(e) You must say that you want this land for yourself; that you will live on it and cultivate it. You must also say that you are not getting this land for any other person.

(f) You must describe the land.

(41) Q. What do you mean by "describe"?

A. You must tell exactly where the land is and what its shape is. If the land is near a road or river you must say so. You must say who owns the land all around it. You should drive a stake into the ground at each of the four corners of your land and measure the distance between the stakes. You should pick out a piece of land that is rectangular in form, and not more than eight

hundred meters long. If you choose a square piece of land containing sixteen hectares, each side of the square will be four hundred meters long.

(42) Q. When I have answered all the questions in the paper, what must I do next?

A. You must go before a notary public, or other officer authorized to administer oaths, and swear that all you have said in the paper is true.

(43) Q. Where shall I send this paper?

A. You must send the paper to the provincial treasurer.

(44) Q. What must I pay when I send in this application?

A. You must pay ten pesos at the time you send in the application, and you must also pay twenty centavos for a revenue stamp to be attached to your oath.

(45) Q. Is this all I will have to pay to get a homestead?

A. No; at the end of five years you must pay ten pesos more.

(46) Q. What must I do to gain a homestead?

A. You must live five years on the land. You must cultivate and improve the land.

(47) Q. May I go away from my homestead for a short time?

A. Yes; you may personally go away from your homestead for not more than six months at one time, but you must maintain your legal residence thereon.

(48) Q. Must I obtain permission to temporarily cease to reside on my homestead?

A. Yes; you must secure such permission from the Director of Lands at Manila.

(49) Q. What reason must I give for making permission to temporarily cease to reside on my homestead?

A. Permission will be given for reasons as follows: War or an insurrection, total or partial failure of crops, sickness, or to earn money with which to make improvements on the land.

(50) Q. May I own a house in town, or elsewhere, and go there to spend Sundays and holidays?

A. Yes.

(51) Q. If I am absent from the homestead for more than six months at one time what will happen?

A. You will lose all claim to the land if you are absent from it more than six months at one time.

(52) Q. Suppose I die before I gain full right to the land?

A. If you have a wife she will have a chance to complete the five years of residence and so gain the homestead. If you die unmarried the claim to the land will go to those persons who would have had your land if you had died fully owning it.

(53) Q. What must I do five years after date of filing application for a homestead?

A. You must furnish the Bureau of Lands with "final proof" as to your homestead.

(54) What is meant by "final proof"?

A. At the end of five years you must show the authorities that you have lived five years on the land and have cultivated and improved the land. Two men who have no interest in the land must swear that you have really done this. To do this is to make "final proof." You may make this final proof at any time within three years after you have lived there five years.

(55) Q. What is the last thing I must do to get a homestead?

A. When you have made final proof you must pay ten pesos. You will have then paid twenty pesos in all for your land. After that there is no more to pay. The Government will then give you a paper called a "patent" or "title." This paper says that you own the land. No one can take that land from you. The Government, before giving you the patent, will survey, or measure carefully, the land. The Government will pay the expense of this survey.

(56) Q. Suppose I owe some money; can the man whom I owe take my homestead?

A. No; your homestead can not be taken from you to pay any debt that was made before the patent was given to you.

SALES OF PUBLIC LANDS.

(See Chapter II, Public Land Act.)

(57) Q. What public land is subject to sale?

A. Any unoccupied, unreserved, unappropriated, nonmineral agricultural public land.

(58) Q. Who may buy public lands of the Government?

A. Anyone who is a citizen of the Philippine Islands, or of the United States, or of any of the insular possessions of the United States. Several citizens may make a company or corporation to buy land.

(59) Q. Who are citizens of the Philippine Islands?

A. All inhabitants of the Philippines who were residing in the Philippines April 11, 1899, and were at that time subjects of Spain, if they have not made a declaration before a court of record that they wish to remain Spanish subjects. The children and descendants of these citizens, if born since April 11, 1899, are also citizens of the Philippine Islands.

(60) Q. How much land may a citizen, a company of citizens, or a corporation purchase?

A. One citizen may purchase sixteen hectares, or about forty acres. A company of citizens may purchase sixteen hectares for each member if the company is not incorporated. A corporation—that is, a company organized by law—may purchase not more than one thousand and twenty-four hectares.

(61) Q. Where are the public lands that may be bought?

A. The public lands have not been surveyed under either Spanish or American rule. Therefore, it is not known exactly where they are. You may find out by asking the old residents of a town. You may also learn something from the old “Registro de Propiedad” and the “Register of Deeds” now kept. Here you may find whether the land has ever been registered. The provincial treasurer will tell you if the land has ever been taxed. If not, it is probably public land.

(62) Q. May I purchase land on which trees are growing?

A. You may if the land is more valuable for agriculture than for forestry.

(63) Q. What should be the shape of the public land that I purchase?

A. It should be in one piece, as nearly as possible rectangular in shape, and not more than eight hundred meters long.

(64) Q. May I gain a homestead and also buy sixteen hectares of public land?

A. Yes; if you do what the Government requires in the case of both pieces of land. You must occupy and cultivate the land which you buy; you need not live on it yourself. You may have another man live on it and cultivate it for you. But in the case of a homestead, you, yourself, must live on the land.

(65) Q. How shall I make application to purchase public land?

A. You must fill out the answers to the questions on a blank form.

(66) Q. Where can I get this form?

A. You may get this form of the provincial treasurer or of the Director of Lands at Manila.

(67) Q. What must I write in the form?

A. You must tell whether you are a citizen of the Philippine Islands, the United States, or of an insular possession of the United States. You must give the name of the barrio, municipality, and province in which you live. You must describe the land. (See Question 41).

If a company wants to buy the land it must show in the form that each member of the company has the right to buy land of the Government.

If the company is incorporated, it must send with the form a copy of the paper which contains the rules under which the company was incorporated.

(68) Q. What is done in reply to the request to buy land?

A. If the land, after examination, is found to be more valuable for agriculture than for cutting trees for timber, a fair price is set upon it. It is then advertised in the newspaper as for sale. Those who wish to buy it must make an offer stating the price they are willing to give. The offer must be inclosed in a sealed envelope and sent to the address given in the newspaper. Then, at a time and place mentioned in the advertisement, the envelopes will be opened. The land will be sold to the one who has made the highest offer.

(69) Q. What is done if the two highest bids are equal?

A. If one of such highest bidders is the original applicant, the land will be given to him. If, however, the original applicant is not of such highest bidders, then the land will be at once put up for oral bidding and given to the highest qualified bidder upon his depositing twenty-five per cent of the amount of his bid and making proper application for the land.

(70) Q. Suppose one who buys land of the Government does not obey the rule to occupy and cultivate the land?

A. Then the land goes back to the Government.

(71) Q. Does he get his money back?

A. No; he loses all he has paid.

(72) Q. How are the payments made for public lands?

A. When you make the offer, you must send in the envelope a

certified check or postal money order equal to one-fourth of the amount you offer for the land. The check or order must be payable to the Director of Lands, or order. The remaining three-fourths of the sum you offer may be paid in either of the following three ways:

- (a) All at once when you receive notice that you may buy the land.
- (b) In five equal parts, one a year.
- (c) All at the end of five years from the time the land is sold to you.

If your offer for the land is too low, the Government will at once return your money to you.

(73) Q. What interest must I pay on the money which remains unpaid after I have bought the land?

A. You must pay six per cent interest every year on all money which remains unpaid after your offer is accepted.

(74) Q. Suppose the public land I wish is already occupied by some one.

A. If the person living on the land is a person who has a right to gain a homestead or free patent, he must be told his rights and given one hundred and twenty days to ask for the land. He has the first claim during that one hundred and twenty days.

If he does not ask the Government for the land he must leave the land. If he does not leave it you may ask the Director of Lands to compel him to leave it.

(75) Q. When is the land surveyed and who pays for the survey?

A. The survey must be made some time before the patent is given. If one person is buying the land for himself, the Insular Government will pay the cost. If the purchaser is a company or corporation, it must pay for the survey.

(76) Q. How long must one occupy and cultivate the land in order to get a patent?

A. Five years. You must prove this just as in the case of a homestead. You must also state that you have not sold the land nor done anything to encumber the title to it.

(77) Q. May I borrow money and give the land as security?

A. No; that would be encumbering the title.

(78) Q. What will it cost per hectare to buy public land?

A. It is not possible to say, as the price will be fixed according to the location and quality of the land. The law says that the

price shall not be less than ten pesos per hectare. As the Government wants the people to buy the land, a fair or low price will be put on it.

LEASES OF PUBLIC LAND.

(See Chapter III, Public Land Act.)

(79) Q. What public land is subject to lease?

A. Any unoccupied, unreserved, unappropriated, nonmineral agricultural land.

(80) Q. What is a lease of public land?

A. It is a contract or promise on the part of the Philippine Government to allow a person to hold and use a portion of the public land for a certain time at a certain price.

(81) Q. Who may obtain leases of public land?

A. Any citizen of the Philippine Islands, or of the United States, or of its insular possessions, and a corporation, or any company of persons formed under the laws of these countries and authorized to do business in the Philippine Islands.

(82) Q. How much land may be leased by one person, corporation, or company?

A. Not more than one thousand and twenty-four hectares—that is, about two thousand five hundred and thirty acres.

(83) Q. May one lease public land without the need of living on it?

A. Yes; if he employs another man to cultivate the land and live on it.

(84) Q. What must a corporation or company be careful of?

A. It must use the land it leases only for the purpose for which the corporation or company was lawfully created, and which it may lawfully pursue in the Philippine Islands.

(85) Q. What must be the shape of the land that is leased?

A. It must be in the form of squares, if possible, if it is more than sixty-four hectares in size. An additional tract of thirty-two hectares may be leased if the long side of this rectangular tract lies along one of the sides of the tract of sixty-four or more hectares.

(86) Q. In what places may land not be leased?

A. Land may not be leased that is so situated that the holding of it will damage any public interest. For example, if there is a stream at which all the people of a town get their water and do their washing the land on both sides of it may not be leased in such

a way as to prevent the people from using the water of the stream. Land may not be leased if it is needed for a public roadway. If a town has a small harbor, and the land on the shore is public land, that land can not be leased if that would prevent the people from using the shore for their boats. If, in any way, the leasing of public land would injure the rights of the public—that is, all the people of a district—that land may not be leased.

(87) Q. To whom must an application for the lease of public land be sent?

A. To the provincial treasurer.

(88) Q. What must be written in the application?

A. You must write your name, your post-office address, and tell of what country you are a citizen. You must tell where the land you wish to lease is, and describe it fully. You must say that it does not contain coal or salt or any valuable minerals, and that it is more valuable for agricultural purposes than for cutting timber. If a corporation applies to lease land, it must show in the application that it is properly formed by law, and that it has a right to do business in the Philippine Islands.

(89) Q. What notice must be given if a person intends to lease agricultural public lands?

A. He must post notices in the English and Spanish languages.

(90) Q. Where must these notices be posted?

A. They must be posted in four places:

(a) In a place on the land where it can be easily seen.

(b) At the front door of the municipal building of the municipality in which the land is located.

(c) On the bulletin board of the barrio in which the land is located, if any.

(d) On the bulletin board at the office of the Bureau of Lands.

(91) Q. What other notice must be given?

A. The same notice as the one posted must be published in both the English and Spanish languages for six successive weeks in one newspaper in Manila, and in one newspaper near the land applied for (if there be any).

(92) Q. When must this notice be posted and published?

A. As soon as an application for leasing agricultural public lands is received in the Bureau of Lands at Manila a notice will be made and sent to the applicant and he must then make arrangements for posting and publishing the notices.

(93) Q. Who must pay for posting and publishing the notices?

A. The person who intends to lease the land.

(94) Q. For how long a time may leases be made?

A. For not more than twenty-five years. At the end of twenty-five years the lease may be renewed for another twenty-five years.

(95) Q. What rental must be paid yearly during the first twenty-five years?

A. Not less than fifty centavos per hectare yearly.

(96) Q. What rate of rental must be paid during the second lease of twenty-five years?

A. Not more than ₱1.50 per hectare yearly during the second lease of twenty-five years.

(97) Q. When must the rent be paid?

A. Once a year, in advance.

(98) Q. If a man leases public land, may he re-let it to another man?

A. Not unless he first gets the consent of the Director of Lands and of the Secretary of the Interior.

(99) Q. When must the land that is leased be surveyed?

A. The survey must be made before the lease is given. The Director of Lands has charge of this survey. An accurate plat (map) of the land must be made.

(100) Q. Who pays for the survey?

A. The man who leases the land from the Government pays the expenses of the survey.

(101) Q. May the man who leases the land cut timber from it?

A. He may cut timber only in accordance with the general rules of the Bureau of Forestry.

(102) Q. May a man take away from the land he leases stone, oil, coal, salt, or other valuable mineral?

A. No; he must first have the part of this land that contains oil or minerals cut from his lease. He may occupy the land containing oil or minerals under a mining claim, if he desires and complies with the mining law.

UNPERFECTED TITLES AND SPANISH GRANTS AND CONCESSIONS.

(103) Q. To whom does this chapter apply?

A. To all persons in the Philippine Islands who own, or claim to own, property, but have no written title showing that the Government has transferred the title to private persons.

(104) Q. How can I know whether I am entitled to the benefit of said chapter?

A. No. By reading carefully paragraphs 1 to 6 of section 54 of Act No. 926, especially paragraph 6.

(105) Q. Why is it necessary that I should avail myself of this chapter, when I and my family have been in possession of the land for many years?

A. Because the Attorney-General of the Philippine Islands has held that no title can be acquired against the Government by prescription. Also because there is no other way of obtaining registered title to your property, as the old methods of *Informaciones Posesorias*, etc., were done away with by the Code of Civil Procedure.

(106) Q. Will all property owners in the Philippine Islands have to ask for registered title under the provisions of Chapter VI?

A. Not all, but about eighty or ninety per cent of them will.

(107) Q. Why is this necessary when it is considered that several hundred thousand persons secured title from the Government when the Spaniards were in power?

A. Because all the land records in the Islands, with the exception of three or four provinces, were destroyed and no record exists showing what lands were thus disposed of by the Government.

(108) Q. But suppose I have the original of the title granted by the Government, do I still have to make application under this Chapter?

A. No. Application can then be made to the Court of Land Registration under the provisions of Act No. 496 (Land Registration Act).

(109) Q. To whom do I make application for registration of titles under this chapter?

A. To the Court of Land Registration, which has its main office in Manila but which holds sessions in all the provinces.

(110) Q. How much does it cost to secure title in the Court of Land Registration under this chapter?

A. If the land and improvement are assessed at ₱200 or less, the fee is only ₱20. If the value is more than ₱200 a deposit of ₱40 and ₱1 for every thousand pesos of the value of the property.

(111) Q. Will the ₱40 and ₱1 per thousand cover all fees in the court?

A. In nearly all cases, yes; but sometimes when there are many people to be notified and the descriptions are long the fees will be more.

(112) Q. Suppose I deposit more than enough money, or too little?

A. If, when the case is decreed by the court, the fees do not amount to as much as you deposited, the Clerk of the Court will return you the difference. If the amount deposited is too small, the clerk will call upon you to remit more when the original amount is expended.

(113) Q. Are there any other fees which I must pay before I can secure my certificate of title?

A. When the value of the property is ₦200 or less, no; but when the value is more than ₦200 you must pay the register of deeds ₦6 and ₦1 per thousand of the assessed value.

(114) What should I do in order to make application?

A. First you should write a letter to the Director of Lands asking that a surveyor be sent to survey your lands.

(115) Q. How much will it cost for survey?

A. Only the actual cost to the Government for the surveyor and his assistants and material, plus ten per cent to cover wear and tear of instruments.

(116) Q. Why should I request a surveyor from the Bureau of Lands?

A. Because before you can secure title from Court of Land Registration your land must be surveyed under direction of the Bureau of Lands, and if survey is not made by a surveyor of the Bureau, or some private surveyor working under direction of the Bureau, at least two or three months will pass after decree of court before you can get your certificate of title, because no certificate can issue until a survey has been made by the Bureau of Lands.

(117) Q. After I have a plan of my land what should I do?

A. Write to the register of deeds of your province, or to the clerk of the Court of Land Registration, and request application blanks.

(118) Q. Do I need any other information?

A. No; because there are full instructions on the back of each application.

(119) Q. What is the best way for me to prove to the Court of Land Registration that I am entitled to secure a registered title to my land?

A. First, you should clearly state in your application all the information required by section 57 of Act No. 926; second, at the time of the hearing of your application by the court you should be prepared to prove by witnesses the statements made in your application. Unless you clearly prove to the court that you have fulfilled the requirements of Chapter VI your application may be denied by the court.

(120) Q. To whom should application and accompanying papers be presented?

A. After the application has been properly filled out, according to instructions, it may be presented, with the necessary deposit, to the register of deeds of your province, or in case there is no register of deeds then to the treasurer of the province, who is acting register of deeds; or it may be forwarded, with deposit, to the clerk of the Court of Land Registration in Manila.

THE PUBLIC LAND ACT AS AMENDED BY ACT NO. 979.

[No. 926.]

AN ACT PRESCRIBING RULES AND REGULATIONS GOVERNING THE HOMESTEADING, SELLING, AND LEASING OF PORTIONS OF THE PUBLIC DOMAIN OF THE PHILIPPINE ISLANDS, PRESCRIBING TERMS AND CONDITIONS TO ENABLE PERSONS TO PERFECT THEIR TITLES TO PUBLIC LANDS IN SAID ISLANDS, PROVIDING FOR THE ISSUANCE OF PATENTS WITHOUT COMPENSATION TO CERTAIN NATIVE SETTLERS UPON THE PUBLIC LANDS, PROVIDING FOR THE ESTABLISHMENT OF TOWN SITES AND SALE OF LOTS THEREIN, AND PROVIDING FOR A HEARING AND DECISION BY THE COURT OF LAND REGISTRATION OF ALL APPLICATIONS FOR THE COMPLETION AND CONFIRMATION OF ALL IMPERFECT AND INCOMPLETE SPANISH CONCESSIONS AND GRANTS IN SAID ISLANDS, AS AUTHORIZED BY SECTIONS THIRTEEN, FOURTEEN, AND FIFTEEN OF THE ACT OF CONGRESS OF JULY FIRST, NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES."

By authority of the United States, be it enacted by the Philippine Commission, that:

CHAPTER I.

HOMESTEADS ON THE PUBLIC DOMAIN.

SECTION 1. Any citizen of the Philippine Islands, or of the United States, or of any Insular possession thereof, over the age of

twenty-one years or the head of a family, may, as hereinafter provided, enter a homestead of not exceeding sixteen hectares of unoccupied, unreserved, unappropriated agricultural public land in the Philippine Islands, as defined by the Act of Congress of July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," which shall be taken, if on surveyed lands, by legal subdivisions, but if on unsurveyed lands, shall be located in a body which shall be as nearly as practicable rectangular in shape and not more than eight hundred meters in length; but no person who is the owner of more than sixteen hectares of land in said Islands or who has had the benefits of any gratuitous allotment of sixteen hectares of land since the acquisition of the Islands by the United States, shall be entitled to the benefits of this chapter.

SEC. 2. Any person applying to enter land under the provisions of this chapter shall file with such officer as may be designated by law as local land officer, or in case there be no such officer then with the Chief of the Bureau of Public Lands, an application under oath showing that he has the qualifications required under section one of this chapter, and that he possesses none of the disqualifications there mentioned; that such application is made for his exclusive use and benefit; that the same is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person, persons, corporation, or association of persons; that the land applied for is nonmineral, does not contain valuable deposits of coal or salts, is more valuable for agricultural than forestry purposes, and is not occupied by any other person; and showing the location of the land by stating the province, municipality, and barrio in which the same is situated, and as accurate a description as may be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any. Upon the filing of said application the Chief of the Bureau of Public Lands shall summarily determine, by inquiry of the Chief of the Bureau of Forestry and from the available land records, whether the land described is *prima facie* subject under the law to homestead settlement, and, if he shall find nothing to the contrary, the applicant, upon the payment of ten pesos, Philippine currency, shall be permitted to enter the quantity of land specified.

SEC. 3. No certificate shall be given or patent issued for the land applied for until the expiration of five years from the date of the filing of the application; and if, at the expiration of such time or at any time within three years thereafter, the person filing such application shall prove by two credible witnesses that he has resided upon and cultivated the land for the term of five years immediately succeeding the time of filing the application aforesaid, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has borne true allegiance to the Government of the United States and that of the Philippine Islands, then, upon payment of a fee of ten pesos, Philippine currency, to such officer as may be designated by law as local land officer, or in case there be no such officer then to the Chief of the Bureau of Public Lands, he shall be entitled to a patent: *Provided, however,* That in the event of the death of an applicant prior to the issuance of a patent, his widow shall be entitled to have a patent for the land applied for issue to her upon showing that she has consummated the requirements of law for homesteading the lands as above set out; and in case the applicant dies before the issuance of the patent and does not leave a widow, then the interest of the applicant in the land shall descend and patent shall issue to the persons who under the laws of the Philippine Islands would have taken had the title been perfected by patent before the death of the applicant, upon proof by the persons thus entitled of compliance with said requirements and conditions.

SEC. 4. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuance of a patent therefor.

SEC. 5. If, at any time after the filing of the application as hereinabove provided and before the expiration of the period allowed by law for the making of final proof, it is proved to the satisfaction of the Chief of the Bureau of Public Lands, after due notice to the homesteader, that the land entered is not under the law subject to homestead entry, or that the homesteader has actually changed his residence, voluntarily abandoned the land for more than six months at any one time during the five years of residence herein required, or has otherwise failed to comply with the requirements of law, then in that event the Chief of the Bureau of Public Lands may cancel the entry, subject to appeal under proper regulations to the

Secretary of the Interior, and the land thereupon shall become subject to disposition as other public lands of like character.

SEC. 6. Not more than one homestead entry shall be allowed to any one person.

SEC. 7. Before final proof shall be submitted by any person claiming to have complied with the provisions of this chapter, due notice, as prescribed by the Chief of the Bureau of Public Lands with the approval of the Secretary of the Interior, shall be given to the public of his intention to make such proof, stating therein the time and place, and giving a description of the land and the names of the witnesses by whom it is expected that the necessary facts will be established.

SEC. 8. Any person may file an affidavit of contest against any homestead entry, charging that the land entered was not unoccupied, unreserved, or unappropriated agricultural land at the time of filing the application, alleging disqualification of the entryman, noncompliance with law as to residence or cultivation, or any other matter which, if proven, would be just cause for the cancellation of the entry, and upon successful termination of the contest, the contestant, if a qualified entryman, shall be allowed a preference right of entry for sixty days from said date.

The Chief of the Bureau of Public Lands or any public official becoming aware of the existence of any of the grounds above stated, for impeaching or canceling the entry, may file formal complaint against the entry on any such ground which, if proven, shall cause the cancellation of the entry.

SEC. 9. No patent shall issue under the provisions of this chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof, the cost of which survey shall be borne by the Insular Government.

CHAPTER II.

SALES OF PORTIONS OF THE PUBLIC DOMAIN.

SEC. 10. Any citizen of the Philippine Islands, or of the United States or of any insular possession thereof, or any corporation or like association of persons organized under the laws of the Philippine Islands or of the United States or any State, Territory, or insular possession thereof, and authorized to transact business in the Philippine Islands, may purchase any tract of unoccupied, unappro-

priated, and unreserved nonmineral agricultural public land in the Philippine Islands, as defined in the Act of Congress of July first, nineteen hundred and two, not to exceed sixteen hectares for an individual or one thousand and twenty-four hectares for a corporation or like association, by proceeding as hereinafter provided in this chapter: *Provided*, That no association of persons not organized as above and no mere partnership shall be entitled to purchase a greater quantity than will equal sixteen hectares for each member thereof.

SEC. 11. Purchases, made under the provisions of this chapter, of land previously surveyed, must be made of contiguous legal subdivisions. All lands purchased hereunder, whether previously surveyed or not, in case the tract sought to be purchased exceeds sixty-four hectares in area, must be taken, wherever possible, in the form of contiguous squares which shall contain at least sixty-four hectares each: *Provided*, That in connection with the purchase of lands in one or more tracts of sixty-four hectares there may be purchased one rectangular tract of thirty-two hectares, the longer side of which must be contiguous to the square tract of sixty-four hectares, or to one of such tracts if more than one be purchased. In no case may lands purchased under the provisions of this chapter be taken in such manner as to gain any such control of any adjacent land, water, stream, shore line, way, roadstead, or other valuable right as might be prejudicial to the interests of the public.

SEC. 12. An application to purchase land under this chapter must be filed with such officer as may be designated by law as local land officer, or in case there be no such officer then with the Chief of the Bureau of Public Lands. It must be executed under oath and must state the citizenship of the applicant and his post-office address; the location of the land desired, stating the province, municipality, and barrio in which the same is situated, and as accurate a description as can be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any; a statement as to whether any part of the land is occupied or improved, and that it is nonmineral in character, more valuable for agricultural than for forestry purposes, and does not contain deposits of coal or salts. The application of a corporation must be accompanied by a certified copy of its charter or articles of incorporation. An unincorporated association must show that its members are severally possessed of the qualifications above required

of individuals. In the case of a corporation or association organized outside of the Philippine Islands there must be attached to the application proper documentary evidence that the law governing the transaction of business in the Philippine Islands by foreign corporations or associations has been complied with.

SEC. 13. It shall be the duty of the Chief of the Bureau of Public Lands to examine all applications to purchase under this chapter, and to determine whether the applicant has the qualifications required in section ten thereof, and from the certificate of the Chief of the Bureau of Forestry to determine whether the land applied for is more valuable for agricultural than forestry purposes. He shall report his findings to the Secretary of the Interior, who, after proper consideration and approval of same, shall order the sale to be made.

It shall also be the duty of the Chief of the Bureau of Public Lands to appraise the land applied for under this chapter, which appraisement shall not be less than ten pesos, Philippine currency, per hectare, and in making this appraisal he may call to his assistance any provincial or municipal official of the province in which the land lies. When the land shall have been appraised, as hereinabove provided, the Chief of the Bureau of Public Lands shall advertise the same for sale by publishing a notice thereof once a week for six consecutive weeks, in two newspapers, one published at Manila and the other (if any such there be) published near the land applied for, such notices to be published in both the English and Spanish languages. The Chief of the Bureau of Public Lands shall, with the approval of the Secretary of the Interior, prescribe, in addition to the publication in newspapers, a suitable method of posting notice upon the land sought to be purchased or in the pueblo where the land is situated. The notices shall state a date not earlier than ten days after the date of the last publication of the notice in the newspaper published at Manila, upon which date the Chief of the Bureau of Public Lands will award the land to the highest bidder, or will call for new bids, or otherwise proceed as provided by law.

SEC. 14. All bids must be sealed and addressed to the Chief of the Bureau of Public Lands, and must have inclosed therewith a certified check or a post-office money order payable to his order, for twenty-five per centum of the amount of the bid, which amount shall be retained, in case the bid is accepted, as part payment of the

purchase price: *Provided*, That no bids shall be considered which are for less than the appraised value of the land.

SEC. 15. Upon the opening of the bids the land shall be awarded to the highest bidder. If there are two or more bidders which are higher than other bidders and are equal, and one of such higher and equal bids is the bid of the applicant, his bid shall be accepted. If, however, the bid of the applicant is not one of such equal and higher bids, then the Chief of the Bureau of Public Lands shall at once submit the lands for public bidding, and to the person making the highest bid on such public auction the land shall be awarded, but no bid received at such public auction shall be finally accepted until the bidder shall have deposited twenty-five per centum of his bid, as required in section fourteen. The deposits of all unsuccessful bidders shall be returned at once by the Chief of the Bureau of Public Lands. The Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, shall have authority to reject any and all bids hereunder.

SEC. 16. Land sold under the provisions of this chapter must be paid for in the following manner: The balance of the purchase price after deducting the amount paid by check or post-office money order at the time of submitting the bid, may be paid in full upon the making of the award, or may be paid in equal annual installments, or may be paid in one installment at the expiration of five years from the date of the award. All sums remaining unpaid after date of the award shall bear six per centum interest per annum from such date until paid.

SEC. 17. No patent shall issue under the provisions of this chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof. The cost of such survey must be borne by the purchaser, if a corporation or like association, and if the survey be made in advance of the regular surveys of the Islands; but where the purchaser in an individual the cost of the survey shall be borne by the Insular Government. Patents shall not issue until after the expiration of five years from the date of the award, and before the same shall issue the purchaser must show actual occupancy, cultivation, and improvement of the premises for a period of five years immediately succeeding the date of the award, and that he has not sold the land or in any manner encumbered the title.

SEC. 18. If at any time after the date of the award and before

the issuance of patent, it is proven to the satisfaction of the Chief of the Bureau of Public Lands, after due notice to the purchaser, that the purchaser has voluntarily abandoned the land for more than one year at any one time, or has otherwise failed to comply with the requirements of the law, then the land shall revert to the Government and all prior payments of purchase money shall be forfeited.

SEC. 19. This chapter shall be held to authorize only one purchase of the maximum amount of land hereunder by the same person, or by the same corporation or association of persons; and no corporation or association, any member of which shall have taken the benefits of this chapter, either as an individual or as a member of any other corporation or association, shall purchase any other public lands under this chapter.

SEC. 20. In the event of the death of an individual applicant subsequent to the date of the filing of the application and prior to the issuance of patent, the distributees of his estate, as defined by law, may claim the privilege of being subrogated to the rights of the deceased applicant, and if they consummate the requirements of law for purchasing land hereunder, patent shall issue to such distributees.

SEC. 21. If any land applied for under the provisions of this chapter shall be actually occupied by any person who is qualified to make a homestead or other entry under the public-land laws of the Philippine Islands, or by any native who is entitled by law to a free patent, such person shall be personally served with notice as to his rights, and shall be allowed a preference right of one hundred and twenty days within which to make entry or apply for patent.

CHAPTER III.

LEASES OF PORTIONS OF THE PUBLIC DOMAIN.

SEC. 22. Any citizen of the United States, or of the Philippine Islands, or of any insular possession of the United States, or any corporation or association of persons organized under the laws of the Philippine Islands or of the United States or of any State, Territory, or insular possession thereof, authorized by the laws of its creation and by the laws of the Philippine Islands and the Acts of Congress applicable thereto to transact business in the Philippine Islands, may lease any tract of unoccupied, unreserved, nonmineral

agricultural public lands, as defined by sections eighteen and twenty of the Act of Congress approved July first, nineteen hundred and two, providing a temporary government for the Philippine Islands, and so forth, not exceeding one thousand and twenty-four hectares, by proceeding as hereinafter in this chapter indicated: *Provided*, That no lease shall be permitted to interfere with any prior claim by settlement or occupation until the consent of the occupant or settler is first had and obtained, or until such claim shall be legally extinguished: *And provided further*, That no corporation or association of persons shall be permitted to lease lands hereunder which are not reasonably necessary to enable it to carry on the business for which it was lawfully created and which it may lawfully pursue in the Philippine Islands.

SEC. 23. Leases made under the provisions of this chapter, of land previously surveyed, must be made of contiguous legal subdivisions. All lands leased hereunder, whether previously surveyed or not, in case the tract sought to be leased exceeds sixty-four hectares in area, must be taken, where possible, in the form of contiguous squares which shall contain at least sixty-four hectares each: *Provided*, That in connection with the lease of lands in one or more tracts of sixty-four hectares there may be leased one rectangular tract of thirty-two hectares, the longer side of which must be contiguous to the square tract of sixty-four hectares, or to one of such tracts if more than one be leased. In no case may lands leased under the provisions of this chapter be taken so as to gain a control of adjacent land; water, stream, shore line, way, roadstead, or other valuable right which in the opinion of the Chief of the Bureau of Public Lands would be prejudicial to the interests of the public.

SEC. 24. An application to lease land under this chapter must be executed under oath and filed with such officer as may be designated by law as local land officer of the district in which the land is situated, or in case there be no such officer then with the Chief of the Bureau of Public Lands, and must show the following facts: The citizenship and post-office address of the applicant; the location of the land, showing the province, municipality, and barrio in which the same is situated, and as accurate a description as may be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any; a statement as to whether the land contains any improvements or evidences of set-

tlement and cultivation, and a statement that it is nonmineral in character, more valuable for agricultural than for forestry purposes, and does not contain deposits of coal or salts. Corporations and associations shall be required to file evidence of their legal existence and authority to transact business in the Philippine Islands.

SEC. 25. All applicants for leases under the terms of this chapter must give notice, by publication and by such other means as may be required by the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, of intent to make application to lease the tract in question, which notice shall state the date when the application will be presented and shall describe as definitely as practicable the land sought to be leased.

SEC. 26. It shall be the duty of the Chief of the Bureau of Public Lands to examine all applications for leases under this chapter, and to determine whether the applicant has the qualifications required in section twenty-two hereof, and, from the certificate of the Chief of the Bureau of Forestry, to determine whether the land applied for is more valuable for agricultural than forestry purposes, and further summarily to determine from available records whether the land is nonmineral and does not contain deposits of coal or salts. He shall report his findings to the Secretary of the Interior, who, after proper consideration and approval of same, shall cause the lease to be executed.

SEC. 27. The rate per hectare per annum for lands leased under this chapter shall be fixed by the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, and shall in no case be less than fifty centavos, Philippine currency, per hectare per annum; said rent shall be paid yearly in advance, the first payment being deposited with the Chief of the Bureau of Public Lands before the delivery of the lease.

SEC. 28. Leases hereunder shall run for a period of not more than twenty-five years, but may be renewed for a second period of twenty-five years, at a rate to be fixed as above indicated, which rate shall not be less than fifty centavos per hectare and shall not exceed one peso and fifty centavos, Philippine currency, per hectare. Land leased hereunder shall not be assigned or sublet without the consent of the Chief of the Bureau of Public Lands and the Secretary of the Interior.

SEC. 29. No land shall be leased under the provisions of this

chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof, the cost of survey to be borne by the lessee.

SEC. 30. The lease of any lands under this chapter shall not confer the right to remove or dispose of any valuable timber except as provided in regulations of the Bureau of Forestry for cutting timber upon such lands. Nor shall such lease confer the right to remove or dispose of stone, oil, coal, salts, or other minerals, but the lease as to the part thereof which shall be mineral may be canceled by the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, whenever the mineral character of such part shall be made satisfactorily to appear, after due notice to the lessee.

SEC. 31. The commission of waste or the violation of the forestry regulations by the lessee shall work a forfeiture of his last payment of rent and render him liable to immediate dispossession and suit for damage.

CHAPTER IV.

FREE PATENTS TO NATIVE SETTLERS.

SEC. 32. Any native of the Philippine Islands now an occupant and cultivator of unreserved, unappropriated agricultural public land, as defined by the Act of Congress of July first, nineteen hundred and two, who has continuously occupied and cultivated such land, either by himself or through his ancestors, since August first, eighteen hundred and ninety-eight; or who, prior to August first, eighteen hundred and ninety-eight, continuously occupied and cultivated such land for three years immediately prior to said date, and who has been continuously since July fourth, nineteen hundred and two, until the date of the taking effect of this Act, an occupier and cultivator of such land; shall be entitled to have a patent issued to him without compensation for such tract of land, not exceeding sixteen hectares, as hereinafter in this chapter provided.

SEC. 33. Any person desiring to obtain the benefits of this chapter must, prior to January first, nineteen hundred and seven, file an application for a patent with such officer as may be designated by law as local land officer, or in case there be no such officer then with the Chief of the Bureau of Public Lands. Said application must be executed under oath, and must show the following facts: The name, age, and post-office address of the applicant; that he is

a native of the Philippine Islands; the location of the land desired, stating the province, municipality, and barrio in which the same is situated, and as accurate a description as may be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any; that the land is not claimed or occupied by any other person; a statement as to the date when the applicant or his ancestor, giving the name of ancestor and stating his relationship to the applicant, entered into occupation and began cultivation, and a description of the improvements which have been made. If the first occupation and cultivation is claimed through an ancestor, the applicant must show the name of such ancestor and must file satisfactory evidence of the date and place of his death and burial, in which case the patent shall issue in the name of the heir or heirs of such ancestor as defined by the laws of the Philippine Islands.

SEC. 34. Upon receipt of said application it shall be the duty of the Chief of the Bureau of Public Lands to cause a careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth of the allegations therein contained, and if satisfied upon such investigation that the applicant comes within the provisions of this chapter, he shall cause a patent to issue for the tract to such applicant, or to the heirs of his ancestor, as provided in the next preceding section, not exceeding sixteen hectares in extent: *Provided*, That no application shall be finally acted upon until notice thereof has been published in the municipality and barrio in which the land is located, and adverse claimants have had an opportunity to present their claims: *And provided further*, That no patent shall issue until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof.

SEC. 35. Lands acquired under the provisions of this chapter shall be inalienable and shall not be subject to incumbrance for a period of seven years from the date of the issuance of the patent therefor, and shall not be liable for the satisfaction of any debt contracted prior to the expiration of that period.

CHAPTER V.

TOWN SITES.

SEC. 36. Whenever in the opinion of the Secretary of the Interior it shall be in the public interest to reserve a town site from the

public land or to acquire lands for such purpose by the exercise of the right of eminent domain, he shall direct the Chief of the Bureau of Public Lands to have made a survey of the exterior boundaries of the land which he deems it wise so to reserve or acquire.

SEC. 37. Upon the completion and return of the survey mentioned in section thirty-six, the Secretary of the Interior shall forward the same to the Philippine Commission with his recommendations.

SEC. 38. The Commission, if it approve the recommendations of the Secretary of the Interior, shall pass a resolution reserving the land surveyed, or such part thereof as it may deem wise, as a town site, and a certified copy of such resolution shall be sent to the Chief of the Bureau of Public Lands who shall record the same in the records of his office and forward a certified copy of such record to the registrar of the province in which the surveyed land lies.

SEC. 39. It shall then be the duty of the Chief of the Bureau of Public Lands, having recorded the resolution of the Commission and the preliminary survey accompanying the same, to direct a subdivision and plat of the land, in accordance with the directions contained in the resolution approving the same, if such resolution contain directions as to the method of subdivision, or, if it contain no such direction, then in a manner which shall to the Chief of the Bureau of Public Lands seem best adapted to the convenience and interest of the public and the residents of the future town.

SEC. 40. The Commission, by resolution, or in the absence of action in this regard by the Commission, the Chief of the Bureau of Public Lands, shall reserve from the land to be plotted, lots of sufficient size and convenient situation for public uses, as well as the necessary avenues, streets, alleys, parks, and plazas.

SEC. 41. The plat of the subdivision shall designate certain lots as business lots and the remainder as residence lots, and shall also reserve and note the lots of land owned by private individuals as evidenced by record titles, or as possessed and claimed by them as private property: *Provided, however,* That the avenues, streets, alleys, parks, plazas, and lots shall be laid out on the plat as though the lands owned or claimed by private persons were part of the public domain and part of the reservation, with a view to the possible subsequent purchase or condemnation thereof, if deemed necessary by the proper authorities.

SEC. 42. All lots, whether public or private, contained in the exterior boundaries shall be plotted and numbered upon a general plan or system.

SEC. 43. The plat of the subdivision of the reserved town site thus prepared under the supervision of the Chief of the Bureau of Public Lands shall be submitted to the Secretary of the Interior for presentation to the Commission for its consideration, modification, amendment, or approval.

SEC. 44. The resolution of the Commission approving the plat shall provide whether the proceeds derived from the sale of lots shall be covered into the Insular Treasury as general Insular funds, or as a special fund to be devoted to public improvements in or near the town site, and thereafter the receipts from the sale of lots shall be applied as provided in the resolution of the Commission.

SEC. 45. Where the proceeds of the sale are to constitute a fund to be devoted to public improvements in or near the town site, the same shall be expended as provided by law or resolution of the Commission.

SEC. 46. When the plat of subdivision is approved by the Commission it shall be certified to the Chief of the Bureau of Public Lands, together with the resolution approving the same, and the Chief of the Bureau of Public Lands shall record the same in the records of his office and shall forward a certified copy of such record to the registrar of the province in which the land lies, to be by such registrar recorded in the records of his office.

SEC. 47. All lots except those claimed by or belonging to private owners and claimants and excepting such lots and tracts as may be reserved for parks, public buildings, and other public uses, shall be sold under the direction of the Chief of the Bureau of Public Lands, as hereinafter in this chapter provided, and the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, shall prescribe rules and regulations for the disposal of lots hereunder.

SEC. 48. All lots in the reservation which are subject to sale as above provided, shall, if in the opinion of the Secretary of the Interior the value of the lots is sufficiently known to make an appraisalment useful, be appraised by a committee to be appointed by the Chief of the Bureau of Public Lands with the approval of the Secretary of the Interior.

SEC. 49. The lots in any such town site thus established and

subject to sale, shall, after the approval and recording of the plat of subdivision as above provided, and after due advertisement, be sold at public auction to the highest bidder; but no bid shall be accepted, in case of appraised lots, if the bid does not equal two-thirds of the appraised value, and in the case of lots not appraised the bid shall not be accepted if in the judgment of the Chief of the Bureau of Public Lands and the Secretary of the Interior the bid is an inadequate price for the lot.

SEC. 50. Not more than two residence lots and two business lots in any one town site shall be sold to any one person, corporation, or association without the specific approval of the Secretary of the Interior.

SEC. 51. Lots which have been offered for sale in the manner herein prescribed, and for which no satisfactory bid has been received, shall be again offered for sale after due advertisement, and if at the second sale no satisfactory bid is received, they may be sold at private sale by the Chief of the Bureau of Public Lands for not less than their value, as appraised by a committee to be appointed by the Chief of the Bureau of Public Lands with the approval of the Secretary of the Interior.

SEC. 52. In any case in which, in the opinion of the Commission, it shall be necessary to condemn private lands within the reserved or proposed limits of a town site, either for streets, alleys, parks, or as lots for public buildings or other public uses, the Commission shall pass a resolution declaring the necessity for the same, which resolution shall be certified to the Attorney-General, who shall at once begin proceedings for the condemnation of the lands described in the resolution, in accordance with the provisions of the Code of Civil Procedure.

SEC. 53. Town sites constituted under the provisions of this chapter on land forming a part of an existing municipality shall remain within the jurisdiction of such municipality until taken therefrom by legislative action of the Commission.

CHAPTER VI.

UNPERFECTED TITLES AND SPANISH GRANTS AND CONCESSIONS.

SEC. 54. The following-described persons or their legal successors in right, occupying public lands in the Philippine Islands, or claiming to own any such lands or an interest therein, but whose

titles to such lands have not been perfected, may apply to the Court of Land Registration of the Philippine Islands for confirmation of their claims and the issuance of a certificate of title therefor, to wit:

1. All persons who prior to the transfer of sovereignty from Spain to the United States had fulfilled all the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the purchase of public lands, including the payment of the purchase price, but who failed to secure formal conveyance of title;

2. All persons who prior to the transfer of sovereignty from Spain to the United States, having applied for the purchase of public lands and having secured a survey, auction, and an award, or a right to an award, of such lands, did not receive title therefor through no fault upon their part;

3. All persons who prior to the transfer of sovereignty from Spain to the United States, having applied for the purchase of public lands and having secured a survey and award of same, did not, through negligence upon their part, comply with the conditions of full or any payment therefor, but who after such survey and award shall have occupied the land adversely, except as prevented by war or *force majeure*, until the taking effect of this Act;

4. All persons who were entitled to apply and did apply for adjustment or composition of title to lands against the Government under the Spanish laws and royal decrees in force prior to the royal decree of February thirteenth, eighteen hundred and ninety-four, but who failed to receive title therefor through no default upon their part;

5. All persons who were entitled to a gratuitous title to public lands by "possessory proceedings" under the provisions of articles nineteen and twenty of the royal decree of the King of Spain issued February thirteenth, eighteen hundred and ninety-four, and who, having complied with all the conditions therein required, failed to receive title therefor through no default upon their part; and

6. All persons who by themselves or their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural public lands, as defined by said Act of Congress of July first, nineteen hundred and two, under a bona fide claim of ownership except as against the Government, for a period of ten years next preceding the taking effect of this Act, except when prevented by war or *force majeure*, shall be con-

clusively presumed to have performed all the conditions essential to a Government grant and to have received the same, and shall be entitled to a certificate of title to such land under the provisions of this chapter.

All applicants for lands under paragraphs one, two, three, four, and five of this section must establish by proper official records or documents that such proceedings as are therein required were taken and the necessary conditions complied with: *Provided, however,* That such requirements shall not apply to the fact of adverse possession.

SEC. 55. All persons claiming title to Government lands not coming within the classes specified in the preceding section are excluded from the benefits of this chapter.

SEC. 56. Any person or persons, or their legal representatives or successors in right, claiming any lands or interest in lands in the Philippine Islands, under the provisions of this chapter, and who now desire or claim the right to have such title perfected, must in every case present an application in writing to the Court of Land Registration praying that the validity of the alleged title or claim be inquired into and that a certificate of title issue to them under the provisions of the Land Registration Act for the lands claimed.

SEC. 57. Such claims and applications shall conform as nearly as may be in their material allegations to the requirements of an application for registration under the provisions of section twenty-one and subsequent sections of the Land Registration Act, and shall be accompanied by a plan of the land and all documents evidencing a right on the part of the applicant to the lands claimed. The application shall also set forth fully the nature of the claim to the land, and when based upon proceedings initiated under Spanish laws shall particularly state the date and form of the grant, concession, warrant, or order of survey under which the claim is made; by whom such grant, concession, warrant, or order of survey was made; the extent of the compliance with the conditions required by the Spanish laws and royal decrees for the acquisition of legal title, and if not fully complied with the reason for such noncompliance, together with a statement of the length of time such land or any portion thereof has been actually occupied by the claimant and his predecessors in interest; the use made of the land, and the nature of the inclosure, if any. The fees provided to be paid for the registration of lands under the Land Registration Act shall be collected

from applicants under this chapter, except that upon the original registration of land claimed hereunder no fee shall be required for the assurance fund.

SEC. 58. Any applicant for registration of lands under the provisions of this chapter may, upon petition directed to the Chief of the Bureau of Public Lands, and upon payment of the fees as regulated by law, secure a survey and plan of the lands claimed to be owned by him, which said plan shall be filed with his application in the Court of Land Registration.

SEC. 59. Upon the filing of claims and applications for registration in the Court of Land Registration, under this chapter, the same procedure shall be adopted in the hearing of such cases and in the matter of appeal as is by the Land Registration Act provided for other claims, except that a notice of all such applications, together with a plan of the lands claimed, shall be immediately forwarded to the Chief of the Bureau of Public Lands of the Philippine Islands, who shall be represented in all questions arising upon the consideration of such applications by the Attorney-General of the Philippine Islands or by any subordinate or assistant to the Attorney-General appointed for that purpose.

SEC. 60. It shall be the duty of the examiner of titles, upon reference to him of any such claim or application, to investigate all the facts alleged therein or otherwise brought to his attention, and to make careful inquiry as to the period of occupation of the land by the claimant or his predecessors in interest; the nature of such lands; the character of the inclosure, if any, and the extent to which the land has been subjected to cultivation. He shall file a full report of his investigation in the case, concluding with a certificate of his opinion upon the merits of the claim.

SEC. 61. It shall be lawful for the Chief of the Bureau of Public Lands, whenever in the opinion of the Chief Executive the public interest shall require it, to cause to be filed in the Court of Land Registration, through the Attorney-General, a petition against the holder, claimant, possessor, or occupant of any land in the Philippine Islands who shall not have voluntarily come in under the provisions of this chapter or the Land Registration Act, stating in substance that the title of such holder, claimant, possessor, or occupant is open to question, or stating in substance that the boundaries of any such land which has not been brought into court as aforesaid are open to question, and praying that the title to any such land or

the boundaries thereof or the right to occupancy thereof be settled and adjudicated. Such petition shall contain all the data essential to furnish a full notice thereof to the occupants of such land and to all persons who may claim an adverse interest therein, and shall be accompanied by a plan of the land in question. The court shall cause service of notice to be made as in other cases, and shall proceed to hear, try, and determine the questions stated in such petition or arising in the matter, and settle and determine the ownership of the land and cause certificate of title to be issued therefor, as in other cases filed under this chapter.

SEC. 62. Whenever any lands in the Philippine Islands are set apart as town sites, under the provisions of Chapter Five of this Act, it shall be lawful for the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, to notify the judge of the Court of Land Registration that such lands have been reserved as a town site and that all private lands or interests therein within the limits described ought forthwith to be brought within the operation of the Land Registration Act, and to become registered land within the meaning of said Registration Act. It shall be the duty of the judge of said court to issue a notice thereof, stating that claims for all private lands or interests therein within the limits described must be presented for registration under the Land Registration Act in the manner provided in Act Numbered Six hundred and twenty-seven, entitled "An Act to bring immediately under the operation of the Land Registration Act all lands lying within the boundaries lawfully set apart for military reservations, and all lands desired to be purchased by the Government of the United States for military purposes." The procedure for the purpose of this section and the legal effects thereof shall thereupon be in all respects as provided in sections three, four, five, and six of said Act Numbered Six hundred and twenty-seven.

SEC. 63. All proceedings under this chapter involving title to or interest in land shall be conducted and considered as an application for registration of such land, and the final decree of the court shall in every case be the basis for the original certificate of title in favor of the person entitled to the property under the procedure prescribed in section forty-one of the Land Registration Act.

SEC. 64. If in the hearing of any application arising under this chapter the court shall find that more than one person or claimant has an interest in the land, such conflicting interests shall be adjudi-

cated by the court and decree awarded in favor of the person or persons entitled to the land, according to the laws of the Philippine Islands, except that where the action is voluntarily dismissed by the parties interested the order of the court shall be merely one of dismissal without affecting title.

SEC. 65. Whenever, in any proceedings under this chapter to secure registration of an incomplete or imperfect claim of title initiated prior to the transfer of sovereignty from Spain to the United States, it shall appear that had such claims been prosecuted to completion under the laws prevailing when instituted, and under the conditions of the grant then contemplated, the conveyance of such land to the applicant would not have been gratuitous but would have involved payment therefor to the Government, then and in that event the court shall, after decreeing in whom title should vest, further determine the amount to be paid as a condition for the registration of the land. Such judgment shall be certified to the Bureau of Public Lands by the clerk of the court for collection of the amount due from the person entitled to conveyance. Upon payment to the Chief of the Bureau of Public Lands of the price specified in the judgment, the case shall be returned by him to the Court of Land Registration with a notation of such payment, whereupon the registration of the land in favor of the party entitled thereto shall be ordered by the court. If the applicant shall fail to pay the amount of money required by the decree within a reasonable time after he receives notice thereof the court may order the proceeding to stand dismissed and the title to the land shall then be in the Government free from any claim of the applicant.

SEC. 66. Whenever any judgment of confirmation or other decree of the court involving public lands shall become final, the clerk of the court shall certify that fact to the Bureau of Public Lands, with a copy of the decree of confirmation or judgment of the court, which shall plainly state the location, boundaries, and area as nearly as may be, of the tract involved in the decree or judgment, and shall be accompanied by a plan of the land as confirmed or acted upon by the court. In the event the original survey was made by the Bureau of Public Lands and the decree of the court conforms thereto, no further proceedings shall be required. When the original survey was made by the applicant or where the tract confirmed by the court varies from the original survey as made by the Bureau of Public Lands, the Chief of the Bureau of Public Lands

shall immediately cause the tract, so confirmed by the court, to be surveyed at the cost of the Insular Government, and shall, when such survey has been approved by him, furnish a copy of same to the Court of Land Registration and to the applicant, which survey when approved by the court, and unless objected to by the applicant within thirty days, shall be conclusively presumed to be correct. If objection is made to the survey by the applicant, the court, upon notice to the Bureau of Public Lands, shall hear such objections, and its action in the matter shall be final.

SEC. 67. No title to, or right or equity in, any public lands in the Philippine Islands may hereafter be acquired by prescription or by adverse possession or occupancy, or under or by virtue of any laws in effect prior to American occupation, except as expressly provided by laws enacted or provided since the acquisition of the Islands by the United States.

CHAPTER VII.

GENERAL PROVISIONS.

SEC. 68. The short title of this Act shall be "The Public Land Act."

SEC. 69. The Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall prepare and issue such forms and instructions, consistent with this Act, as may be necessary and proper to carry into effect all the provisions thereof that are to be administered by or under the direction of the Bureau of Public Lands, and for the conduct of all proceedings arising under such provisions.

SEC. 70. While title to public lands in the Philippine Islands remains in the Government, the Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall be charged with the immediate executive control of the survey, classification, lease, sale, and other disposition and management thereof, and the decisions of the Bureau as to questions of facts relating to such lands shall be conclusive when approved by the Secretary of the Interior.

SEC. 71. The Civil Governor, for reasons of public policy, may, from time to time, by proclamation, designate any tract or tracts of public lands in the Philippine Islands as nonalienable, and thereafter the same shall be withdrawn from settlement, entry, sale, or

other disposition under any of the public-land laws of the Islands until again made subject thereto by law of the Islands.

SEC. 72. Provincial secretaries and all other persons that may be designated as mining recorders shall, in their capacities as such recorders, be subject to the supervision of the Chief of the Bureau of Public Lands.

SEC. 73. All patents or certificates for lands disposed of under this law shall be prepared in the Bureau of Public Lands and shall issue in the name of the United States and the Philippine Government under the signature of the Civil Governor; but such patents or certificates shall be effective only for the purposes defined in section one hundred and twenty-two of the Land Registration Act, and the actual conveyance of the land shall be effected only as provided in said section.

SEC. 74. All persons receiving title to Government lands under the provisions of this Act, shall hold such lands subject to the same public servitudes as existed upon lands owned by private persons under the sovereignty of Spain, including those with reference to the littoral of the sea and the banks of navigable rivers or rivers upon which rafting may be done.

SEC. 75. The beneficial use of water shall be the basis, the measure, and the limit of all rights thereto in said Islands, and the patents herein granted shall be subject to the right of the Government of these Islands to make such rules and regulations for the use of water and the protection of the water supply, and for other public purposes, as it may deem best for the public good. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and all patents granted under this Act shall be subject to any vested and accrued rights to ditches and reservoirs used in connection with such water rights as may have been acquired in the manner above described prior to April eleventh, eighteen hundred and ninety-nine.

SEC. 76. There is hereby reserved from the operation of all patents, certificates, entries, and grants by the Insular Government authorized under this Act, the right to use for the purposes of power any flow of water in any stream running through or by the land

granted, the convertible power from which at ordinary low water exceeds fifty horsepower. Where the convertible power in any stream running through or running by land granted under the authority of this Act thus exceeds fifty horsepower, and there is no means of using such power except by the occupation of a part of the land granted under authority of this Act, then so much land as is reasonably necessary for the mill site or site for the power house, and for a suitable dam and site for massing the water, is hereby excepted from such grant, not exceeding four hectares, and a right of way to the nearest public highway from the land thus excepted, and also a right of way for the construction and maintenance of such flumes, aqueducts, wires, poles, or other conduits as may be needed in conveying the water to the point where its fall will yield the greatest power, or the power from the point of conversion to the point of use, is reserved as a servitude or easement upon the land granted by authority of this Act: *Provided, however,* That when the Government or any concessionaire of the Government shall take possession of land under this section which a grantee under this Act shall have paid for, supposing it to be subject to grant under this Act, said grantee shall be entitled to indemnity from the Government or the concessionaire for the amount, if any, paid by him to the Government for the land taken from him by virtue of this section: *And provided further,* That with respect to the flow of water, except for converting the same into power exceeding fifty horsepower, said grantee shall be entitled to the same use of the water flowing through or along his land that other private owners enjoy by the laws of the Philippine Islands, subject to the governmental regulation provided in the previous section. Water power privileges in which the convertible power at ordinary low water shall exceed fifty horsepower shall be disposed of only upon terms to be embodied in a special Act of the Commission until a general law shall be passed concerning the use, lease, or acquisition of such water privilege.

SEC. 77. Any person who shall willfully and knowingly submit, or cause to be submitted, any false proof, or who shall make, or cause to be made, any false affidavit in support of any application or claim in any manner respecting the public lands of the Philippine Islands, shall be deemed guilty of perjury and punished accordingly.

SEC. 78. The provisions of this Act shall extend and apply to all

provinces and places of the Philippine Archipelago except the Moro Province and the Provinces of Lepanto-Bontoc, Benguet, Paragua, and Nueva Vizcaya; but the provisions of this Act or of any chapter hereof may at any time, by resolution of the Philippine Commission, be extended over and put in force in any of the provinces or any part thereof hereby excepted from its operation.

SEC. 79. When this Act shall have been approved by the President of the United States and shall have received the express or implied sanction of Congress, as provided by section thirteen of the Act of Congress approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," such facts shall be made known by the proclamation of the Civil Governor of the Islands, and this Act shall take effect on the date of such proclamation.

Enacted, October 7, 1903.

RESOLUTIONS EXTENDING OPERATION OF THE PUBLIC LAND ACT.

The Philippine Commission has passed the following resolutions extending the application of the Public Land Act, or portions thereof, to certain territory, therein mentioned, which has heretofore been excepted from the operation of said law:

EXCERPT FROM THE MINUTES OF THE PHILIPPINE COMMISSION OF DECEMBER 22, 1905.

“Resolved, That in accordance with the provisions of section seventy-eight of Act Numbered Nine hundred and twenty-six, ordinarily known as the Public Land Act:

“(1) Said Public Land Act in its entirety be extended over and put in force throughout the district of Zamboanga, in that portion of the district of Lanao not included in the basin of Lake Lanao, and in that portion of the district of Davao included in the municipalities of Mati, Baganga, Caraga, and Cateel;

“(2) That Chapter III of said Act, relating to leases of portions of the public domain, be extended over and put in force throughout the entire district of Cotabato, with the exception of Cotabato Island, on which the town of Cotabato is situated, the Island of Tamontaka, the area included within a circle whose radius is three miles and whose center is the central point in the masonry fort at Reina Regente, and the area within a circle whose radius is three miles and whose center is the central point in the masonry fort at Pikit;

“(3) That Chapter I of said Act, relating to homesteads on the public domain, be extended over and put in force in Cotabato Island, on which the town of Cotabato is situated, the Island of Tamontaka, the area included within a circle whose radius is three miles and whose center is the central point in the masonry fort at Reina Regente, and the area within a circle whose radius is three miles and whose center is the central point in the masonry fort at Pikit;

"(4) That Chapter III of said Act, relating to leases of portions of the public domain, be extended over and put in force in that portion of the district of Davao not included in the municipalities of Mati, Baganga, Caraga, and Cateel, with the exception of the territory embraced within a circle having a radius of five miles and whose center is the central point in the district jail at Davao;

"(5) That Chapter I of said Act, relating to homesteads on the public domain, be extended over and put in force in the municipalities of Mati, Baganga, Caraga, and Cateel, and the territory embraced within a circle having a radius of five miles and whose center is the central point in the district jail at Davao;

"(6) That Chapter III of said Act, relating to leases of portions of the public domain, be extended over and put in force in the Island of Tawi Tawi, in the district of Sulu;

"(7) That Chapter I of said Act, relating to homesteads on the public domain, be extended over and put in force in the following areas of the district of Sulu:

"The land within a circle whose radius is a mile and a half from the center of the central point of the main landward gateway in the walls of the city of Jolo, the land within a circle whose radius is a mile and a half and whose center is the central point in the masonry fort in the town of Siasi, and all other portions of the district of Sulu for the time being exempted from the provisions of the land act.

"(8) That Chapter IV of said Act, relating to free patents to native settlers, in its entirety be extended over and put in force throughout the whole of the Moro Province; and

"That the legislative council of the Moro Province is directed to make known throughout the province the foregoing resolutions and particularly the limitations imposed by the Public Land Act as to the time within which native settlers may obtain free patents by virtue of Chapter IV of the Public Land Act."

**EXCERPT FROM THE MINUTES OF THE PHILIPPINE
COMMISSION OF DECEMBER 22, 1905.**

"The Acting President presented to the Commission the question of the extension of Act Numbered Nine hundred and twenty-six, known as 'The Public Land Act,' in its entirety, to the Province of Palawan, formerly called Paragua: After due consideration, it was, on motion,

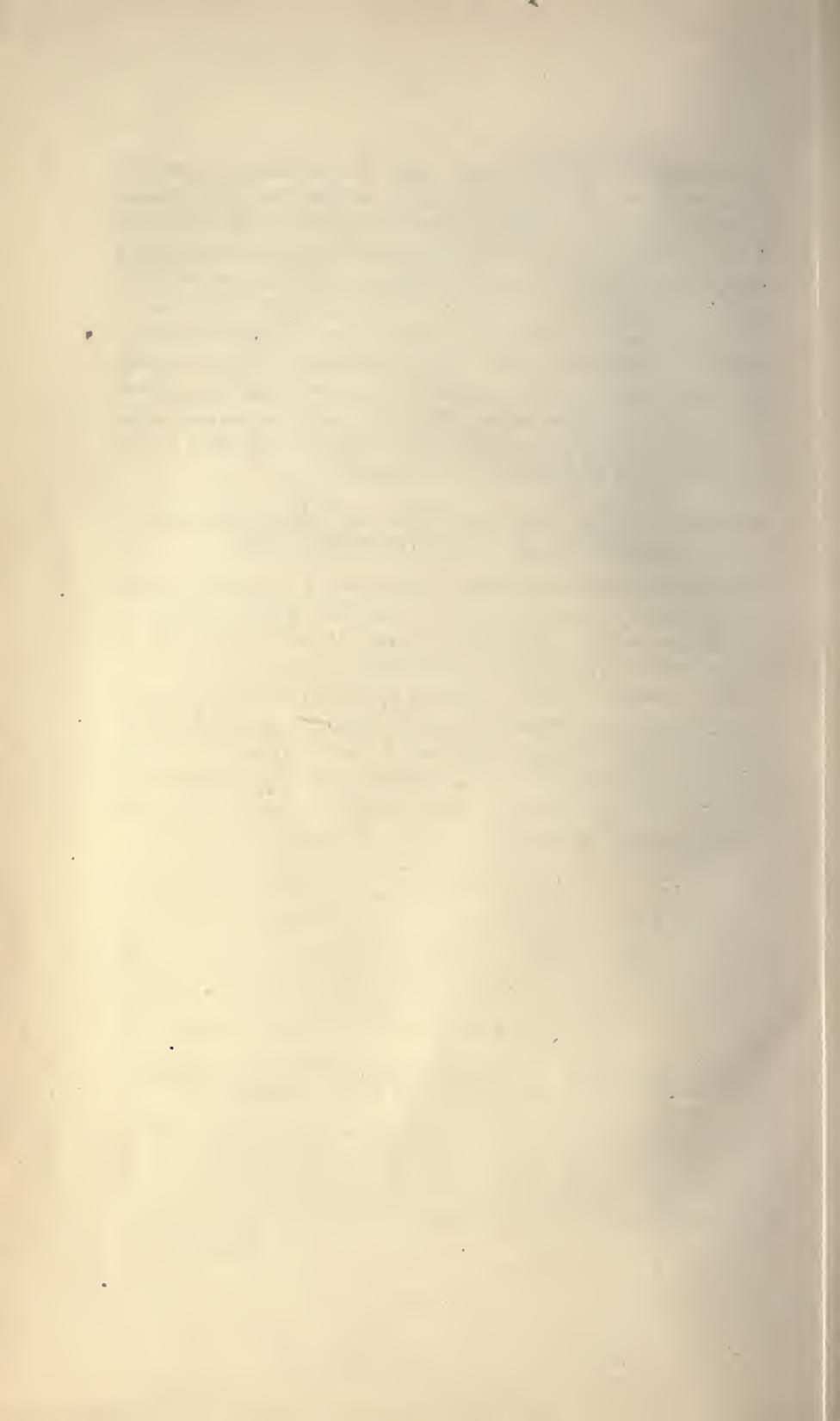
“Resolved, That in accordance with the provisions of section seventy-eight of Act Numbered Nine hundred and twenty-six, ordinarily known as ‘The Public Land Act,’ the said Public Land Act, in its entirety, be immediately extended over and put in force throughout the entire Province of Palawan, formerly known as the Province of Paragua; and

“Resolved further, That the provincial board of the Province of Palawan is directed to make known the contents of the foregoing resolution, so far as practicable, to all the municipalities and settlements of the province, and to afford such assistance as may be in its power to the people to enable them to avail themselves of the provisions of the law enacted in their behalf.”

**EXCERPT FROM THE MINUTES OF THE PHILIPPINE
COMMISSION OF DECEMBER 23, 1905.**

“Resolved, That the provisions of Chapter IV of Act Numbered Nine hundred and twenty-six, known as ‘The Public Land Act,’ be, and are hereby, immediately extended to the Provinces of Benguet, Nueva Vizcaya, and Lepanto-Bontoc; and

“Be it further resolved, That the provincial board of the said provinces are hereby directed to take adequate means to inform the residents of the various municipalities and settlements of their provinces of the adoption of the foregoing resolution, and of the necessity of taking advantage of its provisions before January first, nineteen hundred and seven.”



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