

AN ACT TO AMEND CERTAIN SECTIONS OF ACT NUMBERED TWENTY-EIGHT HUNDRED AND SEVENTY-FOUR, KNOWN AS "THE PUBLIC LAND ACT";

Act No. 3517, January 30, 1929

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section thirteen of Act Numbered Twenty-eight hundred and seventy-four, known as the Public Land Act, is hereby amended to read as follows:

"SEC. 13. Upon the filing of an application for a home-stead, the Director of Lands, if he finds that the application should be approved, shall do so and authorize the applicant to take possession of the land upon the payment of five pesos, Philippine currency, as entry fee. Within six months from and after the date of the approval of the application, the applicant shall begin to work the homestead, otherwise he shall lose his prior right to the land."

SEC. 2. Section fourteen of the same Act is hereby amended to read as follows:

"SEC. 14. No certificate shall be given or patent issued for the land applied for until at least one-fourth of the land has been improved and cultivated. The period within which the land shall be cultivated shall not be less than one nor more than five years, from and after the date of the approval of the application. The applicant shall, within the said period, notify the Director of Lands as soon as he is ready to acquire the title. If at the date of such notice or at any time within the two years next following the expiration of said period, the applicant shall prove to the satisfaction of the Director of Lands by affidavits of two credible witnesses, that he has resided in the municipality in which the land is located, or in a municipality adjacent to the same, and has cultivated at least one-fourth of the land continuously since the approval of the application, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has complied with all the requirements of this Act, then, upon the payment of five pesos, he shall be entitled to a patent."

SEC. 3. Section nineteen of the same Act, as amended by section one of Act Numbered Thirty-two hundred and nineteen, is hereby further amended to read as follows:

"SEC. 19. Not more than one homestead shall be allowed to any person; but if a homesteader has made final proof as provided in this chapter and is occupying and cultivating at least one-fourth of the land applied for and the area thereof is less than twenty-four hectares, he may apply successively for additional homesteads which must lie in the same municipality or municipal district or in an adjacent municipality or municipal district, until the total area of said homesteads shall reach twenty-four hectares, but not more, with the understanding that he shall with regard to the new tracts or additional homesteads comply with the same conditions as prescribed by this Act for an original homestead entry."

SEC. 4. Section twenty-two of the same Act, as amended by section two of Act Numbered Thirty-two hundred and nineteen, is hereby further amended to read as follows:

"SEC. 22. Any non-Christian native who has not applied : for a homestead, desiring to live upon or occupy land on any of the reservations set aside for the so-called 'non-Christian tribes' may request a permit of occupation for any tract of land of the public domain reserved for said non-Christian tribes under this Act, the area of which shall not exceed four hectares. It shall be an essential condition that the applicant for the permit cultivate and improve the land, and if such cultivation has not been begun within six months from and after the date on which the permit was received, the permit shall be canceled. The permit shall be for a term of one year. If at the expiration of this term or at any time theretofore, the holder of the permit shall apply for a homestead under the provisions of this chapter, including the portion for which a permit was granted to him, he shall have the priority, otherwise the land shall be again open to disposition at the expiration of the permit.

"For each permit the sum of one peso shall be paid."

SEC. 5. Section thirty of the same Act is hereby amended to read as follows:

"SEC. 30. Before any patent is issued, the purchaser must show actual occupancy, cultivation, and improvement of at least one-fourth of the land applied for until the date on which final payment is made."

SEC. 6. Section thirty-three of the same Act is hereby amended to read as follows:

"SEC. 33. This chapter shall be held to authorize only one purchase of the maximum amount of land hereunder by the same person, corporation, association, or partnership; and no corporation, association, or partnership, any member of which shall have received the benefits of this chapter or of any of the two last preceding chapters, either as an individual or as a member of any other corporation, association, or partnership, shall purchase any other lands of the public domain under this chapter.

"But any purchaser of public land, after having made the last payment upon and cultivated at least one-fourth of the land purchased, if the same shall be less than the maximum allowed by this Act may purchase successively additional agricultural public land adjacent to or not distant from the land first purchased, until the total area of such purchases shall reach the maximum established in this chapter: Provided, That in making such additional purchase or purchases, the same conditions shall be complied with as prescribed by this Act for the first purchase."

SEC. 7. Section thirty-four of the same Act is hereby amended to read as follows:

"SEC. 34. Any citizen of lawful age of the Philippine Islands or of the United States, and any corporation or association of which at least sixty-one per centum of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States, and which is organized and constituted under the laws of the Philippine Islands or of the United States or of any state thereof and authorized to transact business in the Philippine Islands, may lease any tract of agricultural public land available for lease under the provisions of this Act, not exceeding a total of one thousand and twenty-four hectares: Provided, That no member, stockholder, officer, representative, attorney, agent, employee or bondholder of any corporation or association holding or controlling under lease or otherwise agricultural land in excess of one hundred and forty-four hectares shall apply, directly or indirectly, for agricultural public land except under the homestead and free patent provisions of this Act: Provided, further, That citizens of countries the laws of which grant to citizens of the Philippine Islands the same rights to lease public land as to their own citizens, may, while such laws are in force, but not thereafter, with the express authorization of the Legislature, lease any parcel of agricultural land, not in excess of one thousand and twenty-four hectares, available for lease in accordance with : this Act: Provided, finally, 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, or until such claim shall be legally extinguished, and no person, corporation, or association shall be permitted to lease lands hereunder which are not reasonably necessary to carry on his business in case of an individual, or the business for which it was lawfully created and which it may lawfully pursue in the Philippine Islands, if an association or corporation.

"Corporations and associations not having all and each of the requirements established in the preceding paragraph of this section may, with the express authorization of the Legislature, lease agricultural public lands available for lease the total area of which shall not exceed one thousand and twenty-four hectares."

SEC. 8. Section thirty-six of the same Act is hereby amended to read as follows:

"SEC. 36. The annual rental of the land leased shall not be less than three per centum of the value of the land, according to the appraisal and reappraisal made in accordance with section one hundred and fourteen of this Act. Every contract of lease under the provisions of this chapter shall contain a clause to the effect that a reappraisal of the land leased shall be made every ten years from the date of the approval of the contract, if the term of the same shall be in excess of ten years. In case the lessee is not agreeable to the reappraisal and prefers to give up his contract of lease, he shall notify the Director of Lands of his desire within the six months next preceding the date on which the reappraisal takes effect, and in case his request is approved, the Director of Lands may, if the lessee should so desire, proceed in accordance with section ninety-eight of this Act.

"The rent, which shall be paid yearly in advance, shall accrue from the date of the approval of the lease, and the first payment thereof shall be made in the Bureau of Lands on the date of the approval of the application."

SEC. 9. Section thirty-seven of the same Act, as amended by section nine of Act Numbered Thirty-two hundred and nineteen, is hereby further amended to read as follows:

"SEC. 37. Leases shall run for a period of not more than twenty-five years, but may be renewed for another period of not to exceed twenty-five years, at the option of the lessee. In case the lessee shall have made important improvements which, in the discretion of the Secretary of Agriculture and Natural Resources, justify a renewal of the lease, a further renewal for an additional period not to exceed twenty-five years may be granted. Upon the final expiration of the lease, all buildings and other permanent improvements made by the lessee, his heirs, executors, administrators, successors, or assigns shall become the property of the Government, and the land together with the said improvements shall be disposed of in accordance with the provisions of chapter five of this Act. It shall be an inherent and essential condition of the lease that the lessee shall have not less than one-third of the land broken and ; cultivated within five years after the date of the approval of the lease and shall not assign, encumber, or sublet his' rights without the consent of the Secretary of Agriculture and Natural Resources, and that the violation of this condition shall avoid the contract: Provided, That assignment, encumbrance, or subletting for purposes of speculation shall not be permitted in any case: Provided, further, That nothing contained in this section shall be understood or construed to permit the assignment, encumbrance, or subletting of lands leased under this Act or under the former Public Land Act, to persons, corporations, or associations which under this Act, are not authorized to lease public lands, unless otherwise provided by general or special legislation by the Legislature."

SEC. 10. Section thirty-nine of the same Act is hereby amended to read as follows:

"SEC. 39. The lessee of agricultural public land, after having made two or more payments of rent and improved the land leased, if the same is less than the maximum allowed by law, may lease successively additional agricultural public land adjacent to or near the land originally leased, until the total area of such leases shall reach the maximum established in this chapter: Provided, That in making such additional lease, the same conditions shall be complied with as prescribed by this Act for the first lease."

SEC. 11. Section forty of the same Act is hereby amended to read as follows:

"SEC. 40. During the life of the lease, any lessee who shall have complied with all the conditions thereof and shall have the qualifications required by section twenty-three, shall have the option of purchasing the land leased subject to the restrictions of chapter five of this Act."

SEC. 12. Section sixty of the same Act, as amended by section twelve of Act Numbered Thirty-two hundred and

nineteen, is hereby further amended to read as follows:

"SEC. 60. Whenever it is decided that lands covered by this chapter are not needed for public purposes, the Director of Lands shall ask the Secretary of Agriculture and Natural Resources for authority to dispose of the same. Upon receipt of such authority, the Director of Lands shall ; give notice by public advertisement in the same manner as in the case of leases or sales of agricultural public land, that the Government will lease or sell, as the case may be, the lots or blocks specified in the advertisement, for the purpose stated in the notice and subject to the conditions specified in this chapter."

SEC. 13. Section sixty-one of the same Act is hereby amended to read as follows:

"SEC. 61. The leases executed under this chapter by the Secretary of Agriculture and Natural Resources shall, among other conditions, contain the following:

"(a) The rental shall not be less than three per centum of the appraised and reappraised value of the lands and one per centum of the appraised or reappraised value of the improvements.

"(b) The land rented, or the improvements thereon, as the case may be, shall be reappraised every ten years if the term of the lease is in excess of that period.

"(c) The term of the lease shall be as prescribed by section thirty-seven of this Act.

"(d) The lessee shall construct permanent improvements appropriate for the purpose for which the lease is granted, shall commence the construction thereof within six months from the date of the award of the contract of lease, and shall complete the said construction within eighteen months from the date of the execution of the contract.

"(e) At the expiration of the lease or of any extension of the same, all improvements made by the lessee, his heirs, executors, administrators, successors, or assigns shall become the property of the Government.

"(f) The regulation of all rates and fees charged to the public; and the annual submission to the Government for approval of all tariffs of such rates and fees.

"(g) The continuance of the easements of the coast police and other easements reserved by existing law or by any laws hereafter enacted by the Legislature.

"(h) Subjection to all easements and other rights acquired by the owners of lands bordering upon the foreshore or marshy land.

"The violation of one or any of the conditions specified in the contract shall give rise to the rescission of said contract. The Secretary of Agriculture and Natural Resources may, however, subject to such conditions as he may prescribe, waive the rescission arising from a violation of the conditions of subsection (d), or extend the time within which the construction of the improvements shall be commenced and completed."

SEC. 14. Section sixty-two of the same Act, as amended by section thirteen of Act Numbered Thirty-two hundred and nineteen, is hereby further amended to read as follows:

"SEC. 62. The sale of the lands comprised in class (d) of section fifty-six shall, among others, comprise the following conditions:

"(a) The purchaser shall make improvements of a permanent character appropriate for the purpose for which the land is purchased, shall commence work thereon within six months from the receipt of the approval of the purchase, and shall complete the construction of said improvements within eighteen months from the date of such approval or award; otherwise the Secretary of Agriculture and Natural Resources may rescind the contract.

"(b) The purchase price shall be paid cash down or in annual installments, not to exceed ten.

"The contract of sale may contain other conditions not inconsistent with the provisions of this Act."

SEC. 15. Section sixty-four of the same Act is hereby amended to read as follows:

"SEC. 64. The lease or sale shall be made through oral bidding; and adjudication shall be made to the highest bidder. However, where an applicant has made improvements on the land by virtue of a permit issued to him by competent authority, the sale or lease shall be made by sealed bidding as prescribed in section twenty-seven of this Act, the provisions of which shall be applied wherever applicable. If all or part of the lots remain unleased or unsold, the Director of Lands shall from time to time announce in the Official Gazette or otherwise the lease or sale of those lots, if necessary."

SEC. 16. Section sixty-five of the same Act is hereby amended to read as follows:

"SEC. 65. The Secretary of Agriculture and Natural Resources may grant temporary permission, upon payment of a reasonable charge, for the use of any portion of the lands covered by this chapter for any lawful private purpose, subject to revocation at any time when, in his judgment, the public interest shall require it."

SEC. 17. Section seventy-six of the same Act is hereby amended to read as follows:

"SEC. 76. All lots, except those claimed by or belonging to private parties and those reserved for parks, buildings, and other public uses, shall be sold, after due notice, at public auction to the highest bidder, after the approval and recording of the plat of subdivision as above provided, but no bid shall be accepted that does not equal at least two-thirds of the appraised value, nor shall bids be accepted from persons, corporations, associations, or partnerships not authorized to purchase public lands for commercial, residential or industrial purposes under the provisions of this Act. The provisions of section twenty-seven and sixty-two of this Act shall be observed in so far as they are applicable. Lots for which satisfactory bids have not been received shall be again offered for sale, under the same conditions as the first time, and if they then remain unsold, the Director of Lands shall be authorized to sell them at private sale for not less than two-thirds of their appraised value.

SEC. 18. Section eighty-two of the same Act is hereby amended to read as follows:

"SEC. 82. Upon the recommendation of the Secretary of Agriculture and Natural Resources, the Governor-General may, by proclamation, designate any tract or tracts of land of the public domain for the exclusive use of the non-Christian natives, including in the reservation, in so far as practicable, the lands used or possessed by them, and granting to each member not already the owner, by title or gratuitous patent, of four or more hectares of land, the use and benefit only of a tract of land not to exceed four hectares for each male member over eighteen years of age or the head of a family. As soon as the Secretary of the Interior shall certify that the majority of the non-Christian inhabitants of any given reservation have advanced sufficiently in civilization, then the Governor-General may order that the lands of the public domain within such reservation be granted under the general provisions of this Act to the said inhabitants, and the subdivision and distribution of said lands as above provided shall be taken into consideration in the final disposition of the same. But any non-Christian inhabitant may at any time apply for the general benefits of this Act, provided the Secretary of Agriculture and Natural Resources is satisfied that such inhabitant is qualified to take advantage of the provisions of the same: Provided, That all grants, deeds, patents and other instruments of conveyance of land or purporting to convey or transfer rights of property, privileges, or easements appertaining to or growing out of lands, granted by sultans, datus, or other chiefs of the so-called non-Christian tribes, without the authority of the Spanish Government while the Philippine Islands were under the sovereignty of Spain, or without the consent of the United States Government or of the Philippine Government since the sovereignty of the Archipelago was transferred from Spain to the United States, and all deeds and other documents executed or issued or based upon the deeds, patents, and documents mentioned, are hereby declared to be illegal, void, and

of no effect."

SEC. 19. Section eighty-six of the same Act is hereby amended to read as follows:

"SEC. 86. The tract or tracts of land reserved under the provisions of sections eighty and eighty-one shall be non-alienable and shall not be subject to occupation, entry, sale, lease, or other disposition until again declared alienable under the provisions of this Act or by proclamation of the Governor-General."

SEC. 20. Section one hundred three of the same Act is hereby amended to read as follows:

"SEC. 103. If at any time the applicant or grantee shall die, before the issuance of the patent or the final grant of the land, or during the life of the lease, or while the applicant or grantee still has obligations pending towards the Government, in accordance with this Act, he shall be succeeded in his rights and obligations with respect to the land applied for or granted or leased under this Act by his heirs in law, who shall be entitled to have issued to them the patent or final concession if they show that they have complied with the requirements therefor, and who shall be subrogated in all his rights and obligations for the purposes of this Act."

SEC. 21. Section one hundred ten of the same Act is hereby amended to read as follows:

"SEC. 110. Said lands shall further be subject to a right of way not over twenty meters in width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines, and similar works as the Government or any public or quasi-public service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only."

SEC. 22. Section one hundred fourteen of the same Act is hereby amended to read as follows:

"SEC. 114. The appraisal or reappraisal of the lands or improvements subject to concession or disposition under this Act shall be made by the Director of Lands, with the approval of the Secretary of Agriculture and Natural Resources. The Director of Lands may request the assistance of the provincial treasurer of the province in which the land lies or may appoint a committee for such purpose in the province or in the municipality in which the land lies. In no case shall the appraisal or reappraisal be less than the expense incurred or which may be incurred by the Government in connection with the application or concession, nor shall any reappraisal be made with an increase of more than one hundred per centum upon the appraisal or reappraisal next preceding."

SEC. 23. Section one hundred sixteen of the same Act is hereby amended to read as follows:

"SEC. 116. Except in favor of the Government or any of its branches, units, or institutions, or legally constituted banking corporations, lands acquired under the free patent or homestead provisions shall not be subject to encumbrance ; or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period; but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations."

SEC. 24. Section one hundred nineteen of the same Act is hereby amended to read as follows:

"SEC. 119. Except with the consent of the grantee and the approval of the Secretary of Agriculture and Natural Resources, and solely for commercial, industrial, educational, religious or charitable purposes or for a right of way, no corporation, association, or partnership may acquire or have any right, title, interest, or property right whatsoever to any land granted under the free patent, homestead or individual sale provisions of this Act or to any permanent improvement on such land."

SEC. 25. The same Act is hereby amended by inserting the following section between sections one hundred twenty-five and one hundred twenty-six thereof:

"SEC. 125(a). Any person, corporation, association or partnership not qualified or no longer authorized to

apply for public land under the provisions of this Act who files or induces or knowingly permits another person, corporation, association or partnership to file an application in his or its behalf or for his or its interest, benefit or advantage, shall be punished by a fine of not less than two hundred nor more than five thousand pesos or by imprisonment for not less than two months nor more than five years, or both, in the discretion of the court, and the cancellation of the application."

SEC. 26. Upon the express or implicit approval of this Act by the President of the United States, as provided in the Act of Congress approved on August twenty-ninth, nineteen hundred and sixteen, entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those Islands," the Governor-General shall so announce forthwith, by means of a proclamation, and this Act shall take effect on the date of such proclamation.[1]

Approved, January 30, 1929.

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