

AN ACT TO AMEND SECTIONS SEVENTEEN AND EIGHTEEN OF ACT NUMBERED TWENTY-TWO HUNDRED AND FIFTY-NINE, ENTITLED "AN ACT PROVIDING CERTAIN SPECIAL PROCEEDINGS FOR THE SETTLEMENT AND ...

Act No. 3081, March 16, 1923

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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. The last two paragraphs of section seventeen of Act Numbered Twenty-two hundred and fifty-nine, entitled "An Act providing certain special proceedings for the settlement and adjudication of land titles," are hereby amended to read as follows:

"For the purposes of this section, the value of the property shall be its last assessed value or, in default thereof, its market value.

"The fees authorized under this section shall be payable to the register upon the delivery of the titles to the owners thereof: Provided, however. That such fees may be payable to the provincial treasurer or his deputies when these deliver said titles by delegation by the register."

SEC. 2. Section eighteen of said Act Numbered Twenty-two hundred and fifty-nine, as amended by Act Numbered Twenty-five hundred and fifty-eight, is hereby amended to read as follows:

"SEC. 18. (a) One-tenth of the cost of the registration proceedings and the cadastral survey and monumenting had under this Act shall be borne by the Insular Government; one-tenth shall be paid by the province concerned, and one-tenth by the city, municipality, municipal district, township or settlement in which the land is situated, the city of Manila to be considered for this purpose, both as a province and a municipality; and the remaining seven-tenths shall be taxed by the court against each and all of the lots included in a cadastral proceeding and shall be apportioned in accordance with the area thereof, but in no case shall less than five pesos be taxed against each lot: Provided, That when in the judgment of the provincial board, a municipality, municipal district, township or settlement has not sufficient funds to pay this obligation, its share may be paid by the province. The amounts thus taxed against each of the lots or parcels of land shall be considered a special assessment of taxes against the respective parcels, shall constitute a first lien upon the land, and shall be collected by the Director of Lands or his duly authorized representatives in equal installments within a period of five years, bearing interest at the rate of six per centum per annum. The first installment shall become due and payable at the same time as the general land taxes for the year next succeeding the year in which the Court of First Instance rendered its decision apportioning the costs, and shall be collected in the same manner as such general land taxes. Each succeeding installment shall become due and payable at the same time as the general land taxes for the corresponding current year and shall be collected in the same manner. The clerk of the court shall for this purpose send to the officer in charge of such collection a copy of said order of apportionment of costs: Provided, however, That the amounts representing the proportional shares of the costs taxed against lots surveyed at the request and expense of their owner, and for which a plan other than the cadastral plan has been made by a duly authorized surveyor prior to the decision in the cadastral proceeding, or which have been

registered in accordance with the provisions of Act Numbered Four hundred and ninety-six entitled 'The Land Registration Act,' prior to the decision in the cadastral proceeding, or have been declared to be public lands by the court, shall not constitute a lien against said lot nor shall they be collected from the owners thereof: Provided, further, That the owner of any lot may, if he so desire, pay any installment of the costs taxed against his lot at any time before the same becomes due.

" (b) In case of the sale, transfer, or conveyance, for a pecuniary consideration, of any property, or part thereof, registered by virtue of a decree issued in a cadastral proceeding, prior to the payment of the total amount of the costs taxed against such property in accordance with the preceding paragraph, endorsed as an incumbrance or lien upon each cadastral certificate of title, the vendor or his legal representatives shall pay such costs in their entirety in case the order apportioning the costs has already been issued in the cadastral proceeding in which the property being sold, transferred, or conveyed is included, and the register of deeds concerned shall demand of the vendor, before registering the deed for such sale, transfer, or conveyance of said property, that he exhibit a receipt signed by the Director of Lands or his duly authorized representative, showing that such incumbrance or lien has been paid: Provided, however, That in cases of sale, transfer, or conveyance of the property in which the order apportioning the costs has not yet been issued, the register shall endorse on the certificate of transfer issued by him the incumbrance or lien appearing on the former certificate as guarantee of the payment of the costs above referred to.

" (c) The costs of the registration proceedings under the provisions of this Act shall consist of a sum equivalent to ten per centum of the cost of the survey and monumenting of the land. The amount of the costs of the proceeding so taxed shall be for all services rendered by the General Land Registration Office and the clerk or his deputies in each cadastral proceeding, and the expense of publication, mailing, and posting notices, as well as the notices of the decision and the order apportioning the costs shall be borne by the General Land Registration Office.

"(d) All amounts collected by the Director of Lands or his duly authorized representatives from the owners of the various lots as costs of proceedings, survey, and monumenting in accordance with this section, shall be covered into the Insular Treasury: Provided, however, That the various provincial or municipal governments may, in their discretion, with the approval of the Secretary of the Interior, assume and pay the cost of the survey, monumenting, and registration taxed and apportioned against the various lots and owners thereof, and in such event the payments required to be made by said owners shall be made as herein provided and shall be covered into the provincial or municipal treasury as a part of the general funds of the province or municipality.

" (e) Upon the collection of the amount of the cost of the registration proceedings, or part thereof, in each cadastral proceeding in accordance with this section, the Chief of the General Land Registration Office shall forward to the Insular Auditor and the Insular Treasurer a statement of such collection, and the latter is hereby authorized and empowered to pay to the General Land Registration Office a sum equal to the amount of said cost of proceedings collected, and the sums necessary to make such payments are hereby appropriated out of any funds in the Insular Treasury not otherwise appropriated, such sums to be credited to the appropriations for the General Land Registration Office for disbursement in other cadastral registration proceedings."

SEC. 3. This Act shall have retroactive effect and shall be applicable to all cadastral proceedings in which the order apportioning the costs had not been dictated at the time of the promulgation hereof.

Approved, March 16, 1923.

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