

AN ACT AUTHORIZING PRIVATE SURVEYORS TO MAKE CADASTRAL SURVEY AND FOR OTHER PURPOSES.

Act No. 3327, December 06, 1926

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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 Director of Lands is hereby authorized to assign to private surveyors such cadastral surveys as may have been ordered by the Governor-General, whenever such measure is required for the prompt adjudication of the titles to said land: Provided, however, That before making such assignment, the Director of Lands shall satisfy himself:

(a) That such private surveyors have incorporated under Act Numbered Fourteen hundred and fifty-nine and that on the boards of directors of such corporations there are at least three private surveyors who have practised for an uninterrupted period of five years prior to the making of such assignment, one of whom is qualified deputy cadastral land surveyor, competent and able to conduct and carry out a cadastral survey under this Act, in accordance with the rules, technical requirements, and standards of the Bureau of Lands: Provided, That it shall not be necessary for the purposes of this Act that all the members of the board of directors, other officers and stockholders of the corporation be private surveyors.

(b) That said corporation of private surveyors has filed with the municipal council the proper cadastral project, together with the amount, conditions and terms of payment of their fees, and that the same has been sanctioned and approved by said municipal council and by the provincial board concerned, and endorsed to the Governor-General, through the Director of Lands, recommending the project as reasonable and the amount, conditions, and terms of payment of the fees as equitable: Provided, however, That in case of a cadastral survey previously requested by the municipal council under Act Numbered Twenty-two hundred and fifty-nine and authorized by the Governor-General prior the approval of this Act, the approval of the Director of Lands of the amount, conditions, and terms of payment of the fees contained in such cadastral project, submitted to the Director of Lands by a corporation of private surveyors, shall be sufficient in order that said Director of Lands may make the assignment of such cadastral survey requested prior to this Act.

(c) That said corporation of private surveyors has given a bond satisfactory to the Director of Lands, in an amount representing not less than ten per centum of the estimated cost of the cadastral project to be made under this Act, to guarantee the faithful execution of the work by such corporation and to cover the cost of any correction work that may have to be done by the Bureau of Lands.

SEC. 2. The fees for surveys made by a corporation of private surveyors in accordance with this Act shall constitute a first lien on the land of the occupants or claimants the payment of which shall be obligatory for each of them, in conformity with the terms of the project concerned: Provided, hoivever, That none of the provisions of this section shall be construed to oblige the Government to pay fees to corporations of private surveyors for surveys of public lands surrounded by private lands claimed in the same cadastral proceedings: Provided, further, That the provisions of section eighteen of Act Numbered Twenty-two hundred and fifty-nine, as amended, shall

not be applicable to cadastral projects made in accordance with the provisions of this Act, except so far as the cost of the judicial registration proceedings is concerned.

SEC. 3. The municipal treasurers in municipalities where cadastral surveys are made under this Act are made ex-officio delegates of the Director of Lands for the collection of the fees specified in any cadastral project and it shall be their duty to make the occupants or claimants of the land pay such fees, subject to the terms prescribed in said project, and the funds so collected shall be paid into the Insular Treasury, in accordance with the usual procedure, and during the first five days of each month a statement of the monies collected during the preceding month shall be forwarded to the Director of Lands: Provided, however, That for delinquent payments the procedure shall be the same as that used for delinquent land taxes: And provided, further, That with regard to the amount of the fees as well as that of the penalties, the municipal treasurers shall follow the instructions of the Director of Lands regarding the manner of computing them, as hereinafter provided. The Insular Treasurer, upon the certificate of the Director of Lands, shall pay the sums collected in accordance with the terms and conditions of the contract, to the corporation of surveyors to whom the cadastral survey was assigned.

SEC. 4. The Director of Lands is hereby authorized to issue regulations for observance by the municipal treasurers, subject to the approval of the Insular Auditor, in the rendering of the proper accounts to his Bureau, in accordance with section three of this Act, particularly concerning the manner of computing fees and penalties in conformity with the terms stipulated in the project as sanctioned and approved by the municipal council concerned or the Director of Lands, as the case may be.

SEC. 5. Corporations of private surveyors to which the execution of any cadastral survey has been delegated under this Act are hereby strictly prohibited from collecting any money for cadastral survey fees from the occupants or claimants of land within the cadastral zone. The violation of this prohibition shall be sufficient cause, upon its being proved, for the cancelation of the assignment of the project to the corporation and the forfeiture of the bond furnished under section one, subsection (c) of this Act.

SEC. 6. There is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, a sum not to exceed one hundred thousand pesos, which shall be at the disposal of the Director of Lands, for the making of loans in cases of duly established necessity and in the manner hereinafter prescribed, exclusively to corporations of private surveyors formed in accordance with this Act, in order to aid the same in the completion of the survey work on a cadastral project or projects being executed by such corporations.

SEC. 7. The Director of Lands is hereby authorized to grant loans to corporations of private surveyors to whom cadastral surveys have been assigned in accordance with this Act, out of the fund created by the preceding section, with legal interest, on the security of the fees computed, collected, and to be collected by the municipal treasurers from the occupants or claimants of the lots included in cadastral proceedings submitted to and approved by the Bureau of Lands: Provided, That such loans shall not in any case exceed seventy-five per centum of the total of such fees collected and outstanding, as provided in this section, and shall be repaid with the fees collected and to be collected by said municipal treasurers in connection with said cadastral proceedings.

SEC. 8. Upon the approval by the Director of Lands of any cadastral survey made under this Act in which the fees collected by the municipal treasurer are not subject to any guarantee given by the corporation of surveyors, it shall be the duty of said Director of Lands to give orders for the payment of such fees, upon request, to the corporation concerned, and the monthly payment of the monies being collected until completion of the payment of the fees pertaining to the cadastral survey or surveys not encumbered by any loan.

SEC. 9. Thirty days after publication of the inception of a cadastral survey in accordance with this Act, it shall be obligatory for every occupant or claimant of land included within the cadastral zone to cooperate in the

monumenting of the corners of each lot or part thereof occupied or claimed by him, with concrete monuments to be furnished by the local cadastral office, under the direction and supervision of a surveyor or surveyors of said office or their assistants.

SEC. 10. All provisions of Act Numbered Twenty-two hundred and fifty-nine not inconsistent herewith shall be applicable to the execution of any cadastral survey made in accordance with this Act.

SEC. 11. The Director of Lands shall exercise strict supervision over the field and office work of such cadastral surveys to assure faithful compliance with all provisions of law and the regulations of the Bureau of Lands.

SEC. 12. Act Numbered Twenty-nine hundred and eighty-nine is hereby repealed: Provided, however, That the present Act shall not apply to private cadastral surveys being made at the time of its approval, until their completion, unless the private surveyors in charge of such cadastral surveys incorporate in accordance with the provisions of this Act.

SEC. 13. This Act shall take effect on its approval.

Approved, December 6, 1926.

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