

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 CONDI...

Act No. 926, October 07, 1903

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

CHAPTER 1.

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 non-mineral, 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 the cultivated 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 the 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 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 entry man, 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 entry man 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, unappropriated, and unreserved non-mineral 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 any 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 non-mineral 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 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. 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 appraisal 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. Lands 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 the 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 is 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 s 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 a 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, non-mineral 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 then 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 settlement and cultivation, and a statement that it is non-mineral 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 non-mineral 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. A ro 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 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 platted, 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 platted 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 appraisal 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 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 o 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:

- 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;
- 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 default upon their part;
- 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;

- 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;

- 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

- 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 conclusively 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 interests 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 adjudicated 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 n 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 t 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 fact 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 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 horse power. Where the convertible power in any stream running through or running by land granted under the authority of this Act thus exceeds fifty horse power, 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 horse power, said grantee shall be entitled to the same use of the water flowing through or along 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 horse power 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.

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