

AN ACT PROVIDING CERTAIN SPECIAL PROCEEDINGS FOR THE SETTLEMENT AND ADJUDICATION OF LAND TITLES.

Act No. 2259, February 11, 1913

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

SECTION 1. Whenever, in the opinion of the Governor-General, the public interests require that the titles to any titles lands be settled and adjudicated, upon the order of the Governor-General, the Director of Lands or the private surveyor named by the landowners, if the Director of Lands approves, shall make a survey and plan of such lands. The Director of Lands shall give notice to persons claiming an interest in the lands, and to the general public, of the day on which such survey will begin, giving as full and accurate a description as possible of the lands to be surveyed. Such notice shall be published in two successive issues of the Official Gazette, in both the English and Spanish languages, and a copy of the notice in the English and Spanish languages shall be posted in a conspicuous place on the lands to be surveyed, and also in a conspicuous place on the chief municipal building of the municipality, township or settlement in which the lands, or any portion thereof, are situated. A copy of the notice shall also be sent to the president of such municipality, township, or settlement, and to the provincial board.

SEC. 2. The surveyor or other employee of the Bureau of Lands in charge of the survey shall give reasonable notice of the day on which the survey of any portion of such lands is to begin, and shall post such notice in the usual place on the chief municipal building of such municipality, township or settlement in which the lands are situated, and shall mark the boundaries of the lands by monuments set up at proper places thereon.

SEC. 3. Sections one and two shall not be applicable in cases where, before this law takes effect, the Bureau of Lands has surveyed or begun the survey of any lands the titles to which the public interests require to be settled and adjudicated.

SEC. 4. It shall be lawful for surveyors and other employees of the Bureau of Lands and for private surveyors authorized by the Bureau of Lands to make the survey to enter upon the lands whenever necessary for the making of such survey or for the placing of monuments, and it shall be the duty of every person claiming an interest in the lands to be surveyed, or in any parcel thereof, to communicate to the surveyor in charge upon his request therefor all information possessed by such person concerning the boundary lines of any lands to which he claims title or in which he claims any interest. Any person who willfully refuses to give such information or in any manner interferes with the making of the survey or the placing of the monuments, and any person defacing, destroying or removing the monuments placed upon the lands by the surveyors or their assistants or altering the location of such monuments, or destroying or removing the notices of survey posted on the lands, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine not exceeding one hundred pesos or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, in the discretion of said court.

SEC. 5. When the lands have been surveyed and platted the Director of Lands, represented by the Attorney-General, shall file in the Court of Land Registration a petition against the holders, claimants, possessors or occupants of such lands or any part thereof, stating in substance that the public interests require that the titles to

such lands be settled and adjudicated, and praying that such titles be so settled and adjudicated. The petition shall contain a description of the lands in question and shall be accompanied by a plan thereof, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein. If the lands contain two or more parcels held or occupied by different persons the plan shall indicate the boundaries or limits of the various parcels as correctly as may be. The parcels shall be known as "lots" and shall on the plans filed in the case be given separate numbers by the Director of Lands, which numbers shall be known as "cadastral numbers." The lots situated within each cadastral numbers, municipality, township or settlement, shall, as far as practicable be numbered consecutively, beginning with the number "V and only one series of numbers shall be used for that purpose in each municipality, township or settlement: Provided, however, That in cities or townsites a designation of the land holdings by block and lot numbers may be employed instead of the designation by cadastral numbers and shall have the same effect for all purposes as the latter.

SEC. 6. After final decree has been entered for the registration of a lot its cadastral number shall not be changed except by order of the Court of Land Registration. Future subdivisions of any lot shall, with the approval of said court, be designated by a letter or letters of the alphabet added to the cadastral number of the lot to which the respective subdivisions pertain. The letter with which a subdivision is designated shall be known as its "cadastral letter:" Provided, however, That subdivisions to cities or townsites may, with the approval of the court, be designated by block and lot numbers instead of cadastral numbers and letters.

All subdivisions under this section shall be made in accordance with the provisions of section forty-four of Act Numbered Four hundred and ninety-six, and the provisions of section fifty-eight of the said Act shall be applicable to conveyances of lands so subdivided.

SEC. 7. Upon the receipt of the petition and the accompanying plan the clerk of the Court of Land Registration shall cause notice of the filing of said petition to be published twice in successive issues of the Official Gazette, in both the English and the Spanish languages. The notice shall be issued by order of the court, attested by the clerk, and shall be in form substantially as follows:

"REGISTRATION OF TITLES,

"..... Province,

"Court of Land Registration.

"To (here insert the names of all persons appearing to have an interest and the adjoining owners so far as known), and to all whom it may concern:

"Whereas a petition has been presented to said court by the Director of Lands, praying that the titles to the following described lands or the various parcels thereof be settled and adjudicated (insert description) you are hereby cited to appear at the Court of Land Registration to be held at, in the Province of....., on the day of....., Anno Domini 19...., at..... o'clock, to present such claims as you may have to said lands or any portion thereof, and to present evidence, if any you have, in support of such claims.

"And unless you appear at said court at the time and place aforesaid your default will be recorded and the titles to the lands will be adjudicated and determined in accordance with the prayer of the petition and upon the evidence before the court, and you will be forever barred from contesting such petition or any decree entered thereon.

"Witness:, judge of said court, this day of, A. D. 19....

"Attest:

".....

"Clerk of the Court."

SEC. 8. The return of said notice shall not be less than thirty days nor more than one year from the date of issue. The court shall also, within seven days after the publication of said notice in the Official Gazette as hereinbefore provided, cause notice to be mailed by the clerk to every person named therein whose address is known. The court shall also cause a duly attested copy of the notice to be posted, in the English and the Spanish languages, in a conspicuous place on the lands included in the application, and also in a conspicuous place upon the chief municipal building of the municipality, township or settlement in which the lands or a portion thereof are situated, by the sheriff of the province, or by his deputy, or by such other person as may be designated by the court, fourteen days at least before the return day thereof. A copy of the notice shall also be sent by registered mail to the president of the municipal council of the municipality, township or settlement in which the lands are situated, and to the provincial board. The court may also cause other or further notice of the petition to be given in such manner and to such persons as it may deem proper.

SEC. 9. Any person claiming any interest in any part of the lands, whether named in the notice or not, shall appear before the court by himself, or by some person in his behalf and shall file an answer on or before the return day or within such further time as may be allowed by the court. The answer shall be signed and sworn to by the claimant or by some person in his behalf, and shall state whether the claimant is married or unmarried and, if married, the name of the husband or wife and the date of the marriage, and shall also contain:

- (a) The age of the claimant.
- (b) The cadastral number of the lot or lots claimed, as appearing on the plan filed in the case by the Director of Lands, or the block and lot numbers, as the case may be.
- (c) The name of the barrio and municipality, township or settlement in which the lots are situated.
- (d) The names of the owners of the adjoining lots as far as known to the claimant.
- (e) If the claimant is in possession of the lots claimed and can show no express grant of the land by the Government to him or to his predecessors in interest the answer shall state the length of time he has held such possession and the manner in which it has been acquired, and shall also state the length of time, as far as known, during which his predecessors, if any, held possession.
- (f) If the claimant is not in possession or occupation of the land the answer shall fully set forth the interest claimed by him and the time and manner of its acquisition.
- (g) If the lots have been assessed for taxation, their last assessed value.
- (h) The incumbrances, if any, affecting the lots and the names of adverse claimants as far as known.

SEC. 10. The governor of the province shall, upon the request of the court, detail an officer or employee of the province to assist the defendants in any action brought under this Act in the preparation of their pleadings and evidence, without cost to them: Provided, however, That the court may, in its discretion, detail any of its employees to perform such service, and in case of the failure of the provincial governor to make suitable provision for the assistance of the defendants as above set forth, the court may, with the approval of the Secretary of Finance and Justice, employ for such purpose the necessary personnel, to be paid out of provincial funds. The officer or employee detailed, or the person employed to assist the defendants, shall prepare their answer, which shall be sworn to before such officer, employee or person. No fees shall be charged for the preparation, acknowledgment and filing of the answer, nor shall a documentary stamp be required. The court shall, at some convenient date prior to the expiration of the time for filing the answer, cause such general notice to be issued to all persons interested as may be necessary fully to inform them of the purposes of this section and their rights with respect thereto.

SEC. 11. The trial of the case may occur at any convenient place within the province in which the lands are situated or at such other place as the court, for reasons stated in writing and filed with the record of the case, may

designate, and shall be conducted in the same manner as ordinary trials and proceedings in the Court of Land Registration, and shall be governed by the same rules. Orders of default and confession shall also be entered in the same manner as in ordinary cases in the same court and shall have the same effect. All conflicting interests shall be adjudicated by the court and decrees awarded in favor of the persons entitled to the lands or the various parts thereof, and such decrees, when final, shall be the basis for original certificates of title in favor of said persons, which shall have the same effect as certificates of title granted on application for registration of land under the Land Registration Act, and except as herein otherwise provided all of the provisions of said Land Registration Act, as now amended, and as it hereafter may be amended, shall be applicable to proceedings under this Act, and to the titles and certificates of title granted or issued hereunder.

SEC. 12. In case of the death of any judge, who may have begun the trial of an action brought under the provisions of this Act, before the termination of the trial or in case of his inability for any other reason to terminate such trial, the presiding judge of the court may designate another judge to complete the trial and to decide the case. Such other judge shall have the same power as the judge who began the trial to decide all questions arising in connection with the case and to decide the case upon the evidence appearing in the record.

SEC. 13. Whenever in an action brought under the provisions of this Act a new trial is ordered the court shall specify the lot or lots with reference to which the new trial is ordered, and the case shall remain closed as to all other lots, if any, included in the action.

SEC. 14. In the event of an appeal to the Supreme Court from any decision or order of the Court of Land Registration in an action brought under the provisions of this Act only the lots claimed by the appellant shall be affected thereby. The decision of the Court of Land Registration shall be final as to all remaining lots, if any, included in the action, and upon the expiration of the time for the filing of a bill of exceptions final decree for such remaining lots may be entered and certificates of title therefor issued.

SEC. 15. Except as otherwise ordered by the court, a separate certificate of title shall be entered and a corresponding duplicate certificate issued for each separate parcel or holding of land included in the petition.

SEC. 16. After the entry of the final decree of registration of any lot, the designation of the lot by its cadastral number, or block and lot number, as the case may be, together with the name of the municipality, township or settlement and province in which the lot is situated, shall be a sufficient description of said lot for all purposes. The cadastral letter of a subdivision of a lot added to the cadastral number thereof shall, together with the name of the municipality, township or settlement and province, be a sufficient description of such subdivision. In deeds of conveyance or other documents evidencing the transfer of title to lands, or creating encumbrances thereon, the cadastral numbers or the block and lot numbers, as the case may be, shall be written in words and figures.

SEC. 17. In all proceedings under this Act the fees of the several registers of deeds for the making and entering a certificate of title, including the issue of one duplicate certificate, and for the registration of same, including the entering, indexing, filing and attesting thereof, shall be as follows and no other fees shall be lawful:

When the value of the property does not exceed fifty pesos, fifty centavos.

When the value of the property exceeds fifty pesos but does not exceed two hundred pesos, one peso.

When the value of the property exceeds two hundred pesos but does not exceed five hundred pesos, two pesos.

When the value of the property exceeds five hundred pesos, six pesos.

For the purposes of this section, the value of the property shall be its last assessed value or such other value as may be determined by the court.

The fees authorized under this section shall become due and payable in the same manner and at the same time as

the first annual installment of costs provided for in section eighteen of this Act and may be collected in the same manner as said installment.

SEC. 18. One-tenth of the cost of the survey and monumenting and the registration proceedings had under this Act shall be borne by the Insular Government, one-tenth shall be paid by the province or provinces and one-tenth by the municipalities, townships or settlements in which the land is situated, to be apportioned by the court, the city of Manila to be considered for this purpose both as a province and a municipality: Provided, That when in the opinion of the provincial board, a township or settlement is without sufficient funds to meet this obligation, its share shall be paid by the province. The court shall in its final decision, or by subsequent order, designate the share of the Insular Government, and the amounts to be paid by the province or provinces and municipalities, townships or settlements and shall tax and apportion the remaining seven-tenths of the cost of the survey, monumenting and registration proceedings against the various lots and the owners thereof, and the clerk of the court shall transmit to the provincial treasurer a statement of such taxation and apportionment, specifying the amounts taxed against each lot or parcel of land as aforesaid: Provided, further, That no apportionment of any part of the cost of the survey shall be made against any lot which at the time of making such survey had already been surveyed and a plat thereof made by a duly authorized surveyor; nor shall any apportionment of any part of the cost of the survey, monumenting and registration proceedings be made against any lot which has theretofore been registered in the Court of Land Registration under the provisions of Act Numbered Four hundred and ninety-six. The amount to be taxed against each lot or parcel 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 provincial treasurer in five equal annual installments. 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 decision of the Court of Land Registration is rendered 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 year and shall be collected in the same manner: Provided, however, That the owner of any lot may also, if he so desires, at any time before it becomes due, pay any installment of the costs taxed against such lot; Provided, further, That the Director of Lands shall at the end of each month certify to the Insular Auditor and the Insular Treasurer a statement showing the amounts expended on each cadastral survey project, and the Insular Treasurer is hereby authorized and empowered to pay to the Bureau of Lands an amount equal to the amounts so certified as having been expended, and the necessary amounts to make such payments are hereby appropriated out of any funds in the Insular Treasury not otherwise appropriated, and such amounts shall be credited to the appropriation for the Bureau of Lands.

The court having fixed the share of the Insular Government and the amounts to be paid by the province or provinces, the municipalities, townships, or settlements, and the owners of the various lots, the Insular Treasurer is hereby authorized and empowered to pay to the Judiciary an amount equal to the cost of the registration proceedings, and the necessary amounts to make such payment are hereby appropriated out of any funds in the Insular Treasury not otherwise appropriated, such amounts to be credited to the appropriations for the Judiciary. The amounts[^] to be paid by the province or provinces and the municipalities, townships or settlements and the amounts collected by the provincial treasurer from the owners of the various lots shall be paid into the Insular Treasury.

SEC. 19. Whenever in proceedings under this Act the court is of the opinion that the interests of justice require or the parties themselves petition that a partition be made of lands included in the petition and held by various persons in common or jointly, the court may order that such partition be made and for that purpose may appoint two or more disinterested and judicious persons to be commissioners to make the partition, and shall order a writ of partition ^{to} issue to the commissioners, commanding them to make partition of the lands and to set off to each

of the parties in interest such part and proportion of the lands as the court shall order. By agreement between the co-owners or cotenants of lands included in the petition, lands not so included but held by said coowners or cotenants in the same manner and by the same tenure may, with the approval of the court, be included in the same partition proceedings, and in such cases the court may order a survey to be made of such lands.

SEC. 20. Before making the partition the commissioners shall take and subscribe an oath, before any officer authorized to administer oaths, that they will faithfully perform their duties as such commissioners, which oath shall be filed in court with the proceedings in the case.

SEC. 21. Except as herein otherwise provided the commissioners and the court in making the partition shall be governed by the provisions of sections one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, and one hundred and ninety-one of the Code of Civil Procedure, and the commissioners shall receive such compensation as the court may determine, but not to exceed three pesos per day for the time actually and necessarily employed in the performance of their duties.

SEC. 22. The order of the court effecting the partition shall state definitely, by adequate description, the particular portion of the estate which is apportioned to each party in interest and shall have the same force and effect as the final judgment in partition proceedings under the Code of Civil Procedure.

SEC. 23. The guardian of minors and persons of unsound mind shall represent them in the partition proceedings authorized by this Act. Where no guardian is appointed, or where he fails to appear, the court may appoint a guardian ad litem to represent the minors or persons of unsound mind in the proceedings. Such guardian or guardian ad litem may, on behalf of his ward, and with the approval of the court, do and perform any act, matter, or thing respecting the partition of the estate, including amicable partition thereof, which such minor or person of unsound mind could do in the partition proceedings if he were of age or of sound mind.

SEC. 24. The proceedings in partition authorized by this Act shall be regarded as a part of the land registration case in connection with which the partition is ordered, and no special fees shall be charged by the clerk of the court for any service performed by him in such partition proceedings, but the compensation of the commissioners appointed and additional expenses incurred in connection with the partition, including the costs of additional surveys, may be taxed as costs in the case and apportioned among the parties interested in the partition to such an extent and in such a manner as the court may deem just and equitable. Upon the order taxing and apportioning such costs becoming final, an execution may issue therefor as in partition proceedings under the Code of Civil Procedure unless the court direct that payment be made in installments as provided in section eighteen of this Act.

SEC. 25. If the property partitioned under the foregoing provisions constitutes the estate, or part of the estate, of a deceased person, which has not been settled by administration proceedings under the provisions of the Code of Civil Procedure, the heirs or devisees of such deceased person shall, for the full period of two years from the date of the order effecting the partition, be jointly liable to the creditors of the deceased for his debts: Provided, however, That no heir or devisee shall be liable for a greater amount than the value of the property received by him as his share in the estate: And provided further, That for the purpose of contribution between the heirs or devisees themselves the amount of the debts of the estate for which each shall be liable, shall bear the same proportion to the value of his share of the estate as the total amount of the legal debts paid by the heirs or devisees demanding contribution bears to the total value of the estate. Any heir or devisee who, under a final judgment rendered in an action brought under this section, pays more than his proportionate share of the debts of the estate shall, with reference to the excess, be subrogated to the rights of the creditors under such judgment against each of the other heirs or devisees to the extent of their respective proportionate shares of the debts so paid by him:

Provided further, That the provisions of this section shall not be construed to modify the provisions of existing law as to the order in which the heirs or devisees are liable to pay the debts of the deceased.

The judgment rendered in any action brought under this section by a creditor against the heirs or devisees of a deceased person shall, if favorable to the plaintiff, specify the maximum amount for which each heir or devisee shall be liable under such judgment.

SEC. 26. In the interpretation of the provisions of this Act the rules of construction laid down by sections one, in two, three, and four of the Code of Civil Procedure and section one hundred and twenty-three of the Land Registration Act shall apply. The word "court" as used in this Act shall mean the Court of Land Registration.

SEC. 27. In the event that the Philippine Legislature shall pass an Act transferring to the Courts of First Instance the jurisdiction now conferred upon the Court of Land Registration, the word "court" used in this Act shall be construed to mean the respective Courts of First Instance, and the word "clerk" to mean the clerk of the respective Court of First Instance, or the chief of the General Land Registration Office if that office shall have been created and the powers and duties now performed by the clerk of the Court of Land Registration transferred to that office.

SEC. 28. Section live of Act Numbered Eighteen hundred and seventy-five, as amended, is hereby further amended to read as follows:

"SEC. 5. It shall be the duty of private surveyors who make surveys, maps, or plats of property for which registration of title is requested to comply with the requirements of the preceding section and to promptly send their reports, surveys, maps, and plats of such property to the Bureau of Lands for verification. Private surveyors shall not be authorized to make surveys for the Court of Land Registration unless they shall have passed either a civil service examination examination by the Bureau of Lands for the purpose of determining their qualifications: Provided, however, That surveyors with an academic diploma issued by a duly established university, college, or school, who have practiced their profession in the Philippine Islands prior to June first, nineteen hundred and nine, excepting those who. having taken the examination herinafter provided, failed to pass the same, shall be authorized by the Director of Lands to make surveys for the Court of Land Registration without the necessity of passing the examination provided by this section. All surveys and plans made by private surveyors under said authorization shall be executed in strict accordance with the "Manual of instructions of surveys to be verified by the Director of Lands for presentation to the Court of Land Registration" issued by the Bureau of Lands: And provided further, That whenever it shall appear to the Director of Lands that there is doubt as to the accuracy of any plan or survey made under such authorization, such survey or plan shall be subject to verification in the manner provided in section sixty-six of Act Numbered Nine hundred and twenty-six, and if it appear that the survey is defective, incorrect, or substantially erroneous, the Director of Lands may thereupon withdraw authorization of said surveyor, subject to appeal by the surveyor, to be taken within five clays of receipt of notice of the withdrawal, to a committee composed of the Governor-General, the judge of the Court of Land Registration, and a duly authorized surveyor appointed by the Governor-General, the decision of which committee shall be final. If no appeal is taken as herein provided, or if the said committee shall approve the action of the Director of Lands in withdrawing from said surveyor the authorization to make surveys, such surveyor shall not be permitted to make surveys or plans for the Court of Land Registration without first having passed the examination provided for in this section. Pending appeal, the right of the surveyor to make surveys for the Court of Land Registration shall be suspended: And Provided further, That under the designation of surveyors with academic diploma shall be recognized all those who, with similar diplomas in the time of the Spanish Government, were considered as such surveyors or as entitled to practice the said profession.

SEC. 29. The short title of this Act shall be "The Cadastral Act."

SEC. 30. This Act shall take effect on its passage.

Enacted, February 11, 1913.

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