

ACT No. 2874

As amended by Acts Nos. 3164, 3219, 3346, and 3517

TO AMEND AND COMPILE THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN, AND FOR OTHER PURPOSES

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

TITLE I

TITLE AND APPLICATION OF THE ACT, LANDS TO WHICH IT REFERS, AND CLASSIFICATION, DELIMITATION, AND SURVEY THEREOF FOR CONCESSION.

CHAPTER I.

SHORT TITLE OF THE ACT, LANDS TO WHICH IT APPLIES, AND OFFICERS CHARGED WITH ITS EXECUTION.

Section 1. The short title of this Act shall be "The Public Land Act."

Section 2. The provisions of this Act shall apply to the lands of the public domain; but timber and mineral lands shall be governed by special laws and nothing in this Act provided shall be understood or construed to charge or modify the government and disposition of the lands commonly called "friar lands" and those which, being privately owned, have reverted to or become the property of the Philippine Government, which administration and disposition shall be governed by the laws at present in force or which hereafter be enacted by the Legislature.

Section 3. While title to lands of the public domain remains in the Government, the Secretary of Agriculture and Natural Resources shall be the executive officer charged with carrying out the provisions of this Act, through the Director of Lands, who shall act under his immediate control.

Section 4. Subject to said control, the Director of Lands shall have direct executive control of the survey, classification lease, sale, or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Natural Resources.

Section 5. The Director of Lands, with the approval of the Secretary of Agriculture and Natural Resources, shall prepare and issue forms, instructions, rules and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions.

CHAPTER II.

CLASSIFICATION, DELIMITATION AND SURVEY OF LANDS OF THE PUBLIC DOMAIN, FOR THE CONCESSION THEREOF

Section 6. The Governor-General, upon the recommendation of the Secretary of Agriculture and Natural Resources, shall from time to time classify the lands of the public domain into —

- (a) Alienable or disposable
- (b) Timber and
- (c) Mineral lands

and may it any time and in a like manner transfer such lands from one class to another, for the purposes of their government and disposition.

Section 7. For the purpose of the government and disposition of alienable or disposable public lands, the Governor-General, upon recommendation by the Secretary of Agriculture and Natural Resources, shall from time to time declare what lands are open to disposition or concession under this, Act.

Section 8. Only those lands shall be declared open to disposition or concession which have been officially delimited and classified and, when practicable, surveyed, and which have not been reserved for public or quasi-public uses, not appropriated by the Government, nor in any manner become private property, nor those on which a private right authorized and recognized by this Act or any other valid law may be claimed, or which, having been reserved or appropriated, have ceased to be so. However, the Governor-General may, for reasons of public interest, declare lands of the public domain open to disposition before the same have had their boundaries established or been surveyed, or may, for the same reasons, suspend their concession or disposition by proclamation duly published or by Act of the Legislature.

Section 9. For the purposes of their government and disposition, the lands of the public domain alienable or open to disposition shall be classified, according to the use or purposes to which such lands are destined, as follows:

- (a) Agricultural
- (b) Commercial, industrial, or for similar productive purposes.
- (c) Educational, charitable, and other similar purposes.
- (d) Reservations for town sites, and for public and quasi-public uses.

The Governor-General, upon recommendation by the Secretary of Agriculture and Natural Resources, shall from time to time make the classification provided for in this section, and may, at any time and in a similar manner, transfer lands from one class to another.

Section 10. The words "alienation," "disposition," or "Concession" as used in this Act, shall mean any of the methods authorized by this Act for the acquisition, lease, use or benefit of the lands of the public domain other than timber or mineral lands.

TITLE II

AGRICULTURAL PUBLIC LANDS

CHAPTER III.

FORMS OF CONCESSION OF AGRICULTURAL LANDS

Section 11. Public lands suitable for agricultural purposes can be disposed of only as follows, and not otherwise:

- (1) For homestead settlement.
- (2) By sale.
- (3) By lease.
- (4) By confirmation of imperfect or incomplete titles.
 - (a) By judicial legalization.
 - (b) By administrative legalization (free patent)

CHAPTER IV.

HOMESTEADS

Section 12. Any citizen of the Philippine Islands or of the United States, over the age of eighteen years, or the head of a family, who does not own more than twenty-four hectares of land in said Islands or has not had the benefit of any gratuitous allotment of more than twenty-four hectares of land since the occupation of the Philippine Islands by the United States, may enter a homestead or not exceeding twenty-four hectares of agricultural land of the public domain.

Section 13. Upon the filing of an application for a homestead, the Director of Lands, if he finds that the application should be approved, shall do so and authorize the applicant to take possession of the land upon the payment of five pesos, Philippine currency, as entry fee. Within six months from and after the date of the approval of the application,

the applicant shall begin to work the homestead otherwise he shall lose his prior right to the land. (As amended by section 1 of Act No. 3517.)

Section 14. No certificate shall be given or patent issued for the land applied for until at least one-fourth of the land has been improved and cultivated. The period within which the land shall be cultivated shall not be less than one nor more than five years, from and after the date of the approval of the application. The applicant shall, within the said period, notify the Director of Lands as soon as he is ready to acquire the title. If at the date of such notice or at any time within the two years next following the expiration of said period, the applicant shall prove to the satisfaction of the Director of lands by affidavits of two credible witnesses, that he has resided in the municipality in which the land is located, or in a municipality adjacent to the same, and has cultivated at least one-fourth of the land continuously since the approval of the application, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has complied with all the requirements of this Act, then, upon the payment of five pesos, he shall be entitled to a patent. (As amended by section 2 of Act No. 3517).

Section 15. At the option of the applicant, payment of the fees required in this chapter may be made in annual installments. These payments may be made to the municipal treasurer of the locality, who, in turn, shall forward them to the provincial treasurer. In case of the delinquency of the applicant, the Director of Lands may, sixty days after such delinquency has occurred, either cancel the application or grant an extension of time not to exceed one hundred and twenty days for the payment of the sum due.

Section 16. If at any time before the expiration of the period allowed by law for the making of final proof, it shall be proved to the satisfaction of the Director of 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, or voluntarily abandoned the land for more than six months at any time during the years of residence and occupation herein required or has otherwise failed to comply with the requirements of this Act, the Director of Lands may cancel the entry.

Section 17. Before the final proof shall be submitted by any person claiming to have complied with the provisions of this chapter, due notice, as prescribed by the Secretary of Agriculture and Natural Resources shall be given to the public of his intention to make such proof, stating therein the name and address of the homesteader, the description of the land, with its boundaries and area, the names of the witnesses by whom it is expected that the necessary facts will be established, and the time and place at which, and the name of the officer before whom, such proof will be made.

Section 18. In case the homesteader shall suffer from mental alienation, or shall for any other reason be incapacitated for exercising his rights personally, the person legally representing him may offer and submit the final proof on behalf of such incapacitated person.

Section 19. Not more than one homestead shall be allowed to any person; but if a homesteader has made final proof as provided in this chapter and is occupying and cultivating at least one-fourth of the land applied for and the area thereof is less than twenty-four hectares, he may apply successively for additional homesteads which must lie in the same municipality or municipal district or in an adjacent municipality or municipal district, until the total area of said homesteads shall reach twenty-four hectares, but not more, with the understanding that he shall with regard to the new tracts or additional homesteads comply with the same conditions as prescribed by this Act for an original homestead entry. (As amended by Sec. 1 of Act No. 3219 and Sec. 3 of Act No. 3517).

Section 20. The cancellation of a homestead entry not due to any fault of the applicant shall not be a bar to his applying for another homestead.

Section 21. If at any time after the approval of the application and before the patent is issued, the applicant shall prove to the satisfaction of the Director of lands that he has complied with all the requirements of the law, but can not continue with his homestead, through no fault of his own, and there is a bona fide purchaser for the rights and improvements of the applicant on the land, and that the conveyance is not made for purposes of speculation, then the applicant, with the previous approval of the Secretary of Agriculture and Natural Resources, may transfer his rights to the land and improvements to any person legally qualified to apply for a homestead, and immediately after such transfer, the purchaser shall file a homestead application to the land so acquired and shall succeed the original homesteader in his rights and obligations beginning with the date of the approval of said application of the purchaser. Any person who has so transferred his rights may once again apply for a new homestead. Every transfer made without the previous approval of the Secretary of Agriculture and Natural Resources shall be null and void and shall result in the cancellation of the entry and the refusal of the patent.

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

For each the sum of one peso shall be paid.

(As amended by Sec. 2 of Act 3219 and Sec. 4 of Act 3517).

CHAPTER V.

SALE

Section 23. Any citizen of lawful age of the Philippine Islands or of the United States, and any such citizen not of lawful age who is head of a family, and any corporation or association of which at least sixty-one per centum of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States or of any State thereof and authorized to transact business in the Philippine Islands, and corporate bodies organized in the Philippine Islands authorized under their charters to do so, may purchase any tract of public agricultural land disposable under this Act, not to exceed one hundred and forty-four hectares in the case of an individual and one thousand and twenty-four hectares in that of a corporation or association, by proceeding as prescribed in this chapter: PROVIDED, That partnerships shall be entitled to purchase not to exceed the one thousand and twenty-four hectares authorized in this section for associations and corporations: PROVIDED, further, That citizens of countries the laws of which grant to citizens of the Philippine Islands the same right to acquire public land as to their own citizens, may, while such laws are in force, but not thereafter, with the express authorization of the Legislature, purchase any parcel of agricultural land, not in excess of one hundred and forty-four hectares available under this Act, upon complying with the requirements of this chapter. (As amended by sec, 3 of Act No. 3219).

Section 24. No person, corporation, association, or partnership other than those mentioned in the last proceeding section may acquire or own agricultural public land or land of any other denomination or classification, not used for industrial or residence purposes, that is at the time or was originally, really or presumptively, of the public domain. or any permanent improvement thereon, or any real right on such land and improvement: PROVIDED, however, That persons, corporations, associations, or partnerships which, at the date upon which this Act shall take effect, hold agricultural public lands or land of any other denomination not used for industrial or residence purposes, that belonged originally, really or presumptively, to the public domain, or permanent improvements on such lands, or a real right upon such lands and improvements, having acquired the same under the laws and regulations in force at the date of such acquisition, shall be authorized to continue holding the same as if such persons, corporations, associations, or partnerships were qualified under the last preceding section; but they shall not encumber, convey, or alienate the same to persons, associations, corporations, or partnerships not included in section twenty-three of this Act, except by reason or hereditary succession, duly legalized and acknowledged by competent courts.

Section 25. Lands sold under the provisions of this chapter must be appraised in accordance with section one hundred and fourteen of this Act. The Director of Lands shall announce the sale thereof by publishing the proper notice once a week for six consecutive weeks in the Official Gazette and in two newspapers, one published in Manila and the other published in the municipality or in the province where the land is located, or in a neighboring province, and the same notice shall be posted on the bulletin board of the Bureau of Lands in Manila, and in the most conspicuous place in the provincial building and the municipal building of the province and the municipality where the land is located, and if practicable, on the land itself; but if the value of the land does not exceed two hundred and forty pesos, the publication in the Official Gazette and newspapers may be omitted. The notices shall be published one in English and the other in Spanish or in the local dialect, and shall fix a date not earlier than sixty days after the date of the notice upon which the land will be awarded to the highest bidder, or public bids will be called for, or other action will be taken as provided in this chapter. (As amended by section 4 of Act No. 3219).

Section 26. All bids must be sealed and addressed to the Director of Lands, and must have therewith cash or a certified check or post-office money order payable to the order of the Director Of Lands, for ten 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 bid shall be considered the amount of which is less than the appraised value of the land. (As amended by section 5 of Act No. 3219).

Section 27. Upon the opening of the bids the land shall be awarded to the highest bidder. If there are two or more bids which are higher than other bids 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, the Director of Lands shall at once submit the land for public bidding, and to the person making the highest bid on such public auction the land shall be awarded. In any case the applicant, if any shall always have the option of raising his bid to equal that of the highest bidder, and in this case the land shall be awarded to him. No bid received at such public auction shall be finally accepted until the bidder shall have deposited ten per centum of his bid, as required in section twenty-six of this Act. In case none of the tracts of land that are offered for sale or the purchase of which has been applied for, has an area in excess of twenty-four hectares, the Director of Lands may delegate to the Provincial treasurer concerned the power of receiving bids, holding the auction, and proceeding in accordance with the provisions of this Act, but the provincial treasurer, in his capacity as delegate of the Secretary of Agriculture and Natural Resources shall submit his recommendations to the Director of Lands for the final decision of the latter in the case. (As amended by section 6 of Act No. 3219).

Section 28. The purchase price shall be paid as follows: The balance of the purchase price after deducting the amount paid at the time of submitting the bid, may be paid in full upon the making of the award, or in not more than ten annual installments from the date of the award: PROVIDED, That it shall be an inherent and essential condition of the sale that the purchaser shall have not less than one third of the land broken and cultivated within five years after the date of the award. (As amended by section 7 of Act No. 3219).

Section 29. After at least the second installment has been paid and after the cultivation of the land has been begun, the purchaser, with the approval of the Secretary of Agriculture and Natural Resources, may convey or encumber his rights to any person, corporation, or association legally qualified under this Act to purchase agricultural public lands, provided such conveyance or encumbrance does not affect any right or interest of the Government in the land. Any sale and encumbrance made without the previous approval of the Secretary of Agriculture and Natural Resources shall be null and void and shall produce the effect of annulling the acquisition and reverting the property and all rights thereto to the Government, and all payments on the purchase price theretofore made to the Government shall be forfeited. After the sale has been approved, the vendor shall not lose his right to acquire agricultural public lands under the provisions of this Act, provided he has the necessary qualifications.

Section 30. Before any patent is issued, the purchaser must show actual occupancy, cultivation, and improvement of at least one-fourth of the land applied for until the date on which final payment is made. (As amended by section 5 of Act No. 3517).

Section 31. If at any time after the date of the award and before the issuance of patent, it is proved to the satisfaction of the Director of 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.

Section 32. No person, corporation, association, or partnership shall be permitted, after the approval of this Act, to acquire the title to or possess as owner any lands of the public domain if such lands, added to other land belonging to such person, corporation, association, or partnership shall give a total area greater than the area the acquisition of which by purchase is authorized under this Act. Any excess in area over this maximum and all right, title, interest, claim, or action held by any person, corporation, association, or partnership resulting directly or indirectly in such excess shall revert to the Government.

This section shall, however, not be construed to prohibit any person, corporation, association, or partnership authorized by this Act to acquire lands of the public domain from making loans upon real estate security and from purchasing real estate whenever necessary for the recovery of such loans; but in this case, as soon as the excess above referred to occurs, such person, corporation, association, or partnership shall dispose of such lands within five years, for the purpose of removing the excess mentioned. Upon the land in excess of the limit there shall be paid, so long as the same is not disposed of, for the first year a surtax of fifty per centum additional to the ordinary tax to which property shall be subject, and for each succeeding year fifty per centum shall be added to the last preceding annual tax rate, until the property shall have been disposed of.

The person, corporation, association, or partnership owning the land in excess of the limit established by this Act shall determine the portion of the land to be segregated.

At the request of the Secretary of Agriculture and Natural Resources, the Attorney-General, or the officer acting in his stead shall institute the necessary proceedings in the proper court for the purpose of determining the excess portion to be segregated, as well as the disposal of such portion in the exclusive interest of the Government.

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

But any purchaser of public land, after having made the last payment upon and cultivated at least one-fourth of the land purchased, if the same shall be less than the maximum allowed by this Act may purchase successively additional agricultural public land adjacent to or not distant from the land first purchased, until the total area of such purchases shall reach the maximum established in this chapter: PROVIDED, That in making such additional purchase or purchases, the same conditions shall be complied with as prescribed by this Act for the first purchase. (As amended by sec. 6 of Act No. 3517).

CHAPTER VI.

LEASE

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

Corporations or associations not having all and each of the requirements established in the preceding paragraph of this section may, with the express authorization of the Legislature, lease agricultural public lands available for lease the total area of which shall not exceed one thousand and twenty-four hectares. (As amended by section 7 of Act No. 3517).

Section 35. The Director Of Lands shall announce the lease of lands under this chapter by publishing the proper notice once a week for six consecutive weeks in the Official Gazette and in two newspapers, one published in Manila and the other published in the municipality or in the province where the land is located, or in a neighboring province, and the same notice shall be posted on the bulletin board of the Bureau of Lands in Manila, and in the most conspicuous place in the provincial building and the municipal building of the province and the municipality where the land is located, and if practicable, on the land itself and if the value of the land does not exceed two hundred and forty pesos, the publication in the Official Gazette and newspapers may be omitted. The notices shall be published one in English and the other in Spanish or in the local dialect, and shall fix a date not earlier than sixty days after the date of the notice, upon which the land will be awarded to the highest bidder, or public bids will be called for, or other action will be taken as provided in this chapter.

All bids must be sealed and addressed to the Director of Lands and must have enclosed therewith cash or a certified check or post-office money order payable to the order of the Director of Lands, for a sum equivalent to the rental for the first three months of the lease: PROVIDED, That no bid shall be considered in which the proposed annual rental is less than three per centum of the value of the land according to the appraisal or reappraisal thereof made in conformity with section one hundred and fourteen of Act Numbered Twenty-eight hundred and seventy-four.

Upon the opening of the bids the land shall be awarded to the highest bidder. If there are two or more bids which are higher than the others and 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, the Director of Lands shall at once submit the land for public bidding, and to the person making the highest bid on such public auction the land shall be awarded. In any case the applicant, if any, shall always have the option of raising his bid to equal that of the highest bidder, and in this case the land shall be awarded to him. No bid received at such public auction shall be accepted until the bidder shall have deposited the rental for the first three months of the lease. (As amended by sec, 8 of Act No. 3219).

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

The rent, which shall be paid yearly in advance, shall accrue from the date of the approval of the lease, and the first payment thereof shall be made in the Bureau of Lands on the date of the approval of the application. (As amended by section 8 of Act No. 3517).

Section 37. Leases shall run for a period of not more than twenty-five years, but may be renewed for another period of not to exceed twenty-five years, at the option of the lessee. In case the lessee shall have made important improvements which, in the discretion of the Secretary of Agriculture and Natural Resources, justify a renewal of the lease, a further renewal for an additional period not to exceed twenty-five years may be granted. Upon final expiration of the lease, all buildings and other permanent improvements made by lessee, his heirs, executors, administrators, successors, or assigns shall become the property of the Government, and the land together with the said improvements shall be disposed of in accordance with the provisions of chapter five of this Act. It shall be an inherent and essential condition of the lease that the lessee shall have not less than one-third of the land broken and cultivated within five years after the date of the approval of the lease and shall not assign, encumber, or sublet his rights without the consent of the Secretary of Agriculture and Natural Resources, and that the violation of this condition shall avoid the contract: PROVIDED, That assignment, encumbrance, or subletting for purposes of speculation shall not be permitted in any case: PROVIDED, further, That nothing contained in this section shall be understood or construed to permit the assignment, encumbrance, or subletting of lands leased under this Act, or under the Public Land Act, to persons, corporations, or associations under this Act, are not authorized to lease public lands, unless otherwise provided by general or special legislations by the Legislature. (As amended by section 9 of Act No. 3517).

Section 38. 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 the 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, or medicinal mineral waters existing upon the same. The lease as to the part of the land which shall be mineral may be cancelled by the Secretary of Agriculture and Natural Resources, after notice to the lessee, whenever the said part of the land is more valuable for mineral than for agricultural purposes.

The commission of waste or the violation of the forestry regulations by the lessee shall work a forfeiture of his payment of rent and render him liable to immediate dispossession and suit for damage.

Section 39. The lessee of agricultural public land, after having made to or more payments of rent and improved land leased, if the same is less than the maximum allowed by law, may lease successively additional agricultural public land adjacent to or near the land originally leased, until the total area of such leases shall reach the maximum established in this chapter: PROVIDED, That in making such additional lease, the same conditions shall be complied with as prescribed by this Act for the first lease.(As amended by section 10 of Act. No. 3517).

Section 40. During the life of the lease, any lessee who shall have complied with all the conditions thereof and shall have the qualifications required by section twenty-three, shall have the option of purchasing the land leased subject to the restrictions of chapter five of this act. (As amended by section 11 of Act No. 3517).

CHAPTER VII.

FREE PATENTS

Section 41. Any native of the Philippine Islands who is not the owner of more than twenty-four hectares, and who since July fourth, nineteen hundred and seven, or prior thereto, has continuously occupied and cultivated, either by himself or through his predecessors in interest, a tract or tracts of agricultural public lands subject to disposition, shall be entitled, under the provisions of this chapter, to have a free patent issued to him for a tract or tracts of such land not to exceed twenty-four hectares. (As amended by section 1 of Act No. 3164.)

Section 42. The Governor-General, upon recommendation of the Secretary of Agriculture and Natural Resources shall from time to time fix by proclamation the period within which applications for free patents may be filed in the district, province, municipality, or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the Governor-General, all the land comprised within such district, province, municipality, or region subject thereto under the provisions of this chapter may be disposed of as agricultural public land, without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. The time to be fixed in the entire Archipelago for the filing of applications under this chapter shall not extend beyond December thirty-first, nineteen hundred and thirty-eight. The period fixed for any district, province, or municipality shall begin to run thirty days after the publication of the proclamation in the Official Gazette. A certified copy of said proclamation shall be furnished to the Director of Lands and to the provincial and municipal board or council affected, and copies thereof shall be posted on the bulletin board of the Bureau of Lands at Manila and at conspicuous places in the provincial building and the municipal building. It shall moreover, be announced by crier in each of the barrios of the municipality. (As amended by section 1 of Act No. 3346).

Section 43. If, after the filing of the application and the investigation, the Director of Lands shall be satisfied of the truth of the allegations contained in the application and that the applicant comes within the provisions of this chapter, he shall cause a patent to issue to the applicant or his legal successor for the tract so occupied and cultivated, provided its area does not exceed twenty-four hectares: 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 in opportunity to present their claim.

CHAPTER VIII.

JUDICIAL CONFIRMATION OF IMPERFECT OR INCOMPLETE TITLES

Section 44. The persons specified in the next following section are hereby granted time, not to extend beyond December thirty-first, nineteen hundred and thirty-eight, within which to take advantage of the benefits of this chapter: PROVIDED, That the several periods of time designated by the Governor-General in accordance with section forty-two of this Act shall apply also to the lands comprised in the provisions of this chapter; but this section shall not be construed in the sense of prohibiting any of said persons from acting under this chapter at any time prior to the period fixed by the Governor-General. (As amended by section 2 of Act 3346).

Section 45. The following described citizens of the Philippine Islands and the United States, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

(a) Those who prior to the transfer of sovereignty from Spain to the United States have applied for the purchase, composition or other form of grant of lands of the public domain under the laws and royal decrees then in force and have instituted had prosecuted the proceedings in connection therewith, but have, with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have complied and cultivated said lands continuously since the filing of their applications.

(b) Those who by themselves or through their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership except as against the Government, since July twenty-sixth, eighteen hundred and ninety-four except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

Section 46. No person claiming title to lands of the public domain not in possession of the qualifications specified in the last preceding section may apply for the benefits of this chapter.

Section 47. Any person or persons, or their legal representatives as successors in right, claiming any lands or interest in lands under the provisions of this chapter, must every case present an application to the proper Court of

First Instance, 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.

The application shall conform is nearly as may be in its material allegations to the requirements of an application for registration under 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 land claimed. The application shall also state the citizenship of the applicant and shall set forth fully the nature of the claim, and when based upon proceedings initiated under Spanish laws, it shall specify as exactly as possible the date and form of the application for purchase, composition or other form of grant, 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 non-compliance, together with a statement of the length of time such land or any portion thereof has been actually occupied by the claimant or 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.

Section 48. Applications for registration under this chapter shall be heard in the Court of First Instance in the same manner and shall be subject to the same procedure as established in the Land Registration Act for other applications except that a notice of all such applications, together with a plan of the lands claimed, shall be immediately forwarded to the Director of Lands, who may appear as a party in such cases: PROVIDED, That prior to the publication for hearing, all of the papers in said case shall be transmitted by the clerk of the Attorney-General or officer acting in his stead, in order that he may, if he deems it advisable for the interests of the Government, investigate all of the alleged in the application or otherwise brought to his attention. The Attorney-General shall return such papers to the clerk as soon as practicable within three months.

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.

Section 49. In cadastral proceedings, instead of an application an answer or claim may be filed with the same effect as in the procedure provided in the last preceding two sections.

Section 50. It shall be lawful for the Director of Lands, whenever in the opinion of the Governor-General the public interests shall require it, to cause to be filed in the proper Court of First Instance, through the Attorney-General or the officer acting in his stead, a petition against the holder, claimant, possessor, or occupant of any land who shall not have voluntarily come in under the provisions of this chapter or of the Land Registration Act, stating in substance that the title of such holder, claimant, possessor, or occupant is open to discussion; or that the boundaries of any such land which has not been brought into court as aforesaid are open to question; or that it is advisable that the title to such lands be settled and adjudicated, and praying that the title to any such land or the boundaries thereof or the right to occupancy thereof be settled and adjudicated. The judicial proceedings under this section shall be in accordance with the laws on adjudication of title in cadastral proceedings.

Section 51. 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, but if none of said persons is entitled to the land, or if the person who might be entitled to the same lacks the qualifications required by this Act for acquiring agricultural land of the public domain, the decision shall be in favor of the Government.

Section 52. 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 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 Director of Lands by the clerk of the court for collection of the amount due from the person entitled to conveyance.

Upon payment to the Director of Lands of the price specified in the judgment, he shall so certify to the proper Court of First Instance and said court shall forthwith order the registration of the Land in favor of the competent person entitled thereto. If said person shall fail to pay the amount of money required by the decree within a reasonable time fixed in the same, the court shall order the proceeding to stand dismissed and the title to the land shall then be in the Government free from claim of the applicant.

Section 53. Whenever any judgment of confirmation or other decree of the court under this chapter shall become final, the clerk of the court concerned shall certify that fact to the Director of Lands, with a certified copy of the decree of confirmation or judgment of the court and the plan and technical description of the land involved in the decree of judgment of the court.

Section 54. No title to, or right or equity in, any lands of the public domain may hereafter be acquired by prescription or by adverse possession or occupancy, or under or by virtue of any law in effect prior to American occupation, except as expressly provided by laws enacted after said occupation of the Philippine Islands by the United States.

TITLE III

LANDS FOR COMMERCIAL OR INDUSTRIAL PURPOSES AND OTHER SIMILAR PRODUCTIVE PURPOSES

CHAPTER IX.

CLASSIFICATION AND CONCESSION OF PUBLIC LANDS SUITABLE FOR COMMERCE AND INDUSTRY

Section 55. Any tract of land of the public domain which, being neither timber nor mineral land, shall be classified as suitable for residential purposes or for commercial, industrial, or other productive purposes or for commercial, industrial, or other productive purposes other than agricultural purposes, and shall be open to disposition or concession, shall be disposed of under the provisions of this chapter, and not otherwise.

Section 56. The lands disposable under this title shall be classified as follows:

- (a) Lands reclaimed by the Government by dredging, filling, or other means;
- (b) Foreshore
- (c) Marshy lands or lands covered with water bordering upon the shores or banks of navigable lakes or rivers
- (d) Lands not included in any of the foregoing classes.

Section 57. Any tract of land comprised under this title may be leased, or sold, as the case may be, to any person, corporation, or association authorized to purchase or lease public lands for agricultural purposes. The area of the land so leased or sold shall be such as shall, in the judgment of the Secretary of Agriculture and Natural Resources, be reasonably necessary for the purposes for which such sale or lease is requested, and shall in no case exceed forty eight hectares: PROVIDED, however, That this limitation shall not apply to grants, donations, or transfers made to a province, municipality or branch or subdivision of the Government for the purposes deemed by said entities conducive to the public interest; but the land so granted, donated, or transferred to a province, municipality, or branch or subdivision of the Government shall not be alienated, encumbered, or otherwise disposed of in a manner affecting its title, except, when authorized by the Legislature: PROVIDED, further, That any person, corporation, association or partnership disqualified from purchasing public land for agricultural purposes under the provisions of this Act, may purchase or lease land included under this title suitable for industrial or residence purposes, but the title or lease granted shall only be valid while such land is used for the purposes referred to. (As amended by section 10 of Act No. 3219).

Section 58. The lands comprised in classes (a), (b), and (c) of section fifty-six shall be disposed of to private parties by lease only and not otherwise, as soon as the Governor-General, upon recommendation by the Secretary of Agriculture and Natural Resources, shall declare that the same are not necessary for the public service and are open to disposition under this chapter. The lands included in class (d) may be disposed of by sale or lease under the provisions of this Act.

Section 59. The lands reclaimed by the Government by dredging, filling, or otherwise shall be surveyed and may with the approval of the Secretary of Agriculture and Natural Resources, be divided by the Director of Lands into lots and blocks, with the necessary streets and alleyways between them, and said Director shall give notice to the public, by publication in the Official Gazette or by other means, that the lots or blocks not needed for public purposes shall be leased for commercial or industrial or other similar purposes. (As amended by section 11 of Act 3219).

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

the lots or blocks specified in the advertisement, for the purpose stated in the notice and subject to the conditions specified in this chapter, (As amended by section 12 of Act 3219 and section 12 of Act 3517).

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

- (a) The rental shall not be less than three per centum of the appraised and reappraised value of the lands and one per centum of the appraised or reappraised value of the improvement
- (b) The land rented, or the improvements thereon, as the case may be, shall be reappraised every ten years if the term of the lease is in excess of that period.
- (c) The term of the lease shall be as prescribed by section thirty-seven of this Act.
- (d) The lessee shall construct permanent improvements appropriate for the purpose for which the lease is granted, shall commence the construction thereof within six months from the date of the award of the contract of lease, and shall complete the said construction within eighteen months from the date of the execution of the contract.
- (e) At the expiration of the lease or of any extension of the same, all improvements made by the lessee, his heirs, executors, administrators, successors, or assigns shall become the property of the Government.
- (f) The regulation of all rates and fees charged to the public; and the annual submission to the Government for approval of all tariffs of such rates and fees.
- (g) The continuance of the easements of the coast place and other easements reserved by existing law or by any laws hereafter enacted by the Legislature.
- (h) Subjection to all easements and other rights acquired by the owners of lands bordering upon the foreshore or marshy land.

The violation of one or any of the conditions specified in the contract shall give rise to the rescission of said contract. The Secretary of Agriculture and Natural Resources may, however, subject to such conditions as he may prescribe, waive the rescission arising from a violation of the conditions of subsection (d), or extend the time without which the construction of the improvements shall be commenced and completed. (As amended by section 13 of Act 3517).

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

- (a) The purchaser shall make improvements of a permanent character appropriate for the purpose for which the land is purchased, shall commence work thereon within six months from the receipt of the approval of the purchase, and shall complete the construction of said improvements within eighteen months from the date of such approval or award; otherwise the Secretary of Agriculture and Natural Resources may rescind the contract.
- (b) The purchase price shall be paid cash down or in annual installments, not to exceed ten.

The contract of sale may contain other conditions not inconsistent with the provisions of this Act. (As amended by section 13 of Act 3219 and section 14 of Act 3517).

Section 63. The kind of improvements to be made by the lessee or the purchaser, and the plans thereof, shall be approved by the Secretary of Commerce and Communications, in case they are constructions or improvements which, if made by the Government, would properly have to be executed under the supervision of the Bureau of Public Works.

Section 64. The lease or sale shall be made through oral bidding; and adjudication shall be made to the highest bidder. However, where an applicant has made improvements on the land by virtue of a permit issued to him by competent authority, the sale or lease shall be made by sealed bidding as prescribed in section twenty-seven of this Act, the provisions of which shall be applied wherever applicable. If all or part of the lots remain unleased or unsold, the Director of Lands shall from time to time announce in the official Gazette or otherwise the lease or sale of those lots, if necessary. (As amended by section 15 of Act No. 3517).

Section 65. The Secretary of Agriculture and Natural Resources may grant temporary permission, upon payment of a reasonable charge, for the use of any portion of the lands covered by this chapter for any lawful private purpose, subject to revocation at any time when, in his judgment, the public interest shall require it. (As amended by section 16 of Act No. 3517).

TITLE IV

LANDS FOR EDUCATIONAL, CHARITABLE, AND OTHER SIMILAR PURPOSES

CHAPTER X.

CONCESSION OF LANDS FOR EDUCATIONAL, CHARITABLE, AND OTHER SIMILAR PURPOSES

Section 66. Whenever any province municipality, or other branch or subdivision of the Government shall need any portion of the land of the public domain open to concession for educational, charitable, or other similar purposes, the Governor-General, upon recommendation by the Secretary of Agriculture and Natural Resources, may execute contracts in favor of the same, in the form of donation, sale, lease, exchange, or any other form, under terms and conditions to be inserted in the contract; but land so granted shall in no case be encumbered or alienated, except when the public service requires their being leased or exchanged, with the approval of the Governor-General, for other lands belonging to private parties, or if the Legislature disposes otherwise.

Section 67. Any tract of public land of the class covered by this title may be sold or leased for the purpose of founding a cemetery, church, college, school, university, or other institution for educational, charitable, or philanthropical purposes or scientific research, the area to be such as may actually and reasonably be necessary to carry out such purpose, but not to exceed ninety-six hectares in any case. The sale or lease shall be made subject to the same conditions as required for the sale and lease of agricultural public land, but the Secretary of Agriculture and Natural Resources may waive the condition requiring cultivation. The Secretary of Agriculture and Natural Resources, if he sees fit, may order the sale to be made without public auction, at a price to be fixed by said Secretary, or the lease to be granted without the auction, at a rental to be fixed by him. In either case it shall be a condition that the purchaser or lessee or their successors or assigns shall not sell, transfer, encumber or lease the land for the purposes of speculation or use it for any purpose other than that contemplated in the application, and that the violation of this condition shall give rise to the immediate rescission of the sale or lease, as the case may be, and to the forfeiture to the Government of all existing improvements: PROVIDED, That it shall in no case be sublet, encumbered or resold under the conditions above set forth except with the approval of the Secretary of Agriculture and Natural Resources. (As amended by section 14 of Act No. 3219).

TITLE V

RESERVATIONS

CHAPTER XI.

TOWN SITE RESERVATIONS

Section 68. Whenever it shall be considered to be in the public interest to found a new town, the Secretary of Agriculture and Natural Resources shall direct the Director of Lands to have a survey made by his Bureau of the exterior boundaries of the site on which such town is to be established, and upon the completion of the survey he shall send the same to said Secretary, with his recommendations. (As amended by section 15 of Act No. 3219).

Section 69. The Secretary of Agriculture and Natural Resources, if he approves the recommendations of the Director of Lands, shall submit the matter to the Governor-General to the end that the latter issue a proclamation reserving the land surveyed, or such part thereof as he may deem proper, as a town site, and a certified copy of such proclamation shall be sent to the Director of Lands and another to the register of deeds of the province in which the surveyed land lies.

Section 70. It shall then be the duty of the Director of Lands, after having recorded the proclamation of the Governor-General and the survey accompanying, the same, and having completed the legal proceedings prescribed in chapter thirteen of this Act, to direct a subdivision in accordance with the instructions of the Secretary of Agriculture and Natural Resources, if there shall be such instructions, and if there shall not be any, then in the manner which may to the Director of Lands seem best adapted to the convenience and interest of the public and the residents of the future town.

Section 71. The plat of the subdivision shall designate certain lots for commercial and industrial uses and the remainder as residence lots, and shall also reserve and note the lots owned by private individuals as evidenced by record titles, or as possessed or claimed by them as private property. Such lots, whether public or private, shall be numbered upon a general plan or system.

The plat prepared by the Director of Lands shall be submitted to the Secretary of Agriculture and Natural Resources for consideration, modification, amendment, or approval.

Section 72. Unless the necessary reservations are made in the proclamation of the Governor-General, the Director of Lands, with the approval of the Secretary of Agriculture and Natural Resources, shall reserve out of the land by him to be subdivided lots of sufficient size and convenient situation for public use, as well as the necessary avenue, streets, alleyways, parks, and squares. 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.

Section 73. At any time, after the subdivision has been made, the Governor-General may, in case the public interest requires it, reserve for public purposes any lot or lots of the land so reserved and not disposed of.

Section 74. If, in order to carry out the provisions of this chapter, it shall be necessary to condemn private lands within the limits of the new town, the Governor-General shall direct the Attorney-General or officer acting in his stead to at once begin proceedings for condemnation, in accordance with the provisions of existing law.

Section 75. When the plat of subdivision has been finally approved by the Secretary of Agriculture and Natural Resources, the Director of Lands shall record the same in the records of his office and shall forward a certified copy of such record to the register of deeds of the province in which the land lies, to be by such register recorded in the records of his office.

Section 76. All lots, except those claimed by or belonging to private parties and those reserved for parks, buildings, and other public uses, shall be sold, after due notice, at public auction to the highest bidder, after the approval and recording of the plat of subdivision as above provided, but no bid shall be accepted that does not equal at least two-thirds of the appraised value, nor shall bids be accepted from persons, corporations, associations, or partnerships not authorized to purchase public lands for commercial, residential or industrial purposes under the provisions of this Act. The provisions of section twenty-seven and sixty two of this Act shall be observed in so far as they are applicable. Lots for which satisfactory bids have not been received shall be again offered for sale, under the same conditions as the first time, and if they then remain unsold, the Director of Lands shall be authorized to sell them at private sale for not less than two-thirds of their appraised value. (As amended by section 17 of Act No. 3517).

Section 77. All funds derived from the sale of lots shall be covered into the Insular Treasury as part of the general funds.

Section 78. Not more than two residence lots and two lots for commercial and industrial uses in any one town site shall be sold to any one person, corporation, or association without the specific approval of the Secretary of Agriculture and Natural Resources.

Section 79. This Legislature shall have the power at any time to modify, alter, rescind, repeal, annul, and cancel, with or without conditions, limitations, exceptions, or reservations, all and any dispositions made by the executive branch of the Philippine Government by virtue of this chapter, and the exercise of this power shall be understood as reserved in all cases, as an inherent condition thereof.

CHAPTER XII

RESERVATIONS FOR PUBLIC AND SEMI-PUBLIC PURPOSES

Section 80. Upon receipt of the order of the President of the United States, the Governor-General shall, by proclamation, designate such land as the President of the United States may set aside for military, naval, or other reservations for the use of the Government of the United States.

Section 81. Upon the recommendation of the Secretary of Agriculture and Natural Resources, the Governor-General may designate by proclamation any tract or tracts of land of the public domain as reservations for the use of the Government of the Philippine Islands or of any of its branches, or of the inhabitants thereof, in accordance with regulations prescribed for this purpose, or for quasi-public uses or purposes when the public interest requires it,

including reservations for highways, rights of way for railroads, hydraulic power sites, irrigation system, communal pastures or leguas comunales, public parks, public quarries, public fishponds, and other improvements for the public benefit. (As amended by section 16 of Act No. 3219).

Section 82. Upon the recommendation of the Secretary of Agriculture and Natural Resources, the Governor-General may, by proclamation, designate any tract or tracts of the public domain for the exclusive use of the non-Christian natives, including in the reservation, in so far as practicable, the lands used or possessed by them, and granting to each member not already the owner, by title or gratuitous patent, of four or more hectares of land, the use and benefit only of a tract of land not to exceed four hectares for each male member over eighteen years of age or the head of a family. As soon as the Secretary of the Interior shall certify that the majority of the non-Christian inhabitants of any given reservation have advanced sufficiently in civilization, then the Governor-General may order that the lands of the public domain within such reservation be granted under the general provisions of this Act to the said inhabitants, and the subdivision and distribution of said lands as above provided shall be taken into consideration in the final disposition of the same. But any non-Christian inhabitant may at any time apply for the general benefits of this Act, provided the Secretary of Agriculture and Natural Resources is satisfied that such inhabitant is qualified to take advantage of the provisions of the same: PROVIDED, That all grants, deeds, patents and other instruments of conveyance of land or purporting to convey or transfer rights of property, privileges, or easements appertaining to or growing out of lands, granted by sultans, datus, or other chiefs of the so-called non-Christians tribes, without the authority of the Spanish Government while the Philippine Islands were under the sovereignty of Spain, or without the consent of the United States Government or of the Philippine Government since the sovereignty of the Archipelago was transferred from Spain to the United States, and all deeds and other documents executed or issued or based upon the deeds, patents, and documents mentioned, are hereby declared to illegal, void, and of no effect. (As amended by section 18 of Act No. 3517).

Section 83. Upon recommendation by the Secretary of Agriculture and Natural Resources, the Governor-General may, by proclamation, designate any tract or tracts of land of the public domain for establishment of agricultural colonies; and although the disposition of the lands to the colonists shall be made under the provisions of this Act, yet while the Government shall have the supervision and management of said colonies, the Secretary of Agriculture and Natural Resources may make the necessary rules and regulations for the organization and internal administration of the same.

The Secretary of Agriculture and Natural Resources may also, under conditions to be established by the Legislature, turn over a colony so reserved to any person or corporation, in order that such person or corporation may clear, break, and prepare for cultivation the lands of said colony and establish the necessary irrigation system and suitable roads and fences; but final disposition shall be made of the land in accordance with the provisions of this Act, subject, however, to such conditions as the Legislature may establish for the reimbursement of the expense incurred in putting such lands in condition for cultivation: PROVIDED, That the Legislature may direct that such land so prepared for cultivation may be disposed of only by sale or lease.

CHAPTER XIII.

PROVISIONS COMMON TO RESERVATIONS

Section 84. A certified copy of every proclamation of the Governor-General issued under the provisions of this title shall forward to the Director of Lands for record in his office, and a copy of this record shall be forwarded to the register of deeds of the province or city where the land lies. Upon receipt of such certified copy, the Director of Lands shall order the immediate survey of the proposed reservation if the land has not yet been surveyed, and as soon as the plat has been completed, he shall proceed in accordance with the next following section.

Section 85. If all the lands included in the proclamation of the Governor-General are not registered under the Land Registration Act, the Attorney-General, if requested to do so by the Secretary of Agriculture and Natural Resources, shall proceed in accordance with the provisions of section fifty of this Act.

Section 86. The tract or tracts of land reserved under the provisions of section eighty and eighty-one shall be non-alienable and shall not be subject to occupation, entry, sale, lease, or other disposition until again declared alienable under the provisions of this Act or by proclamation of the Governor-General. (As amended by section 19 of Act No. 3715).

TITLE VI

GENERAL PROVISIONS

CHAPTER XIV.

APPLICATIONS, PROCEDURE, CONCESSION OF LANDS, AND LEGAL RESTRICTIONS AND ENCUMBRANCES

Section 87. All proclamations filed under the provisions of this Act shall be addressed to the Director of Lands.

Section 88. Every application under the provisions of this Act shall be made under oath and shall set forth:

(a) The name and post-office address of the applicant, stating, in the case of an individual, his citizenship, and in the case of a corporation, association, or partnership, accompanying a copy of its articles of incorporation or partnership, and, if organized outside of the Philippine Islands also the documentary evidence necessary to show that such corporation, association, or partnership has been organized in accordance with the requirements of the laws of the country or state where it was constituted, and that it is authorized to transact business in these Islands, and if not incorporated, data showing that its members possess individually the qualifications required by this Act.

(b) That the applicant has all the qualifications required by this Act in the case.

(c) That he has none of the disqualifications mentioned herein.

(d) That the application is made in good faith, for the actual purpose of using the land for the object specified in the application and for no other purpose, and that the land is suitable for the purpose for which it is requested.

(e) That the application is made for the exclusive benefit of the applicant and not, either directly or indirectly for the benefit of any other person, or persons, corporation, association, or partnership.

(f) As accurate a description of the land as may be given, stating its nature, the province, municipality, barrio, and sitio where it is located, and its limits and boundaries, specifying those having reference to accidents of the ground or permanent monuments, if any.

(g) Whether all or part of the land is occupied or cultivated or improved, and by whom, giving his post-office address, and whether the land has been occupied or cultivated or improved by the applicant or his ascendant, the name of the ascendant, the relationship with him, the date and place of the death of the ascendant, the date when the possession and cultivation began, and a description of the improvements made, accompanying satisfactory evidence and the relationship of the applicant with the ascendant, and of the death of the latter and the descendants left by him, in case it is alleged that he occupied and cultivated the land first; or whether there are indications of its having been occupied, cultivated, or improved entirely or partially, and if so, in what such indications consist, whether he has made investigations as to when and by whom such improvements were made, and if so, how such investigations were made and what was the result thereof; or whether the land is not occupied, improved, or cultivated either entirely, or partially and there are no indications of it having ever been occupied improved or cultivated, and in this case, what is the condition of the land.

(h) That the land applied for is neither timber nor mineral land and does not contain guano or deposits of salts or coal.

Section 89. The statements made in the application shall be considered as essential conditions and parts of any concession, title, or permit issued on the basis of such application, and any false statement therein or omission of facts altering, changing, or modifying the consideration of the facts set forth in such statements, and any subsequent modification, alteration, or change of the material facts set forth in the application shall ipso facto produce the cancellation of the concession, title, or permit granted. It shall be the duty of the Director of Lands, from time to time and whether he may deem it advisable, to make the necessary investigations for the purpose of ascertaining whether the material facts set out in the application are true, or whether they continue to exist and are maintained and preserved in good faith, and for the purposes of such investigation, the Director of Lands shall be empowered to issue subpoenas and subpoenas duces tecum and, if necessary, to obtain compulsory process from the courts. In every investigation made in accordance with this section, the existence of bad faith, fraud, concealment, or fraudulent and illegal modification of essential facts shall be presumed if the grantee or possessor of the land shall refuse or fail to obey a subpoena or subpoena duces tecum lawfully issued by the Director of Lands or his authorized delegates or agents, or shall refuse or fail to give direct and specific answers to pertinent questions, and on the basis of such presumption, an order of cancellation may issue without further proceedings.

Section 90. Although the maximum area of public land that may be acquired is fixed, yet the spirit of this Act is that the rule which must determine the real area to be granted is the beneficial use of the land. The concession or disposition shall be for less than the maximum area authorized if at time of the issuance of the patent or of the concession or disposition it shall appear that the applicant is utilizing and is only able to utilize a smaller area, even though the application is for a greater area. For the purpose of this section, the Director of Lands is authorized to determine the area that may be granted to the applicant, and to deny or cancel or limit any application for concession, purchase, or lease, if convinced of the lack of means of the applicant for using the land for the purpose for which he has requested it.

Section 91. Lands applied for under this Act shall conform to the legal subdivisions and shall be contiguous if comprising more than one subdivision. If subdivisions have not been made on the date of the application, the lands shall be rectangular in form so far as practicable, but it shall be endeavored to make them conform to the legal subdivision as soon as the same has been made, provided the interests of the applicant or grantee are protected; and the subdivision assigned to the applicant or grantee shall, so far as practicable, include the land improved or cultivated. The regulations to be issued for the execution of the provisions of this section shall take into account the legal subdivision to be made by the Government and the inadvisability of granting the best land at a given place to only one person.

Section 92. In case the legal subdivisions have already been made at the time of the filing of the application, no charge shall be made for the survey; but if the legal subdivisions have not yet been made, the cost of the survey shall be charged to the Government, except in the following cases:

(a) In purchases under chapters five and ten of this Act; the cost of the survey shall be charged to the purchaser if the same is a corporation, association, or partnership; in other purchases the purchaser, whoever it be, shall pay the total cost of the survey.

(b) In leases, the cost of the survey shall be paid by the lessee; but at any time after the first five years from the approval of the lease, and during the life of the same, the lessee shall be entitled to the reimbursement of one-half of the cost of the survey, if he shows to the satisfaction of the Director of Lands that he has occupied and improved a sufficient area of the land or incurred sufficient expense in connection therewith to warrant such reimbursement.

Section 93. If before the delimitation and survey of a tract of public land the Governor-General shall declare the same disposable or alienable and such land shall be actually occupied by a person other than the applicant, the Director of Lands shall inform the occupant of his prior right to apply for the land and shall give him one hundred and twenty days' time in which to file the application or apply for the concession by any of the forms of disposition authorized by this Act, if such occupant is qualified to acquire a concession under this Act.

Section 94. As soon as any land of the public domain has been surveyed, delimited, and classified, the Governor-General may, in the order issued by him declaring it open for disposition, designate a term within which occupants with improvements but not entitled to free patents may apply for the land occupied by them, if they have the qualifications required by this Act.

Section 95. If in the case of the two last preceding sections, the occupant or occupants have not made application under any of the provisions of this Act at the expiration of the time limit fixed, they shall lose any prior right to the land recognized by this Act, and the improvements on the land, if any, shall be forfeited to the Government.

Section 96. (Missing portion in DENR file)

Section 97. The Secretary of Agriculture and Natural Resources may order such improvements and crops to be appraised separately, for sale to the new applicant or grantee, or may declare such land open only to sale or lease.

Section 98. In case the cancellation is due to delinquency on the part of the applicant or grantee, the same shall be entitled to the reimbursement of the proceeds of the sale of the improvements and crops, after deducting the total amount of his indebtedness to the Government and the expense incurred by it in the sale of the improvements or crops and in the new concession of the land.

Section 99. All actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Attorney-General or the officer acting in his stead, in the proper courts, in the name of the Government of the Philippine Islands.

Section 100. Any person, corporation, or association may file an objection under oath to any application or concession under this Act, grounded on any reason sufficient under this Act for the denial or cancellation of the application or the denial of the patent or grant. If, after the applicant or grantee has been given suitable opportunity to be duly heard, the objection is found to be well founded, the Director of Lands shall deny or cancel the application or deny the patent or grant, and the person objecting shall, if qualified, be granted a prior right of entry for a term of sixty days from the date of the notice.

Section 101. All the proofs, affidavits, and oaths of any kind required or necessary under this Act may be made before the justice of the peace or the municipality in which the land lies, or before the judge or clerk of the Court of First Instance of the province in which the land lies, or before any justice of the peace or notary public of the province in which the land lies, or before any officer or employee of the Bureau of Lands authorized by law to administer oaths.

The fees for the taking of final evidence before any of the officials hereinbefore mentioned shall be as follows:

For each affidavit, fifty centavos.

For each deposition of the applicant or the witnesses, fifty centavos.

Section 102. Any owner of uncultivated agricultural land who knowingly permits application for the same to be made to the Government and the land to be tilled and improved by a bona fide grantee without protesting to the Bureau of Lands within one year after cultivation has begun, shall lose all right to the part of the land so cultivated, and improved, unless he shall bring action in the proper court before such action for recovery prescribes and obtains favorable judgment therein, in which case the court shall, upon its decision having become final, order the payment to the grantee, within a reasonable period, of the indemnity fixed by said court for the cultivation and improvement.

Section 103. If at any time the applicant or grantee shall die, before the issuance of the patent or the final grant of the land, or during the life of the lease, or while the applicant or grantee still has obligations pending towards the Government, in accordance with this Act, he shall be succeeded in his rights and obligations with respect to the land applied for or granted or leased under this Act by his heirs in law, who shall be entitled to have issued to them the patent or final concession if they show that they have complied with the requirements therefor, and who shall be surrogated in all his rights and obligations for the purposes of this Act. (As amended by section 20 of Act No. 3517).

Section 104. If at any time after the approval of the application and before the issuance of a patent or the final concession of the land, or during the life of the lease, or at any time when the applicant or grantee still has obligations pending with the Government, in accordance with this Act, it appears that the land applied for is necessary, in the public interest, for the protection of any source of water or for any work for the public benefit that the Government wishes to undertake the Secretary of Agriculture and Natural Resources may order the cancellation of the application or the non-issuance of the patent or concession or the exclusion from the land applied for of such portion as may be required, upon payment of the value of the improvements, if any.

Section 105. All patents or certificates for lands granted under this Act shall be prepared in the Bureau of Lands and shall issue in the name of the Government of the Philippine Islands under the signature of Governor-General, countersigned by the Secretary of Agriculture and Natural Resources, 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.

Section 106. No patent shall issue nor shall any concession or contract be finally approved unless the land has been surveyed and an accurate plat made thereof by the Bureau of Lands.

Section 107. In no case shall any land be granted under the provisions of this Act when this affects injuriously the use of any adjacent land or of the waters, rivers, creeks, foreshore, roads, or roadsteads, or vests the grantee with other valuable rights that may be detrimental to the public interest.

Section 108. Patents or certificates issued under the provisions of this Act shall not include nor convey the title to any gold, silver, copper, iron, or other metals or minerals, or other substances containing minerals, guano, gums, precious stones, coal, or coal oil contained in lands granted thereunder. These shall remain to be property of the Government.

Section 109. All persons receiving title to lands under the provisions of this Act, shall hold such lands subject to the provisions hereof and to the same public servitudes as exist upon lands owned by private persons, including those with reference to the littoral of the sea and the banks of navigable river or rivers upon which rafting may be done.

Section 110. Said lands shall further be subject to a right of way not over twenty meters in width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines, and similar works as the Government or any public or quasi-public service or enterprise, including mining of forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only. (As amended by section 21 of Act No. 3517).

Section 111. The beneficial use of water shall be the basis, the measure, and the limit of all rights thereto, and the patents herein granted shall be subject to the right of the Government 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, or by the 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 eleven, eighteen hundred and ninety nine.

Section 112. There is hereby reserved from the operation of all patents, certificates, entires, and grants by the 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 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 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 grants, 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 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, as the case may be, 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 his land that other private owners enjoy under the law, 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 established by Act of the Legislature concerning the use, lease, or acquisition of such water privilege.

Section 113. All the lands granted by virtue of this Act except homestead upon which final proof has not been made and approved, shall, even though, and while the title remains in the Government, be subject to the ordinary taxes which shall be paid by the grantee beginning with the year next following the one in which the application or concession has been approved or the contract signed, as the case may be, on the basis of the value fixed in such approval, concession or contract. (As amended by section 17 of Act No. 3219).

Section 114. The appraisal or reappraisal of the lands or improvements subject to concession or disposition under this Act shall be made by the Director of Lands, with the approval of the Secretary of Agriculture and Natural Resources. The Director of Lands may request the assistance of the provincial treasurer of the province in which the land lies or may appoint a committee for such purpose in the province or in the municipality in which the land lies. In no case shall the appraisal or reappraisal be less than the expense incurred or which may be incurred by the Government in connection with the application or concession, nor shall any reappraisal be made with an increase of more than one hundred per centum upon the appraisal or reappraisal next preceding. (As amended by sec. 22 of Act No. 3517).

Section 115. All sums due and payable to the Government under this Act shall draw simple interest at the rate of four per centum per annum from and after the date in which the debtor shall become delinquent. The Director of Lands may, however, remit such interest in the case of applicants for homesteads if it shall appear that the delinquency is due to no fault or neglect on their part. (As amended by section 18 of Act. No. 3219).

Section 116. Except in favor of the Government or any of its branches, units or institutions, or legally constituted banking corporations, lands acquired under the free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period; but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations. (As amended by section 23 of Act No. 3517).

Section 117. Every conveyance of land acquired under the free patent or homestead provisions, when proper, shall be subject to repurchase by the applicant, his widow, or legal heirs, for a period of five years from the date of the conveyance.

Section 118. Conveyance and encumbrance made by persons belonging to the so-called "non-Christian tribes," when proper, shall not be valid unless duly approved by the Director of the Bureau of non-Christian tribes.

Section 119. Except with the consent of the grantee and the approval of the Secretary of Agriculture and Natural Resources, and solely for commercial, industrial, educational, religious or charitable purposes or for a right of way, no corporation, association, or partnership, may acquire or have any right, title, interest, or property right whatsoever to any land granted under the free patent, homestead or individual sale provisions of this Act or to any permanent improvement on such land. (As amended by section 24 of Act. No. 3517).

Section 120. No land originally acquired in any manner under the provisions of this Act, nor any permanent improvement on such land, shall be encumbered, alienated, or transferred, except to persons, corporations, associations, or partnerships who may acquire lands of the public domain under this Act; to corporations organized in the Philippine Islands authorized therefor by their charters, and upon express authorization by the Philippine Legislature, to citizens of countries the laws of which grant to citizens of the Philippine Islands the same right to acquire, hold, lease, encumber, dispose of, or alienate land, or permanent improvements thereon, or any interest therein, as to their own citizens, only in the manner and to the extent specified in such laws, and while the same are in force, but not thereafter.

Section 121. No land originally acquired in any manner under the provisions of the former Public Land Act or of any other Act, ordinance, royal order, royal decree, or any other provision of law formerly in force in the Philippine Islands with regard to public lands, terrenos baldios y realengos, or lands of any other denomination that were actually or presumptively of the public domain, or by royal grant or in any other form, nor any permanent improvement on such land, shall be encumbered, alienated, or conveyed, except to persons, corporations, or associations who may acquire land of the public domain under this Act; to corporate bodies organized in the Philippine Islands whose charters may authorize them to do so, and, upon express authorization by the Philippine Legislature, to citizens of countries the laws of which grant to citizens of the Philippine Islands the same right to acquire, hold, lease, encumber, dispose of, or alienate land or permanent improvements thereon or any interest therein, as to their own citizens and only in the manner and to the extent specified in such laws, and while the same are in force, but not thereafter: PROVIDED, however, That this prohibition shall not be applicable to the conveyance or acquisition by reason of hereditary succession duly acknowledged and legalized by competent courts, nor to lands and improvements acquired or held for industrial or residence purposes, while used for such purposes: PROVIDED, further, That in the event of the ownership of the lands and improvements mentioned in this section and in the last preceding section being transferred by judicial decree to persons, corporations or associations not legally capacitated to acquire the same under the provisions of this Act, such persons, corporations, or associations shall be obliged to alienate said lands or improvements to others so capacitated within the precise period of five years, under the penalty of such property reverting to the Government in the contrary case.

Section 122. Any acquisition, conveyance, alienation, transfer, or other contract made or executed in violation of any of the provisions of sections one hundred and sixteen, one hundred and eighteen, one hundred nineteen, one hundred and twenty, and one hundred and twenty-one of this act shall be unlawful and null and void from its execution and shall produce the effect of annulling and canceling the grant, title, patent, or permit originally issued, recognized, or confirmed, actually or presumptively, and cause the reversion of the property and its improvements to the Government.

Section 122(A). The provisions of sections twenty three, twenty four, thirty four, fifty seven, one hundred and twenty, and one hundred and twenty-one of this Act, and any other provisions or provisions restricting or tending to restrict the right of persons, corporations, or associations to acquire, hold, lease, encumber, dispose of, or alienate land in the Philippines, or permanent improvements thereon, or any interest therein, shall not be applied in cases in which the right to acquire, hold or dispose of such land, permanent improvements thereon or interests therein in the Philippine Islands is recognized by existing treaties in favor of citizens or subjects of foreign nations and corporations or associations organized and constituted by the same, which right in so far as it exists under such treatise, shall continue and subsist in the manner and to the extent stipulated in said treaties, and only while these are in force, but not thereafter.

CHAPTER XV.

PENAL PROVISIONS

Section 123. Any person who presents or causes to be presented, or cooperates in the presentation of, any false application, declaration, or evidence, or makes or causes to be made or cooperates in the making of a false affidavit in support of any petition, claim, or objection respecting lands of the public domain, shall be deemed guilty of perjury and punished accordingly.

Section 124. Any person who voluntarily and maliciously prevents or hinders or attempts to prevent or hinder the presentation of any application for public land under this Act, or who in any manner attempts to execute or executes acts intended to dissuade or discourage, or aid to dissuade or discharge, the acquisition of public lands, shall be deemed guilty of coercion and to be punished accordingly.

Section 125. Any person who sells forms issued and distributed gratuitously under this Act or who, being an officer charged with distributing them, refuses or fails, without sufficient reason, to furnish the same, shall be punished for each offense by a fine of not more than one hundred pesos or by imprisonment for not more than three months, or both, in the discretion of the court.

Section 125(A). Any person, corporation, association or partnership not qualified or no longer authorized to apply for public land under the provisions of this Act who files or induces or knowingly permits another person, corporation, association or partnership to file an application in his or its behalf or for his or its interest, benefit or advantage, shall be punished by a fine of not less than two hundred or more than five thousand pesos or by imprisonment for not less than two months nor more than five years, or both, in the discretion of the court, and the cancellation of the application.

Section 126. Any person who, without having the qualifications required by this Act, shall by deceit or fraud acquire or attempt to acquire lands of the public domain or other real property, or any right, title, or interest, or property right of any class to the same, and any person aiding and abetting him therein or serving as a means or tool therefor, shall, upon conviction, be punished by a fine of not more than five thousand pesos, or by imprisonment for not more than five years, or both, in the discretion of the court.

TITLE VII

FINAL PROVISIONS

CHAPTER XVI.

EFFECTIVENESS OF THIS ACT

Section 127. If, for any reason, any section or provision of this Act is challenged in a competent court and is held to be unconstitutional or invalid or if, for any reason, the President of the United States excepts from his approval or the United States Congress repeals or declares invalid, any section or provisions of this Act, none of the other sections or provisions thereof shall be affected thereby and such other section and provisions shall continue to govern as if the section or provisions so annulled, disapproved, or repealed had never been incorporated in this Act, and lieu of the section or provision so annulled, disapproved, or repealed, the provisions of the law on the subject thereof in force prior to the approval of this Act shall govern until the Legislature shall other wise provide in the premises.

In case the President of the United States should have any objection to any provision or provisions of this Act, these shall not take effect, notwithstanding the approval of this Act by the President, and in the meantime the provisions of law on the subject thereof in force prior to the approval of this Act shall continue to govern instead of the section or provision objected. The Philippine Legislature shall, in view of the objections of the President, take such action as it may see fit at the next regular session held after the action of the President, and whatever action the Legislature may then take shall be submitted to the President, for his final sanction.

Section 128. Act Numbered Nine hundred and twenty six known as the "Public Land Act," and all acts and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed.

Section 129. This Act shall take effect on July first, nineteen, hundred and nineteen, unless the Governor-General shall, in the proclamation announcing its effectiveness, designate a date prior to July first, nineteen hundred and nineteen, but posterior to the date of the approval of this Act by the Philippine Legislature, in which case this Act shall take effect on the date so designated.