

[Act No. 2874, November 29, 1919]

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

Be it enacted by the 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."

SEC. 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 change 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 may hereafter be enacted by the Legislature.

SEC. 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 carry out the provisions of this Act, through the Director of Lands, who shall act under his immediate control.

SEC. 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 facts shall be conclusive when approved by the Secretary of Agriculture and Natural Resources.

SEC. 5; The Director of Lands, with the approval of the Secretary of Agriculture and Natural Resources; shall prepare and issue, such 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.*

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

SEC. 7. For the purposes 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.

SEC. 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, nor 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 until they are again declared open to concession or disposition by proclamation" duly published or by Act of the Legislature.

SEC. 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 classifications provided for in this section, and may, at any time and in a similar manner, transfer lands from one class to another.

SEC. 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.*

SEC. 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 administrative legalization (free patent).
 - (b) By judicial legalization.

CHAPTER IV.—Homesteads.

SEC. 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 of not exceeding twenty-four hectares of agricultural land of the public domain.

SEC. 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 ten 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.

SEC. 14. No certificate shall be given or patent issued for the land applied for until the land has been improved and cultivated. The period within which the land shall be cultivated shall not be less than two 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 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 ten pesos, he shall be entitled to a patent.

SEC. 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 twenty days for the payment of the sum due.

SEC. 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 one 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.

SEC. 17. Before final proof shall be submitted by any person claiming to have complied with the provisions of this chapter, due notice, as prescribed by the 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 the officer before whom, such proof will be made.

SEC. 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;

SEC. 19. Not more than one homestead shall be allowed to any person; but if a homesteader has made final proof as to provided in this chapter and is occupying and cultivating all the land applied for and the area thereof is less than twenty-four hectares, he may apply for an additional homestead on an adjacent tract of land, provided the total area of both parcels does not exceed twenty-four hectares, and with the understanding that he shall with regard to the new tract or additional homestead comply with the same conditions as prescribed by this Act for an original homestead entry.

SEC. 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.

SEC. 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 new 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 can cellation of the entry and the refusal of the patent.

SEC. 22. Any non-Christian native desiring to live upon or occupy land on any of the reservations set aside for the so "non-Christian tribes" without applying for a homestead, may request a permit of occupation for any tract of and of the public domain open to homestead entry under this Act, the area of which shall not exceed ten hectare. 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 granted, the permit shall

ipso facto be canceled. The permit shall be for a term of five years. If at the expiration of this term or at any time theretofore, 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 five years.

For each permit the sum of five pesos shall be paid, which may be done in annual installments.

CHAPTER V.—*Sale.*

SEC. 23. Any 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 States 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 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 one hundred hectares for each member thereof, but the total area so purchased shall in no case 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 hectares, available under this Act, upon complying with the requirements of this chapter.

SEC. 24. No person, corporation, association or partnership other than those mentioned in the last preceding 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 improvements thereon, or any real right on such land; and improvement:, *Provided, however*; That persons, corporation, 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 use 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, corporations, associations or partnerships not included in section twenty-three of this Act, except by reason of hereditary succession, duly legalized and acknowledged by competent courts.

SEC. 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