

[Act No. 926, October 07, 1903]

AN ACT PRESCRIBING RULES AND REGULATIONS GOVERNING THE HOMESTEADING, SELLING, AND LEASING OF PORTIONS OF THE PUBLIC DOMAIN OF THE PHILIPPINE ISLANDS, PRESCRIBING TERMS AND CONDITIONS TO ENABLE PERSONS TO PERFECT THEIR TITLES TO PUBLIC LANDS IN SAID ISLANDS, PROVIDING FOR THE ISSUANCE OF PATENTS WITHOUT COMPENSATION TO CERTAIN NATIVE SETTLERS UPON THE PUBLIC LANDS, PROVIDING FOR THE ESTABLISHMENT OF TOWN SITES AND SALE OF LOTS THEREIN, AND PROVIDING FOR THE DETERMINATION BY THE PHILIPPINES COURT OF LAND REGISTRATION OF ALL PROCEEDINGS FOR COMPLETION OF IMPERFECT TITLES AND FOR THE CANCELLATION OR CONFIRMATION OF SPANISH CONCESSIONS AND GRANTS IN SAID ISLANDS, AS AUTHORIZED BY SECTIONS THIRTEEN, FOURTEEN, FIFTEEN, AND SIXTY-TWO OF THE ACT OF CONGRESS OF JULY FIRST, NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES."

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

CHAPTER 1.

HOMESTEADS ON THE PUBLIC DOMAIN.

SECTION 1. Any citizen of the Philippine Islands, or of the United States, or of any insular possession thereof, over the age of twenty-one years, or the head of a family, may, as hereinafter provided, enter a homestead of not exceeding sixteen hectares of unoccupied, unreserved, unappropriated agricultural public land in the Philippine Islands, as defined by the Act of Congress of July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," which shall be taken, if on surveyed lands, by legal subdivisions, but if on unsurveyed lands, shall be located in a body which shall be as nearly as practicable rectangular in shape and not more than eight hundred meters in length; but no person who is the owner of more than sixteen hectares of land in said Islands or who has had the benefits of any gratuitous allotment of sixteen hectares of land since the acquisition of the Islands by the United States, shall be entitled to the benefits of this chapter.

SEC. 2. Any person applying to enter land under the provisions of this chapter shall file with such officer as may be designated by law as local land officer, or in case there be no such officer then with the Chief of the Bureau of Public Lands, an application under oath showing that he has the qualifications required under section one of this chapter, and that he possesses none of the disqualifications there mentioned; that such application is made for his exclusive use and benefit; that the same is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person, persons, corporation, or association of persons; that the land applied for is non-mineral, does not contain valuable deposits of coal or salts, is more valuable for agricultural than

forestry purposes, and is not occupied by any other person; and showing the location of the land by stating the province, municipality, and barrio in which the same is situated, and as accurate a description as may be given, showing the boundaries of the land, having reference, to natural objects and permanent monuments, if any. Upon the filing of said application the Chief of the Bureau of Public Lands shall summarily determine, by inquiry of the Chief of the Bureau of Forestry and from the available land records, whether the land described is *prima facie* subject under the law to homestead settlement, and, if he shall find nothing to the contrary, the applicant, upon the payment of ten pesos, Philippine currency, shall be permitted to enter the quantity of land specified.

SEC. 3. No certificate shall be given or patent issued for the land applied for until the expiration of five years from the date of the filing of the application: and if, at the expiration of such time or at any time within three years thereafter, the person filing such application shall prove by two credible witnesses that he has resided upon and cultivated the land for the term of five years immediately succeeding the time of filing the application aforesaid, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has borne true allegiance to the Government of the United States and that of the Philippine Islands, then, upon payment of a fee of ten pesos, Philippine currency, to such officer as may be designated the law as local land officer, or in case there be no such officer then to the Chief of the Bureau of Public Lands, he shall be entitled to a patent: *Provided, however,* That in the event of the death of an applicant prior to the issuance of patent, his widow shall be entitled to have a patent for the land applied for issue to her upon showing that she has consummated the requirements of law for homesteading the lands as above set out; and in case the applicant dies before the issuance of the patent and does not leave a widow, then the interest of the applicant in the land shall descend and patent shall issue to the persons who under the laws of the Philippine Islands would have taken had the title been perfected by patent before the death of the applicant, upon proof by the persons thus entitled of compliance with said requirements and conditions.

SEC. 4. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuance of a patent therefor.

SEC. 5. If, at any time after the filing of the application as hereinabove provided and before the expiration of the period allowed by law for the making of final proof, it is proved to the satisfaction of the Chief of the Bureau of Public Lands, after due notice to the homesteader, that the land entered is not under the law subject to homestead entry, or that the homesteader has actually changed his residence, voluntarily abandoned the land for more than six months at any one time during the five years of residence herein required, or has otherwise failed to comply with the requirements of law, then in that event the Chief of the Bureau of Public Lands may cancel the entry, subject to appeal under proper regulations to the Secretary of the Interior, and the land thereupon shall become subject to disposition as other public lands of like character.

SEC. 6. Not more than one homestead entry shall be allowed to any one person.

SEC. 7. Before final proof shall be submitted by any person claiming to have complied with the provisions of this chapter, due notice, as prescribed by the Chief of the Bureau of Public Lands with the approval of the Secretary of the Interior, shall

he given to the public of his intention to make such proof, stating therein the time and place, and giving a description of the land and the names of the witnesses by whom it is expected that the necessary facts will be established.

SEC. 8. Any person may file an affidavit of contest against any homestead entry, charging that the land entered was not unoccupied, unreserved, or unappropriated agricultural land at the time of filing the application, alleging disqualification of the entry man, noncompliance with law as to residence or cultivation, or any other matter which, if proven, would be just cause for the cancellation of the entry, and upon successful termination of the contest, the contestant, if a qualified entry man shall be allowed a preference right of entry for sixty days from said date.

The Chief of the Bureau of Public Lands or any public official becoming aware of the existence of any of the grounds above stated. for impeaching or canceling the entry, may file formal complaint against the entry on any such ground which, if proven, shall cause the cancellation of the entry.

SEC. 9. No patent shall issue under the provisions of this chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof, the cost of which survey shall be borne by the Insular Government.

CHAPTER II.

SALES OF PORTIONS OF THE PUBLIC DOMAIN.

SEC. 10. Any citizen of the Philippine Islands, or of the United States, or of any insular possession thereof, or any corporation or like association of persons organized under the laws of the Philippine Islands or of the United States or any State, Territory, or insular possession thereof, and authorized to transact business in the Philippine Islands, may purchase any tract of unoccupied, unappropriated, and unreserved non-mineral agricultural public land in the Philippine Islands, as defined in the Act of Congress of July first, nineteen hundred and two, not to exceed sixteen hectares for an individual or one thousand and twenty-four hectares for a corporation or like association, by proceeding as hereinafter provided in this chapter: *Provided*, That no association of persons not organized as above and no mere partnership shall be entitled to purchase a greater quantity than will equal sixteen hectares for each member thereof.

SEC. 11. Purchases, made under the provisions of this chapter, of land previously surveyed, must be made of contiguous legal subdivisions. All lands purchased hereunder, whether previously surveyed or not. in case the tract sought to be purchased exceeds sixty-four hectares in area, must be taken, wherever possible, in the form of contiguous squares which shall contain at least sixty-four hectares each: *Provided*, That in connection with the purchase of lands in one or more tracts of sixty-four hectares there may be purchased one rectangular tract of thirty-two hectares, the longer side of which must be contiguous to the square tract of sixty-four hectares, or to one of such tracts if more than one be purchased. In no case may lands purchased under the provisions of this chapter be taken, in any such manner as to gain any such control of any adjacent land, water, stream, shore line, way, roadstead, or other valuable right as might be prejudicial to the interests of the public.

SEC. 12. An application to purchase land under this chapter must be filed with such officer as may be designated by law as local land officer or in case there be no such officer then with the Chief of the Bureau of Public lands. It must be executed under oath, and must state the citizenship of the applicant and his post-office address; the location of the land desired, stating the province, municipality, and barrio in which the same is situated, and as accurate a description as can be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any a statement as to whether any part of the land is occupied or improved, and that it is non-mineral in character, more valuable for agricultural than for forestry purposes, and does not contain deposits of coal or salts. The application of a corporation must be accompanied by a certified copy of its charter or articles of incorporation. An unincorporated association must show that its members are severally possessed of the qualifications above required of individuals. In the case of a corporation or association organized outside of the Philippine Islands there must be attached to the application proper documentary evidence that the law governing the transaction of business in the Philippine Islands by foreign corporations or associations has been complied with.

SEC. 13. It shall be the duty of the Chief of the Bureau of Public Lands to examine all applications to purchase under this chapter, and to determine whether the applicant has the qualifications required in section ten hereof, and from the certificate of the Chief of the Bureau of Forestry to determine whether the land applied for is more valuable for agricultural than forestry purposes. He shall report his findings to the Secretary of the Interior, who, after proper consideration and approval of same, shall order the sale to be made.

It shall also be the duty of the Chief of the Bureau of Public Lands to appraise the land applied for under this chapter, which appraisement shall not be less than ten pesos, Philippine currency, per hectare, and in making this appraisal he may call to his assistance any provincial or municipal official of the province in which the land lies. When the land shall have been appraised, as hereinabove provided, the Chief of the Bureau of Public Lands shall advertise the same for sale by publishing a notice thereof once a week for six consecutive weeks, in two newspapers, one published at Manila and the other (if any such there be) published near the land applied for such notices to be published in both the English and Spanish languages. The Chief of the Bureau of Public Lands shall with the approval of the Secretary of the Interior, prescribe, in addition to the publication in newspapers, a suitable method of posting notice upon the land sought to be purchased or in the pueblo where the land is situated. The notices shall state a date not earlier than ten days after the date of the last publication of the notice in the newspaper published at Manila, upon which date the Chief of the Bureau of Public Lands will award the land to the highest bidder, or will call for new bids, or otherwise proceed as provided by law.

SEC. 14. All bids must be sealed and addressed to the Chief of the Bureau of Public Lands, and must have inclosed therewith a certified check or a post-office money order payable to his order, for twenty-five per centum of the amount of the bid, which amount shall be retained, in case the bid is accepted, as part payment of the purchase price: *Provided*, That no bids shall be considered which are for less than the appraised value of the land.

SEC. 15. Upon the opening of the bids the land shall be awarded to the highest bidder. If there are two or more bidders which are higher than other bidders and are equal, and one of such higher and equal bids is the bid of the applicant, his bid shall

be accepted. If, however, the bid of the applicant is not one of such equal and higher bids, then the Chief of the Bureau of Public Lands shall at once submit the lands for public bidding, and to the person making the highest bid on such public auction the land shall be awarded, but no bid received at such public auction shall be finally accepted until the bidder shall have deposited twenty-five per centum of his bid, as required in section fourteen. The deposits of all unsuccessful bidders shall be returned at once by the Chief of the Bureau of Public Lands. The Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, shall have authority to reject any and all bids hereunder.

SEC. 16. Lands sold under the provisions of this chapter must be paid for in the following manner: The balance of the purchase price after deducting the amount paid by check or post-office money order at the time of submitting the bid, may be paid in full upon the making of the award, or may be paid in equal annual installments, or may be paid in one installment at the expiration of five years from the date of the award. All sums remaining unpaid after the date of the award shall bear six per centum interest per annum from such date until paid.

SEC. 17. No patent shall issue under the provisions of this chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof. The cost of such survey must be borne by the purchaser, if a corporation or like association, and if the survey be made in advance of the regular surveys of the Islands; but where the purchaser is an individual the cost of the survey shall be borne by the Insular Government. Patents shall not issue until after the expiration of five years from the date of the award, and before the same shall issue the purchaser must show actual occupancy, cultivation, and improvement of the premises for a period of five years immediately succeeding the date of the award, and that he has not sold the land or in any manner encumbered the title.

SEC. 18. If at any time after the date of the award and before the issuance of patent, it is proven to the satisfaction of the Chief of the Bureau of Public Lands, after due notice to the purchaser that the purchaser has voluntarily abandoned the land for more than one year at any one time, or has otherwise failed to comply with the requirements of the law, then the land shall revert to the Government and all prior payments of purchase money shall be forfeited.

SEC. 19. This chapter shall be held to authorize only one purchase of the maximum amount of land hereunder by the same person, or by the same corporation or association of persons; and no corporation or association, any member of which shall have taken the benefits of this chapter, either as an individual or as a member of any other corporation or association, shall purchase any other public lands under this chapter.

SEC. 20. In the event of the death of an individual applicant subsequent to the date of the filing of the application and prior to the issuance of patent, the distributees of his estate, as defined by law, may claim the privilege of being subrogated to the rights of the deceased applicant, and if they consummate the requirements of law for purchasing land hereunder, patent shall issue to such distributees.

SEC. 21. If any land applied for under the provisions of this a chapter shall be actually occupied by any person who is qualified to make a homestead or other