

**Spanish public land laws (English translation) in the Philippine islands and their history to August 13, 1898. Translated and compiled in the Forestry bureau under the direction of Capt. George P. Ahern, assisted by Gregorio Basa. Published through the Division of insular affairs, War department**

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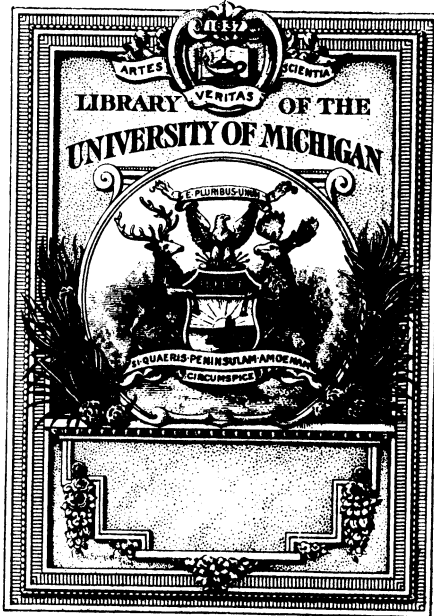
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SPANISH PUBLIC LAND LAWS

PHILIPPINE ISLANDS





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SPANISH

PUBLIC LAND LAWS

(ENGLISH TRANSLATION)

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IN THE

PHILIPPINE ISLANDS. Bureau of  
forestry.

AND

THEIR HISTORY TO AUGUST 13, 1898.

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TRANSLATED AND COMPILED IN THE FORESTRY BUREAU

UNDER THE DIRECTION OF

CAPT. GEORGE P. AHERN, Ninth U. S. Infantry,  
*In Charge of Forestry Bureau.*

ASSISTED BY

GREGORIO BASA, Assistant Forester.

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PUBLISHED THROUGH THE DIVISION OF INSULAR AFFAIRS,  
WAR DEPARTMENT.

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# SPANISH PUBLIC LAND LAWS IN THE PHILIPPINE ISLANDS.

## HISTORY OF THE LAND LAWS OF THE PHILIPPINE ISLANDS TO AUGUST 13, 1898.

At the time of the discovery of these islands the population was small and the area of unoccupied land extensive. Lands were granted to the discoverers and to the original inhabitants and their descendants who were to remain in the land.

(See Laws of the Indias, Volume IV, Chapter XII, Laws I, IV, and X; Ultramarine Legislation by Rodriguez San Pedro, Volume IV, from page 666; Guide for the Purchaser of Land, by Rodriguez Berriz, from page 1.

Although the lands, waters, etc., were conceded gratuitously, the same laws prescribed the conditions under which and methods by which these lands were to be acquired, and also fixed the penalties which would be incurred for noncompliance with said conditions.

(Laws of the Indias, Volume II, Law XXXVI, and Volume IV, Chapter XII, Laws II, III, V, VI, VII, VIII, X, XI, and XIV; Ultramarine Legislation, by Rodriguez San Pedro, Volume IV, from page 666; Guide, by Rodriguez Berriz, from page 2.)

Laws were afterwards passed relating to adjustments and sales of lands.

(Laws of the Indias, XV, XVI, XVII, XVIII, XIX, XX, and XXI.)

Ultramarine Legislation, by Rodriguez San Pedro, from page 669. (Guide for the Purchaser of Lands, by Rodriguez Berriz, from page 6.)

This legislation was enacted to develop agriculture and benefit the people, and protect not only the new residents but especially the natives in their holdings. These acts manifest a paternal solicitude in their welfare, and showed a disposition to grant such lands as they needed and such as would be a benefit to them.

Among other acts was published later the important royal decree of October 15, 1754 (Rodriguez San Pedro, Volume IV, p. 673; Guide, by Rodriguez Berriz, p. 41), concerning concessions of public lands.

Article 81 of the ordinance of 1786 declares that the "intendants" shall be sole judges in questions of sales, adjustments, and divisions of lands occurring in their districts, as well as in questions of jurisdiction. Subsequently royal order of September 21, 1797, was promulgated (Guide, by Rodriguez Berriz, p. 11) concerning sales and adjustments in these islands, and on March 23, 1798, Royal Cedula Circular was promulgated (Ultramarine Legislation, by Rodriguez San Pedro, Volume IV, p. 675; Guide, by Rodriguez Berriz, p. 46), concerning the methods of facilitating the acquisition of concessions of public lands, and, lastly, the Cortez of Cadiz passed a decree of January 4, 1813, governing the transfer of public and communal land to private ownership. (Guide, p. 54.)

The foregoing acts concerning lands form what may be called the ancient legislation, and have served as a basis and guide in the sales and adjustments of concessions of lands in these islands until the promulgation of regulations for the sale and adjustment of lands, the date of which forms the commencement of what may be termed the modern legislation.

Regulations for land sales were approved by Royal Decree, January 19, 1883, and those for adjustment were confirmed by Royal Decree, June 25, 1880.

Subsequent legislation and orders governing sales and adjustment of lands have been based upon ancient legislation and the regulations approved by Royal Decree, January 19, 1883.

**LAND LAW OF THE PHILIPPINE ISLANDS IN FORCE AUGUST 13,  
1898.**

**ROYAL DECREE.**

At the suggestion of the minister for the colonies, after consultation with the council of ministers:

In the name of my august son, the King Don Alfonso XIII, and as Queen Regent of the Kingdom,

I hereby decree the following:

**CHAPTER I.**

**SALABLE AND RESERVABLE LAND.**

**ART. 1.** All land, soil, ground not under cultivation, and forests in the Philippine Islands, not included in the following exceptions, shall be considered salable crown lands:

I. Those which have passed to private ownership and have a lawful holder.

II. Those which belong to forest zones which the state desires to hold for the commonwealth.

III. Those which are found within the limits of the commons belonging to towns, or within zones which have been granted to said towns for the use of the people.

IV. Those which shall be awarded to private ownership, whether by adjustment or by possessory right within the time limit and in the form and manner as provided for herein.

**ART. 2.** According to the preceding article the lands referred to in the second and third exceptions are reserved to the State and town, respectively. No private ownership can be claimed in them by any process of law, unless they are explicitly declared to be salable by competent authority.

**ART. 3.** The Governor-General shall order that all forests belonging to the state, which shall constitute the forest zones thereof, be designated, inventoried, and the limits marked out, employing for such work the services of the corps of forestry engineers in provinces and districts where cultivation has so far advanced or is still advancing as to be deemed prejudicial to water regulations, public health, climate, or public interests in general.

In the remainder of the islands no classification or reservation of forests shall be made at the present time, and all crown lands shall be

considered salable until such a time as an order to the contrary is issued, to which reference is made in the preceding paragraph.

Land which is to be finally declared as being reservable for state purposes, and the approval or amendment of boundaries marked for such forest zones, shall be made by the Governor-General at the suggestion of the General Directorate of Civil Administration.

## CHAPTER II.

### ADJUSTMENT OF LANDS.

ART. 4. Full title to all crown lands which were open to adjustment in accordance with royal decree of June 25, 1880, but which adjustment has not been applied for up to the date of publication in the Manila Gazette (April 17, 1894) of this decree, shall be understood therefrom as having reverted to the state.

No claim shall be allowed, under any form, or, at any time made to any party, who, having the right to such adjustment, has, nevertheless, up to the date above mentioned, neglected applying for adjustment.

ART. 5. All persons who have already applied for adjustment of lands but who have not yet secured it shall renew their petitions within the nonextendible time of six months from the date of publication of this decree in the Manila Gazette.

All such renewals not submitted, however, and adjustments not insisted upon by land holders within the prescribed time limit shall be barred and the provisions of the preceding article applied to property covered only by first application for adjustment. And property, for which adjustment has not been perfected and carried out after the petitions therefor have been filed, shall be similarly treated. Nevertheless, where property for which adjustment has been sought once before is sold within five years from the publication of this decree the parties filing such petition for adjustment or any of their successors in interest who are such by right of inheritance shall have the right of preemption or "tanteo"<sup>1</sup> in such property.

ART. 6. All petitions for adjustment, for which a second petition insisting thereon has been made within the prescribed time limit, shall be disposed of in the shortest time practicable according to the laws in force prior to the present decree, excepting as to the provisions of article 8, by the General Directorate of Civil Administration, assisted by the Inspector-General of Forests, whenever such property adjoins lands belonging to the State or contains more than 30 hectares; in all other cases they shall be disposed of by the provincial boards established by decree on municipal organization issued May 19, 1893.

The provincial boards for the adjustment of lands established by Royal Decree of December 26, 1884, and confirmed by Royal Decree

<sup>1</sup>The right to take property at the same price sold to another.

of August 31, 1888, are hereby dissolved, as are also local commissions created by the latter decree. Municipal tribunals of towns shall assume the duties of said local commissions. Before dissolving, boards of adjustments are hereby directed to deliver to their successors, the provincial boards, all records and documents which they may hold in their possession.

ART. 7. No petition for the adjustment of lands shall be received after the publication of this decree in the Manila Gazette. (April 17, 1894.)

The General Directorate of Civil Administration shall immediately provide for an index to be made of all petitions for the adjustment of lands which have been presented to date.

After the expiration of six months (October 17, 1894), provided for in article 5, another index of all petitions which have been presented a second time by the interested parties insisting on adjustment, shall be made with the same promptness.

Digest of both indices, sufficient to show what adjustments have been petitioned for in each province or district, shall be published in the Manila Gazette.

Certified copies of both indices shall be sent to the minister for the colonies.

ART. 8. Adjustment of land the title to which is taxable and which is to be granted through second petition made at the proper time shall be made as provided in article 10, at the mean price fixed by the provincial board for the sale of such property, when said price is not definitely stated in the documents issued, according to article 6 of Royal Decree of June 25, 1880.

### CHAPTER III.

#### ALIENATION OF PUBLIC LANDS.

ART. 9. Alienable crown lands may pass to private ownership by sale, or by grant to organizations forming colonies, upon special terms in each case, or by grant to agricultural colonies as an aid thereto, in the form and manner established by Royal Decree of September 4, 1884.

ART. 10. Such sales shall always be for cash and at the current market price of land in the province, to be determined by the average price per hectare (2.47 acres) obtained in the sale and adjustment of lands during the five preceding years in the particular province or district, without regard to the quality of the land, nor to local circumstances such as exposure, slope, and location. All surcharges other than the purchase price ("sobreprecio," such as the expenses of survey, measurement, etc.) shall be fixed separately.

If, in the five years mentioned in the preceding paragraph, there

have been no sales made or taxable adjustments had in the province or district the price of such crown lands shall be the average market price as adopted by the adjoining province or district.

ART. 11. The price per hectare, based upon the aforesaid average, shall be fixed for the first time by each provincial board within six months from the publication of this decree, and shall be revised every five years thereafter, after due consultation is had, in all cases, with the municipal tribunal and the registrar of property of the town where the property is situated. The board shall notify the General Directorate of Civil Administration of the average price agreed upon.

The General Directorate, assisted by the Inspector of Forests, shall approve or change the price thereof, and their decision shall be published in the Manila Gazette and also at the capital of the province. (See appendix for last price list.)

ART. 12. No land shall be sold before it is surveyed, its boundaries marked out, and its extent measured, which action shall be decreed by the authorities of their own motion or upon petition filed; said survey, etc., to be made by the employees of the Inspector-General of Forests or other qualified officials authorized for the purpose by the General Government, assisted by the captain of the municipal tribunal, one of his lieutenants, and two leading members of the town appointed by the municipal captain for said purpose. The certificate of survey and location of the property shall contain all the data called for by the mortgage law and its accompanying regulations in order to have it properly entered in the Register of Property. Furthermore, the sale must be ordered by the General Directorate of Civil Administration, and advertisements thereof must be inserted in the official periodicals of Manila and the capital of the province in which the property is situated, describing the land and stating the price according to the ruling market price. These advertisements, translated into the dialect of the locality, must also be published by proclamation and in edicts which must be posted on the bulletin boards of tribunals in the towns in which said property is situated and in neighboring towns for two months before the day on which the sale is to be made, if such sale is to be made in the island of Luzon or the Visayan Islands, and for six months if made in other islands in the control of the General Government.

ART 13. No land shall be surveyed, marked out, or measured having in view its sale, unless advertisements thereof have been previously published for three consecutive days, by means of proclamations in Spanish and in the local dialect, and the same posted on the bulletin boards of municipal tribunals having jurisdiction over the land, for the same number of days.

ART. 14. Such sales may be made at the petition of private parties or at the instance of the administration. If made at the petition of a

private party, the person or corporation interested therein shall present with the petition a record, certified to by the tribunal of the town in which the property is located, containing the acknowledgment, survey, and measurement, as provided by articles 12 and 13.

Such record shall be examined by the provincial board, and any errors it may contain shall be corrected and forwarded, together with its report thereon, to the General Directorate of Civil Administration, that the land may be ordered sold if alienable.

If any reasonable doubt exists as to whether the land is alienable or not, the General Directorate shall, before ordering the sale, take the necessary steps to have an investigation and settlement of pending questions before the administration department or before courts of justice, according to the nature of the case and the proper jurisdiction of said courts.

After publication is made of the advertisements provided for by article 12, intending purchasers shall file a petition in writing with the provincial board within the period of two months, as prescribed in that article. If the sale is made on the petition of a private party the petitioner shall not be required to file a new petition in order to be considered as a bidder for said lands.

When but one petition for a piece of land is filed, after the term prescribed in the advertisement has expired, the provincial board shall award the land in question to the petitioner for the price stated, without further proceedings.

If there are two or more applicants for the purchase thereof an auction shall be held among them, for which purpose the provincial board shall call them together, after due notice is given them in advance, and shall award the land to the highest bidder. Every petitioner for the sale of land shall be given a receipt for his petition by the provincial board. Orders awarding lands, whether any bidding has been made or not, as the case may be, shall be signed by all the members of the provincial board present and attached to the order of sale, which shall be forwarded to the General Directorate of Civil Administration.

ART. 15. After the order of sale has been examined by the General Directorate, and all errors or defects therein corrected, the General Directorate shall approve the award, and if it is shown that payment therefor has not yet been made, shall order the same to be made within the nonextendible time of one month. If payment is not, however, made within one month, the award shall be considered annulled, with loss to the person to whom the land has been awarded of all rights arising out of his being a party to the proceedings of the record. Once the certificate of payment is attached to the record, and there is no opposition or claim interposed by legal process, title to the property shall be issued by the General Directorate, but if such opposi-

tion is interposed by a party claiming any right in the land, then only a mere possessory title shall be issued instead. In this case proper title deed to the land shall be finally issued at the termination of the litigation, if the sale is sustained.

Title deeds referred to in the preceding paragraph shall be officially forwarded to the proper registrar of property for registration and other entries. Holders shall be notified thereof so that they may take possession of their title deeds from the registrar's office.

ART. 16. If, before the issuance of the deed of sale, any claim is interposed, by reason of the survey and land marking, or the advertising, alleging rights to the land, proceedings begun for the sale thereof shall not be suspended, if the person, corporation, or legal entity making the claim is not at the time in possession of the property or of the profits thereof, but the claimant's right of action before the courts of justice shall remain. If the claim interposed against the sale is made by one in actual and positive possession of the property, total or partial, or of the profits arising from it, upon proof of the fact of possession being given, the sale proceedings shall be suspended for the term of three months, within which time any legal action, for which there is ground, must be begun before courts of justice having jurisdiction in the case. Such suspension shall continue from the time action is taken until a final judgment is rendered, affirming or denying the right of the claimant, or until the litigation is terminated in some other legal way.

If, within three months thereof no action is taken before ordinary law courts, the suspension shall be vacated and the sale proceedings shall be reopened, notwithstanding any action which may be commenced later, in accordance with common-law proceedings.

ART. 17. Where a contention arises in the course of sale proceedings as to whether or not a piece of land belongs to the commons of a town, the General Directorate of Civil Administration shall have original jurisdiction thereon.

When corporations or private persons interested therein are unwilling to abide by the decision of the General Directorate of Civil Administration, they may then appeal to the contentious administrative court or to an ordinary court of justice, according to the jurisdiction exercised by either court within the legal time limits in the first case, and within the one as fixed by the preceding article in the second.

If the municipal tribunal of the town concerned does not file its claim before the first month is ended, which is the period marked for advertising the sale, no claim which it may interpose and maintain later shall avail against the sale proceedings, but such claim shall be governed by the general principles of law. Where such a claim is filed before the expiration of the first month, in the period marked for

advertising, the sale proceedings shall then be suspended until the claim has been finally decided upon or become barred.

ART. 18. Awards of crown lands to persons who are not Spanish subjects can only be made upon the following conditions:

First. That the persons to whom they are awarded shall reside in the Philippines and shall be properly registered.

Second. That if they remove their residence or domicile to some other country, they shall be required to sell all such property which they may have accumulated to a resident in the Philippines.

Third. In cases of inheritance, heirs who have no residence in the Philippines and other legal requirements are required to sell just as the original owners were.

The acquisition of real estate in the Philippines by foreign associations, companies, or commercial bodies, whether they are residents in the islands or not, is absolutely prohibited.

#### CHAPTER IV.

##### PROCEDURE NECESSARY TO ACQUIRE PRESCRIPTIVE TITLE.

ART. 19. Parties in possession of alienable crown lands which are under cultivation and who have not obtained nor petitioned for adjustment up to the date of the publication of this decree in the Manila Gazette may obtain free title deeds to the property by means of "possessory proceedings" in accordance with the laws of civil procedure and the mortgage law, provided they have fulfilled one of the following conditions:

First. To hold or to have held them under cultivation without any interruption during the last six years.

Second. To have held them in possession uninterruptedly during twelve years, having them under cultivation at the time of the "possessory proceedings" and during the three years preceding thereto.

Third. To have held them in possession openly and without interruption during thirty or more years, although the land has not been under cultivation.

ART. 20. Holders who are in actual possession of land included in the "legua cumunal" (town commons), now under their cultivation or in their ostensible possession up to the time of publication of the present decree in the Manila Gazette, may secure a free title deed on the same conditions as those established for Crown lands in the preceding article. Beyond these exceptions the provisions of article 2 shall be followed in other cases.

ART. 21. The nonextendible term of one year is hereby granted for the purpose of instituting "possessory proceedings," as referred to in articles 19 and 20 hereof.

At the expiration of said year the right of cultivators and holders thereof in obtaining a free title deed to the property shall become extinct, and full title to the land shall revert to the State or to the citizens in common; such holders and cultivators, claimants to title thereof, or their successors in interest by absolute title, shall only retain the right of preemption or "tanteo" in the event that the land is sold within five years following the expiration of said one year.

Persons in possession not included in the provisions of this chapter can acquire prescriptive title to alienable crown lands only according to the common law.

ART. 22. A detailed record of the dispositions made of all crown lands shall be kept by the General Directorate of Civil Administration.

## CHAPTER V.

### TOWN PROPERTY AND COMMON USE THEREOF.

ART. 23. The General Directorate of Civil Administration shall direct that proper steps be taken to determine and mark out the boundaries of lands which have been known hitherto as the "legua comunal," or commons, within the term of five years, allotting to each town the land considered necessary for cultivation and for common benefit.

ART. 24. For the purpose of the preceding article, municipal tribunals of towns, assisted by representatives of their principalities (body of electors) and by the parish priest, shall petition the General Directorate, through the different provincial boards, for a decision as to the property to be reserved to them, making a detailed entry thereof in the registry of property required by law and as may be deemed proper, bearing in mind the following conditions:

First. That the land and forests to be granted to them belong at the time to the town commons or to the state.

Second. That they be situated within the jurisdiction of the municipal tribunal petitioning for them.

Third. That such land and forests petitioned for are suitable for the cultivation necessary to the exigencies of life and contain a supply of firewood and lumber for the town people thereof, who pay to the state cedula of the tenth class.

Fourth. That the necessary pasture land can also be furnished according to the number of cattle and horses in each town. Where there are sufficient Crown lands available for the purpose, twice the area of land absolutely required at the present time shall be granted for cultivation and common use.

ART. 25. Provincial boards shall forward the petitions referred to, with an expression of their opinion thereon, to the General Directorate

of Civil Administration, who shall in turn submit what final action has been taken in the matter to the General Government.

ART. 26. Grants and descriptions or demarcations made of town property to be devoted to the cultivation by and to the common use of the townspeople thereof shall be recorded in the register of property free of all costs and charges.

ART. 27. The General Directorate of Civil Administration shall keep an inventory of all property so described and surveyed in each province as belonging to the common patrimony of towns and publish same in the Manila Gazette.

#### GENERAL PROVISIONS.

First. All errors in the surveys of land which do not exceed 5 per cent of the total extent thereof shall be tolerated and excused.

When they shall exceed said proportion and not over 15 per cent the holder may buy the excess at the average market price in said province.

If the excess is over 15 per cent, said portion shall be sold, the buyer being bound to indemnify the holder for any growing crops existing at the time. The amount of this indemnity shall be estimated by an expert appointed by each party, and in case of a disagreement, by a third, appointed by the administration department.

When the error in survey exceeds 15 per cent the authorized surveyor committing said error shall be held officially or criminally responsible, according to circumstances.

Second. All remunerations paid to authorized employees for field work performed in all adjustments, sales, and grants of land, and all expenses for Crown documents and revenue stamps on titles, shall be at the cost of the holders thereof, who shall pay into the treasury the full amount according to the established tariff.

Third. A set of regulations shall be made by the General Directorate of Civil Administration for the execution of this decree, taking as a basis the text, simplifying as far as possible the proceedings for the sale of land as approved on January 19, 1883, by the Cabinet of State.

Fourth. All former provisions relating to the adjustment and sale of land not under cultivation and all crown lands in the Philippine Islands are hereby repealed, without prejudice to the provisions as prescribed in article 6 hereof.

Given at the palace this 13th day of February, 1894.

MARÍA CRISTINA.

The Minister for Colonies:

ANTONIO MAURA Y MONTANER.

4486—01—2



REGULATIONS  
FOR THE  
EXECUTION OF THE ROYAL DECREE OF FEBRUARY 13, 1894,  
CONCERNING THE  
ADJUSTMENT AND SALE OF PUBLIC LANDS IN THE PHILIPPINE ISLANDS.

[Manila Gazette, February 21, 1895.]

*In force provisionally from above date until approved by Royal Order No. 14,  
January 31, 1897.*

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CHAPTER I.

SALABLE AND RESERVABLE LANDS.

ART. 1. All land, soil, ground not under cultivation, and forests in the Philippine Islands, not included in the following exceptions, shall be considered salable Crown lands:

1. Those which have passed to private ownership and have a legal holder.

2. Those which belong to forest zones which the state desires to hold for public interest.

3. Those which are found within the limits of the commons belonging to towns or within zones which have been granted to said towns for the common use of the inhabitants.

4. Those which shall be awarded to private ownership, whether by adjustment or by possessory right, within the time limit and in the form and manner as prescribed by Royal Decree of February 13 last, and these regulations.

ART. 2. Forest zones held in any province or district, as referred to in exception 2 of the preceding article, shall not be reserved to the state for the present, except where the landed area under cultivation has so increased or is still increasing beyond what is consistent with public interests.

In conformity with this provision the Inspector-General of Forests shall recommend, with due promptness, to the General Directorate of Civil Administration, who in turn shall recommend to the General Government the advisability of pointing out at once the districts in which such forest zones are to be reserved to the State, as also those districts

where such reservation is considered unnecessary for the present; and when the proposition is approved, a list containing the districts where such zones are to be and not to be established shall be published in the *Manila Gazette*, for public information. In districts where it is not necessary for the present to reserve forest zones, crown lands found there in suitable for permanent cultivation, and not included in exceptions 1, 3, and 4 of the preceding article, shall be considered salable so long as the contrary is not expressly ordered.

ART. 3. When the General Government has designated the provinces and districts where forest zones are to be reserved to the State, the Inspector-General of Forests shall proceed with the description, inventory, and survey of the zones so reserved in each district, and shall report all particulars during the progress of the work done to the General Directorate of Civil Administration, so that said department may recommend to the General Government the approval or amendment thereof, and the final decree be entered that said zones are reserved to the State.

NOTE.—Forest zones never designated.

## CHAPTER II.

### ADJUSTMENT OF LANDS.

ART. 4. In accordance with the provisions of Royal Decrees of July 15, 1881, and February 13, 1894, no adjustment of lands shall in future be allowed unless it be clearly shown by the records in each case that the said adjustment had been applied for prior to the 8th of September, 1881, when referring to uncultivated lands; and prior to the 17th of April, 1894, the date of the publication of the Royal Decree referred to in the *Manila Gazette*, when referring to cultivated lands; and furthermore, that a second petition had been filed in each case prior to the 17th day of October, 1894, the end of the term of six months granted for said purpose by said Royal Decree.

ART. 5. Salable crown lands open to adjustment, for which no petition for adjustment had been filed prior to the dates mentioned in the preceding article, or for which a new petition insisting thereon may not have been filed, shall revert to the State, without prejudice to the rights of holders of said lands, who shall fulfill the conditions set forth in article 78 of these regulations, and who shall exercise that right up to the 17th of April, 1895, for the purpose of obtaining gratuitous title in fee simple to said lands through possessory proceedings had in accordance with the Law of Civil Procedure and the mortgage law.

ART. 6. If a tract of land for which adjustment has once been sought, and the petition thereon not renewed within the legal time, is about to be sold at auction, the person filing said petition for adjustment or his legitimate successor in interest shall have the right of preemption

or "tanteo" ("tanteo" is the right to take property for the same price sold to another) in such sale, provided it takes place within five years following the publication in the Manila Gazette of Royal Decree of February 13, 1894.

ART. 7. When applications for such adjustments have been made and renewed within the prescribed time and have not been perfected and consummated through the fault of applicants, said petitions shall be considered as lapsed; but applicants shall have the right of pre-emption or "tanteo" in the auction sale of the land if the same be sold within the period fixed by the preceding article. The administrative authority, whose duty is to decide upon such adjustments, shall determine the question of fault and shall hear the party in interest who has the right to such appeals as the laws in force may prescribe.

ART. 8. Adjustments applied for and properly renewed shall be governed by the laws which were in force prior to the publication of the Royal Decree of February 13, 1894, in so far as they do not conflict with the provisions of said Royal Decree and the present regulations.

ART. 9. Lands subject to adjustment shall continue to be classified as heretofore into two groups: The first shall comprise those which have an area of more than 30 hectares, or if less, when bounded at any point by other state lands, and the second shall comprise all others.

Proceedings for the adjustment of lands of the first group shall be heard and determined by the General Directorate of Civil Administration with the assistance of the Inspector of Forests.

The adjustments of the second group shall be heard and determined by the provincial boards established by Royal Decree of 19th of May, 1893, who shall take the place of the boards of adjustment existing up to the present time.

ART. 10. Existing boards for the adjustment of lands in all provinces where the said provincial boards shall become constituted shall be immediately dissolved after handing over to the latter all records of the office and all documents, with an inventory thereof, which may be in their possession.

In provinces or districts where provincial boards for any reason whatever have not yet become constituted, existing boards for the adjustment of lands shall continue in office until such time as the supreme government may otherwise direct.

ART. 11. Local commissions created by Royal Decree of the 31st of August, 1888, shall also be dissolved, without exception, and the duties thereof performed by the municipal tribunals or the tribunals of the pueblos; and said commissions shall deliver to said tribunals an inventory of such records and documents concerning the adjustment of lands as they may have in their custody.

ART. 12. When petitions referring to lands included in the second group mentioned in article 9 are received by the General Directorate

of Civil Administration they shall be referred to the presidents of the provincial boards for examination and report, including records. The secretaries of said boards shall keep registers in which a record shall be entered of the receipt of all petitions for adjustment.

ART. 13. Provincial boards shall immediately remit to the General Directorate of Civil Administration all petitions for adjustment of lands not within their jurisdiction, viz: Lands having an area of more than 30 hectares, such as are, or are not entirely bounded by private lands; also all proceedings to be heard and determined by said department.

ART. 14. Where a petition filed with the provincial board includes, among others, certain tracts not within its jurisdiction, a duly certified copy thereof, signed by the president and secretary of the board, shall be made and forwarded to the General Directorate of Civil Administration.

ART. 15. When a tract of land lies within the limits of two or more provinces the provincial board holding such petition for adjustment shall issue certified copies thereof, to be forwarded to the boards of territories so included by said property, and shall make arrangements with them as to the proper procedure in the case.

ART. 16. Each proceeding shall include only the tracts of land owned by the petitioner and located in one barrio.<sup>1</sup>

If the petition includes several tracts of land situated in different barrios the original petition shall be attached to the record containing the largest number of tracts and each of the smaller records made out for the remaining barrios shall be headed by a certificate of the tracts contained therein. The certificate shall be signed by the secretary of the provincial board when ordering first-named record and by the assistant forester instructed to inscribe said record when it is to be referred for approval to the General Directorate of Civil Administration.

ART. 17. If among the tracts contained in the same petition there shall be any situated within the limits of two or more barrios of the same town (pueblo) or of different towns, or in territory the jurisdiction over which is doubtful, such tract shall be dealt with in a separate record.

ART. 18. The board shall cause each petition to be published by proclamation in the capital of the province and in the town concerned, and also by means of edicts posted on the bulletin boards of all government offices and of the court of said town. Said proclamation and edicts shall set forth the day and hour in which the survey of the ground is to be made. Said board shall also issue proper orders to the municipal captain or to the gobernadorcillo so that the necessary steps be taken for the execution of said survey and for the service of

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<sup>1</sup> Barrio—ward of a pueblo or town.

a personal notice to the owner of the ground, as also to all adjacent property holders who shall be required to sign said notices. The period of time that must elapse between the last publication by proclamation and the survey of the ground shall not exceed four days.

ART. 19. If the interested parties desire to have the work of survey done by any special surveyor they shall so state it in a petition addressed to the provincial board, who shall notify said surveyor. If no such petition is filed the board shall designate the surveyor or expert state land appraiser who is to accompany the representative of the court at the survey of the ground. In towns where there is no expert surveyor or no expert state land appraiser a practical expert (perito practico) shall be appointed instead.

For the purpose of these regulations the words "surveyor" and "expert surveyor" shall be understood to include, generally, all persons having sufficient legal capacity to do the survey work referred to in said regulations, without prejudice, however, to any party claiming a better right to do said work, who possesses a diploma, and to the surveyor appointed by special provisions.

ART. 20. On the day and hour set by the provincial board for the survey, the representatives of the municipal or town tribunal, consisting of the captain or gobernadorcillo, a lieutenant and two principal residents, to be duly named by said captain, together with the land owner and the owners of the boundary property and the surveyor, if there be any, and if there be none, then with the practical expert referred to in article 19, shall proceed to the ground to inspect the boundaries of same, making special notes thereof and comparing the boundaries with the title documents produced by the owner of said ground, hear any claims made and objections raised, assist at the survey and appraisement by the surveyor or practical expert, and make a record of the above and all proceedings had. Said record shall be signed by all parties present and shall remain in the possession of the municipal captain or gobernadorcillo.

The above proceedings shall not be suspended because of nonattendance by any adjoining land owner, provided they have been duly notified, or because of any protest or objection made or raised.

ART. 21. If there be several tracts of land, all situated in the same barrio, they are to be all included in the same record, but separately described.

ART. 22. If the property extend to two or more municipal jurisdictions, the survey thereof shall be attended by representatives of the respective tribunals. The record in this case shall be made in the same manner as above prescribed, and shall remain in possession of the captain or gobernadorcillo of the town of the jurisdiction wherein lies the larger portion of the property, and a certified copy of said records shall be given to the representatives of each tribunal.

ART. 23. If the above proceedings are attended by a licensed surveyor or an expert State-land appraiser, this official shall be required to draw a plan or sketch of the property surveyed and write a certificate under the form of a report, setting forth, under his own personal liability, the name of the barrio and district where the property is situated, the boundaries and area, the kind of product raised, and any remarks he shall deem proper to make. Both documents, that is to say the plan and certificate, shall, within the three days following such operations, be filed with the municipal captain or gobernadorcillo of the town together with the record of the survey.

Where the party making the survey is an expert and not a state land surveyor, he shall draw up, not a plan or sketch of the property, but only the certificate, subject to all the requirements as above, setting forth the approximate surface measurement of said property. Said certificate shall be filed with the municipal captain, or gobernadorcillo, of the town within the aforesaid period of time.

ART. 24. The party seeking the adjustment shall, within exactly eight days from the date of the survey, deliver to the municipal captain, or gobernadorcillo, the documents establishing his title. The parties offering or having offered any objection to the adjustment of the land may, within said period of time, deliver to the gobernadorcillo as above the documents they shall deem proper, without prejudice to their offering and proving with documentary evidence before the provincial board the ground for their objections, within thirty days from the date of the survey of the land.

ART. 25. The right to adjustment shall be established by attaching to the proper record the original documents filed by the parties in interest, or else by filing a copy of said documents acknowledged before a notary public, and in case the latter is not done, a copy thereof authenticated by the tribunal of the town.

In default of a better document establishing the rightful possession to the property, every record submitted shall be accompanied by a certificate signed by the municipal captain or gobernadorcillo of the town where the land is situated, countersigned by the lieutenant or judge of "sementeras" (fields under seed), as also by seven members of the twelve townsmen representing the "principalia" (principality), if there be a municipal tribunal in the town, and, if not, by an absolute majority of the twelve townsmen. The said certificate shall be published for three successive days by proclamation in said town in the dialect of the country.

ART. 26. The municipal captain or gobernadorcillo shall, within the maximum period of fifteen days from the date of the survey, file with the provincial board all the documents forming the record, and, if there shall be any cause preventing such observance of the rule, he shall acquaint the board with the name of the party causing the delay.

ART. 27. Upon the receipt of such record, the President of the provincial board shall order it filed with the secretary, so that proper entry thereof be made in the books, annexing thereto all other documents relating to the same claim found in the office, and directing the secretary to see if all documents so attached are complete, viz:

The petition of the party in interest soliciting the adjustment and the renewal of said petition.

The proceedings for publication by proclamation and edicts in the provincial seat, and in the town or towns where the land is situated.

The official communication from the president of the board directing, by order of said board, the survey of the land admitted to adjustment, together with a report of all particulars of the proceedings.

The certificate establishing the fact that the owner of the land and the owners of the adjoining lands have been personally notified of the day and hour in which the survey was to be made.

The record of such survey stating what objections, if any, have been made, the nature of the objections and the names of the objecting parties.

The plan or sketch of the property, if the survey was made by a state land surveyor, and if by a private expert the certified report thereon.

Finally, the documents establishing the right of the landholder to adjustment, together with all the papers in objection to same.

ART. 28. After complying with the provisions of the preceding article the secretary shall notify the president whether or not the record contains the complete number of documents and if any are wanting, in which latter case the president shall order the party in default to file the required document within a certain period of time such as he (the president) may deem proper.

ART. 29. When the record is complete, the president shall direct the secretary to give notice of the fact to the provincial board at the first meeting held immediately after the expiration of thirty days from the date of the survey of the land. The object of this period of thirty days is to allow claimants to submit the proper documents, and also to allow any new claims to be filed and proven.

ART. 30. The board shall examine the record, and if the land is well described, if there be no protest or objection made, and all the provisions as prescribed in these regulations are complied with, the adjustment shall be allowed gratuitously or "onerously" as may be considered legal, and the board shall direct that an appraisal be made subject to the provisions of the two following articles, and the sum or sums due shall be paid to the state by the landholder thereof.

ART. 31. If the adjustment is onerous or taxable the applicable price of said adjustment shall, for each province or district, whether for new records opened or whether for those pending final judgment, be regu-

lated by the fixed tariff approved by the General Directorate of Civil Administration for the sale of crown lands.

ART. 32. All parties securing adjustments to land which is obtained from the state, whether adjustment be granted gratuitously or onerously, shall pay into the treasury 8 per cent of the value of the land as prescribed by Royal Order No. 251, of February 26, 1894, published in the Manila Gazette on the 18th of the following April. Such appraisement shall be based upon the fixed tariff as referred to in the preceding article.

ART. 33. If the examination of the record shall reveal the fact that the possession of the land in question is in litigation the provincial board shall not hear the case.

ART. 34. If any objection or protest has been made the board shall within eight days from the date in which the record was examined fix a day on which the landholder and the claimants, duly cited, must appear to make such allegations as they deem proper in support of their rights, the board ruling thereon as it may deem just.

ART. 35. The parties in interest shall be duly notified of the decision in the case by the board at the time and in the manner provided by Royal Decree of September 25, 1888, arts. 21 and 22, relating to administrative procedure in the Philippines.

ART. 36. The parties in interest may, within a period of thirty days from the service of the notice, appeal from any decision by the provincial board to the General Directorate of Civil Administration by handing the appeal to said board.

ART. 37. If the appeal referred to in the preceding article is made in due time the execution of the decision by the board shall be suspended until such time as final judgment is rendered. Otherwise the decision of the board shall be final, and the president shall be required to officially notify the landholder of the sum that he must pay into the office of the administrator de hacienda of the province if the adjustment is taxed, and also the sum that he must pay into said office separately from the first payment under the 8 per cent tax on the valuation of the land, whether the adjustment is taxable or gratuitous, and shall order that said owner file at the proper time with the governor of the province the proper receipt or receipts and the legal stamped paper required for the title deed thereon, together with the number of such stamped paper as was used in the record. The secretary of the board shall give the party in interest a receipt acknowledging payments made in money orders and stamped paper, as prescribed above.

ART. 38. The class of stamped paper that must accompany each title deed shall be adjusted to the following tariff based on the valuation of the land:

Class of stamp.	Price of stamp.	Valuation of land.
		<i>Mex.</i>
1.....	\$20.00	\$3,750.05 and upward.
2.....	15.00	2,500.05 to \$3,750.00
3.....	10.00	1,500.05 to 2,500.00
4.....	5.00	800.05 to 1,500.00
5.....	3.00	400.05 to 800.00
6.....	2.00	200.05 to 400.00
7.....	1.00	100.05 to 200.00
8.....	.50	50.05 to 100.00
10.....	.25	up to 50.00

Besides the above, for each sheet used in the proceedings of the record a sheet of stamped paper, Class XI, at 10 cents per sheet, shall be supplied.

ART. 39. After filing with the Provincial Governor both the requisite stamped paper and the receipt or receipts as referred to in article 37, the Governor shall order the title issued; such title shall be written on printed blanks supplied for the purpose by the General Directorate of Civil Administration to the various boards, and shall be signed and sealed by the Governor as a delegate of the General Directorate.

As soon as the title is issued all the stamped paper used shall be attached to the deed and the receipts for money paid embodied in the record.

ART. 40. All title deeds shall bear the father's name in full and the mother's maiden name of the persons to whom they are issued, also their age, civil status, profession, and residence, in compliance with the provisions of Royal Order of February 15, 1893, and article 2 of the Regulations for the manner of drafting public documents subject to registration in the archipelago. Title deeds deficient in any of the requisite provisions of law shall not be admitted to registration. Said personal data concerning the grantee must compare with his personal cedula or certificate from the captain or gobernadorcillo of his district, pursuant to circular dated August 9, 1893, issued by the General Directorate of Civil Administration and published on the 11th in the Gazette of said month. Such credential shall be attached to the record, and the fact of its being so attached shall be entered in the instrument of title.

ART. 41. On the day the title is signed an entry thereof shall be made in the book kept for the purpose by the secretary of the provincial board, the description of the property, the owner's name, the number of tracts owned, the extent and valuation of each, and the class of stamped paper affixed to the title being all recorded therein. The title deed shall contain all these particulars, together with the

State and the folio where the record is entered. The title shall then be delivered to the property owner, he giving receipt therefor, which receipt shall be attached to the record.

The record books for the registration of property shall be supplied to the boards by the General Directorate of Civil Administration.

ART. 42. Records of the proceedings, after being closed, shall be filed in the archives of the Governor of the Province.

ART. 43. At the request of any property owner the president of the board shall order that boundary marks be placed on same by the representative of the tribunal who assisted at the survey thereof, observing the same formalities as were observed in the survey, and a record made of the proceedings. Upon completion of the work and acceptance thereof by the board, a certificate shall be delivered to the party at his request that such work has been done.

ART. 44. All proceedings necessary in the adjustment of lands shall be had free of charge, but the holder must pay the price of the land if the adjustment is taxable, besides the 8 per cent on the price whether the adjustment is taxable or gratuitous, as prescribed in the preceding articles. He must furnish also the stamped paper for the title and record, pay surveyor, state-land appraiser or practical expert's fees, and all necessary expenses incurred by the tribunal representative in the discharge of his duties.

Property holders shall also pay the cost of marking boundary limits when the work is completed, but the cost of the landmarks shall be paid equally by the two adjoining owners.

ART. 45. All fees payable to surveyors and expert appraisers holding an academic title shall be subject to the following tariff:

	Pesos per hectare.
From 1 to 5 hectares.....	0.75
From 5 to 10 hectares.....	.70
From 10 to 15 hectares.....	.65
From 15 to 20 hectares.....	.60
From 20 to 25 hectares.....	.55
From 25 to 30 hectares.....	.50

For measuring tracts smaller than 1 hectare the fee shall be 75 cents per tract.

The fees for practical experts holding no academic title shall be one-half the amount of the foregoing tariff.

All traveling expenses and wages of laborers necessary for field work shall be paid by the petitioners.

The above tariff, written in the local dialect, shall be posted in the tribunal of each town.

ART. 46. In compliance with the provisions of Royal Order of August 4, 1891, published in the Manila Gazette November 27, 1892, surveyors and experts shall collect their fees as soon as the provincial

board has completed the record and approved the expert's work. Said approval shall be stated by the secretary of the board in writing signed by him and delivered to the expert. This paper must be given by the expert to the property holder in order to collect his fees.

ART. 47. Provincial boards shall, within the first half of each month, file with the General Directorate of Civil Administration a report of all proceedings had and closed; also of all title deeds issued during the preceding month, together with a statement of the funds received therein on the valuation of property in taxable adjustments, and on the 8 per cent of said valuation in all other adjustments.

These reports shall be modeled after Forms 1 and 2 in all particulars, and written on printed blanks furnished by the General Directorate of Civil Administration.

If, during the month, no proceeding has been completed, nor any title deed issued, this fact shall be officially reported by the president of the board to the General Directorate of Civil Administration.

ART. 48. Provincial boards shall devote the greatest zeal in the performance of their duties, and shall see that the representatives of municipal tribunals, surveyors, or experts, and all other persons connected with an adjustment of land shall commit no abuse of power and exact no illegal fees. The chief of the province shall impose, within his jurisdiction, the necessary penalty for any offense committed, with the understanding that if proof be shown of any such illegal exaction the same shall be reported to the courts of justice, and if the offender is a surveyor or expert, he shall be disqualified thereafter to perform any work connected with the adjustment of lands.

### CHAPTER III.

#### ALIENATION OF CROWN LANDS.

ART. 49. Alienable crown lands may pass to private ownership by sale made by the state to any purchaser, in accordance with the provisions of these regulations, or by a grant made by the state to colonizing associations, subject, however, to special conditions in each case, or to agricultural colonies by way of a subsidy, the form and manner as provided by Royal Decree of September 4, 1884.

ART. 50. Alienation by sale made may be made either at the request of a party or on the motion of the administration. In either case, however, the sale shall always be made for cash, and the price of the land shall be regulated by the fixed standard price in the province. The standard price shall be taken from the average rate per hectare obtained at public sales, and from taxable adjustments made in the province or district during the preceding five years, regardless of the quality of the land or of other local circumstances. The extra rate

chargeable for any marketable timber found thereon shall be fixed in each instance, according to the value of the growth, by the General Directorate of Civil Administration, and the amount shall be applied to sales of lands having timber growth. If, during the said five years, no such sales nor taxable adjustments made in the province or district where the land is situated, the average standard rate as adopted by adjoining provinces or districts shall be applied in this case.

ART. 51. The standard rate per hectare referred to in the preceding article shall be fixed, for the first time, by each provincial board in accordance with the data furnished by such taxable adjustments as were made by order of the board of adjustments during the preceding quinquennial, based on the data supplied by the Inspector-General of Forests regarding taxable adjustments made under his direction and based upon sales made during the same quinquennial. This standard rate shall be modified every five years after report is had from the municipal tribunals or the tribunals of the towns of each province or district, and from the recorder of property if there be one. The board shall at all times keep the General Directorate of Civil Administration informed of the average rate so fixed, who shall approve or change the rate, as the case may be, after hearing the opinion of the Inspector-General of Forests on the subject. The decision of the department shall be published in the Manila Gazette, and also at the capital of the province.

ART. 52. When the sale is made at the request of a party, the person or corporation in interest shall address a petition to the General Directorate of Civil Administration, either directly or through the municipal captain or gobernadorcillo and the chief authority of the province. Said officials shall give immediate attention to said petition and shall order that the land be surveyed and measured. The petition shall describe the municipal territory, the barrio, and the sitio where it is located. It shall also describe the boundaries of the land with the greatest possible exactness, its approximate area, whether any sections thereof are under cultivation and the names of the owners, whether there is timber land throughout the whole section or in parts only, and, lastly, all data and information connected therewith tending to show the true condition of the land.

Tracts of land belonging to different municipal jurisdictions shall not be included in the same petition. The intending purchaser shall be given a receipt for his petition.

ART. 53. The General Directorate of Civil Administration shall direct that the survey and measurement of the land be made by regular professional employees of the Forestry Bureau, or if it be deemed convenient, by capable professional officers authorized therefor by the Governor-General. The captain of the municipal tribunal or the guber-

nadorcillo of the town, and one lieutenant, and two principal residents in the district, to be designated by the tribunal, shall be in attendance during the field work.

ART. 54. The official charged with the field work mentioned in the preceding article shall be required to give the municipal captain or gobernadorcillo due notice of the day and hour when such field work is to be done, so that he may immediately notify the chief authority of the province, who shall order that a public announcement be made of said field work by proclamation in Spanish and in the local dialect, during three consecutive days, by posting edicts on the bulletin board of the tribunal, informing the public that such survey is to take place and that any parties having any objections to offer may present them in defense of their interests and rights. The time that must intervene between the last day of the publication by proclamation and the survey of the land shall not exceed four days.

ART. 55. The objections referred to in the preceding article may be presented to the surveyor in charge of the field, who shall give the proper receipt to the party aggrieved and shall continue his work, attaching the documents so delivered to the record of survey. Said objections may also be presented to the General Directorate of Civil Administration, through the chief authority of the province, within thirty days following the survey.

ART. 56. Immediately after completion of the survey and measurement of the land a proper record thereof shall be made in the tribunal of the town, to be delivered at once to the petitioner by the surveyor who did the work, receipt therefor being taken.

ART. 57. The record shall contain the name in full, birthplace, age, civil status, profession, and residence of the party in whose interest the survey was made, taken from his "cedula personal," and also the location, extent, and boundaries of the property sought, and whether any part thereof is under cultivation or covered with trees, whether or not the proclamation was made and the proper edicts posted; the record shall also contain the date of the survey, whether or not any objection was offered at the time, and whether or not the objectors presented and delivered any document in support of their claims.

Associations or corporations shall be designated by the name by which they are known, stating also their residence and that of the party who, as their representative, filed the petition for the survey, unless said associations or corporations are known only by their firm name.

ART. 58. Upon completion of the work the surveyor who did the surveying and measuring of the land shall as soon as possible forward the proper record, through his superiors, to the General Directorate. Said record shall contain the official documents (*diligencias*) which

were necessary in the performance of his work, together with the following:

1. The petition of the party in interest, which should be kept on view during the survey operations.

2. A receipt showing delivery to said party in interest of the record of survey and measurement.

3. Plan or sketch of the land, with a description in boundaries, bearings, area in metric measure converted into the local system used, with a graphic recital of all details connected with the measured perimeter, including inclosures, buildings, estuaries, rivers, streams, public roads, private ways, etc., and any part of said land that may be covered with trees.

4. A certificate issued by the surveyor stating the conditions of the land, whether or not it is suitable for permanent farming, and whether by reason of its special orographic conditions it can influence the climate, formation of torrents, landslides, etc. The certificate shall also contain an appraisement of the timber land, if there is any.

ART. 59. Upon the receipt of the record referred to in article 56 intending purchasers shall make application to the General Directorate of Civil Administration for the sale of the land, accompanying the petition with said record. Said petition shall be presented to the provincial board having jurisdiction over the pueblo where the land is situated, who shall give a receipt therefor to the party in interest.

The provincial board shall examine the record, and after getting particulars from the tribunal, if it be deemed necessary, report whether the sale petitioned for is prejudicial or not to local interests as per article 1, exception 3 of these regulations, or for other reasons. Both the report and record shall be forwarded by the president of the board to the General Directorate of Civil Administration.

ART. 60. Where the sale is granted on motion of the administration the procedure shall be analogous to that described in the preceding articles from the fifty-third inclusive, with the difference that the record of survey and measurement of the land is to be attached to the main record by the surveyor performing said work, and the first-named record shall be sent by the General Directorate of Civil Administration to the proper provincial board for the purposes mentioned in article 59, subdivision 2.

ART. 61. The General Directorate shall, after examining all the facts submitted, and after the lapse of thirty days from the date of the survey, decide whether or not the land is salable, and shall issue an order accordingly, allowing or refusing the sale. If the sale be allowed the General Directorate shall set the price of the land separately from that of the marketable timber, if any be found thereon, after consulting the inspector of forests with regard to both the separate appraisement on the timber and on the land as per article 1, exception 2, of these regulations.

ART. 62. If there be a legitimate doubt as to whether or not the land is alienable, the General Directorate shall direct that before any order of sale issues all questions pending are previously settled by the administration or by courts of justice according to the nature of said questions and the respective jurisdiction of the administration and courts.

ART. 63. When the sale of the land is ordered it shall be announced two months before the sale day, if it is to take place in the island of Luzon or in the Visayas, but if in other islands then six months before. Said publication shall be made in the Manila Gazette and also by proclamation and edicts, in Spanish and the local dialect, in the capital of the province as well as in the pueblo where the land lies and in the adjacent pueblos. Said publications shall designate the land, the sale price, and also the date of the sale.

ART. 64. Individuals, corporations, and legal parties claiming any right to the land the sale whereof has been initiated may file their claims with the General Directorate of Civil Administration within thirty days from the date of the announcement of the sale in the Manila Gazette, and submit proof that they are in actual possession of said land or of the profits thereof by means of the documents and in the manner mentioned in article 25.

ART. 65. If the documents referred to in the preceding article are presented within the period of time set in said article, upon proof of the fact of possession, the General Directorate shall order the sale proceedings suspended and shall so notify the claimant, who may within three months from the date of such notice show by proper document any evidence that he has begun in a court of justice an action to sustain his rights. Said evidence shall be attached to the record of the proceedings for sale, and the latter shall remain suspended until final judgment affirming or denying the right claimed is given or until the litigation is ended by other legal means.

ART. 66. If the claimant fails within the designated period of time to present the documents mentioned in article 64, or if said documents fail to establish the fact of actual possession, the proceedings for the sale of the land shall not be suspended but shall continue on their course, and the claimant shall then have the right to institute an action before a court of law.

If, in the case contemplated in article 65, claimant fails to present within the designated period any evidence showing that the matter has been referred to an ordinary court of justice, the suspension of the sale proceedings shall be raised and the same continued, without prejudice, however, to any action that may be instituted thereafter in accordance with common law rules.

ART. 67. All claims based upon the fact that the land lies within the zone which has been or is to be granted to a pueblo, for the com-

mon use of its residents, shall be filed by the municipal tribunal of such pueblo, and upon the filing of said claim the sale proceedings shall be suspended until the matter is settled by court or become barred.

ART. 68. The General Directorate of Civil Administration shall have original jurisdiction of claims referred to in the preceding article. The decision rendered by said directorate shall be communicated to the claimant and to the party soliciting the sale, where it was not initiated by the administration. Either party dissatisfied with said decision may appeal to the "contentious-administrative tribunal" or to an ordinary court of justice, according to the jurisdiction exercised by either court in the case.

ART. 69. If, within three months from date of the notice referred to in the preceding article, the claimant files with the General Directorate of Civil Administration the proper documentary evidence showing that he has begun an action in any of the courts mentioned in said article, the said evidence shall be attached to the proceedings for sale and said sale shall be ordered suspended until the rendition of final judgment by said court. If, however, no such documentary evidence be filed within the said period of three months, the claim shall be barred and the suspension or "embargo" referred to in article 67 shall be raised and the proceedings for sale shall be continued without prejudice to claimant's right to institute any action granted him by law.

ART. 70. Whenever a sale of land is suspended after publication of the advertisement of sale, said suspension shall be reported to the president of the provincial board and shall be published in the Manila Gazette, by proclamation and edicts in the capital of the province, in the pueblo where the land lies, and in the adjacent pueblos in ample time before the day set for the sale.

If the suspension of the proceedings be discontinued and the sale proceeds, such sale shall be advertised again as prescribed in article 63, but the period of time set by said article shall be reduced to one-half, and such reduced time shall not be used for the hearing of a further claim.

ART. 71. After advertisement of a sale of land is made parties wishing to purchase it shall present a written petition to the provincial board within the period of time prescribed in the advertisements, taking a receipt therefor.

If the sale is made on the petition of a party such party need not file any new petition in order to be considered an applicant for said land.

ART. 72. Should the sale not be suspended the provincial board shall meet on the day and at the hour set in the notices for the purpose of examining the bids and of awarding the land.

If there be but one bid the board shall award the land at the price set by the General Directorate of Civil Administration without any further proceedings.

If there be two or more bidders, a verbal auction shall be opened among them. The provincial board shall call them together for this purpose after giving them due notice, and shall award the land to the highest bidder.

ART. 73. The record of the award, with or without verbal auction, signed by all the members of the provincial board, shall be attached to the record which the secretary of said board will have prepared, with all the documents relating to the sale of the land, such as orders from the General Directorate, proceedings of publication by proclamation and edicts, etc.; and this record so formed shall be filed with the General Directorate of Civil Administration.

ART. 74. The administration shall examine the record referred to in the preceding article, rectify any defects or errors in said record, approve the award, and order the party to whom the award is made to pay into the treasury the purchase price and also, in addition thereto, the 8 per cent tax on said price, as prescribed by Royal Order of February 26, 1894, already quoted in article 32. This order shall be formally communicated to the party to whom the award is made, with a notice that he must, within one month from the date of such notice, file, either with the governor of the province where he resides or with the Director-General, receipts showing payment of the two aforesaid sums of money and also stamped paper for the title and for all the stamped paper used for the record, under penalty, on failure to do so, of having the award annulled, with loss to him of all rights arising out of his being a party to the proceedings of the record.

ART. 75. The receipts referred to in the preceding article shall be attached to the record and the title deed shall be issued by the directorate if no formal objection or claim be made; and if such objection be made by a party claiming any interest in the land, then only a mere possessory title shall be issued. In the latter case a proper deed shall be issued as soon as litigation is definitely determined, if the sale be sustained.

ART. 76. The titles referred to in the preceding article shall contain all the data which the mortgage law and the mortgage regulations require for registry, and, when issued by the General Directorate, shall be officially sent to the proper property registrar for registration and other entries. The parties in interest shall be notified so that they may get their title deeds from the registrar's office.

ART. 77. Award of public lands to persons who are not Spanish subjects can only be made upon the following conditions:

First. The petitioner must be a resident of the Philippine Islands and be properly registered.

Second. In case such alien removes his residence or domicile to another country, he shall be obliged to sell to a resident of the Philippines the property which he has acquired.

Third. In case of succession, heirs not having residence in the Philippines and other legal qualifications shall be obliged to sell, just as the original owners were. Foreign associations, companies, or enterprises, whether residing in the Philippine Islands or not, are absolutely forbidden to acquire property within the territory of the islands.

## APPENDIX.

Copy of a decree of the General Directorate of the Civil Administration published in the Manila Gazette, No. 197, July 17, 1896, announcing the rate of valuation which shall govern the sales of state lands in each province of the archipelago.

General Directorate of the Civil Administration, Forestry Department: In compliance with Articles 10 and 11 of Royal Decree of February 13, 1894, and having considered the reports by provincial boards and the Forestry Bureau (Inspection General de Montes), this General Directorate decides that the rate of valuation in the sales of state lands in the provinces mentioned shall be as stated below. Forest land shall be valued separately.

Published for general information.

Manila, July 15, 1896.

## BORES.

*Rate of valuation of state lands which do not contain trees fit for timber.*

Province.	Price per hectare (Mex.) <sup>a</sup>	Date published in Manila Gazette.	Province.	Price per hectare (Mex.) <sup>a</sup>	Date published in Manila Gazette.
Abra .....	\$7.00	Dec. 22, 1895	Leyte .....	\$3.12	Feb. 29, 1896
Albay .....	3.32	July 26, 1896	Manila .....	3.67	Dec. 22, 1895
Antique .....	1.41	Feb. 29, 1896	Mindoro .....	4.15	Dec. 22, 1895
Bataan .....	1.78	Dec. 22, 1895	Misamis .....	3.39	Dec. 22, 1895
Batangas .....	5.00	Dec. 22, 1895	Morong .....	3.17	Dec. 22, 1895
Bohol .....	5.19	Dec. 21, 1895	Negros Oriental .....	4.99	Dec. 22, 1895
Bulacan .....	3.40	Feb. 29, 1896	Negros Occidental .....	4.99	Dec. 22, 1895
Camarines (Ambos) .....	4.38	Dec. 22, 1895	Nueva Ecija .....	3.60	Dec. 22, 1895
Capite .....	1.54	Dec. 22, 1895	Pangasinan .....	5.71	June 26, 1896
Capiz .....	3.89	Dec. 22, 1895	Pampanga .....	1.78	Dec. 22, 1895
Cagayan de Luzon .....	3.27	Feb. 29, 1896	Romblon .....	4.29	Dec. 22, 1895
Cebu .....	2.94	Feb. 29, 1896	Sorsogon .....	5.42	May 9, 1896
Isabela de Luzon .....	3.17	Feb. 29, 1896	Samar .....	5.11	July 17, 1896
Iloilo .....	1.08	June 26, 1896	Surigao .....	3.39	Dec. 22, 1895
Ilocos Norte .....	9.99	Dec. 22, 1895	Tayabas .....	6.79	Feb. 29, 1896
Ilocos Sur .....	10.06	May 9, 1896	Tarlac .....	3.75	Dec. 22, 1895
Laguna .....	3.04	Dec. 22, 1895	Zambales .....	3.20	Dec. 22, 1895

<sup>a</sup>1 hectare=2.47 acres.

## ABSTRACT OF THE PRINCIPAL DECREES, ORDERS, CIRCULARS, ETC., RELATING TO STATE LANDS,

WITH EXPLANATORY NOTES FROM 1858 TO AUGUST 13, 1898, TOGETHER WITH A SHORT HISTORY OF THE CIRCUMSTANCES CONNECTED WITH THE ADJUSTMENTS OF LANDS FROM 1880 TO AUGUST 13, 1898.<sup>1</sup>

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### LAWS RELATING TO THE SALES OF LANDS.

Royal Order, February 15, 1858, on adjudications of lands in the Sabani Valley, N. Ecija. (Very instructive order.)  
(Guide, R. Berriz, p. 71.)

Royal Order, March 16, 1858, approves the adjudications of lands of the Hacienda "La Esperanza" N. Ecija. (Contains useful information.)  
(Guide, p. 58.)

Royal Order, March 27, 1861, directs that prices of lands be fixed by the "Superintendencia de Hacienda."  
(San Pedro, vol. 8, p. 400.)

Royal Order, February 4, 1862, fixes the minimum sum to be received by the State from buyers of lands. (Said Royal Order directs that for the present said minimum sum shall be 50 cents for each *quinón* of land, without prejudicing the right to make subsequent changes deemed necessary.)  
(Guide, p. 54.)

Royal order, July 5, 1862, approves the adjudication of lands in the valley of Sabani, Nueva Ecija. (This is the decision which was the subject of royal order, February 15, 1858, cited at the beginning of this statement.)  
(Guide, p. 78.)

Order, November 10, 1864, of the superior civil government of these islands publishes the current legislation upon sales and adjudications of government lands.  
(Man. Gac., No. 259, November 15, 1864.)

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<sup>1</sup> August 13, 1898, is the date of American occupation of the Philippine Islands.

Order, June 8, 1874, of the superior civil government, on method of acquiring lands; also prohibits clearing of land by fire.  
(Man. Gac., No. 158, June 9, 1874.)

Royal order, November 7, 1876, prescribes the course of documents relating to the acquisition of public lands.  
(Official bulletin of the Min. of Ult.)

Royal Order, November 14, 1876, declares that the State is prepared to cede lands for agricultural purposes at a low price to natives. (With this Royal Order it was hoped that agriculture would be greatly extended, and arbitrary appropriations and clearing by fire would be avoided.)  
(Official Bulletin of the Min. of Ult.; Guide, p. 51.)

Decree, August 28, 1880, of the General Government specifies the course of documents relating to the acquisition of lands. (This decree merits attention.)  
(Man. Gac., No. 242, Aug. 31, 1880.)

Royal Order, September 23, 1880, directs that a set of regulations governing sales be framed. (Clear and precise.)  
(Man. Gac., No. 330, Nov. 27, 1880.)

Royal Order, November 25, 1880, approves the decree of August 28, 1880, with modifications. (Among other modifications are: That the sales of land, when dry lands, shall not exceed 1,000 hectares, 500 same class covered with trees fit for timber, and 100 of those classified in article 6 and known as lands "which at a small cost can be irrigated.")  
(Man. Gac., No. 76, Jan. 26, 1881.)

Royal Order, November 27, 1880, approves action of council of state in their adjudication of the lands in valley of Sabani, Nueva Ecija. (The report made by the council of state, March, 1880, an extract of which accompanied the Royal Order, is notable, in which is cited various laws of the Regulations of Adjustments of June 25, 1880.)  
(Man. Gac., No. 65, Mar. 6, 1881; Guide, p. 16.)

Royal Order, November 15, 1881, creates the commission for sales of lands. (Great benefit would have resulted to the country had this commission been allowed to act for any length of time; was abolished by Royal Order of March 8, 1886.)  
(Man. Gac., No. 33, Feb. 2, 1882; Book of Official Acts.)

Decree, June 22, 1882, of the General Government concerns the alienation of lands.  
(Man. Gac., No. 173, June 24, 1882; Guide, p. 85.)

Royal Order, November 3, 1882, approves the Superior Decree of June 22, last. (Approved provisionally, until publication of the Regulations of Sales.)

(R. Berriz Dict., vol. 1, p. 117, 1888.)

Royal Decree, January 19, 1883, approves the regulations governing sales. (These regulations were the first modern legislation on sales based on former acts. In force to March 20, 1889, date when regulations of January 26, 1889, were published.)

(Man. Gac., No. 177, June 28, 1883; Guide, p. 59.)

Superior Decree, May 5, 1883, orders that the assistance of the gobernadorcillos in measuring lands shall be obligatory.

(Man. Gac., No. 128, of May 10, 1883; Guide, p. 67.)

Sales Regulations, October 16, 1883, treats of acquisition of lands by foreigners and foreign companies. (This explanation was made at request of consuls of Russia, Germany, and France.)

(Man. Gac., Jan. 10, 1884; Guide, p. 70.)

Royal Order, May 20, 1884, directs that sales be not made simultaneously in all the provinces, but only in certain places.

(Guide, p. 325.)

Royal Order, June 11, 1884, declares that regulations of sales went into effect upon date of its publication.

(Man. Gac., No. 211, July 31, 1884; Guide, p. 64.)

Royal Order, November 14, 1884, declares that the regulations of sales can not have a retroactive effect.

(Guide, p. 66.)

Decree, November 20, 1884, of the Intendencia General de Hacienda directs that the "expedientes" commenced before the 28th of June, 1883, be dispatched according to former legislation.

(Man. Gac., Nov. 22, 1884; Guide, p. 64.)

Royal Order, March 8, 1886, abolishes the commission of sales and adjustments, and reduces the personnel of Forestry Department. (This order was followed by a reduced revenue from sales and adjustments of lands.)

(Man. Gac., No. 172, June 23, 1886.)

Royal Order, April 28, 1886, approves the regulations for the government of the superior board on sales.

(Man. Gac., No. 172, June 23, 1886.)

Royal Decree, January 26, 1889, approves new regulations governing sales. (In force to April 17, 1894.)

(Man. Gac., No. 77, Mar. 20, 1889; R. Berriz, Dict., Appendix, p. 10, 1893.)

The Dirección General, August 9, 1883, directs that petitions relating to lands be made out in accordance with the requirements of article 3 of the sales regulations. (Requires full description of land.)

(Man. Gac., No. 588, Aug. 11, 1893; R. Berriz, Dict., p. 72, 1893.)

Superior Decree, October 13, 1893, directs that a fund of 10 per cent of sales be created to pay extra expenses of employees. (In force to April 18, 1894, date when Royal Order of February 26, 1894, reduced this to 8 per cent.)

(Man. Gac., No. 652, Oct. 15, 1893; R. Berriz, Dict., p. 72, 1893.)

The Inspección, November 26, 1893, communicates an order from the Gobierno-General directing that action be suspended on "expedientes" relating to Manglares, Nipales, and Marisinas (lands covered by sea water). (In force to August 13, 1898.)

(Copy of the order of the Governor-General burnt Sept. 27, 1897.)

Royal Decree, February 13, 1894, relates to adjustment and alienation of lands, town commons, and other property belonging to towns. (No lands were conceded under this Royal Decree. In force to August 13, 1898.)

(Man. Gac., No. 106, Apr. 17, 1894.)

Circular, February 14, 1894, of the Intendencia General de Hacienda declares that the contract of sale should be given before the title. (In force to August 13, 1898.)

(Faro administrativo, p. 35, 1894.)

Royal Order, February 26, 1894, abolishes the tax of "Medias annatas" and dispensation of royal confirmation, and directs that 8 per cent of the value of sales and adjustments be paid and applied to the expenses of surveying, etc. (In force to August 13, 1898.)

(Man. Gac., No. 107, of Apr. 18, 1894.)

Royal Order, August 14, 1894, concedes a period of six months in which to complete the "expedientes" of sales now under consideration, under the regulations of 1883, and twelve months to finish those of the year 1889 now under consideration.

(Man. Gac., No. 275, Oct. 4, 1894.)

Royal Order, February 13, 1895, directs that the 8 per cent from adjustments be turned into the treasury, and the 8 per cent on sales to "special funds" for expenses referred to in Royal Order, February 26, 1894. This fund to be taken into account in the estimate for the current year. (In force to August 13, 1898.)

(Man. Gac., No. 96, Apr. 6.)

Superior decree, February 21, 1895, approves provisionally the land regulations which carry into effect Royal Decree, February 13, 1894. (In force to August 13, 1898, approved by Royal Order, January 31, 1897; articles 32 and 74 were modified.)

(Man. Gac., No. 57, Feb. 26, 1895, and in that of Mar. 1 appears the correction of art. 87 of said regulations.)

Superior decree, April 13, 1895, directs provisionally that the 8 per cent of the value of the lands in adjustment or sale, where the field work was done by parties not connected with this department, be placed in the treasury as a deposit.

(Man. Gac., No. 105, Apr. 17, 1895.)

Superior decree, February 6, 1896, concerns the designation of the forest zones and the formation of a descriptive list of the state lands. (Not even attempted up to August 13, 1898.)

(Man. Gac., No. 50, Feb. 19, 1896.)

Royal Order, January 31, 1897, approves the decree of the General Government of April 13, 1895, as to the 8 per cent and is explanatory of articles 32 and 74 of the regulations of February 21, 1895. (Not in harmony with Royal Decree, April 13, 1895.)

(Man. Gac., Apr. 13, 1897.)

Royal Order, January 31, 1897, approves the regulations of February 21, 1895, which carry into effect Royal Decree of February 13, 1894, and modifies articles 32 and 74 of said regulations. (In force to August 13, 1898.)

(Man. Gac., Apr. 23, 1897.)

#### AGRICULTURAL COLONIES.

Royal Decree, September 4, 1884, approves the law of agricultural colonies. (In force to August 13, 1898.)

(Man. Gac., Nov. 18, 1884, p. 366.)

Royal Order, March 25, 1888, approves the gratuitous concession of public lands by the General Directorate of Civil Administration upon condition that proper application be made, and that the Inspección General de Montes (Forestry Bureau) be consulted on technical questions. In explanation of Royal Decree, September 4, 1884. (In force to August 13, 1898.)

(Man. Gac., No. 139, May 20, 1888; Berriz Dict., 1881, vol. 1, p. 393.)

#### ADJUSTMENT OF STATE LANDS.

Royal Decree, June 25, 1880, approves regulations for adjustment of lands. (In force to April 17, 1894.)

(Man. Gac., Sept. 8, 1880; Berriz Dict., 1893, Appendix p. 1.; Book of Official Acts, p. 34.)

Royal Order, November 27, 1880, approves the decree of the General Government of August 28, 1880, with a few modifications. (Guide, p. 12; Book of Official Acts, p. 47.)

The first modification has lately been repealed by the rules governing sales, approved by Royal Decree of January 19, 1883, and by Royal Decree of January 26, 1889, approving other sales regulations, and lately by Royal Decree of February 13, 1894, which legislation does not fix a limit to the acquisition of lands either by adjustment or sale. The other modifications were in force until the 13th of August, 1898.

Leniency has been shown in matters which relate to the presentation of title of surveyor and payment of corresponding dues.

(Man. Gac., No. 26, Jan. 26, 1881; Guide, p. 16; Book of Official Acts.)

Circular, July 14, 1881, of the Dirección-General de Administración Civil (General Directorate of Civil Administration) specifies the method of proving possession of lands. (In force to August 13, 1898, with slight modifications. See article 25, regulations, February 21, 1895.)

(Man. Gac., No. 194, July 15, 1881; Guide, p. 24; Book of Official Acts.)

Royal Order, April 19, 1881, extends time one year in which to solicit adjustment of *lands under cultivation*, does not apply to uncultivated lands.

(Man. Gac., No. 249, Oct. 8, 1881; Guide, p. 24, Book of Official Acts.)

Circular April 26, 1881, from the Dirección General de Administración Civil prescribes that work connected with the "expedientes" of adjustments of lands is administrative and gratuitous. (In force to August 13, 1898.)

(Man. Gac., No. 238, Aug. 28, 1881; Guide, p. 31; Book of Official Acts.)

Circular September 30, 1881, of Dirección General de Administración Civil advises public that lands should be adjusted, and inclosing blank forms as models. (These blank forms used to August 13, 1898.)

(Man. Gac., No. 272, Oct. 1, 1881; Guide, p. 419; Book of Official Acts.)

Royal Order, August 26, 1881, gives instructions as to the method of acquiring possession of state lands either by sale or adjustment. (In force to August 13, 1894, except article 1 referred to in treating of Royal Order, November 27, 1880.)

(Man. Gac., No. 350, Dec. 18, 1881; Book of Official Acts.)

Circular, November 10, 1881, from the General Directorate gives instructions as to mode of procedure in cases of adjustments of lands. (In force to August 13, 1898, the 3d, 4th, 5th, 6th, 7th, and 8th instructions for lands of the second group, and appear in article 18, Regulations, February 21, 1895.)

(Man. Gac., No. 314, Nov. 12, 1881; book of official acts.)

Circular, December 6, 1881, of the General Directorate in reference to proofs of possession of the titles presented by owners, and the registration in the provinces of titles by adjustment, issued by the administration. (In force to August 13, 1898.)

(Man. Gac., No. 341, Dec. 9, 1881; Guide, p. 28; Book of Official Acts.)

Circular, January 31, 1882, of the Direccion General of Administracion Civil states the time allowed for the presentation of petitions soliciting adjustments and the mode in which they are to be presented. (In force to August 13, 1898.)

(Man. Gac., No. 33, Feb. 2, 1882; Book of Official Acts.)

Royal Order, July 28, 1882, extends time for solicitation of adjustment of cultivated lands. (In force to April 17, 1894.)

(Man. Gac., No. 276, Oct. 5, 1882.)

Decree September 12, 1882, of the Governor-General relating to article 16 of the Forestry Regulations concerns allowance of personnel of forestry service. (In force to April 18, 1894.)

(Man. Gac., No. 257, Sept., 1882; Guide, p. 48; Man. Gac., Sept. 29, 1884.)

Decree May 5, 1883, of the Governor-General states when the assistance of the gobernadorcillos in the measurement of lands shall be obligatory. In case the land for sale or adjustment is situated within the town commons or is adjoining, the gobernadorcillo or his representative is obliged to assist under penalty of a fine. If the land is beyond the town commons and does not join it, the gobernadorcillo is not obliged to assist, but he will be notified and can go or send a representative if he deems it convenient. (In force to February 21, 1895; new regulations then went into force.)

(Man. Gac., No. 128, May 10, 1883.)

Royal Order, July 25, 1884, interprets article 16 of the regulations of June 25, 1880, and approves the decree of the Governor-General of September 12, 1882. (In force to April 18, 1898.)

(Man. Gac., No. 271, Sept. 29, 1884.)

Royal Order, October 22, 1884, specifies the kind of stamped paper to be used for titles of lands granted by sale or adjustment. (In force to July 1, 1886.)

(Man. Gac., No. 349, Dec. 16, 1884; Guide, p. 47.)

Royal Decree, December 26, 1884, modifies the form of and the course of petitions for adjustments of lands and creates the provincial and municipal boards. (In force to November 1, 1888.)

(Man. Gac., Mar. 20, 1885; Guide, p. 33; Berriz Dict., vol. 1, pp. 117, ed. 1888.)

Royal Order, December 26, 1884, extends time for presentation of petitions for adjustments until the last of June and asks if a further extension be advisable. (In force to April 17, 1894.)

(Was not published in Man. Gac.; the department had an official copy which was burned with other records in the fire of September 28, 1897.)

Decree, March 25, 1885, of the Governor-General gives instructions for the execution of Royal Decree of December 26 ultimo. (In force to December 19, 1885.)

(Man. Gac., Mar. 29, 1885; Guide, p. 38.)

Royal Order, December 19, 1885, disapproves, among other things, the superior decree of March 25, 1885.

(Was not published in Man. Gac.; official copy burnt in fire of Sept. 28, 1897.)

Decree, January 11, 1886, of the General Directorate orders the formation of local and provincial boards of adjustments of lands, and directs that they send in estimates of sums required for office expenses.

(Man. Gac., No. 17, Jan. 17, 1886.)

Decree, November 4, 1887, of the Governor-General approves, the rules to govern the provincial boards, created by Royal Decree, December 26, 1884, for the adjustment of government lands. (In force to November 1, 1887.)

(Man. Gac., No. 131, of Nov. 8, 1887; Berriz Dict., vol. 15, p. 77.)

Royal Order, December 28, 1887, directs that the time allowed for soliciting adjustments of lands shall expire June 30, 1888, without prejudice to those who have land under cultivation and could justify the cause of failure to present petition before said time. (In force up to issuance of new regulation, April 17, 1894.)

(This Royal Order was not published in Man. Gac. The official copy was burnt in fire of Sept. 28, 1897.)

Royal Decree, August 31, 1888, modifies the laws of adjustments of lands and abolishes the local boards. (In force to Apr. 17, 1894.)

(Man. Gac., 124, of Nov. 1, 1888; Berriz Dict., vol. 1, p. 120, 1888.)

Royal Order, November 20, 1888, approves instructions for the provincial boards. (In force to Aug. 13, 1898.)

(Man. Gac., No. 173, Dec. 20, 1888; Berriz Dict., vol. 1, p. 124, 1888.)

April 4, 1889, The "Inspeccion" (Forestry Bureau) directs that the valuation of lands be made to conform with the prices as expressed in Regulations of Sales. (In force up to time of new regulations, February 13, 1894.)

(Official copy was burned in fire of Sept. 27, 1897.)

April 10, 1889, Superior Decree approves estimate of expenses for material, office of the board, and advises as to the part which "Inspeccion" will take in the distribution of material. (In force to August 13, 1898, with modification Superior Decree September 7, 1889.)

(Man. Gac., p. 100, Apr. 12, 1889; Berriz Dict., p. 49, 1889.)

Superior Decree, September 7, 1889, modifies third and fourth rules of Superior Decree, April 10, 1889. (In force to August 13, 1898.)

(Man. Gac., 255, Sept. 12, 1889.)

Royal Order, April 15, 1890, declares that titles granted by adjustment by the General Directorate may be registered in the "Register of Property." (In force to Aug. 13, 1898.)

(Man. Gac., No. 164, June 15, 1890.)

Royal Order, February 3, 1891, announces that registrars of property shall be members of the boards. (In force to August 13, 1898.)

(Man. Gac., No. 86, Mar. 28, 1891; Berriz Dict., p. 153, 1891.)

Royal Order, March 16, 1891, recommends that compliance with the law of mortgages be facilitated, and declares that "possessory information" and adjustments are not antagonistic. Owners can choose either method in order to obtain title. (Man. Gac., No. 171, of June 21, 1891; Berriz Dict., p. 512, 1891.)

Superior Decree, March 11, 1891, approves the estimate of expenses of the provincial boards for 1891.

(Man. Gac., No. 83, of Mar. 25, 1891; Berriz Dict., p. 154, 1891.)

Decree, March 18, 1892, of the General Directorate directs that interested parties upon petitioning for adjustment, remit, inclosed with the petition, information, writing, or documents proving ownership. (In force to April 17, 1894.)

(Man. Gac., No. 140, May 20, 1892; Berriz Dict., p. 16, 1892.)

Royal Order, January 12, 1893, directs that titles by adjustment be registered within one year, noting the provisions of article 18 of the law of mortgages, and the "Promotores Fiscales" shall note in the

information if the lands referred to are Government lands or not. (In force to August 13, 1898. No penalty for neglecting to register.)

(Man. Gac., No. 429, Mar. 5, 1893; Berriz Dict., p. 69, 1893.)

Royal Order, February 15, 1893, directs that in drawing up titles of adjustment the provisions of article 20 of instructions for drawing up titles subject to registry be complied with. (In force to August 13, 1898.)

(Man. Gac., No. 429, Mar. 5, 1893; Berriz Dict., p. 20, 1893.)

Order, May 10, 1893, of the General Directorate prohibits the granting of titles by adjustment and action on petitions by provincial boards unless the interested party gives his civil status. (In force to August 13, 1898, inasmuch as relates to the extract quoted only.)

(Man. Gac., No. 498, May 14, 1893; R. Berriz Dict., p. 70, 1893.)

May 18, 1893, exempts judge of first instance from attendance upon provincial boards of adjustment. (In force to August 13, 1898.)

(Man. Gac., No. 556, July 11, 1893; R. Berriz Dict., p. 70, 1893.)

Superior Decree, July 18, 1893, directs that in the provinces organized with civil government the government official shall exercise the functions of secretary of the provincial boards and in the (politico-military districts) the employees recommended by the respective military chiefs shall be appointed by the General Directorate. (In force to August 13, 1898. Was confirmed or approved by Royal Order October 24, 1893. Man. Gac., No. 710, Dec. 12, 1893; R. Berriz Dict., p. 72, 1893.)

(Man. Gac., No. 577, Aug. 1, 1893.)

Superior decree, July 28, 1893, directs that the amount of the estimate of expenses for provincial boards be distributed in the same manner as in the previous year.

(Man. Gac., No. 577, Aug. 1, 1893, R. Berriz Dict., p. 71, 1893.)

Circular, August 9, 1893, of the General Directorate advises that in inscribing the personal status of individuals in titles by adjustment, the description taken from his "Cedula" will be sufficient. (In force to August 13, 1898. This agrees with article 40 of the Regulations of February 21, 1895, enforcing Royal Decree, February 13, 1894.)

(Man. Gac., No. 587, Aug. 11, 1893, R. Berriz Dict., p. 71, 1893.)

Superior decree, October 13, 1893, directs that a fund amounting to 10 per cent of the value of sales and adjustments of lands be formed in order to pay extra (traveling, etc.) expenses of personnel. (In force to April 18, 1894, when Royal Order, February 26, 1894, was published reducing amount to 8 per cent.

(Man. Gac., No. 652, Oct. 15, 1893.)

The Inspección (Forestry Bureau) communicates an order from the Governor-General directing that action be suspended on all petitions for sale and adjustments of lands "Manglares," Nipales, and lands subject to inundation by sea, until the course of these "expedientes" be determined upon. (In force to August 13, 1898; not decided to this date.)

(The circular which the "Inspección" sent to the districts of Visayas and Mindanao is in this office, but the decree of the Governor-General was burned in the fire of Sept. 27, 1897.)

Royal Decree, February 13, 1894, upon adjustments and concessions of lands (town commons) and other properties of the towns. (In force to August 13, 1898.)

(Man. Gac., No. 106, Apr. 17, 1894.)

Circular, February 14, 1894, of the General Directorate directs that blank forms of titles furnished provincial boards must be stamped, numbered, and have the rubric of the inspector upon them. All titles issued since October 18, 1893, which do not fulfill these requisites are void. (In force to August 13, 1898.)

(Man. Gac., No. 55, Feb. 24, 1894.)

Royal Order, February 26, 1894, abolishes the fees of "medias annatas" and orders that for sales and adjustments individuals shall pay 8 per cent of the value, to be applied to the payment of expenses of survey, etc. (In force to August 13, 1898.)

(Man. Gac., No. 107, Apr. 18, 1894.)

Circular, April 23, 1894, from the General Directorate directs that no new petitions for adjustments be received, only renewed applications. That the boards for adjustment of lands be dissolved and that the provincial boards compile statements of the petitions received up to April 17, and calculate price of the lands. (This circular was published in order to carry into effect various articles of the Royal Decree of February 13, 1894.)

(Man. Gac., No. 114, Apr. 25, 1894.)

Superior decree, June 22, 1894, directs that in provinces where provincial boards are constituted, created by the decree of municipal organization of May 19, 1893, all data, etc., will be turned over to them by the boards for adjustment of lands created by Royal Decree of December 26, 1884, and confirmed by that of August 31, 1888. And local commissions for adjustment of lands will turn over all data, etc., in their possession to the municipal tribunals of the towns. (This superior decree was promulgated in order to put into effect article 6 of Royal Decree of February 13, 1894. Was approved by Royal Order, August 28, 1894.)

(Man. Gac., No. 177, June 27, 1894.)

Decree, September 19, 1894, of the General Directorate concerns the publication of the statements of petitions of adjustment which have been compiled by the Inspección and by the boards.

(Man. Gac., No. 296, Oct. 25, 1894. The statements were published as ordered by article 7, Royal Decree, February 13, 1894.)

Decree, September 29, 1894, of the General Directorate to the chiefs of provinces directs that the towns which have town commons fix their boundaries and mark them, and those which have none to forward petitions soliciting same. (Some towns solicited grants, but the work of surveying and marking was never carried into effect. Very few towns have town commons surveyed and conceded by the state.)

(Man. Gac., Oct. 7, 1894.)

Superior decree, October 26, 1894, orders the distribution of the credit for the expenses of the boards of adjustment. (Only one in force to August 13, 1898.)

(Man. Gac., No. 301, Oct. 30, 1894.)

Royal Order, February 13, 1895, directs that the 8 per cent of value of lands adjusted shall go into treasury, and the 8 per cent of sales into "special funds" on account of expenses referred to in Royal Order, February 26, 1894. (In force to August 13, 1898.)

(Man. Gac., No. 96, Apr. 6, 1895.)

Superior decree, February 21, 1895, approves provisionally the regulations for carrying into effect the provisions of Royal Decree of February 13, 1894. (In force to August 13, 1898; was approved by Royal Order, January 31, 1897, but articles 32 and 74 were modified.)

(Man. Gac., No. 57, Feb. 26, 1895. In the Gac., No. 60, of March 1, appears the correction of article 87 of said regulations on account of error in copy published in the Gac. of 26th.)

Superior decree, April 13, 1895, directs provisionally that the 8 per cent of the value of lands sold or adjusted shall go into the Treasury as a deposit in cases where the field work was done by persons not belonging to the Forestry Department.

(Man. Gac., No. 105, Apr. 17, 1895.)

Circular, May 3, 1895, of the General Directorate to the chiefs of the provinces, recommending that towns solicit town commons and send in estimate of amount needed for the survey of same. (This circular was published in order to put into effect the provisions of article 24 of Royal Order, February 13, 1894.)

(Man. Gac., No. 50, Feb. 19, 1895.)

Superior decree, February 6, 1896, concerns the designation of forest zones and a statement of the public lands. (Decree published in

compliance with article 30 of Royal Decree, February 13, 1894. The work referred to was never done, nor even commenced up to August 13, 1898.)

(Man. Gac., No. 50, Feb. 19, 1896.)

Superior decree, January 11, 1897, grants free 5 hectares of land to such mobilized volunteers who may solicit same within one year. (Various parcels of land were solicited and measured, and corresponding titles were about to be issued when the Spanish-American war took place.)

(Man. Gac., No. 12, Jan. 12, 1897.)

Royal Order, January 31, 1897, approves the regulations published February 21, 1895, for enforcing the Royal Decree of February 13, 1894, but modifies articles 32 and 74 of said regulations. (In force to August 13, 1898.)

(Man. Gac., Apr. 23, 1897.)

Royal Order, January 31, 1897, approves the decree of the Governor-General of April 13, 1895, in reference to the 8 per cent, and explains articles 32 and 74 of the regulations of February 21, 1895. (The last part is not clear—it does not agree with the decree of April 13, 1895, which approves this Royal Order, nor is it in accord with main part of said Royal Order.)

(Man. Gac., Apr. 23, 1897.)

Royal Order, January 31, 1897, prohibits extension of time allowed to verify the "possessory information" referred to in chapter 4, Royal Decree, February 13, 1897. (In force to August 13, 1898.)

(Man. Gac., Apr. 23, 1897.)

4486—01—4

## REMARKS BY GREGORIO BASA, ASSISTANT FORESTER.

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A brief recital of the working of the process of adjustment of lands during the period of the modern legislation, viz, from September 8, 1880, date of publication of the regulations of June 25, 1880, to August 13, 1898.

The former authorities of this country were profoundly impressed with the important effect which the adjustment of the titles of lands would have on the political, social, and economic future of these islands by changing simple possession to true ownership, thus placing property upon a solid basis and enabling its inhabitants to enjoy all the benefits which result from the security of property rights, to which end the Inspeccion-General de Montes, as well as the Direccion-General de Administracion Civil, more especially the latter, labored, as is evident in all the acts published by them or under the signature of the Governor-General, and from the year 1880 until Spanish sovereignty ceased in these islands.

These beneficent and wise dispositions were so well received by the landholders that before the expiration of the time of one year allowed by article 8 of the regulations, there had been presented many thousands of petitions for adjustment.

This number was still further increased when Royal Order of April 19, 1881, was published, extending the time one year, but only for cultivated lands, thus placing a premium upon cultivation of the soil.

The Forestry Department, as well as the Direccion de Administracion Civil, used every endeavor to satisfactorily dispatch these petitions, and gave careful attention to all those soliciting adjustment of lands or other land disputes, settling such claims with administrative resolutions, and thus avoiding the annoying judicial "expedientes" which would result if a recourse would be had to the ordinary tribunals.

This preparatory course was followed soon afterwards by a survey of the lands and issuance of titles under the direction of such celebrated engineers as Vidal, Jordana, Escasura, Saniz de Baranda (Filipino), and others, whose fame yet resounds among the inhabitants of these islands.

The centralization of the "expedientes" of adjustments in one office, namely, the Forestry Department, gave such excellent results that many owners presented new petitions, although the time granted by Royal Order of April 19 had expired, which fact induced the Madrid

Government to concede a third extension of time by means of the Royal Order, July 28, 1882.

The work of adjusting titles of lands was not finished, but great progress had been made. Royal Decree of December 26, 1884, was issued; this modified, or rather decentralized, the dispatching of this class of "expedientes," authorizing other organizations created by this decree, namely, provincial and municipal boards, to take charge of and dispatch the greater part of their "expedientes," leaving a small portion to the Forestry Bureau which before this had charge of them all.

So strict was this order that after the Forestry Bureau had classified simple petitions in the first, second, and third groups indicated in the Royal Decree and remitted them to the provincial boards on adjustment of lands, and who had charge of the first two groups, and having advised the Government at Madrid of this fact, orders were received requiring the Forestry Bureau to classify in the same way the "expedientes" of lands already measured by the personnel of the department, and remit them to the provincial boards, so that they and the local boards might take action and issue the proper titles, thus neutralizing a work which had cost time and money. The bad effects of this measure were soon apparent, for notwithstanding the fact that many difficulties were overcome in the organization, instruction, and management of the provincial and local boards of adjustment results were not satisfactory.

These boards mentioned above should never have been placed in charge of such an important matter, the adjudication of which required a special knowledge and sound judgment.

These boards were heterogeneous and loose bodies. The provincial board was composed as follows: The governor or chief of province as president, the administrator or delegate of hacienda, the parochial curate of the provincial capital, the gobernadorcillo of the same, and the oldest member of the municipal boards, as members, and an assistant of the Department of Fomento or a Government official as secretary. The local board was composed of the parochial curate as honorary president, the gobernadorcillo as active president, and three members, viz, the oldest past captain, a head of barangay, and the oldest resident of the barrio in which were situated the lands to be adjusted.

As the positions of the principal members were insecure, the constant change was prejudicial to the proper execution of their duties. At that time the governors and gobernadorcillos had much to attend to, and it was impossible for them to give this matter proper attention. So great was the extent of land to be adjusted that there were not sufficient licensed surveyors to measure them. The government accepted the services of unlicensed surveyors, in many instances incompetent, resulting in great prejudice to the state and individuals.

Under the plea of economy the commission of sales and adjustments (composed of individuals belonging to the Forestry Bureau) was abolished by Royal Order of March 8, 1886.

The commission of flora and fauna was also abolished, and the services of many engineers and ayudantes dispensed with, all of which worked great injury not only to the forestry service but to the adjustment of lands.

The work of compiling a descriptive catalogue of the state lands, the delineation of the forest zones, and the replanting of the forests, so necessary in Cebu, Bohol, and other parts, was never done, nor even attempted, due to the reduction of the force in the forestry service. Grave irregularities were reported from some of the provinces, showing that the officials were using their power as a means of furthering their own ends. These reports may be found in the archives of the Council of Administration, if not forwarded to Madrid. In 1896 this department officially informed the fiscal of Her Majesty at the court of Madrid of frauds in the adjustment of lands and the granting of titles perpetrated in Pangasinan by a Spanish official of high position, where wild forest lands were falsely represented as being under cultivation and in the possession of certain parties for many years, in violation of the regulations for gratuitous adjustments.

The persons soliciting adjustment of lands, weary of the endless delay and subjected to extortions by rapacious officials on every side, generally abandoned further efforts and contented themselves with remaining on their lands as simple squatters, subject to eviction by the State at any time.

This state of affairs having come to the knowledge of the Madrid Government, Royal Decree of August 31, 1888, as a remedial measure, was promulgated, classifying the lands into two groups. It abolished the local boards and ordered the Governor-General to decide what fines should be imposed upon the provincial and local boards, gobernadorcillos, and other officials who should fail in their duty.

This Royal Decree was accompanied by instructions formulated by the Forestry Bureau and approved by Royal Order October 20, 1888. The former petitioners and others renewed their efforts to have their lands adjusted and obtain titles. As the new decree differed very little from the former, the results were about the same. No change had been made in the personnel of the provincial boards. The method of selection was bad, as so many were appointed through favoritism and through other questionable means. Their positions were so insecure that instances are on record in which the same ship that brought over an officeholder, also brought the order for his removal. Thus, from a decree such as that of August 31, and from such a class of officials, good results could not be expected.

If all in charge of this matter, from the governors of provinces down to the lowest official, had done their duty, better results would have

been obtained. The officials in minor positions should have been punished for their derelictions. The writer, who was a functionary for a long time in the Spanish service, has never known of but one instance where a chief of province or a higher official was punished for irregularities committed in cases of adjustment of lands.

In some cases of irregularities of prominent persons communications were sent reproving or warning them, but these communications were never published in the Gazette, under the false idea that by so doing Spanish prestige would be lowered, as if these men were not as fallible as other sons of Adam, and this, in the exercise of strict justice, was not a laudable action.

If any of the authorities, even the Governor-General himself, should presume to punish influential persons, civil or religious corporations, they would soon experience retaliation, as happened to that fervent Catholic, eminent and just man, General Despujol, formerly Governor-General of these islands.

For a short time after the promulgation of Royal Decree of August 31, 1888, a few squatters renewed their efforts, in a languid manner, to perfect their titles. It was felt by the authorities that the necessity of taking some remedial action in the matter was so pressing that Royal Decree of February 13, 1894, was promulgated, which was the last sovereign act relative to the subject-matter. It did not produce the desired results. The vast majority of the squatters had lost faith in the government, as is evidenced from the fact that while article 5 of the above-mentioned decree orders: "Those who have solicited adjustment of lands, and to whom titles have not yet been issued, shall renew their petitions within six months, to date from the 17th of April, 1894, the date said Royal Decree was published in the Gaceta de Manila. Said time will not be further extended." Very few people complied with this requirement which would have strengthened their titles as they were at the time mere squatters.

The minister in submitting this Royal Decree to the Queen of Spain states in the preamble that there are 200,000 unfinished "expedientes" relating to sales and adjustments of lands; but the writer, who was in a position to know the facts, can reliably state that the unfinished "expedientes" relating to adjustments alone exceeded double that number, while the number of renewed applications does not reach 3,000, or about 1 per cent of the total number.

How sad a state of affairs when so important a class of citizens as the farmers lose faith in the government—when the ties which bind the governors and the governed have disappeared.

It might be said that it is not proper to impute a want of faith in the government to those squatters who had never solicited adjustment of lands, yet notwithstanding the fact that their interests demanded that they solicit a gratuitous title of ownership of the lands by means of "possessory information," according to the provisions

of articles 19, 20, and 21 of said Royal Decree, up to August 13, 1898, the number of "expedientes" of "possessory information" which accompanied petitions for gratuitous titles were about 200, which is insignificant when compared with the large number of squatters.

The writer was commissioned to form indices of the unfinished expedientes of adjustments ordered made by article 7 of the above-mentioned Royal Decree for publication in the *Gaceta de Manila* and remission to the Minister of Ultramar. Only a small part of these indices were published. He was also in charge of the registration of the documents known as "possessory information," referred to in articles 19, 20, and 21 of the Royal Decree of February 13, 1894, and from the documents he handled and those he calculated were in the hands of the provincial boards relating to adjustments and which were unfinished he estimates amounted to more than 400,000, while there were not more than 200 "expedientes" of "possessory information" registered.

Much more of an unfavorable character might be said of the "possessory information" documents, but the haste with which this is written and its character of a simple relation of a few facts will not admit of it.

The foregoing is a brief history of the vicissitudes which have attended the efforts to adjust the titles of lands in these islands during the régime of the modern legislation.

Perhaps it may be said that passion was the incentive for relating certain censurable acts, but to correct so many mistakes committed in a matter of such great importance as that relating to the ownership of land wounds the spirit, causes the heart to rise in rebellion, only to fall again in deepest despair, at times buoyed up by hopes of great remedies which were never realized or came too late to be of any value.

The most impartial observer could not view the above without pointing out the defects of such an imperfect system and condemning the authors of the same.

Before concluding it will not be too much to say that he who successfully regulates the adjustment of titles to the lands in these islands will merit a crown of glory, receive the congratulations of an obedient and grateful people, and guarantee the political policy which may be implanted, promote agriculture—the basis of wealth in any country—and as a consequence contribute to the welfare of its inhabitants, and prevent a possibility of a repetition of the evils of the past. As the learned Spanish writer Jovellanes says in his opinion on the agrarian laws, etc.: "Everything relating to society is intimately joined or allied to politics as surely as the phenomena of nature are bound together; one bad law may ruin an entire nation, as a spark ignited in the bowels of the earth produces convulsions and earthquakes extending at times over a great extent of its surface."

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