

[Act No. 3240, November 27, 1925]

AN ACT TO AUTHORIZE THE PARTIAL APPLICATION OF ACT NUMBERED TWENTY-TWO HUNDRED AND FIFTY-NINE, ENTITLED "AN ACT PROVIDING CERTAIN SPECIAL PROCEEDINGS FOR THE SETTLEMENT AND ADJUDICATION OF LAND TITLES" IN MUNICIPALITIES WHERE A REGULAR CADASTRAL SURVEY HAS NOT YET BEEN BEGUN

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

SECTION 1. Whenever by a formal petition, legally sworn and indorsed by the municipal council and the provincial board, it is shown that in a sitio or barrio or barrios of any municipality of the Islands where a regular cadastral survey has not yet been begun, there are one hundred or more contiguous parcels of land previously surveyed by order and at the expense of their occupants or holders, and the survey of which, with the general plan pertaining thereto, has been duly approved by the Director of Lands, it shall be the duty of that government official to file as soon as possible in the proper court, through the Attorney-General and with the authority of the Governor-General, a petition asking that the titles to said parcels of land be settled and adjudicated in accordance with Act Numbered Twenty- two hundred and fifty-nine, entitled the Cadastral Act, and its amendments.

SEC. 2. The costs of registration proceedings under this Act shall be assessed and paid in accordance with the pertinent provisions of the Cadastral Act, Numbered Twenty- two hundred and fifty-nine, and its amendments. Said costs shall constitute a first lien upon the land described in the certificate of title, which lien may be cancelled upon the payment of the same by the holder of said title.

SEC. 3. In case a lot or lots of land surveyed in accordance with section one hereof are for any reason not adjudicated to the holder of the same who has paid for the survey, such holder shall be entitled to have the actual cost of said survey refunded to him by the person to whom said lot or lots have been finally adjudicated: *Provided, however,* That if such person be the Government, the party defeated at the hearing who paid for the survey shall not be entitled to such refund.

SEC. 4. All proceedings under this Act shall, whenever possible, be heard in the municipality where the land the titles to which are to be settled and adjudicated are situated. The court may, in its discretion, assign such hearing to the local justice of the peace. who shall act as referee, without additional remuneration, in accordance with section one hundred and thirty-six and subsequent sections of Act Numbered One hundred and ninety, known as the Code of Procedure in Civil Actions and Special Proceedings.

SEC. 5. When the survey of the lands mentioned in section one of this Act has not been previously made and has to be made by a private surveyor after the approval of this Act, the schedule of survey charges agreed upon between said surveyor and the holders of the land shall first be submitted to and approved by the Director of Lands as to the reasonableness of the charge and the terms of payment.