

[Act No. 2259, February 11, 1913]

AN ACT PROVIDING CERTAIN SPECIAL PROCEEDINGS FOR THE SETTLEMENT AND ADJUDICATION OF LAND TITLES.

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

SECTION 1. Whenever, in the opinion of the Governor-General, the public interests require that the titles to any titles lands be settled and adjudicated, upon the order of the Governor-General, the Director of Lands or the private surveyor named by the landowners, if the Director of Lands approves, shall make a survey and plan of such lands. The Director of Lands shall give notice to persons claiming an interest in the lands, and to the general public, of the day on which such survey will begin, giving as full and accurate a description as possible of the lands to be surveyed. Such notice shall be published in two successive issues of the Official Gazette, in both the English and Spanish languages, and a copy of the notice in the English and Spanish languages shall be posted in a conspicuous place on the lands to be surveyed, and also in a conspicuous place on the chief municipal building of the municipality, township or settlement in which the lands, or any portion thereof, are situated. A copy of the notice shall also be sent to the president of such municipality, township, or settlement, and to the provincial board.

SEC. 2. The surveyor or other employee of the Bureau of Lands in charge of the survey shall give reasonable notice of the day on which the survey of any portion of such lands is to begin, and shall post such notice in the usual place on the chief municipal building of such municipality, township or settlement in which the lands are situated, and shall mark the boundaries of the lands by monuments set up at proper places thereon.

SEC. 3. Sections one and two shall not be applicable in cases where, before this law takes effect, the Bureau of Lands has surveyed or begun the survey of any lands the titles to which the public interests require to be settled and adjudicated.

SEC. 4. It shall be lawful for surveyors and other employees of the Bureau of Lands and for private surveyors authorized by the Bureau of Lands to make the survey to enter upon the lands whenever necessary for the making of such survey or for the placing of monuments, and it shall be the duty of every person claiming an interest in the lands to be surveyed, or in any parcel thereof, to communicate to the surveyor in charge upon his request therefor all information possessed by such person concerning the boundary lines of any lands to which he claims title or in which he claims any interest. Any person who willfully refuses to give such information or in any manner interferes with the making of the survey or the placing of the monuments, and any person defacing, destroying or removing the monuments placed upon the lands by the surveyors or their assistants or altering the location of such monuments, or destroying or removing the notices of survey posted on the lands, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine not exceeding one hundred pesos or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, in the discretion of said court.

SEC. 5. When the lands have been surveyed and platted the Director of Lands,

represented by the Attorney-General, shall file in the Court of Land Registration a petition against the holders, claimants, possessors or occupants of such lands or any part thereof, stating in substance that the public interests require that the titles to such lands be settled and adjudicated, and praying that such titles be so settled and adjudicated. The petition shall contain a description of the lands in question and shall be accompanied by a plan thereof, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein. If the lands contain two or more parcels held or occupied by different persons the plan shall indicate the boundaries or limits of the various parcels as correctly as may be. The parcels shall be known as "lots" and shall on the plans filed in the case be given separate numbers by the Director of Lands, which numbers shall be known as "cadastral numbers." The lots situated within each cadastral numbers, nicipality, township or settlement, shall, as far as practicable be numbered consecutively, beginning with the number "V and only one series of numbers shall be used for that purpose in each municipality, township or settlement: *Provided, however,* That in cities or townsites a designation of the land holdings by block and lot numbers may be employed instead of the designation by cadastral numbers and shall have the same effect for all purposes as the latter.

SEC. 6. After final decree has been entered for the registration of a lot its cadastral number shall not be changed except by order of the Court of Land Registration. Future subdivisions of any lot shall, with the approval of said court, be designated by a letter or letters of the alphabet added to the cadastral number of the lot to which the respective subdivisions pertain. The letter with which a subdivision is designated shall be known as its "cadastral letter:" *Provided, however,* That subdivisions to cities or townsites may, with the approval of the court, be designated by block and lot numbers instead of cadastral numbers and letters.

All subdivisions under this section shall be made in accordance with the provisions of section forty-four of Act Numbered Four hundred and ninety-six, and the provisions of section fifty-eight of the said Act shall be applicable to conveyances of lands so subdivided.

SEC. 7. Upon the receipt of the petition and the accompanying plan the clerk of the Court of Land Registration shall cause notice of the filing of said petition to be published twice in successive issues of the Official Gazette, in both the English and the Spanish languages. The notice shall be issued by order of the court, attested by the clerk, and shall be in form substantially as follows:

"REGISTRATION OF TITLES,
"..... Province,

"*Court of Land Registration.*

"To (here insert the names of all persons appearing to have an interest and the adjoining owners so far as known), and to all whom it may concern:

"Whereas a petition has been presented to said court by the Director of Lands, praying that the titles to the following described lands or the various parcels thereof be settled and adjudicated (insert description) you are hereby cited to appear at the Court of Land Registration to be

held at, in the Province of....., on the day of....., Anno Domini 19...., at..... o'clock, to present such claims as you may have to said lands or any portion thereof, and to present evidence, if any you have, in support of such claims.

"And unless you appear at said court at the time and place aforesaid your default will be recorded and the titles to the lands will be adjudicated and determined in accordance with the prayer of the petition and upon the evidence before the court, and you will be forever barred from contesting such petition or any decree entered thereon.

"Witness:, judge of said court, this day of, A. D. 19....

"Attest:

".....
"Clerk of the Court."

SEC. 8. The return of said notice shall not be less than thirty days nor more than one year from the date of issue. The court shall also, within seven days after the publication of said notice in the Official Gazette as hereinbefore provided, cause notice to be mailed by the clerk to every person named therein whose address is known. The court shall also cause a duly attested copy of the notice to be posted, in the English and the Spanish languages, in a conspicuous place on the lands included in the application, and also in a conspicuous place upon the chief municipal building of the municipality, township or settlement in which the lands or a portion thereof are situated, by the sheriff of the province, or by his deputy, or by such other person as may be designated by the court, fourteen days at least before the return day thereof. A copy of the notice shall also be sent by registered mail to the president of the municipal council of the municipality, township or settlement in which the lands are situated, and to the provincial board. The court may also cause other or further notice of the petition to be given in such manner and to such persons as it may deem proper.

SEC. 9. Any person claiming any interest in any part of the lands, whether named in the notice or not, shall appear before the court by himself, or by some person in his behalf and shall file an answer on or before the return day or within such further time as may be allowed by the court. The answer shall be signed and sworn to by the claimant or by some person in his behalf, and shall state whether the claimant is married or unmarried and, if married, the name of the husband or wife and the date of the marriage, and shall also contain:

- (a) The age of the claimant.
- (b) The cadastral number of the lot or lots claimed, as appearing on the plan filed in the case by the Director of Lands, or the block and lot numbers, as the case may be.
- (c) The name of the barrio and municipality, township or settlement in which the lots are situated.
- (d) The names of the owners of the adjoining lots as far as known to the claimant.

- (e) If the claimant is in possession of the lots claimed and can show no express grant of the land by the Government to him or to his predecessors in interest the answer shall state the length of time he has held such possession and the manner in which it has been acquired, and shall also state the length of time, as far as known, during which his predecessors, if any, held possession.
- (f) If the claimant is not in possession or occupation of the land the answer shall fully set forth the interest claimed by him and the time and manner of its acquisition.
- (g) If the lots have been assessed for taxation, their last assessed value.
- (h) The incumbrances, if any, affecting the lots and the names of adverse claimants as far as known.

SEC. 10. The governor of the province shall, upon the request of the court, detail an officer or employee of the province to assist the defendants in any action brought under this Act in the preparation of their pleadings and evidence, without cost to them: *Provided, however,* That the court may, in its discretion, detail any of its employees to perform such service, and in case of the failure of the provincial governor to make suitable provision for the assistance of the defendants as above set forth, the court may, with the approval of the Secretary of Finance and Justice, employ for such purpose the necessary personnel, to be paid out of provincial funds. The officer or employee detailed, or the person employed to assist the defendants, shall prepare their answer, which shall be sworn to before such officer, employee or person. No fees shall be charged for the preparation, acknowledgment and filing of the answer, nor shall a documentary stamp be required. The court shall, at some convenient date prior to the expiration of the time for filing the answer, cause such general notice to be issued to all persons interested as may be necessary fully to inform them of the purposes of this section and their rights with respect thereto.

SEC. 11. The trial of the case may occur at any convenient place within the province in which the lands are situated or at such other place as the court, for reasons stated in writing and filed with the record of the case, may designate, and shall be conducted in the same manner as ordinary trials and proceedings in the Court of Land Registration, and shall be governed by the same rules. Orders of default and confession shall also be entered in the same manner as in ordinary cases in the same court and shall have the same effect. All conflicting interests shall be adjudicated by the court and decrees awarded in favor of the persons entitled to the lands or the various parts thereof, and such decrees, when final, shall be the basis for original certificates of title in favor of said persons, which shall have the same effect as certificates of title granted on application for registration of land under the Land Registration Act, and except as herein otherwise provided all of the provisions of said Land Registration Act, as now amended, and as it hereafter may be amended, shall be applicable to proceedings under this Act, and to the titles and certificates of title granted or issued hereunder.

SEC. 12. In case of the death of any judge, who may have begun the trial of an action brought under the provisions of this Act, before the termination of the trial or in case of his inability for any other reason to terminate such trial, the presiding judge of the court may designate another judge to complete the trial and to decide the case. Such other judge shall have the same power as the judge who began the trial to decide all questions arising in connection with the case and to decide the case upon the evidence appearing in the record.