

[Act No. 1120, April 26, 1904]

AN ACT PROVIDING FOR THE ADMINISTRATION AND TEMPORARY LEASING AND SALE OF CERTAIN HACIENDAS AND PARCELS OF LAND, COMMONLY KNOWN AS FRIAR LANDS, FOR THE PURCHASE OF WHICH THE GOVERNMENT OF THE PHILIPPINE ISLANDS HAS RECENTLY CONTRACTED, PURSUANT TO THE PROVISIONS OF SECTIONS SIXTY-THREE, SIXTY-FOUR, AND SIXTY-FIVE OF AN ACT OF THE CONGRESS OF THE UNITED STATES, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES," APPROVED ON THE FIRST DAY OF JULY, NINETEEN HUNDRED AND TWO.

Whereas, pursuant to the provisions of sections sixty-three sixty-four, and sixty-five of an Act of the Congress of the United States, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July first, nineteen hundred and two, the Government of the Philippine Islands, on the twenty-second day of December, nineteen hundred and three, entered into contracts with the Philippine Sugar Estates Development Company, Limited, La Sociedad Agricola dc Ultramar, the British-Manila Estates Company, Limited, and the Recoleta Order of the Philippine Islands, for the purchase of about one hundred and sixty-four thousand one hundred and twenty-seven hectares of land, situated in the Provinces of La Laguna, Bulacan, Cavite, Bataan, Cebu, Rizal, Isabela, and Mindoro, for the aggregate sum of seven million two hundred and thirty-nine thousand seven hundred and eighty-four dollars and sixty-six cents; money of the United States; and

Whereas in said contracts of purchase it was provided, among other things, that the Government of the Philippine Islands should have a period of six months from the date of said contracts within which to examine the titles to said lands, and also within which to survey the same in order to ascertain whether there is the quantity of land specified in said contracts, and in the event there is not, that a proportionate reduction shall be made in the amounts agreed to be paid therefor and it was further provide in said contracts that the said parties, so agreeing to sell, obligated themselves to convey good and indefeasible titles to said lands by proper conveyances; and

Whereas by said section sixty-five of said Act of Congress the Government of the Philippine Islands is empowered to lease the said lands after their acquisition for a period not exceeding three years, and to sell the same on such terms and conditions as it may prescribe, subject to the limitations and conditions contained in said Act of Congress: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for he payment of principal and interest of the bonds authorized to be issued and sold for the purpose of realizing the money necessary to pay for said lands by said sixty-four of said Act of Congress, and that said bonds deferred payments shall bear interest at the rate borne by said bonds: *And provided further*, That all moneys realized or received from the sales or other disposition of said lands, or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund

for the payment of said bonds at their maturity: *And provided further*, That actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government and Whereas the said lands are not public lands in the sense in which those words are used in the Public Land Act, Numbered Nine hundred and twenty-six, and can not be acquired or leased under the provisions thereof, and it is necessary to provide proper agencies for carrying out the terms of said contracts of purchase and the requirements of said Act of Congress with reference to the leasing and selling of said lands and the creation of a sinking-fund to secure the payment of the bonds so issued: Now, therefore,

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

SECTION 1. The Civil Governor is authorized and directed to have careful examination made to ascertain the sufficiency and soundness of the titles to said land so contracted to be purchased by the Government of the Philippine Islands from the said corporations as set forth in the preamble hereof.

His action in employing the firm of Del Pan, Ortigas and Fisher, attorneys at law in the city of Manila, to make such examination and also to perform all legal services required of them in completing such purchases and thereafter in the leasing and selling of said lands as hereinafter provided, they to be compensated for their services at the rate of five thousand five hundred dollars per annum, payable monthly, for such time as in the opinion of the Civil Governor their services may be needed, is hereby approved and confirmed.

SEC. 2. The Consulting Engineer to the Commission is hereby directed to have careful surveys made of the said haciendas and tracts of land in order to ascertain with accuracy and certainty whether there is the amount of land in each of said haciendas and tracts specified in said contracts, and for that purpose he is empowered to put in the field and maintain the necessary surveying parties, and any funds in his hands at the present time not in terms devoted to defraying the cost of specific public works are hereby declared available for that purpose. As soon as these surveys shall have been completed he shall make report of the results thereof to the Civil Governor. Such steps as have already been taken by the Consulting Engineer by direction of the Civil Governor looking to the survey of said haciendas and lands are approved and confirmed.

SEC. 3. The firm of Del Pan, Ortigas and Fisher is also directed, as soon as the examination of the title deeds to said property shall have been completed, to make report of the result of their investigations in that behalf to the Civil Governor, and under his direction to supervise the final deeds of conveyance of said lands by said corporations to the Government of the Philippine Islands. The Civil Governor is also directed to submit their report together with the said deeds to the Attorney-General for his opinion.

SEC. 4. The Civil Governor is hereby empowered, when it shall have been ascertained that the titles to said lands are perfect and indefeasible and proper instruments of conveyance are tendered by said corporations, to direct the payment to the corporations named in the preamble of the several sums agreed to be paid for said lands, and to that end to draw the warrants of the government of the Philippine

Islands upon the sum realized from the sale of the bonds issued and sold as provided in Act Numbered One thousand and thirty-four.

SEC. 5. When the titles to said lands are finally vested in the Government of the Philippine islands, they shall be under the immediate control and direction of the Bureau of Public Lands. The Chief of the Bureau of Public Lands is empowered and directed, pending the completion of the purchase of said lands, to receive, take charge of, and carefully preserve the said contracts of sale and purchase and all documents, title deeds, or other papers pertaining to said lands, and all held notes, surveys, and other data relating thereto, and also the deeds of conveyance hereafter made pursuant to the terms of said contracts of sale and purchase, and thereafter to keep and preserve the same, except as required for registration of said lands.

SEC. 6. The title deeds and instruments of conveyance pertaining to the lands in each province, when executed and delivered by said grantors to the Government and placed in the keeping of the Chief of the Bureau of Public Lands, as above provided, shall be by him transmitted to the register of deeds of each province in which any part of said lands lies, for registration in accordance with law.

SEC. 7. Upon the vesting of the titles to said lands in the Government of the Philippine Islands by proper deeds of conveyance, or sooner if so directed by the Civil Governor, the Chief of the Bureau of Public Lands shall ascertain the names and residences of the actual, bona fide settlers and occupants then in possession of said lands or of any portion of them, together with the extent of their several holdings and the character and value thereof. He is also directed to ascertain from said occupants whether they desire to purchase their holdings upon the terms proscribed in the succeeding sections.

SEC. 8. In case any occupant in possession does not desire to purchase his holding, but does desire to lease the same, then it shall be the duty of the Chief of the Bureau of Public Lands, after vesting of title, to see that such occupant attorneys in due form to the Government and enters into a lease' with the usual covenants and agrees to pay a. reasonable rental for the use and occupation of his holding. Such rental shall be fixed by the Chief of the Bureau of Public Lands, but in no instance shall any lease be made for a longer term than three years.

SEC. 9. In the event the Chief of the Bureau of Public Lands should find any of the said lands vacant, he is directed to take possession and charge thereof, and he may either lease such unoccupied lands for a term not exceeding three years or offer the same for sale, as in his judgment may seem for the best interests of the Government, and in making such sales he shall proceed as provided in chapter two of the Public Land Act.

SEC. 10. Should he find any of the said lands in possession of a person or persons declining either to buy or to rent as above set forth he shall take possession thereof if he can do so peaceably and if not he shall begin proper legal proceedings in the Court of Land Registration to settle title and to oust him or them from Ins or their holdings and, upon adjudication in favor of the Government, shall likewise take possession of the same with the same power and authority as though originally vacant. He shall not however, sell any of the main hacienda houses or other large and substantial buildings save upon a resolution of the Commission authorizing him