

LAWS RELATING TO PUBLIC LANDS IN THE PHILIPPINE ISLANDS

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649442492

Laws Relating to Public Lands in the Philippine Islands by Bureau of Insular Affairs

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BUREAU OF INSULAR AFFAIRS

**LAWS RELATING TO
PUBLIC LANDS IN THE
PHILIPPINE ISLANDS**

343

* LAWS

RELATING TO

PUBLIC LANDS

IN THE

PHILIPPINE ISLANDS

Philippine islands. Laws, statutes, etc. Land law

BUREAU OF INSULAR AFFAIRS
WAR DEPARTMENT
1905

PRESS OF
FRANK L. SIBLEY & COMPANY
BALTIMORE, MD.

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CONTENTS

	PAGE
Area of the public domain in the Philippine Islands.....	5
List of islands of the Philippine Islands having an area greater than 100 square miles.....	7
Area of the agricultural lands of the Philippine Islands.....	9
Congressional legislation relative to public lands in the Philippine Islands..	11
Mineral lands.....	13
Modes of laying out claims.....	14
Lands of the religious orders.....	24
Insular legislation.....	27
Act No. 926—Public Land Act.....	27
Homesteads on the public domain.....	27
Instructions relative to homesteading.....	29
Sales of portions of the public domain.....	31
Leases of portions of the public domain.....	34
Instructions relative to leasing public land.....	36
Free patents to native settlers.....	38
Town sites.....	39
Unperfected titles and Spanish grants and concessions.....	42
General provisions.....	46
Executive Order No. 33 (lands exempt from settlement).....	33
Act No. 1120—Relative to the leasing and sale of friar lands.....	51
Act No. 1148—The Forest Act.....	59
Forest regulations.....	70
Notes.....	81
Native tree species.....	83
Act No. 624—Regulations governing location and recording mining claims.....	84
Act No. 1134—Amendatory of Act No. 624.....	89
Act No. 1128—Regulations for acquiring title to coal lands.....	90
Instructions and forms.....	93

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AREA OF THE PUBLIC DOMAIN IN THE PHILIPPINE ISLANDS.

The first Philippine Commission, usually known as the Schurman Commission, in its report states (Part IV, p. 91): "It has been impossible to obtain accurate data or information with reference to the public lands and other public property belonging to the Spanish Government as sovereign in the Archipelago. * * * From general information gathered from various sources, particularly from natives acquainted with the provinces, the opinion has been formed that the public domain in the Archipelago is very large. Some place it as high as one-half of the area of the Archipelago.

"For the most part these lands are in the more remote and inaccessible portions of the islands, being the mountains, the uplands and other lands more or less remote from means of communication. It is said, for instance, that of the province of La Union, which, with respect to mountains, uplands and remote lands, may be taken as an average mountain province, one-half is public domain. These lands are wild and wooded, in many cases with valuable growing timber standing upon them. The mines of coal, iron, copper, gold and other mineral deposits, which by many are believed to abound in the islands, are in a large measure, it is said, to be found upon this public domain. So far as has been learned, the surveys of this land have been meager and very incomplete. When proper means of communication have been developed and proper measures adopted for taking advantage of the benefits of these lands they will doubtless form a large reserve source for the benefit of the government of the islands."

The first report of the Taft Commission, which bears date of November 30, 1900, contains the following statement relative to the public lands: "The total amount of land in the Philippine Islands is approximately 29,694,500 hectares, or 73,345,415 acres. Of this amount it is estimated that about 2,000,000 hectares, or about 4,940,000 acres, are owned by individuals, leaving in public lands 27,694,500 hectares, or 68,405,415 acres. The land has not been surveyed and these are mere estimates. Of the public lands there are about twice or three times as much forest land as there is waste land. The land is most fertile and for the greater part naturally irrigated. There was a very great demand for this land, but owing to the irregularities, frauds and delays in the Spanish system, the natives generally abandoned efforts to secure a good title and contented themselves with remaining on the land as simple squatters, subject to eviction by the State. In 1894 the Minister for the Colonies reported to the Queen of Spain that there were about 200,000 squatters on the public lands, but it is thought by employees in the forestry bureau, who have been in a position to know, that there are fully double that number. In the various islands of the Archipelago the proportion of private land to public land is about as stated above, except in Mindanao, Mindoro and Palawan (Paragua), where the proportion of public land is far greater."

The Chief of the Bureau of Public Lands, in his annual report dated September 1, 1903, makes the following statement relative to the area of the public domain:

"Accurate information on this subject cannot be furnished at the present time, because of the lack of a proper system of surveys and of any trustworthy data among the Spanish land titles in my custody.

"Nearly two years ago I made an examination of the writings of a number of Spanish officials who had served in the Philippines, and upon their statements estimated the total area of the islands at about 72,000,000 or 73,000,000 acres.

"The only information I have in regard to the area of lands now in private ownership is based upon statements of persons who were born in the islands, and who were employed in the Inspección General de Montes, which office was the predecessor, under the Spanish Government, of the present bureau of forestry. These persons estimated that the area in private ownership did not exceed 12,000,000 acres.

"Assuming the correctness of my estimate of 73,000,000 acres for the total area of the islands, that would leave 61,000,000 acres of land belonging to the public domain.

"The chief of the bureau of forestry estimates the forest lands on the public domain at about 40,000,000 acres. This would leave an area of 21,000,000 acres of land not forested, the most of which is agricultural in character, and which will be subject to disposal under the law permitting leasing, selling and homesteading as soon as the act now awaiting the final action of the Commission shall have received the express or implied sanction of Congress."

The latest estimates of the area of the Philippine Islands are those contained in the recent census, and were calculated by Mr. George R. Putnam of the United States Coast and Geodetic Survey, and are as follows:

NUMBER OF ISLANDS HAVING AN AREA OF—		
10,000 square miles or more.....		2
1,000 square miles or more and less than 10,000 square miles.....		9
100 square miles or more and less than 1,000 square miles.....		20
10 square miles or more and less than 100 square miles.....		73
1 square mile or more and less than 10 square miles.....		262
0.1 square mile or more and less than 1 square mile.....		728
Less than 0.1 square mile.....		2,046
Total.....		3,141

Total area of the Philippine Islands 115,026 square statute miles.

ISLANDS OF THE PHILIPPINE ARCHIPELAGO HAVING AN AREA LARGER THAN 100 SQUARE MILES.

Order	Island	Area in Sq. mi.	Order	Island	Area in Sq. Mi.
1	Luzón.....	40,969	17	Joló.....	326
2	Mindanao.....	36,292	18	Tablas.....	324
3	Sámar.....	5,031	19	Dinágat.....	309
4	Negros.....	4,881	20	Tawi Tawi.....	232
5	Panay.....	4,611	21	Guimarás.....	228
6	Paragua.....	4,027	22	Burias.....	197
7	Mindoro.....	3,851	23	Biliran.....	190
8	Leyte.....	2,722	24	Sibuyán.....	171
9	Cebú.....	1,762	25	Cullón.....	153
10	Bohol.....	1,441	26	Siargao.....	151
11	Masbate.....	1,236	27	Sámal.....	147
12	Catanduanes.....	682	28	Balábac.....	122
13	Basilan.....	478	29	Dumaran.....	122
14	Busuafiga.....	390	30	Ticao.....	121
15	Marinduque.....	352	31	Stiquijor.....	106
16	Polillo.....	333			

The above areas include, of course, all the land in the islands and give no information as to the amount of the public domain. From other data furnished by the census it is possible to arrive at the amount of land devoted to agriculture. In discussing the agricultural lands the census states:

"In most sections of the Philippine Islands the lands used for agriculture, located within the limits of territory having a Christian population, are greatly subdivided, and, consequently, individual holdings are frequently of very small areas. Nearly half the parcels of occupied lands to which the tables relate (49.8 per cent.) are less than one hectare (2.471 acres) in size; while thousands of tracts, the total number of which constitutes 21.7 per cent. of the holdings embraced by the tables, are smaller than 35 acres, and are being equivalent to 0.0247 of an acre, or about 1,075 square feet. These small parcels of land, many of them no larger than ordinary kitchen gardens in the United States, are resided upon by, cultivated by, and contribute materially to the subsistence of their owners and occupants; and the presentation of agricultural statistics for the Philippines would be extremely faulty and incomplete were they not included. They are, however, too small to be properly called 'farms.' For convenience, however, in discussing the tables, all agricultural holdings will be referred to as 'farms,' regardless of size.

"The people of the Philippines are extremely gregarious. The isolated farmhouse, so familiar in rural sections throughout the United States, is practically unknown in these islands, whose inhabitants almost universally live in communities and largely subsist on such products of the soil as can be cultivated or gathered from wild growths in the immediate vicinity of their dwelling places.

"This custom of herding together is not due alone to the social, company-loving disposition of the people. It has been rendered necessary by the ladronism and the raids of Moros that prevailed

throughout the islands for centuries. The piratical Moros have, in earlier times, raided the islands as far north as Northern Luzon, until half a century ago Spain put a stop to it. These, with the marauding bands of ladrones that have infested the most productive portions of the archipelago, have rendered farm life, in the American sense, impracticable, and have forced the people to live in more or less closely settled communities for purposes of protection and defense against the incursions of the robbers. This has been one of the greatest obstacles in the way of agricultural development and is in a large degree the cause of the numerous small land holdings. Another reason is the great productiveness of the soil and the variety of crops that can be raised on a small piece of land.

"The spaces of land between their villages are, as a rule, unpopulated, and these intervening tracts, frequently of great extent, are almost wholly uncultivated and practically unused, except in a limited way for grazing purposes or in the utilization of such wild growths of fruits, vegetables or fiber plants as they produce. The average size of all farms in the Philippines is only 346.8 ares, equivalent to 8.57 acres. In the United States the average size of all farms is shown by the census of 1900 to have been 146.6 acres, making a ratio as to size of about 17 to 1.

"The small proportion of land in farms or agricultural lands, as compared with the total areas of the various provinces, comandancias and islands, is shown by the two following tables: