The background features three vertical stripes on the left side: a wide pink stripe, a medium blue stripe, and a narrow light beige stripe. On the right side, there is a grid of small pink dots arranged in a pattern that tapers towards the right edge.

**GE 212**

**FREE PATENTS AND  
JUDICIAL  
CONFIRMATION OF  
IMPERFECT TITLES**

The background features three vertical stripes on the left side in shades of pink, blue, and beige. On the right side, there is a decorative pattern of small pink dots arranged in a grid-like fashion, with some dots missing to create a sparse effect.

# **WHAT IS FREE PATENTS AND JUDICIAL CONFIRMATION OF IMPERFECT TITLES?**

# CHAPTER 6:

# FREE PATENTS

**Agricultural free patents are land grants awarded to natural-born Filipino citizens in actual occupation and cultivation for at least 30 years of alienable and disposable lands not more than 12 hectares, and have paid the corresponding real property taxes.**

# SECTION 44:

3

**Any natural-born citizen of the Philippines who is not the owner of more than twenty-four hectares and who since July fourth, nineteen hundred and twenty-six or prior thereto, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of agricultural public lands subject to disposition, or who shall have paid the real estate tax thereon while same has not been occupied by any person shall be entitled, under the provisions of this chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twenty-four hectares.**

# SECTION 44:

3

**A member of the national cultural minorities who has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of land, whether disposable or not since July 4, 1955, shall be entitled to the right granted in the preceding paragraph of this section: Provided, That at the time he files his free patent application he is not the owner of any real property secured or disposable under this provision of the Public Land Law**

# SECTION 45:

3

**The President of the Philippines (Prime Minister), upon recommendation of the Secretary of Natural Resources, shall from time to time fix by proclamation the period which applications for Proclamation free patents may be filed in the district, chartered city, of period province, municipality or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President (Prime Minister) all the land comprised within such district, chartered city, province, municipality or region subject thereto under the provisions of this chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent.**

# SECTION 45:

3

**The time to be fixed in the entire Archipelago for the filing of applications under this Chapter shall not extend beyond December 31, 1987, except in the provinces of Agusan del Norte, Agusan del Sur, Cotabato, South Cotabato, Bukidnon, Lanao del Norte, Lanao del Sur, Davao del Norte, Davao del Sur, Davao Oriental, Sulu, Mt. Province, Benguet, Kalinga-Apayao, and Ifugao where the President of the Philippines, upon recommendation of the Secretary of Natural Resources, shall determine or fix the time beyond which the filing of applications under this Chapter shall not extend.**

# SECTION 45:

3

- The period fixed for any district, chartered city, province, or municipality shall begin to run thirty days after the publication of the proclamation in the Official Gazette and if available in one newspaper of general circulation in the city, province or municipality concerned.
- A certified copy of said proclamation shall be furnished by the Secretary of Natural Resources within 30 days counted from the date of the presidential proclamation to the Director of Lands and to the provincial board, the municipal board or city council and barangay council affected, and copies thereof shall be posted on the bulletin board of the Bureau of Lands at Manila
- It shall moreover, be announced by government radio whenever available, in each of the barrios of the municipality.



# SECTION 46:

3

- If, after the filing of the application and the investigation, the Director of Lands shall be satisfied of the truth of the allegations contained the application and that the applicant comes within the provisions chapter, he shall cause a patent to issue to the applicant or his legal successor for the tract so occupied and cultivated, provided its area does not exceed twenty-four hectares: Provided,
- That no application shall be finally acted upon until notice thereof has been published in the municipality and barrio in which the land is located and adverse claimants have had an opportunity to present their claims.

# **CHAPTER 7:**


## **JUDICIAL CONFIRMATION OF IMPERFECT OR INCOMPLETE TITLES**

# SECTION 47:

3

**The persons specified in the next following section are hereby granted time, not to extend beyond December 31, 1987 within which to take advantage of the benefit of this chapter, Provide:**


- **That this extension shall apply only where the area applied for does not exceed 144 hectares. Provided, further,**
- **shall apply only where the area applied for does not exceed 144 hectares. Provided, further, That the several periods of time designated by the President in accordance with section forty-five of this Act shall apply also to the lands comprised in the provisions of this chapter,**
- **but this section shall not be construed as prohibiting any of said persons from acting under this chapter at any time prior to the period fixed by the President.**



# SECTION 48:

3

**The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:**



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# SECTION 48:

3

- **(a) Those who prior to the transfer of sovereignty from Spain to the prior United States have applied for the purchase, composition or other form of grant of lands of the public domain under the laws and royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have occupied and cultivated said lands continuously since the filing of their applications.**

# SECTION 48:

3

- **(b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.**

# SECTION 48:

3


- **(c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in sub-section (b) hereof.**



# SECTION 49

3

**No person claiming title to lands of the public domain not possession of the qualifications specified in the last preceding section may apply for the benefits of this chapter.**



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# SECTION 50

3

**Any person or persons, or their legal representatives or successors in right, claiming any lands or interest in lands under the provisions of this chapter, must in every case present an application to the proper Court of First Instance, praying that the validity of the alleged title or claim be inquired into and that a certificate of title be issued to them under the provisions of the Land Registration Act.**

**The application shall conform as nearly as may be in its material allegations to the requirements of an application for registration under the Land Registration Act, and shall be accompanied by a plan of the land and all documents evidencing a right on the part of the applicant to the land claimed.**

# SECTION 51

3

**Applications for registration under this chapter shall be heard in the Court of First Instance in the same manner and shall be subject to the same procedure as established in the Land Registration Act for other applications, except that a notice of all such applications, together with a plan of the lands claimed, shall be immediately forwarded to the Director of Lands, who may appear as a party in such cases: Provided,**

- That prior to the publication for hearing, all of the papers in said case shall be transmitted papers by the clerk to the Solicitor General or officer acting in his stead, in order that he may, if he deems it advisable for the interests of the Government, investigate all of the facts alleged in the application or otherwise brought to his attention.**
- The final decree of the court shall in every case be the basis for the original certificate of title in favor of the person entitled to the property under the procedure prescribed in section forty-one of the Land Registration Act.**

# SECTION 52

3

**In cadastral proceedings, instead of an application, an answer or claim may be filed with the same effect as in the procedure provided in the last preceding two sections.**

# SECTION 53

3

**It shall be lawful for the Director of Lands, whenever in the opinion of the President the public interests shall require it, to cause to be filed in the proper Court of First Instance, through the Solicitor-General or the officer acting in his stead, a petition against the holder, claimant, possessor, or occupant of any land who shall not have voluntarily come in under the provisions of this chapter or of the Land Registration Act, stating in substance that the title of such holder, claimant, possessor, or occupant is open to discussion; or that the boundaries of any such land which has not been brought into court as aforesaid are open to question; or that it is advisable that the title to such lands be settled and adjudicated, and praying that the title to any such land or the boundaries thereof or the right to occupancy thereof be settled and adjudicated. The judicial proceedings under this section shall be in accordance with the laws on adjudication of title in cadastral proceedings.**

# SECTION 54

3

**If in the hearing of any application arising under this chapter the court shall find that more than one person or claimant has an interest in the land, such conflicting interests shall be adjudicated by the court and decree awarded in favor of the person or persons entitled to the land according to the laws, but if none of said person is entitled to the land, or if the person who might be entitled to the same lacks the qualifications required by this Act for acquiring agricultural land of the public domain, the decision shall be in favor of the Government.**

# SECTION 55

3

Whenever, in any proceedings under this chapter to secure registration of an incomplete or imperfect claim of title initiated prior to the transfer of sovereignty from Spain to the United States, it shall appear that had such claims been prosecuted to completion under the laws prevailing when instituted,

- and under the conditions of the grant then contemplated, the conveyance of such land to the applicant would not have been gratuitous,
- but would have involved payment therefor to the Government, then and in that event the court shall, after decreeing in whom title should vest, further determine the amount to be paid as a condition for the registration of the land.

Such judgment shall be certified to the Director of Lands by the clerk of the court for collection of the amount due from the person entitled to conveyance.



# SECTION 57

3

**No title or right to, or equity in, any lands of the public domain may hereafter be acquired by prescription or by adverse possession or occupancy, or under or by virtue of any law in effect prior to American occupation, except as expressly provided by laws enacted after said occupation of the Philippines by the United States.**



# SECTION 58

3

**Any tract of land of the public domain which, being neither timber nor mineral land, is intended to be used for residential purposes or for commercial, industrial, or other productive purposes other than agricultural, and is open to disposition or concession, shall be disposed of under the provisions of this chapter and not otherwise.**



**CHAPTER 8:**

**TITLE III**

**CLASSIFICATION AND CONCESSION OF  
PUBLIC LANDS SUITABLE FOR RESIDENCE,  
COMMERCE AND INDUSTRY**

# SECTION 59

3

**The lands disposable under this title shall be classified as follows:**

- **(a) Lands reclaimed by the Government by dredging, filing, or other;**
- **(b) Foreshore;**
- **(c) Marshy lands or lands covered with water bordering upon the shores or banks of navigable lakes or rivers;**
- **(d) Lands not included in any of the foregoing classes.**

# SECTION 60

3

**Any tract of land comprised under this title may be leased or sold, as the case may be, to any person, corporation, or association authorized to purchase or lease public lands for agricultural purposes. The area of the land so leased or sold shall be such as shall, in the judgment of the Secretary of Agriculture and Natural Resources, be reasonably necessary for the purposes for which such sale or lease is requested, and shall in no case exceed one hundred and forty-four hectares:**

**Provided, however, That this limitation shall not apply to grants, donations, transfers made to a province, municipality or branch or subdivision of the Government for the purposes deemed by said entities conducive to the public interest; but the land so granted donated, or transferred to a province, municipality, or branch or subdivision of the Government shall not be alienated, encumbered, or otherwise disposed of in a manner affecting its title, except when authorized by Congress:**

# SECTION 61

3

**The lands comprised in classes (a), (b), and (c) of section fifty-nine shall be disposed of to private parties by lease only and not otherwise, as soon as the President, upon recommendation by the Secretary of Agriculture and Commerce, shall declare that the same are not necessary for the public service and are open to disposition under this chapter. The lands included in class (d) may be disposed of by sale or lease under the provisions of this Act.**

# SECTION 62

3

**The lands reclaimed by the Government by dredging, filling or otherwise shall be surveyed and may, with the approval of the Secretary of Agriculture and Commerce, be divided by the Director of Lands into lots and blocks, with the necessary streets and alley-ways between them, and said Director shall give notice to the public by publication in the Official Gazette or by other means, that the lots or blocks not needed for public purposes shall be leased for commercial or industrial or other similar purposes.**

# SECTION 63

3

**Whenever it is decided that lands covered by this chapter are not needed for public purposes, the Director of Lands shall ask the Secretary of Agriculture and Commerce for authority to dispose of the same. Upon receipt of such authority, the Director of Lands shall give notice by public advertisement in the same manner as in the case of leases or sales of agricultural public land, that the Government will lease or sell, as the case may be, the lots or blocks specified in the advertisement, for the purpose stated in the notice and subject to the conditions specified in this chapter.**

# SECTION 64

3

**The leases executed under this chapter by the Secretary of Agriculture and Commerce shall, among other conditions, contain the following:**

**(a) The rental shall not be less than three per centum of the appraised or reappraised value of the land plus one per centum of the appraised or reappraised value of the improvements, except for lands reclaimed by the Government which shall not be less than four per centum of the appraised or reappraised value of the land plus two per centum of the appraised or reappraised value of the improvements thereon: Provided, That twenty-five per centum of the total annual rental on all lands reclaimed prior to the approval of this Act and one per centum of the appraised or reappraised value of improvements shall accrue to the construction and improvement portion of the Port works Fund: And provided, further, That the annual rental on lands reclaimed using the Port works Fund together with the fee due on account of the improvement thereon after the effectivity of this Act shall all accrue to the construction and improvement portion of the Portworks Fund.**

# SECTION 64

3

**(b) The land rented and the improvements thereon shall be reappraised every ten years if the term of the lease is in excess of that period.**

**(c) The term of the lease shall be as prescribed by section thirty-eight of this Act.**

**(d) The lessee shall construct permanent improvements appropriate for the purpose for which the lease is granted, shall commence the construction thereof within six months from the date of the award of the right to lease the land, and shall complete the said construction within eighteen months from said date.**

**(e) At the expiration of the lease or of any extension of the same, all improvements made by the lessee, his heirs, executors, administrators, successors, or assigns shall become the property of the Government.**



# SECTION 64

3

**(f) The regulation of all rates and fees charged to the public; and the annual submission to the Government for approval of all tariffs of such rates and fees.**

**(g) The continuance of the easements of the coast police and other easements reserved by existing law or by any laws hereafter enacted.**

**(h) Subjection to all easements and other rights acquired by the owners of lands bordering upon the foreshore or marshy land.**

# SECTION 65

3

**The sale of the lands comprised in classes (c) and (d) of section fifty- nine shall, among others, comprise the following conditions:**

**(a) The purchaser shall make improvements of a permanent character appropriate for the purpose for which the land is purchased, shall commence work thereon within six months from the receipt of the order of award, and shall complete the construction of said improvements within eighteen months from the date of such award; otherwise the Secretary of Agriculture and Natural Resources may rescind the contract.**


**(b) The purchase price shall be paid in cash or in equal annual installments, not to exceed ten. The contract of sale may contain other conditions not inconsistent with the provisions of this Act.**



# SECTION 66

3

**The kind of improvements to be made by the lessee or the purchaser, and the plans thereof, shall be subject to the approval of the Secretary of Public Works and Communications, in case they are constructions or improvements which if by the Government, would properly have to be executed under the supervision of the Bureau of Public Works.**



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# SECTION 67

3


**The lease or sale shall be made through oral bidding; and adjudication shall be made to the highest bidder. However, where an applicant has made improvements on the land by virtue of a permit issued to him by competent authority, the sale or lease shall be made by sealed bidding as prescribed in section twenty-six of this Act, the provisions of which shall be applied wherever applicable. If all or part of the lots remain unleased or unsold, the Director of Lands shall from time to time announce in the Official Gazette or in any other newspapers of general circulation, the lease or sale of those lots, if necessary**



# SECTION 68

3

**The Secretary of Agricultural and Commerce may grant to qualified persons temporary permission, upon payment of a reasonable charge, for the use of any portion of the lands covered by this chapter for any lawful private purpose, subject to revocation at any time when, in his judgment, the public interest shall require it.**



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**THANK YOU**