

AN ACT TO PROVIDE FOR THE REORGANIZATION OF THE COURTS OF FIRST INSTANCE AND OF THE COURT OF LAND REGISTRATION.

Act No. 2347, February 28, 1914

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

CHAPTER I.

SECTION 1. Of the division of the territory into judicial districts and the number of judges of Courts of First Instance.—The territory of the Philippine Islands shall, for the purposes of this Act, be divided into twenty-six judicial districts, which shall have the number of judges of Courts of First Instance assigned to them by this Act, to wit:

The First Judicial District shall consist of the Province of Cagayan and the Province of Batanes.

The Second Judicial District, of the Province of Isabela and the Province of Nueva Vizcaya.

The Third Judicial District, of the Province of Ilocos Sur, including the subprovince of Abra, and the Province of Ilocos Norte.

The Fourth Judicial District, of the Province of Union and the Mountain Province.

The Fifth Judicial District, of the Province of Pangasinan.

The Sixth Judicial District, of the Province of Tarlac and the Province of Nueva Ecija.

The Seventh Judicial District, of the Province of Pam-panga and the Province of Bulacan.

The Eighth Judicial District, of the Province of Bataan and the Province of Zambales.

The Ninth Judicial District, of the city of Manila, which shall be considered as a province for the purposes of this Act.

The Tenth Judicial District, of the Province of Cavite and the Province of Palawan.

The Eleventh Judicial District, of the Province of Rizal.

The Twelfth Judicial District, of the Province of Laguna.

The Thirteenth Judicial District, of the Province of Batangas and the Province of Mindoro.

The Fourteenth Judicial District, of the Province of Tayabas, including the subprovince of Marinduque.

The Fifteenth Judicial District, of the Province of Ambos Camarines and the Province of Albay, including the subprovince of Catanduanes.

The Sixteenth Judicial District, of the Province of Sorsogon, including the subprovince of Masbate.

The Seventeenth Judicial District, of the Province of Capiz and the Province of Antique and the subprovince of Romblon.

The Eighteenth Judicial District, of the Province of Samar.

The Nineteenth Judicial District, of the Province of Leyte.

The Twentieth Judicial District, of the Province of Cebu.

The Twenty-first Judicial District, of the province of Oriental Negros, including the subprovince of Siquijor and the Province of Bohol.

The Twenty-second Judicial District, of the Province of Occidental Negros.

The Twenty-third Judicial District, of the Province of Iloilo.

The Twenty-fourth Judicial District, of the Province of Surigao and the subprovince of Butuan, Province of Agusan.

The Twenty-fifth Judicial District, of the Province of Misamis, the subprovince of Bukidnon, Province of Agu-san, and the district of Lanao and subdistrict of Dapitan, Department of Mindanao and Sulu.

The Twenty-sixth Judicial District, of the Department of Mindanao and Sulu, with the exception of the district of Lanao and subdistrict of Dapitan.

In each of the judicial districts enumerated there shall be a district judge of the Court of First Instance who shall preside over all the Courts of First Instance of the provinces comprised in his judicial district except in the Ninth District, to wit, the city of Manila, where there shall be four judges, who shall be known as judge of the first, second, third, and fourth branch, respectively. Said judges shall have the same jurisdiction and competency as conferred by existing law upon the Courts of First Instance, in addition to that conferred upon them by section ten of this Act.

SEC. 2. Of the classification of the judicial districts and the salaries of the judges.—The judicial districts are hereby classified into districts of the first, second, third, and fourth class.

Of the first class are the Fifth, Seventh, Ninth, Fifteenth, Twentieth, and Twenty-third districts.

Of the second class are the Third, Sixth, Eleventh, Twelfth, Thirteenth, Fourteenth, Nineteenth, Twenty-second, and Twenty-sixth districts.

Of the third class are the Fourth, Seventeenth, Twenty-first and Twenty-fifth districts.

Of the fourth class are the First, Second, Eighth, Tenth, Sixteenth, Eighteenth, and Twenty-fourth districts.

Judges of districts of the first class shall receive a salary of ten thousand pesos per annum each; those of the second class, nine thousand pesos per annum each; those of the third class, eight thousand pesos per annum each, and those of the fourth class, seven thousand pesos per annum each, these salaries to be paid monthly: Provided, That if any of the present judges of the Court of First Instance, judges at large, or judges of the Court of Land Registration are appointed to the Court of First Instance under the provisions of this Act they shall not receive, during the first year after their appointment, a salary less than they are now receiving; and upon the lapse of said period of one year they shall only receive the salaries fixed by this Act for the respective districts to which they have been appointed in accordance with the provisions of this Act.

SEC. 3. Of the residences of the judges.—In the districts of one province only, the judges shall reside in the capitals thereof, and in the districts of two or more provinces the residences of the judges shall be as follows:

In the First District, the municipality of Tuguegarao, Province of Cagayan, with temporary seat in the municipality of Santo Domingo de Basco, Province of Batanes.

In the Second District, the municipality of Ilagan, Province of Isabela, with temporary seat in the municipality of Bayombong, Province of Nueva Vizcaya.

In the Third District, the municipality of Vigan, Province of Ilocos Sur, with temporary seat in the municipality of Laoag, Province of Ilocos Norte, and in the municipality of Bangued, subprovince of Abra.

In the Fourth District, the municipality of San Fernando, Province of Union, with temporary seat in the city of Ba-guio, and in the municipality of Bontoc, Mountain Province.

In the Sixth District, the municipality of Cabanatuan, Province of Nueva Ecija, with temporary seat in the municipality of Tarlac, Province of Tarlac.

In the Seventh District, in the municipality of San Fernando, Province of Pampanga, with temporary seat in the municipality of Malolos, Province of Bulacan.

In the Eighth District, the municipality of Iba, Province of Zambales, with temporary seat in the municipality of Balanga, Province of Bataan.

In the Tenth District, the municipality of Cavite, Province of Cavite, with temporary seat in the municipalities of Cuyo and Puerto Princesa, Province of Palawan.

In the Thirteenth District, the municipality of Batangas, Province of Batangas, with temporary seat in the municipality of Calapan, Province of Mindoro.

In the Fourteenth District, the municipality of Lucena, Province of Tayabas, with temporary seat in the municipality of Boac, subprovince of Marinduque.

In the Fifteenth District, the municipality of Albay, Province of Albay, with temporary seat in the municipalities of Nueva Caceres and Tigaon, Province of Ambos Camarines, and the municipality of Virac, subprovince of Catanduanes.

In the Sixteenth District, the municipality of Sorsogon, Province of Sorsogon, with temporary seat in the municipality of Masbate, subprovince of Masbate.

In the Seventeenth District, the municipality of Capiz, Province of Capiz, with temporary seat in the municipality of San Jose, Province of Antique, and in the municipality of Romblon, subprovince of Romblon.

In the Twenty-first District, the municipality of Dumaguete, Province of Oriental Negros, with temporary seat in the municipality of Tagbilaran, Province of Bohol and the municipality of Larena, subprovince of Siquijor.

In the Twenty-fourth District, the municipality of Suri-gao, Province of Surigao, with temporary seat in the municipality of Butuan, subprovince of Butuan, Province of Agusan.

In the Twenty-fifth District, the municipality of Cagayan, Province of Misamis, with temporary seat in the township of Malaybalay, subprovince of Bukidnon, Province of Agusan, in the municipality of Uigan, district of Lanao, and in the municipality of Dapitan, Department of Mindanao and Sulu.

In the Twenty-sixth District, the municipality of Zambo-anga, with temporary seat in the municipalities of Jolo, Cotabato, and Davao:

Provided, however, That judges of Courts of First Instance of districts composed of one province only shall have a temporary seat of their courts in the municipalities where they shall hold court under the provisions of this Act.

SEC. 4. Of the auxiliary judges, their duties, residences and salaries.—There are hereby created, in addition to the positions of district judges, seven positions of auxiliary judges of Courts of First Instance who shall receive compensation at the rate of seven thousand pesos per annum each, payable monthly, and whose duty it shall be to assist the district judges in the dispatch of all cases of the competency of the judges of Courts of First Instance under existing law, as well as in the dispatch of land registration cases, as provided for in this Act, and to substitute the district judges in cases of absence, illness, or incapacity of the same. All acts, proceedings, and sentences executed or pronounced by the auxiliary judges in the performance of their duties shall be as valid as if they had been executed by the judge of the district in whose place they are acting: Provided, That each of the said auxiliary judges shall be appointed for one of the groups of judicial districts hereinafter established, and shall not act in any district not included within the group designated in his commission, except in cases of substitution hereinafter provided in this section: Provided, further, That the auxiliary judges shall hold Courts of First Instance, like the district judges, in their respective places of residence for the dispatch of cases assigned to them by the proper district judges, so long as their services are not required outside of their respective residences: Provided, further, That no special designation by the Secretary of Finance and Justice shall be required in order

that an auxiliary judge may act in any district in the proper group, but a request by any of the district judges requiring his services, or notification in cases of absence, illness, or incapacity of the same, shall be sufficient, a report to be made of it in each case to the Secretary of Finance and Justice: And provided, lastly, That in cases of absence or illness of an auxiliary judge, his duties may be performed by any of the other auxiliary judges upon the written order of the Secretary of Finance and Justice, only so long as the cause resulting in such substitution shall last.

For the purposes of the distribution of the auxiliary of Courts of First Instance, seven groups shall be formed of the judicial districts created by virtue of this Act: The first group shall be composed of the First, Second, Third, and Fourth Judicial Districts; the second group, of the Fifth, Sixth, Seventh, and Eighth districts; the third group, of the Ninth, Tenth, Eleventh and Twelfth Districts; the fourth group of the Thirteenth, Fourteenth, Fifteenth, and Sixteenth Districts; the fifth group of the Eighteenth, Nineteenth, Twentieth, and Twenty-first Districts; the sixth group of the Seventeenth, Twenty-second, and Twenty-third Districts; and the seventh group of the Twenty-fourth, Twenty-fifth, and Twenty-sixth Districts.

The auxiliary judge of the Courts of First Instance of the first group shall have his legal residence in the capital of the Province of Ilocos Sur; the auxiliary judge of the Courts of First Instance of the second group shall have his legal residence in the capital of the Province of Pangasinan; the one of the third group, in the city of Manila; the one of the fourth, in the capital of the Province of Albay; the one of the fifth, in the city of Cebu; the one of the sixth, in the city of Iloilo; and the one of the seventh, in the municipality of Zamboanga, Department of Mindanao and Sulu.

SEC. 5. Of the terms of court.—In districts of one province only, including the district of the city of Manila, the judges shall hold court on all working days while there are cases ready for trial in their judicial districts unless otherwise provided in this Act. In the other districts where the judges have to hold court outside of their residences, the terms of court shall be as follows:

First District: At Tuguegarao, Province of Cagayan, on the first Tuesday of July and December of each year. At Santo Domingo de Basco, Province of Batanes, on the first Tuesday of March of each year.

Second District: At Ilagan, Province of Isabela, on the -second district, first Tuesday of March and September of each year. At Bayombong, Province of Nueva Vizcaya, on the first Tuesday of July and December of each year.

Third District: At Vigan, Province of Ilocos Sur, on the first Tuesday of January and July of each year. At Laoag, Province of Ilocos Norte, on the first Tuesday of March and September of each year. At Bangued, subprovince of Abra, on the first Tuesday of November of each year.

Fourth District: At San Fernando, Province of Union, -fourth district. Amended on the first Tuesday of January and July of each year. At Baguio, Mountain Province, on the first Tuesday of April and September of each year. At Bontoc, Mountain Province, on the first Tuesday of March and November of each year.

Sixth District: At Cabanatuan, Province of Nueva Ecija, on the first Tuesday of April and October of each year. At Tarlac, Province of Tarlac, on the first Tuesday of February and August of each year.

Seventh District: At San Fernando, Province of Pam- -seventh district, panga, on the first Tuesday of April and October of each year. At Malolos, Province of Bulacan, on the first Tuesday of February and August of each year.

Eighth District: At Iba, Province of Zambales, on the first Tuesday of January, July and October of each year. At Balanga, Province of Bataan, on the first Tuesday of April and December of each year.

Tenth District: At Cavite, Province of Cavite, on the first Tuesday of January, July and November of each year. At Cuyo, Province of Palawan, on the first Tuesday of April of each year. At Puerto Princesa, Province of Palawan, on the third Tuesday of April of each year.

Thirteenth District: At Batangas, Province of Batangas, on the first Tuesday of February and September of each year. At Calapan, Province of Mindoro, on the first Tuesday of July and December of each year.

Fourteenth District: At Lucena, Province of Tayabas, on the first Tuesday of January, July and November of each year. At Boac, subprovince of Marinduque, on the second Tuesday of March and August of each year.

Fifteenth District: At Nueva Caceres, Province of Ambos Camarines, on the first Tuesday of January, July and December of each year. At Tigaon, Province of Ambos Camarines, on the first Tuesday of November of each year. At Albay, Province of Albay, on the third Tuesday of February and the first Tuesday of September of each year. At Virac, subprovince of Catanduanes, Province of Albay, on the first Tuesday of April of each year.

Sixteenth District: At Sorsogon, Province of Sorsogon, on the first Tuesday of February, July, and November of each year. At Masbate, subprovince of Masbate, on the first Tuesday of January of each year.

Seventeenth District: At Capiz, Province of Capiz, on -seventeenth district, the first Tuesday of January and July of each year. At Calivo, same province, on the first Tuesday of November of each year. At San Jose, Province of Antique, on the first Tuesday of March and September of each year. At Romblon, subprovince of Romblon, on the first Tuesday of April and December of each year.

Eighteenth District: At Catbalogan, Province of Samar, on the first Tuesday of January and September of each year. At Borongan, same province, on the first Tuesday of April of each year. At Catarman, same province, on the first Tuesday of July of each year.

Nineteenth District: At Tacloban, Province of Leyte, on the first Tuesday of July and November of each year. At Maasin, same province, on the first Tuesday of April and October of each year.

Twentieth District: At Cebu, Province of Cebu, on the first Tuesday of January and July of each year, and at Dumanjug, same province, on the first Tuesday of April and October of each year.

Twenty-first District: At Dumaguete, Province of Oriental Negros, on the first Tuesday of January and November of each year. At Tagbilaran, Province of Bohol, on the first Tuesday of March, July and October of each year. At Larena, subprovince of Siquijor, on the first Tuesday of April of each year.

Twenty-fourth District: At Surigao, Province of Surigao, on the first Tuesday of January, July and November of each year. At Butuan, Province of Agusan, on the first Tuesday of April and September of each year.

Twenty-fifth District: At Cagayan, Province of Misamis, on the first Tuesday of January and July of each year. At Malaybalay, subprovince of Bukidnon, Province of Agusan, on the first Tuesday of September of each year. At Iligan, district of Lanao, Department of Mindanao and Sulu, on the first Tuesday of March and October of each year. At Dapitan, subdistrict of Dapitan, Department of Mindanao and Sulu, on the first Tuesday of December of each year.

Twenty-sixth District: At Zamboanga, Department of Mindanao and Sulu, on the first Tuesday of January and July of each year. At Cotabato, same department, on the first Tuesday of February and August of each year. At Davao, same department, on the first Tuesday of March and September of each year. At Jolo, same department, on the first Tuesday of April and November of each year:

Provided, however, That notwithstanding the provisions of this Act, the judges of Courts of First Instance, when authorized in writing by the Secretary of Finance and Justice, may hold terms of court at any time and in municipalities other than those enumerated in this section, but included within their respective districts: And provided, further, That said judges may, in their discretion, hold terms of court at any time and place within

their respective districts, to try cases relative to registration of property.

For the purposes of this section, both district and auxiliary judges of Courts of First Instance, their officers and employees, shall be entitled to reimbursement of their real and necessary traveling expenses only and shall not receive any per diem.

SEC. 6. No judge of a Court of First Instance of any district shall be detailed to act in another, unless the public interests require it, and by virtue of an order of the Secretary of Finance and Justice, to try only land registration cases. The provisions of this section shall not be a bar to judges of Courts of First Instance designated for vacation duty acting in other districts, in addition to their own, for the purposes of interlocutory jurisdiction only, in accordance with existing law in the premises:

Provided, That nothing in this section nor in any other . part of this Act shall be construed to prevent a judge serving in one district from being appointed to another district whenever the interest of the public service shall require it.

SEC. 7. Of the appointment of the judges and auxiliary of Courts of First Instance.—The district judges and auxiliary judges of Courts of First Instance shall be appointed by the Governor-General, with the advice and consent of the Philippine Commission to serve, subject to the provisions of sections eight and nine hereof until they have reached the age of sixty-five years: Provided, That no person shall be appointed to said positions unless he has practiced law in these Islands or in the United States for a period of not less than five years or has held during a like period, within the Philippine Islands or within the United States an office requiring a lawyer's diploma as an indispensable requisite: Provided further, That before assuming such judicial office he shall qualify as a member of the bar of the Supreme Court of the Philippine Islands if he has not already done so: And provided, further, That the present judges of Courts of First Instance, judges at large, and judges of the Court of Land Registration vacate their positions on the taking effect of this Act: and the Governor-General, with the advice and consent of the Philippine Commission, shall make new appointments of judges of the Courts of First Instance and auxiliary judges in accordance with the provisions of this Act, taking into account, in making said appointments, the services rendered by the present judges.

SEC. 8. Of the suspension or removal of the district and auxiliary judges of Courts of First Instance.—No district judge or auxiliary judge of a Court of First Instance shall be separated or removed from office by the Governor-General unless sufficient cause shall exist, in the judgment of the Supreme Court, involving serious misconduct or inefficiency, for the removal of said judge from office after the proper proceedings. The Supreme Court of the Philippine Islands is hereby authorized, upon its own motion, or upon information of the Attorney-General of the Philippine Islands to conduct an inquiry into the official or personal conduct of any judge appointed under the provisions of this Act, and to adopt such rules of procedure in that regard as it may deem proper; and, after such judge shall have been heard in his own defense, the Supreme Court may recommend to the Governor-General the removal of such judge.

SEC. 9. The Governor-General, upon recommendation of the Supreme Court, may suspend any district judge or auxiliary judge of a Court of First Instance while the proper proceedings referred to in the last preceding section are being instituted. In case the judge suspended is acquitted of the cause or causes that gave rise to the investigation, the Governor-General shall order the payment to him of the salary, or part thereof, which he did not receive during his suspension, from any available funds for expenses of the judiciary. All the costs and expenses arising out of the investigations referred to in sections eight and nine hereof shall be payable out of the funds appropriated for contingent expenses of the judiciary, upon vouchers approved by the Chief Justice of the Supreme Court.

SEC. 10. Of the jurisdiction of the Court of First Instance over cases involving adjudication of registration of lands.—Saving the provisions of this Act, all jurisdiction and powers heretofore conferred by Act Numbered Four hundred and ninety-six and its amendments upon the Court of Land Registration and upon the land registration judges, are hereby conferred upon the Courts of First Instance and judges thereof, of the provinces in which the land which is to be registered is situate.

In the dispatch of registration cases, the rules and provisions contained in Act Numbered Four hundred and ninety-six, the Land Registration Act, as amended, shall be applied, unless otherwise provided by this Act. In all matters of procedure not provided in said Act, the rules and provisions contained in the Code of Procedure in civil actions and special proceedings shall be applied in so far as the same may be applicable.

SEC. 11. Powers of the judges of the fourth branch of the Court of First Instance of the Ninth District.—The judge of the fourth branch of the Court of First Instance of the Ninth District, that is, the city of Manila, shall try all cases relative to the registration of real estate in the city of Manila and shall, besides, have the powers and authority conferred by section one, number four, of Act Numbered Seven hundred, and by section fifty-three of Act Numbered Four hundred and ninety-six upon the Court of Land Registration: Provided, That said judge may, in cases of difficult inquiries, and when he deems it advisable or necessary for the public interests, convoke the other three judges of the Ninth District to a meeting, for the best consideration and decision of said inquiries: Provided, further, That said judge of the fourth branch may also try cases of any other kind existing in the court of said district, the same as the other judges of the same district.

SEC. 12. Distribution of cases.—In the Ninth District, the city of Manila, the judges acting in the court, in proceeding to the distribution of the ordinary cases by agreement or turn, shall give the judge of the fourth branch a smaller share than that of the other judges, taking into account the average of the land registration cases to be tried by him.

CHAPTER II.

SEC. 13. Of the General Land Registration Office.—An office is hereby created which shall be denominated "General Land Registration Office" and shall be under the supervision of the judge of the fourth branch of the Ninth District.

SEC. 14. Of the chief and assistant chief of the General Land Registration Office.—The General Land Registration Office shall have a chief who shall be a lawyer duly qualified by the Supreme Court of the Islands and shall be appointed by the Governor-General, with the advice and consent of the Philippine Commission; he shall be known as "chief of the General Land Registration Office," shall have a salary of five thousand five hundred pesos per annum, and shall assist chief. perform the duties assigned to him by this Act. It shall have an assistant chief, who shall likewise be appointed by the Governor-General, with the advice and consent of the Commission, and shall perform the duties assigned to him by the chief of the General Land Registration Office, whom he shall substitute in case of death, absence, or incapacity until the vacancy shall be filled or the incapacity of said chief shall be removed. The assistant chief shall receive a salary of three thousand six hundred pesos per annum. It shall also have a chief surveyor who shall have the qualification required by Act Numbered Eighteen hundred and seventy-five, as amended. He shall likewise be appointed as provided in section seventeen hereof. He shall receive a salary of four thousand five hundred pesos per annum. The chief surveyor shall, under the direction of the chief of the General Land Registration Office and the judge of the fourth branch of the Ninth District, have general supervision of all other surveyors in said office, and of all plats, plans and work requiring the services of a surveyor in said office. He shall examine the applications, plans, and technical descriptions in all cases filed whether in the provinces or in the city of Manila, and shall promptly make report to the court of any errors in said plans and technical descriptions and any conflicts between descriptions in said cases and descriptions of adjoining

lands for which application for registration has been made. He shall assist the chief of the General Land Registration Office in the preparation of all notices required to be published by existing laws and in the preparation of the final decrees provided for by section forty of Act Numbered Four hundred and ninety-six.

SEC. 15. Of the powers and duties of the General Land Registration Office.—The General Land Registration Office, under the direction of its chief, shall:

- (a) Receive and keep in its archives duplicate copies of all the maps of lands and of the applications for registration and amendments thereof, duplicate copies of all replies and other documents, and of the orders, resolutions, and decisions issued by the Courts of First Instance or the Supreme Court in registration cases.
- (b) Take care of, preserve, and have under his power of and control all papers, documents, maps, and other articles which on the date when this Act takes effect are under the custody, care, control, and supervision of the clerk of the Court of Land Registration; and all papers, documents, maps, and other articles which in future must be kept and preserved, under Act Numbered Four hundred and ninety-six and its amendments, and any other laws relative to the registration of lands: Provided, That all the original records of cases, with all the documents, notes of the testimony of witnesses, and other papers attached thereto, after the issuance of the decree of registration, shall be kept, and preserved by the clerk of the Court of First Instance of the province in which the land lies.
- (c) Keep a separate index of all applications and registration of land, tration decrees and also classify and index all papers or documents received in his office relative to the registration of lands.
- (d) Keep a separate classification and index of all papers, documents, and maps concerning proceedings for the reservation of land in accordance with Acts Numbered Six hundred and twenty-seven, Eight hundred and six, and Eleven hundred and thirty-eight.
- (e) Order a seal made for authenticating all documents, papers, and maps which require this requisite upon issuance, or certification by this office.
- (f) Use the seal of the General Land Registration Office for the authentication of all proceedings or papers coming from any Court of First Instance of the Islands.

SEC. 16. Of the powers and duties of the chief of the General Land Registration Office.—The Chief of the General Land Registration Office shall—

- (a) Give bond, before assuming office, in favor of the Government of the Philippine Islands, in the sum fixed by the Insular Auditor, conditioned on the faithful performance of his official duties, and he may require certain officers and employees of his office, by reason of their official positions, likewise to give bond in favor of the Government of the Philippine Islands, in the sum fixed by said Insular Auditor.
- (b) Comply with all orders, decisions, or decrees addressed to him by Courts of First Instance relative to the registration of lands.
- (c) Prepare regulations in order to make the registration, indexing, classification, and filing of all documents, papers, and maps relative to the adjudication of land titles uniform in the General Land Registration Office, the offices of the clerks of Courts of First Instance, and the registers of property, but said regulations shall first be approved by the judge of the fourth branch of the Ninth Judicial District.
- (d) Prepare and have printed all blank forms necessary for carrying out the provisions of this Act and of Act Numbered Four hundred and ninety-six, but said blank forms shall first be approved by the judge of the fourth branch of the Ninth Judicial District.
- (e) Keep an exact account of all funds received by him for fees, or otherwise, which accounts shall be subject to revision and approval by the Insular Auditor. It shall be his duty at the end of each month to pay these funds over to the Insular Treasurer, except those of which another disposition must be made under the law.
- (f) Have charge of the custody and preservation of all documents delivered to him by virtue of this Act, which he shall number and index.
- (g) Be ex officio clerk of the Court of First Instance in registrat on matters. registration matters and as such have the necessary authority to appoint deputies, and perform the duties at present imposed upon the clerk of

the Court of Land Registration under Act Numbered Four hundred and ninety-six, as amended, except the duties imposed by the provisions of this Act upon the clerks of the Courts of First Instance of the provinces.

SEC. 17. The Attorney-General shall, upon recommendation by the chief of the General Land Registration Office, appoint the necessary employees, in accordance with the Civil Service Act and Regulations. The number and salaries of said employees shall be fixed with the approval of the Secretary of Finance and Justice.

SEC. 18. Clerks of court, ex officio deputies of the General Land Registration Office.—In the respective provinces, the clerks of the Courts of First Instance shall be ex officio deputies of the chief of the General Land Registration Office in all registration cases, and as such they shall—

(a) Have the custody and control, under the direction of-records-the judge of the Court of First Instance, of the original records of all registration cases filed in their respective offices in accordance with the provisions of this Act, and shall number the same in chronological order and keep a record of them.

(b) Attend in person or through deputies the court sessions in all hearings of registration cases and keep minutes of said hearings.

(c) Collect and receive the fees at present paid to the clerk of the Court of Land Registration in accordance with the provisions of Act Numbered Four hundred and ninety-six as amended by Acts Numbered Eleven hundred and eight and Sixteen hundred and forty-eight, and dispose of said fees in the manner provided in the Accounting Act.

(d) Perform all duties of the clerk of the court in relation of judicial tion to all registration cases from the time of the first publication, in each case, for the hearing, until final decision by the court, and issue during such time, under the seal of the court, all necessary notices, summonses, and subpoenas, and make also the necessary certificates: Provided, however, That this section shall not apply to the city of Manila.

(e) Perform the duties assigned to the chief of the General Land Registration Office in subsection (c) of section fifteen of this Act.

SEC. 19. Procedure for filing applications with the General Land Registration Office in the city of Manila.—In land registration cases in the city of Manila, the applications shall be filed in the manner prescribed by Act Numbered Four hundred and ninety-six, as amended. The chief of the General Land Registration Office shall, either personally or through deputies, attend the sessions of the fourth branch of the Court of First Instance of the Ninth District, keep a docket of all cases, and affix the seal of said court to all records or papers requiring said seal.

In the provinces, outside of the city of Manila, the applicant for registration of title shall attach to his application a true copy of the same, together with a technical description of the land in duplicate, and a correct and duly verified map of said land, accompanied by a blue print copy: Provided, however, That for the purposes of this section, the chief of the General Land Registration Office may, by regulations prescribed in subsection (c) of section sixteen of this Act, authorize the use of photographic reproductions of the original map on file in his office, in which case the duplicate of the copies of the map shall be filed with the application instead of the original and blue print copy. All subsequent amendments to the application as well as the replies and other proceedings or allegations filed in the office of the clerk of the Court of First Instance shall be accompanied by true copies. Immediately after the filing of the application, and after compliance with the requirement of section seven of Act Numbered Sixteen hundred and ninety-nine, the clerk of the Court of First Instance shall send a copy of the application, together with the duplicate of the technical description and the duplicate of the map, to the General Land Registration Office, where the same shall be filed and duly indexed. If photographic copies of the map are authorized and used, one of them shall be sent with the copy of the application instead of the original. The clerk shall also send to the General Land Registration Office a copy of all subsequent amendments to the application and all answers and allegations, as well as certified copies of all orders and decisions made in the case.

SEC. 20. Designation of day of trial.—The judges of Courts of First Instance shall as soon as possible designate the time for the hearing of all registration cases instituted within their respective provinces or districts and shall at least two months before the date designated for the hearing of the case advise the chief of the General Land Registration Office of the time and place of said hearing. Upon receipt of this notice, the chief of the General Land Registration Office shall proceed to publish said hearing in the form and manner provided in Act Numbered Four hundred and ninety-six, as amended.

SEC. 21. Of the decree.—Immediately after final decision by the court directing the registration of any property, the clerk shall send a certified copy of such decision to the chief of the General Land Registration Office, who shall prepare the decree in accordance with section forty of Act Numbered Four hundred and ninety-six, and he shall forward a certified copy of said decree to the register of deeds of the province or city in which the property is situate. The register shall then comply with the duties assigned to him in section forty-one of Act Numbered Four hundred and ninety-six.

CHAPTER III.

SEC. 22. Of the vacations and leaves of absence of the judiciary.—All district and auxiliary judges of Courts of First Instance shall be entitled to the leaves of absence provided for by existing law in the premises.

SEC. 23. Of the rules of the Court of First Instance.—The Supreme Court shall, for the purposes of this Act, issue additional rules as well for the operation of courts where there are two or more judges, as for the dispatch of the land registration cases imposed upon the judges of Courts of First Instance, or shall, if they deem it necessary, issue new general rules for the Courts of First Instance.

SEC. 24. Transitory provisions.—All criminal or civil cases and all judicial proceedings of a like nature pending decision or sentence or pending continuance of the evidence in the present Courts of First Instance at the time when this Act takes effect, shall remain under the jurisdiction of said courts until their final decision, and all civil or criminal cases and all judicial proceedings of a like nature that have been filed or initiated, and are pending trial or a hearing in said courts shall be transferred to their successors for trial and sentence and all pending decision or decree, or continuance of the evidence in the Court of Land Registration at the date on which this Act takes effect, shall continue until their final decision under the jurisdiction of the judges of said court to whom such cases were assigned, and all cases filed or begun, but pending trial or a hearing in the Court of Land Registration, shall be transferred to the judges of the Court of First Instance of the provinces where said lands made the object of said cases are situate.

SEC. 25. The Secretary of Finance and Justice shall in so far as possible assign to the Courts of First Instance organized under this Act the present officers and employees of the Courts of First Instance and the Court of Land Registration, with the same salary that they had on the date on which this Act takes effect. This provision shall not be a bar to positions found to be unnecessary being declared vacant.

SEC. 26. Act Numbered Four hundred and ninety-six, as amended, is hereby amended as follows:

(a) By substituting for the words "Court of Land Registration" appearing in said Act or its amendments, the words for "Court of Land "Court of First Instance."

(b) By amending Act Numbered Fourteen hundred and No- 1484 amended-eighty-four amendatory to section fourteen of Act Numbered Four hundred and ninety-six, as amended by section four of Act Numbered Eleven hundred and eight, so that said section one of said Act Numbered Fourteen hundred and eighty-four shall read as follows:

"SECTION 1. Section fourteen of Act Numbered Four hundred and ninety-six, entitled 'The Land Registration Act,' as amended by section four of Act Numbered Eleven hundred and eight, is hereby further amended by adding at the end of the last proviso therein contained and immediately before the paragraph marked (a) the

following words: And provided, further, That the period within which the litigating parties must file their appeals and bills of exceptions against the final judgment in land registration cases shall be

thirty days, counting from the date on which the party received a copy of the decision.' "

SEC. 27. Section one hundred and forty-five of Act Numbered One hundred and ninety is hereby amended to read as follows:

"SEC. 145. New trial—Within thirty days after notice of a decision rendered by a Court of First Instance, the judge thereof may at the petition of the party aggrieved, and after due notice to the adverse party, set aside the judgment and grant a new trial, provided the petition is based on any of the following causes materially affecting the legitimate rights of the petitioner:

"1. Accident or surprise which ordinary prudence could not have guarded against and by reason of which the party applying has probably been impaired in his rights.

"2. Newly discovered evidence, material to the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial.

"3. Because the judge has become satisfied that excessive damages have been awarded, or that the evidence was insufficient to justify the decision, or that it is against the law."

SEC. 28. Acts Numbered Six hundred and twenty-seven, Six hundred and forty-eight, Eleven hundred and eight, Eleven hundred and thirty-eight and Twenty-two hundred and fifty-nine are hereby amended by—

(a) Substituting for the words "judge of the Court of Land Registration," wherever said words appear, the words "judge of the proper Court of First Instance."

(b) Substituting for the words "Court of Land Registration" wherever said words appear, the words "proper Court of First Instance."

SEC. 29. All Acts or parts of Acts inconsistent with this Act or incompatible with the provisions thereof are hereby repealed.

SEC. 39. This Act shall take effect on July first, nineteen hundred and fourteen.

Enacted, February 28, 1914.

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