

ENRIQUE ALTAVAS, CHIEF OF GENERAL LAND REGISTRATION OFFICE, PETITIONER, VS. P. M. MOM, JUDGE OF THE COURT OF FIRST INSTANCE OF THE SEVENTH JUDICIAL DISTRICT, RESPONDENT.

G.R. No. L-12144. January 31, 1917

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PER CURIAM:

The question which this court decides in this case is not the one really presented by the record. The proceeding is for a writ of mandamus directed to the Court of First Instance of Pampanga ordering it to approve a bill of exceptions. The defense is that plaintiff here is not entitled to prosecute a bill of exceptions, and is based on the ground that he was not a party to the proceedings below and has no such standing as will permit him to maintain this action.

The original proceeding was one in the Court of Land Registration begun by the Roman Catholic Apostolic Church to register title to certain parcels of land described in its application. Such proceedings were had that judgment was finally made and entered decreeing the registration of the title substantially as prayed.

On the 30th of September, 1915, upon motion of the applicant, an order was entered by the court requiring the chief of the General Land Registration Office, the plaintiff in this action, to comply with section 21 of Act No. 2347, which reads as follows:

"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."

On the 28th day of February, 1916, the chief of the General Land Registration Office made the following return to the order just mentioned:

"To the court: The undersigned has the honor to report that the decrees corresponding to the above-numbered case have not, as yet, been issued, because the surveyors of this office have been unable to complete the examination of the plans and technical descriptions on account of the great number of parcels included in the said case.—In view of the recent passage, by the Philippine Legislature, of Act No. 2556 (published in Official Gazette No. 8, Vol. XIV, page 430 of English text), the undersigned is of the opinion that the decrees corresponding to the above-numbered case can not now be issued, until the applicant has paid all such additional amounts as this office has been authorized to collect in pursuance of the provisions contained in the above-numbered Act. {See sec. 3 of said Act No. 2556.}—There are attached hereto, and made a part hereof, the following exhibits.—Exhibit A. Copy of a communication dated February 15, 1916, addressed to the applicant in the above-numbered case, which is self-explanatory.—Exhibit B. A certificate, executed by the undersigned, containing a detailed statement of the

amount due this office pursuant to the provisions of said Act No. 2556.—Inasmuch as it is probable that the applicant in the above-numbered case will refuse to pay the amount demanded by this office, it is respectfully recommended that the following steps be taken by the court, viz: (1) That the applicant be ordered to pay to this office, within 15 days, the amount specified in the aforesaid certificate; (2) that the order of the court dated September 30, 1915, relative to issuance of the decrees corresponding to the above-numbered case, be suspended until the applicant has paid, in full, the amount specified in the attached certificate. Manila, February 28, 1916. (Sgd.) Enrique Altavas, Chief of the General Land Registration Office."

On March 3, 1916, the court made a second order in which it refused to accept the suggestion made in the return just set out and again directed plaintiff to comply with the provisions of section 21 of Act No. 2347, without payment of the additional fees imposed by the Act referred to in the said chief's return, on pain of being punished for contempt if he refused.

On the 19th of July, 1916, the plaintiff presented to the court for approval a bill of exceptions, which he proposed to prosecute, from the order of the court just referred to.

The court refused to approve the bill on the ground that he was not a party to the proceedings in the Land Court. Plaintiff then brought this action to compel approval.

The real and only question presented by the record is, therefore, whether the court should approve the bill. The parties on the argument, however, submitted the question ultimately to be decided whether the Roman Catholic Apostolic Church should pay the fees imposed by Act No. 2556 or such fees as the law required prior to that Act, the said Church having obtained a decree registering title and having acquired a right to have issued to it the final evidence of ownership prior to the passage of Act No. 2556, and asked this court to decide that question at this time and thus avoid the necessity of an appeal and the expense and delay which would necessarily follow.

We are of the opinion that the amount of the fees should be determined by the law in force prior to the passage of Act No. 2556. The petitioner in the Land Court had a final judgment decreeing the registration of its titles prior to the passage of Act No. 2556. The evidences of that title had not yet been issued to it when that Act was passed but it clearly had a right to them long prior to its passage, and issuance was delayed by the officials for one reason or another not connected with the character of petitioner's rights or with the condition of the proceedings for registration as it was then found.

Such being the situation when Act No. 2556 was passed, we believe that the Court of Land Registration was right in ordering the plaintiff to comply with section 21 of Act No. 2347 on the payment by the petitioner of such fees as were chargeable under the statutes as they stood prior to the passage of Act No. 2556.

The conclusion arrived at makes it unnecessary to decide the question presented by the pleadings; and, unless objection is made within five days, the complaint will be dismissed. No costs. So ordered.

Torres, Carson, Moreland, Trent, and Araullo, JJ.

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