

AN ACT PROVIDING FOR THE CANCELLATION OF OFFICIAL BONDS OF REGISTRARS OF PROPERTY AND RELIEVING THEIR SURETIES FROM RESPONSIBILITY ON SUCH BONDS EXECUTED PRIOR TO AUGUST THIRTEE...

Act No. 1615, March 19, 1907

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Whereas Under the Mortgage Law and the regulations for its execution in force in the Philippine Islands prior to American occupation registrars of property were required to give bond conditioned upon the faithful performance of their duties as such officers; and

Whereas the provisions of said mortgage Law and the regulations for its execution providing for the release and delivery of such bonds have become inoperative because of the change of sovereignty; and

Whereas much hardship has been caused to the principals and sureties of such bonds because of the impossibility of securing the cancellation of said bonds which, in many cases, constitute legal incumbrances upon the real property of said principals and their sureties: Now, therefore.

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

SECTION 1. The official bond of any registrar of property or any surety of such official executed prior to August thirteenth, eighteen hundred and ninety-eight, and constituting a mortgage or lien upon real property, may be canceled at the request of the principal or any surety of said bond upon complying with the requirements of this Act.

SEC. 2. The principal or surety desiring the cancellation of any such bond shall present a petition in writing to the Court of First Instance of the province in which the registrar officiated, stating under oath the circumstances leading to the giving of such bond, making a copy of such bond a part of such application, and requesting the cancellation thereof.

SEC. 3. Upon the filing of said petition the clerk of the Court of First Instance in which such petition is filed shall cause a notice thereof to be published in a Spanish newspaper of general circulation published in the province in which the registrar officiated, if any such newspaper be published in said province, and also in a Spanish newspaper of general circulation published in the city of Manila. Such notice shall be published once a week in said newspapers for a period of ten consecutive weeks and shall be posted and kept posted in a conspicuous place in the provincial building of the province in which such registrar officiated for a period of six months. Said notice shall inform all persons interested of filing of such petition, and shall require that all persons having claims arising out of the official misconduct of such registrar shall within two months after the termination of the period for publication and posting of said notice, file in said court their position to said petition, which said opposition shall set forth, under oath, that legal proceedings have been commenced in the proper court of first Instance and the enforcement of legal claims against such registrar and his bondsmen. Unless such opposition is filed within said period the bond shall be canceled.

SEC. 4. In case such opposition is filed and proper proof is submitted to the Court of First Instance in which said petition is filed that legal proceedings have been commenced against said registrar and his bondsmen, action by said Court of First Instance upon the petition for the cancellation of the bond shall be suspended until the final determination of the suits commenced against the registrar and his bondsmen: Provided, however, That such suits must be prosecuted with proper diligence.

SEC. 5. Should those opposing the cancellation of the bond fail to present satisfactory proof that suits have been commenced as satisfactory proofs alleged in their opposition, an order shall be entered by the Court of First Instance canceling the bond in accordance with the prayer of that petition.

SEC. 6. A copy of the order of the court canceling the bond shall be filed with the registrar of deeds in the province where the property of the principal and that of this bondsmen is situated, and thereupon said property shall be immediately released from any lien or incumbrance because of said bond.

SEC. 7. The court costs and other costs of proceedings for the cancellation of bonds under this Act shall be paid by the petitioner.

SEC. 8. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 9. This Act shall take effect on its passage.

Enacted, March 19, 1907.

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