

AN ACT FURTHER TO AMEND ACT NUMBERED FOUR HUNDRED AND NINETY-SIX, ENTITLED "AN ACT TO PROVIDE FOR THE ADJUDICATION AND REGISTRATION OF TITLES TO LANDS IN THE PHILIPPINE ISLANDS,...

Act No. 1648, May 16, 1907

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

Section 1. Section four of Act Numbered Four hundred and ninety-six is hereby amended by adding at the end thereof the following words:

"All cases arising in the Court of Land Registration in the city of Manila shall be assigned to the regular judges of the court by rotation, as nearly as may be, and all cases arising in said court outside of the city of Manila shall be assigned by districts to the regular judges and the judges at large of the Court of First Instance performing the duties of judges of the Court of Land Registration. The limits of said districts shall be determined by agreement among all of the judges serving on the court. The judge to whom a case is once assigned shall thereafter have exclusive authority and jurisdiction therein unless and until he shall be absent from the Philippine Islands, or shall have voluntarily transferred such case to another judge, or such transfer shall have been authorized by the Secretary of Finance and Justice: Provided, That any judge of the Court of First Instance outside of the city of Manila shall, when ever directed in writing to do so by the Secretary of Finance and Justice, hear and make findings of fact in land-registration cases at the times and places prescribed by law for holding regular or special terms of the Court of First Instance in his judicial district, whenever any application or applications under this Act shall have been duly published, mailed, and posted for hearing at any such times and places. For the purposes of any such hearing such judge of the Court of First Instance shall exercise all the powers exercised for like purposes by judges of the Court of Land Registration, including the power to determine whether the application has been duly published, mailed, and posted for hearing, and the power of adjournment to such times and places as may be convenient, and, after the hearing, such judge of the Court of First Instance shall return the application and all papers and documents filed in connection therewith and all evidence presented in support thereof or in opposition thereto, together with his findings of fact, by official messenger or registered mail, to the clerk in Manila, who shall thereupon transmit the papers and record in the ease to the judge to whom the case has been assigned for decision. Such judge to whom the case has been assigned may, of his own motion, or on motion for a new trial made by any party to the case on proper grounds and in due time, reopen the case and, with the previous approval in writing of the Secretary of Finance and Justice, return it to the judge of the Court of First Instance of the district in which the findings of fact were originally made for further hearing. Such judge of the Court of First Instance shall thereupon conduct such further hearing and return the application, papers, documents, and evidence and any further findings of fact to the clerk in Manila in the manner hereinbefore provided, to be again delivered to the judge to whom the case has been assigned. Nothing in this section contained shall be construed to prevent judges serving on the Court of Land Registration from referring any such case to an examiner of titles, as referee, to take testimony and make report thereon to the court,"

SEC. 2. Section seven of said Act. as amended, is hereby further amended by striking out said section and inserting in lieu thereof the following:

"SEC. 7. There shall be a clerk and an assistant clerk of the Court of Land Registration, who shall be appointed by the Attorney General, with the approval of the Secretary of Finance and Justice. The clerk and assistant clerk shall perform their duties under the control and supervision of the senior judge of the court and may be removed from office for cause by said senior judge.

The clerk shall have authority, subject to the provisions of the Civil Service Law and with the approval of the Attorney-General, to appoint and employ the necessary deputies, assistants, clerks, translators, stenographers, typewriters, messengers, and other subordinate employees which may be authorized by law.

"The assistant clerk shall act as chief deputy to the clerk of the court and shall perform such other duties as may be assigned to him by the senior judge or the clerk of the court. In case of the death or disability of the clerk, the assistant clerk shall perform the duties of clerk until the vacancy is filled or the disability is orders by judges, removed: Provided, however, That any judge of the Court of Land Registration having jurisdiction over any particular case may issue such orders to the clerk with reference to such case as he may deem proper, without the intervention of the senior judge, and the clerk shall comply therewith."

SEC. 3. Section eight of said Act. as amended, is hereby further amended by striking out said section and inserting in lieu thereof the following:

"SEC. 8. Except as otherwise herein provided, the clerk shall have the custody and control, under the general direction of the senior judge of the court, of all papers and documents filed with him under the provisions of this Act, and shall carefully number and index the same. Said papers and documents shall be kept in the city of Manila, in an office to be called the "Land Registration Office," which shall be in the same building as the Court of Land Registration or near said building.

"The clerk shall attend the sessions of the court and keep a docket of all causes, and he shall affix the seal of the court to all process or papers proceeding therefrom and requiring a seal.

"When an application is published for hearing at the time and registered mail. place for holding a regular or special term of the Court of First Instance, as provided in section four of this Act, the clerk shall immediately send the original application, and all papers and documents filed in connection therewith, by official messenger or registered mail, to the judge of the Court of First Instance who is to conduct the hearing."

SEC. 4. Section seventeen of said Act, as amended, is hereby further amended by adding at: the end thereof the following:

The Court of Land Registration, in all matters over which it has jurisdiction, may issue an injunction for the protection of either or any of the parties in interest, in the following cases:

"(1) When it appears by the application, by verified petition, or by affidavits that the commission or continuance of some act during the proceedings Cor registration of title would produce waste or great or irreparable injury to the subject-matter of the registration proceeding.

"(2) When it appears during the pendency of the proceedings that either or any of the parties in interest is doing, or is about to do, or is threatening to do, or is procuring or suffering to be done, some act in violation or to the prejudice of the rights of another party to the action respecting the subject-matter of the proceedings and tending to render the judgment ineffectual.

"Except as herein provided, preliminary and permanent injunctions shall be obtained, enforced, dissolved, or modified in the same manner as such injunctions are obtained, enforced, dissolved, or modified under the provisions of the Code of Civil Procedure."

SEC. 5. Section thirty of said Act is hereby amended so as to read as follows:

"SEC. 30. If the application is filed with the clerk, he shall forthwith forward it by registered mail to the register of deeds of the province or city in which the land or any portion thereof lies. Immediately upon the

receipt of the application, whether from the applicant or the clerk, the register of deeds shall search the books and records of his office and attach to the application a certificate stating that the land to which the application relates does not appear in such books or records, or setting forth copies of all entries of such land, if any there be, and, if the applicant seeks the benefits of Act Numbered Nine hundred and twenty-six, the resistor of deeds shall also obtain from the examiner of titles and attach to the application the report and certificate required by section sixty of said Act, and shall transmit the application, such certificate and report, and the papers, plans, and memorandum mentioned in section twenty of this Act by the first registered mail to the clerk in Manila."

SEC. 6. Section thirty-one of said Act is hereby amended by striking out. at the beginning of said section, the words "If, in the opinion of the examiner, the applicant has a good title, as all used. and proper for registration, or if the applicant, after an adverse opinion of the examiner, elects to proceed further, the clerk of the court shall, immediately upon the filing of the examiner's opinion or the applicant's election, as the case may be," and by inserting in lieu thereof the words "Upon receipt of the application, certificate, and accompanying papers from the register of deeds the clerk shall."

SEC. 7. Section one hundred and fourteen of said Act, as amended by section nine of Act Numbered Eleven hundred and eight, is hereby further amended so as to read as follows:

"SEC. 114. Fees payable under this Act shall be as follows:

"From the time of tiling the application until the final determination of each case, for all services performed by the clerk or his deputies in each case, except the taking of affidavits or acknowledgments, including filing, entering, indexing, and recording all documents, plans, orders, decrees, and other papers, all notices by mail or publication, and a certified copy of the decree of registration, if any there be, there shall be paid by the applicant to the clerk the sum in the following table corresponding to the value of the property, which shall be the assessed value if the property is assessed, otherwise (the market value, determined as provided in section ninety-nine of this Act:

"Property not exceeding one hundred dollars in value, five dollars.

"Property not exceeding five hundred dollars but over one hundred dollars in value, fifteen dollars.

"Property not exceeding one thousand dollars but over five hundred dollars in value, twenty dollars.

"Property not exceeding five the island dollars but over one thousand dollars in value, twenty-five dollars.

"Property not exceeding twenty-five thousand dollars but over five thousand dollars in value, forty dollars.

"Property not exceeding fifty thousand dollars but over twenty-five thousand dollars in value, fifty dollars.

"Property exceeding fifty thousand dollars in value, one hundred dollars.

"for all services by a sheriff or other officer under this Act, the same fees as are now provided by law for like services.

"For entry of original certificate of title, and issuing one duplicate certificate, three dollars.

"For making and entering a new certificate of title, including issue of one duplicate certificate, one dollar.

"For each duplicate certificate, after the first, fifty cents.

"For the registration of every instrument, whether single or in duplicate or triplicate, including entering, indexing, and filing the same, and attesting registration thereof, and also making and attesting copy of memorandum on one instrument or on a duplicate ' certificate when required, one dollar and fifty cents.

"For making and attesting copy of memorandum on each additional instrument or duplicate certificate if required, fifty cents.

"For filing and registering an adverse claim, three dollars.

"For entering statement of change of residence or post-office address, including indorsing and attesting the same on a duplicate certificate, twenty-five cents.

"For entering any note in the entry book or in the registration book, twenty-five cents.

"For the registration of a suggestion of death or notice of bankruptcy, insolvency, or analogous proceeding, twenty-five cents.

"For the registration of a discharge or release of mortgage or other instrument creating an incumbrance, fifty

cents.

"For the registration of any levy, or of any discharge or dissolution of any attachment or levy, or of any certificate of or receipt for the payment of taxes, or notice of any pending action, or of a judgment or decree, fifty cents.

"For indorsing on any mortgage, lease, or other instrument a memorandum of partition, one dollar.

"For every petition filed under this Act after original registration, one dollar.

"For a certified copy of any decree or registered instrument, the same fees as are provided by the Code of Procedure in Civil Actions and Special Proceedings for clerks of Courts of First Instance for like services.

"In all cases not expressly provided for by the law the fees of all public officers for any official duty or service under this Act shall be at the same rate as those prescribed herein for like services."

SEC. 8. Upon a decision being rendered by any judge serving on the Court of Land Registration, either party in interest may, within thirty days after the decision is rendered by such judge, petition the court in bane, consisting of all the judges serving on the court, or at least three of said judges, for a rehearing of the case, and, if it shall appeal¹ to such court in bane that the decision on which a rehearing is asked is in conflict with any previous decision of the court, or of any judge thereof, or with any decision of the Supreme Court of these Islands, or of any other competent appellate tribunal, then the court in bane. may, in its discretion, by vote of a majority of its members, grant the rehearing petitioned for, annul the decision of the single judge, and rehear the case Appeal sitting in bane: and the decision of the court in bane shall be the decision of the Court of Land Registration in the case, and may be regularly appealed from as in other cases.

SEC. 9. All Acts and parts of Acts inconsistent with this Act are hereby, to that extent, repealed.

SEC. 10. 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. 11. This Act shall take effect on July first, nineteen hundred and seven.

Enacted, May 16, 1907.

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