

DOMINGO T. PARRAS, APPLICANT AND APPELLEE, VS. LAND REGISTRATION COMMISSION, OPPOSITOR AND APPELLANT.*G.R. No. L-16011. July 26, 1960*

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fd7baeef4e0d/>**BARRERA, J.:**

In connection with the application for registration of his land, Domingo T. Parras was required by the Land Registration Commissioner to remit to his (the Commissioner's) office, "pursuant to Paragraph 2, page 445, Special Provisions of Republic Act No. 2300,[1] otherwise known as the Appropriations Act for the current fiscal year", the sum of P57.00 as estimated cost of publication in the Official Gazette of the initial notice of the hearing of the case (Land Registration Case No. N-2536, L. R. C. Record (No. N-17331, Court of First Instance of Pangasinan.) Objecting to this requirement, the applicant filed a petition in the land registration court claiming that the insertion of the aforesaid provision, which allegedly is revenue-raising, in the appropriation act is unconstitutional, and thus prayed that he be exempted from making such deposit and that the Land Registration Commissioner and the Director of Printing be ordered to publish in the Official Gazette the notice of initial hearing without requiring applicant to pay the cost.

This petition was opposed by the Land Registration Commissioner, contending, among others, that the requirement to land registration applicants to pay the cost of publication was not made for the first time in the disputed Special Provisions of Republic Act 2300; that although under Section 114 of Act 496, as amended by Act 2866, where the value of the land to be registered is less than P50,000.00, the applicant is exempted from payment of the publication expenses, such exemption was eliminated with the re-amendment of the same Section 114 by Republic Act 117.

Holding that Republic Act 117 amended Section 114 of Act 496 only insofar as it increased the rates payable by the applicant, upon the filing of the application and did not actually eliminate the exemption now being claimed by the applicant, and that the insertion of the revenue raising Paragraph 2, Special Provisions in the Appropriation Act is unconstitutional, the Court ordered the Land Registration Commissioner to publish the notice of initial hearing of the case in the Official Gazette without requiring the applicant to pay the cost. From this order, the Land Registration Commissioner appealed directly to this Court on purely legal grounds.

Section 114 of the Land Registration Act, as amended by Act 2866, in its pertinent part, reads:

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

"From the time of filing 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 its assessed value or, if the property has not been declared for purposes of the land tax, its market value:

* * *.

"Provided, however, That in all cases in which the assessed value of the property, or its market value, if not assessed, covered by any proceeding, is more than fifty thousand pesos and the expenses incurred by the General Land Registration Office for the preparation of the notice, the publication thereof in the Official Gazette, and the stamps used in mailing copies of said notice to the interested parties exceeds the sum paid as fees under paragraphs (7), (8), and (9)[2] of the schedule above inserted, such excess shall be refunded by the applicant to the General Land Registration Office prior to the issuance of the final decree by the chief of said office: Provided further, That in case of dismissal of the proceedings, the court shall issue an order of execution against the applicant for the collection of the said excess expense.

* * *." (Emphasis supplied.)

The above-quoted provisions are explicit that (1) the filing fees paid to the clerk of court are for certain services which expressly include the mailing or publication of all notices, and (2) that in case the expenses for the mailing or publication of the notices exceeds the filing fees paid and required for lands valued at more than P50,000.00, the applicant will have to refund such excess to the land registration office. In other words, an applicant for registration is exempt from paying the cost of publication when his land is valued at less than P50,000.00.

On the other hand, Republic Act 117,[3] entitled AN ACT TO AMEND SECTION ONE HUNDRED AND FOURTEEN OF ACT NUMBERED FOUR HUNDRED AND NINETY SIX, ENTITLED "THE LAND REGISTRATION ACT," AS AMENDED, FIXING A NEW SCHEDULED OF FEES FOR CLERKS OF COURTS, SHERIFFS AND REGISTERS OF DEEDS, in Section 1 thereof, provides:

"Section 1. Section one hundred and fourteen of Act Numbered Four hundred and ninety-six, entitled "The Land Registration Act', as amended, is hereby further amended to read as follows:

'Sec. 114. Fees payable under this Act shall be as follows:

"A. Fees payable to the Clerk of Court.—The fees payable to the clerk of court or his deputies shall be as follows:

"1. For filing an application for the registration of land, the fees shall be based on the assessed value of the property for the current year, in accordance with the following schedule: (Then follows a schedule of fees whose amounts depended upon the value of the land sought to be registered.) (Italics supplied)

* * * * *

It will be seen that the new law has eliminated the provision which specifically included the publication of the notices as within the application of the fees paid by the applicant, as well as the express injunction that applicants whose properties are worth more than P50,000.00 shall reimburse the Clerk of Court for any excess in the cost of publication over the amount of fees paid by them. The suppression in the amendatory act of the provision exempting the applicant from the obligation to pay for the cost of publication of his application can not mean but a withdrawal by the legislature of such a privilege allowed in the previous law. It can not be said, as ruled by the lower court, that Republic Act 117, in amending Section 114 of Act 496, merely changed the rates of fees fixed in the original law. That Congress intended Republic Act 117 to completely amend or replace Section 114, as amended by Act 2866, in its entirety and not merely to increase the rates of filing fees, is evident from the specific provision thereof that the section was "further amended to read as follows:" Plainly, it is a re-enactment of the whole subject in-substitution of the previous one which thereafter disappears entirely.

The intent of the legislature to set out the original act or section as amended is most commonly indicated by a statement in the amendatory act that the original law is amended, "to read as follows:" The legislature thereby declares that the new statute is a substitute for the original act or section. Only those provisions of the original

act or section repeated in the amendment are retained. (1 Sutherland Statutory Construction, 3rd Ed., pp. 420-421.) (Italics supplied.)

When the amendatory act purports to set out the original act or section as amended, all matters in the act or section that are omitted in the amendment are considered repealed. (U. S. vs. One Ice Box, 37 F. [2d] 120 [N. D. 111. 1930]; Mitchell vs. Walden Motor Co., 235 Ala 34, 177 So 151 [1937]; Buckman vs. Board of Directors, 188 Ark 396, 66 Sw [2d] 619 (1934), and others.) (Italics supplied.)

It is clear, therefore, that after the enactment of Republic Act 117, the cost of publication of the notice of initial hearing, required by Section 31 of Act 496, shall be borne by the applicant. Needless to state, in this connection, that Paragraph 2 of the Special Provisions of Republic Act 2300 (Appropriation Law) is actually nothing more than an express statement of the non-availability of funds for free publication of notices, which is permissible, as a consequence of the abrogation of the exemption clause in Section 114 of the Land Registration Act.

Wherefore, the order appealed from is set aside, and applicant is hereby directed to pay the publication expenses, as required by the Land Registration Commissioner. Costs are taxed against the applicant-appellee. So ordered.

Paras, C. J., Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Gutierrez David, JJ., concur.

[1] "Notwithstanding the amounts specifically provided for in this Act for the Land Registration Commission, the expenses for the publication in the Official Gazette of notices of initial hearing of applications for registration of land under Act No. 496, as amended, shall be borne by the applicants."

[2] These paragraphs refer to lands whose value is more than P50,000.00. [3] Which took effect on June 7, 1947.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.