

**THE DIRECTOR OF LANDS, PETITIONER AND APPELLEE, VS. THE MUNICIPALITY OF DINGRAS, EDUARDO SUGO ET AL., OPPONENTS. EDUARDO SUGO ET AL., OPPONENTS AND APPELLANTS.***G.R. No. 14257. October 10, 1919*

Ponente: JOHNSON, J.

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This action was commenced in the Court of First Instance of Ilocos Norte by the Director of Public Lands. Its purpose was to have registered under the cadastral survey (Act No. 2259) a certain piece or parcel of land. To the petition various oppositions were presented. Said parcel of land was made up of various lots or parcels of land. The opposition of the municipality of Dingras as well as that of Eduardo Sugo and his companions was to the registration of lot No. 6418. Eduardo Sugo and his companions claimed to be the owners of said lot (No. 6418).

After hearing the evidence the Honorable F. Santamaria, judge, in a very carefully prepared opinion, denied the registration of said parcel of land in the name of Eduardo Sugo and his numerous companions or coopositores [co-objectors].

The decision of the lower court was rendered upon the 19th day of April, 1916. From that decision Eduardo Sugo and his coopositores appealed. The original expediente [record] was not brought to this court. The bill of exceptions does not show the date on which Eduardo Sugo and his coopositores were notified of the decision. So far as the bill of exceptions shows, nothing occurred in the lower court from the announcement of the decision of the lower court (19th day of April, 1916) until the 11th day of April, 1917, when Eduardo Sugo et al., presented a motion for a new trial. Said motion for a new trial was denied upon the 16th day of April, 1917, notice of which was given to Eduardo Sugo, et al., on the 21st day of April, 1917, and he and his companions presented an exception on the 24th day of April, 1917. On the 25th day of April, 1917, Eduardo Sugo et al., presented a motion asking the court to concede to him three months within which to present his bill of exceptions. On the same day (the 25th day of April, 1917), upon a consideration of said motion, the judge conceded to him thirty days within which to present his bill of exceptions, and due notice of said order was given to the appellant immediately. The bill of exceptions was not presented until the 28th day of May, 1917—three days beyond the time conceded by the lower court. On the 14th day of January, 1918, the bill of exceptions was duly approved and certified. The bill of exceptions, however, was not received in the Supreme Court until the 16th day of May, 1918, or a period of one hundred and twelve days after the date on which it was duly approved and certified by the lower court.

From the foregoing it will be seen that the following delays occurred in the perfection of the bill of exceptions: (a) Nearly twelve months passed from the date of the decision to the time of the motion for a rehearing; (b) thirty-three days elapsed between the denial of the motion for a new trial to the presentation of the bill of exceptions; and (c) one hundred and twelve days elapsed from the time of the approval of the bill of exceptions before it was filed with the clerk of the Supreme Court.

Section 26 of Act No. 2347 provides that the bill of exceptions in land registration cases must be presented within

the period of thirty days after notice of the decision of the court. Paragraph 2 of section 143 of Act No. 190 provides that: "Immediately upon the allowance of a bill of exceptions by the judge, it shall be the duty of the clerk to transmit the same to the Clerk of the Supreme Court." \* \* \* Rule 14 of the Supreme Court, in force at the time the bill of exceptions was presented, provided that within sixty days (now thirty days, Rule 14, par. [a], New Rules) after a bill of exceptions is approved by the lower court the appellant shall cause the same to be filed in the office of the clerk of the Supreme Court.

We have held in numerous cases that, for a failure to comply with the above provisions, the decision of the lower court became final and non-appealable. (Director of Lands vs. Maurera and Tiongson, 37 Phil., 410; Lavitoria vs. Judge of First Instance of Tayabas and Director of Lands, 32 Phil., 204; Roman Catholic Bishop of Tuguegarao vs. Director of Lands, 34 Phil., 623; Estate of Cordoba, and Zarate vs. Alabado, 34 Phil., 920; Bermudez vs. Director of Lands, 36 Phil., 774; Santiago vs. Manuel and Tumale, 39 Phil., 869; Strachan & McMurray vs. Viuda de Gurrea, R. G. No. 13786, decided March 25, 1919, not published; Porcuna vs. Philippine Industrial Co., R. G. No. 14065, decided July 7, 1919, not published; Averilla vs. Babia, R. G. No. 13830, decided February 6, 1919, not published; Alcos vs. Almares and Almares, R. G. No. 13993, decided March 5, 1919, not published; Bradley vs. Municipality of Tayug, R. G. No. 13131, decided January 14, 1919, not published; Gaza and Hernandez vs. Borromeo, R. G. No. 13611, decided December 21, 1918, not published; Gonzalez vs. Talusan and Villarosa, R. G. No. 12931, decided January 7, 1919, not published; Fluemer vs. Warrington, R. G. No. 12915, decided December 7, 1918, not published; Villanueva vs. Tamarra, 39 Phil., 238; Anderson vs. Green, R. G. No. 13152, decided November 9, 1918, not published; Yap-Quico Viuda de Vazquez vs. Papa Viuda de Vazquez, R. G. No. 13359, decided November 7, 1918, not published; Rivera vs. Manalansan, R. G. No. 13586, decided December 10, 1918, not published; Asistio Daguidal de Jesus vs. Mariano Velasco & Co. and Mitchel, R. G. No. 13860, decided December 6, 1918, not published; Lituaiia and Calica vs. Oliveros, 38 Phil., 628; Del Rosario vs. Director of Lands, R. G. No. 13226, decided January 27, 1919, not published; Gonzalez Paramos vs. Director of Lands, R. G. No. 13197, decided January 22, 1919, not published; Lim vs. Ambrosio, R. G. No. 14014, decided August 9, 1919, not published; Government of the Philippine Islands vs. Abural, 39 Phil., 996; Valderueda vs. Viuda de Lizares, R. G. No. 15791, resolution of September 22, 1919; Reyes vs. Agalabia, R. G. No. 15669, resolution of August 18, 1919; Lim vs. Singian and Soler, 37 Phil., 817; Layda vs. Legazpi, 39 Phil., 83.)

In the present case the appellants did not present their bill of exceptions within the time prescribed by section 26 of Act No. 2347. Neither did they bring the record to the Supreme Court within the time prescribed by the law and the Rules of the Supreme Court. In view of the fact that the decision of the lower court became final and non-appealable for the reason above stated, we are without jurisdiction to consider the same.

The purpose of the law and the rules is to definitely fix the time when a decision is final so that it may be executed and the litigation terminated. Without some definite way of determining when a decision is final, the parties litigant could never know when they could enforce their rights under the judgment nor when the litigation is in fact terminated.

Therefore, it is hereby ordered and decreed that the appeal be dismissed, with costs to the appellants. So ordered.

Arellano, C.J., Torres, Araullo, Malcolm, and Avanceña, JJ., concur.

Appeal dismissed.

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