

MAGDALENA VILLANUEVA, PETITIONER, VS. HONORABLE EMILIO ARANETA DIAZ, RESPONDENT.

G.R. No. 29918. August 22, 1928

Ponente: OSTRAND, J.

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OSTRAND, J.:

This is a petition for a writ of mandamus to compel the respondent judge to approve and certify a bill of exceptions in a cadastral land registration case.

It appears from the record that the petitioner, Magdalena Villanueva, was notified of the decision from which she seeks to appeal, on November 9, 1927, and that she duly excepted to said decision and manifested her intention to appeal; that on December 5, 1927, she filed a motion for a new trial; that said motion was denied by the trial court and that she was notified thereof on January 5, 1928. The bill of exceptions was not presented until the 14th of the same month. The respondent judge declined to approve the bill of exceptions on the ground that after deducting the period during which the motion for a new trial was under consideration, thirty-four days had passed from the time of the notification of the decision until the presentation of the bill, and that therefore the statutory period for its presentation had expired.

In our opinion, the ruling of his Honor was entirely correct. Section 14 of Act No. 496 as amended by section 26 of Act No. 2347 provides "that the period within which the litigating parties must file their appeals and bills of exceptions against the final judgment in land registration cases shall be thirty days, counting from the date on which the party received a copy of the decision," and this provision has so far been uniformly observed by this court. (*Bermudez vs. Director of Lands*, 36 Phil., 774; *Director of Lands vs. Maurera and Tiongson*, 37 Phil., 410; *Layda vs. Legazpi*, 39 Phil., 83; *Santiago vs. Manuel and Tumale*, 39 Phil., 869.)

In the case here in question the notification of the decision of the trial court contained only as much of that decision as related to the parcel of land in which the herein petitioner was interested, and it is argued that such a notification cannot be regarded as a service of a copy of the decision in conformity with the statutory provision above quoted. We cannot agree in this contention. The statute must be given a reasonable construction in accord with its purpose and intent. In cadastral cases the decisions are usually very voluminous and relate to hundreds of parcels of land owned by different persons and it cannot have been the intention of the Legislature to oblige the Government to furnish the various defendants and claimants with copies of such portions of the decision as relate only to lands in which they have no interests and which they do not claim. The purpose of the service of copies of cadastral registration decisions upon claimants is evidently to apprise them of the disposition made of the lands in which they are interested, and this purpose would seem to be sufficiently carried out by furnishing a claimant copy of as much of the main decision as has reference to the lots or parcels claimed by him. That is, in effect, a full decision upon his claim and sufficiently meets the requirements of the statute.

The petition for a writ of mandamus is denied without costs. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Romualdez, and Villa-Real, JJ., concur.

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