

**FRANCISCA LIM CUMPAO ET AL., PETITIONERS AND APPELLANTS,
VS. HONORATA RODRIGUEZ ET AL., OPPONENTS AND APPELLEES.**

G.R. No. 7298. January 24, 1913

Ponente: JOHNSON, J.

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JOHNSON, J.:

This was an action commenced in the Court of Land Registration to register, under the Torrens system, in favor of the plaintiffs, a parcel of land particularly described in the complaint. The registration in the name of the plaintiffs was opposed by the defendants.

After the publication of the notices required by law, the original plaintiffs, on or about the 3d of November, 1910, attempted to have substituted one of the opponents, Vicente Rodriguez, as party plaintiff. There is nothing in the record which shows that said amendment was ever allowed by the court. Neither was there any additional publication of the notices required by law, announcing that the petitioner in the original action had been changed. At the time of the attempted substitution of Vicente Rodriguez in place of the original petitioner, Vicente Rodriguez had already appeared as one of the opponents. This court has heretofore decided that the respondent in an action for the registration of land, under the Torrens system, if he desires to have the land registered in his name, must begin a new proceeding in the Land Court for that purpose and follow the procedure marked out by the law. (*Tecson vs. Dominicos*, 19 Phil. Rep., 79; *City of Manila vs. Lack*, 19 Phil. Rep., 324.) This doctrine is also supported by the cases of *Foss vs. Atkins* (201 Mass., 158; 204 Mass., 337); *People ex rel. Smith vs. Crissman* (41 Colo., 450).

Following the above doctrine as heretofore announced, we are of the opinion that an opponent cannot, by agreement with the petitioner in an action for the registration of land under the Torrens system, be substituted for the latter, and have the title to the land registered in his name. This certainly cannot be done under the present law and under the facts in the present case. If an opponent desires to have the property registered in his name he must commence an original action for that purpose and must comply with all the requirements of the law as to publication of notices, etc,

The lower court, after hearing the evidence adduced, found that the original plaintiff was not entitled to the registration of the land in question and dismissed the petition. From that decision an appeal was taken to this court.

After a careful examination of the record and for the reason hereinbefore stated, we are of the opinion that the judgment of the lower court should be affirmed, with costs. So ordered.

Arellano, C. J., Torres, Mapa, Moreland, and Trent, JJ., concur.

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