

[ G. R. No. 16599. June 17, 1922 ]

**VICTORIANO BETCO, PETITIONER AND APPELLANT, VS. "LA FLOR DE INTAL,"  
OPPONENT AND APPELLEE.**

**D E C I S I O N**

**MALCOLM, J.:**

By objection to the approval of the bill of exceptions presented in the Court of First Instance of Manila, and again by motion to dismiss the appeal filed in the Supreme Court, counsel for the opponent-appellee have persistently and ably pressed the proposition that an order made by the judge of the fourth *sala* [branch] of the Court of First Instance of the city of Manila functioning as a land court, addressed to the register of deeds, directing the form of an annotation to be indorsed on the back of a certificate of title, is not a final judgment in a civil action from which the aggrieved party has the right to perfect a bill of exceptions for review by the Supreme Court. To the fundamental question thus advanced, we give prior consideration in this case.

Under Spanish sovereignty, if registrars entertained any doubt with reference to the interpretation and execution of the Mortgage Law, or of the regulations for its execution, they consulted either the president of the *Audiencia*, or a judge of first instance. If, in turn, the judge of first instance entertained any doubt as to the decision of the question, he forwarded it, together with his report, to the president of the *Audiencia*, while if the president of the *Audiencia* was also uncertain as to a correct resolution of the question submitted by the judge of first instance or by the registrar, he forwarded it to the Colonial Department. (Mortgage Law, art 275; Regulations for the Execution of the Mortgage Law, arts. 112, 120.) With the change to American sovereignty, it is probable that these provisions continued to exist with the exception of the contemplated reference to the Spanish Colonial Minister which automatically became inoperative.

With the establishment of the Court of Land Registration by Act No. 496, the Philippine

Commission; by section 53 of the law, provided that "Where the register of deeds is in doubt upon any question of law, or where any party in interest does not agree as to the proper memorandum to be made in pursuance of any deed, mortgage, or other voluntary instrument presented for registration, the question shall be referred to the court for decision, either on the certificate of the register of deeds stating the question upon which he is in doubt or upon the suggestion in writing of any party in interest; *and the court, after notice to all parties and hearing, shall enter an order* prescribing the form of memorandum to the register of deeds to make registration in accordance therewith." Not long after, the Philippine Commission took pains to make the matter even more specific by providing in Act No. 700, section 1, No. 4, the following: "All the powers and faculties conferred by sections two hundred and sixty-eight (paragraph five), two hundred and sixty-nine and two hundred and seventy-six of the Mortgage Law, and sections one hundred and twelve and one hundred and twenty of the regulations for its execution, upon the president of the *audiencia* and the judges of first instance in the matter of inspecting registries of property, receiving consultations from the registers of deeds, and hearing and determining all questions affecting the registration of instruments, are hereby conferred upon the Court of Land Registration created by this Act." When by the Judiciary Reorganization Act (No. 2347), the Court of Land Registration was abolished, and the powers of that court were conferred upon the different judges of first instance, the Philippine Legislature, having in view the point now under consideration, provided in section 11 of the Act as follows: "*The judge of the fourth branch of the Court of First Instance of the Ninth District, that is, the city of Manila, shall try all cases relative to the registration of real estate in the city of Manila and shall, besides, have the powers and authority conferred by section one, number four, of Act Numbered Seven hundred, and by section fifty-three of Act Numbered Four hundred and ninety-six upon the Court of Land Registration. \* \* \**" In much the same language, the provision was carried into the first and second administrative codes. Section 200 of the last Administrative Code provides: "Where the register of deeds is in doubt with regard to the proper step to be taken or memorandum to be made in pursuance of any deed, mortgage, or other instrument presented for registration or where any party in interest does not agree with the register of deeds with reference to any such matter, the question shall be referred to the judge of the fourth branch of the Court of First Instance of the Ninth Judicial District either on the certificate of the register of deeds stating the question upon which he is in doubt or upon the suggestion in writing of the party in interest; *and thereupon said judge, upon consideration of the matter as shown by the record certified to him, and in case of registered lands, after notice to the parties and hearing, shall enter an order prescribing the step to be taken or memorandum to be made.*"

So much for the interesting argument of the attorneys for the opponent-appellee who have endeavored to prove, and in fact have proved, a chain of authority beginning with the power lodged in Courts of First Instance and the president of the *Audencia*, then passing to the Court of Land Registration, and then passing to the judge sitting in the fourth branch of the Court of First Instance of the city of Manila. But there are other laws which give an entirely different aspect to the question.

First, by section 14 of the Land Registration Law, and later-by Act No. 1108, it was provided by the legislative body that "*Every order, decision, and decree of the Court of Land Registration may be reviewed by the Supreme Court in the same manner as an order, decision, decree, or judgment of a Court of First Instance might be reviewed- \* \* \**" The Judiciary Reorganization Act (No. 2347) had the effect, as is well known, of substituting for the words, "Court of Land Registration," the words, "Court of First Instance." The ultimate result, accordingly, must be that every order, decision, and decree of a Court of First Instance, including the fourth branch of the Court of First Instance of the city of Manila, and covering such matters as were specifically mentioned in the Spanish Mortgage Law, and in Act No. 700 of the Philippine Commission, may be taken by appeal to the Supreme Court of the Philippine Islands.

The derivatory principle just announced is made more certain when it is recalled that registers of deeds perform both functions of an administrative character and functions which are at least of a *quasi-judicial* nature. "That the duties of a registrar of property, when he is acting under the Mortgage Law, are to a large extent judicial," are the words of Mr. Justice Willard in the course of his decision in the case of *Debrunner vs. Jaramillo* ([1908], 12 Phil., 522 316). Moreover, the previous trend of decisions has been to confirm the practically Unlimited right of appeal to the Supreme Court from all judgments and orders pronounced by the Courts of First Instance. (*McGirr vs. Hamilton and Abreu* [1915], 30 Phil, 563.)

It is our opinion that an appeal by bill of exceptions can be taken from an order entered by the judge of the fourth branch of the Court of First Instance of the city of Manila, pursuant to the authority conferred by section 200 of the Administrative Code.

As to the questions argued by petitioner-appellant, it is sufficient for us to say that we agree with the order of the trial court, wherein it was directed that the register of deeds of the city of Manila admit to registry the document presented on April 29, 1919, as a cancellation of the conditions endorsed on Certificate of Transfer No. 10357, and that the entries thereon,

designated as "A. P. 523" and "A. P. 524" be cancelled in their entirety.

Order affirmed, with costs. So ordered.

*Araullo, C. J., Avanceña, Villamor, Johns, and Romualdez, JJ., concur.*

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