

5 Phil. 171

[G.R. No. 2346. October 26, 1905]

ALBINO SANTOS ET AL., PETITIONERS, VS. SIMPLICIO DEL ROSARIO, JUDGE OF THE COURT OF LAND REGISTRATION, RESPONDENT.

D E C I S I O N

CARSON, J.:

This is an application for a mandamus to compel the defendant to sign and certify a bill of exceptions in the Court of Land Registration.

The defendant in his answer admits the facts set out in the application, but alleges that he did not sign and certify the said bill of exceptions, as submitted, because it was not presented within the period prescribed by law.

In the case of Fischer vs. Ambler (1 Phil. Rep., 508), this court held that under the provisions of section 500 of the Code of Civil Procedure all questions as to whether there has been a compliance with the law prescribing the method of bringing actions into the Supreme Court must be determined here and not in the trial court, and it was suggested that "a convenient course, in cases where exceptions have in fact been taken, will be for the trial court to settle and certify a bill of exceptions embodying all the exceptions taken, and stating such facts as may be necessary in order to enable this court to pass upon the question whether they were taken in compliance with the provisions of the code."

We are of opinion, therefore, that a mandamus should issue in this case, in accordance with the prayer of the complaint. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, and Willard, JJ., concur.

Date created: April 28, 2014