

[ Act No. 1648, May 16, 1907 ]

**AN ACT FURTHER TO AMEND ACT NUMBERED FOUR HUNDRED AND NINETY-SIX, ENTITLED "AN ACT TO PROVIDE FOR THE ADJUDICATION AND REGISTRATION OF TITLES TO LANDS IN THE PHILIPPINE ISLANDS," SO AS TO PROVIDE FOR THE TAKING OF EVIDENCE AND THE MAKING OF FINDINGS OF FACT IN CERTAIN LAND-REGISTRATION CASES BY JUDGES OF THE COURTS OF FIRST INSTANCE, TO EMPOWER JUDGES OF THE COURT OF LAND REGISTRATION TO GRANT INJUNCTIONS, TO ESTABLISH A FIXED TABLE OF FEES FOR REGISTRATION CASES, AND FOR OTHER PURPOSES.**

*By authority of the United States, be it enacted by the Philippine Commission, that:*

Section 1. Section four of Act Numbered Four hundred and ninety-six is hereby amended by adding at the end thereof the following words:

"All cases arising in the Court of Land Registration in the city of Manila shall be assigned to the regular judges of the court by rotation, as nearly as may be, and all cases arising in said court outside of the city of Manila shall be assigned by districts to the regular judges and the judges at large of the Court of First Instance performing the duties of judges of the Court of Land Registration. The limits of said districts shall be determined by agreement among all of the judges serving on the court. The judge to whom a case is once assigned shall thereafter have exclusive authority and jurisdiction therein unless and until he shall be absent from the Philippine Islands, or shall have voluntarily transferred such case to another judge, or such transfer shall have been authorized by the Secretary of Finance and Justice: *Provided*, That any judge of the Court of First Instance outside of the city of Manila shall, when ever directed in writing to do so by the Secretary of Finance and Justice, hear and make findings of fact in land-registration cases at the times and places prescribed by law for holding regular or special terms of the Court of First Instance in his judicial district, whenever any application or applications under this Act shall have been duly published, mailed, and posted for hearing at any such times and places. For the purposes of any such hearing such judge of the Court of First Instance shall exercise all the powers exercised for like purposes by judges of the Court of Land Registration, including the power to determine whether the application has been duly published, mailed, and posted for hearing, and the power of adjournment to such times and places as may be convenient, and, after the hearing, such judge of the Court of First Instance shall return the application and all papers and documents filed in connection therewith and all evidence presented in support thereof or in opposition thereto, together with his findings of fact, by official messenger or registered mail, to the clerk in Manila, who shall thereupon transmit the papers and record in the ease to the judge to whom the case has been assigned for decision. Such judge to whom the case has been assigned may, of his own motion, or on motion for a new trial made by any party to the case on proper grounds and in due time, reopen the case and, with

the previous approval in writing of the Secretary of Finance and Justice, return it to the judge of the Court of First Instance of the district in which the findings of fact were originally made for further hearing. Such judge of the Court of First Instance shall thereupon conduct such further hearing and return the application, papers, documents, and evidence and any further findings of fact to the clerk in Manila in the manner hereinbefore provided, to be again delivered to the judge to whom the case has been assigned. Nothing in this section contained shall be construed to prevent judges serving on the Court of Land Registration from referring any such case to an examiner of titles, as referee, to take testimony and make report thereon to the court,"

SEC. 2. Section seven of said Act. as amended, is hereby further amended by striking out said section and inserting in lieu thereof the following:

"SEC. 7. There shall be a clerk and an assistant clerk of the Court of Land Registration, who shall be appointed by the Attorney General, with the approval of the Secretary of Finance and Justice. The clerk and assistant clerk shall perform their duties under the control and supervision of the senior judge of the court and may be removed from office for cause by said senior judge.

The clerk shall have authority, subject to the provisions of the Civil Service Law and with the approval of the Attorney-General, to appoint and employ the necessary deputies, assistants, clerks, translators, stenographers, typewriters, messengers, and other subordinate employees which may be authorized by law.

"The assistant clerk shall act as chief deputy to the clerk of the court and shall perform such other duties as may be assigned to him by the senior judge or the clerk of the court. In case of the death or disability of the clerk, the assistant clerk shall perform the duties of clerk until the vacancy is filled or the disability is orders by judges, removed: *Provided, however,* That any judge of the Court of Land Registration having jurisdiction over any particular case may issue such orders to the clerk with reference to such case as he may deem proper, without the intervention of the senior judge, and the clerk shall comply therewith."

SEC. 3. Section eight of said Act. as amended, is hereby further amended by striking out said section and inserting in lieu thereof the following:

"SEC. 8. Except as otherwise herein provided, the clerk shall have the custody and control, under the general direction of the senior judge of the court, of all papers and documents filed with him under the provisions of this Act, and shall carefully number and index the same. Said papers and documents shall be kept in the city of Manila, in an office to be called the "Land Registration Office," which shall be in the same building as the Court of Land Registration or near said building.

"The clerk shall attend the sessions of the court and keep a docket of all causes, and be shall affix the seal of the court to all process or papers proceeding therefrom and requiring a seal.

"When an application is published for hearing at the time and registered mail. place for holding a regular or special term of the Court of First Instance, as provided in section four of this Act, the clerk shall immediately send the original application, and all papers and documents filed in connection therewith, by official messenger or registered mail, to the judge of the Court of First Instance who is to conduct the hearing."

SEC. 4. Section seventeen of said Act, as amended, is hereby further amended by adding at: the end thereof the following:

The Court of Land Registration, in all matters over which it has jurisdiction, may issue an injunction for the protection of either or any of the parties in interest, in the following cases:

"(1) When it appears by the application, by verified petition, or by affidavits that the commission or continuance of some act during the proceedings Cor registration of title would produce waste or great or irreparable injury to the subject-matter of the registration proceeding.

"(2) When it appears during the pendency of the proceedings that either or any of the parties in interest is doing, or is about to do, or is threatening to do, or is procuring or suffering to be done, some act in violation or to the prejudice of the rights of another party to the action respecting the subject-matter of the proceedings and tending to render the judgment ineffectual.

"Except as herein provided, preliminary and permanent injunctions shall be obtained, enforced, dissolved, or modified in the same manner as such injunctions are obtained, enforced, dissolved, or modified under the provisions of the Code of Civil Procedure."

SEC. 5. Section thirty of said Act is hereby amended so as to read as follows:

"SEC. 30. If the application is filed with the clerk, he shall forthwith forward it by registered mail to the register of deeds of the province or city in which the land or any portion thereof lies. Immediately upon the receipt of the application, whether from the applicant or the clerk, the register of deeds shall search the books and records of his office and attach to the application a certificate stating that the land to which the application relates does not appear in such books or records, or setting forth copies of all entries of such land, if any there be, and, if the applicant seeks the benefits of Act Numbered Nine hundred and twenty-six, the resistor of deeds shall also obtain from the examiner of titles and attach to the application the report and certificate required by section sixty of said Act, and shall transmit the application, such certificate and report, and the papers, plans, and memorandum mentioned in section twenty of this Act by the first registered mail to the clerk in Manila."

SEC. 6. Section thirty-one of said Act is hereby amended by striking out. at the beginning of said section, the words "If, in the opinion of the examiner, the applicant has a good title, as all used. and proper for registration, or if the applicant, after an adverse opinion of the examiner, elects to proceed further, the clerk of the court shall, immediately upon the filing of the examiner's opinion or the applicant's