

[Act No. 3621, December 05, 1929]

AN ACT TO AMEND SECTIONS THIRTY-FOUR, THIRTY-SEVEN, THIRTY-EIGHT, AND THIRTY-NINE OF ACT NUMBERED FOUR HUNDRED AND NINETY-SIX, KNOWN AS THE LAND REGISTRATION ACT.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section thirty-four of Act Numbered Four hundred and ninety-six, known as the Land Registration Act, is hereby amended to read as follows:

"SEC. 34. Any person claiming an interest, whether named in the notice or not, may appear and file an answer on or before the return day, or within such further time as may be allowed by the court. The answer shall state all the objections to the application, and shall set forth the interest claimed by the party filing the same and apply for the remedy desired, and shall be signed and sworn to by him or by some person in his behalf."

SEC. 2. Section thirty-seven of the same Act is hereby amended to read as follows:

"SEC. 37. If in any case without adverse claim the court finds that the applicant has not proper title for registration, a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice. The applicant may withdraw his application at any time before final decree, upon terms to be fixed by the court: *Provided, however,* That in a case where there is an adverse claim, the court shall determine the conflicting interests of the applicant and the adverse claimant, and after taking evidence shall dismiss the application if neither of them succeeds in showing that he has proper title for registration, or shall enter a decree awarding the land applied for, or any part thereof, to the person entitled thereto, and such decree, when final, shall entitle to the issuance of an original certificate of title to such person: *Provided, further,* That if the adverse claim covers only a portion of the lot and said portion is not properly delimited on the plan attached to the application, the court, upon pronouncing judgment, in case the same be in favor of the adverse claimant, shall order the latter to file a plan of the portion awarded to him, duly approved by the Director of Lands: *And provided, finally,* That the court shall in its judgment determine the strictly necessary expenses incurred by the applicant for fees for the registration of his application in the office of the clerk of the court and for the publication thereof, and shall order the adverse claimant to whom a portion of the land applied for has been awarded to pay to the applicant such part of said expenses as may be in proportion to the area awarded to said adverse claimant, unless the court finds that the applicant, upon filing his application, acted in bad faith or knowing that he had no right to the land awarded to another, in which cases he shall not be entitled to any refund. In case the adverse claim is for the entire lot, the refund of