

[Act No. 1699, August 30, 1907]

AN ACT PROVIDING THAT PROVINCIAL FISCALS AND THE ATTORNEY FOR THE MORO PROVINCE SHALL PERFORM THE DUTIES OF THE REGISTER OF DEEDS IN THEIR RESPECTIVE PROVINCES, ABOLISHING THE POSITION OF EXAMINER OF TITLES, AND AMENDING ACTS NUMBERED EIGHTY-THREE, FOUR HUNDRED AND NINETY-SIX, SEVEN HUNDRED AND EIGHTY-SEVEN, AND NINE HUNDRED AND TWENTY-SIX, AS AMENDED.

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

Section 1. Section eleven of Act Numbered Eighty-three, entitled "A general Act for the organization of provincial governments in the Philippine Islands," as amended by section one of Act Numbered Two hundred and twenty-three and section one of Act Numbered Fourteen hundred and forty-three, is hereby amended so as to read as follows:

SEC. 11. The provincial fiscal shall be the attorney and legal adviser of the provincial government and of each of its officers, when called upon, and they may require from him written opinions. He shall represent the provincial government in all suits brought on its behalf or against it in the courts of the province or in the courts of any other province, he shall be the legal adviser of the council and president of each municipality of the province, and shall upon the request of any president or council submit in writing his views upon any question properly arising in the discharge of their public duties, he shall in the courts of the province represent the public in all criminal cases and perform such duties with reference to the institution of all criminal prosecutions as the laws relating to criminal procedure shall require. In cases where the interests of any municipality and of the provincial government are opposed, he shall act on behalf of the provincial precinct, and the municipality shall be obliged to employ special counsel.

"He shall also represent each municipality of his province or provinces in all litigation pending for or against such municipality in any court, except in cases where the interests of the municipality and of the provincial government are opposed, in case where two municipalities are adverse parties to the same litigation, and in case arising under Act Numbered Thirteen hundred and seventy-six, in all of which cases the municipalities shall be obliged to employ special counsel.

"He shall also perform the duties of the register of deeds.

"The Attorney-General shall represent the provincial government, except as hereinafter provided, in all suits for or against it which shall come into the Supreme Court; but if he deems it necessary he may authorize the provincial fiscal to assist him in the hearing of the cause before the Supreme Court. In suits by the government of one province against the government of another the Attorney-General shall take no part, and the provinces engaged in the litigation shall be represented in the Supreme Court by their respective provincial fiscals. When any criminal case is appealed to the Supreme Court the provincial fiscal shall forthwith make a report to the Attorney-General, explaining the question of law and fact appearing therein and the conclusions of the court; and if the Attorney-General

directs, the provincial fiscal shall appear in such criminal cases in the Supreme Court on appeal. The Attorney-General shall have general supervision of all provincial fiscals, shall prepare rules for their guidance, may require reports from them as to the condition of public business in the courts of their respective provinces, and shall make an annual report through the Governor-General to the Commission of the conditions of the public business in litigation throughout the Islands.

"Whenever the provincial fiscal is absent from the province, or fails or refuses to discharge his duty by reason of illness or other cause, or by reason of personal interest in a prosecution or other matter is disqualified to act therein as provincial fiscal, the judge of the Court of First Instance for the province is authorized and required to appoint a temporary fiscal, who shall be paid out of the provincial treasury the same compensation per day as that provided by law for the regular provincial fiscal for the days actually employed. The fiscal thus temporarily appointed shall discharge all the duties of the provincial fiscal as provided by law which the regular provincial fiscal fails or is unable to perform. The provincial fiscal of any province may, by authority of the provincial board, have a deputy fiscal, and a clerk or clerks, to be appointed by the provincial fiscal, at such salaries, out of the provincial treasury, as may be allowed, with the concurrence of the Executive Secretary: *Provided*, That after the first of March, nineteen hundred and two, such clerk or clerks shall be selected in accordance with the rules and restrictions of the Civil Service Act."

SEC. 2. Section nine of Act Numbered Seven hundred and eighty-seven, entitled "An Act providing for the organization and government of the Moro Province," is hereby amended so as to read as follows:

"SEC. 9. The provincial attorney shall be the attorney and legal adviser of the provincial government and of each of its officers and called upon by the council hereinafter constituted and shall, when or by any officer, furnish a written opinion of law arising in the administration of the province shall represent the provincial government in all suits brought on its behalf or against it in the courts of the province or in the courts of any province or district. He shall be the legal adviser of the municipal authorities of any municipality organized in the province and shall, upon request, submit in writing his views upon any question properly arising in the discharge of the public duties of such officers or authorities. He shall exercise supervisory control in the courts in the province over the district fiscals whose appointments and salaries the legislative council may have provided. The provincial attorney shall, when the public interest requires it, appear and take charge of prosecutions for the government in any court within the province. In cases where the interests of any municipality and of the province are distinct or opposed he shall act on behalf of the provincial government and shall be obliged to employ special counsel. The provincial attorney shall discharge his duties under the supervision of the Attorney-General of the Insular Government, Attorney-General shall represent the provincial government as for or against it which shall come before the Supreme but if the Attorney-General deems it necessary he may require the provincial attorney to assist in the presentation of the cause before the Supreme Court. In every criminal case appealed to the Supreme Court from the Court of First Instance held in the province the provincial attorney shall forthwith

make a report to the Attorney-General, explaining the questions of law and fact appearing therein and the conclusions of the court. The provincial authority shall make an annual report to the Attorney-General of the Philippine Islands as to the conditions of public and private litigation in the courts throughout the province, and shall such other duties as may be required by the legislative counsel.

"He shall also perform the duties of the register of deeds."

SEC. 3. Section four of 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," as amended by hereby amended so as to read as follows:

"SEC. 4. the authority and jurisdiction of the Court of Land Registration shall begin and take effect as soon as the judges thereof are appointed and qualified in the manner required by law for judicial offices. The court may be held by a single judge, and when so held shall have all the authority and jurisdiction committed to said court. Different sessions may be held at the same time, either in the same province or in different provinces as the judges may decide, and they shall so arrange sessions as to insure a prompt discharge of the business of the court.

"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, whenever 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 case 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. But the judges of the Court of Land Registration shall have the same powers of appointing referees in all cases coming before them as are conferred by law upon judges of the Courts of First Instance."

SEC. 4. Section ten of Act Numbered Four hundred and ninety-six, as amended by section two of Act Numbered Six hundred and fourteen, is hereby amended so as to read as follows:

"SEC. 10. There shall be a register of deeds in the city of Manila and one in each province. The register of deeds for the city of Manila shall be appointed at a salary of four thousand pesos per annum and removed in the manner provided for the appointment and removal of judges by section three. The provincial fiscals and attorney for the Moro Provincial shall perform the duties of the register of deeds in their respective provinces. The duties of the register of deeds in the Provinces of Benguet, Nueva Vizcaya, Lepanto-Bontoc, Zambales, Palawan and Agusan shall be performed by respective provincial treasurer of said provinces. The registers of deeds, after any land within their respective district has been registered under this Act, shall have the same authority as the clerk of Court of Land Registration to make all memoranda affecting the title of such land, and to enter and issue new certificates of title as provided herein, and each shall affix his seal to such certificates and duplicate certificates of titles; but in executing the provisions of this Act the registers of deeds shall be subject to the general direction of the Court of Land Registration, in order to secure uniformity throughout the Islands, as their official designation shall be register of deeds for the province or for the city of Manila, in which the duties are to be performed as the case may be."

SEC. 5. Section eleven of Act Numbered Four hundred and ninety-six is hereby amended so as to read as follows:

"SEC. 11. The clerk of the Court of Land Registration and all registers of deeds shall be sworn before any official authorized to administer oaths, and a record thereof shall be made in the records of the court. They shall each give a bond to the Government of the Philippine Islands for the benefit of whom it may concern in a sum to be fixed by the Insular Auditor for the faithful performance of their official duties, before entering upon the same. The judge and the associate judges and the clerk of the Court of Land Registration and all registers of deeds will have power to administer oaths in all matters and cases in which an oath is required, whether pertaining to the registration of lands or otherwise. The clerk and Accounts his deputy and all registers of deeds shall keep an accurate account of all moneys received, as fees or otherwise, which