

# [ Act No. 496, November 06, 1902 ]

## **AN ACT TO PROVIDE FOR THE ADJUDICATION AND REGISTRATION OF TITLES TO LANDS IN THE PHILIPPINE ISLANDS.**

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

SECTION 1. The short title of this Act shall be "The Land Registration Act."

SEC. 2. A court is hereby established to be called the "Court of Land Registration," which shall have exclusive jurisdiction of all applications for the registration under this Act of title to land or buildings or an interest therein within the Philippine Islands, with power to hear and determine all questions arising upon such applications, and also have jurisdiction over such other questions as may come before it under this Act, subject, however, to the right of appeal, as hereinafter provided. The proceedings upon such applications shall be proceedings in rem against the land and the buildings and improvements thereon, and the decrees shall operate directly on the land and the buildings and improvements thereon, and vest and establish title thereto.

The court shall hold its sittings in Manila, but may adjourn from time to time to such other places as the public convenience may require, and may hold sessions at any time in the capital of any province. In the city of Manila, the Municipal Board, and in the provinces, the provincial boards, shall provide suitable rooms for the sittings of the Court of Land Registration in the same building with, or convenient to, the office of the register of deeds, and shall provide all necessary books and such printed blanks and stationery for use in registration proceedings as may be ordered by the court hereby created.

The court shall have jurisdiction throughout the Philippine Archipelago, and shall always be open, except, on Sundays and holidays established by law. It shall be a court of record, and shall cause to be made a seal, and to be scaled therewith all orders, process, and papers made by or proceeding from the court and requiring a seal. All notices, orders, and process of such court may run into any province and be returnable, as the court may direct.

The court shall from time to time make general rules and forms for procedure, conforming as near as may be to the practice in special proceedings in Courts of First Instance, but subject to the express provisions of this Act and to general laws. Such rules and forms before taking effect shall be approved by the judges of the Supreme Court or a majority thereof.

In this Act, except where the context requires a different construction, the word "court" shall mean the Court of Land Registration.

SEC. 3. The Civil Governor, with the advice and consent of the Philippine Commission, shall appoint two judges of the Court of Land Registration, one of whom shall be appointed, commissioned, and qualified as judge of the Court of Land Registration, and the other as associate judge thereof, each of whom may be removed by the Civil Governor, with the advice and consent of the Philippine

Commission, and any vacancy shall be filled in the manner in this section provided. Such further associate judges of the Court of Land Registration shall be appointed in the manner in this section provided, as experience shall prove to be necessary, but the necessity for such additional judges shall be determined by act of the Philippine Commission.

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 officers. 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.

SEC. 5. Citations, orders of notice, and all other process issuing from the court shall be under the seal of the court and signed by the judge or clerk thereof, and shall be served in the manner provided for the service of process in the Code of Procedure in Civil Actions and Special Proceedings, and by the officers therein designated as officers of the court, unless otherwise specially ordered in this Act.

SEC. 6. In case of a vacancy in the office of judge of the Court of Land Registration, or of his absence or inability to perform his duties, the associate judge shall perform them until the vacancy is filled or any disability is removed.

SEC. 7. The Civil Governor, with the advice and consent of the Philippine Commission, shall appoint a clerk, who may be removed in the manner provided for the removal of a judge by virtue of section three, and a vacancy in his office may be filled in the manner in that section provided. He shall attend the sessions of the court and keep a docket of all causes and shall affix the seal of the court to all process or papers proceeding therefrom and requiring a seal.

SEC. 8. The clerk shall be under the direction of the court, shall have the custody and control 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 to it. Clerks shall have authority, subject to the provisions of the Civil Service Law, to employ such deputies, assistants, translators, stenographers, typewriters, and messengers as may be necessary, the number and salaries of such employees to be fixed with the approval of the Attorney-General.

SEC. 9. The clerk may act in the city of Manila and in any province, and after land has been registered under this Act he may make all memoranda affecting the title, and enter and issue certificates of title as provided herein.

SEC. 10. There shall be a register of deeds in the city of Manila, and one in each province, who shall be appointed and removed in the manner provided for the appointment and removal of judges by section three, and who, after any land within their respective districts has been registered under this Act shall have the same authority as the clerk of the 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 to affix the seal of the court to such certificates and duplicate

certificates of title; but in executing the provisions of this Act the registers of deeds shall be subject to the general direction of the clerk of the Court of Land Registration, in order to secure uniformity throughout the Archipelago, and their official designation shall be registers of deeds for the province or for the city of Manila, in which their duties are to be performed, and the case may be. In case of the death or disability of the clerk of the Court of Land Registration, the register of deeds for the city of Manila shall perform the duties of the clerk until the vacancy is filled or the disability is removed.

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 court 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 his deputy and all registers of deeds shall keep an accurate account of all moneys received, as fees or otherwise, which shall be subject to examination by the Auditor for the Philippine Archipelago in the city of Manila, and by the provincial treasurers in the several provinces, and to revision thereof by the Auditor for the Philippine Archipelago, and they shall pay over such moneys at the end of each calendar month to the Treasurer of the Philippine Archipelago, except such moneys as are otherwise disposed of by the provisions of section thirteen of this Act. In the case of the death, absence, or disability of any register of deeds, the assistant register, or if there is no assistant register, the person acting as clerk in the office of register of deeds, shall perform the duties of register, and the register, if living, shall be held responsible for him. The clerk of the Court of Land Registration and all registers of deeds may require bonds of indemnity from all deputies, assistants, and employees in their respective offices. Each register of deeds may appoint such deputies, assistants, clerks, stenographers, typewriters, and translators and at such salaries as the provincial board or the Municipal Board of the city of Manila, as the case may be, authorize, with the approval of the Treasurer of the Philippine Archipelago.

SEC. 12. The Civil Governor, with the advice and approval of the Philippine Commission, may appoint one or more examiners of titles in each of the fifteen judicial districts of the Philippine Archipelago, who shall be lawyers, and who shall be subject to removal in the manner provided in section three, and vacancies therein may be filled in the manner in that section provided.

SEC. 13. The salary of the judge of the Court of Land Registration shall be five thousand dollars per annum, that of associate judge, and of any associate judge subsequently appointed under this Act, shall be four thousand dollars per annum, and that of the clerk of the court shall be two thousand five hundred dollars per annum. The salaries of registers of deeds and examiners of titles shall be fixed by act of the Philippine Commission in proportion to the amount of business and responsibility of their several offices to which appointments may be made. All salaries and expenses of the court, including those for necessary interpreters, translators, stenographers, typewriters, and other employees, as well as those of deputy or assistant clerks duly authorized and examiners of titles, shall be paid from the Treasury of the Philippine Archipelago, but the salaries of the registers of deeds

and of all deputies, assistants, or clerks duly authorized and by them appointed, and all the expenses of every kind incident to the office of register of deeds, including necessary books and stationery, shall be paid out of the respective provincial treasuries or out of the Insular Treasury from funds belonging to the city of Manila, as the case may be. All fees payable under this Act for the services of the clerk of the Court of Land Registration and those of the examiner of titles, including the fee for the original application, for filing plans, for indexing and recording an instrument while application for registration is pending, for examining title, for notices by mail, for notices by publication, for entry of order dismissing application, or decree of registration, and sending memorandum thereof to register of deeds, copy of decree of registration, filing petitions in court, and making certified copies of decrees, shall be paid into the Treasury of the Philippine Archipelago. All fees payable under this Act for the services of the register of deeds or his deputy or clerks, including those for entry of original certificate of title, issuing all duplicates thereof, making and entering new certificates of title and all duplicates thereof, for the registration of instruments, making and attesting, copies of memorandum on instruments, for filing and registering adverse claims, for entering statement of change of residence or post-office, for entering any note on registration book, for registration of a suggestion of death or notice of proceedings in bankruptcy, insolvency or the like, for the registration of a discharge of a lease or a mortgage or instrument creating an incumbrance, for the registration of any levy or any discharge or dissolution of attachment or levy or of any certificate of or receipt for payment of taxes or a notice of any pending action, of a judgment or decree, for indorsing of any mortgage lien or other instrument, memorandum of partition, certified copies of registered instruments, shall be paid into the appropriate provincial treasury, or into the Treasury of the Philippine Archipelago for the city of Manila, as the case may be. All fees payable under this Act for services by sheriff or other officer shall be paid to the officer entitled thereto. Registers of deeds shall pay over to the provincial treasury or to the Treasury of the Philippine Archipelago, as the case may be, at the end of each calendar month all funds received by them in accordance with the provisions of this Act.

SEC. 14. Every order, decision, and decree of the Court of Land Registration shall be subject to appeal to the Court of First Instance of the city or province where the land lies, concerning which the order, decision, or decree appealed from was made; but the proceeding shall not pass to the Court of First Instance for review upon the appeal until final determination by the Court of Land Registration of the whole proceeding in which the order, decision, or decree appealed from was made. The appeal shall be made and entered within thirty days from the date of the final order, decision, or decree, and the party appealing shall, at the time of entering his appeal, file in the Court of First Instance copies of all material papers in the case certified by the clerk. Appearances and answers shall be filed in the Court of First Instance within thirty days after the appeal is entered, unless for good cause further time is allowed, and upon motion of either party the case shall be advanced for speedy hearing, and shall be tried by the Court of First Instance as other actions are tried in that court. All competent testimony which has been taken in writing before the Court of Land Registration may be used in the trial in the Court of First Instance. Questions of law arising in the Court of First Instance on trial of the appeal may be taken to the Supreme Court for revision by any party aggrieved, in the same manner as in ordinary actions in the Court of First Instance.

Whenever the facts before the Court of Land Registration shall not be in dispute, but

a pure question of law only is determinative, of the decision or decree to be made, that court may, after its decision or decree therein, report such decision or decree directly for the consideration of the Supreme Court with so much of the case as may be necessary for the understanding of such questions of law, without transmitting the same to the Court of First Instance. But the procedure last provided shall not be made in any case where any party desires an appeal to the Court of First Instance.

SEC. 15. At the end of the proceedings on appeal, the clerk of the appellate court in which final decision was made shall certify to the Court of Land Registration the final decision on the appeal, and the Court of Land Registration shall enter the final decree in the case, in accordance with the certificate of the clerk of the appellate court in which final decision was made.

SEC. 16. If the party appealing does not prosecute his appeal within the time limited, the original order, decision, or decree shall stand as if no appeal had been taken.

SEC. 17. The Court of Land Registration, in all matters over which it has jurisdiction, may enforce its orders, judgments, or decrees in the same manner as orders, judgments, and decrees are enforced in the Courts of First Instance, and, upon the request of the judge of the Court of Land Registration, the governor or sheriff of any province or of the city of Manila, as the case may be shall assign a deputy to attend the sittings of the court in that province or city.

SEC. 18. Costs shall be taxed in contested cases in the Court of Land Registration in the same manner and for the same items of as in Courts of First Instance, where no different provision is made.

#### ORIGINAL REGISTRATION.

SEC. 19. Application for registration of title may be made by the following persons, namely:

First. The person or persons claiming, singly or collectively, to own the legal estate in fee simple.

Second. The person or persons claiming, singly or collectively, to have the power of appointing or disposing of the legal estate in fee simple.

Third. Infants or other persons under disability may make application by their legally appointed guardians, but the person in whose behalf the application is made shall be named as applicant by the guardian.

Fourth. Corporations may make application by any officer duly authorized by vote of the directors.

But the authority given to the foregoing four classes of persons is subject to the following provisos:

That one or more tenants for a term of years shall not be allowed to make application except jointly with those claiming the reversionary interest in the property which makes up the fee simple at common law. That a mortgagor shall not