

ACT NO. 496

**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 sealed 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, as 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 on 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 revisions 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

derives 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 make application without the consent in writing of the mortgagee.

That a married woman shall not make application without the consent in writing of her husband unless she holds the land as her separate property or has a power to appoint the same in fee simple, or has obtained a decree of the court authorizing her to deal with her real estate as though she were sole and unmarried.

That one or more tenants claiming undivided shares less than a fee simple in the whole land described in the application shall not make application except jointly with the other tenant owning undivided shares, so that the whole fee shall be represented in the action.

But, notwithstanding the foregoing provisos, if the holder of a mortgage, upon the land described in the application does not consent to the making of the application, it may be entered nevertheless and the title registered subject to such mortgage, which may be dealt with or foreclosed as if the land subject to such mortgage had not been registered. But the decree of registration in such case shall state that registration is made subject to such mortgage, describing it, and shall provide that no subsequent certificate shall be issued and no further papers registered relating to such land after a foreclosure of such mortgage.

SEC. 20. The application may be filed with the clerk of the Court of Land Registration, or with the register of deeds of the province or city in which the land or any portion thereof lies. Upon filing his application the applicant shall forthwith cause to be filed with the register of deeds for said city or province a memorandum stating that application for registration has been filed, and the date and place of filing, and a copy of the description of the land contained in the application. This memorandum shall be recorded and indexed by the register with the records of deeds. Each register of deeds shall also keep an index of all applications in his province or city, and, in every case where the application is filed with him, shall transmit the same, with the papers and plans tiled therewith,

and such memorandum when recorded, to the clerk of the Court of Land Registration.

SEC. 21. The application shall be in writing, signed and sworn to by the applicant, or by some person duly authorized in his behalf. All oaths required by this Act may be administered by any officer authorized to administer oaths in the Philippine Islands. If there is more than one applicant, the application shall be signed and sworn to by and in behalf of each. It shall contain a description of the land and shall state whether the applicant is married; and, if married, the name of the wife or husband; and, if unmarried, whether he or she has been married, and, if so, when and how the married relation terminated. If by divorce, when, where, and by what court the divorce was granted. It shall also state the name in full and the address of the applicant, and also the names and addresses of all adjoining owners and occupants, if known; and, if not known, it shall state what search has been made to find them. It may be in form as follows:

UNITED STATES OF AMERICA, PHILIPPINE ISLANDS

To the Honorable Judge of the Court of Land Registration:

I (or we), the undersigned, hereby apply to have the land hereinafter described brought under the operations of the Land Registration Act, and to have my (or our) title therein registered and confirmed. And I (or we) declare: (1) That I am (or we are) the owner (or owners) in fee simple of a certain parcel of land with the buildings (if any; if not strike out the words "with the buildings"), situated in (here insert accurate description). (2) That said land at the last assessment for taxation was assessed, at _____ dollars; and the buildings (if any) at _____ dollars. (3) That I (or we) do not know of any mortgage or incumbrance affecting said land, or that any other person has any estate or interest therein, legal or equitable, in possession, remainder, reversion, or expectancy (if any, add "other than as follows," and set forth each clearly). (4) That I (or we) obtained title (if by deed, state name of grantor, date and place of record, and file the deed or state reason for not filing. If in any other way, state it). (5) That said land

is _____ occupied (if occupied, state name in full and place of residence and post-office address of occupant and the nature of his occupancy. If unoccupied, insert “not”). (6) That the names in full and addresses as far as known to me (or us) of the occupants of all lands adjoining said land are as follows (give street and number wherever possible. If names not known, state whether inquiry has been made, and what inquiry). (7) That the names and addresses so far as known to me (or us) of the owners of all lands adjoining the above land are as follows (same directions as above). (8) That I am (or we are) married. (Follow literally the directions given in the prior portions of this section). (9) That my (or our) full name (or names), residence, and post-office address is (or are) as follows:

Dated this _____ day of _____
in the year nineteen hundred and _____

(Signature)

(Schedule of documents.)

UNITED STATES OF AMERICA, PHILIPPINE ISLANDS

Province of (or city of) _____ (date).

Then personally appeared the above-named _____,
known to me to be the signer (or signers) of the foregoing application,
and made oath that the statements therein, so far as made of his (or
their) own knowledge are true, and so far as made upon information
and belief, that he (or they) believe them to be true, before, me.

Justice of the Peace
(or other officer authorized to administer oaths.)

SEC. 22. If the applicant is not a resident of the Philippine Islands, he shall file with his application a paper appointing an agent residing in the Philippine Islands, giving his name in full,

and his post-office address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect if served upon the agent as if upon the applicant if within the Philippine islands. If the agent dies or becomes insane, or removes from the Philippine Islands, the applicant shall at once make another appointment; and if he fails to do so, the court may dismiss the application.

SEC. 23. Amendments to the application, including joinder, substitution, or discontinuing as to parties, shall be allowed by the court at any time upon terms that are just and reasonable. But all amendments shall be in writing, signed and sworn to like the original.

SEC. 24. The application may include two or more contiguous parcels of land, or two or more parcels constituting one holding under one and the same title, if within the same province or city. But two or more persons claiming in the same parcels different interests, which, collectively, make up the legal estate in fee simple in each parcel, shall not join in one application for more than one parcel, unless their interests are alike in each and every parcel. The court may at any time order an application to be amended by striking out one or more parcels, or by severance of the application.

SEC. 25. If the application described the land as bounded on a public or private way or road, it shall state whether or not the applicant claims any and what land within the limits of the way or road, and whether the applicant desires to have the line of the way or road determined.

SEC. 26. The applicant shall file with the application a plan of the land, and all original muniments of title within his control mentioned in the schedule of documents, such original muniments to be produced before the examiner or the court at the hearing when required. When an application is dismissed or discontinued, the applicant may, with the consent of the court, withdraw such original muniments of title.

SEC. 27. When an application is made subject to an existing recorded mortgage, the holder of which has consented thereto, or to a recorded lease, or when the registration is to be made subject to such mortgage or lease executed after the time of the application and before the date of the transcription of the decree, the applicant shall, if required by the court, file a certified copy of such mortgage or lease, and shall cause the original, or in the discretion of the court, a certified copy thereof to be presented for registration before the decree of registration is entered, and no registration fee shall be charged for registering such original mortgage or lease or such certified copy.

SEC. 28. The court may by general rule require facts to be stated in the application in addition to those prescribed by this Act, and not inconsistent therewith, and may require the filing of any additional papers.

SEC. 29. After the filing of the application and before registration the land therein described may be dealt with and instruments relating thereto shall be recorded, in the same manner as if no application had been made; but all instruments left for record relating to such land shall be indexed in the usual manner in the registry index and also in the index of applications. As soon as an application is disposed of, the clerk of the Court of Land Registration shall make a memorandum stating the disposition of the case and shall send the same to the register of deeds for the proper province or city, who shall record and index it with the records of deeds and in the index of applications. If the proceedings upon the application end in a decree of registration of title, the land included therein shall, as soon as said decree is transcribed, as hereinafter provided in section forty-one, become registered land, and thereafter no deeds or other instruments relating solely to such land shall be recorded with the records of deeds, but shall be registered in the registration book and filed and indexed with records and documents relating to registered lands.

SEC. 30. Immediately after the filing of the application the court shall enter an order referring it to one of the examiners of titles, who shall search the records and investigate all the facts in

the application, or otherwise brought to his attention, and file in the case a report thereon, concluding with a certificate of his opinion upon the title. The clerk shall give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant, he shall be allowed by the court a reasonable time in which to elect to proceed further, or withdraw his application. The election shall be made in writing and filed with the clerk.

SEC. 31. If, in the opinion of the examiner, the applicant has a good title, as alleged, 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 election, as the case may be, cause notice of the filing of the application to be published once in two newspapers, one of which newspapers shall be printed in the English language and one in Spanish, of general circulation in the province or city where any portion of the land lies, or if there be no Spanish or English newspaper of general circulation in the province or city where any portion of the land lies, then it shall be a sufficient compliance with this section if the notice of the filing of the application be published in a daily English newspaper and a daily Spanish newspaper of the city of Manila, having a general circulation. The notice shall be issued by order of the court, attested by the clerk, and shall be in form substantially as follows:

REGISTRATION OF TITLE.

PROVINCE (or city) OF _____

COURT OF LAND REGISTRATION.

To (here insert the names of all persons appearing to have an interest and the adjoining owners so far as known), *and to all whom it may concern:*

Whereas an application has been presented to said court by (name or names, and addresses in full) to register and confirm his (or their) title in the following-described lands (insert description), you are hereby cited to appear at the Court of Land Registration,

to be held at _____, in said Province (or city) of _____, on the _____ day of _____, A. D. nineteen hundred and _____, at _____ o'clock in the forenoon, to show cause, if any you have, why the prayer of said application shall not be granted. And unless you appear at such court, at the time and place aforesaid, your default will be recorded and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

Witness: _____, judge of said court, this _____ day of _____, in the year nineteen hundred and _____.

Attest:

Clerk of Said Court.

SEC. 32. The return of said notice shall not be less than twenty nor more than sixty days from date of issue. The court shall also, within seven days after publication of said notice in the newspapers, as hereinbefore provided, cause a copy of the publication in Spanish to be mailed by the clerk to every person named therein whose address is known. The court shall also cause a duly attested copy of the notice to be posted, in the Spanish language, in a conspicuous place on each parcel of land included in the application, and also in a conspicuous place upon the chief municipal building of the pueblo in which the land or a portion thereof is situate, by the governor or sheriff of the province or city, as the case may be, or by his deputy, fourteen days at least before the return day thereof, and his return shall be conclusive proof of such service. If the applicant requests to have the line of a public way determined, the court shall order a notice to be given by the clerk by mailing a registered letter to the president of the municipal council, or to the Municipal Board, as the case may be, of the municipality or city in which the land lies. If the land borders on a river, navigable stream, or shore, or on an arm of the sea where a river or harbor line has been established, or on a lake, or if it otherwise appears from the application or the proceedings that the Insular Government may have a claim adverse

to that of the applicant, notice shall be given in the same manner to the Attorney-General. The court may also cause other or further notice of the application to be given in such manner and to such persons as it may deem proper. The court shall, so far as it deems it possible, require proof of actual notice to all adjoining owners and to all persons who appear to have interest in or claim to the land included in the application. Notice to such persons by mail shall be by registered letter if practicable. The certificate of the clerk that he has served the notice as directed by the court, by publishing or mailing, shall be filed in the case before the return day, and shall be conclusive proof of such service.

SEC. 33. Upon the return day of the notice, and proof of service of all orders of notice issued, the court may appoint a disinterested person to act as guardian ad litem for minors and persons not in being, unascertained, unknown, or out of the Philippine Islands, who may have an interest. The compensation of the guardian or agent shall be determined by the court and paid as part of the expenses of the court.

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 shall be signed and sworn to by him or by some person in his behalf.

SEC. 35. If no person appears and answers within the time allowed, the court may at once upon motion of the applicant, no reason to the contrary appearing, order a general default to be recorded and the application to be taken for confessed. By the description in the notice, "To all whom it may concern," all the world are made parties defendant and shall be concluded by the default and order. After such default and order the court may enter a decree confirming the title of the applicant and ordering registration of the same. The court shall not be bound by the report of the examiner of titles, but may require other or further proof.

SEC. 36. If in any case an appearance is entered and answer filed, the case shall be set down for hearing on motion of either party, but a default and order shall be entered against all persons who do not appear and answer, in the manner provided in the preceding section. The court may hear the parties and their evidence or may refer the case or any part thereof to one of the examiners of title, as referee, to hear the parties and their evidence, and make report thereon to the court. The trial before the referee may occur at any convenient place within the province or city, and the time and place of trial shall be fixed by the referee and reasonable notice thereof shall be given by him to the parties. The court shall render judgment in accordance with the report as though the facts had been found by the judge himself, unless the court shall for cause shown set the report aside or order it to be recommitted to the referee for further finding: *Provided, nevertheless,* That the court may in its discretion accept the report in part or set it aside in part. The court may in any case before decree require a survey to be made for the purpose of determining boundaries, and may order durable bounds to be set, and referred to in the application, by amendment. The expense of survey and bounds shall be taxed in the costs of the case and may be apportioned the parties as justice may require. If no persons appear to oppose the application, such expense shall be borne by the applicant. If two or more applications claim the same land, or part of the same land, the court may order the hearings upon all such applications to be consolidated, if such consolidation is in the interest of economy of time and expense.

SEC. 37. If in any case 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.

SEC. 38. If the court after hearing finds that the applicant has title as stated in his application, and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons, including the Insular

Government and all the branches thereof, whether mentioned by name in the application, notice, or citation, or included in the general description "To all whom it may concern." Such decree shall not be opened by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding in any court for reversing judgments or decrees; subject, however, to the right of any person deprived of land or of any estate or interest therein by decree of registration obtained by fraud to file in the Court of Land Registration a petition for review within one year after entry of the decree, provided no innocent purchaser for value has acquired an interest. If there is any such purchaser, the decree of registration shall not be opened, but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided. But any person aggrieved by such decree in any case may pursue his remedy by action for damages against the applicant or any other person for fraud in procuring the decree. Whenever the phrase "innocent purchaser for value" or an equivalent phrase occurs in this Act, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value.

SEC. 39. Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value in good faith, shall hold the same free of all incumbrance except those noted on said certificate and any of the following incumbrances which may be subsisting, namely:

First. Liens, claims, or rights arising or existing under the laws or Constitution of the United States or of the Philippine Islands which the statutes of the Philippine Islands can not require to appear of record in the registry.

Second. Taxes within two years after the same have become due and payable.

Third. Any public highway, way, or private way established by law, where the certificate of title does not state that the boundaries of such highway or way have been determined. But if there are easements or other rights appurtenant to a parcel of registered land

which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

SEC. 40. Every decree of registration shall bear the day of the year, hour, and minute of its entry, and shall be signed by the clerk. It shall state whether the owner is married or unmarried, and if married, the name of the husband or wife. If the owner is under disability, it shall state the nature of the disability, and if a minor, shall state his age. It shall contain a description of the land as finally determined by the court, and shall set forth the estate of the owner, and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments, and other incumbrances, including rights of husband or wife, if any, to which the land or owner's estate is subject, and may contain any other matter properly to be determined in pursuance of this Act. The decree shall be stated in a convenient form for transcription upon the certificates of title hereinafter mentioned.

SEC. 41. Immediately upon the entry of the decree of registration the clerk shall send a certified copy thereof, under the seal of the court, to the register of deeds for the province, or provinces, or city in which the land lies, and the register of deeds shall transcribe the decree in a book to be called the "Registration Book," in which a leaf, or leaves, in consecutive order, shall be devoted exclusively to each title. The entry made by the register of deeds in this book in each case shall be the original certificate of title, and shall be signed by him and sealed with the seal of the court. All certificates of title shall be numbered consecutively, beginning with number one. The register of deeds shall in each case make an exact duplicate of the original certificate, including the seal, but putting on it the words "Owner's duplicate certificate," and deliver the same to the owner or to his attorney duly authorized. In case of a variance between the owner's duplicate certificate and the original certificate the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the register of deeds with a reference noted on it to the place of record of the original certificate of title: *Provided, however,* That when an application

includes land lying in more than one province, or one province and the city of Manila, the court shall cause the part lying in each province or in the city of Manila to be described separately by metes and bounds in the decree of registration, and the clerk shall send to the register of deeds for each province, or the city of Manila, as the case may be, a copy of the decree containing a description of the land within that province or city, and the register of deeds shall register the same and issue an owner's duplicate therefor, and thereafter for all matters pertaining to registration under this Act the portion in each province or city shall be treated as a separate parcel of land.

SEC. 42. The certificate first registered in pursuance of the decree of registration in regard to any parcel of land shall be entitled in the registration book, "Original certificate of title, entered pursuant to decree of the Court of Land Registration, dated at" (stating time and place of entry of decree and the number of case). This certificate shall take effect upon the date of the transcription of the decree. Subsequent certificates relating to the same land shall be in like form, but shall be entitled "Transfer from number" (the number of the next previous certificate relating to the same land), and also the words "Originally registered" (date, volume, and page of registration).

SEC. 43. Where two or more person are registered owners, as tenants in common, or otherwise, one owner's duplicate certificate may be issued for the whole land, or a separate duplicate may be issued to each for his undivided share.

SEC. 44. A registered owner holding one duplicate certificate, for several distinct parcels of land may surrender it with the approval of the court, and take out several certificates for portions thereof. So a registered owner holding separate certificates for several distinct parcels may surrender them and with like approval, take out a single duplicate certificate for the whole land, or several certificates for the different portions thereof. Any owner subdividing a tract of registered land into lots shall file with the clerk a plan of such land, when applying for a new certificate or certificates, and the court, before issuing the same, shall cause the plan to be verified

and require that all boundaries, streets, and passageways shall be distinctly and accurately delineated thereon.

SEC. 45. The obtaining of a decree of registration and the entry of a certificate of title shall be regarded as an agreement running with the land, and binding upon the applicant and all successors in title that the land shall be and always remain registered land and subject to the provisions of this act and all acts amendatory thereof.

SEC. 46. No title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession.

SEC. 47. The original certificate in the registration book, any copy thereof duly certified under the signature of the clerk, or of the register of deeds of the province or city where the land is situate, and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the Philippine Islands and shall be conclusive as to all matters contained therein except so far as otherwise provided in this Act.

SEC. 48. Every certificate of title shall set forth the names of all the persons interested in the estate in fee simple in the whole land and duplicate certificates may be issued to each person, but the clerk or register of deeds, as the case may be, shall note in the registration book, and upon each certificate, to whom such duplicate was issued.

SEC. 49. The clerk, under direction of the court, shall make and keep indexes of all applications, of all decrees of registration, and shall also index and classify all papers and instruments filed in his office relating to applications and to registered titles. He shall also, under direction of the court, cause forms of index and registration and entry books to be prepared for use of the registers of deeds. The court shall prepare and adopt convenient forms of certificates of title, and shall also adopt general forms of memoranda to be used by registers of deeds in registering common forms of deeds of conveyance and other instruments, and to express briefly their effect.

VOLUNTARY DEALING WITH LAND AFTER ORIGINAL REGISTRATION

SEC. 50. An owner of registered land may convey, mortgage, lease, charge, or otherwise deal with the same as fully as if it had not been registered. He may use forms of deeds, mortgages, leases, or other voluntary instruments like those now in use and sufficient in law for the purpose intended. But no deed, mortgage, lease, or other voluntary instrument, except a will, purporting to convey or affect registered land, shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties and as evidence of authority to the clerk or register of deeds to make registration. The act of registration shall be the operative act to convey and affect the land, and in all cases under this Act the registration shall be made in the office of register of deeds for the province or provinces or city where the land lies.

SEC. 51. Every conveyance, mortgage, lease, lien, attachment, order, decree, instrument, or entry affecting registered land which would under existing laws, if recorded, filed, or entered in the office of the register of deeds, affect the real estate to which it relates shall, if registered, filed, or entered in the office of the register of deeds in the province or city where the real estate to which such instrument relates lies, be notice to all persons from the time of such registering, filing, or entering.

SEC. 52. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the land in fee simple from the owner or from some one of the registered owners. All interests in registered land less than an estate in fee simple shall be registered by filing with the register of deeds the instrument creating or transferring or claiming such interest and by a brief memorandum thereof made by the register of deeds upon the certificate of title, signed by him. A similar memorandum shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the same manner.

SEC. 53. Where the register of deeds is in doubt upon any question of law, or where any party in interest does not agree as to the proper memorandum to be made in pursuance of any deed, mortgage, or other voluntary instrument presented for registration, the question shall be referred to the court for decision, either on the certificate of the register of deeds stating the question upon which he is in doubt or upon the suggestion in writing of any party in interest; and the court, after notice to all parties and hearing, shall enter an order prescribing the form of memorandum to the register of deeds to make registration in accordance therewith.

SEC. 54. Every deed or other voluntary instrument presented for registration shall contain or have indorsed upon it the full name, place of residence, and post-office address of the grantee or other person acquiring or claiming such interest under such instrument, and every such instrument shall also state whether the grantee is married or unmarried, and if married, give the name in full of the husband or wife. Any change in the residence or post-office address of such person shall be indorsed by the register of deeds on the original instrument, on receiving a sworn statement of such change. All names and addresses shall also be entered upon all certificates. Notices and process in relation to registered land in pursuance of this Act may be served upon any person in interest by mailing the same to the address so given, and shall be binding whether such person resides within or without the Philippine Islands, but the court may, in its discretion, require further or other notice to be given in any case, if in its opinion the interests of justice so require.

SEC. 55. No new certificate of title shall be entered, no memorandum shall be made upon any certificate of title by the clerk, or by any register of deeds, in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented for such indorsement, except in cases expressly provided for in this Act, or upon the order of the court, for cause shown; and whenever such order is made, a memorandum thereof shall be entered upon the new certificate of title and upon the owner's duplicate.

The production of the owners duplicate certificate whenever any voluntary instrument is presented for registration shall be conclusive authority from the registered owner to the clerk or register of deeds to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him in favor of every purchaser for value and in good faith: *Provided, however,* That in all cases of registration procured by fraud the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice, however, to the rights of any innocent holder for value of a certificate of title: *And provided further,* That after the transcription of the decree of registration on the original application, any subsequent registration under this Act procured by the presentation of a forged duplicate certificate, or of a forged deed or other instrument, shall be null and void. In case of the loss or theft of an owner's duplicate certificate, notice shall be sent by the owner or by some one in his behalf to the register of deeds of the province in which the land lies as soon as the loss or theft is discovered.

SEC. 56. Each register of deeds shall keep an entry book in which he shall enter in the order of their reception all deeds and other voluntary instruments, and all copies of writs or other process filed with him relating to registered land. He shall note in such book the year, month, day, hour, and minute of reception of all instruments, in the order in which they are received. They shall be regarded as registered from the time so noted, and the memorandum of each instrument when made on the certificate of title to which it refers shall bear the same date.

Every deed or other instrument, whether voluntary or involuntary, so filed with the clerk or register of deeds shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers relating to registered land in the office of the clerk or of any register of deeds shall be open to the public, subject to such reasonable regulations as the clerk, under the direction of the court, may make.

Duplicates of all deeds and voluntary instruments filed and registered may be presented with the originals, and shall be attested and sealed by the clerk or the register of deeds, and indorsed with the file number and other memoranda on the originals, and may be taken away by the person presenting the same.

Certified copies of all instruments filed and registered may also be obtained at any time, upon the payment of the fees, of the register of deeds.

CONVEYANCE IN FEE

SEC. 57. An owner desiring to convey in fee his registered land or any portion thereof shall execute a deed of conveyance, which the grantor or grantee may present to the register of deeds in the province where the land lies. The grantor's duplicate certificate shall be produced and presented at the same time. The register of deeds shall thereupon, in accordance with the rules and instructions of the court, make out in the registration book a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The register of deeds shall note upon the original and duplicate certificates the date of transfer, the volume and page of the registration book where the new certificate is registered, and a reference by number to the last prior certificate. The grantor's duplicate certificate shall be surrendered, and the word "canceled" stamped upon it. The original certificate shall also be stamped "canceled." The deed of conveyance shall be filed and indorsed with the number and place of registration of the certificate of title of the land conveyed.

SEC. 58. When a deed in fee is for a part only of the land described in a certificate of title, the register of deeds shall also enter a new certificate and issue an owner's duplicate to the grantor for the part of the land not included in the deed. In every case of transfer the new certificate or certificates shall include all the land described in the original and surrendered certificates: *Provided, however,* That no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the register of deeds to enter a new certificate to the grantor for the remaining unconveyed portion:

And provided further, That in case the land described in a certificate of title is divided into lots, designated by numbers or letters, with measurements of all the bounds, and a plan of said land has been filed with the clerk and verified pursuant to section forty-four of this Act, and a certified copy thereof is recorded in the registration book with the original certificate, when the original owner makes a deed of transfer in fee of one or more of such lots, the register of deeds may, instead of canceling such certificate and entering a new certificate to the grantor for the part of the land not included in the deed of transfer, enter on the original certificate and on the owner's duplicate certificate a memorandum of such deed of transfer, with a reference to the lot or lots thereby conveyed as designated on such plan, and that the certificate is canceled as to such lot or lots; and every certificate with such memorandum shall be effectual for the purpose of showing the grantor's title to the remainder of the land not conveyed as if the old certificate had been canceled and a new certificate of such land had been entered; and such process may be repeated so long as there is convenient space upon the original certificate and the owner's duplicate certificate for making such memorandum of sale of lots.

SEC. 59. If at the time of any transfer there appear upon the registration book incumbrances or claims adverse to the title of the registered owner, they shall be stated in the new certificate or certificates, except so far as they may be simultaneously released or discharged.

MORTGAGES.

SEC. 60. The owner of registered land may mortgage the same by executing a mortgage deed, and such deed may be assigned, extended, discharged, released in whole or in part, or otherwise dealt with by the mortgagee by any form of deed or instrument sufficient in law for the purpose. But such mortgage deed, and all instruments assigning, extending, discharging, and otherwise dealing with the mortgage, shall be registered, and shall take effect upon the title only from the time of registration.

SEC. 61. Registration of a mortgage shall be made in the manner following, to wit: The owner's duplicate certificate shall be presented to the register of deeds with the mortgage deed, and he shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorandum of the purport of the mortgage deed, the time of filing and the file number of the deed, and shall sign the memorandum. He shall also note upon the mortgage deed the time of filing and a reference to the volume and page of the registration book where it is registered.

The register of deeds shall also, at the request of the mortgagee, make out and deliver to him a duplicate of the certificate of title, like the owner's duplicate, except that the words "mortgagee's duplicate" shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the original certificate of title.

SEC. 62. Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended, or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending, or otherwise dealing with the mortgage, and a memorandum of the instrument shall be made upon the mortgagee's duplicate certificate. When the mortgage is discharged or otherwise extinguished the mortgagee's duplicate certificate shall be surrendered and stamped "canceled." The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented, subject, however, to all the provisions and exceptions contained in section fifty-five of this Act so far as the same are applicable.

A mortgage on registered land may also be discharged, by the mortgagee in person, on the registration book, by indorsing upon the original certificate of title and upon the owner's duplicate certificate a memorandum stating that the mortgage has been satisfied and is discharged, together with the date of such entry, signed by the mortgagee, and such discharge shall be attested by the register of deeds, the mortgagee's duplicate certificate being at the same time surrendered and stamped "canceled."

SEC. 63. Mortgages of registered land may be foreclosed in the manner provided in the Code of Procedure in Civil Actions and Special Proceedings. A certified copy of the final decree of the court confirming the sale under foreclosure proceedings may be filed with the register of deeds after the time for appealing therefrom has expired, and the purchaser shall thereupon be entitled to the entry of a new certificate and to the issuance of a new owner's duplicate certificate, a memorandum thereof being at the same time likewise indorsed upon the mortgagor's original certificate and the mortgagee's duplicate, if any, being first delivered up and canceled: *Provided, however,* That nothing contained in this Act shall be construed to prevent the mortgagor or other person interested from directly impeaching by any proper legal proceedings any foreclosure proceedings affecting registered land, prior to the entry of a new certificate of title.

LEASES

SEC. 64. Leases of registered land shall be registered in the manner provided in section fifty-two of this Act, in lieu of recording. A lessee's duplicate certificate may be issued to the lessee upon his request, subject to the provisions hereinbefore made in regard to a mortgagee's duplicate certificate, so far as the same are applicable.

TRUSTS

SEC. 65. Whenever a deed or other instrument is filed for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest in such land without transfer, the particulars of the trust, condition, limitation, or other equitable interest shall not be entered on the certificate; but a memorandum thereof shall be entered by the words "in trust," or "upon condition," or other apt words, and by a reference by number to the instrument authorizing or creating the same. A similar memorandum shall be made upon the duplicate certificate. The register of deeds shall note upon the original instrument creating or declaring the trust or other equitable interest a reference by number to the certificate of title to which it

relates, and to the volume and page in the registration book where it is registered. If the instrument creating or declaring a trust or other equitable interest is already recorded in the land register of the Philippine Islands, a certified copy may be filed by the register of deeds and registered.

SEC. 66. If the instrument creating or declaring a trust or other equitable interest contains an express power to sell, mortgage, or deal with the land in any manner, such power shall be stated in the certificate of title by the words “with power to sell,” or “with power to mortgage,” and by apt words of description in case of other powers. No instrument transferring, mortgaging, or in any way dealing with registered land held in trust shall be registered, unless the power thereto enabling is expressly conferred in the instrument of trust, or unless the decree of a court of competent jurisdiction has construed the instrument in favor of such power, in which case a certified copy of such decree may be filed with the register of deeds, and he shall make registration in accordance therewith.

SEC. 67. When a new trustee of registered land is appointed by a court of competent jurisdiction, a new certificate shall be entered to him upon presentation to the register of deeds of a certified copy of the decree and the surrender and cancellation of the duplicate certificate.

SEC. 68. Whoever claims an interest in registered land by reason of any implied or constructive trust shall file for registration a statement thereof with the register of deeds. The statement shall contain a description of the land, and a reference to the number of the certificate of title and the volume and page of the registration book where it is entered. Such claim shall not affect the title of a purchaser for value and in good faith before its registration.

SEC. 69. Any trustee shall have authority to file an application or registration of any land held in trust by him, unless expressly prohibited, by the instrument creating the trust.

LEGAL INCIDENTS OF REGISTERED LAND.

SEC. 70. Registered land, and ownership therein, shall in all respects be subject to the same burdens and incidents attached by law to unregistered land. Nothing contained in this Act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, or from liability to attachment on mesne process or levy on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or the interest of the owner in such land or buildings, or to change the laws of descent, or the rights of partition between coparceners, joint tenants and other cotenants, or the right to take the same by eminent domain, or to relieve such land from liability to be appropriated in any lawful manner for the payment of debts, or to change or affect in any other way any other rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this Act or in the amendments hereof.

ATTACHMENTS AND OTHER LIENS.

SEC. 71. In every case where a writing of any description or a copy of any writ is required by law to be filed or recorded in the registry of deeds in order to create or preserve any lien, right, or attachment upon unregistered land, such writing or copy when intended to affect registered land, in lieu of recording, shall be filed and registered in the office of the register of deeds for the province in which the land lies, and, in addition to any particulars required in such papers for recording with records of deeds, shall also contain a reference to the number of the certificate of title of the land to be affected, and the volume and page in the registration book where the certificate is registered, and also, if the attachment, right, or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for identification, of the land intended to be affected.

SEC. 72. In every case where an attachment or other lien or adverse claim of any description is registered, and the duplicate certificate is not presented at the time of registration to the register

of deeds, he shall within twenty-four hours thereafter send notice by mail to the registered owner, stating that such paper has been registered, and requesting him to send or produce the duplicate certificate in order that a memorandum of the attachment or other lien or adverse claim shall be made thereon. If the owner neglects or refuses to comply within a reasonable time, the register of deeds shall suggest the fact to the court, and the court, after notice, shall enter an order to the owner to produce his certificate at a time and place to be named therein, and may enforce the order by suitable process.

SEC. 73. Attachment on mesne process and liens of every description upon registered land shall be continued, reduced, discharged, and dissolved by any method sufficient in law to continue, reduce, discharge, or dissolve like liens on unregistered land. All certificates or other instruments which are permitted or required by law to be recorded in the registry of deeds to give effect to the continuance, reduction, discharge, or dissolution of attachments or other liens on unregistered lands, or to give notice of such continuance, reduction, discharge, or dissolution, shall in the case of like liens on registered land be filed with the register of deeds and registered in the registration book, in lieu of recording.

SEC. 74. All the provisions of law now in force relating to attachments of real estate and leasehold estates on mesne process shall apply to registered land, except that the duties required to be performed by the present recording officer shall be performed by the register of deeds for the province where the land lies, who, in lieu of recording, shall register the facts heretofore required to be recorded, and for that purpose shall keep suitable books.

SEC. 75. Name and address of the plaintiff's lawyer shall in all cases be indorsed on the writ or process where an attachment is made, and he shall be deemed to be the attorney of the plaintiff until written notice that he has ceased to be such shall be filed for registration by the plaintiff.

SEC. 76. Whenever an attachment on mesne process is continued, reduced, dissolved, or otherwise affected by an order,

decision, or judgment of the court in which the action or proceeding in which said attachment was made is pending, or by the order of any judge or court having jurisdiction thereof, a certificate of the entry of, such order, decision, or judgment from the clerk of the court or judge by which such order, decision, or judgment has been rendered and under the seal of the court or judge, shall be entitled to be registered on presentation to the register of deeds.

SEC. 77. A lien of any description on registered land shall be enforced in the same manner as like liens upon unregistered land. Whenever registered land is sold on execution, or taken or sold for taxes or for any assessment, or to enforce a lien of any character, or for any costs and charges incident to such liens, any execution or copy of execution, any officer's return, or any deed, demand, certificate, or affidavit, or other instrument made in the course of proceedings to enforce such liens and required by law to be recorded in the registry of deeds in the case of unregistered land, shall be filed with the register of deeds for the province where the land lies and registered in the registration book, and a memorandum made upon the proper certificate of title, in each case, as an adverse claim or incumbrance.

SEC. 78. Upon the expiration of the time, if any, allowed by law for redemption after registered land has been sold on any execution, or taken or sold for the enforcement of any lien of any description, the person claiming under the execution or under any deed or other instrument made in the course of proceedings to levy such execution or enforce any lien, may petition the court for the entry of a new certificate to him, and the application may be granted: *Provided, however,* That every new certificate entered under this section shall contain a memorandum of the nature of the proceeding on which it is based: *Provided further,* That at any time prior to the entry of a new certificate the registered owner may pursue all his lawful remedies to impeach or annul proceedings under executions or to enforce liens of any description.

PENDING SUITS, JUDGMENTS, DECREES, AND
PARTITIONS.

SEC. 79. No action to recover possession of real estate, or to quiet the title thereto, or to remove clouds upon the title thereof, or for partition or other proceeding of any kind in court affecting the title to real estate or the use and occupation thereof or the buildings thereon, and no judgment or decree, and no proceeding to vacate or reverse any judgment or decree, shall have any effect upon registered land as against persons other than the parties thereto, unless a memorandum stating the institution of such action or proceeding and the court wherein the same is pending, and the date of the institution thereof, containing also a reference to the number of the certificate of title of the land affected and the volume and page of the registration book where it is entered, shall be filed and registered. This section shall not apply to attachments, levies of execution, or to proceedings for the probate of wills, or for administration of the estates of deceased persons in the Court of First Instance: *Provided, however,* That in case notice of the pendency of the action has been duly registered it shall be sufficient to register the judgment or decree in such action within sixty days after the rendition thereof.

SEC. 80. At any time after final judgment or decree in favor of the defendant, or other disposition of the action such as to terminate finally all rights of the plaintiff in and to the land and buildings involved, in any case in which a memorandum has been registered as provided in the preceding section, a certificate of the clerk of the court in which the action or proceeding was pending stating the manner of disposal thereof shall be entitled to registration.

SEC. 81. Whenever in any action to recover the possession or ownership of real estate or any interest therein affecting registered land judgment is entered for the plaintiff, such judgment shall be entitled to registration on presentation of a certificate of the entry thereof from the clerk of the court where the action is pending to the register of deeds for the province where the land lies, who shall enter a memorandum upon the certificate of title of the land to which such judgment relates. If the judgment does not apply to all the land described in the certificate of title, the certificate of the clerk of the

court where the action is pending and the memorandum entered by the register of deeds shall contain a description of the land affected by the judgment.

SEC. 82. When in any action to recover the possession or title of real estate or an interest therein execution has been issued directing the officer to place the plaintiff in possession of the land affected by the judgment on which the execution was issued, the officer shall cause an attested copy of the execution, with a return of his doings thereon, to be filed and registered within three months after the service, and before the return of the execution into the office of the clerk whence it issued, and the plaintiff, in case the judgment was that he was entitled to an estate in fee simple in the demanded premises or in any part thereof, and for which execution issued, shall thereupon be entitled to the entry of a new certificate of title and to a cancellation of the certificate and owner's duplicate certificate of the former registered owner. If the former registered owner neglects or refuses within a reasonable time after request to produce his duplicate certificate in order that the same may be canceled, the court on application and after notice shall enter an order to the owner to produce his certificate at the time and place named therein, and may enforce the order by suitable process.

SEC. 83. Every court passing a judgment or decree in favor of the plaintiff affecting registered land shall, upon application of the plaintiff, order any parties before it to execute for registration any deed or instrument necessary to give effect to its judgment or decree, and may require the registered owner to deliver his duplicate certificate to the plaintiff to be canceled or to have a memorandum entered upon it by the register of deeds. In case the person required to execute any deed or other instrument necessary to give effect to the judgment or decree is absent from the Philippine Islands, or is a minor, or insane, or for any reason not amenable to the process of the court, the court passing the judgment or decree may appoint some suitable person a trustee to execute such instrument, and the same when executed shall be registered and shall have full force and effect to bind the land to be affected thereby.

SEC. 84. In all proceedings for partition of registered land, after the entry of the final judgment or decree of partition and the filing of the report of the committee or commissioners and final judgment thereon, a copy of the final judgment or decree, certified by the clerk of the court rendering the same, shall be filed and registered; and thereupon, in case the land is set off to the owners in severalty, any owner shall be entitled to have his certificate entered to the share set off to him in severalty, and to receive an owner's duplicate thereof. In case the land is ordered by the court to be sold, the purchaser or his assigns shall be entitled to have a certificate of title entered to him or to them on presenting the deed of the commissioners or committee for registration. In case the land is ordered by the court rendering the judgment to be set off in entirety to one of the parties upon payment to the other parties to the action, the party to whom the land is thus ordered to be set off shall be entitled to have a certificate of title entered to him on presenting a copy of the judgment or decree certified by the clerk of the court rendering the same: *Provided, however,* That any new certificate entered in pursuance of partition proceedings, whether by way of set-off or of assignment or of sale, shall contain a reference to the final judgment or decree of partition and shall be conclusive as to the title to the same extent against the same person as such judgment or decree is made conclusive by the laws applicable thereto: *And provided also,* That any person holding such certificates of title or transfer thereof shall have the right to petition the court at any time to cancel the memorandum relating to such judgment or decree, and the court, after notice and hearing, may grant the application. Such certificate shall thereafter be conclusive in the same manner and in the same extent as other certificates of title.

SEC. 85. When a certified copy of a judgment or decree making final partition of land or buildings is presented for registration, if a mortgage or lease affecting a specific portion or an undivided share, of the premises had previously been registered, the mortgagee, or tenant claiming under the mortgagor or lessor, shall cause the mortgage or lease and any duplicate certificate of title issued to the mortgagee or lessee to be again presented for registration, and; the register of deeds shall indorse on each the memorandum of such partition, with a description of the land set off in severalty on which

such mortgage or lease remains in force. Such mortgagee or tenant shall not be entitled to receive his own duplicate certificate of title until such mortgage or lease has been so presented for registration.

BANKRUPTCY, INSOLVENCY, AND ANALOGOUS PROCEEDINGS.

SEC. 86. Whenever proceedings in bankruptcy or insolvency, or analogous proceedings, are instituted against a debtor who is an owner of registered land, it shall be the duty of the officer serving the notice of the institution of such proceedings on the debtor to file a copy thereof in the registry of deeds for the province wherein the land of the debtor lies. The assignee or trustee appointed by the court having jurisdiction thereof in such proceedings shall be entitled to the entry of a new certificate of registered land of the debtor upon presenting and filing a certified copy of the order appointing him such assignee or trustee, with the debtor's duplicate certificate of title; the new certificate shall state that it is entered to him as assignee or trustee in insolvency or bankruptcy or other proceedings, as the case may be.

SEC. 87. Whenever proceedings of the character named in the preceding section against a registered owner, of which notice has been registered, are vacated by decree or judgment, a certified copy of the decree or judgment may be filed and registered. If a new certificate has been entered to the assignee or trustee as registered owner, the debtor shall be entitled to the entry of a new certificate to him, and the certificate of the assignee or trustee shall be surrendered.

EMINENT DOMAIN.

SEC. 88. Whenever any land of a registered owner, or any right or interest therein, is taken by eminent domain, the Government or municipality or corporation or other authority exercising such right shall file for registration in the proper province a description of the registered land so taken, giving the name of each owner thereof, referring by number and place of registration in the registration book to each certificate of title, and stating what, amount or interest

in the land is taken, and for what purpose. A memorandum of the right or interest taken shall be made on each certificate of title by the register of deeds, and where the fee simple is taken a new certificate shall be entered to the owner for the land remaining to him after such taking, and a new certificate shall be entered to the Government, municipality, corporation, or other authority exercising such right for the land so taken. All fees on account of any memorandum of registration or entry of new certificates shall be paid by the authority taking the land.

TRANSMISSION BY DESCENT AND DEVISE.

SEC. 89. Lands and any estate or interest therein registered under this Act shall, upon the death of the owner, go to the executor or administrator of the deceased in like manner as personal estate, whether the owner dies testate or intestate, and shall be subject to the same rules of administration as if the same were personalty, except as otherwise provided in this Act, and except that the rule of division shall be the same as in the descent of real property, or as shall be provided by will.

SEC. 90. Before the executor or administrator of a deceased owner of registered land or any estate or interest therein shall deal with the same, he shall file in the office of the register of deeds a certified copy of his letters of administration, or if there is a will, a certified copy of the same and of the letters testamentary, or of administration, with the will annexed, as the case may be, and shall produce the duplicate certificate of title, and thereupon the register of deeds shall enter upon the certificate and the duplicate certificate a memorandum thereof with a reference to the letters or will and letters by their file number, and the date of filing the same.

SEC. 91. Except in case of a will devising the land to an executor to his own use or upon some trust or giving to the executor power to sell, no sale or transfer of registered land shall be made by an executor or by an administrator in the course of administration for the payment of debts or for any other purpose, except in pursuance of an order of a court of competent jurisdiction obtained as provided by law.

SEC. 92. But after a memorandum of the will, letters testamentary, or letters of administration have been entered upon the register as hereinbefore provided, the executor or administrator may deal with mortgages, leases, and other personal interests in or upon registered land as if he were the registered owner thereof.

SEC. 93. Where it appears by the will, a certified copy of which with letters testamentary is filed as provided in this Act, that registered land is devised to the executor to his own use or upon some trust, the executor may have the land transferred to himself upon the register in like manner and subject to like terms and conditions and to like rights as in the case of a transfer pursuant to deed filed in the office of the register of deeds.

SEC. 94. When the will of a deceased owner of registered land, or any estate or interest therein, empowers the executor to sell, convey, encumber, charge, or otherwise deal with the land, it shall not be necessary for such executor to be registered as the owner, but a certified copy of the will and letters testamentary being filed as provided in this Act, such executor may sell, convey, encumber, charge, or otherwise deal with the land pursuant to the power in like manner as if he were the registered owner, subject to the like conditions as to the trust, limitations, and conditions expressed in the will as in case of trusts, limitations, and conditions expressed in a deed.

SEC. 95. Before making distribution of undeviseed registered land, the executor or administrator shall file in the office of the register of deeds a certified copy of the final decree of the court having jurisdiction of the estate, which shall be conclusive evidence in favor of all persons thereafter dealing with the land that the persons therein named as the only heirs at law of the deceased owner are such heirs.

SEC. 96. Whenever the court having jurisdiction of the settlement of an estate shall, for the purpose of distribution thereof or for other purposes provided by law, order registered land or any interest or estate therein to be sold by the executor or administrator, upon the filing of a certified copy of the order of sale and the deeds

executed in pursuance of the same in the office of the register of deeds, a transfer of the land, estate, or interest to the purchaser may be made upon the register as in the case of other sales by deed, and the original certificate and owner's duplicate shall be canceled and a new certificate and owner's duplicate be issued to the purchaser.

SEC. 97. Whenever, after the final determination of the amount of all claims against the estate of the deceased, it shall be made to appear to the court, having jurisdiction of the estate that the estate will justify it and the proof of heirship has been made clear to that court, it may direct the executor or administrator to make over and transfer to the devisees or heirs, or some of them, in anticipation of final distribution, a portion or the whole of the registered lands to which they might be entitled on final distribution; and upon the filing of a certified copy of such order in the office of the register of deeds, the executor or administrator may cause such transfer to be made upon the register in like manner as in case of a sale, and a certificate and owner's duplicate certificate shall be issued to the devisees or heirs entitled thereto as in other cases. The land so transferred shall be held free from all liens or claims against the estate. In the proceedings to procure such order or directions such notice shall be given to all parties in interest as the court having jurisdiction of the estate may direct.

SEC. 98. For the purpose of final distribution of the estate the court having jurisdiction thereof may determine the rights of all persons in registered land, or any estate or interest therein of the deceased, declare and enforce the rights of devisees, heirs, surviving husbands or wives, and others, and make partition and distribution according to the rights of the parties, and may give direction to the executor and administrator as to the transfer of registered lands and any estate or interest therein to the devisees or heirs, and may direct the transfer to be to the several devisees or heirs or tenants in common, or otherwise, as shall appear to the court to be most convenient, consistently with the rights of the parties, or as the parties interested may agree. A certified copy of the final order, judgment, or decree of the court having jurisdiction of the estate making final distribution shall be filed with the register of deeds and thereupon new certificates and owner's duplicate certificates

shall be issued to the parties severally entitled thereto in accordance with such order, judgment, or decree, but nothing in this section contained shall in any way affect or impair existing requirements of law as to notice to be given to all parties interested in the estate of a deceased person before final decree of distribution thereof.

ASSURANCE FUND.

SEC. 99. Upon the original registration of land under this Act, and also upon the entry of a certificate showing title as registered owners in heirs or devisees, there shall be paid to the register of deeds one-tenth of one per centum of the assessed value of the real estate on the basis of the last assessment for municipal taxation, as an assurance fund.

SEC. 100. All money received by the register of deeds under the preceding section shall be paid to the Treasurer of the Philippine Archipelago. He shall keep the same invested, with the advice and approval of the Civil Governor, and shall report annually to the legislative body of the Philippine Islands the condition and income thereof.

SEC. 101. Any person who without negligence on his part sustains loss or damage through any omission, mistake, or misfeasance of the clerk, or register of deeds, or of any examiner of titles, or of any deputy or clerk of the register of deeds in the performance of their respective duties under the provisions of this Act, and any person who is wrongfully deprived of any land or any interest therein, without negligence on his part, through the bringing of the same under the provisions of this Act or by the registration of any other person as owner of such land, or by any mistake, omission, or misdescription in any certificate or owner's duplicate, or in any entry or memorandum in the register or other official book, or by any cancellation, and who by the provisions of this Act is barred or in any way precluded from bringing an action for the recovery of such land or interest therein, or claim upon the same, may bring in any court of competent jurisdiction an action against the Treasurer of the Philippine Archipelago for the recovery of damages to be paid out of the assurance fund.

SEC. 102. If such action be for recovery for loss or damage arising only through any omission, mistake, or misfeasance of the clerk, or of the register of deeds, or of any examiner of titles, or of any deputy or clerk of the register of deeds in the performance of their respective duties under the provisions of this Act, then the Treasurer of the Philippine Archipelago shall be the sole defendant to such action. But if such action be brought for loss or damage arising only through the fraud or willful act of some person or persons other than the clerk, the register of deeds, the examiners of titles, deputies, and clerks, or arising jointly through the fraud or wrongful act of such other person or persons and the omission, mistake, or misfeasance of the clerk, the register of deeds, the examiners of titles, deputies, or clerks, then such action shall be brought against both the Treasurer of the Philippine Archipelago and such person or persons aforesaid. In all such actions where there are defendants other than the Treasurer of the Philippine Archipelago and damages shall have been recovered, no final judgment shall be entered against the Treasurer of the Philippine Archipelago until execution against the other defendants shall be returned unsatisfied in whole or in part, and the officer returning the execution shall certify that the amount still due upon the execution can not be collected except by application to the assurance fund. Thereupon the court having jurisdiction of the action, being satisfied as to the truth of such return, may, upon proper showing, order the amount of the execution and costs, or so much thereof as remains unpaid, to be paid by the Treasurer of the Philippine Archipelago out of the assurance fund. It shall be the duty of the Attorney-General in person or by deputy to appear and defend all such suits with the aid of the fiscal of the province in which the land lies or the City Attorney of the city of Manila as the case may be: *Provided, however,* That nothing in this Act shall be construed to deprive the plaintiff of any action which he may have against any person for such loss or damage or deprivation of land or of any estate or interest therein without joining the Treasurer of the Philippine Archipelago as a defendant therein.

SEC. 103. If the assurance fund at any time be not sufficient to meet the amount called for by such judgment, the Treasurer of the Philippine Archipelago shall make up the deficiency from any funds in the Treasury not otherwise appropriated; and in such

case any sums thereafter received by the Treasurer on account of the assurance fund shall be transferred to the general fund of the Treasury until the amount paid on account of the deficiency shall have been made up.

SEC. 104. In every case where payment has been made by the Treasurer of the Philippine Archipelago in accordance with the provisions of this Act, the Government of the Philippine Islands shall be subrogated to all rights of the plaintiff against any other parties or securities, and the Treasurer shall enforce the same in behalf of the Government. Any sum so recovered by the Treasurer shall be paid into the Treasury of the Philippine Islands to the account of the assurance fund.

SEC. 105. The income of the assurance fund shall be added to the principal and invested until said fund amounts to the sum of two hundred thousand dollars, and thereafter the income of such fund shall be paid into the Insular Treasury for the general purposes of the Insular Government.

The term "dollars" wherever used in this Act shall be construed to mean money of the United States.

SEC. 106. The assurance fund shall not be liable to pay for any loss or damage or deprivation occasioned by a breach of trust, whether express, implied, or constructive, by any registered owner who is a trustee, or by the improper exercise of any sale in mortgage-foreclosure proceedings. Nor shall any plaintiff recover as compensation in an action under this Act more than the fair market value of the real estate at the time when he suffered the loss, damage, or deprivation thereof.

SEC. 107. All actions for compensation under this Act by reason of any loss or damage or deprivation of land or any estate or interest therein shall be begun within the period of six years from the time when the right to bring or take such action or proceeding first accrued, and not afterwards: *Provided*, That the right of action herein provided shall survive to the personal representative of the person sustaining loss or damage, if deceased, unless barred in his

lifetime: *And provided further*, That if at the time when such right of action first accrues the person entitled to bring such action or take such proceeding is within the age of majority, or insane, or imprisoned, such person, or anyone claiming from, by, or under him may bring the action or take the proceeding at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired.

POWERS OF ATTORNEY.

SEC. 108. Any person may by power of attorney procure land to be registered and convey or otherwise deal with registered land, but the letters of attorney shall be acknowledged before a notary public or a judge or clerk of a court of record attested by at least one witness and shall be filed with the clerk or register of deeds of the province where the land lies, and registered. Any instrument revoking such letters shall be acknowledged, attested, and registered in like manner.

LOST DUPLICATE CERTIFICATE.

SEC. 109. If a duplicate certificate is lost or destroyed, or can not be produced by a grantee, heir, devisee, assignee, or other person applying for the entry of a new certificate to him or for the registration of any instrument, a suggestion of the fact of such loss or destruction may be filed by the registered owner or other person in interest, and registered. The court may thereupon, upon the petition of the registered owner or other person in interest, after notice and hearing, direct the issue of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as the original duplicate for all the purposes of this Act.

ADVERSE CLAIMS.

SEC. 110. Whoever claims any right or interest in registered land adverse to the registered owner, arising subsequent to the date

of the original registration, may if no other provision is made in this Act for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land in which the right or interest is claimed. The statement shall be signed and sworn to, and shall state the adverse claimant's residence and designate a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim, and the court, upon a petition of any party in interest, shall, grant a speedy hearing upon the question of the validity of such adverse claim and shall enter such decree therein as justice and equity may require. If the claim is adjudged to be invalid, the registration shall be canceled. If in any case the court after notice and hearing shall find that a claim thus registered was frivolous or vexatious, it may tax the adverse claimant double or treble costs in its discretion.

SURRENDER OF DUPLICATE CERTIFICATES.

SEC. 111. In every case where the clerk or any register of deeds is requested to enter a new certificate in pursuance of an instrument purporting to be executed by the registered owner, or by reason of any instrument or proceedings which divest the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented for cancellation when such request, is made, the clerk or register of deeds shall not enter a new certificate, but the person claiming to be entitled thereto may apply by petition to the court. The court, after hearing, may order the registered owner or any person withholding the duplicate to surrender the same, and direct the entry of a new certificate upon such surrender.

If in any case the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate can not be delivered up, the court may by decree annul the same and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.

If in any case an outstanding mortgagee's or lessee's duplicate, certificate is not produced and surrendered when the mortgage is discharged or extinguished or the lease is terminated, like proceedings may be had to obtain registration as in the case of the nonproduction of an owner's duplicate.

AMENDMENT AND ALTERATION OF CERTIFICATES OF TITLE.

SEC. 112. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the clerk or any register of deeds, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error, omission, or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married; or, if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper: *Provided, however,* That this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Any petition filed under this section and all petitions and motions filed under the provisions of this Act after original

registration shall be filed and entitled in the original case in which the decree of registration was entered.

SERVICE OF NOTICES AFTER REGISTRATION.

SEC. 113. All notices required by or given in pursuance of the provisions of this Act by the clerk or any register of deeds, after original registration, shall be sent by mail to the person to be notified at his residence and post-office address as stated in the certificate of title, or in any registered instrument under which he claims an interest, in the office of the clerk or register of deeds, relating to the parcel of land in question.

All notices and citations directed by special order of the court under the provisions of this Act, after original registration, may be served in the manner above stated, and the certificate of the clerk shall be conclusive proof of such service: *Provided, however,* That the court may in any case order different or further service, by publication or otherwise, and shall in all cases do so when the interests of justice require such action.

FEEES FOR REGISTRATION.

SEC. 114. Fees payable under this Act shall be as follows:

For every application to bring land under this Act, including indexing and recording the same, and transmitting to the clerk when filed with the register of deeds, three dollars.

For every plan filed, seventy-five cents.

For indexing any instrument recorded while application for registration is pending, twenty-five cents.

For examining title, five dollars and one-tenth of one per centum of the value of the land, as fixed by the last preceding valuation for the purposes of taxation.

For each notice by mail, twenty-five cents and the actual cost of printing.

For all services by a sheriff or other officer under this Act, the same fees as are now provided by law for like services.

For each notice by publication, twenty-five cents and the actual cost of publication.

For entry of order dismissing application, or decree of registration, and sending memorandum to register of deeds, one dollar.

For copy of decree of registration, one dollar.

For entry of original certificate of title and issuing one duplicate certificate, three dollars.

For making and entering a new certificate of title, including issue of one duplicate certificate, one dollar.

For each duplicate certificate, after the first, fifty cents.

For the registration of every instrument, whether single or in duplicate or triplicate, including entering, indexing, and filing the same, and attesting registration thereof, and also making and attesting copy of memorandum on one instrument or on a duplicate certificate when required, one dollar and fifty cents.

For making and attesting copy of memorandum on each additional instrument or duplicate certificate if required, fifty cents.

For filing and registering an adverse claim, three dollars.

For entering statement of change of residence or post-office address, including indorsing and attesting the same on a duplicate certificate, twenty-five cents.

For entering any note in the entry book or in the registration book, twenty-five cents.

For the registration of a suggestion of death or notice of bankruptcy, insolvency, or analogous proceeding, twenty-five cents.

For the registration of a discharge or release of mortgage or other instrument creating an incumbrance, fifty cents.

For the registration of any levy, or of any discharge or dissolution of any attachment or levy, or of any certificate of or receipt for the payment of taxes, or notice of any pending action, or of a judgment or decree, fifty cents.

For indorsing on any mortgage, lease, or other instrument a memorandum of partition, one dollar.

For every petition filed under this Act after original registration, one dollar.

For a certified copy of any decree or registered instrument, the same fees as are provided by the Code of Procedure in Civil Actions and Special Proceedings for clerks of Courts of First Instance for like services.

In all cases not expressly provided for by the law the fees of all public officers for any official duty or service under this Act shall be at the same rate as those prescribed herein for like services: *Provided, however,* That if the value of the land sought to be registered does not exceed one hundred dollars the fees payable for the application to bring land under this Act and for indexing and recording instruments while application for registration is pending, for examining title, for notices by mail or by publication, for services by sheriff or other officer, for entry of order dismissing application or decree of registration, and for entry of original certificate, of title and issuing one duplicate shall be ten dollars.

PENALTIES.

SEC. 115. Certificates of title and duplicate certificates issued, under this Act shall be subjects of larceny.

SEC. 116. Whoever knowingly swears falsely to any statement required to be made under oath by this Act shall be guilty of perjury and liable to the penalties provided by law for perjury.

SEC. 117. Whoever fraudulently procures, or assists in fraudulently procuring, or is privy to the fraudulent procurement of any certificate of title or owner's duplicate certificate, or of any entry in the register or other book kept in the office of the clerk or of any register of deeds, or of any erasure or alteration in any entry in any set of books or in any instrument authorized by this Act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, owner's duplicate certificate statement or affidavit affecting registered land, shall be fined not exceeding five thousand dollars or imprisoned not exceeding five years, or both, in the discretion of the court.

SEC. 118. (1) Whoever forges or procures to be forged or assists in forging the seal of the clerk or of any register of deeds, or the name signature, or handwriting of any officer of the court or of the register of deeds, in case where such officer is expressly or impliedly authorized to affix his signature; or

Fraudulently stamps or procures to be stamped or assists in stamping any document with any forged seal of the clerk or register of deeds; or

Forges, or procures to be forged, or assists in forging the name, signature or handwriting of any person whatsoever to any instrument which is expressly or impliedly authorized to be signed by such person under the provisions of this Act; or

Uses any document upon which an impression, or part of the impression, of any seal of the clerk or of a register of deeds has been forged, knowing the same to have been forged, or any document

the signature to which has been forged, knowing the same to have been forged, shall be imprisoned not exceeding ten years or fined not exceeding five thousand dollars, or both, in the discretion of the court.

Prosecutions for offenses for violations of any of the provisions of this Act shall be instituted and conducted in the proper Court of First Instance.

SEC. 119. Whoever, with intent to defraud, sells and conveys registered land, knowing that an undischarged attachment or any other incumbrance exists thereon which is not noted by memorandum on the duplicate certificate of the title, without informing the grantee of such attachment or other incumbrance before the consideration is paid, shall be punished by imprisonment not exceeding three years or by a fine not exceeding one thousand dollars, or by both, in the discretion of the court.

SEC 120. No conviction for any act prohibited by this Act shall affect any remedy which any person aggrieved or injured by such act may be entitled to by law against the person who has committed such act or against his estate.

REGISTER OF DEEDS IN MANILA.

SEC. 121. Wherever in this Act the phrase “the register of deeds in the province where the land lies,” or an equivalent phrase, occurs it shall be construed to include and be applicable to the register of deeds in the city of Manila.

PUBLIC LANDS.

SEC. 122. Whenever public lands in the Philippine Islands belonging to the Government of the United States or to the Government of the Philippine Islands are alienated, granted, or conveyed to persons or to public or private corporations, the same shall be brought forthwith under the operation of this Act and shall become registered lands. It shall be the duty of the official issuing the instrument of alienation, grant, or conveyance in behalf

of the Government to cause such instrument, before its delivery to the grantee, to be filed with the register of deeds for the province where the land lies and to be there registered like other deeds and conveyances, whereupon a certificate shall be entered as in other cases of registered land, and an owner's duplicate certificate issued to the grantee. The deed, grant, or instrument of conveyance from the Government to the grantee shall not take effect as a conveyance or bind the land, but shall operate only as a contract between the Government and the grantee and as evidence of authority to the clerk or register of deeds to make registration. The act of registration shall be the operative act to convey and affect the lands, and in all cases under this Act registration shall be made in the office of the register of deeds for the province where the land lies. The fees for registration shall be paid by the grantee. After due registration and issue of the certificate and owner's duplicate such land shall be registered land for all purposes under this Act.

ACT, HOW CONSTRUED.

SEC. 123. This Act shall be construed liberally so far as may be necessary for the purpose of effecting its general intent.

CONTINUANCE OF EXISTING SYSTEM AS TO UNREGISTERED LAND.

SEC. 124. As to lands not registered in accordance with the provisions of this Act, the system of registration and recording heretofore established by law in these islands shall continue and remain in force, except in so far as hereinafter modified, and the evidential weight given by existing law to titles registered as existing law now provides shall be accorded to such titles in the hearings had under this Act before the examiners and before the court. The duties of registering and recording land titles in accordance with the law heretofore existing shall be performed in the several provinces and the city of Manila by the registers of deeds in this Act provided, after such registers of deeds have been appointed: *Provided, however,* That the originals of deeds, mortgages, leases, and other instruments affecting the title to unregistered land shall not be retained by notaries public or other officials before whom

the same are solemnized, but after having been duly executed may be delivered to the grantee, mortgagee, lessee, or other person entitled to the same and be by him presented to the register of deeds for the province where the land lies for registration and recording, in the same manner and with the same legal effect that copies thereof certified by notaries public under existing law are registered and recorded. The register of deeds upon receiving any such deed, mortgage, lease, or other instrument dealing with land not registered under this Act shall indorse upon the instrument so received the true year, month, day, hour, and minute when the same is received, and the same shall be deemed to have been registered and recorded as unregistered land from the time of the indorsement of such memorandum thereon. He shall also indorse thereon the volume and page wherein the same is registered and recorded. After the due registration and recording of such instrument the owner thereof shall be entitled to the custody and possession of the same. The original instrument, the record thereof in the books of the register of deeds, and any certified copy of such record shall be competent evidence in any court of justice. The fees of the register of deeds for registering and recording any such instrument shall be the same as those now provided by law for registering and recording a certified copy of a notarial instrument dealing with land.

SEC. 125. Until registers of deeds shall be appointed in accordance with the provisions of this Act, the officials performing the duties of registrars and recorders of deeds in the several provinces and in the city of Manila shall be registers of deeds and perform the duties of registers of deeds as defined by this Act. Their deputies shall be deputy registers of deeds. All laws relative to existing registrars of deeds and recorders, their deputies, including their compensation, clerk hire, and expenses, shall extend to registers of deeds and their deputies under this Act so far as the same may be applicable.

NOTARIES PUBLIC.

SEC. 126. All notaries public in the Islands, and all other officials and persons having in their possession notarial books, records, protocols, archives, and other documents, shall immediately

deliver to the Chief of the Bureau of Archives all such notarial books, records, protocols, archives, and documents in accordance with the provision of section eighty of Act Numbered One hundred and thirty-six, entitled “An Act providing for the organization of courts in the Philippine Islands,” and hereafter notaries public shall only have the powers and perform the duties prescribed for notaries public in sections eighty-one to ninety-one, inclusive, of said Act Numbered One hundred and thirty-six.

FORMS.

SEC. 127. Deeds, conveyances, mortgages, leases, releases, and discharges affecting lands, whether registered under this Act or unregistered, shall be sufficient in law when made substantially in accordance with the following forms, and shall be as effective to convey, encumber, lease, release, discharge, or bind the lands as though made in accordance with the more prolix forms heretofore in use: *Provided*, That every such instrument shall be signed by the person or persons executing the same, in the presence of two witnesses, who shall sign the instrument as witnesses to the execution thereof, and shall be acknowledged to be his or their free act and deed by the person or persons executing the same, before the judge of a court of record or clerk of a court of record, or a notary public, or a justice of the peace, who shall certify to such acknowledgment substantially in the form next hereinafter stated :

1. Form of acknowledgment by person executing deed of conveyance, mortgage, lease, release, or discharge affecting land.

UNITED STATES OF AMERICA, PHILIPPINE ISLANDS.

PROVINCE OF (or city of Manila) _____

At the municipality of _____,
in said province, on this _____ day of _____,
A. D. 19_____, personally appeared _____,
known to me to be the same person (or persons) who executed the foregoing instrument, and acknowledged that the same is his (or their) free act and deed.

Before me _____
(Notary public or other official as the case may be.)

2. Deed of land registered under this Act.

I, _____, of _____,
in the Province of _____, in the Philippine
Islands, in consideration of _____
dollars, to me paid by _____, of
_____, in the Province of _____
_____, in the Philippine Islands, do
hereby sell and convey to said _____
and his heirs and assigns that parcel of land, together with
all the buildings and improvements thereon, situated in the
municipality of _____, and Province of
_____, in the Philippine Islands, bounded
and described as follows (here insert boundaries and description),
of which land I am the registered owner in accordance with the
provisions of the Land Registration Act, my title thereto being
evidenced by Certificate Number _____ in the
land records of said province.

In witness whereof, I have hereunto signed my name on this
_____ day of _____, A. D. 19_____

Signed in the presence of:

(To be followed by acknowledgment according to Form 1.)

*3. Deed of land not registered under this Act, without covenants
of warranty.*

I, _____, of _____
_____, in the Province of _____, in
the Philippine Islands, in consideration of _____
_____ dollars, to me paid by _____

of _____, in the Province of _____
_____, in the Philippine Islands, do hereby sell
and convey to the said _____, his heirs
and assigns, that parcel of land, together with all the buildings and
improvements thereon, situated in the municipality of _____
_____, in the Province of _____
_____ in the Philippine Islands, bounded and described
as follows (here insert boundaries and description).

In witness whereof. I have hereunto signed my name, on this
_____ day of _____, A. D. 19____

Signed in the presence of:

(Acknowledgment.)

*4. Deed of land not registered under this Act, with covenants
of warranty.*

I, _____, of _____,
in the Province of _____ in the Philippine
Islands, in consideration of _____
dollars, to me paid by _____, of
_____, in the Province of
_____, in the Philippine Islands, do hereby
sell and convey to the said _____
_____, his heirs and assigns, that parcel of land, together with all the
buildings and improvements thereon, situated in the municipality
of _____, in the Province of
_____, in the Philippine Islands, bounded
and described as follows (here insert boundaries and description);
and the said _____ (seller) does hereby
covenant and agree with the said _____
(purchaser) that he is lawfully seized in fee of said premises, that
they are free from all incumbrances, that he has a perfect right
to convey the same, and that he will warrant and forever defend
the same unto the said _____
_____ (purchaser), his heirs and assigns, against the lawful claims of all

persons whomsoever (or insert other covenants, whatever they may be).

In witness whereof, etc.

Signed in the presence of:

(Acknowledgment.)

5. Mortgage of land registered under this Act.

I, _____, of _____, in the Province of _____ in the Philippine Islands, in consideration of _____ dollars, to me paid by _____, of _____, in the Province of _____, in the Philippine Islands, do hereby, by way of mortgage, convey to the said _____, his heirs and assigns, that parcel of land, together with all the buildings and improvements thereon, situated in the municipality of _____, in the Province of _____ in the Philippine Islands, bounded and described as follows (here insert boundaries and description), of which land I am the registered owner, in accordance with the provisions of the Land Registration Act, my title thereto being evidenced by Certificate Number _____, in the land records of said province; *Provided, nevertheless*, That if I, the said _____ (mortgagor) shall duly pay, or cause to be paid, to the said _____ (mortgagee) my certain promissory notes of this date by me signed, and payable to the said _____ (mortgagee), all dated on this date, each for the sum of _____ dollars, and payable in one, two, and three years from date (or otherwise, as the case may be), with lawful interest, then this mortgage shall be thereby discharged and of no further effect, otherwise it shall remain in full force and be enforceable in the manner provided by law.

In witness whereof, etc.

Signed in the presence of:

(Acknowledgment.)

6. Mortgage of land not registered under this Act.

(This mortgage may be in the same form as that prescribed in Form No. 5, but omitting that portion of Form No. 5 which describes the land as registered under the Land Registration Act, and including such covenants, of warranty as the parties may agree upon.)

7. Discharge of mortgage of land registered tender this Act.

I, _____, of _____
_____, in the Province of _____,
in the Philippine Islands, mortgagee of the land embraced in
Certificate Number _____ in the land records of the Province
of _____, by virtue of a mortgage executed
by _____, of _____,
in the Province of _____, in the Philippine
Islands, on the _____ day of
_____ 19 ____, having received the full consideration
named as the condition of said mortgage, do hereby forever release
and discharge the same.

In witness whereof, etc.

Signed in the presence of:

(Acknowledgment.)

8. Discharge of Mortgage of land not registered under this Act.

(The discharge in this case may be as in Form No. 7, varying the description of the mortgage to suit the facts.)

9. Lease of land registered under this Act.

I, _____, of _____, in the Province of _____, in the Philippine Islands, in consideration of the agreements hereinafter contained, do hereby lease unto _____, of _____, in the Province of _____, in the Philippine Islands, and his assigns (if the lease is to be assignable), that parcel of land, together with all the buildings and improvements thereon, situated in the municipality of _____, in the Province of _____ in the Philippine islands, bounded and described as follows (here insert boundaries and description), of which land I am the registered owner, in accordance with the provisions of the Land Registration Act, my title thereto being evidenced by Certificate Number _____ in the land records of said province, for the period of _____ years from this date.

And I, the said lessee, in consideration of this lease, do hereby promise, for myself and my heirs and assigns, that I will cause to be paid to the said _____ (lessor), an annual rental (or monthly rental) of _____ dollars per year (or per month, as the case may be) during the whole period of this lease, payable on the _____ day of _____ of each year (or at such other times as may be agreed upon).

(Other special agreements of the lease may be here inserted.)

In witness whereof, etc.

Signed in the presence of:

(Acknowledgment.)

10. Lease of land not registered under this Act.

This lease may be as in Form No. 9, omitting that portion thereof that relates to the certificate of title and inserting such covenants of warranty as may be agreed upon.

11. Release of leased lands, whether registered under this Act or not.

(Such release may be as in Forms Nos. 7 and 8, for the discharge of mortgages, using the term “release,” instead of “discharge,” and, inserting such description as fully identifies the lease.)

SEC. 128. This Act shall take effect January first, nineteen hundred and three.

Enacted, November 6, 1902.