SURVEY OF 1955 CASES IN LAND REGISTRATION

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Since this is intended mainly as an objective survey of the land registration cases decided in 1955, no endeavor has been made to subject each case to detailed and critical analysis. The treatment, therefore, is expository. Nevertheless, I have not hesitated to put in some comments whenever the circumstances of each case justify such. May this survey be of help to students of Land Registration and to the general practitioners as well.

I. VOLUNTARY REGISTRATION.

A. ORIGINAL REGISTRATION.

1. Purpose of An Answer.

The purpose of an answer in a registration case before and after Section 37 of Act 496 was amended by Section 2 of Act 3621 was discussed at length in *Nicolas v. Pre, et al.*[1] Said the Supreme Court in this case:

> "Before such amendment the purpose of an answer to a registration case was simply to disclose the oppositor's objections to the application or his reasons showing why the applicant should be denied the relief applied for. The oppositor could not ask for any affirmative relief or that the land be registered in his name in the same proceeding it being the sole purpose of the answer to prevent the registration of the land in the name of the applicant. The power of the court was limited to determining whether the applicant had a title proper for registration. (City of Manila v. Lack, 19 Phil. 324). However, when the law was amended in 1926, with the enactment of Act 3621, the procedure was changed in the sense of allowing the oppositor not only to allege in his answer his objections to the application but to ask for any affirmative relief he may desire. Under the amendment, an oppositor who claims ownership over the property covered by the application or a part thereof, may now claim in his answer that the land be registered in his name in the same proceeding."

In the instant case, the appellant filed an application for registration of a parcel of land. Appellees opposed it. The appellant moved to dismiss the case and such motion was granted *ex parte*. Subsequently, the appellees moved for the reconsideration of the order of dismissal so that they could present evidence to prove their claim of ownership. This was also granted and the case was set for

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* Book Reviews Editor, *Philippine Law Journal*, 1955-56.

[1] G.R. No. L-7402, Oct. 27, 1955.

the reception of the appellees' evidence with due notice to the appellant. On the day thus set, the appellant did not appear so the court proceeded with the taking of evidence. A judgment was rendered declaring the appellees owners in fee simple of the portion claimed. After the reglamentary period expired without an appeal having been perfected, the appellant filed a petition to set aside the said decision contending that the registration court, after having dismissed the proceeding, could no longer continue hearing the case without reinstating the same or at least without requiring the appellee to file a new application. This contention was held untenable for the simple reason that it overlooked the amendment introduced by Act 3621.

2. Proof with Respect to Private Lands.

In one case,[2] it was held that a *composición con el estado* title issued by the chief of the province in his capacity as deputy of the *Director General de Administración Civil* for land which was more than thirty hectares and bounded on all sides by private lands was invalid because such issuance was contrary to the procedure laid down by the Royal decree of June 25, 1880. The Supreme Court pointed out the proper procedure, to wit:

> ". . . all public lands in the Philippines which were subject to adjustment with the government pursuant to the provisions of the Royal decree of June 25, 1880 were divided into two groups: (1) to include all those lands which were bounded at any part by other public lands and those which although bounded on all sides by privately owned lands contained an area in excess of thirty hectares, (2) to include all those lands containing not more than thirty hectares and bounded on all sides by privately owned lands.
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> "The adjustment or *composición* of lands under the first group was to continue as provided for in the rules of June 25, 1880 or with the intervention of the *Inspector General de Montes*, under the supervision of the *Director General de Administración Civil*. The adjustment of the second group was delegated to the provincial board and the issuance of title to the applicant after complying with the procedure outlined in said Royal decree of 1880, and the approval thereof was made by the chief of the province in his capacity as deputy of the *Director General*."

3. Applicability of Rule 38 of Rules of Court.

The principle that Rule 38 of the Rules of Court applies to land registration cases [3] was reiterated in *Lagula, et al. v. Casimiro, et al.*[4]

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[2] De la Rosa v. Director of Lands, et al., G.R. No. L-6311, Feb. 28, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 542-4 (1955).

[3] Elviña v. Filamor, 56 Phil. 305 (1931); Tañedo v. Court of First Instance, 44 Phil. 179 (1922).

[4] G.R. No. L-7852, Dec. 17, 1955; 52 O.G. 196 (1955).

In the case under consideration, however, the appellants were not allowed to invoke Rule 38 because they were never made parties to the case due to the absence of the required notice.

4. The Fraud Contemplated by Section 38.

It is well-settled that the fraud contemplated by Section 38 of the Land Registration Act is actual fraud.[5] Is an alleged fraud which is merely predicated upon want of notice of a petition for reconstitution of court records and the failure to receive a copy of the decision on the merits the actual fraud contemplated by Section 38 of Act 496? The Supreme Court in a case [6] declared that it was not, because such matters took place not before or during the trial, but subsequent thereto.

5. Applicability of Section 38 to Public Lands.

In another case,[7] the following principles were announced: (1) Section 38 of the Land Registration Act is applicable to public lands brought under its operation by virtue of Section 122 thereof; and (2) the one year period within which to file the petition for review must be counted from the issuance of the patent by the Director of Lands since the degree of registration and the patent have the same purpose and effect.

In this case, because the action to cancel the certificate of title was filed almost three years after the issuance of the patent, the same was held to have prescribed and the registration court to be without jurisdiction to entertain it.

6. Writ of Possession.

The fact that the successful claimant in a land registration proceeding had testified during the presentation of evidence that she was in possession of the land was no reason for the denial of the writ of possession because thereafter and at the time of the issuance of the decree of registration, said successful claimant might no longer be in possession because the oppositor had unlawfully entered the land, it was ruled in one case.[8] In the words of the Supreme Court:

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[5] Grey Alba v. De la Cruz, 17 Phil. 49 (1910); Rivera v. Moran, 48 Phil. 836 (1926); Gov't of the Philippines v. Court of First Instance, 49 Phil. 433 (1926). VENTURA, LAND REGISTRATION AND MORTGAGES 147-148 (1951 ed.).

[6] Paluay v. Bacudao, et al., G.R. No. L-7553, Sept. 22, 1955; 51 O.G. 5149 (1955). See Notes, *Recent Decisions*, 30 PHIL. L.J. 831-3 (1955).

[7] Sumail v. Hon. Judge, G.R. No. L-8278, April 30, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 900-3 (1955).

[8] Demorar v. Ibañez, G.R. No. L-7595, May 21, 1955; 51 O.G. 2872 (1955). See Notes, *Recent Decisions*, 30 PHIL. L.J. 706-7 (1955).

". . . The issuance of the decree of registration is a part of the registration proceedings. In fact, it is supposed to end the said proceedings. Consequently, any person unlawfully and adversely occupying said lot at any time up to the issuance of the final decree, may be subject to judicial ejectment by means of a writ of possession, and it is the duty of the registration court to issue said writ when asked for by the successful claimant."

7. Remedy After The Lapse of One Year.

That there is a growing tendency [9] to grant the remedy of reconveyance after the lapse of the one year period within which to file a petition for review of the decree of registration even when the property has been registered through fraud without the special circumstances [10] was confirmed by the cases of *Sevilla, et al. v. De los Angeles* [11] and *Bancairen, et al. v. Diones, et al.*[12]

In the *Sevilla* case, the Supreme Court ordered the second wife to reconvey the land to the children of her deceased husband by his first wife inasmuch as said second wife through fraud and misrepresentation by pretending to be the sole heir of her deceased husband succeeded in having the original certificate of title cancelled and a transfer certificate of title issued in her name.

In the *Bancairen* case, the overseer was ordered to reconvey the land because he succeeded in registering one of the lots in his name by causing the surveyor in violation of the instruction of the owner to divide the land into two lots and representing to said owner that the land consisted of only one lot.

8. Effect of Issuance of Certificate of Title.

a. Rights not barred although not noted.

In a case,[13] the pronouncement was made that the easement of public road even if not annotated on the back of the transfer certificate of title should be respected by the owner of the servient estate because it was not barred by the registration of such servient estate although not so transcribed.

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[9] Jamora v. Duran, VIII LAWYER'S JOURNAL 149; Bualan v. Sarenas, IX LAWYER'S JOURNAL 1112; Clemente v. Lukban, 28 O.G. 2911. VENTURA, LAND REGISTRATION AND MORTGAGES 175 (1951 ed.).

[10] The special circumstances are : (1) when there is a breach of trust; (2) when there is a contract incompatible with registration of the land; and (3) when the party registering through fraud subsequently recognizes the right of his co-owner. VENTURA, LAND REGISTRATION AND MORTGAGES 173-174 (1955 ed.).

[11] G.R. No. L-7745, Nov. 18, 1955; 51 O.G. 5590 (1955).

[12] G.R. No. L-8013, Dec. 20, 1955.

[13] Jean v. Agregado, G.R. No. L-7921, Sept. 28, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 977 (1955).

b. Renders title non-prescriptible.

The Supreme Court in two cases [14] invoked the well-settled principle that ownership over lands registered under the Torrens System can not be acquired by prescription or adverse possession.[15]

In another case,[16] the above-mentioned principle was applied to public lands registered under Act 496 pursuant to Section 122 thereof. Observed the Supreme Court:

> "In this connection it should be noted that the patent issued to the homesteader, Eugenio, was recorded in the registry of deeds of Nueva Viscaya, and that Original Certificate of Title No. 62 dated December 5, 1927 was issued in his name. Such being the case, his homestead is considered registered within the meaning of the Land Registration Act (Manolo v. Lukban and Liwanag, 48 Phil. 973), and enjoys the same privileges as Torrens titles issued under said legislation. (El Hogar Filipino v. Olviga, 60 Phil. 17)."

The doctrine that the right of a registered owner to recover possession of registered land is equally imprescriptible because possession is a mere consequence of ownership [17] was reiterated in *Atun, et al. v. Nuñez, et al.*[18] In the same case, it was held that if prescription was unavailing against the registered owner, it was also equally unavailing against the latter's hereditary successors, because according to Article 657 of the old Civil Code said successors merely stepped into the shoes of the decedent by operation of law.

The facts of this case show that the land in question was registered in the name of Estefania Atun, deceased and widowed aunt of the plaintiffs who died without any issue. The plaintiffs took possession of said land as legal heirs. One of them delivered it to Silvestra Nuñez for cultivation. The latter turned it over to Eusebio Nuñez who refused to recognize the plaintiffs' ownership and sold it to his co-defendant who bought it with the knowledge that it belonged to the plaintiffs. On appeal, the Supreme Court reversed the lower court's decision declaring that the ten years within which the plaintiffs could have filed the action for the reconveyance of the land under Section 40 of Act 190 had already prescribed.

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[14] De Guinoo v. Court of Appeals, et al., G.R. No. L-5541, June 25, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 645-7 (1955). Padilla, v. Jordan, G.R. No. L-8494, Dec. 22, 1955.

[15] § 46 of Act 496; Corporación de PP Agustinos v. Crisostomo, 32 Phil. 427 (1915); J. M. Tuason & Co. v. Bolaños, G.R. No. L- 4935, May 28, 1954.

[16] Eugenio v. Perdido, G.R. No. L-7083, May 19, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 709-11 (1955).

[17] Manlapaz v. Llorente, 48 Phil. 298 (1926).

[18] G.R. No. L-8018, Oct. 26, 1955; 51 O.G. 5628 (1955).

In the afore-cited *Sevilla* [19] and *Bancairen* [20] cases, the ruling was made that a constructive trustee could not interpose the defense of prescription or adverse possession as against the *cestui que trust* in an action for reconveyance of land registered through fraud.

9. Reconstitution of Torrens Titles.

The reconstitution of Torrens titles under Republic Act No. 26 precluded the annotation of encumbrance not noted on the title which was to be reconstituted, the Supreme Court pronounced in a case.[21] This is so because "the purpose should be to reconstitute the title as it was when lost. Other encumbrances recorded in the office of the Register of Deeds, but not transcribed in said title are naturally beyond the scope of the proceeding." Thus, since the evidence showed that the only encumbrance annotated on the lost certificate of title in this case was the mortgage in favor of Soledad Jalandoni, the proviso in the trial court's judgment that all liens and encumbrances affecting the lot which appeared recorded in the Register of Deeds as existing at the time of the destruction of said certificate of title should be annotated was held improper.

B. SUBSEQUENT REGISTRATION.

1. Effect of Registration of Deed.

In *Arambulo, et al. v. Court of Appeals, et al.*,[22] the Supreme Court had the opportunity to apply once more the well-established doctrine that no act of the parties could transfer ownership of lands registered under the Torrens System for the reason that this could only be done by the act of registration.[23]

In accordance with this doctrine, it was held in the instant case that the mere execution of a notarial deed of sale *a retro* without registration did not constitute symbolic delivery of the land and that the vendees *a retro* could not be regarded as having acquired title and possession of the land thus sold.

2. When Deed Considered Registered.

That the Supreme Court adhered to the principle enunciated in

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[19] See note 11 *supra*.

[20] See note 12 *supra*.

[21] Asico v. Trinidad, G.R. No. L-7486, May 27, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 705-6 (1955).

[22] G.R. No. L-6599, May 31, 1955.

[23] § 50 of Act 496; Tuason v. Raymundo, 28 Phil. 635 (1914); Sikatuna v. Guevara, 43 Phil. 371 (1922); Worcester v. Ocampo, 34 Phil. 646 (1916).

Levin v. Bass and Mintu,[24] *Tuason v. Gumila,*[25] and *Government of the Philippines v. Aballe,*[26] and desired not to revert to the ruling of *Bass v. de la Rama,*[27] was clearly manifested in the case of *Potenciano, et al. v. Dineros, et al.*[28] Before quoting *verbatim* the doctrine announced in *Levin v. Bass and Mintu,*[29] the Supreme Court declared in the *Potenciano* case:

> "The judgment creditor contends that the entry of the deed in the day book is not sufficient registration. But upon law and authority this contention must be rejected. Section 56 of the Land Registration Act says that deeds relating to registered land shall upon payment of the filing fee, be entered in the entry book, also called the day book in the same section, with notation of the year, month, day, hour and minute of their reception, and that 'they shall be regarded as registered from the moment so noted.'"

The facts of this case are as follows: The plaintiff bought from Gregorio Alcabao a parcel of land. The next day he presented the deed of sale and the owner's certificate of title to the Register of Deeds of Greater Manila for registration. An entry was made in the day book. Plaintiff lost his title during the bombing of Manila. After the liberation, the defendant sued Alcabao and his son for damages. A judgment was entered in his favor. To satisfy said judgment, he attached the property in question since it appeared that the same was still in the name of Alcabao. Being the highest bidder in the public auction, the property was sold to him. The plaintiff brought an action to annul the sale but it was dismissed by the lower court. Hence, the plaintiff appealed.

3. Registration of Encumbrance.

An owner who was granted the right of passage by the adjoining owners by a written and notarized agreement approved by the court could have such right registered and annotated on the back of the certificate of title covering the adjoining lots in order that it could constitute a direct charge on the said lots pursuant to Sections 50 and 52 of the Land Registration Act, ruled the Supreme Court in a case.[30]

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[24] G.R. No. L-4340, March 29, 1952.
[25] VII LAWYER'S JOURNAL 312; see Annual Survey, 28 PHIL. L.J. 287-8 (1952).
[26] 60 Phil. 986 (1934); VENTURA, *op. cit. supra* note 5, at 202.
[27] 1 O.G. 889. (1942); VENTURA, *op. cit. supra* note 5, at 202.
[28] G.R. No. L-7614, May 31, 1955.
[29] See Note 24 *supra.*
[30] Bernardo v. Court of Appeals, G.R. No. L-7248, May 28, 1955. See Notes, *Recent Decisions,* 30 PHIL. L.J. 707-8 (1955).

4. Legal Incidents of Registered Land.

a. Rights to which registered land is subject.

The adjudication by a cadastral court of two lots to "Francisco Ramos, married to Dolores Garcia," did not mean that the lots were the exclusive property of Francisco Ramos since they were acquired during the marriage and no sufficient evidence showing that they were his separate property was presented.[31] It was suggested, however, that the better practice for the cadastral and registration courts was to clearly specify in their decision that such property were adjudicated to the conjugal partnership of "A and B," instead of merely saying "adjudicated to A, married to B."

In *Corpuz v. Corpuz, et al.*,[32] it was held that since the sale described the land as registered in the office of the Register of Deeds of Nueva Ecija "bajo el Certificado Original de Titulo No. 5980 a nombre de Francisco Corpuz y Bernardina Mantile ya difunta," it was presumed that the land was conjugal, and such presumption continued because no proof to the contrary was introduced. Since the sale took place after the effectivity of Act 3176, it conveyed title only to the vendor's share with the result that the legal heirs of the deceased, Bernardina Mantile, could not be deemed to have been divested of their title to her share. With the property thus jointly owned by the heirs of the vendor's wife and the heirs of the vendees, the latter set of heirs were not entitled to have exclusive possession of the Torrens certificate of title. The remedy of the heirs of the vendor's wife was to ask for another owner's certificate of title. But before this was done, the title to the property should first be recorded in the joint names of both set of heirs as co-owners.

b. Purpose and effect of notice of *lis pendens*.

In *Ayson, et al. v. Court of Appeals, et al.*,[33] the purpose and effect of a notice of *lis pendens* were explained thus:

> "The notice of *lis pendens* caused to be recorded by the petitioner . . . subjected the parcel of land to the result of the litigation. As aptly stated by the Court of Appeals, the registration of the deed of sale of a parcel of land registered under the Torrens System with a right reserved by the vendors to repurchase it was the operative act of conveyance and affecting the parcel of land sold. By their unrecorded contract of sale with the right of repurchase the vendees *a retro* could bind the vendors *a retro* but not third parties who were not aware of such contract. The notice of *lis pendens* recorded in the certificate of title of the parcel of land did not

[31] Intestate Estate of Ramos v. Ramos, et al., G.R. No. L-7545, June 30, 1955.
[32] G.R. No. L-7495, Sept. 30, 1955; 51 O.G. 5185 (1955). See Notes, *Recent Decisions*, 30 PHIL. L.J. 873-5 (1955).
[33] G.R. No. L-6501, May 31, 1955.

> deprive the vendees *a retro* of their right to the same. It only meant that if the plaintiff, the purchaser of the parcel of land, should secure a judgment in his favor, he would step into the shoes of the vendors who had reserved the right to repurchase the parcel of land from the vendees *a retro* within the stipulated period."

Here, it appeared that the two children of the deceased registered owner executed a notarial deed of sale with a right of repurchase in favor of the Ayson spouses. Subsequently, they executed a private contract of sale in favor of Arambulo. The latter brought suit against the vendors for specific performance and a notice of *lis pendens* was duly entered in the registry of deeds of Tarlac on the Torrens certificate of title covering the land in question. The vendees *a retro* of the same land, however, managed to record the sale *a retro* in their favor and have the certificate of title cancelled and a new one issued in their name but subject to the *lis pendens* of Arambulo. The trial court granted permission to Arambulo to complete the purchase price. From this order, the Ayson spouses appealed claiming that the deed of sale *a retro* was not subject to the notice of *lis pendens*.

In a petition for subdivision among its new owners of a piece of land registered under the Land Registration Act filed strictly in accordance with Section 44 of said Act as amended by Republic Act No. 440, there is no need of bringing the matter to court. The subdivision can be accomplished even administratively by merely submitting a subdivision plan to the General Land Registration Office for approval and requesting the Register of Deeds for the issuance of a new certificate of title if there are streets or passageways included in the subdivision. However, if the petition for subdivision is not filed strictly in accordance with said section as amended, but it is filed in relation with Section 112 of Act 496, the matter should be brought to court and it cannot be done administratively. In such case, notice is necessary because Section 112 of the Land Registration Act precisely provides that the court can only have jurisdiction to hear the petition "after notice to all parties in interest." Another condition precedent for the grant of the relief provided for in Section 112 of Act 496 is the presence of unanimity of will of the parties, for if there is no such unanimity or if there is an adverse claim or serious objection, the case becomes controversial and should, therefore, be threshed out in an ordinary action or in a case where the incident properly belongs.

The foregoing are the principles enunciated in *Lagula, et al. v. Casimiro, et al.*[34] Hence, it was held in this case that since the petition for subdivision was filed under Section 44 of the Land Registra-

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[34] See note 4 *supra*.

tion Act as amended in relation with Section 122 thereof, the court did not acquire jurisdiction over the case due to the want of notice of hearing required by said Section 112.

II. COMPULSORY REGISTRATION.

A. JURISDICTION OF CADASTRAL COURT.

In *Rago, et al. v. Court of Appeals, et al.*,[35] the Supreme Court ruled that a cadastral court had no jurisdiction to act on a motion filed by a co-owner under Section 112 of Act 496 for the cancellation of an original certificate of title and for the issuance of a new certificate of title in the name of the said co-owner when such motion involved a controversial question of ownership. However, this was true only if the jurisdiction of the cadastral court was impugned on that ground, otherwise, it was justified in acting on such motion because in such case the petitioners were entitled to the remedy invoked without the necessity of a previous declaration of heirs nor an institution of intestate proceeding of the original owners thereof who had died.[36] It was proven in the case under consideration that the lot in question was registered in the name of the spouses Teodoro Rago and Macaria Gabuya who executed a deed of partition dividing the lot among their children. One of said children petitioned the cadastral court for the cancellation of the original certificate of title and the issuance of a new one in his name on the ground that the lot was adjudicated to him. This motion was granted. The other children filed a motion to reconsider said order claiming that the land adjudicated to the petitioner was only a portion of the lot in question. This motion was denied. Hence, they appealed contending that the cadastral court could not acquire jurisdiction over the petition for cancellation and issuance of a certificate of title because it became controversial.

III. REGISTRATION UNDER ADMINISTRATIVE PROCEEDINGS.

A. PURPOSE OF REGISTRATION.

The principles that the purpose of registration is to give notice to third persons [37] and that actual notice is equivalent to registration so that as between the immediate parties to a contract of sale registration is not necessary to make it valid and effective [38] found ap-

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[35] G.R. No. L-7016, May 30, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 989-90 (1955).

[36] Gov't of P.I. v. Serafica, 61 Phil. 93 (1935).

[37] Medina v. Warner, Barnes & Co., 27 Phil. 314 (1914); Carillo v. Salak, G.R. No. L-4133, May 13, 1952.

[38] Obras Pias v. Ignacio, 17 Phil. 45 (1910); Gustilo v. Maravilla, 48 Phil. 442 (1926); Quimson v. Suarez, 45 Phil. 901 (1923).

plication in one case.[39] These principles were invoked to support the holding that under a deed of sale of land acquired by homestead which granted the vendor the right to repurchase the land within five years from the execution of the deed of sale, said period of repurchase started from the day of the sale and not from the registration thereof in the office of the Register of Deeds.

B. EFFECT OF REGISTRATION.

The rule that registration is the operative act that would bind the land and convey its ownership [40] was applied in another case.[41] Here, it was held that it was the issuance of the sales patent and its subsequent registration in the office of the Register of Deeds which divested the Government of its title to the land. Therefore, since the timber in question was cut by the plaintiff prior to the issuance of the sales patent and its subsequent registration, he could not be exempted from the payment of forest charges since he was not yet the owner of the land.

IV. CANCELLATION OF MORTGAGE ANNOTATION.

When a debt secured by a mortgage which was annotated on the back of the original and owner's duplicate certificate of title was paid, it was the duty of the Register of Deeds to cancel the said annotation on both titles to avoid any misunderstanding as to the status of the mortgage, the Supreme Court pronounced in *Testate Estate of Rhode v. Intestate Estate of Urquico.*[42]

V. RECONSTITUTION OF COURT RECORDS RELATIVE TO REGISTRATION PROCEEDINGS.

In *Paluay v. Bacudao, et al.*,[43] the Supreme Court noted what constituted substantial compliance with the requirements of Act 3110 which provides for the procedure regarding reconstitution of court records. It was ruled in said case that there was substantial compliance on the part of the clerk of court who "soon after liberation, he sent a notice to the judge then presiding the Court of First Instance informing him of the destruction of all the court records of the province and that, acting therefrom, the judge immediately is-

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[39] Galasinao v. Austria, G.R. No. L-7918, May 25, 1955; 51 O.G. 2872 (1955). See Notes, *Recent Decisions*, 30 PHIL. L.J. 708-9 (1955).

[40] § 112 of Act 496; § 107 of Com. Act 141.

[41] Visayan Realty Inc. v. Meer, G.R. No. L-6763, Jan. 31, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 544-6 (1955).

[42] G.R. No. L-6833, Oct. 10, 1955. See Notes, *Recent Decisions*, 30 PHIL. L.J. 981-2 (1955).

[43] See note 6 *supra*.

sued an order for reconstitution which was published in two newspapers of general circulation in the province once a week for six months." And on the part of the petitioner, there was substantial compliance "if he sent a copy of his petition for reconstitution to the oppositors or their counsel in order that they may be notified of the date and place of the hearing thereof, even if the clerk of court had not notified said oppositors or their counsel of the date of the hearing."