

5 Phil. 587

[ G.R. No. 2404. February 08, 1906 ]

**PEDRO SISON, PLAINTIFF AND APPELLEE, VS. CALIXTO SILVA ET AL.,  
DEFENDANTS AND APPELLANTS.**

**D E C I S I O N**

**JOHNSON, J.:**

This was an action brought by the plaintiff in the Court of First Instance of the Province of Pangasinan for the purpose of confirming his title and interest in a certain parcel of land used for the cultivation of *palay* situated in the *sitio* of Namalotan, of the pueblo of Alcala, which land is more particularly described as follows: Said land is bounded on the north by the lands of Pedro Coramen and Cesareo Sanchez; on the east by the land of Damaso Dauo; on the south by a small river; and on the west by the land of Dalmacio Bacolor, containing 4 *quiñones* and 5 *balitas*.

The defendants presented a general denial to the claim of the plaintiff to said parcel of land.

After hearing the evidence adduced during the trial in the court below, the court found that the plaintiff was the owner of the land above described and issued an order prohibiting the defendants from entering upon said land or from molesting the plaintiff in his possession of the same. From this decision the defendants appealed to this court.

The plaintiff, during the trial in the court below, introduced a deed covering one-half of the above-described land, executed in his favor by Vicenta Bugayong, dated the 26th day of July, 1902, as well as a *pacto de retro* of the same date to the other half of the said land, executed by the same Vicenta Bugayong.

The plaintiff also introduced in evidence a possessory information executed in favor of Francisco J. Palisoc on the 2d day of August, 1893.

The plaintiff also introduced in evidence a certified copy of a record of the Court of First

Instance of the Province of Pangasinan, dated the 7th of July, 1902, which shows that the said court authorized the said Vicenta Bugayong to sell the above-described land.

The plaintiff also introduced evidence showing that the said Francisco J. Palisoc was the husband of Vicenta Bugayong, and that four sons were the heirs of the said Palisoc.

The plaintiff also introduced in evidence a written statement signed by one of the defendants, Kufino Carbonel, dated the 1st day of February, 1901, which shows that he had delivered to the plaintiff 1 *oyon*, 13 *manojos*, and 2 *atados of palay*, which represented the rent for the said land for that year.

The plaintiff also introduced as witnesses Timoteo Ancheta and Mauricio Loria, who each testified that they had known the parcel of land in question and that said Francisco J. Palisoc had been in possession of the land since the year 1892.

The defendants introduced several witnesses who testified that they had known the land in question for a long period of years; that the defendants had been in possession of the same for a long period; that neither the said Palisoc nor the plaintiff had ever been in possession of said land. The defendants introduced no documents showing their right to the possession of said land.

The defendants also introduced Domingo Hipolito, Miguel Tadio, Miguel Totoan, Teodoro Tansani, and Juan de Guzman, who each testified that they owned the land adjoining the land in question. No proof was introduced on the part of the defendants to show that the persons Pedro Coramen, Oesareo Sanchez, and Damaso Dauo were not the owners of the adjoining land to the particular land in question, as described by the plaintiff in his petition. The trial judge in his decision expressed some doubt whether or not the defendants and their witnesses in their testimony were referring to the same land which the plaintiff described in his petition and evidence.

All of the various documents introduced in evidence on the part of the plaintiff to which reference was made above were duly registered in the office of the register of lands of the Province of Pangasinan.

The defendant introduced no evidence which in our judgment shows that he was entitled to the possession of the particular parcel of land in question.

In addition to the documentary evidence adduced on the part of the plaintiff during the trial

of said cause in the court below, his evidence also demonstrates—

“(a) That he and his predecessors had been in possession of the said land since the 2d of August, 1893, his predecessors by virtue of a possessory information and he himself by virtue of a deed of conveyance, all of which documents were duly registered.

“(b) By the oral testimony of at least two witnesses who swore positively that this plaintiff and his predecessors had been in the actual possession of said land through certain tenants from the year 1893, which tenants had recognized the right of the plaintiff by paying rent to him.”

The evidence adduced during the trial of the cause is sufficient in our judgment to demonstrate that the plaintiff is the real owner of the said land and entitled to the possession thereof. The judgment of the inferior court is therefore affirmed and after the expiration of twenty days judgment should be entered in accordance herewith, and the case remanded to the court below for execution. So ordered.

*Arellano, C. J., Torres, Mapa, Carson, and Willard, JJ., concur.*

*Tracey, J., did not sit in this case.*