7 Phil. 132

[G.R. No. 2746. December 06, 1906]

MATEO CARIÑO PETITIONER AND APPELLANT, VS. THE INSULAR GOVERNMENT, RESPONDENT AND APPELLEE.

D E C I S I O N

WILLARD, J.:

The appellant, on the 22d of June, 1903, by his attorney in fact, Metcalf A. Clarke, filed a petition in the Court of Land Registration asking that he be inscribed as the owner of a tract of land in the. municipality of Bagnio, in the Province of Benguet, containing 14ti hectares. The Government of the Philippine Islands appeared in the Court of Land Registration and opposed the petition. The Government of the United States also appeared and opposed the petition on the ground that the land was part of the military reservation of Baguio. Judgment was entered in the Court of Land Registration in favor of the petitioner, from which judgment the respondents appealed in accordance with the law then in force to the Court of First Instance of the Province of Benguet. The case was therein tried de novo, and judgment was entered dismissing the petition. The petitioner has brought the case here by bill of exceptions.

The petitioner presented no documentary evidence of title, except a possessory information obtained in 1901. By the provisions of the Mortgage Law, under which this possessory information was obtained (art. 394), it produced only those effects which the laws give to mere possession.

The petitioner not having shown any title from the Government, and the land being agricultural, the case is governed by the decisions of this court in the cases of Valenton et al. *vs*. Murciano[1] (2 Off. Gaz., 434) ; Cansino et al. *vs*. Valdez et al.[2] (4 Off. Gaz., 488) ; and Tiglao *vs*. The Insular Government[(1)] (4 Off. Gaz., 747). In these cases it was held that mere possession of land such as that in controversy in this case would not give the possessor any title thereto as against the Government; in other words, that the statute of limitations did

not run against the State in reference to its agricultural lands.

The petitioner, however, insists that although the statute of limitations as such did not run against the Government of Spain in the Philippine Islands, yet a grant is to be conclusively presumed from immemorial use and occupation. To say that the presumption of a grant is a presumption of law is, in our opinion, simply to say that it amounts to a statute of limitations; and for a court to hold that the statute of limitations does not run against the Government as to its public agricultural lands, and at the same time to hold that if a person has been in possession of such lands for thir.ty years it is conclusively presumed that the Government has given him a deed therefor, would be to make two rulings directly inconsistent with each other.

Considered as a presumption of fact, the contention could not be sustained in this particular case. Here the surrounding circumstances are incompatible with the existence of a grant. It is known that for nearly three hundred years all attempts to convert the Igorots of the Province of Henguet to the Christian religion completely failed, and that duping that time they remained practically in the same condition as they were when the Islands were first occupied by the Spaniards. To presume as a matter of fact that during that time, and down to at least 1880, the provisions of the laws relating to the grant, adjustment, and salt of public lands were taken advantage of by these uncivilized people and that they applied for and obtained deeds from the Government for these lands would be to presume something which did not exist. The appellant says in his brief (p. 10):

> "The Igorot, no less than the American Indian, is an aborigine, and is equally ignorant of the forms of law and procedure necessary to protect his interests."

There is, moreover, in the case evidence that in 1894 the petitioner sought to obtain title from the Government in accordance with the laws then in force. In 1901 lie made a contract with Metcalf A. Clarke, by the terms of which he agreed to sell the land to Clarke for P6,000 pesos when he obtained title thereto from the Government, and in this contract he does not say that lie is the owner, but simply that he is in possession thereof. The court below found that the land is now worth upwards of P50,000.

The possession of the land has not been of such a character as to require the presumption of a grant. No one has lived upon it for many years. It was never used for anything but pasturage of animals, except insignificant portions thereof, and since the insurrection

against Spain it has apparently not been used by the petitioner for any purpose.

The petitioner relies upon the case of The United States *vs*. Chaves (159 IT. S., 452) and the case of The United States *vs*. Chaves (175 U. S., 509). In the case of Hays *vs*. The United States (175 U. S., 248) the court said at page 261;

> "But this presumption is subject to the limitation that where title is claimed from a deed which is shown to be void, it will not be presumed that.there was an independent grant (Smith *vs*. Highbee, 12 Vermont, 113), or where surrounding circumstances are inconsistent with the theory of a grant (Townsend *vs*. Downer, 32 Vermont, 183).
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> "The substance of this doctrine is that lapse of time may be treated as helping out the presumption of a grant, but where a void grant is shown, it affords no presumption that another valid grant was made. Nor does such presumption arise if the surrounding circumstances are incompatible with the existence of a grant. In the case under consideration we can not iind any evidence which justifies us in believing that a legal grant can have been made, and under those circumstances we can not consider possession since the date of the treaty as dispensing with the requirement that the title, if not perfect at that time, was one which the claimant would have had a lawful right to make perfect had the territory not been acquired by the United States."

In the case of Hiaves rn. The United States (175 U. S., 552) tlie court made the following statement at page 502: "Finally, it distinctly appears that the possession of the parties is insufficient in length of time to prove a valid title. In United States rx. Ohaves (159 IT. S., 452) the possession was under the claim of a grant made by the governor of Xew .Mexico to the alleged grantees. The grant had been lost, hut, it had been seen and read by witnesses, and its existence had been proved by evidence sufficient, as was stated in the opinion (p. 4(10), to warrant 'the finding of the court below that the complainant's title was derived from the Republic of Mexico, and was complete and perfect at. the date1 when the United States acquired sovereignty in the territory of ZSew Mexico, within which the land was situated. We do not question the correctness of the remarks made by Mr. Justice Shiras in regard to evidence of possession and the presumptions which may under certain circumstances be drawn as to the existence of a grant.

> "We do not deny the right or the duty of a court to presume its existence in a proper case, in order to quiet. a title and to give to long continued possession the quality of a rightful possession under a legal title. We recognized and enforced such rule in the case of United States *vs*. Chaves decided at this term, in which the question is involved. We simply say in this case that the possession was not of a duration long enough to justify any such inference.
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> "There is no proof of any valid grant, but on the contrary the evidence1 offered by the plaintiff himself and upon which he bases the title that he asks the court to confirm, shows the existence of a grant from a body which had no legal power to make it, and which, therefore, conveyed no litle whatever to its grantee, and the evidence is, as given by the plaintiff himself, that it was under this grant alone that possession of the lands was taken. We can not presume (within the time involved in this case) that any other and valid grant was ever made. The possession of the plaintiff and of his grantors up to the time of the treaty of Guadalupe Hidalgo, in 1848, had not been long enough to presume a grant. (Crespin vs. United States, 168 U. S., 208; Hayes *vs*. United States, 170 U. S., 637, 649, 653; Hays *vs*. The United States, ante 248.) The possession subsequently existing, we can not notice. Same authorities."

As we understand it, it is well settled in the United States that prescription does not run against that Government as to its public lands—in other words, that if a person desires to obtain title to the public lands of the United States situated within the boundaries of the States, he must do so in the way pointed out by the law. We do not understand that a person in possession of unsurveyed public land in the State of Minnesota, for example, whose ancestors had occupied that land for forty years, could maintain in ¦court a claim that he was the legal owner of the lands by reason of the presumption that the United States had granted the land to his ancestors, a presumption founded not upon any proceedings taken in the General Land Office to acquire a patent thereto, but upon the mere possession for that length of time.

The same is true of the public lands of Spain in the Philippine Islands. In the case of Valenton et al. *vs*. Murciano it was said:

> "While the State has always recognized the right of the •occupant to a deed if he proves a possession for a sufficient length of time, yet it has always insisted that

> he must make that proof before the proper administrative officers, and obtain from them his deed, and until he did that the State remained the absolute owner."

But in any event, and whatever the law may be elsewhere, it seems clear that this doctrine of presumptive grant can not apply to the Philippines in view of the Spanish legislation for the Indies. From time to time there were promulgated laws which required the persons in possession of public lands to exhibit their titles or grants thereto. If these titles or grants were found to be good, they were confirmed, but if they were not, or if the persons had no grants or titles at all, they were evicted from the land.

For example, in Law 14, title 12, book 4, Kecompilation of the Laws of the Indies, it is stated:

> "We therefore order and command that all viceroys and presidents of pretorial courts designate, at such times as shall to them seem most expedient, a suitable period within which all possessors of tracts, farms, plantations, and estates shall exhibit to them and to the court officers appointed by them for this purpose their title deeds thereto. And those who are in possession by virtue of proper deeds and receipts or by virtue of just prescriptive rights shall be protected, and all the rest shall be restored to us to be disposed of at our will.

In the Royal *Cedula* of October 1.5, 1754, it was provided—

> "that any and all persons who, since the year 1700, and up to the date of the promulgation and publication of said order, shall have occupied royal lands, whether or not the same shall be cultivated or tenanted, may, either in person or through their attorneys or representatives, appear and exhibit to said subdelegates the titles and patents by virtue of which said lands are occupied. Said subdelegates will designate as the period within which such documents must be presented a term sufficient in length and proportionate to the distance the interested party may have to travel for the purpose of making the presentation. Said subdelegates will at the same time warn the parties interested that in case of their failure to present their title deeds within the term designated, without a just and valid reason therefor, they will be deprived of and

> evicted from their lands, and they will be granted to others."

In the regulations of June 25, 1880, it was provided as follows:

> "ART. 8. If the interested parties shall not ask an adjustment of the lands whose possession they are unlawfully enjoying within the time of one year, or, the adjustment having been granted by the authorities, they shall fail to fulfill their obligation in connection with the compromise, by paying the proper sum into the treasury, the latter will, by virtue of the authority vested in it, reassert the ownership of the State over the lands, and will, after fixing the value thereof, proceed to sell at public auction that part of the same which, either because it may have been reduced to cultivation or is not located within the forest zone, is not deemed advisable to preserve as State forest reservations."[{1}]

In the royal decree of the 13th of February, 1894, published in the Official Gazette of Manila of the 17th of April, 1894, it is provided in article 4 as follows:

> "ART. 4. The title to all agricultural lands which were capable of adjustment (*composicion*) under the royal decree of the 25th of June, 1880, but the adjustment of which has not been sought at the time of the promulgation of this decree in the Gaeeta de Manila, will revert to the State. Any claim to such lands by those who might have applied for the adjustment of the same, but who have not done so at the above-mentioned date, will not avail them in any way or at any time."

In view of these provisions of the law, it seems to us impossible to say that as to the public agricultural lands in the Philippines there existed a conclusive presumption after a lapse of thirty or any other number of years that the Government of Spain had granted to the possessor thereof a legal title thereto.

The plaintiff is not entitled to the benefits of paragraph 6 of section 54 of Act No. 926, the Public Land Act, for the reason that that act is not applicable to the Province of Benguet. The judgment of the court below is affirmed, with the costs of this instance against the appellant. After the expiration of twenty days let judgment be entered accordingly arid ten

days thereafter the case be returned to the court below for execution. So ordered.

Arellano, C. J., Torres, Carson, and *Tracey, JJ.,* concur.

Mapa, J., concurs in the result.

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[1] 3 Phil. Rep., 537.

[2] 6 Phil. Rep., 320.

(1) Page 80, *supra*.

{1} Gaceta de Manila, September 10, 1880.

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