

[G.R. No. 7996. July 22, 1916]

THE MUNICIPALITY OF VINTAR, PETITIONER AND APPELLEE, VS. THE DIRECTOR OF LANDS AND THE ROMAN CATHOLIC BISHOP OF NUEVA SEGOVIA, OBJECTORS. THE ROMAN CATHOLIC BISHOP OF NUEVA SEGOVIA, OBJECTOR AND APPELLANT.

D E C I S I O N

JOHNSON, J.:

The purpose of the present action was to obtain the registration of a certain lot or parcel of land located in the municipality of Vintar, Province of Ilocos Norte, in the name of the petitioner. The parcel of land is particularly described in the first paragraph of the complaint. It contains a superficial area of 496 square meters. The petitioner alleged that it had acquired said property by immemorial occupation and that it had been occupied by a school building for the purposes of a public school. The action was commenced in the Court of Land Registration upon the 19th of April, 1910.

On the 17th of June, 1910, the Attorney-General of the Philippine Islands presented his opposition to the registration of said parcel of land, alleging that the same was public property and belonged to the Government of the United States in the Philippine Islands.

On the 27th of June, 1910, the Roman Catholic Bishop of Segovia presented his opposition to the registration of said parcel of land, alleging that the same was the exclusive property of the Roman Catholic Church.

Upon the issue thus presented, the questions were presented to the court. After hearing the evidence of the respective parties, the Honorable James A. Ostrand, judge, reached the conclusion that the proof showed that the plaintiff had been in the open, exclusive, and notorious possession of said parcel of land, using it for public school purposes, upon which a public school house was erected, for a period of forty years, and that in accordance with the doctrine announced by this court in the case of the Municipality of Tacloban vs. Director of

Lands (17 Phil. Rep., 426), the plaintiff was entitled to have the same registered in its name, under the Torrens system.

From that decision of the lower court the Roman Catholic Bishop of Nueva Segovia appealed to this court. The appellant makes two assignments of error. The two assignments of error may be discussed together. They each alleged that the lower court committed an error in ordering the said parcel of land registered in the name of the petitioner. In support of the assignments of error the appellant attempts to show that, by virtue of paragraph 6 of title 29 of the 3d Partida, the petitioner could not have acquired title to the said parcel of land by mere open, continuous, and adverse possession. The appellant argues that the property was sacred property, that it had been devoted to religious purposes, and therefore could not be acquired by prescription in the manner indicated by the lower court. However much merit that argument might have, under other facts, it has no application here, for the reason that there is not a word of proof in the record to indicate that the land in question was sacred land or that it had ever been dedicated to religious purposes; in fact, the record shows that the appellant presented no proof whatever showing his right to the land in question; while, on the other hand, the plaintiff presented several witnesses, whose testimony stands undisputed, showing that the plaintiff had openly, continuously, and notoriously occupied the parcel of land in question for at least the period designated by the lower court.

Following the decisions heretofore announced in similar cases, as well as the one herein before cited, we are of the opinion and so hold that the record contains no reason. The judgment of the lower court is therefore hereby affirmed, with costs. So ordered.

Torres, Moreland, Trent, and Araullo, JJ., concur.