45 Phil. 518

[G.R. No. 20875. December 13, 1923]

VICENTE ABAOAG ET AL., APPLICANTS AND APPELLANTS, VS. THE DIRECTOR OF LANDS ET AL., OPPONENTS AND APPELLEES.

D E C I S I O N

JOHNSON, J.:

From the record it appears that in the year 1884 a number of "Bagos" or Igorots or non-Christians, numbering at that time about thirty, were invited by the *gobernadorcillo* and *principalia* of the then town of Alava, now the municipality of Sison, of the Province of Pangasinan, and given a tract of land which in the present complaint is alleged to have a superficial area of 77 hectares, 40 ares, and 50 centiares, in order that they might cultivate the same and increase the population of the said municipality; that said "Bagos" entered upon said land, took possession of it and have continued to live upon the same and have cultivated it since that date; that the appellants herein are some of the original thirty who entered upon the land, and the others are their legitimate descendants.

On or about the 28th day of February, 1919, said appellants presented a petition in the Court of First Instance of the Province of Pangasinan to have said parcel of land registered under the Torrens system. Accompanying said petition there was an official plan prepared by the Bureau of Lands presented (Exhibit A). Various oppositions were presented to the registration of said parcel of land. Finally a judgment by default was entered and the cause was set down for trial. During the trial, for reasons which it is unnecessary to state here, it was discovered that it was necessary to present a new plan and a new technical description

of the land, and the petitioners were ordered to present an amended plan of the land.

In compliance with that order of the court, a new plan was presented (Exhibit A-1) and finally the cause was set down for hearing and a number of witnesses were presented by the petitioners to prove their right to have said parcel of land, as described in the amended petition and plan, registered under the Torrens system in their names. Immediately after the close of the presentation of proof by the petitioners, the oppositors presented a motion to dismiss the petition upon the ground that the petitioners had not presented proof sufficient to show that they are entitled to the registration of the land in question, which motion, after extensive argument pro and con, was granted, and the petition was dismissed without any pronouncement as to costs. From that decision the petitioners, after having presented a motion for a new trial and an exception duly presented to the overruling of said motion, appealed.

In addition to the facts above stated, the record shows that at the time of the delivery of said parcel of land to the petitioners, it was unoccupied and unimproved public land; that since their entry upon the possession of the land in the year 1884, they and their ancestors have been in the open, continuous, exclusive, and notorious possession and occupation of the same, believing in good faith that they were the owners; that the petitioners had cleared, improved, and cultivated the land, and have constructed and maintained their homes thereon, exercising every requisite act of ownership, for a period of more than thirty-nine years, in open, continuous, exclusive, and notorious possession and occupation, without any interruption whatsoever; that the land in question was never partitioned among the petitioners because it was the custom of the *Bagos*, Igorots, or non-Christians to occupy and possess their land in common; that the petitioners believed, and had a right to believe, from the fact that the land was given by the *gobernadorcillo* and *principalia* of the municipality, that they thereby became the owners, to the exclusion of all others, and are now justified in their petition to have the said land registered under the Torrens system in their names,

as the owners in fee simple, pro indiviso.

No suggestion is made that the *gobernadorcillo* and the *principalia* of the town of Alava, now municipality of Sison, were not authorized in 1884, as representatives of the then existing Government, to give and to deliver the land in question to the petitioners and their ancestors for the purposes for which the land was so given. Neither was it denied that the land in question is agricultural land. No pretension is made that the land in question might not be registered under the Torrens system had the petitioners invoked the benefits of the public land law. No contention is made on the part of the petitioners that they were ever given a paper title to the land. Their contention is simply that they were given the land; that they accepted the same; that they lived upon the land, and cultivated it, and improved it, and occupied it to the exclusion of all others for a period of about thirty-nine years, and that therefore they are entitled to have the same registered under the Torrens system; that they have occupied and cultivated the same for a period sufficient to give them title and to have the same registered under the Torrens system.

The present case is not altogether unlike the case of Cariño *vs.* Insular Government (7 Phil., 132), which was decided by this court in 1906, went to the Supreme Court of the United States and was there decided in 1909 (212 U. S., 449[1]).
In the course of that decision, Mr. Justice Holmes, speaking for the court, said: "The acquisition of the Philippines was not for the purpose of acquiring the lands occupied by the inhabitants, and under the Organic Act of July 1, 1902, providing that property rights are to be administered for the benefit of the inhabitants, one who actually owned land for many years cannot be deprived of it for failure to comply with certain ceremonies prescribed either by the acts of the Philippine Commission or by the Spanish law. We hesitate to suppose that it was intended to declare every native, who had not a paper title, a trespasser and to set the claims of all the wilder tribes afloat. Whatever the law upon these points may be, every presumption is and ought to be against the government in the case like the present."
Mr. Justice Holmes adds: "If there is doubt or ambiguity in the Spanish

law, we ought to give the applicant the benefit of the doubt."

If we were to look into the Royal Decrees of Spain, as the attorney for the appellants has done, we will find that Spain did not assume to convert all the native inhabitants of the Philippines into trespassers of the land which they occupy, or even into tenants at will. (Book 4, Title 12, Law 14 of the *Recopilacion de Leyes de las India*s.)
In the Royal Cedula of October 15, 1754, we find the following: "Where such possessors shall not be able to produce title deeds, it shall be sufficient if they shall show that ancient possession as a valid title by prescription." We may add that every presumption of ownership under the public land laws of the Philippine Islands is in favor of one actually occupying the land for many years, and against the Government which seeks to deprive him of it, for failure to comply with provisions of subsequently enacted registration land act.

In view of the doctrine announced by the Supreme Court of the United States in the case of Cariño *vs.*
Insular Government, we are forced to the conclusion that the lower court committed the errors complained of by the appellants in dismissing the petition. As was said by this court in the case of Rodriguez *vs.* Director of Lands (31 Phil., 272, 279): " * * * only under exceptional circumstances should an application for registry in the court of land registration be dismissed over the objection of the applicant, and without giving him an opportunity by the grant of a new trial, or otherwise * * * to submit additional evidence in support of his claim of title, when there are strong or reasonable grounds to believe that he is the owner of all or any part of the land described in his application. This is specially true when the only ground for the dismissal of the application is the lack of formal or perhaps even substantial proof as to the chain of title upon which applicant relies, etc."

Without a further detailed discussion of the assignments of error of the appellants, we are of the opinion, and so decide, that the judgment entered in the court below, dismissing the petition of the applicants, should be reversed and the record remanded

to the court *a quo*, with permission on the part of the petitioners to make such amendment to their petition as they may deem wise and necessary and to present such additional evidence as they may desire; and that the oppositors be permitted to present whatever evidence they may have in opposition, with the understanding that the evidence which has heretofore been adduced shall stand as a part of the evidence of the main trial. And without any finding as to costs, it is so ordered.

Street, Malcolm, Avanceña, Villamor, Ostrand, Johns, and *Romualdez, JJ.*, concur.

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[1] 41 Phil., 935.

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