

****Title:**** Government of the Philippine Islands vs. Consorcia Cabañgis et al.

****Facts:****

1. The Government of the Philippine Islands appealed from the decision of the Court of First Instance of Manila in cadastral proceeding No. 373.
2. The lots in question, Nos. 36, 39, and 40, block 3055 of the cadastral survey of the City of Manila, were claimed by Consorcia, Elvira, Consuelo, and Tomas Cabañgis, and the title and registration of these lots were adjudicated in their favor.
3. The Government contested that these lots were public domain, gained by accretion from the sea due to filling done by the Bureau of Public Works and construction of a breakwater.
4. The Court of First Instance held that these lots were part of a larger tract of land owned by Maximo Cabañgis and Tita Andres, their successors being in continuous possession until the Supreme Court case.
5. Historically, these lots eroded into Manila Bay between 1896 and 1901 and remained submerged until 1912 when the Government dredged Vitas Estuary.
6. Tomas Cabañgis took possession when these lots reemerged and allowed fishermen to use the land, albeit without official declaration for tax purposes until 1926-1927 for different parts.

****Issues:****

1. Whether the lots in question are considered public domain because they were reclaimed from the sea by the Government.
2. Whether the lots should revert to their original owners or their successors after being reclaimed.
3. Whether the claimants had abandoned the said lots when they submerged.
4. The effect of possession and use of the reclaimed lots by Tomas Cabañgis and successors.

****Court's Decision:****

1. ****Reclaimed Land from Sea (Public Domain) Issue:****

The Court cited Article 339, subsection 1 of the Civil Code and Article 1, case 3 of the Law of Waters (1866). After the lots became submerged due to natural erosion, they were classified under public domain as part of the sea shore.

2. ****Reversion to Original Owners Issue:****

When the Government reclaimed these lands, these reverted as public domain since there was no ongoing effort by the original owners' successors to reclaim or maintain the land per

the necessary legal doctrine.

3. **Abandonment Issue:**

Following the doctrine of abandonment and erosion, the original property transitioned to the public domain due to total submersion and lack of preventative action to save the land (Aragon vs. Insular Government, 19 Phil., 223).

4. **Possession and Use by Cabañgis Issue:**

The utilization of reclaimed land for fishermen's activities, permitted by Tomas Cabañgis, did not confer ownership as the said lots remained public land. The possession did not follow the legal form and procedures.

Doctrine:

1. **Public Ownership through Erosion:**

Property lost due to erosion and submerged by the sea becomes part of the public domain, negating claims by former private owners unless proper measures to reclaim are legally taken.

2. **Reclaimed Property:**

Article 5 of the Law of Waters (1866) asserts that lands reclaimed by the Government or with its permission become governmental property unless otherwise stated.

Class Notes:

- **Public Domain (Sec 1, Civil Code Art. 339):** Public usages like roads, ports, shores.
- **Property Abandonment:** Upon being submerged (erosion principle).
- **Agency action (Reclamation Rules):** Government's reclamation transfers land ownership to the State.
- **Case Law Precedent:** Aragon vs. Insular Government reiterated public acquisition through natural causes and government reclamation efforts.
- **Procedural Requirement:** Proper formal acknowledgment and steps for private reclamation were necessary to retain land.

Historical Background:

During the period of colonial administration by the United States, substantial infrastructure projects led by government agencies brought changes to land properties in urban areas like Manila, highlighting early legal debates about land erosion and reclamation. This case fell within this transitional legal environment where natural changes in property boundaries featured prominently in judicial considerations.