

PAZ ESCARELLA DE RALLA, PETITIONER, VS. THE DIRECTOR OF LANDS, RESPONDENT.

G.R. No. L-1383. April 30, 1949

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/09be3f1a9e32/>

REYES, J.:

This is an appeal by certiorari to review a decision of the Court of Appeals in a land registration proceeding.

On August 26, 1932, the petitioner Paz Escarella de Ralla filed an application in the Court of First Instance of Albay for the registration of a parcel of land in the municipality of Libon, Albay, with an area of 843.9115 hectares claimed to have been acquired by her through purchase from different owners, as evidenced by the deeds Exhibits D, E, F, G, and H.

The Director of Lands, together with several homestead and free patent applicants, opposed the application on the ground that the land sought to be registered formed part of the public domain and that applicant and her predecessors in interest had not acquired title thereto.

At a certain stage of the proceeding the applicant renounced claim to the portion covered by the opposition of Ramon Velasco and as a consequence that portion was excluded from the application, while the oppositor Aquilino Sapalicio withdrew his opposition.

At the hearing, the applicant presented both documentary and testimonial evidence which, according to her brief filed in this Court, has established the following facts:

"* * * That the applicant had acquired the tract of land sought to be registered and covered by her application by purchase from five different owners and possessors as stated in paragraph 2 hereof (Exhibits "D", "E", "F", "G", "H"; I t.s.n. pp. 32-33); that the tract of land described in the document of purchase and sale, Exhibit "D", which was acquired by the applicant from Aniceto Gomez Medel, has a titulo real de compra from the Spanish Government (Exhibit I; I t.s.n., p. 35); that the parcel of land covered by the document of purchase and sale, Exhibit "F", bought by the applicant from Leocadio Secillano in 1927, was acquired by the latter from Andres Robredillo in 1895 as shown in the 'escritura de compraventa', Exhibit J, wherein it is stated that Robredillo acquired the said property by cultivation for over 28 years of which document was legalized and authorized by the 'Capitan Municipal' of Libon on June 23, 1895 on paper sealed No. 0.005.343 (Exhibits F and J; R. on A. p. 11; I t.s.n., p. 35); that many years prior to the year 1894, during the Spanish regime and the Government of the Philippines, applicant's predecessors in interest had been occupying the land openly, continuously, exclusively and under a claim of title of which possession has been continued and in concept of owner by the applicant herein until the year 1931 when several oppositors began to disturb her possession (Exhibits D, E, F, G, H, I, J, K, L, M, L-1, L-2, and L-3; I t. s. n., pp. 36-42, 49, 53, 73, 79-80; II t. s. n., pp. 5-8, 12-13, 112-113); that the land has been declared for purposes of taxation by the applicant and her predecessors in interest (Exhibits L, L-1, L-2 and L-3; I t.s.n., p. 43); that the land was surveyed on May 3-10, 1927, and the corresponding plan of survey was duly approved by the Director of Lands on February 27, 1929 (Exhibit A; Plan Psu-55848; I t.s.n., p. 13); and that the land sought to be registered has been definitely and accurately

identified (Exhibits A) I t. s. n., pp. 30-34; 36-37; 39-40; 68-69; 100-102; II t. s. n., pp.115-116)." (Petitioner's brief, pp. 5-7.)

The oppositors, on their part, presented evidence to the effect that the major portion of the land in question was occupied by several homestead and free patent applicants, who had actually cultivated considerable portions of their respective holdings; that each of those holdings had long been converted into a peasant community where several houses of humble construction were erected to serve as homes; and that, although their applications were filed after 1930, still in the case of nearly all of them, their occupation had been preceded by that of their ancestors, which dated back to the Spanish regime.

Overruling the opposition, the Court of First Instance of Albay decreed the registration of the land in favor of the applicant. But on appeal to the Court of Appeals, that court, having found that the land sought to be registered had not been identified and that applicant had not established a registrable title thereto except as to the portion covered by Exhibit D, rendered a decision, the dispositive part of which reads as follows:

"Our conclusion is that the applicant has not established a fee simple title over the entire tract described in her application. It is only as regard the portion covered by Exhibit D consisting of 467.5518 hectares that the applicant possess a valid title registrable under Act No. 496. This parcel however cannot now be adjudicated to the applicant for the reason that its true boundaries are not indicated in plan Psu-58848, Exhibit A. This case is therefore remanded to the Court of origin with instructions that the applicant be ordered to have the parcel covered by her Exhibit D, consisting of 467.5518 hectares, resurveyed. After the amended plan shall have been duly approved and the lower court is satisfied as to its identity, it shall be adjudicated to applicant. The private property of Ramon Velasco consisting of 24 hectares as well as the portions covered by the several homestead and free patent applications, covering approximately 218.2752 hectares, indicated in Exhibit 15, shall be excluded from the resurvey."

The decision of the Court of Appeals was promulgated way back in 1941, and the Solicitor General contends that this case is now before us for the second time and that the first time it was brought here by certiorari, the writ was denied on October 9 of that yearj so that the decision of the Court of Appeals has already become final. Unfortunately, however, the record of the case was destroyed in the battle for liberation and in the reconstitution proceedings which were subsequently instituted the only portions of the record that could be reproduced with authentic copies were the following:

- (1) Bill of Exception or Records of Appeal (authentic printed copy);
- (2) Briefs of the parties submitted in the Court of Appeals (authentic printed copy);
- (3) Transcript of the Stenographic notes (authentic copy);
- (4) Decision of Court of Appeals (authentic copy);
- (5) Petition for Certiorari to Review Judgment of the Court of Appeals (authentic copy);
- (6) Copy of most of the documentary evidence.

After the proceeding for reconstitution had been closed, the Solicitor General presented an alleged copy of a resolution of the Court of Appeals dated June 11, 1941, and also an alleged copy of a resolution of the Supreme Court dated October 9 of the same year. Those resolutions read as follows:

(Resolution of the Court of Appeals)
"(Caption and title omitted)

"The Solicitor General, in behalf of the Director of Lands, has filed a motion for reconsideration of the

decision of this Court in the above-entitled case rendered on March 13, 1941, consisting of two parts, to wit: (1) The portion claimed by oppositor Ramon Velasco be declared public land, and (2) That the portions claimed by appellant Paz Escarella de Ralla which are actually occupied, by homesteaders and free patent applicants be likewise declared public lands.

"As regards the first part of the motion, the record shows that the applicant-appellant, in open court, excluded from her application the portion consisting of 24 hectares claimed by oppositor Ramon Velasco to be his private property. The application for registration with respect to that particular portion was thus withdrawn from the jurisdiction of the lower court, and it could not have possibly made any pronouncement regarding the claim of oppositor Ramon Velasco who did not apply for registration in his name. Hence the first part of the motion of the Solicitor General is denied.

"The Second part of the motion however is granted, and the dispositive part of the decision is hereby modified to read as follows:

" 'Our conclusion is that the applicant has not established a fee simple title over the entire tract described in her application. It is only as regards to portion covered by Exhibit D consisting of 467.5518 hectares that the applicant possesses a valid title registrable under Act 496. This parcel however cannot now be adjudicated to the applicant for the reason that its true boundaries are not indicated in plan Psu-58848, Exhibit A. This case is therefore remanded to the court of origin with instructions that the applicant be ordered to have the parcel covered by her Exhibit D, consisting of 467.5518 hectares, resurveyed. After the amended plan shall have been duly approved and the lower court is satisfied as to the identity of the land, it shall be adjudicated to applicant. The remainder of the area covered by applicant's application as well as the portion covered by the several homestead and free patent applications, approximately 213.2752 hectares, indicated in Exhibit 13, are hereby declared public lands and shall be excluded from the resurvey."

Resolution of the Supreme Court

"In G.L.R.O. No. 48251, Paz Escarella de Ralla, Petitioner, vs. The Director of Lands, respondent, the Court having under consideration the petition for review on certiorari of the decision of the Court of Appeals in case CA-G.R. No. 5346: Ordered that said petition be denied."

But as the authenticity of the above two documents have been questioned, this Court has preferred to decide the case on the basis of the reconstituted record.

The case hinges on two main questions:

- (1) Has the land sought to be registered been sufficiently identified?
- (2) Has applicant proved a registrable title thereto?

As to the first question, the Court of Appeals says in its decision:

"Appellant's first contention is that the applicant has failed to identify the land sought to be registered. Upon a review of the evidence we find this contention well founded. The record shows that there is a startling discrepancy of more than 550 hectares between the area of the land subject to the application and the total area covered by applicant's unisents (muniments) of title; Exhibits D, E, F, G, and H, a discrepancy which at once engenders doubts as to the identity of the land. The total area of the various parcels covered by applicant's documents Exhibits D, E, F, G, and H is more than 1,400 hectares. Applicant's plan Psu-48858, Exhibit A, however, has an area of only 543.9115 hectares. And applicant failed to give a satisfactory explanation of the discrepancy of more than 550 hectares.

"Rosendo Ralla's testimony that the boundaries of the properties were indicated to him by the vendors in each particular case is uncorroborated. It appears that he is not really familiar with the boundaries, as he pretends to

be, otherwise, he would not have depended solely on his representatives Nicolasa Robantes whose supposed knowledge of the boundaries of the property cannot be accurate. The way Nicolasa Robantes indicated the boundaries of the land was not only novel but causing. She would go to some high place and from there point the boundaries to the surveyor. The result could be no other than an unreliable survey, akin to guess work. It is hardly believable too that Nicolasa Robantes, being a woman 55 years old, would have accompanied Rosendo Ralla on every trip he made around each parcel of land purchased by his wife under Exhibits D, E, F, G and H. Strangely, too; she was not even presented as a witness, so that all evidence concerning her knowledge of the boundaries of the land is purely conjectural hearsay.

"That Wenceslao Manuel, the surveyor who prepared the plan Exhibit A, surveyed the wrong piece of land, actually mistaking a portion of the public domain for the Medel land is also conclusively established by the fact that the Medel land is described in Exhibit I as follows: 'Su superficie es poco accidentada, si bien la curza de N. a O. el Rio Nale al cual se uno poco antes de salir del perimetro denunciado, el afluente llamado Pinagaronan, que incorporado con aquel desagua en la Laguna de Bato.' By this description, the Nale and Pinagaronan rivers are supposed to meet somewhere within the Medel Land. And yet the two rivers meet nowhere in the plan exhibit A. This can only mean that Exhibit A is not an accurate plan of the Medel land and therefore does not identify it.

"Moreover, the Medel land, according to the plan Exhibit A, is bounded on the Southwest by the Pinagaronan river with a width of 56 meters and on the South by Quibuaya creek which has a width of 10 meters. Yet exhibit I which is the basis of applicant's title describes the property as bounded on all sides by 'terrenos baldios realengos.'

"There is, therefore, a clear mistake in the identity of the Medel property on which hinges the identity of all the surrounding properties allegedly acquired by the applicant between 1915 and 1927, subsequent to her acquisition of the Medel property; hence, it is useless and superfluous to discuss the respective boundaries of the other parcels supposedly adjoining it, which applicant else seeks to register."

Counsel for petitioner attacks these findings on the ground that the discrepancy, of more than 500 hectares between the actual area of the land sought to be registered and the combined area covered by petitioner's muniments of title does not argue against the identity of the land in question, counsel attributing the discrepancy to defects in the old survey and invoking the doctrine enunciated in the case of *Government of the Philippine Islands vs. Abaja*, 52 Phil., 261, that where the boundaries are certain and no alterations thereof have been proven, the area included within such boundaries shall prevail over that which the title shows. The argument would have merit if, as in the case cited, the boundaries of the land claimed by petitioner were certain and definite. Such, however, is not the case here, and as a matter of fact the boundaries given in her registration plan (Exhibit A) do not coincide with the outer boundaries of the combined area of the parcels covered and described in her muniments of title.

Counsel also takes exception to the conclusion of the Court of Appeals that the evidence adduced by the petitioner as to the boundaries of the land is not satisfactory, counsel contending that such conclusion is not borne out by the evidence of record. The clear analysis made by the lower court of petitioner's evidence on this point and the reasons given by it in support of those conclusions by themselves alone show how untenable is petitioner's contention. But in any event there would be no warrant for us to interfere with the findings of fact of the Court of Appeals since those findings are conclusive. (*De Castro vs. Tamparong*, 78 Phil., 804; *I Moran*, Rules of Court, Second Ed. Revised, 770).

On the question of whether petitioner has shown a registrable title to the land claimed by her, the Court of Appeals has the following to say:

"The second error assigned requires an examination of all the deeds of sale, Exhibits D, E, F, G and H, on

which the applicant's title to the property depends.

"We shall first consider Exhibit D in conjunction with Exhibit I. These two documents together constitute the nucleus of the entire property that applicant has applied for. Exhibit D is a deed of sale executed on July 16, 1918 by Don Aniceto Gomez Medel in favor of Paz Escarella de Ralla, applicant-appellee, conveying Medel a property consisting of 467 hectares, 55 ares and 18 centares situated in sitio Malayuan, Libon, Albay. Medel's title over the property is evidenced by Exhibit I which is a deed of sale executed on October 12, 1885 by Don Agustin de Lasquety 'en representacion del Sr. Administrador Central de Rentas y Propiedades de estas Yales (Yslas)' in favor of Don Aniceto Gomez Medel.

"Exhibit I is concededly a valid title acquired by Don Aniceto Gomez Medel from the Spanish Government. During the Spanish regime one of the case(s) of acquisition of public agricultural lands was by purchase from the government in accordance with rules prescribed by the Royal Decree of June 23, 1888 and the Royal Decree of January 19, 1885. It appears that Don Aniceto Gomez Medel, was in possession of the property when it was sold by him to the applicant in Exhibit D dated July 15, 1918, and the applicant continued in possession thereafter.

"The property was declared for tax purposes by Aniceto Gomez Medel previous to 1906, as shown by Tax Declaration No. 572 (Exhibit 17) then Paz Escarella Ralla, as evidenced by Tax Declaration No. 6595 (Exhibit L), and the record shows that taxes were duly paid by applicant. There is therefore no question that applicant's claim over the parcel covered by her Exhibit D is valid and registrable under Act 496.

"The trouble is that, as already stated Exhibit I does not specifically delimit the land by definite and ascertainable boundaries. It simply gives the boundaries as follows: 'Los linderos son, por todo el perimetro con terrenos baldios realengos.' Unquestionably, such a description is too indefinite and the applicant cannot, if at all, claim under Exhibit I more than the stated area of 467.5518 hectares. The rule has been stated by the Supreme Court in *Rosado vs. Director of Lands*, 58 Phil., 833, as follows:

"When a deed describes a tract of land by definite and ascertainable boundaries, an additional statement as to the area included is of secondary importance, because it is presumed that the parties to the deed contracted with reference to the land specifically delimited in the description. This rule has no application in the present case first because the land is not specifically delimited by definite and ascertainable boundaries; and second because the record shows that the Spanish government and the applicant's predecessors in interest contracted with reference to a definite area, because the minimum acceptable bid was based on an area of 144 hectares, 89 ares and 76 centares."

"Exhibit E is also a deed of sale dated April 4, 1927 executed by Juana Casotana in favor of Paz Escarella conveying a parcel of land comprising 384.5973 hectares supposedly bordering the Medel property in the west. This vendor, however did not possess any document evidencing her title to the property sold. Exhibit L simply states that she inherited the property from her father, but when her father's possession commenced is unknown. Apparently this vendor has no valid title to the property sold, hence no title passed to the vendee. Thus, this portion is not registrable either under Act 496 or under Commonwealth Act 141.

"Exhibit F is another deed of sale in favor of applicant, dated April 17, 1929, executed by Leocadio Sesillano, conveying his property consisting of 345,7082 hectares. Leocadio Sesillano delivered an old document Exhibit J evidencing his title. This document is a deed of sale dated June 25, 1895 executed between Andres Robredillo and Leocadio Sesillano, vendor and vendee respectively, before the 'Capitan Municipal de la Villa de Libon, provincia de Albay.' According to this document, Andres Robredillo, vendor, possessed the property for 29 years prior to June 25, 1895. Granting this to be true, still the ownership of the land is deemed to have reverted to the State for his failure to legalize his possession by composition or by possessory information proceedings as required by the Royal Decree of February 13, 1894.

" '* * * The failure of the applicant's predecessors in interest to legalize their possession of the land in question by the institution of possessory information proceedings for the gratuitous grant of title from the Spanish government, thereby perfecting and converting their possessory right into one of ownership, caused the land to revert to the Government (Fuster vs. Director of Lands, G. R. No. 402129; Li Seng Giap & Co. vs. Director of Lands, 59 Phil., 657; Heir of Datu Pandatan vs. Director of Lands, 59 Phil., 600). (Director of Lands vs. Ciriaco Chunaco, G. R. No. 53361.)'

"No title therefore was acquired under Exhibit J by Leocadio Sesillano, applicant's predecessors in interest, and consequently no title passed to the herein applicant under her deed of sale Exhibit F.

"There is also convincing evidence that the appellee, in her own right, has not been in adverse, open and exclusive possession of the land covered by her Exhibit F. It has been shown that, in practically all cases, the homesteaders who are represented by the Solicitor General have been in possession in their respective claims since their childhood. Hence the appellee cannot invoke the provisions of Section 48 (b) of Commonwealth Act 141.

"Exhibit G is another deed of sale dated August 14, 1926, executed between Quirino Madrid and the applicant, covering 220.7790 hectares. Madrid had no valid document of ownership, covering the parcel as sold to applicant. Exhibit G simply recites that Madrid inherited the property from his father ten years prior to the sale and that he had been in uninterrupted possession ever since. Clearly, such a recital is self-serving and does not make the land conveyed registrable under the law.

"Exhibit H is also a deed of sale dated July 10, 1923, executed by Sabas Malagueno in favor of applicant, conveying Malagueno's property of 7.9712 hectares. An old document Exhibit H is the only evidence of his title. This document is an affidavit subscribed and sworn to by a certain Romualdo Rosalada in 1915, certifying Esteban (not Sabas) Malagueno's possession of a piece of land described therein. Obviously, this document does not constitute a muniment of title that would command registration either under the Torrens system or under Section 48 (b) of Commonwealth Act 141.

"From the above examination of the several documents on which applicant's claim depends, it will be seen that, except as to the portion covered by Exhibit D, she does not possess any registrable title to the property covered by her application. It is not sufficient that on (an) applicant exhibits notarial deeds of sale; there must, besides, be some reliable proof that the respective vendors had a right of ownership to the parcels conveyed by them. No such proof has been presented here.

" 'Aside from the presumption that the land applied for pertains to the State, the claimant or opponent in a registration case must conclusively show that he is the lawful owner of the property which he seeks to register and which is the subject matter of the opposition by the adverse party; vague and undecisive proof is insufficient to support his right to record the said property in the registry. (Director of Lands vs. R. Vda. de Penales, 63 Phil., 1065.)'

"There is no convincing evidence that the parcels conveyed under Exhibits E, F, G, and H have been in the possession of the applicant and her predecessors in interest prior to July 26, 1894, only two witnesses testified as to adverse possession of applicant; The first was applicant's husband, Rosendo Ralla, who limited himself to the Medel land; he averred that he came to know Medel land at the age of eleven because his father used to take him there on horse back. On cross examination he admitted however that he did not at the time have any idea of its boundaries. He came to know of the boundaries only in 1910 when the property was acquired by him and his wife from Don Aniceto Gomez Medel.

"The other witness was laborer Eduardo Lunas, on whose testimony the applicant mainly relies. It is, however, far from convincing, consisting merely in sweeping assertions. This witness asserted that he was familiar with the

property but failed to specify its boundaries. He added that the parcel of land subject of the application adjoin each other, but was unable to show where and how. It is strange besides that the applicant utilized laborer Eduardo Lunas as her witnesses (witness) instead of calling upon her vendors or their predecessors in interest. They should be the best witnesses on the matter.

"Furthermore, no improvements exist on the property which would substantiate the assertion that the possession of applicant and of her predecessors in interest commenced prior to 1894 and has been continuous since.

" 'Under the law now in force (subsection [b] of section 45 of Act No. 2074 (now Section 49[b] of Commonwealth Act 141), and (an) occupant who, having no title derived from the Government, seeks to obtain registration of public land against the opposition of the Government must show that his occupation began before July 26, 1894, and that it has been continuous thereafter, except while the occupant was excluded by war or force majeure.' (Ongsiaco vs. Magsilang, 50 Phil., 380; Govt. of the Phil. Islands, vs. Abad, 55 Phil. 75.)

"On the other hand, the oppositors who are represented by the Director of Lands, who are homesteaders and free patent applicants, have established that they have actually cultivated the portions claimed by them, planted abaca and coconut trees thereon and various kinds of other fruit-bearing trees. In each and every one of those holdings there are already several (houses) serving as homes for each oppositor, his family, relatives and tenants. The respective applications of the oppositors were introduced in evidence as Exhibits 1 to 12, and their respective holdings traced in red ink in the plans Exhibits 13 and marked as portions A to A-11.

"The provincial Lands Inspector Mr. Roman S. Lomibao carefully inspected these homesteads and free patent holdings and took pains to record all the improvements he found and actually counted the plantings to avoid duplication, as shown in Exhibit 14. These homesteaders have established a bona fide claim over the portions occupied by them where they have erected their homes and converted the land into productive agricultural areas. Their rights must prevail against the undertain (uncertain) claims of a claimant whose title is most deficient.

'It would be nothing less than a perversion of justice to take away from these homesteaders the small parcels of land which industry has given them and turn this land to a claimant with a shadowy title as that relied upon here.' (Director of Lands vs. De los Reyes, G. R. Nos. 39450 and 39451)."

We find the above analysis of the evidence to be correct, and since the questions raised by petitioner with respect to this phase of the case are factual, we find no justification for disturbing the conclusions arrived at by the Court of Appeals.

Counsel for petitioner calls attention to a seeming incongruity to be found in the decision below in that, while it states that the petitioner possesses a valid registrable title to that portion of the land covered by Exhibit D with an area of 467.5118, it denies adjudication thereof to the petitioner and orders it resurveyed on the ground that its boundaries are not indicated in the plan Exhibit A, and at the same time also orders that portions thereof covered by the homestead and free patent applications of the oppositors with an aggregate area of 216.2752 hectares (indicated in Exhibit 15) be excluded therefrom. Counsel points out that, if in the resurvey the portions claimed by the homesteaders and free patent applicants are found to be within the area covered by Exhibit D, and those portions are excluded from registration, the applicant would be deprived of a part of the property which has been declared to be registrable in her favor. The Solicitor General, however, does not share petitioner's misgivings, and in any event the the pronouncement in the decision below to the effect that applicant possesses a valid registrable title to the land covered by Exhibit D must be understood to be limited by the finding that the "homesteaders have established a bona fide claim over the portions occupied by them where they have erected their homes and converted the land into productive agricultural areas" so that "their rights must prevail against the uncertain claims of a claimant whose title is most deficient." In other words, the decision below should be taken as a whole to get

the true meaning and intent of any particular portion thereof.

We find no substantial error in the decision appealed from. It is, therefore, affirmed, with costs against the petitioner.

Moran, C.J., Paras, Feria, Pablo, Perfecto, Bengzon, and Tuason, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.