

THE INTESTATE ESTATE OF FAUSTO BAYOT, REPRESENTED BY CELESTE BAYOT, JUDICIAL ADMINISTRATRIX, APPLICANT AND APPELLEE VS. THE DIRECTOR OF LANDS, OPPOSITOR AND APPELLANT.

G.R. No. L-8536. April 28, 1956

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

The intestate estate of Fausto Bayot, represented by Celeste Bayot, judicial administratrix, filed an application with the Court of First Instance of Masbate for the registration under Act No. 496 of a parcel of land in the barrio of Potot, municipality of Milagros, Masbate, containing an area of 11,354,093 square meters, with an alternative prayer that it also be given the benefit of Chapter VIII of Commonwealth Act No. 141 on the ground that it had been in "peaceful possession under claim of ownership, exclusive of any right, by itself and through its predecessor-in-interest, since time immemorial, having dedicated the land for pasture and other agricultural uses."

The Director of Lands opposed the petition on the ground that neither the applicant nor its predecessor-in-interest possess sufficient title which would entitle them to the land, the same not having been acquired either by composition title from the Spanish Government or by possessory information under the Royal Decree of February 13, 1894, and that said land is a portion of the public domain belonging to the Republic.

After the reception of the evidence, the court rendered judgment ordering the registration of the entire land applied for, whereupon the Director of Lands took the present appeal.

On November 10, 1883, one Natividad Perez was granted title by the Spanish Government to a parcel of land with an area of 151 hectares, 47 ares and 80 centares, the boundaries of which are: "Norte con el Monte Layat, al Este con el rio Potot, al Sur con la playa de la ensenada Asid y al Oeste con el rio Buracay." On November 20, 1920, Lucas Bayot bought said parcel of land from Isabelo Bordoos, grandson of Natividad, for the sum of P200. On November 30, 1920, Lucas Bayot sold the land to Fausto Bayot for the sum of P300. On November 29, 1920 Fausto Bayot declared the land for taxation stating under oath that its area is 151 hectares, 47 ares and 80 centares and its value P1,520. On August 28, 1928, Fausto Bayot again declared the land for taxation this time increasing the area to 1,085 hectares, 52 ares and 20 centares. Thereafter Fausto Bayot had the land surveyed by one Gervacio Aguinaldo, a private surveyor, who stated in the plan prepared by him that the area is 11,354,093 square meters. Thereupon, a new declaration of the land for the year 1931 was made and this time its area was once more increased to 1,135 hectares.

The applicant tried to show that in 1910 one Pascual Bacolod used to pass through the land in question and saw some cattle there which, according to his information, belonged to Natividad Perez; that when Isabelo Bordoos sold the land to Lucas Bayot on November 20, 1920, the former told the latter that Natividad was in possession of the same as owner, and that the land was dedicated to the pasture of large cattle.

Abraham Aganan declared that from 1920 to 1930 he was the overseer of Fausto Bayot in the land which was dedicated to the raising of cattle; that Fausto placed therein in 1920 170 heads of cattle; that this number reached 3,000 but when he (Aganan) turned over the management to Ariastacio Zurbito in 1930 this number was reduced to 400 because of rinderpest; that Fausto constructed thereon a house with galvanized iron roofing, a warehouse and a torril, and that the land was enclosed with barbed wires.

Anastacio Zurbito testified that he succeeded Abraham Aganan as overseer in 1931; that the 400 heads that were turned over to him by Aganan increased to 1,010 during the Japanese occupation; that the Japanese took the cattle and burned the house of Fausto; that he left the place in 1946 when all the cattle existing there was gone; that Vicente Oliva occupied a portion of the land in 1946; that after the cattle was gone he planted rice and camotes over an area of about three hectares; that two other also tilled portions of the land and the total area tilled, is about six hectares.

Vicente Oliva, a witness for the opposition, testified that on December 8, 1948 he applied for a pasture permit to occupy a portion of the land containing 245 hectares; and that this portion is included in the land now applied for; this witness indicating the place where Bayot kept his cattle, the spot where his house was erected, and the portion covered by the barbed wire fence.

The question to be determined is whether the applicant is entitled to the registration of the land it is applying for containing an area of 1,135 hectares even if the Spanish Government only mentions an area of 151 hectares, 47 ares and 80 centares.

As may be noted, the land applied for involves an increase of more than seven times the area stated in the Spanish title obtained by its original owner, but this notwithstanding, the lower court chose to adjudicate the entire land taking shelter under the ruling in the cases of Escudero and Marasigan vs. Director of Lands, 44 Phil. 83, and Government of the Philippine Islands vs. Abaja, 52 Phil., 261. The first case held that "that which really defines a piece of ground is not the area calculated with more or less certainty, mentioned in its description, but the boundaries therein laid down as inclosing the land and indicating its limits", and the second that "when the boundaries are certain and no alteration thereof has been proven, the area included within such boundaries shall prevail over that which the title shows."

We have no quarrel with the ruling laid down in the cases mentioned. Indeed, many more could be cited holding that what really defines a piece of land is not the area mentioned in its description but rather the boundaries therein laid down. As stated in the case of Loyola vs. Bartolome (1919), 39 Phil., 544, "It is not of vital consequence that a deed or contract for the sale of land should declare the area with mathematical accuracy. It is sufficient if its extent is objectively indicated with sufficient precision to enable one to identify it; and where the boundaries given are adequate for this purpose, an error as to the superficial area is immaterial." [1] But a careful review of the applicable case will show that it is only when the boundaries given are sufficiently certain and the identity of the land clearly proved by the boundaries thus indicated that an erroneous statement concerning the area, can be disregarded or ignored. Otherwise, the area stated should be followed (Sanchez vs. Director of Lands, 63 Phil., 378, 386). This is the exception to the rule. This can be better seen by mentioning some illustrative cases.

In the case of Pamintuan vs. Insular Government (1907), 8 Phil., 512, it appears that the Spanish Government made a grant of 92 hectares and 10 ares of public land to the ancestors of petitioner. The petitioner, however, claimed in his application 626 hectares, 38 ares, and 95 centares of land. This Court said: "While the proposition of law laid down by the court below may be true to the effect that natural boundaries will prevail over area, yet when the land sought to be registered is almost seven times as much as that described in the deed, the evidence as

to natural boundaries must be very clear and convincing before that rule can be applied. No such evidence was given in this case, and the judgment of the court below cannot stand."

In the case of *Paras vs. Insular Government* (1908), 11 Phil., 878, petitioner likewise tried to prove his ownership of 67 hectares of land by presenting a patent from the Spanish Government covering only 43 hectares, but failed in view of the ruling already stated, and in the case of *Carillo vs. Insular Government* (1908), 11 Phil., 379, the petitioner also failed in his attempt to prove his ownership of 107 hectares of land by presenting a patent from the Spanish Government covering only 26 hectares, by virtue of the same ruling.

In the case of *Waldroop vs. Castaneda* (1913), 25 Phil., 30, it appears that the Spanish Government conveyed to Hilario Castaneda 23 hectares, 11 ares and 12 centares of public land. This land was later conveyed to petitioners. Due to lack of proof that the land which Castaneda had obtained from the Government had natural boundaries sufficient to clearly segregate it from the adjoining lands, it was held that the only land to which the petitioners were entitled was the land which Castaneda had obtained from the Spanish Government. In this case, the following doctrine was laid down: "In order that natural boundaries of land may be accepted for the purpose of varying the extent of the land included in the deed of conveyance, the evidence as to such natural boundaries must be clear and convincing. Such natural boundaries must be of such a character as to definitely and accurately segregate the land in question from the adjoining property. There must be no doubt left that the land included within the natural boundaries is the same land which was intended to be sold by the deed of conveyance."

It should be recalled that the boundaries of the land which was originally acquired by Natividad Perez from the Spanish Government and which was later acquired by Fausto Bayot are as follows: "Norte con el Monte Layat, al Este con el rio Potot, al Sur con la playa da la ensenada Asid y al Oeste con el rio Buracay." While on the east, south, and west sides of the land it may be stated that the boundaries are definite and certain, the same cannot be said with regard to the boundary on the north which is Mt. Layat. The boundary on this side is indeed very vague and indefinite for it does not definitely and accurately segregate the land applied for from the adjoining property. It does not state where the Jand ends and the mountain begins. The enormous disparity in the area applied for and that stated in the Spanish title of its original owner can only be due to this indefiniteness in the northern part of the land which is bordered by Mt. Layat.

There are other factors which weigh heavily against the claim of the applicant. One is that under the Royal Decrees in force at the time of the acquisition by Natividad Perez of the land in question no one could acquire public Jand in excess of 1,000 hectares (Royal Decree of November 25, 1880); (See *Valdez vs. Director of Lands*, 62 Phil., 362). This Royal Decree provides that "La extension de los terrenos a los cuales se refiere dicho decreto, no podra exceder de mil hectareas para los terrenos de secano; quinientos para los de igual clase poblados de arbolado maderable, y ciento para los clasificados en el articulo 6." del mismo decreto con la frase 'que a poca costa puedan hacerse de regadio'" Another factor is that the lands of the public domain were as a rule sold only by unit of measure, that is to say, at a fixed price per hectare or per quinon and not in the mass (cuerpos ciertos); (*Valdez vs. Director of Lands*, supra) and "it should also be observed that the amount of permissible error in the measurement of public lands was only five per cent of the total area" (Royal Decree of January 19, 1883); (*Sanchez vs. Director of Lands*, supra).

Verily, the land in question does not fit into the pattern of the above requirements of pertinent royal decrees.

With regard to the contention that applicant can claim title to the entire land under Chapter VIII of Commonwealth Act No. 141 because it has been in peaceful possession thereof under claim of ownership, exclusive of any other right, by itself and through its predecessor-in-interest, since time immemorial, it should be noted that in order that this claim may be justified it is necessary to establish that the possession has been

peaceful, open, continuous, adverse and under concept of owner since July 26, 1894 (Tiglao vs. Insular Government, 7 Phil., 80). This the applicant failed to prove because according to its evidence its earliest possession only dates as far back as 1910.

Wherefore, the decision appealed from, is modified in the sense that the applicant is only entitled to register 151 hectares, 47 ares and 80 centares as stated in the title obtained by applicant's predecessor-in-interest from the Spanish Government. No pronouncement as to costs.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Jugo, Concepcion, Reyes, J. B. L., and Endencia JJ., concur.

[1]See also Government of the Philippine Islands vs. Franco (1926), 49 Phil., 328, 329; Prieto vs. Director of Lands (1926), 54 Phil., 971-973; Government of the Philippine Island to. Abaja (1928), 52 Phil., 261, 265.

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