

THE DIRECTOR OF LANDS, PETITIONER VS. TUASON & LEGARDA, LTD., CLAIMANT AND APPELLEE; MUNICIPALITY OF LUBAO, PAMPANGA, ET AL., CLAIMANTS AND APPELLANTS.

G.R. No. L-15540. September 30, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On August 8, 1936, the Director of Lands filed a petition for compulsory registration of a tract of land containing 4,149 hectares, divided into 958 lots, situated in the Municipality of Lubao, Pampanga, and designated as Lubao Cad. No. 273 B.L. Case No. 8.

Tuazon & Legarda Ltd. filed its answer to the petition laying claim to Lots Nos. 1789, 1791, 1933, 2376, 6357, 7004, 7006, 7007 and 1057 of the cadastral plan. On their part, Nicolas Bansil, et al., thru Atty. Gerardo S. Limlingan, filed their answer laying claim on Lot No. 1057. Answers were also filed in behalf of the Municipality of Lubao, Pampanga, with respect to Lots Nos. 1789, 1791, 1002, 7006, 7007 and 1933. In behalf of the Insular Government, the provincial fiscal also filed an answer laying claim to Lots Nos. 6357, 7004, 7006 and 7007.

The Director of Lands, the Municipality of Lubao and the Insular Government filed oppositions to the claim for registration filed by the Tuason & Legarda Ltd.

On July 8, 1958, the lower court rendered decision holding that the Becuran, Malagulu, Bubula and Mapaniki creeks could not be considered as properties of the Municipality of Lubao, nor of the Insular Government, because they belong to Tuason & Company, Ltd. Hence, it confirmed the title of this entry to Lots Nos. 1791, 1002, 6357, 1789, 7004, 2376, 7006, 7511, 1933, 7007 and 1057 of the Lubao cadastre and ordered that said lots be registered in the name of said corporation. From this decision, the Municipality of Lubao and the Insular Government, as well as Nicolas Bansil, et al., interposed the present appeal directly to this Court claiming the commission of errors in the adjudication of Lots Nos. 1791, 1002, 1789, 2376, 1933, 6357, 7004, 7006, 7007 and 1057 to the corporation Tuason & Legarda Ltd.

Considering, however, that the appeal of herein appellants raises factual issues and the value of the lots covered by their respective appeals does not reach the amount of P200,000.00, the Court resolved to certify this case to the Court of Appeals for adjudication.

Bengzon, C. J., Padilla, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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