

THE DIRECTOR OF LANDS, APPLICANT-APPELLE, VS. THE ROMAN CATHOLIC ARCHBISHOP OF MANILA, OBJECTOR-APPELLANT. JUSTA DE GUZMAN, ET AL., OBJECTORS-APPELLEES.*G.R. No. L-14869. October 27, 1920*

Ponente: MALCOLM, J.

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In 1913, cadastral proceedings were begun to settle the title to a considerable tract of land situated in the Province of Rizal. Thirteen of the cadastral lots were claimed by the municipality of Cainta, Province of Rizal, the Roman Catholic Archbishop of Manila, and various private individuals. The judgment of the trial court adjudicated the parcels in question to the private claimants. From this judgment both the Roman Catholic Archbishop of Manila and the municipality of Cainta appealed, but subsequently the appeal of the latter was dismissed for failure to prosecute. The contest has thus narrowed down to one between the Church as appellant and various individuals as appellees.

A ruling as to four of the lots can quickly be made. By stipulation during the trial, and by admission of counsel for appellant, Policarpio Buenviaje is conceded to have title to lot 2187. As to lot 2186, the only evidence before us, confirmed by the findings of the trial court, is, that Mamerta Roxas went into possession of the same in 1895; and when counsel for the Church made his offer to present rebuttal testimony, he failed to mention this lot. Likewise, as to lots 2213 and 2214, the only evidence before us, confirmed by the findings of the trial court, is, that Antonio, Benito, and Gervasio dela Paz went into possession of the same in 1896; the record states that "ambas partes dan por terminadas sus pruebas," while counsel for the Church in making his offer of rebuttal testimony again failed to include these two lots.

A more difficult situation has arisen with reference to the nine remaining cadastral lots. To understand it, a brief narration of the course of the proceedings in the trial court will have to be made.

The trial as to the land now before us opened with a stipulation to the effect that the composition title of the Church with the Spanish Government included this land. The Church presented one witness and rested. The private oppositors then called their respective witnesses. Each endeavored to prove title by possession, best understood by the following table:

Parcel No.

Oppositor.

Possession began.

Acts of possession.

2176, 2191, 2182.... Justa de Guzman.....

1895

Planted rice; paid taxes.

2178, 2180, 2190.... Melecio S. Buenaventura.....

1882

Planted rice.

2184, 2185..... Justo S. Buenaventura.....

1885

Cultivation and harvest.

2192..... Justo Javier.....

1885

Planted rice; harvested.

Counsel for the Church, thereupon, made an offer to present additional testimony with reference to lots 2176, 2178, 2180, 2182, 2184, 2185, 2190, 2191, and 2192, or the lots above enumerated in the table. Three witnesses were called to the stand, but each time, before any pertinent testimony could be secured from them, an objection was made by counsel for the oppositors that the proof related to the evidence in chief of the Church, and this was sustained by the court.

To resolve the facts into their simplest terms, it is evident that when an admission was made of the royal title, the Church had shown that it was the legitimate owner of the land to which it refers. The most perfect title could, however, be lost by abandonments. When, therefore, the private oppositors showed possession for the prescriptive period, they had made their case, and the burden of proof had shifted. To overcome this burden, it was then incumbent upon the Church to demonstrate that such possession had been interrupted, or that it was merely possession through the tolerance of the Church.

This brings us to the specific consideration of assignment of error No. 2 of the appellant to the effect that the court erred in refusing to admit evidence tendered by this claimant and appellant in answer to rival claims. A correct ruling can most appropriately be arrived at by a consideration of the nature of cadastral proceedings, with reference to the usual rules of trial practice and evidence.

The object of a cadastral petition, as all know, is that the title to the various lots embraced in the survey may be settled and adjudicated. It is in the nature of a proceeding in rem, promoted by the Director of Lands, somewhat, akin to a judicial inquiry and investigation leading to a judicial decree. In one sense, there is no plaintiff and there is no defendant. In another sense, the Government is the plaintiff and all the claimants are defendants. (Act No. 2259, sec. 10.) The trial is conducted in the same manner as ordinary trials and proceedings in the Court of Land Registration. (Sec. 11.) As to this court, now abolished, the Land Registration Act provides that it "shall conform, as near as may be, to the practice in special proceedings in courts of first instance." (Act No. 496, sec. 2) The Code of Civil Procedure, which is thus brought into relation with the Cadastral Act, prescribes the order in which the trial must proceed. (Secs. 56, 132). The usual rules of practice, procedure, and evidence govern registration proceedings.

Obviously, orderly procedure must be followed if injurious surprises and annoying delays in the administration of justice are to be avoided. Evidence cannot be given piecemeal. The strict rule is that the plaintiff must try his case out when he commences. Nevertheless, a relaxation of the rule is permitted in the sound discretion of the court. "The proper rule for the exercise of this discretion," it has been said by an eminent author, "is, that material

testimony should not be excluded because offered by the plaintiff after the defendant has rested, although not in rebuttal, unless it has been kept back by a trick, and for the purpose of deceiving the defendant and affecting his case injuriously." (1 Thompson on Trials, sec. 346.)

These principles find their echo in Philippine remedial law. While the general rule is rightly recognized, the Code of Civil Procedure authorizes the judge "for special reasons," to change the order of the trial, and "for good reason, in the furtherance of justice," to permit the parties "to offer evidence upon their original case." (Sec. 132.) These exceptions are made stronger when one considers the character of registration proceedings and the fact that where so many parties are involved, and action is taken quickly and abruptly, conformity with precise legal rules should not always be expected. Even at the risk of violating legal formulæ, an opportunity should be given to parties to submit additional corroborative evidence in support of their claims of title, if the ends of justice so require. (Rodriguez vs. Director of Lands [1915], 31 Phil., 272; Government of the Philippine Islands vs. Abural [1919], 39 Phil., 996.)

We believe that the offer of counsel for the Church could properly be classified as evidence in denial of an affirmative fact; but that even if not technically rebuttal evidence, yet in the interest of justice and the ascertainment of the truth it should be received. Whether such evidence would be sufficient to overcome the case which exists in favor of the claimants of the nine lots cannot now be determined.

In so far as the judgment relates to lots No. 2186, 2187, 2213, and 2214, it is affirmed, and in so far as it relates to lots Nos. 2176, 2178, 2180, 2182, 2184, 2185, 2190, 2191, and 2192, it is reversed, and the record shall be returned to the lower court for the taking of additional evidence under the offer of counsel for the Church found on page 83 of the stenographic notes. No finding as to costs is made in this instance. So ordered.

Mapa, C.J., Johnson, Araullo, Avanceña, and Villamor, JJ., concur.

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