

PEDRO VILLA ABRILLE Y CALIVARA ET AL., PETITIONERS AND APPELLANTS, VS. THE ATTORNEY-GENERAL, IN BEHALF OF THE DIRECTOR OF LANDS ET AL., OBJECTORS AND APPELLEES.*G. R. No. 10189. August 07, 1915*

Ponente: JOHNSON, J.

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This is a petition for the registration of seven parcels of land. The only description given relating to the identity of said parcels of land is found in paragraph 1 of the complaint, which is as follows: "(1) A tract of land situated in the barrios of Lomboy, Mapalad, Matayum-Tayum, Lalapac, and Balincanauay, of the municipalities of Victoria, La Paz, and Tarlac, Tarlac, P. I. This property is composed of the seven parcels provided with titles and mentioned in case No. 3875. Comprised within the reservation * * * of * * * Bounded on its four cardinal points in the manner shown in the attached plan and technical description, both marked Exhibit A. It has an area of 6,134,066 square meters and its description and boundaries are given in detail in the attached plan."

To the granting of said petition, the objectors above named presented their opposition.

It will be noted that the seven parcels of land mentioned in said paragraph 1 refer to "the seven parcels provided with titles and mentioned in case No. 3875" without a more definite description. By reference to the record brought to this court, we have found that the petitioners, heretofore, in the year 1907, presented a petition in the Court of Land Registration, which petition was numbered 3875, in which they asked for the registration of eleven parcels of land. An examination of the petition presented at that time shows that the petitioners made no more effort to particularly describe the land or parcels of land which they desired to have registered than they have in the present case. That petition contained a most general description of the land, and alleged that it contained 843 hectares 34 ares 82 centares and 14 milares. To the registration of the land contained in that petition (No. 3875) practically the same objectors mentioned above presented their opposition. At the conclusion of the trial in that case (No. 3875), the Honorable W. L. Goldsborough, in a very carefully prepared opinion, in which he analyzed the evidence, oral and documental, in extenso, reached the conclusion that the petitioners were not entitled to register four of the said eleven parcels of land constituting the mass or body of the land described in the petition. These parcels were described as Nos. 1, 3, 5, and 6 in the plan or croquis presented in that case.

Judge Goldsborough further found that the petitioners were the owners of seven of the parcels of land included in the general body or mass described in the petition and numbered in the plan as Nos. 2, 4, 7, 8, 9, 10, and 11. He found, however, that by reason of the failure of the petitioners to adequately identify and definitely locate said seven parcels of land (Nos. 2, 4, 7, 8, 9, 10, and 11) by metes and bounds, he could not order the same registered under the torrens system. Judge Goldsborough, however, in order that the petitioners might have an opportunity to more particularly describe the said seven parcels of land, showing exactly and more definitely the location of the same, gave the petitioners thirty days within which to present an amended plan, in accordance with their documents of title. In the decision of Judge Goldsborough he very carefully set out, not only the area of each of

said parcels of land, but described each parcel by metes and bounds, in accordance with the documents of title presented by the petitioners. Notwithstanding the fact that Judge Goldsborough, as judge of the Court of Land Registration, took the great time and the careful pains to definitely set out in his decision a technical description of each of the seven parcels of land claimed by the petitioners, in order that they might present an amended complaint and secure the registration of title thereto, they refused to amend their complaint, or to present an amended plan, and, instead, appealed to the Supreme Court.

The cause was duly brought on for hearing in the Supreme Court and is known as cause No. 5829. The Supreme Court, after a careful examination of the record brought to this court, affirmed the decision of the lower court and ordered that "the record in this case be returned to the Court of Land Registration, with a certified copy of this decision, in order that, after amendment of the application, which shall comprise only the seven parcels of land that are provided with legitimate titles and numbered in the plan (Exhibit F), 2, 4, 7, 8, 9, 10, and 11, the judge of the lower court may proceed with a new trial, so that the applicants may furnish a plan prepared in conformity with the titles of the said seven parcels of land, which shall express the present location, area, superficial measurement, and boundaries of each of them, and evidence be adduced for the identification of the same." (*Villa Abrille vs.. Banuelos*, 20 Phil. Rep., 1.)

In accordance with the foregoing order, the record was returned to the Court of Land Registration for execution. When the record was received in the lower court, instead of attempting to comply with said order, the petitioners, on the 12th day of December, 1912, presented a new petition for the registration of the said seven parcels of land described above.

Notwithstanding the fact that Judge Goldsborough, in cause No. 3875, found that the defendants were the owners of seven parcels of land composed of 403 hectares 99 ares and 8 centares and, notwithstanding the fact that that decision was confirmed by the Supreme Court, the defendants presented a new petition, asking for the registration of said parcels of land, alleging that they contained 613 hectares 40 ares and 66 centares. The record contains no explanation whatever why the petitioners have, in the face of the decision, not only of the Court of Land Registration, but of the Supreme Court, presented a new petition for the registration of said seven parcels of land, claiming more than 200 hectares more than the courts have decided they are entitled to. Neither in their new petition nor in the evidence adduced during the trial of the cause, have they attempted to show that the seven parcels of land which Judge Goldsborough so carefully described by metes and bounds, actually and in fact, contained more land than the documents called for. In the original action, in support of their claim of ownership of said seven parcels of land, the petitioners presented certain documents, marked Exhibits Y, R, LL, L, M, I, and E. In the present action they presented exactly the same documents, but marked with different letters. In support of their claim, the petitioners in the present case contented themselves by presenting witnesses who swore that the land described in the plan presented, composed of 613 hectares 40 ares and 66 centares, belonged to them. It is difficult to understand how or in what manner or upon what theory, in view of the two decisions above referred to, the petitioners can still insist that they are the owners of the land described in the plan presented in the present case. In commenting upon the proof presented by the petitioners, the Honorable Dionisio Chanco said, "It is not enough that the witnesses affirm that all the land, such as it is shown on the plan accompanying the application, belongs to the applicants, as these latter did do at trial. It is necessary to show the reason why it belongs to them and to explain clearly and satisfactorily the differences observed in various details with respect to what is shown by the titles and what the lands that are the subject matter of the application really are in themselves.

"If the applicants do not definitely specify the lands mentioned in the titles, nor give a satisfactory explanation of the difference between the lands mentioned in the titles and those described in the application, proper registration can never be made in the property registry for lack of identification."

The lower court, for the reason that the petitioners had not accurately nor definitely described the land in their documents of title, denied the petition, with costs. From that decision the petitioners appealed to this court.

After a careful examination of the record, with special reference to the assignments of error, we are of the opinion that the lower court committed none of the errors assigned.

Even admitting that the petitioners are the owners of certain parcels of land, the same can not be registered under the torrens system until it is adequately and specifically defined. It must be so accurately and definitely defined as to enable the officers of the law, under a writ of possession, in case the same is occupied by others, to go upon the land and deliver it to the real owners. Considering the description contained in the title documents and the other proof, including the plan, no such identification is given.

Using the documents presented by the petitioners as the basis of their ownership of the seven parcels of land in question and for an adequate description of the land belonging to them, we are unable to find anything in the record which justifies the conclusion that they are entitled to the registration of the land described in the first paragraph of their petition.

For the reason, therefore, that the petitioners have failed utterly to adequately identify the land which they are seeking to have registered, the judgment of the lower court is hereby affirmed, with costs.

During the pendency of the first action (Nos. 3875 and 5829) the objectors secured an injunction against the petitioners to prevent them, their attorneys, agents, representatives, etc., from interfering with their possession. In the decision of this court of the first case said injunction was not dissolved. The cause was returned to the lower court permitting said injunction to continue in force. The petitioners, in that case, after the return of the record to the lower court, dismissed their action and commenced the present one, without any opposition on the part of the objectors. During the pendency of the present action, in this court, some of the objectors presented a motion asking that this court should declare in force and effect said injunction. In our opinion, the dismissal of the original action, with the consent, or at least without any objection, on the part of the objectors, had the effect of dissolving the injunction therein granted. That being true, we do not see our way clear now to declare said injunction still in force. Said motion is therefore hereby denied. So ordered.

Arellano, C. J., Torres, Carson, Trent, and Araullo, JJ., concur.

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