

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, APPLICANT AND APPELLEE, VS. MARIA CABALLERO Y APARICI, OBJECTOR AND APPELLANT.

G.R. No. 10751. March 29, 1916

Ponente: TRENT, J.

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TRENT, J.:

This case is a proceeding for the compulsory registration of certain lands in the municipality of Iloilo, begun under the provisions of section 61 of Act No. 926 and carried forward in accordance with the provisions of the Cadastral Act (No. 2259).

Maria Caballero, one of the respondents, claimed that lot No. 5 on the cadastral plan did not include all the land covered by her Torrens title issued in record No. 1894 on November 6, 1912. The court thereupon ordered the surveyor of the Bureau of Lands to investigate this claim and to report the result. The pertinent part of the surveyor's report reads:

"Expediente No. 1894 calls for all of lot No. 5 and in addition lot No. 5-a as shown on accompanying sketch, which is made a part of this report."

From the final order of the court, directing that in the new certificate of title lot No. 5-a be excluded, Maria Caballero appealed.

All admit that the appellant's Torrens title covers lot No. 5-a, or in other words, lot No. 5-a is a part of lot No. 5. The judgment of the Land Court, as a result of which the appellant's Torrens title issued, has long since become final, so there can be no question about the validity or finality of the appellant's title. But it is urged that the order of the lower court excluding parcel No. 5-a be sustained because "it is based on sound principles and is essential to the proper handling of cadastral cases." With this proposition we cannot agree. We see no reason why a part of the appellant's land, which is covered by a Torrens title, should be taken from her and given to someone else. It may be true that in administering the Cadastral Law it will be necessary to issue new certificates of title to these holding Torrens titles for lands within the cadastral survey, but if this is done, the new certificate must cover all of the land contained in the old one. The appellant's theory of this case is so clear that a further discussion of the question is unnecessary.

For the foregoing reasons, the order appealed from is reversed, without costs in this instance. So ordered.

Torres, Johnson, Moreland, and Araullo, JJ., concur.

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