

MARTIN QUILOP, CLAIMANT AND APPELLEE, VS. MARIA U. COTTONG, OBJECTOR AND APPELLANT.*G.R. No. 11257. March 01, 1917*

Ponente: ARAULLO, J.

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Martin Quilop filed an application with the Court of First Instance of the Province of Ilocos Sur for the entry in the property registry of six parcels of land situated in the barrio of San Jose, municipality of Santa Cruz, of said province. The applicant stated that he himself was occupying this land and that he had acquired four of the parcels by purchase and the other two by inheritance. Maria U. Cottong opposed the application so far as it referred to a piece of land of 483 meters in circumference which she claimed had been sold to her by a man named Antonio Biteng and had been unduly included by the applicant in the second parcel. She, therefore, prayed the court to deny the application in respect to said parcel of 483 meters of land.

After the introduction of evidence by both parties, the Court of First Instance, on July 21, 1915, rendered judgment in which he denied Maria U. Cottong's adverse claim and decreed the adjudication and registration of the six parcels of land in behalf of the applicant Quilop, without express finding as to costs. The objector excepted to this judgment and, after moving for a new hearing, which was denied her—a ruling to which she also excepted—the case has come before us on appeal by bill of exceptions.

This court has repeatedly held that a person who brings an action for the recovery of real property, or who seeks the registration thereof in the property registry, must fully prove his title to the property sought to be recovered or registered.

In the present case the applicant Martin Quilop, for the purpose of proving his title to the second parcel within which is included the piece of land of 483 meters in area—the subject-matter of the adverse claim—merely stated that he acquired said parcel by purchase, and that although a document in regard thereto was executed, he lost the same during the revolution. These statements are in no manner corroborated by the record. Besides being vague and indeterminate—for the applicant has not said from whom he purchased this parcel, when or at what price, nor has he stated any detail whatever in relation to said document or to its alleged loss—his allegation is unsupported by any proof in the record.

The applicant also testified that for more than twenty years he had been in possession of the land he sought to register and that his possession thereof had been public, continuous, peaceable, quiet, and in the capacity of owner, except as regards the lot No. 2 which he claims was usurped from him about four years before by the objector Maria U. Cottong, although he added that prior to such usurpation he had held said lot publicly and peaceably for twenty years.

Two of the applicant's witnesses also testified that for twenty years they had known the applicant and said parcels of land which he had held for more than twenty years and that his possession thereof had been public, peaceable, continuous, and uninterrupted, in the capacity of owner. But in their respective testimony these two witnesses

stated that the present possessor of lot No. 2, that is, at the time of the trial, was the objector Maria U. Cottong, who had been cultivating it since about three years before. One of these witnesses, Felix Quilop, added that if he remembered rightly, in the year 1912 or 1913 the applicant's tenants and those of the objector worked on said land at the same time and that one of the former attended to the plowing of the ground, while one of the latter saw to the transplanting of the rice.

It cannot be held, therefore, that the applicant has proven title to the parcel of land claimed by the opponent, nor that the possession thereof prior to its occupation and possession by the objector Maria U. Cottong was enjoyed by him for more than twenty years. It does not appear from the applicant's own testimony, nor from that of these witnesses, on what date he entered upon the possession of said parcels; and as there is no proof whatever that the applicant acquired the land by purchase, it may not be said that he held such possession under just title in the capacity of owner. His claim and that of his witnesses to the effect that he did is of no value to prove the fact. Moreover, it cannot be said that the applicant's possession was, as he affirmed, quiet, peaceable, exclusive, and uninterrupted, during the twenty years referred to, because his own testimony discloses the contrary, and the commissioner who heard the evidence of the parties stated in his report, in reference to said evidence, that it showed that the applicant had been in quiet, peaceable, and public possession of the land for more than twenty years, with the exception of lot No. 2 which, four years before, had been usurped from him by Maria U. Cottong.

The applicant, in touching upon this matter, stated that he had brought suit against the objector for the unlawful detention of said parcel and that that case was dismissed because the plaintiff did not prove that the defendant had employed force in making the alleged usurpation. But this fact cannot be held to have been proven in this case, because the best proof thereof should have been not a mere averment by the applicant, but the document itself showing the filing of said suit and a copy of the judgment rendered therein by the trial court.

Be it as it may, it was proven by the testimony of the applicant himself, by that of his witnesses and also by the objector's evidence, that for more than four years the latter had been in possession of the lot of 483 meters in area included within the second parcel described in the application, which lot the objector stated she had acquired by purchase from Antonio Biteng, according to the document dated May 24, 1910, which for this purpose she presented at the trial. The statement made by the applicant when in February, 1913, he applied for the registration in the registry, in his name, of the six parcels of land—all of which were alleged to be occupied by him on that date—is consequently untrue, for the objector was then, and had been for three years, in possession of said lot of 483 meters in area which forms a part of the two parcels, and according to Felix Quilop, one of the latter's witnesses, was cultivating it at the same time as the applicant.

In accordance with the jurisprudence established by the courts, in order that the possessor be respected in his possession of the property in litigation, it is sufficient that he hold and possess the same, so long as no other person asserts and proves a better right.

As the applicant has not proven such better right—for he has not fully established his title to the disputed lot of land included within said second parcel—the objector cannot be deprived of her possession of said lot by the issue of a property title to the applicant.

We, therefore, reverse the judgment appealed from in so far as it decrees the adjudication and registration in behalf of the applicant of the lot of land containing 483 meters which is included within the second parcel described in the application of Martin Quilop and which is the subject-matter of the adverse claim of Maria Ursula Cotton, whose said claim is hereby sustained. No special finding is made as to the costs of this instance. So ordered.

Torres, Carson, Moreland, and Trent, JJ., concur.

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