

**ADELA AGUINALDO DE ROMERO, PETITIONER AND APPELLANT, VS.
THE DIRECTOR OF LANDS, OBJECTOR AND APPELLEE.***G.R. No. 13286. March 26, 1919*

Ponente: TORRES, J.

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Adela Aguinaldo de Romero petitions for the inscription in her name, in the Registry of Property, of a piece of land situated in the municipality of Baguio, Mountain Province, bounded on the north by lands belonging to the Government of the Philippine Islands (Constabulary reservation) and public land; on the east, by a cove and a piece of land belonging to the city of Baguio, a public road, properties of the Methodist Episcopal Church, and the Government of the Philippine Islands (Constabulary reservation) and the Naguilian and Bokaken roads; and on the west, by the Bokaken road.

The Director of Lands representing the Insular Government opposes the application on the grounds, that the petitioner has not acquired, either by purchase or by composition, the title to the land nor has she instituted a possessory information to the same in accordance with the provisions of the Royal Decree of February 13, 1894, nor has she been in possession of the same; that the first application presented in the Court of Land Registration case No. 529 dealing with the inscription of the same piece of land was denied by the said Court of Land Registration and by the Supreme Court on appeal; and that the land in question is included in Civil Reservation No. 0, the application not having been presented within the period of six months and the extension of the latter not having been asked for as prescribed by law in accordance with the provisions of Acts Nos. 627 and 648.

The following facts have been proven or admitted: That on October 22, 1893, Toribio Valdez applied to the Government for the purchase of the land in question (Exhibit E, record, p. 107, and Exhibit D, record, p. 106), and the application was published in the *Gaceta de Manila* on November 11, 1893. On January 13, 1898, while the application to purchase was still pending, Toribio Valdez wrote to the General Office of Civil Administration saying that he surrendered his rights to Adela Aguinaldo (Exhibit E).

On April 6, 1901, Adela Aguinaldo instituted a possessory information proceeding with respect to this land, and, by order of the Court of First Instance of La Union an\$ Benguet on March 8, 1902, the said possessory information was approved and inscribed in the Registry of Property of San Fernando, La Union, on November 12, 1902 (Exhibit G, record, pp. 116-134).

On February 7, 1904, William F. Pack, provincial governor of Benguet, in a letter addressed to one Benito Reynaldo, speaks of same documents registered in favor of Francisco P. Romero, relative to the lands of the latter in Palali and Caballo (Exhibit M, record, p. 137). The same provincial governor, in a letter addressed to Francisco P. Romero under date of October 22, 1902, congratulates the latter, "for having: obtained a favorable decision respecting the concession of the title to his lands" and suggests that when he present his claims against the Government on account of the construction of a jail on said land, he should state the amount of the damages suffered (Exhibit C, record, p. 105).

As alleged by the objector, the land in question was the object of a petition for inscription, but, by a judgment rendered by the defunct Court of Land Registration and affirmed by the Supreme Court,[1] said petition was denied, reserving, however, to the petitioner the right to file a new application to the same effect in case it should be declared that Act No. 926 (Exhibit B, record, p. 100), was applicable to the Mountain Province, although in the judgment rendered by this court no such reservation was made.

By virtue of the resolution of January 8, 1910, approved by the Philippine Civil Commission, the provisions of Chapter VI of Act No. 926 were made applicable to the Mountain Province. On October 20, 1913, the petitioner again presented an application for the inscription of the said land. Said application was denied by a judgment of the Court of First Instance for the subprovince of Benguet under date of October 31, 1916 (record, p. 385). From this judgment, the petitioner excepted and her motion for a new trial having been denied, she excepted and appealed through bill of exceptions which was approved and forwarded to the clerk of this court.

The questions raised and submitted for the decision of this court are:

- Do the statements made by the provincial governor constitute estoppel against the Government of the Philippine Islands, in such a way that the said Insular Government would be prevented from denying that the petitioner is the owner of the land in question?
- Has the petitioner acquired title to the said land because she has presented a possessory information, obtained its approval, and inscribed it in the Registry of Property?
- Has the petitioner a title to the land, which can be inscribed in accordance with the provisions of section 54 of Act No. 926?

As regards the question of estoppel, it is evident that the statements made by the provincial governor do not bind the Government of the Philippine Islands, inasmuch as the Insular Government does not base its opposition upon the conduct or decision of the said official.

Instituting the former proceeding No. 529 for the inscription of the land in question in the Registry of Property, the petitioner presented as title to the property the possessory information begun in 1901, approved on March 8, 1902, and inscribed in the Registry of Property. In the resolution of the appeal interposed therefrom this court held that the said information was not valid and efficacious, because it was not commenced within the legal period and within the extension of time expressly granted for the purpose by the Royal Decree of February 13, 1894, promulgated in the Gaceta de Manila on April 17th of the same year.

Section 19 of the above-cited Royal Decree provides that:

"Possessors of alienable lands of the royal patrimony subject to cultivation, who have neither obtained nor applied for a composition title on the date of the publication of this decree in the Gaceta de Manila (April 17, 1894), shall obtain a gratuitous title of ownership through a possessory information in accordance with the laws of Civil Procedure and Mortgage, provided always that they can prove any of the following conditions:

"First. To have them or to have had them under an uninterrupted cultivation, during the preceding six years.

"Second. To have possessed them continuously for twelve years, having had them under cultivation on the date of the information and during the three years prior thereto.

"Third. To have possessed them ostensibly and without interruption during thirty or more years, although the land be not under cultivation."

Section 21 of the same decree provides:

"An unextended period of one year for the verification of the informations referred to in sections 19 and 20 is

hereby granted.

"After the expiration of this period, the right of the cultivators and possessors to obtain a gratuitous title shall be extinguished; the full ownership of the land shall be restored to the State, or in a proper case to the community of neighbors, and the said possessors and cultivators or their predecessors in interest by a universal title shall only be entitled to the right of redemption, if the land had been sold within the five years subsequent to the lapse of the period.

"The possessors not included within the provisions of this chapter shall only acquire for some time the ownership of the alienable lands of the royal patrimony, in accordance with the common law."

So then, according to the provision of the above-cited section 19 of the said Royal Decree, the possessory information begun by the petitioner Adela Aguinaldo in 1901 in the Court of First Instance, third judicial district, and approved on March 8, 1902, cannot, under any circumstance, constitute a title of ownership in the manner it was presented in the said former proceeding, because the said information was begun very much after the lapse of the period fixed in the cited section 21 of the said Royal Decree, which period commenced to run from April 17, 1894, in which the said decree was published in the *Gaceta de Manila*. Consequently, it was inefficacious and devoid of the legal requisites as title of ownership, with which a possessory information begun in the manner and within the period fixed for the purpose should be clothed. Hence, the petitioner could not allege that she was the owner of the land which she pretended to inscribe, because the information presented by her to justify her dominion over the land in question does not constitute a title of ownership. From this it may be deduced that the statement, made by this court in the former decision rendered in the proceeding No. 529, that the possessory information exhibited as title of ownership to the land known as Cabayo situated in Baguio was not valid and efficacious and that, according to the appellant, she had acquired it by purchase from the State through cession which she had obtained from her predecessor Toribio Valdez, does not constitute an obiter dicta but a fundamental reason.

The possessory information exhibited in that case and which appears on record, pages 118 to 133, is not the information required by the said Royal Decree, but that authorized by the Mortgage Law of July 14, 1893, which information, to be of a possessory character to which the latter law refers and in order that it may constitute, or be converted into, a title of ownership when duly inscribed in the Registry of Property, requires the lapse of twenty years from the date of its inscription, and the possession which the interested party enjoys shall only produce effect for the purposes of acquisitive prescription after the lapse of the period fixed by law in accordance with the common law. And this is the precept of the last paragraph of the above-cited section 21 which provides that the possessors of immovables not comprised within the provisions of Chapter 4 of that Royal Decree shall only acquire for some time the ownership of the alienable lands belonging to the royal patrimony, in accordance with the common law or with the provisions of the Civil Code and other laws on the subject.

On this supposition, and with a view to elucidate the question as to whether or not according to the provisions of section 54 of Act No. 926, the petitioner actually possesses an inscribable title to the land in dispute, we shall proceed to examine whether, according to the evidence on record, the petitioner has been in possession of the land which she pretends to inscribe in the Registry during the period of time required by law.

In fact, it appears that since Adela Aguinaldo obtained the cession of the land, she being then of age, the purchase of which from the State was proposed by Toribio Valdez since 1893, she took charge and possession, of the property through her agents in 1896. The first of these agents was the same Valdez who was succeeded by Adela's relative, Gregorio Aguinaldo, and the last was Cristobal Ramos. Although the land was not devoted to the planting of rice but part of it was planted with tubercles and the rest pastured to some cattle, it is nevertheless certain that her said agents took care of the land, endeavored to cultivate on it useful plants, such as sweet

potatoes belonging to the class of tubercles, and to use the land as pasture ground for her animals. The petitioner's witnesses, Toribio Valdez, Lucio Almasan, Feliciano Hidalgo, Vicente Perez de Tagle, and Santiago Foritanilla testified to this effect and further affirmed that a barn was erected on the land in 1894 which was later destroyed during the Revolution. H. P. Whitmarsh, witness for the objector, stated moreover that, in a conversation he had in 1903 or 1904 with Francisco Romero, the husband of the petitioner, the latter assured him that a representative of the Methodist Church desired to erect a church on the summit of a hill comprised within his land, the said representative agreeing to pay P100 for each hectare, and that, in testifying in the former proceeding, he stated that he received instructions from said Romero to take care of Romero's land and not to permit the Igorrots to enter the premises and cut trees therein.

In rebuttal to the testimony given by the said five witnesses for the petitioner, three natives named Piraso, Sioco Carino, and Fernando Caoili said that Adela Aguinaldo was neither the possessor nor the owner of any land in the place known as Caballo, denying that her alleged agents, Valdez, Aguinaldo, and Ramos, possessed the land in litigation in the name and, on behalf of the petitioner. In the document Exhibit K it appears that witness Sioco Carino stated in the presence of witnesses that he knew the land belonging to the petitioner Aguinaldo, situated in the place known as Caballo within the limits of Baguio, and valued at P95,000, excluding the improvements thereon. He ratified this statement before the acting clerk of the Court of First Instance of Benguet. However, when witness was examined regarding the contents of the said document he declared that he had signed it under the belief that he was to state only if he knew Francisco Romero. But witnesses Lucio Almasan and Pascual Pasis presented by the petitioner testified in rebuttal that the igorrot Sioco Carino who subscribes the sworn declaration Exhibit K signed it after he had been informed of its contents, the said document having been translated to him and that the translator even asked in the presence of the contracting parties if he (Sioco Carino) knew that the land known as Caballo belonged to Adela Aguinaldo, and Sioco Carino answered affirmatively signing the declaration at once.

From the possessory information, Exhibit G, appears as an established fact the possession which Adela Aguinaldo has been enjoying since 1893 over the said land with an area of 19 hectares, situated in the place known as Caballo. This possessory information obtained according to section 390 et seq, of the Mortgage Law, was inscribed in the Registry of Property on November 12, 1902. This information does not constitute a title of ownership of the land, in accordance with the Royal Decree of February 13, 1894, as the petitioner alleged in the former proceeding; but it proves, with the other evidence adduced at the trial, the possession for ten years required by Act No. 926.

After a proper examination and appreciation, according to the rules of sane criticism and good judgment, of the result and the merits of the evidence adduced in this proceeding by both parties, it can rationally be concluded that by preponderance of evidence, the petitioner Adela Aguinaldo through her agents has been and is actually in possession of the land in question, and that this result of the evidence on behalf of the petitioner has not been rebutted by the testimony given by some of the native residents in that place, who denied the possession enjoyed by the petitioner, due perhaps to the fact that they had not seen the latter live or reside materially on that land and to the further fact that they did not know that the possession enjoyed by the petitioner through her agents was sufficient.

Section 54, No. 6, of Act No. 926 does not require that the possessor of public agricultural lands shall have them cultivated in whole or in part. According to this section it is sufficient that the possessor occupy the lands through a possession which is public, continuous, exclusive, and adverse to all other claimants with the intention of acquiring in good faith the ownership thereof during the ten years prior to 1904, in order that there may exist in his favor the presumption *juris et de jure* of having complied with all the necessary conditions required by law for

the acquisition of the right to a certificate of title to the land which he possesses. Therefore, in view of the fact that Adela Aguinaldo has been in possession of the said land for more than ten years prior to 1904 with all conditions established by law, it is indisputable that she has a right to obtain a title inscribed in the registry, in accordance with the provision of Act No. 926, because she has acquired through the lapse of ten years the possession of the land under title of owner.

With regard to the circumstance that the said land is comprised within the Civil Reservation covered by Act No. 636 and communicated to the Court of Land Registration on August 26, 1903, once the period fixed for the presentation of claims by the interested parties was extended till March 27, 1904, and the petitioner Adela Aguinaldo applied for the inscription of the land which she had possessed since February 12, 1904, instituting for this purpose the former proceeding No. 529, it is evident that her right had not yet lapsed, because, although the inscription applied for was denied, the petitioner's right to again institute a new proceeding as she did after Act No. 926 was extended to Baguio and was reserved in the decision denying the said application.

The petition for the inscription of a piece of land comprised within the perimeter of a real property, the object of a reservation, is thereupon considered as a claim in due form, referred to by Acts Nos. 627 and 648, and although the new application for inscription was presented in the Registry on September 30, 1913, nevertheless, it is to be noted that another application was presented, instituting this proceeding, No. 9576 of the Court of First Instance of Benguet and No. 13286, by virtue of the rights reserved to said petitioner in the decision rendered in the former proceeding instituted by the same petitioner on February 12, 1904, a date which is long prior to that of the termination of the period of extension granted by the order of February 29, 1904, for the presentation of all claims relative to the lands included in the reservation, the object of the proceeding, Exhibit 0. The later proceeding is certainly not yet finally decided, and therefore the right of Adela Aguinaldo to the land in question comprised within the reservation has not yet lapsed and been rendered ineffective and the decision of this court in this proceeding accords to it the necessary legal effects.

In view of the foregoing considerations, it follows that the judgment appealed from should be reversed and, upon a previous declaration of general default, it is ordered and decreed that the title to the land situated in the place known as Caballo within the territory of the city of Baguio with the boundaries designated in the petition be inscribed in the name of Adela Aguinaldo de Romero in the Registry of Property, it being understood that the public buildings and other structures erected on the said land, which do not belong to the said petitioner, be excluded. Before the corresponding title be issued in favor and in the name of the said petitioner, the latter should present a plan of the land showing the boundaries and giving the description as stated in the petition which is the caption of this proceeding. The costs of both instances shall be for the account of the petitioner. So ordered.

Arellano, C.J., Johnson, Araullo, and Street, JJ., concur.

Malcolm and Moir, JJ., dissent.

Judgment reversed.

[1] Aguinaldo vs. Insular Government, R. G. No. 2521, decided November 6, 1906; not published.

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