

BENIGNO S. AQUINO, PETITIONER AND APPELLEE, VS. THE DIRECTOR OF LANDS, OBJECTOR AND APPELLANT.

G.R. No. 13416. March 31, 1919

Ponente: MALCOLM, J.

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MALCOLM, J.:

The registration history of the land involved in this case begins a number of years ago and is rather complicated, but will have to be stated somewhat at length in order properly to understand the legal questions involved.

On November 19, 1914, Quintin Tañedo y Perez filed an application in the Court of First Instance of Tarlac for the registration of a parcel of land of considerable area situated in the municipality of Tarlac, Province of Tarlac. One of the adjoining owners was stated to be Florencia Tañedo. (The relationship, if any, between Quintin Tañedo and Florencia Tañedo is not disclosed by the record.) The applicant relied upon possession by himself and father for more than eighty years. Florencia Tañedo with others were duly notified of the pendency of the action. A number of persons, not including Florencia Tañedo, entered opposition; among them was the Director of Lands, on the ground that the land was a part of the public domain belonging to the Government of the United States under the administration and control of the Government of the Philippine Islands, and was then occupied by a considerable number of homesteaders. The Director of Lands further alleged that the applicant had failed to establish in himself or his predecessors in interest a sufficient title to warrant registration, the land not having been acquired by any title derived from the Spanish government. The applicant in this case in fact did not produce any title or grant from the State. On August 23, 1915, the Court of First Instance rendered its judgment denying the registration and sustaining the opposition of the Director of Lands. To quote the concluding portion of the decision of Judge Nepomuceno:

"The court holds that all the land comprised in the plan Exhibit A is public land belonging to the Government of the United States and controlled and administered by the Government of the Philippine Islands, and therefore the claims of the petitioner and his coheirs who appeared as opponents in this proceeding are unfounded.

"Consequently, the court denies the application of Quintin Tanedo y Perez and accordingly sustains the opposition filed by the Director of Lands."

On appeal to the Supreme Court, a decision, under date of October 20, 1916 was handed down by a unanimous court affirming the judgment of the Court of First Instance in the following terms:

"The Attorney-General also opposed the registration upon the ground that the land in question belonged to the public domain. The petitioner presented no documentary evidence of title, but relies solely upon possession. The trial court found that neither the petitioner nor his father had been in possession of this land, within the meaning of Act No. 926, for a sufficient length of time to acquire title. In fact, it clearly appears, and the court so found, that a large portion of the land is a natural forest and that there are some thirty persons who had obtained homesteads on this land from the Government. The record so fully supports the findings of the trial court to the effect that the petitioner does not have registerable title to the land that we think it unnecessary to

enter into a detailed discussion of the evidence.

"The judgment being in accordance with law and the merits of the case the same is hereby affirmed, with costs against the appellant."

On June 15, 1917, or a few months after the promulgation of the confirmatory judgment of the Supreme Court, Florencia Tañedo, one of those who it will be remembered had received notice of the proceedings in behalf of Quintin Tañedo, and who failed to enter her opposition, sold land of approximately 370 hectares to Benigno S. Aquino for the sum of P2,000. This parcel of land is within the perimeter of the parcel of land, the subject of the registration proceedings on behalf of Quintin Tañedo, opposed by the Director of Lands. Immediately after purchase Benigno S. Aquino filed an application in the Court of First Instance of Tarlac for the adjudication and registration in his name of the land purchased from Florencia Tañedo. Title was now claimed by reason of a composition gratuita con el estado and the benefits of Chapter 6 of the Land Registration Law were invoked. Among others Quintin Tañedo was notified of the pendency of the proceedings. The Director of Lands again opposed the registration on the ground that the same pertained to the public domain, a greater portion of it being forest land, and that it was actually occupied, by several homestead grantees. The Attorney-General acting in behalf of the Director of Lands further relied upon the unsuccessful attempt of Quintin Tañedo to acquire a good title. After a hearing, the court, on September 4, 1917, rendered its decision decreeing: the adjudication and registration of the land in favor of the applicant. It is to show the errors in this judgment that the Director of Lands now appears before the appellate court.

In order to narrow the issues, certain facts can be set forth which are not in dispute. Thus, it is expressly stipulated that the tract of land, involved in the case at bar, is within the boundaries of the land, the subject of registration proceedings on behalf of Quintin Tañedo. It is likewise agreed that the homestead grantees mentioned in the opposition of the Director of Lands in the case at bar entered on their respective homesteads without opposition from anybody; that the first homestead thus to be occupied was in 1913, but that up to the date of the hearing in the lower court no homestead patent had been issued for any portion of the land.

A question which can also be placed to one side as settled is whether or not, under the circumstances, Aquino through his predecessor in interest has produced documents warranting the court in confirming his title. On this point the trial court makes findings as follows:

"From the proofs adduced by the applicant the court finds as conclusively established that the land in question was adjudicated by means of a composition with the State for valuable consideration, by the Direccion General de Administracion Civil de las Islas Filipinas in favor of Dona Florencia Tañedo on June 28, 1886 (Exhibits C and D, there having been issued in favor of the latter under No. 6628 on November 14, 1894, (Exhibit F) the corresponding title of ownership, which on April 24, 1896, was duly inscribed in accordance with the Mortgage Law in the registry of property of Tarlac (Exhibit G) and also inscribed on December 19, 1900, in the registry of the Bureau of Forestry, of the city of Manila, in compliance with section 75 of General Order No. 92 of the Military Government of the Philippine Islands of June 27, 1900 (Exhibit H); said Bureau of Forestry having issued in favor of Florencia Tañedo the certificate of registry No. 8, showing that the land in question was registered in that office in accordance with section 24 of Act No. 1148 (Exhibit I); there should have been added that at the time of the inscription the corresponding title was exhibited to the said Bureau (Exhibit K). The title referred to was not exhibited in its entirety by the applicant at the trial, but only some parts (Exhibits E, F, G, and H.) It was satisfactorily shown that on or about the year 1905, during the time that D. Perfecto Mamanual was administrator of the land in question, said title was shown him on several occasions, and also whenever the said administrator needed it in the issuance of guides for the cutting and extraction of fuel wood from the land. On or about the year 1910, on a morning when the said Perfecto Mamanual was invited to breakfast in the house of Florencia Tañedo, the husband of the latter left the title on a small table and accidentally it was destroyed by the children who were playing at the time, but as stated in the

decision in Exhibit 2, before this accident, it was exhibited to the inspector of the Bureau of Lands, Mr. Arturo Dancel, in an interview had with the latter respecting the steps to be taken by the owner to consolidate said title.

"The owner, in view of the impossibility of reconstructing the title, picked up the fragments which were left, and preserved and kept them until the time when delivery was made of the same to the present applicant, the purchaser, with which he would prove the existence of a title showing his ownership over the land at any given time.

"It has also been proved that the owner, from the issuance of the title during the Spanish administration (1894) until the day when it was registered in the Bureau of Forestry (1900), devoted the land to the pasturage of cattle; and after that inscription, in cutting fuel and timber. In 1902 declaration was made of the land for taxation, and in 1906 another declaration was made as the original was lost in the fire which occurred in the Provincial Building of Tarlac on that year [1905], all taxes since the declaration up to this date having been paid without interruption annually."

Such findings of fact should not now be disturbed, especially as the case was tried on a different issue and as the Attorney-General on appeal nowhere contests their conclusiveness. A review of the documentary proof, moreover, permits of no other conclusion than that from this standpoint Aquino has proved a good title. While a mere reference to the fragments of the Spanish title in favor of Florencia Tañedo might leave some doubt as to its authenticity, yet corroborated as it is by other official records, and confirmed by the decision of another judge of first instance in the same proceedings, any such doubt must entirely disappear.

Another question which must be resolved before we arrive at the main issue and when settled disposes of the first assignment of error, is this": Has the proceeding in which Quintin Tañedo was the applicant attempted to be affected under the Land Registration Law or under Chapter VI of the Public Land Law? That the applicant relied upon the provisions of the Public Land Law is made clear from an examination of the records in the case. Paragraphs D and H of the application, the notice which the Director of Lands received from the clerk of the Court of First Instance of Tarlac, which would not otherwise have been sent, and the decisions of the trial court and the appellate court, are all based on the assumption that the applicant was claiming title through the possession provided for in the Public Land Law. Quintin Tañedo made no effort to confirm a title already in existence nor did he produce any documents.

If the foregoing be admitted, as we think it must, we then have presented this situation: A has endeavored to secure title to a considerable tract of land, because of possession, under the Public Land Law. B has notice of the proceedings but does not intervene. The Director of Lands also has notice and joins issue. The trial court, affirmed by the Supreme Court, dismisses the proceedings, and holds that the property in question is of the public domain. B thereupon sells his right to a portion of the property to C for the small sum of P2,000, although the rental value alone is several hundred pesos a year. C then endeavors to confirm the Spanish title, and again the Director of Lands joins issue.

These facts bring us to a resolution of the last two assignments of error and of the argument on which the Attorney General rests his case in this court. Baldly stated—Did the decision of the Court of First Instance, affirmed by the Supreme Court, in the case in which Quintin Tañedo was applicant, constitute *res adjudicata* as against Florencia Tañedo, the predecessor in interest of the applicant-and appellee herein ?

To support his contention that the decision in the case in which Quintin Tanedo was the applicant constitute *res adjudicata* as against Florencia Tanedo, the predecessor in interest of the applicant, the Attorney-General submits three propositions relating to: (1) Similarities of the Land Registration Law and Chapter VI of the Public Land Law; (2) distinctions between the two laws; and (3) the doctrine of *res adjudicata* as applied to the case at bar.

For convenience we will follow the same order.

The proceedings under the Land Registration Law and under the provisions of Chapter VI of the Public Land Law are the same in that both are against the whole world, both take the nature of judicial proceedings, and for both the decree of registration issued is conclusive and final. (Act No. 496, sees. 35, 38, and 45, as amended; Act No. 4926, sees. 59 and 63, as amended; *Escueta vs. Director of Lands* [1910], 16 Phil., 482; *Grey Alba vs. De la Cruz* [1910], 17 Phil., 49; *Roxas vs. Enriquez* [1914], 29 Phil., 31; *Legarda and Prieto vs. Saleeby* [1915], 31 Phil., 59L) The main differences between the Land Registration Law and the Public Land Law are: Under the first, there exists already a title which is to be confirmed by the court; under the second, the presumption always is that the land applied for pertains to the State, and that the occupants and possessors claim an interest only in the same by virtue of their imperfect title or continuous, open, and notorious possession. Under the Land Registration Law, the court may dismiss the application of the applicant with or without prejudice to the right to file a new application for the registration of the same land. (Act No. 496, sec. 37.) Under the Public Land Law, the court has jurisdiction or power to adjudicate land in favor of any of the conflicting claimants. Under the Land Registration Law, the only risk that an applicant runs is to have his application denied; under the Public Land Law, the applicant runs the risk of losing the land applied for. While the goal at which the two laws finally arrive is the same, namely, a Torrens title, which aims at complete extinguishment once and for all of rights adverse to the record title, one law containing certain advantages not found in the other law, and similarly certain disadvantages, the two laws provide different routes to travel to attain the ultimate goal.

These differences are best realized by a study of the principal sections of the two laws. Thus, in corroboration of what is above said as to the Land Registration Law, section 37 thereof provides:

"If in any case the court finds that the applicant has not proper title for registration, a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice. The applicant may withdraw his application at any time before final decree, upon terms to be fixed by the court."

Section 64 of the Public Land Law provides:

"If in the hearing of any application arising under this chapter the court shall find that more than one person or claimant has an interest in the land, such conflicting interests shall be adjudicated by the court and decree awarded in favor of the person or persons entitled to the land, according to the laws of the Philippine Islands except that where the action is voluntarily dismissed by the parties interested the order of the court shall be merely one of dismissal without affecting title."

When Quintin Tañedo came into court under the Public Land Law, when Florencia Tañedo received notice of these proceedings, when the Attorney-General joined issue to protect the public domain of the Philippine Islands, Quintin Tañedo assumed the risk of having the land adjudicated to anybody else who had a better title, either to Florencia Tañedo who could then have invoked her Spanish grant, or to the Government on a failure of the proof.

With the foregoing similarities and differences of the two laws in mind, the ultimate question is whether or not the judgment rendered in the case in which Quintin Tañedo was applicant has acquired the status of *res adjudicata* as against the whole world. To be such, there must be (a) Identity of parties; (b) identity of things; (c) identity of questions involved.

There is identity of parties for in the case in which Quintin Tañedo was applicant everybody in the whole world was a party thereto and the opposition of the Director of Lands was sustained. There is identity of things because a portion of the same land which Quintin Tañedo claimed is now the subject of the litigation on behalf of Benigno S. Aquino whose predecessor in interest was Florencia Tañedo. And there is identity of questions because the issue in both cases was the same, that the land belonged to the public domain. We have therefore a perfect identity

of parties, of things, and of questions. The decision of the court in the first case is now final and conclusive. Since the period provided by law within which any person may secure its annulment has elapsed, the courts have lost jurisdiction over the same.

In support of this conclusion a few other pertinent observations may be made. Suppose that in the original proceeding, instead of Quintin Tañedo being unsuccessful he had been successful, and that the court gave him title to the property, could Florencia Tañedo, even with her Spanish documents, now impeach the title acquired by Quintin Tañedo? Obviously not, in view of her own laches and of the primary purpose of the Torrens system. In the Grey Alba case, just as an example, in the original proceedings, for the registration of land under Act No. 496, the appellee was made a party defendant by publication, but was not personally served with notice. The Supreme Court held that the decree of the Court of Land Registration was conclusive against him as well as all the world. (Grey Alba vs. De la Cruz, *supra*; Cabanas vs. Director of Lands [1908], 10 Phil., 393.)" If therefore Florencia Tañedo could not successfully have assailed the title of Quintin Tanedo, just as surely she should not be permitted to contest what was not exactly a title in the Government, but what was at least a declaration to that effect.

Another interpellation, and one of vital public consequence, may be permitted. The first homesteader in point of time on this property filed his claim in 1913. When the first case came before the Supreme Court, according to the decision there were approximately thirty homesteaders on the property. No one ever protested against a usurpation of property rights by these men. As stipulated, up to the day of the trial in the second case no homestead patent had been issued. It only requires, however, a simple mathematical addition to realize that while this was true at that time, during the months which have since elapsed Philippine citizens may have been on the land for a sufficiently long time to acquire a patent. Add 5 to 1913 and you have 1918 when the first homesteader would logically be expected to secure his patent. According to the doctrine announced in Zarate vs. Director of Lands ([1916], 34 Phil., 416), his title should be respected and protected.

Momentous questions suggest themselves. Are the courts to remain indifferent to the rights of these poor people who have relied on the solemn adjudication of the courts that a certain tract is public land, and have in view of such finding given of their time and their substance only to have a later decision oust them from their land? What will be the inevitable result if poor men with a legitimate ambition to acquire homes are thus discouraged from developing the public domain of the Philippine Islands? Is it not possible that such a shifting policy will lead to agrarian troubles and internal strife because of the natural discontent of the masses? The object and purpose of the homestead law is to encourage residence upon and the cultivation and improvement of the public domain. This paramount public purpose should certainly not be nullified by the tactics of the courts.

From another point of view, the decision in the first action has become the "law of the case," or at least falls within the rule of stare decisis. That adjudication should be followed unless manifestly erroneous. It was taken and should be taken as the authoritative view of the highest tribunal in the Philippines. It is indispensable to the due administration of justice especially by a court of last resort that a question once deliberately examined and decided should be considered as settled and closed to further argument. A reading of the following authorities will prove of some interest: City of Cleveland vs. Cleveland, ([1899], 93 Fed., 113); Walker Patent Pivoted Bin Co. vs. Miller & England ([1904], 132 Fed., 823); Kolb vs. Swann ([1888], 68 Md., 516).

Notwithstanding all the foregoing, it is finally contended that the decision of this Court in Henson vs. Director of Lands and Commanding General of the Division of the Philippines ([1918], 37 Phil., 912); is controlling. Leaving out of view the dissenting opinion which began from an entirely different point of view, according to the syllabus the majority decision stands for this proposition: "A judgment dismissing an application for the registration of land does not operate as a conclusive adjudication res adjudicata between the applicant and the opponent who has successfully resisted the application. As a consequence the applicant, or any person deriving title from him, may

institute another proceeding for the registration of the same land; and the fact that he or his predecessor in interest was unsuccessful in the former proceeding does not constitute a bar thereto." The fundamental reason why the judgment dismissing an application to register land cannot operate as an estoppel between the applicant and the opponent is, according to the decision, "that in such a proceeding no contentious issue is made between the parties," If, as we have herein endeavor'd to demonstrate, when one brings himself under the provisions of the Public Land Law the antagonistic relationship which means an issue is present, then the doctrine announced in the Henson case becomes inapplicable. Otherwise stated the propositions of the Benson case stand in so far as they relate primarily to the Land Registration Law but are not to Ipe extended to cover the Public Land Law. Such a holding should have a beneficial effect, as it leaves a passageway out of somewhat antagonistic juridical doctrines, as it arrives at certainty in land titles, and as it protects the homesteader and the public interest.

Judgment is reversed and the application is dismissed, without special finding as to costs. So ordered.

Torres, Carson, and Moir, JJ., concur.

Johnson, J., concurs in the result.

DISSENTING

STREET, J., with whom concurs ARAULLO, J.,

With all due respect to a judgment signed by a majority of the Justices of this Court, this decision seems to the undersigned to abound in inconsistencies and impossibilities. It is admitted that the applicant in this case has exhibited a registered composition title showing ownership in himself and predecessors in interest from the year 1886. As all men know, the title thus obtained is as perfect as any which it is within the power of sovereignty to confer. It is not pretended that that title has been divested and transferred to any person by any act inter vivos of the applicant or any of his predecessors in interest, and it is not shown that he has lost, or could have lost, the ownership of this property by adverse possession exerted by any other person.

One of the grounds on which the applicant's title is now defeated is that, prior to the present proceedings, the Government of the Philippine Islands, considering the land in question to be public land, had permitted a number of persons to settle thereon as homesteaders, with a view to the ultimate acquisition of a Government patent.

In *Zarate vs. Director of Lands* (34 Phil. Rep., 416), it was expressly held by this court that the claims of a homestead occupant who has not acquired a patent from the Government cannot prevail over the right of the true owner, *L. e.*, over the right of one who had acquired a prior title. In *De los Reyes vs. Razon* (38 Phil. Rep., 480), we went further and held that even where the patent has issued the right asserted thereunder must yield to the superior right of one who is shown to have a perfect title prior to the patent. The doctrine there announced is simply this, that the Government cannot by patent convey a title to property which it does not own and the patentee does not obtain an indefeasible title even by registration under section 122 of Act No. 496, that is, by the mere issuance of a certificate under the authority of that section, without the judicial proceedings which are required for the registration of other titles.

The decision in the last mentioned case expressed the judgment of six judges of this Court, without a note of dissent, and in my opinion that decision rest upon an irrefutable basis of reason and legal precedent. It is true that in the decision of *Zarate vs. Director of Lands* (34 Phil., 416), there is a paragraph in which it is declared that if a homesteader actually obtains a patent, which is registered under section 122 of Act No. 496, the right of such patentee is superior to that of a person who had a prior title. No reasons are assigned for the decision on that point, and although the ruling then made became the law of that case, as we have lately held in *Zarate vs. Director of*

Lands (p. 747, ante) the rule thus declared, considered as a principle of jurisprudence, was most evidently overruled by the reasoned decision in *De los Reyes vs. Razon* (supra).

In the opinion of the court, written by Justice Malcolm, in the present case the decision in *De los Reyes vs. Razon* is ignored and the earlier *Zarate* case is followed in so far as it holds that, where the homesteader has obtained a patent, his right is superior to that of any other person. When it comes to applying this rule to the case before us, the court is confronted by the undisputed fact that at the time this action was instituted no patent had been issued to any of the settlers on this land; but this difficulty is surmounted in the opinion of the court by the naive suggestion that inasmuch as sufficient time has subsequently elapsed to enable the homesteaders to complete the five-years period of occupancy necessary to obtain a patent, it is to be supposed that the earlier homesteaders at least may have secured patents.

We now proceed to consider the ground on which the Court bases its conclusion that the land in question is public land. In this connection it appears that in the year 1914, one Quintin Tañedo y Perez instituted a proceeding in the Court of Land Registration to procure in his own name a Torrens title to this land. The applicant in that proceeding, Quintin Tañedo y Perez, was in no wise connected with the chain of title under which Benigno S. Aquino, the present applicant, asserts ownership; and he therefore naturally failed in that proceeding to show title in himself. In that case the court, upon dismissing the application of Quintin Tañedo y. Perez, expressed the opinion that the land in question was public land, a conclusion natural enough in view of the character of the land and the failure of the applicant to show title in himself. The documents showing that a composition title had been issued in 1886 to a predecessor of the present applicant were of course not exhibited to the court in that case.

Under the proof adduced in the earlier case, as in this, no doubt can arise that the court was correct in holding that Quintin Tañedo y Perez did not have a registrable title; but the statement found in the opinion in that case to the effect that the land was public land is now seen to be erroneous.

The two final paragraphs in the opinion of the trial court, upon the application of Quintin Tañedo y Perez, are as follows:

"The court holds that all the land comprised in the plan Exhibit A is public land belonging to the Government of the United States and controlled and administered by the Government of the Philippine Islands, and therefore the claims of the petitioner and his coheirs who appeared as opponents in this proceeding are unfounded.

"Consequently, the court denies the application of Quintin Tañedo y Perez and accordingly sustains the opposition filed by the Director of Lands."

It will be here noted that the conclusion that the land is public land is not contained in the dispositive part of the decision but is stated merely as matter of inducement, to explain the reason for denying the application of Quintin Tañedo y Perez.

The court now holds that the opinion thus expressed, to the effect that the land in question is public land, has determined the status and title of that land and operates as *res judicata*.

In order to effect connection between that proceeding and the present proceeding, so as to operate directly upon the present applicant, it is pointed out in the court's opinion that at the time the application in the name of Quintin Tañedo y Perez was pending the title now asserted by Benigno S. Aquino was vested in one Florencia Tañedo, who entered no opposition in that proceeding, although she was mentioned in the application as a person owning land adjacent to that of which registration was sought. This is certainly a very fragile foundation for the plea of *res judicata*.

In *Henson vs. Director of Lands and Commanding General of the Division of the Philippines* (37 Phil. Rep., 912), it was held that a judgment dismissing an application for the registration of land does not operate as a conclusive adjudication (*res judicata*) between the applicant and the opponent who has successfully resisted the application. As a consequence the applicant, or any person deriving title from him, may institute another proceeding for the registration of the same land; and the fact that he or his predecessor in interest was unsuccessful in the former proceeding does not constitute a bar thereto.

We do not impute to the court an intention wholly to overrule so salutary a doctrine, but the effect of the present decision is to establish the proposition that where an application to register land under the Torrens Act is dismissed on the ground that the land is public land, all the world is bound by this declaration. I submit that there is no substantial basis for this proposition.

The argument contained in the opinion of the majority is principally founded on the supposed distinction between the case, first, where the applicant for the registration of land asserts a claim of ownership under some other right than that recognized in section 54, Chapter VI, of the Public Land Act (No. 926), and, secondly, where his claim of ownership is based on the right recognized in that section. As applied to the facts of the present case, this distinction appears to me to be intangible and unsound.

Chapter VI of the Public Land Act defines the conditions under which a person whose title from the Government was not perfected under the Spanish regime may secure a registered title; and it is required in section 56 that in order for the claimant to avail himself of the provisions of section 54, the application must be made under the provisions of the Land Registration Act (Act No. 496). A perusal of section 54 to 60, inclusive, of this Act (No. 926) will show conclusively that these provisions all look to Act No. 496 as supplying the system, and the provisions of section 54 are merely a recognition of rights not previously granted by law to occupants of public land. No new or different system of registration is here created or contemplated.

Something different is found in section 61 of Act No. 926 which is a miniature Cadastral Law in itself. This section gives the Director of Lands authority to implead the occupants of any land in the Philippine Islands. The proceeding instituted by Quintin Tañedo y Perez to register the land now in question was not brought under section 61, but under section 56 and related provisions; and it is therefore unnecessary to discuss what might be the effect of a judicial declaration that the land is public land, if made in a proceeding brought by the Director of Lands under section 61. We observe in passing that section 64 contemplates the adjustment of conflicting interests, as where there are numerous heirs or coowners, contesting the title, or perhaps where numerous distinct occupants are impleaded, as provided in section 61. By section 64 the court is authorized to adjudicate the conflicting rights according to law. There is nothing here which can be interpreted as in any way varying the principles of procedure which are at the basis of the Torrens system, nor as in any wise supplying a basis for the decision made in this case.

Since Act No. 926 was promulgated, a printed form, probably originating in the Bureau of Lands itself, has been commonly used in land registration proceedings in these Islands. According to this form the applicant first sets forth his claim of ownership in general terms and, if he prefers, adds a statement showing the particular source or character of his title. There is then added, near the end, a paragraph by which the applicant has recourse to the benefit of section 54 of Act No. 926, in the contingency, supposedly remote, that proof of the particular title asserted by him might be wanting. That form was followed in the application which was filed by Quintin Tañedo y Perez with respect to this land in 1914, as will be seen from the following passages quoted from the application itself.

"1. The undersigned Felipe A. Jose, attorney for, and in representation of, the petitioner Quintin Tañedo y Perez, prays for the inscription, in accordance with the Land Registration Law, of the real estate consisting of a

piece of land of which the said petitioner is the absolute owner, the descriptions and boundaries thereof being as follows:* * *

"(b) In the remote case that this petition be not proper in accordance with the said Land Registration Law, the petitioner then claims the benefits of Chapter VI of Act No. 926."

The practice of claiming the benefit of section 54 of Act No. 926, in connection with any other right which the applicant may possess, is clearly legitimate and shows that section 54 has been uniformly understood merely as conferring a broader right. Chapter VI, in which that section is contained, does not introduce any new system or in any wise affect the principle of adjudication. How can it be possibly held that the effect of a decree with reference to the registration of land varies with the character of the title, or proof, under which registration is sought, or opposed, or depends on the character of the litigant, in this case the Government, in whose favor the pronouncement is made? Yet such is the anomaly which is presented in the decision now made.

Let it be supposed, for instance, that an application is filed for the registration of a parcel of land and two parties present themselves as opponents. One is an individual claiming as owner, the other is the Director of Lands in representation of the Government, asserting that the land is public land. Now, if the court dismissed the application on the simple ground that the applicant has failed to prove a registrable title in himself, or on the ground that the individual opponent appears to be the true owner, nobody is concluded by this judgment, and the applicant himself, or the individual opponent, or in fact any other person recognized by law as competent to maintain a registration proceeding may subsequently institute another proceeding for the registration of the land. If, however, the court, in the first proceeding, happens to announce that in its opinion the land is public land, and for that reason sustains the opposition of the Director of Lands, everybody is concluded and the property is lost to the true owner, even though the pronouncement as to the character of the land is afterwards shown to be erroneous. Comment would seem to be superfluous.

Judgment reversed; application dismissed.

[1] Tañedo vs. Director of Lands, R. G. No. 11364, not published.

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