

MARIA BALTAZAR ET AL., APPLICANTS AND APPELLANTS, VS. THE INSULAR GOVERNMENT ET AL., OBJECTORS AND APPELLEES.*G.R. No. 14029. October 15, 1919*

Ponente: MALCOLM, J.

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The heirs of the deceased Lucino Almeida applied to the Court of First Instance of La Union for the registration in their name of two parcels of land situated in the barrio of Paraoir, municipality of Balaoan, Province of La Union, containing 815 hectares, 68 ares, and 88 centares. The applicants relied chiefly on the documents later introduced in evidence as Exhibits B, C, and D. Exhibits B and D denote a public sale of two parcels of land by Pastor Versosa y Florentino in favor of Lucino Almeida on June 9, 1895, containing about 526 hectares, and with a chain of title going back to the year 1803. Exhibit C is a certified copy of a possessory information of the land in question, secured by Lucino Almeida and inscribed in the registry of property on December 12, 1896. Oral testimony was also presented.

The Attorney-General opposed the registration of this property on the ground that it included forest lands. A forest ranger, in support of this contention, testified that he had inspected the property and that in the portions indicated on the plan, there were either forests, noncommercial forests, or caingins. He said that, of the 815 odd hectares, 122 hectares were forest lands.

Ten private individuals, namely: Romana Resurreccion, Fermin Lopez, Leon Nepomuceno, Juana Ramos, Anastasio Pajarillo, Carlos Esperon, Dionisio Ganuelas, Modesto Sagon, Mariano Culaton, and Victorino Tabafunda, also opposed registration. Witnesses were presented by these opponents with the purpose, principally, of showing that they had acquired title through prescription.

After the trial, to which we have above referred, the Judge of First Instance, the Honorable Manuel Camus, in a very exhaustive decision, in which he analyzed the testimony of each and every witness, and described the contents of each and every document, handed down a judgment reading as follows:

"It is incumbent upon the petitioners, as plaintiff, to prove their property rights or ownership, and possession, of the two parcel of land which they desire to register as belonging to them. As the record does not disclose proof of the right alleged by them, over the whole of the land in question, and on the other hand, as it has been proven, according to the clear, conclusive and unrefuted testimony of the ranger of the Bureau of Forestry, Marcelo Adduro, that at least 82 hectares of the land concerned in the application are covered with a very dense vegetation, and about 122 hectares are "non-commercial forest" land, that is, uncultivated woodland, it is evident therefore, that it would be improper to grant the registration applied for. The petitioners may, however, if they so desire, have the plan contained in the record amended so as to agree with the property titles presented, and may, after the production of additional evidence, petition the court for the registration of the property.

"The application is denied; without prejudice." To support their appeal, the applicants, now become the appellants, make the following assignments of error: (1) The lower court erred in not deciding and settling the

claims of the opponents submitted for its consideration and decision; (2) The lower court erred in not considering as title to the lands applied for the possessory information presented by the applicants; and (3) The lower court erred in denying the application, special reference being made to the land covered by the document Exhibit B and to the necessity of submitting a new plan to cover the same. We propose to consider these alleged errors in order.

- According to the decisions of this court, the only question to be decided by the trial court was whether the applicants were entitled to the registration of the land covered by their application. While there is plain indicia that the private objectors have title over their respective parcels of land, gained by prescription, and while the land covered by forests should not be registered, there was no need for the court absolutely to settle these points, since the objectors have not the status of applicants for registration. (See *City of Manila vs. Lack* [1911], 19 Phil., 324; *Roman Catholic Archbishop of Manila vs. Director of Lands* [1916], 35 Phil., 339.)

The trial court committed no error in not determining the right or title of the opponents to the registration of the land.

- Articles 1, 19, and 21 of the Maura Law, the Royal Decree of February 13, 1894, promulgated in these Islands and published in the *Gaceta de Manila*, No. 106, on April 17, 1894, provided:

"ARTICLE 1. All uncultivated lands, soil, earth, and mountains not included in the following exceptions shall be considered alienable public lands: First, those which have become subjected to private ownership and have a legitimate owner. Second, those which belong to the forest zones which the State deems wise to reserve for reasons of public utility." * * *

"Art. 19. Possessors of alienable public lands under cultivation who have not obtained nor applied for composition on the date this decree shall be published in the *Gaceta de Manila*, may obtain a gratuitous title of property, by means of a possessory information in conformity with the law of civil procedure and the mortgage law whenever they establish any of the following conditions;

"First. Having, or having had, them under cultivation without interruption during the preceding six years.

"Second. Having had possession of them for twelve consecutive years, and having had them under cultivation until the date of the information, and for three years before that date.

"Third. Having had them in possession ostensibly and without interruption, for thirty or more years, although the land is not under cultivation."

"Art. 21. A term of one year, without grace, is granted in order to perfect the informations referred to in articles 19 and 20"

Article 80 of the regulations for the carrying out of the Royal Decree above mentioned provided:

"ART. 80. By virtue of the provision of article 21 of the Royal Decree of February 13, 1894, the inextensible period for carrying out the informations referred to in the two preceding articles, shall be counted as closed on the 17 th day of April, 1895.

"Upon the expiration of this period the right of cultivators and possessors to the obtainment of free title shall lapse, and the full property right in the land shall revert to the State or, in a proper case, to the public domain.'

This is the law. The facts involve three important dates. The time within which advantage could be taken of the Maura Law expired on April 17, 1895. Almeida obtained dominion over 526 hectares of land on June 9, 1895. The possessory information for 815 hectares was issued to Almeida on December 14, 1896. Almeida was thus not in possession until after the expiration of the period specified by the Maura Law for the issuance of possessory titles, and his possessory information was of even a later date and made to cover a large excess of land. Under

these conditions, the possessory information could not even furnish, as in other cases, prima fade evidence of the fact that at the time of the execution the claimant was in possession, which it would be possible to convert into ownership by uninterrupted possession for the statutory period.

The trial court committed no error in denying to the applicants title to the lands covered by the possessory information of December 12, 1896.

- The court, in effect, found that the applicants were entitled to the registration of that portion of the property which is covered by their title deed, Exhibit B. It appears from the decision, however, and a regarding of the documents confirms the same, that the boundaries of this tract are vague, indefinite, and doubtful. It thus remains for the applicants to comply with the suggestion of the court, by amending their petition and by presenting a plan which would identify the property with some reasonable degree of accuracy.

The trial court committed no error in denying registration under the instant application, and in leaving it possible for the applicants to reinstate their cause. Judgment is affirmed, with costs against the appellants. So ordered.

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

Avanceña, J., did not sit in the case.

Judgment affirmed.

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