

LEDESMA, KAPPELER & CO., PETITIONER AND APPELLANT, VS. THE DIRECTOR OF LANDS, OPPONENT AND APPELLEE.

G.R. No. 14223. October 13, 1919

Ponente: JOHNSON, J.

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JOHNSON, J.:

It appears from the record that on the 29th day of October, 1917, the petitioner presented a petition in the Court of First Instance of the Province of Iloilo, asking for the registration of a certain piece or parcel of land particularly described in the record. To the registration of said parcel of land the Director of Lands presented his objection, alleging that the land in question was the property of the Government of the United States under the control and administration of the Government of the Philippine Islands.

Upon the issue thus presented the Honorable Antonio Villareal, judge, ordered registered all of the land except a portion composed of 48 hectares, which he found was a manglar and was, for that reason, not registerable as agricultural land under the Torrens system. From that decision the petitioner appealed to this court.

The record shows that the plaintiff and its predecessors had been in possession of the said parcel of land since the year 1885; that it held the possessory information for the same; that the possessory information was obtained on the 9th day of December, 1895, and was duly registered in the registry of property.

During the trial of the cause in the court below the opositor [objector] attempted to show that the particular parcel of land in question, composed of about 48 hectares, was forestry land, and not agricultural, and should, therefore, not be registered. It is admitted that practically all of the said 48 hectares is a manglar; that portions of it had been converted into a "vivero de peces" [fishery]; that it has some trees upon it, such as bacamm, bungalon, alipata.

The record, however, does not contain a single word of proof, or even an attempt to show, that the land is more valuable for forestry than for agricultural purposes. Following the doctrine announced in the case of *Ankron vs. Government of the Philippine Islands* (40 Phil., 10, ante) that, in the absence of proof showing that the land is more valuable for forestry than for agricultural purposes, we will presume that it is agricultural land, and considering that the record contains no proof as to the value of the land in question as forestry land, we are of the opinion and so decide that the said 48 hectares of land should also be registered. The record contains abundance of proof, presented by the petitioner, that all of said land had been used for a long period of time for agricultural purposes.

For the reasons above stated, the judgment of the lower court is hereby revoked, and it is hereby ordered and decreed that all of the land contained in the original petition be registered under the Torrens system; and, without any finding as to costs, it is so ordered.

Arellano, C. J., Torres, Araullo, Malcolm, and Avanceña, JJ., concur.

Judgment reversed.

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