

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, PETITIONER AND APPELLEE, VS. DOMINGO ZAMORA AND FAUSTA SANTO DOMINGO, CLAIMANTS AND APPELLANTS. MARIA CONCEPCION MARTINEZ CANAS DE REGU...*G. R. No. 14918. October 18, 1920*

Ponente: JOHNSON, J.

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This is an appeal by Domingo Zamora and Fausta Santo Domingo from the judgment of the Court of First Instance of Rizal, in cadastral case No. 3, G. L. R. O. Rec. No. 107. This appeal relates to two lots only, Nos. 9 and 10.

It appears from the record that on January 27, 1908, the appellant Domingo Zamora purchased from the Government a small parcel of land which is now alleged to be lot No. 9. Later he presented a petition for the registration of said parcel under the Torrens system, and on the 12th day of July, 1913, a certificate of title was issued to him. (See Exhibit A, fol. 444, and the plan Exhibit B, fol. 445, 2d Pieza.)

On the 27th day of January, 1908, Fausta Santo Domingo purchased from the Government the parcel of land alleged to be lot No. 10. Later, she presented a petition in the Court of Land Registration for the registration of said parcel (lot No. 10) under the Torrens system. On the 12th day of July, 1913, a certificate of title was issued to her under the Torrens system. (See Exhibit C, fol. 457, and the plan Exhibit D, fol. 458, 2d Pieza.)

Upon the institution of the present cadastral proceedings, the said Domingo Zamora and Fausta Santo Domingo appeared and opposed the registration of lots 9 and 10, upon the ground that certificates of title under the Torrens system had already been issued to them. Their contention was opposed by Maria Concepcion Martinez Cañas de Reguera upon the ground that said certificates of title to said lots, respectively, included, on the southern boundary, a strip or parcel of land which belonged to her and which constituted an integral part of the Payatas Estate. That portion of lot No. 9 which Reguera claimed was composed of 1 hectare, 78 ares, and 28 centares. The portion of lot No. 10 which Reguera claimed was composed of 3 hectares, 37 ares, and 88 centares.

The contention, of Maria Concepcion Martinez Canas de Reguera was based upon the claim that on the 31st day of January, 1905, a certificate of title under the Torrens system (Certificate of Title No. 333) had been issued to her and that, inasmuch as she had obtained the first certificate of title to the said parcel of land, she was the owner of the same. The lower court sustained the contention of Maria Concepcion Martinez Canas de Reguera. From that judgment Domingo Zamora and Fausta Santo Domingo appealed to this court.

The only question presented by the appellants is, whether or not said small strips above indicated on the southern part of lots 9 and 10 had been, in fact, registered in the name of Maria Concepcion Martinez Cañas de Reguera under the Torrens system prior to the date when the certificates of title under the Torrens system were issued to said lots in favor of the appellants.

After a careful examination of the evidence we have arrived at the conclusion that the preponderance of the evidence shows that the said parcels or strips of land had been registered in the name of Maria Concepcion Martinez Cañas de Reguera several years before certificates of title were issued to the appellants. In the case of Legarda and Prieto vs. Saleeby (31 Phil., 590), we held that "in the case where two certificates of title include or cover the same land, the earlier in date must prevail as between the original parties, whether the land comprised in the later certificate be wholly or only in part comprised in the earlier certificate. In successive registrations where more than one certificate is issued in respect of a particular interest in land, the person holding under the prior certificate is entitled to the land as against the person who obtained the second certificate. The decree of registration is conclusive upon and against all persons." (See also *Acantilado vs. De Santos*, 32 Phil., 350, 354; *Government of the Philippine Islands vs. Arias*, 36 Phil., 194, 198; *Aquino vs. Director of Lands*, 39 Phil, 850, 858.)

For the foregoing reasons the judgment of the lower court is affirmed, without any finding as to costs. So ordered.

Mapa, C. J., Araullo, Malcolm, Avanceña and Villamor, JJ., concur.

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