

GAVINO TAN YUNGQUIP, PETITIONER AND APPELLEE, VS. THE DIRECTOR OF LANDS, OBJECTOR AND APPELLANT.

G. R. No. 16798. September 10, 1921

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16798/>

JOHNSON, J.:

On the 28th day of September, 1918, the petitioner herein filed a petition in the Court of First Instance of the Province of Tayabas for the registration of a number of pieces or parcels of land particularly described in the petition, as well as in the various plans which accompanied the petition, and the technical survey of the same found in Exhibit A.

Publication of the pendency of said petition was duly made in accordance with the provisions of the law.

On the 22d day of November, 1918, the Attorney-General, representing the Director of Lands, presented an opposition. The opposition of the Attorney-General related only to lots Nos. 1, 5, 7, and a part of 13. The opposition of the Attorney-General to the registration of said lots was based upon the ground that the petitioner was not the owner of said lots. The Attorney-General, in his opposition, alleged that lots 1, 5, 7, and 13 were 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 cause was duly brought on for trial on the 29th day of January, 1919.

At about the close of the trial the Attorney-General suggested that the petitioner was not entitled to have the parcels of land in question registered under the Torrens system, for the reason that he was a Chinaman and that he was not a citizen of the Philippine Islands or of the United States.

After hearing the evidence adduced during the trial of the cause, the Honorable C. A. Imperial, judge, in a very carefully prepared opinion, reached the conclusion that, in accordance with paragraph 6 of section 54 of Act No. 926, the petitioner was entitled to have all of the said parcels of land registered in accordance with the prayer of his petition.

The lower court, after duly considering the argument of the Attorney-General that the parcels of land were not registerable by reason of the provisions of Act No. 2874, upon the ground that the petitioner was a Chinaman, reached the conclusion that the said Act was not applicable in the present case, for the reason that the plaintiff had proved, by a large preponderance of evidence, and that there was no proof to the contrary, that he and his predecessors had been in the open, public, pacific, and continuous possession of the said parcels of land for a period of from thirty to forty years prior to the commencement of the present action; that his title and possession had never been disputed and that the parcels of land in question were agricultural lands. In support of the argument adduced in the lower court he cited the case of *Central Capiz vs. Ramirez* (40 Phil., 883). From the decision of the lower court the Attorney-General appealed to this court.

The only assignment of error made by the appellant is that the lower court committed an error in holding that Act

No. 2874 does not apply to the present case in spite of the fact that the applicant is a citizen of the Chinese Republic.

The only parcels of land involved in the appeal of the Attorney-General are lots 1, 5, 7, and 13. The Attorney-General admits that "the applicant had been in possession of said parcels of land for more than thirty years." No contention is made that the parcels of land in question were not agricultural land.

During the trial of the cause in the court below, four witnesses were placed upon the stand by the petitioner. They were unanimous in their declarations upon the following facts:

(a) That the petitioner had acquired the parcels of land in question either by purchase or by inheritance; (b) that he and his predecessors had been in the open, quiet, peaceful, and uninterrupted possession of said parcels of land for a period of from thirty to forty years; and (c) that the land was agricultural land and in a state of cultivation.

The Attorney-General presented no proof of any character whatever, either by witnesses or documents, to dispute the foregoing facts.

Under the foregoing facts, were the said parcels of land registerable under the Torrens system, in accordance with the provisions of paragraph 6 of section 54 of Act No. 926 at the time of the commencement of the action (28th day of September, 1918)? Was there any law in force in the Philippine Islands which pretended to prohibit the registration of land under the Torrens system on that date (28th day of September, 1918), in the name of persons other than citizens of the United States and of the Philippine Islands? If not, then, if the petitioner had title to said parcels of land by virtue of paragraph 6 of section 64 of Act No. 926, he was entitled to have the same registered under the Torrens system. Said paragraph provides that "All persons who by themselves or their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural public lands, * * * under a bona fide claim of ownership except as against the Government for a period of ten years next preceding the taking effect of this Act, * * * shall be conclusively presumed to have performed all the conditions essential to a government grant and to have received the same, and shall be entitled to a certificate of title to such land under the provisions of this chapter."

Considering the provisions of said paragraph 6 and the literally hundreds of cases heretofore decided in relation with the facts proved in the present case, we are forced to the conclusion that at the time the petition was presented (28th day of September, 1918), the petitioner, by virtue of his long occupation, together with that of his predecessors, was entitled to have the said parcels of land registered under the Torrens system. By his long occupation, together with that of his predecessors of the land in question, he became the owner as effectually as if "a government patent or grant" had been given him (par. 6, sec. 54, Act No. 926), unless some valid law can be found which prohibits the registration of said parcels of land in the name of the petitioner. The Attorney-General, without giving specific provisions of Act No. 2874, contends that said Act prohibits the registration of the land in question in the name of the petitioner for the reason that he is a subject of the Chinese Republic.

It will be noted from an examination of said Act that it was not even approved until the 29th day of November, 1919, or more than a year after the petitioner in the present case presented his petition.

In the case of *Central Capiz vs. Ramirez*, supra, we held that said Act (No. 2874) applied to public lands only; that lands held in private ownership constitute no part of the public domain and cannot, therefore, by any possibility, come within the purview of said Act (No. 2874); that any provision or provisions in said Act (No. 2874) which attempt to restrain the disposition or control of private lands were null and void and of no effect, and that said Act has no retroactive effect. Therefore, the provisions of said Act cannot be invoked for the purpose of preventing the registration of the parcels of land in question in favor of the petitioner herein, upon the ground that he is not a

citizen of the United States or of the Philippine Islands.

The applicant having, by a large preponderance of evidence, which was not disputed in any manner, proved that he and his predecessors had been in the open, continuous, exclusive, and notorious possession of the lands in question, which were agricultural lands, for a period of more than ten years prior to the taking effect of Act No. 926, he is clearly entitled to have all of said parcels of land registered under the Torrens system. Therefore, the decree of the lower court is hereby affirmed, with costs. So ordered.

Araullo, Street, Avancena, and Villamor, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.