

GAUDENCIO ELEIZEGUI, PLAINTIFF AND APPELLEE, VS. JOSEFA AREVALO, DEFENDANT AND APPELLANT.

G.R. No. 18. September 12, 1901

Ponente: WILLARD, J.

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WILLARD, J.:

This case was initiated and carried on in reliance on the provisions of article 395 of the Mortgage Law. The article referred to applies only to cases in which the proprietor does not have a written title of ownership. The applicant holds a written title to the property described in his petition. Therefore he can not invoke the article referred to for the purpose of registering his ownership.

Article 437 of the General Regulations (Reglamento General) can not be invoked by the petitioner, since said article applies only to the registration of possession. It appears in the present case, moreover, that the written document evidencing the title of the petitioner was submitted to the court below attached to the petition.

The judgment appealed from should therefore be reversed. It is so ordered.

Arellano, C. J., Torres, Cooper, Mapa, and Ladd, JJ., concur.

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