

MAGDALENA CANSINO ET AL., PLAINTIFFS AND APPELLEES, VS. GERVASIO VALDEZ ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 2468. July 16, 1906

Ponente: WILLARD, J.

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WILLARD, J.:

The decision in this case was announced on the 30th of April, 1906. The grounds of that decision are as follows: The case is almost identical with the case of Valenton vs. Murciano[1] (2 Off. Gaz., 434), decided on the 30th of March, 1904. The similarity extends even to the dates and to the location of the land, for we judge from the description of the property involved in this suit and the description of the property involved in the case of Valenton vs. Murciano that they are two adjoining tracts of land, one situated in the Province of Pangasinan and the other in the Province of Tarlac, the boundary line between the two provinces being the dividing line between the two tracts of land.

In the case of Valenton vs. Murciano, the defendant bought the land from the Spanish Government by a deed dated the 14th of July, 1892. In this case the plaintiff, Magdalena Cansino, bought the property in question, as public lands of the State from the Spanish Government and received a deed therefor on the 27th of October, 1893. In the former case the plaintiffs went into possession of the land in 1860 and claimed ownership thereof by the extraordinary prescription of thirty years. In this case some of the defendants testified that they went into possession in 1862 and they claimed the ownership of this land by the same extraordinary prescription. In neither one of the cases did the occupants have any written title to the land.

In Valenton vs. Murciano we decided that title to lands such as were involved in that case could not be acquired by prescription while they were the property of the State. The decision in that case governs and controls this case and upon its authority judgment in this case was affirmed.

Arellano, C. J., Torres, and Carson, JJ., concur.

[1] 3 Phil. Rep., 537.

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