

MODESTO PARAS, PETITIONER AND APPELLEE, VS. THE INSULAR GOVERNMENT ET AL., RESPONDENTS AND APPELLANTS.

G.R. No. 2525. October 01, 1908

Ponente: WILLARD, J.

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WILLARD, J.:

This is an appeal from the Court of Land Registration. The plaintiff asked to have registered a tract of land 67 hectares in extent. The only evidence which he offered to support his claim was a patent issued by the Spanish Government on the 9th of May, 1887, for 43 hectares of land. This patent was issued in accordance with the regulations for the adjustment of the public lands, and the transfer was not gratuitous.

The case is similar to the cases of Pamintuan vs. The Insular Government (8 Phil. Rep, 485) and Pamintuan vs. The Insular Government (8 Phil. Rep., 512). We are satisfied from an examination of the evidence that it is not sufficient to show that the 67 hectares described in the petition are the 43 hectares described in patent. The petitioner is undoubtedly the owner of 43 hectares, but his evidence fails to identify these 43 hectares as the 67 hectares of his petition. No attempt was made in the court below to bring the case within the provisions of section 54 of Act No. 926, relating to public lands.

The judgment of the court below granting the prayer of the petitioner is reversed, and the case is remanded for further proceedings therein in which the petitioner will have an opportunity to seek the benefits of Act No. 926 and to prove, if he is able to, such a possession of this tract of 67 hectares as is required by that Act. No costs will be allowed to either party in this court. So ordered.

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

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