

SEPA CARIÑO, PLAINTIFF AND APPELLEE, VS. THE INSULAR GOVERNMENT, DEFENDANT AND APPELLANT.*G.R. No. 2540. April 16, 1906*

Ponente: WILLARD, J.

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On the 23d of February, 1904, Sepa Carino presented a petition to the Court of Land Registration asking that she be inscribed as the owner of a tract of land of 79,227.80 square meters, situated in the Government reservation of Baguio, in the Province of Benguet. The Solicitor-General appeared in the court below and opposed the inscription on the ground that the land described in the petition was public land. The court below ordered the inscription; the Solicitor-General moved for a new trial, which was denied, and he has brought the case here by bill of exceptions.

The land described in the petition in this case is a part of the land described in the petition in the case of Cristobal Ramos[1] (4 Off. Gaz., 391). All the questions of law presented in this case have already been decided in the cases of Jones vs. The Insular Government,[2] No. 2506, and Vicente Balpiedad vs. The Insular Government,[3] No. 2539, it being noted, however, that it was proved in this case that Sepa Cariño was a native of the Islands.

The only question that remains to be considered is whether there was proof of possession for ten years. The evidence in all these cases is practically the same. Sepa Cariño, the petitioner in this case, is a sister of Sioco Cariño, the grantor of the petitioner Jones, in case No. 2506. In this particular case it was proved that the land in question was given to the petitioner by her father, Mateo Cariño; that it had previously been in the possession of her grandfather, Ortega; that the respective owners had lived upon and cultivated the land, and that it had been inclosed. There was no evidence of any adverse occupation or possession by anyone. The question as to the effect of the survey made at the instance of Ramos is considered in the case of Vicente Balpiedad, No. 2539, just decided. The judgment of the court below is affirmed, with the costs of this instance against the appellant. After the expiration of twenty days let final judgment be entered in accordance herewith and ten days thereafter let the cause be remanded to the court of its origin for proper procedure. So ordered.

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

[1] Not reported.

[2] Page 122, *supra*,

[3] Page 135, *supra*.

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