

HEREDEROS DE FILOMENO ESQUIERES, APPLICANTS AND APPELLANTS, VS. THE DIRECTOR OF LANDS ET AL., OPPOSITORS; RUFINA NAÑAGAS ET AL., OPPOSITORS AND APPELLEES.

G.R. No. 27207, December 31, 1927

Ponente: OSTRAND, J.

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OSTRAND, J.:

This is an appeal from a judgment of the Court of First Instance of Tayabas denying an application for the registration of a tract of land situated in the barrio of San Andres, municipality of San Narciso, Province of Tayabas, and embracing an area of 454 hectares, 12 ares and 86 centares.

The application for the registration was presented by the heirs of Filomeno Esquieres and was opposed by the Director of Lands and by the heirs of one Ramon Pimentel.

The court below found that the land in question was included in a possessory information title issued in favor of Ramon Pimentel and was the property of the latter. The only point of law raised by the appellants is that at the time of signing the appealed judgment, Judge Platon, who tried the case, had been appointed judge of the Court of First Instance of the Province of Albay; that he therefore had no jurisdiction of the case at that time; and that the judgment consequently is null and void.

There is, as far as we can see, no merit in this contention. The presumption is "that a court, or judge acting as such, whether in the Philippine Islands or elsewhere, was acting in the lawful exercise of his jurisdiction" (subsec. 15, sec. 334, Code of Civ. Proc.) and there is no sufficient evidence in the record to rebut this presumption. It is true that the judge signed as judge of the Court of First Instance of Albay but for all we know, he may have been authorized by the Secretary of Justice, under section 155 of the Administrative Code, to finish the trial of the case after his appointment to the district of Albay and, if so, the judgment is valid.

The findings of fact made by the trial judge are, in our opinion, fully supported by the evidence, and we deem it unnecessary to enter into a detailed discussion of the same.

The appealed judgment is hereby affirmed with the costs of this instance against the appellants. So ordered.

Avanceña, C. J., Street, Malcolm, Villamor, Johns, and Villa-Real, JJ., concur.

Johnson, J., dissents.

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