

MODESTO LIMJOCO AND TEODORA HONSAYCO, APPLICANTS AND APPELLEES, VS. DIRECTOR OF LANDS, DIRECTOR OF FORESTRY, SANTIAGO QUIJANO, AND RAFAEL VILLAROMAN, OPPONENTS. DIRECTOR OF LAND...

G.R. No. 30528. October 25, 1929

Ponente: VILLAMOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-30528/>

VILLAMOR, J.:

The application for registration filed by the spouses Modesto Limjoco and Teodora Honsayco was opposed by the Director of Lands, the Director of Forestry, Santiago Quijano, and Rafael Villaroman. After legal notice and the entry of an order of general default, the application was set for the taking of evidence; and the evidence having been adduced by the parties, the judge then presiding over the Court of First Instance of Pampanga rendered judgment denying the application and ordering the dismissal of this proceeding for insufficiency of evidence.

The applicants filed a motion for reconsideration praying the court to set aside the dismissal of this proceeding and to order the opponents to present their evidence. Later, said applicants filed an exception and a motion for a new trial, praying the court to declare the case reopened for further evidence.

By its order of February 6, 1928, the court granted the motion of new trial giving the applicants an opportunity to adduce further evidence, on condition that the portions claimed by Santiago Quijano and Rafael Villaroman be excluded, to which the applicants agreed. Then, with Judge Hermogenes Reyes presiding, the court overruled the oppositions filed by the Director of Lands and the Director of Forestry, and after entering a general default decreed the registration and adjudication of the land in question in favor of the spouses Modesto Limjoco and Teodora Honsayco. The court also ordered the presentation of an amended plan excluding the lands involved in the oppositions of Santiago Quijano and Rafael Villaroman.

The provincial fiscal of Pampanga, in behalf of the Director of Lands, appealed from the judgment of the court below to the Supreme Court through the proper bill of exceptions, and now alleges that the trial court erred: (a) In failing to hold that the applicants have not proved the identity of the land they allege belongs to them and which they seek to register; (b) in holding that the applicants have sufficient right to warrant the registration and adjudication of the land described in their application in their favor; (c) in holding that the applicants are entitled to the benefits of paragraph 4, section 54 of Chapter VI, Act No. 926; and (d) in overruling the oppositions filed by the Director of Lands; in decreeing the registration and adjudication of the parcel of land in question in favor of the applicants, and in denying the motion for a new trial filed by said opponent.

As to the identity of the land in question, the court below held: "The applicant and his witnesses Benito Pangan and Fidel Sanguyo explained the difference in the eastern and southern boundaries, and therefore the boundaries to the north and west being creeks and rivers of the same name, that is, natural boundaries, except for certain parts thereof, the identity of the estate may be deemed proved." We have gone over the record and find that the evidence supports this conclusion of the trial court. The land in question is described in plan Exhibit A, and

represents the eastern part of the land described in Exhibit C, which we shall discuss later on. A creek runs through the land from north to south, thus dividing it into two portions, one to the east of the "Pamicatigan," and the other to the west of said creek. It is the registration of the portion to the east of the "Pamicatigan" that we are concerned with in this proceeding. The witnesses for the applicants identified the land in question, and the difference in the western boundary is due to the fact that the application is confined to the portion of land to the east of the Pamicatigan creek. The difference in area between the land described as the second parcel in Exhibit C, containing some 800 hectares, and the land, the registration of which is here sought, containing about 400 hectares, is explained by the fact that the application for registration refers only to the eastern portion which is approximately one-half of the land described as the second parcel in the document Exhibit C.

The applicants' claim is based on a purchase of the land from Meliton Limjoco on May 12, 1926 for P5,400, according to the document Exhibit B. On September 12, 1911, Meliton Limjoco acquired the land from Raymundo Pangan for P3,100, as per Exhibit H. In 1906 Raymundo Pangan bought said land from the heirs of Isabel Gatbonton for P2,500 (Exhibit G). On July 12, 1906 Isabel Gatbonton's heirs acquired the land in question by repurchase from Adriano Samson for P1,066.45 (Exhibit F). On May 15 of the same year, Adriano Samson acquired the land in question, together with other lots at a public auction for P1,000 (Exhibit E). The lands sold at public auction were those described in Exhibit C, which were mortgaged by the original owner, Isabel Gatbonton, to the sons of Jose Ma. Venegas, and for default in payment of the debt, were attached and sold at public auction in pursuance of a writ of execution of the Court of First Instance of Pampanga.

Exhibit C is a public document, executed before the notary public, D. Pedro Garcia Enrico, and noted in the book called "Libro de Anotaciones de Hipoteca de la Ciudad de Manila," on December 10, 1886. By virtue of said deed, Isabel Gatbonton, its maker, mortgaged eight parcels of land described therein. It must be noted that the notary who authorized it states the following: "Which parcels of land are her (Isabel Gatbonton's) exclusive property, as proved by her composition titles issued by the 'Dirección General de Administración Civil' on the nineteenth of last July, which, together with other documents dealing with said estates, consisting of sixteen pages in all, were exhibited to me, and, upon being read and signed by me, shall be attached to a copy hereof,"

Counsel for the appellant contends that the trial court erred in holding the applicants sufficiently entitled to the registration and adjudication of the land described in the application. In our opinion this contention is groundless. The composition title referred to by the notary who certified Exhibit C has not been produced for the reason that said document was lost during the confusion which followed the change of sovereignty. But we believe that said title of composition with the State was doubtless issued to Isabel Gatbonton, not only on the authority of Notary Pedro Garcia Enrico's assurance, but also because of Exhibit D. Exhibit D is certainly not the composition title issued to Isabel Gatbonton. The applicants do not allege it, nor has the trial court so held. It is simply a true copy of the record of a composition of lands in the barrio of Calautitan, within the jurisdiction of the town of Candaba, Province of Pampanga, initiated by Dona Isabel Gatbonton on April 17, 1884, which record is in the files of the Bureau of Lands, being certified to by the Director of Lands. Said Exhibit D narrates the steps taken in that proceeding, and shows: (a) That on October 31, 1884, the "Dirección General de Administración Civil" had decreed to Isabel Gatbonton the composition with the State of the land she owned in the barrio of Calautitan, within the jurisdiction of Candaba, Province of Pampanga, in accordance with article 5 of the "Regulations on Composition" of June 25, 1880; (b) that Isabel Gatbonton had paid the P432.45 which was 10 per cent of the "assessed value of the land, which had been measured and surveyed by an employee of the Forestry Department," as required by the decree of the Governor-General of December 12, 1882; (c) that she had obtained and delivered to the "Hacienda Publica" the piece of paper with the 3d seal of the Ilustres for the issuance of the proper title; and that Isabel Gatbonton thereby closed the proceeding as far as she was concerned; and (d) that the receipt and the Ilustres sealed paper having been sent to the Director General of Civil Administration on April 29, 1886, the latter

issued the "proper title" on July 19, 1886.

Thus it is seen that the original owner of the land in question had a composition title with the State obtained from the Spanish Government, having paid P432.45 therefor, being 10 per cent of the reglementary assessment of said land. As stated, the ownership of this land was successively transmitted to several persons until it came to the applicant, Modesto Limjoco. And these persons as successive owners held possession of the land from 1886, using the lowlands as a fishery, and the elevated portions for the cultivation of rice, corn and vegetables. In referring to the cultivation of the land, it should be noted that the talajal growing thereon which appears to have been abandoned, was left for the purpose of shading and keeping the water of the fishery cool. It would not be superfluous to add that the applicant has been paying the land tax thereon, and that the land is at present assessed at P13,000.

In view of the evidence adduced by the applicants, we are of opinion that the lower court was correct in holding that they are entitled to the registration and adjudication of the land described in the application.

Failure to present the composition title with the State cannot prejudice the applicants' right, for, its loss having been proved, its contents could be proved by a copy or a recital of its contents in some authentic document, or by the recollection of a witness. (Sec. 321, Code of Civil Procedure.) And in the instant case it is evident that the recital of its contents was made in the authentic document, Exhibit C.

Inasmuch as it has been proved in the record that the applicants have been in possession of the land the registration of which is sought, as well as their predecessors in interest, Meliton Limjoco, Raymundo Pangan, the heirs of Isabel Gatbonton, the purchaser at public auction, Adriano Samson, and the original owner, Isabel Gatbonton, there is no need to discuss the third assignment of error made by the appellant, inasmuch as the land in question is not public land, but private land granted by the Spanish Government by means of a composition with the State, to the original owner, Isabel Gatbonton.

Therefore, the judgment appealed from should be, as it is hereby, affirmed, without special pronouncement as to costs. So ordered.

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

Johnson, J., dissents.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.