

ROSALIO GONZALES, PETITIONER, VS. DIRECTOR OF LANDS, RESPONDENT.

G.R. No. 30814. March 05, 1929

Ponente: OSTRAND, J.

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OSTRAND, J.:

This action is brought under section 513 of the Code of Civil Procedure. The petitioner alleges that he has occupied lot No. 2640 of Mexico Cadastre, Pampanga, since time immemorial and has religiously paid land tax on it; that he remembers that he filed a written claim to said lot in the cadastral proceedings, but that said claim had probably been lost by reason of the excessive amount of work imposed upon the functionaries of the trial court; that having filed his claim, he believed that the court had adjudicated the lot to him, but that on November 24, 1928, he found, much to his surprise, that it, on August 29, 1918, had been declared public property.

The Director of Lands opposes the petition on the ground that the petitioner has allowed more than ten years to pass from the time the decision in the aforesaid cadastral case was rendered, without attempting to ascertain whether the land in question had been adjudicated to him.

In our opinion, the objection of the Director of Lands is well taken. The fact that no certificate of title was issued to the petitioner was sufficient to put him on inquiry, and it could not have been difficult for him to obtain the necessary information. His indifference and negligence cannot be regarded as excusable and, if so, an action under section 513 of the Code of Civil Procedure cannot be maintained.

The petition is therefore denied, and the case is dismissed without costs. So ordered.

Johnson, Street, Malcolm, Johns, Romualdez, and Villa-Real, JJ., concur.

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