

JOHN BORDMAN, PETITIONER AND APPELLEE, VS. THE INSULAR GOVERNMENT ET AL., RESPONDENTS AND APPELLANTS.

G.R. No. 3155. January 22, 1908

Ponente: WILLARD, J.

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WILLARD, J.:

This ease comes from the Court of Land Registration. The Attorney-General appeared therein and objected to the granting-of the prayer of the petitioner on the ground that the property in question belonged to the Government. Judgment was rendered for the petitioner and the Government has appealed.

The court below held that the petitioner had acquired title to the land in controversy as against the Government by prescription. This ruling was erroneous. (Valenton vs. Murciano, 3 Phil. Rep., 537; rand no vs. Valdez, 3 Phil. Rep., 429; Tigluo vs. The Insular Government, 7 Phil. Rep., SO; Carino vs. The Insular Government, 7 Phil. Rep., 132.)

The court below found as a fact that the petitioner and his grantors had been in the quiet, public, and uninterrupted possession as owners of the land in question since 1887. The Attorney-General makes no claim in his brief in this court to the effect that such possession was not the possession required by Act No. 926, section 54, paragraph, and an examination of the evidence shows that the case is brought fully within the provisions of that section. The Attorney-General, however, claims that the appellee, not having asked in his petition for the benefits of the Public Land Act (No. 926), is not entitled to have his land registered by virtue of the provisions of such act. This claim has been made by the Attorney-General in other cases and has been disallowed. (Order of Dominicans vs. The Insular Government, 7 Phil. Rep., 98; Pamintuan vs. The Insular Government, 8 Phil. Rep., 485; Alvarez vs. The Insular Government, No. 3784, decided January 16, 1908.)

The judgment of the court below is affirmed, with the costs of this instance against the appellants. So ordered.

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

[1] Page 608, supra.

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