

JOSE GIORLA ET AL., APPLICANTS AND APPELLEES, VS. THE DIRECTOR OF LANDS, OPPONENT AND APPELLANT.

G. R. No. 31838. March 31, 1930

Ponente: OSTRAND, J.

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OSTRAND, J.:

On July 30, 1923, Jose Giorla presented a petition for the registration in favor of himself and his mother, brothers, and sisters of a tract of land measuring 643 hectares, 33 ares, and 62 centiares and situated in the barrio of Callos, municipality of Penaranda, Province of Nueva Ecija. The land is bounded on the northeast by the Estero Pagsanjan; on the southeast by the Estero Caranlang-Munti; on the southwest by the Estero Macabaclay; and on the northwest by the land of Severino Dionisio. The petition was opposed by the Director of Lands on the ground that the petitioner was unable to show that the land had been acquired from the Spanish Government by purchase or by composicion or by possessory information, equivalent to title by composicion, according to the provisions of the Royal Decree of February 13, 1894, and that therefore the land must be considered the property of the Government of the United States under the control and administration of the Government of the Philippine Islands.

Upon trial the court below ordered the registration of the land in the proportions of one undivided half of the land in favor of Maxima Abad and the other half in favor of Angeles, Enriquez, Jose, Esperanza, Ramon, and Victoria Giorla in undivided equal shares. From this decision the Director of Lands appealed.

It appears from the evidence presented by the petitioners that the land in question was the property of a peninsular Spaniard, Jose Giorla, the husband of Maxima Abad and the father of Jose Giorla and the latter's brothers and sisters. About the year 1890, Jose Giorla, senior, obtained a titulo real for the land, but at the beginning of the insurrection against Spain in 1896, he and his family left the Philippine Islands for Spain, carrying with them the title document. In 1904, Maxima Abad and her sons, Ramon Giorla and Jose Giorla, returned to the Philippine Islands, but her husband, Jose Giorla, senior, and her daughter Angeles Giorla, remained in Spain.

Jose Giorla, senior, died in Spain in the year 1907. Later on, Maxima Abad made several efforts to have the title document in question sent back to the Philippine Islands, and finally Angeles Giorla delivered it to Don Ramon Santamaria, a Spaniard residing in the Philippine Islands but then on vacation in Spain. Santamaria left for the Philippines in 1916 on the Spanish ship Eizaguirre, carrying the document with him for the purpose of delivering it to the Glorias in the Philippine Islands. The Eizaguirre was wrecked by a floating mine off the south coast of Africa and practically all of the passengers, including Ramon Santamaria, lost their lives there. As a consequence, the aforesaid title document was also lost.

The appellant questions the truthfulness of the evidence in regard to the existence and loss of the title document, but there are several circumstances which, in our opinion, sufficiently corroborate the testimony of the witnesses for the appellees. The plan prepared for the purpose of acquiring the titulo real is still in existence and shows almost exactly the same contours as the plan of the land claimed by the appellees. It is also clearly established that

Giorla was recognized as the owner of the land and that it was known in the province as the "terreno del Castila." The suggestion of the appellant that data as to the issuance of the title document should be found in the Spanish Government Archives in Manila is of very little weight; it is a well known fact that practically all of the expedientes relating to land titles in Nueva Ecija were lost in the destruction by fire of the archives of the Inspection de Monies in September, 1896. Everything considered, we can find no sufficient grounds for disturbing the conclusions of the court below.

The decision appealed from is affirmed without coats. So ordered.

Malcolm, Villamor, Johns, Romualdez and Villa-Real, JJ., concur.

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