

INOCENTA RAMAS VIUDA DE PENALES, APPLICANT AND APPELLANT, VS. THE DIRECTOR OF LANDS ET AL., OPPONENTS AND APPELLEES.

G.R. No. 32443. December 20, 1930

Ponente: ROMUALDEZ, J.

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ROMUALDEZ, J.:

body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; }

This is an appeal from the judgment of the Court of First Instance of Bohol dismissing the application for the registration of land filed by Inocenta Ramas, widow of Penales, but reserving her right to a certain portion not definitely determined.

This applicant assigns the following alleged errors as committed by the court below:

"1. In finding that the ownership of the vendors of the lands sold to Penales has not been sufficiently proved.

"2. In finding that there is contrary evidence to show that the vendors were not the owners of the lands sold by them to Penales.

"3. In finding that the applicant's evidence of ownership of the land sought by her to be registered is not sufficient to grant her application except with regard to certain portions, the area of which has not been definitely determined.

"4. In dismissing the application for the registration of the land mentioned therein, reserving the applicant's right to certain portions of undetermined area."

The appellant alleges that she acquired the land in question by purchase from certain persons in the year 1912, as evidenced by the deeds of conveyance, Exhibits A, D, E, F, G, H, I, J, and K. But even without discussing the validity of these deeds of sale, the applicant has not sufficiently proved that she, or any other person representing her, has been in possession of the land peacefully, continuously, and publicly as owner thereof.

Since she has no title by composition or of any other kind which may be confirmed and perfected under Act No. 926, as amended by Act No. 2874, and as it does not appear that either she or her predecessors in interest applied for such title under the law during the Spanish regime in these Islands, and instituted and prosecuted her claim to that effect, and no title having been issued at the time, her present application for registration can have no other basis than an open, continuous, exclusive, and notorious possession of agricultural lands of the public domain, under a bona fide claim of ownership at least since July 26, 1894, unless it comes under one of the exceptions (which has not been shown) mentioned in paragraph (b) of section 45 of the aforesaid Act No. 2874.

And inasmuch as the applicant has, as stated above, failed to establish such possession, the evidence does not justify the granting of the registration here applied for.

There is not sufficient reason to alter the findings of the lower court in respect to the insufficiency of the applicant's evidence. The mere lack of a tax declaration upon the lands is not the only reason for the defect of the evidence in support of the application. The evidence especially fails to establish the proper kind of possession required by law to warrant the registration of a parcel of land.

There is no merit in the assignments of error.

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

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

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