

THE CITY OF MANILA, PLAINTIFF AND APPELLANT, VS. THE INSULAR GOVERNMENT, DEFENDANT AND APPELLEE.

G.R. No. 3300. March 11, 1908

Ponente: JOHNSON, J.

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JOHNSON, J.:

LAND REGISTRATION ; EVIDENCE OF TITLE.—From the Court of Land Registration. It was agreed by counsel that the facts in this case are analogous to those in cases Nos. 3279 and 3299 between the same parties, and that the decision in the former case (10 Phil. Rep., 327) should govern. Judgment denying right of plaintiff to register land in question affirmed.

Per Johnson, J.

For appellant: Modesto Reyes.

For appellee: Attorney-General Araneta.

DECISION

On the 10th day of June, 1905, the plaintiff and appellant commenced an action in the Court of Land Registration for the purpose of obtaining the registration of the following described property:

"Comenzando en un punto en el lado Sur de la calle San Andres, estando dicho punto señalado por un monumento de piedra marcado "I" en el plano adjunto, y estando situado a 249 metros en una direccion S. 75 grad. 30 min. O. de la esquina Nordoeste de la vista de Singalong; desde dicho punto 49. 215 metros en una direccion S.75 grad. 15 min. O. por la linea Sur de la calle San Andresm a su interseccion con la linea Este de una callejuela lamada calle Pineda, punto de interseccion mercado "II" en el plano; desde este punto 237.425 metros en una direccion S. 26 grad. E. por dicha linea Este de la calle Pineda a un punto marcado "III" en el plano; desde este punto 249.555 metros en una direccion S. 25 grad. 02 min. E. por dicha linea Este de la calle Pineda a un punto marcado "IV" en el plano; desde este punto 49.895 metros en una direccion N. 66 grad. 44 min. E. a un momumento de piedra mercado "V" en el plano; desde este punto direccion N. 30 grad 26 min. O. a un punto marcado "VI" en el punto; desde este punto 142.33 metros en una direccion N. 21 grad, 28 min, O. a un punto marcado "VII" en el plano; desde este punto 87.96 metros en una direccion N. 22 grad. 43 min. O. a un punto marcado "VIII" en el plano; desde este punto 97.26 metros en una direccion N. 26 grad. 51 min. O. al punto de partida. La linea que va desde el punto V pasando por los puntos VI, VII y VIII, al punto de partida, sigue la linea de un cañaveral que separa la propiedad aqui descrita de la de Warner, Barner \$ Co. El area de esta parcela es de 21, 181 metros cuadrados."

On the 29th day of June, 1905, the Examiner of Titles of said court, to whom the question of the title of the plaintiff had been referred, made the following report:

"1.— La Ciudad de Manila solicitante no acompaña documento alguno de propiedad en su solicitud.

"2.— En el Registro de la Propiedad no constan actos ni contratos que se opongan al titulo de la entidad

solicitante; ni de las investigaciones practicadas resultan hechos contrarios a los contenidos en la solicitud. Pueden tenerse por buenos los actuales linderos de la finca.

"3.— Para que sea titulada la entidad solicitante es necesario que justifique por los medios legales la propiedad que tiene sobre la finca deslindada en la solicitud.

"DICTAMEN."

"Fundado en el anterior opina que el título de la entidad solicitante es defectuoso y no se podrá registrar.

"Manila, 29 de Junio de 1905."

(Firmado) Aguedo Velarde."

On the 23rd day of October, 1905, the Solicitor General, representing the Insular Government, filed the following opposition to the registration of said land in favor of the plaintiff and appellant:

"I.— Que la Ciudad de Manila solicita que, conforme a la Ley del Registro de la Propiedad, se inscriba un terreno situado en el Distrito de Malate, del que se alega ser dueña absoluta y cuya descripción se detalla en la solicitud.

"II.—Que el terreno de que se trata es de la propiedad del Gobierno de los Estados Unidos bajo el control del Gobierno Insular.

"En su virtud, se opone a la inscripción solicitada y suplica al Tribunal se sirva denegar la petición con costas.

Manila, 23 de Octubre, 1905.

(Firmado) Gregorio Aranet.

Procurador General.—"

It was mutually agreed between the respective parties to this action that the facts relating to the title of the plaintiff in this case are exactly the same as in Case No. 3299 (Case 1510 in the lower court.)

On the 5th day December, 1905, the lower court, following its decision in said Case No. 3299 (1510), denied the registration of said land in favor of the plaintiff. From this decision the plaintiff appealed to this court. In this court the plaintiff and appellant made the same assignments of error and filed the same proof supported by the same arguments which were filed in said Case No. 3299 (1510).

On the 29th of October, 1907, the attorneys for the respective parties filed a stipulation in this case (No. 3300) to the effect that the conclusions by this court in causes 3279 and 3299 should govern in this decision.

Therefore, for the reasons stated in Case No. 3279, the judgment of the lower court is hereby affirmed, with costs.

It is so ordered.

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