

THE MUNICIPALITY OF TAYTAY, APPLICANT AND APPELLANT, VS. THE DIRECTOR OF LANDS ET AL., OPPONENTS AND APPELLEES.

G. R. No. 33291. March 21, 1931

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

This is an appeal by the applicant, municipality of Taytay from the judgment of the Court of First Instance of Rizal, rendered in registration proceeding No. 674, G. L. R. O. record No. 30408, decreeing as follows:

"For the foregoing, and in accordance with the provisions of Act No. 3621, recently passed by the Legislature, amending sections 34, 37, 38, and 39 of the Land Registration Act (No. 496), the opposition filed by the Director of Lands in behalf of the Insular Government is upheld, and the application of the municipality of Taytay, denied. Judgment in default is entered against the whole world, and it is hereby decreed that after reimbursement of the expenses of the survey of the land and costs of publication to the applicant municipality, the parcels of land in question are public lands, and are to be recorded in the name of the Government of the Philippine Islands, without costs."

In support of its appeal the appellant has assigned the following alleged errors as committed by the trial court, to wit:

- The lower court erred in holding that the decision, in the case No. 1369 of the late Court of Land Registration and confirmed by the Supreme Court, G. R. No. 3663, has become the law of the case in so far as the question of ownership is concerned.
- The lower court erred in not holding that the parcels of land in dispute belong to the category of 'Bienes de propios y bienes patrimoniales' of the municipality of Taytay.
- The lower court erred in holding that there is no presumption of grant in favor of the municipality of Taytay despite the fact that said municipality has been in possession of the land for about three hundred years now as its private property and the income derived from this land has been devoted to uses of public character and to the immediate needs of the municipality during all that time*
- The trial court erred in applying the doctrine laid down in the case of Municipality of Tacloban vs. Director of Lands (18 Phil., 201), to the case at bar and in holding that the land in dispute belongs to the public domain under the control and administration of the Government of the Philippine Islands.
- The lower court erred in decreeing the registration of the two parcels of land in favor of the Government of the Philippine Islands and in denying the appellant's motion for new trial."

The following relevant facts are necessary to decide the questions raised in this appeal:

Away back in the year 1905, the parish of Taytay applied to the Court of Land Registration for the registration of a certain parcel of land containing over 305 hectares in area, situated in the municipality of Taytay, Province of Rizal, including the two parcels of land sought to be registered in the present proceedings. The municipality of Taytay and the Insular Government, applicant and opponent herein, respectively, filed opposition to that

application, and the court, after the proper proceedings, denied the inscription. An appeal was taken from that adverse decision, but this court affirmed it.[1]

The following are the relevant portions of the decision rendered by the Court of Land Registration and affirmed by this court:

"* * * The municipality of Taytay filed opposition to the registration applied for, alleging that the property described in the application belongs wholly and entirely to the municipality of Taytay; that the Government of the Philippine Islands recognized the exclusive right to the possession and use of the land as vested in the municipality of

Taytay, by means of a Royal Decree dated September 20, 1656; and that the municipality of Taytay has been in possession of said property as owner for over two hundred and fifty years. To prove these allegations, the municipality presented the documents Exhibits 1 to 12, inclusive, and a number of witnesses.

"Exhibit 1 consists of several ancient documents touching the right to the possession of the Tapayan lands by the municipality, including the document of 1656 referred to in the opposition filed by the municipality.

"Exhibits 2 to 11, inclusive, are contracts and receipts signed by the municipal officials, relating to the lease and collection of rents from the occupants of the Tapayan lands.

"Exhibit 12 is a certified copy of a resolution passed by the municipal council of Taytay, annulling the order of the president set forth in Exhibit D, and designated lawyers to file an opposition to the application of this proceeding in behalf of the municipality.

"The Attorney-General also appeared in behalf of the Insular Government, and filed an opposition to that application, alleging that the land in question is property belonging to the Government of the United States under the control of the Insular Government, and pointing out that according to the document Exhibit C, upon which the applicant relies to justify its right, the land contains an area of 34 hectares, 29 ares, and 32 centares, whereas both the application and the plan Exhibit A give the area as 305 hectares, 49 ares, and 49 centares.

"The witnesses adduced by the applicant and by the municipality have testified that there have been disputes in times past between the parish and the municipality regarding the right to collect rents from the occupants of the lands in question, and that sometimes it was the parish that collected them, and other times the municipality. The applicant admits by its witnesses that at present the municipality is in possession of said lands, and collects the rents from the occupants. * * *

"* * * This court has At various times declared, for instance, in the course of proceedings 1510, 1299, and 1928, by decrees dated December 4, 13, and 14, 1905, respectively, that the ownership of lands not subject to the acquired right of some individual, and included within the boundaries of municipalities under the Spanish sovereignty, has remained in the King, and not in the municipality as a corporation. Wherefore, the land in question belonged to the Crown of Spain until the date of the Treaty of Paris, and is now a part of the public domain of the United States under the control of the Insular Government.

"The Government's opposition is hereby admitted, and the application denied."

In the present case, the municipality of Taytay has adduced the same evidence it had presented as an opponent in the former proceeding, with the exception of certain documents of a private nature, and certain testimony on acts of possession executed by the municipality.

With the exception of the part to the north, containing 42 hectares, covered by the church's possessory information, and adjudicated to it in registration proceeding G. L. R. O. record No. 11271, the land applied for in that case, wherein the applicant herein was one of the opponents, is the same sought here.

All the questions here discussed, then, whether of fact or of law, have already been discussed and decided by the defunct Court of Land Registration in registration proceeding G. L. R. O. record No. 11271, in which the parish of Taytay was the applicant, and the Insular Government and the municipality of Taytay the latter being the present applicant the opponents. As we have stated, the municipality of Taytay has adduced the same evidence here as there, and we see no reason for altering the findings and conclusions in that case, considering the long series of decisions by this court on the matter, notably the doctrine laid down in *City of Manila vs. Insular Government* (10 Phil., 327) as follows:

- REALTY; EVIDENCE OP OWNERSHIP.—The mere leasing of property and the receiving of the rent therefor can not, in the absence of other proof, support a claim of ownership in favor of the lessor.

- MUNICIPALITIES ; COMMUNAL LANDS.—The municipalities of the Philippine Islands are not entitled, by right, to any part of the public domain for use as communal lands. The Spanish law provided that the usufruct of a portion of the public domain adjoining municipal territory might be granted by the Government for communal purposes, upon proper petition, but, until granted, no rights therein passed to the municipalities, and, in any event, the ultimate title remained in the sovereign."

And in *Municipality of Tigbauan vs. Director of Lands* (35 Phil., 798), the following statement was made:

"PUBLIC LANDS ; CONDITIONS FOR THEIR REGISTRATION IN THE NAME OP A MUNICIPALITY.—The doctrine laid down in the case of *Municipality of Tacloban vs. Director of Lands* (18 Phil., 201), followed, wherein it was held that when, on the part of a municipality petitioning for the inscription of land, it is not shown that the land was granted by the Government to the municipality to form a part of the municipal assets or estate, or that a municipal building was erected thereon for public purposes, a circumstance that would have led to the presumption that, in obtaining permission to erect the building it also obtained a grant of the land, the municipality cannot be considered as the proprie tor of the land with a right to inscribe the same in the property registry. The fact that, for several years, a municipality has been cutting cane from cane-brakes on public land, and the further fact that it planted thereon caña espina trees, do not prove that it is the owner of the land, but only that it has been enjoying the usufruct of the same, which does not give it the right to have the property entered as its own in the property registry."

The document Exhibit FF, which is a writ of protection issued on September 20, 1656 by Sabiniano Manrique de Lara, Captain General and Chief Justice of the Supreme Court, and Royal Chancellor for these Islands, says, in part, "And having taken cognizance thereof with my adviser, I deem it wise to dispatch these presents to you, the Lord Mayor and Captain of War for the jurisdiction of that circuit, that you may protect the officials and natives of said town of Taytay in their possession and in any right which they may have upon the river and shoals of Laguna de Bay, not permitting or suffering the natives of other towns to fish or avail themselves of the edible products from within the boundaries belonging to them, under penalty as aforesaid, declaring the boats lost, and paying the resulting damages, which you will comply with and execute justly and promptly. Given in Manila, on the twentieth of September in the year sixteen hundred and fifty-six. Don Sabiniano." This means nothing more than that the officials and natives of the town of Taytay had been and were in possession of the property applied for herein, but it does not mean that said property had been ceded to the town of Taytay to become its own private property, but only for the common benefit of its inhabitants.

Wherefore, the judgment appealed from is affirmed, with the modification that the right of the inhabitants of the municipality of Taytay to use and avail themselves of the products thereof, shall be recorded in the registry, and that the passage referring to the reimbursement to the applicant municipality of the expenses incurred in surveying the land and publishing the application, shall be eliminated from the judgment, without special award of costs.[1] So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Ostrand, and Romualdez, JJ., concur.

[1] Pinzon vs. Insular Government, G. R. No. 3663, promulgated January 3, 1910, not reported.

[1] See Resolution of September 18, 1931.

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