

**THE GOVERNMENT OF THE PHILIPPINE ISLANDS APPLICANT, VS.
HILARIO GUILLERMO ET AL., CLAIMANTS, INTESTATE OF THE
DECEASED MARCELO QUEBRAL AND GONZALO GOZON,
CLAIMANTS AND APPELLEES...**

G. R. No. 34085. December 16, 1931

Ponente: MALCOLM, J.

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MALCOLM, J.:

In cadastral case No. 17 of San Manuel, Pangasinan, a large number of lots necessarily came under observation. Among others, sixteen lots, in whole or in part, were adjudged to the estate of Marcelo Quebral and Gonzalo Gozon. It is now for the appellate Court to determine if title to these lots should be adjudged to the appellees or to the various claimants as appellants. The lots in question have the numbers 40595, 40593, 40599, 40600, 40602, 40603, 40606, 40607, 40610, 40611, 40612, 40613, 40614, 40615, 40717, and 40722 of the San Manuel cadastre.

Proceeding by a process of elimination, an examination of the bill of exceptions will disclose that, as to Lots Nos. 40595, 40598, and 40600, no appeal appears to have been taken. Hence, the adjudication made by the trial court as to these lots has become final.

With reference to lot no. 40612, an examination of the bill of exceptions will disclose that an exception and motion for new trial was filed as to this lot. That when the motion for a new trial was overruled, the exception was limited "en cuanto a los lotes Nos.", "but not including 40612. Hence, the adjudication made by the trial court as to this lot has likewise become final.

With reference to lots Nos. 40607 and 40611, although there is evidence in the record which is indicative of the fact that these lots may belong to one Cirilo Jornadal, yet it is conceded that nobody appeared at the trial to claim them. The judgment, therefore, of the trial court as to these lots must be respected.

Of the ten lots which are, therefore, properly before the Court on appeal, our examination of the record leads us to conclude that the appellants have not made out a case regarding lots Nos. 40599, 40615 (portions A, B, C, and northern), 40717, and 40722. The documents pertaining to these four lots do not appear to identify the land. There is accordingly no justification for disturbing the findings of the trial court as to these lots.

We have left lots Nos. 40602, 40603, 40606, 40610, 40613, and 40614, Northern portion. Our view is that the appellants have sufficiently demonstrated titles to these lots. They have been in adverse possession for long periods of time. They have paid the land taxes. In turn, it is not shown that they were tenants of the appellees, and even if the titles of the appellees extended to these lots, which is not at all certain, the appellees lost whatever titles they may have had to the lots by abandonment and lack of interest. It is our opinion that the trial court erred in adjudicating these lots to the estate of Marcelo Quebral and Gonzalo Gozon.

In accordance with the foregoing, the judgment appealed from will be affirmed in so far as it relates to lots Nos. 40599, 40612, 40615, 40717, 40722, 40595, 40598, 40600, 40607, and 40611, and will be reversed in so far as it

refers to lots Nos. 40602, 40603, 40606, 40610, 40613, and 40614, Northern portion, and these last named lots will be adjudicated to the respective claimants and appellants. Without special pronouncement as to costs in this instance, it will be so ordered.

Ten days from the publication of this decision, judgment will be entered, and five days thereafter, the record will be remanded to the court below.

Avanceña, C. J., Street, Romualdez, and Imperial, JJ., concur.

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