

**THE GOVERNMENT OF THE PHILIPPINE ISLANDS, APPLICANT, VS.
DALMACIO ABALOS ET AL., CLAIMANTS. HEIRS OF BASILIO
REGUYAL, APPELLANTS, AND PLACIDO CABILES ET AL., APPELLEES.**

G.R. No. 34192. February 06, 1932

Ponente: STREET, J.

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STREET, J.:

The combined appeals in these two cases are concerned with two rival claims to lots 959, 960, 961, 973, 997, 1001, 1004, 1005, 1006, 1034 and 4304 in cadastral expedientes Nos. 23 and 24, G. L. R. O. record Nos. 657 and 660. The individuals representing the two conflicting interests are numerous; and the land in contention is located in the municipality of Umingan, in the Province of Pangasinan. For cadastral purposes it has been divided into the lots enumerated above, forming what was formerly part of a larger mass. The appellees are the successors in interest of Adriano Reguyal, son of Basilio Reguyal. The appellants are also descendants of Basilio Reguyal. The question raised by the appellants is, briefly, whether the land now in question formerly belonged exclusively to Adriano Reguyal or to him and his other brothers and sisters in common.

The chain of title of the appellees begins in Adriano Reguyal, who, in 1894, procured and caused to be properly registered a possessory information covering all of the land now in controversy. This information was extended in the name of Adriano Reguyal as possessor, and it is in due form of law, having been duly registered in 1894 in the office of the register of property of the province. In 1909 Adriano Reguyal sold said property for a valuable consideration to one Domingo Belisario (Exhibit D), who entered into possession promptly after the purchase of the property was effected by him. Later Belisario at various times sold the land, in small parcels, to the present possessors, over seventy in number, who are the appellees in this case.

It is proved by a preponderance of the evidence that Adriano Reguyal held peaceful possession of this property from about the year 1890 until he sold it to Belisario, and that the produce of the land, while it was in his possession, was enjoyed by himself, to the exclusion of all other persons. It is further proved that from the time Belisario acquired the property in 1909 the produce has been, enjoyed by himself and his successors in interest without disturbance from any one, though in 1920 an action of reivindicacion was instituted by Paulina Casimina, one of the present appellants, and others, to recover the property from the occupants (the appellees).

The appellants' case supposes that the land in question, having an area of nearly 300 hectares, formerly belonged to Basilio Reguyal, who died about 1889, leaving six children, who inherited said land as property in common. It is furthermore claimed that this property has never been divided, with the result that at least a five-sixths undivided interest therein belongs to the plaintiffs. In this connection it is asserted that the possessory information was extended in the name of Adriano Reguyal because he was, the oldest son of Basilio Reguyal, and because it was not convenient for the other persons in interest to attend at the office of the official before whom the information was drawn up and promulgated. It is claimed furthermore that there was an agreement among the heirs to the effect that the taking of the possessory information in the name of Adriano should not prejudice the

right of the other heirs.

We are of the opinion that the trial court was right in awarding the property to the appellees, who derive title from Adriano Reguyal, through Domingo Belisario. The latter was clearly a bona fide purchaser for value from the apparent owner, Adriano Reguyal, without notice of the alleged rights of the appellants. Furthermore the appellees, the actual occupants of the property, are purchasers for value under Domingo Belisario, and the duration of their successive possession extends over at least forty years. Any right on the part of the appellants has therefore been extinguished by adverse possession even supposing that the property originally pertained to Basilio Reguyal and not exclusively to his son Adriano.

An attempt is made to avoid the effects of the long continued adverse possession of the appellees and their predecessors in interest by means of the minority of one of the appellants, Paulina Casimina, who is said to have been born in 1900, and who accordingly must have attained majority in 1921. It should be borne in mind, however, that the possession of Adriano Reguyal began before the birth of this claimant, and it is a rule that before the statutory saving in favor of a minor can be effective, it must appear that the right of action originated in the life of such minor. In other words, if the statute of limitations once begins to run against a parent, before a child is born, there is no saving in favor of the child. Otherwise stated, the rule is that, adverse possession beginning during the life of the ancestor will be effective against his infant heirs. The protection afforded by the statute is for those against whom adverse possession is first asserted and who may at that time be under disability. (*Armstrong vs. Wilcox*, 57 Fla., 30; 131 A. S. R., 1080; *Jackson vs. Moore*, 15 Johns. [N. Y.], 513; 7 Am. Dec. 398; *Scallon vs. Manhattan R. Co.*, 185 N. Y., 359; 7 Ann. Cas., 168; *Garner vs. Wingrove* [1905], 2 Ch., 233; 3 Ann. Cas., 837; 3 British R. Cas., 737.) It results that, in the case before us, the title of the appellees is perfect, and was such when the appellants filed their claim to the land in this case.

There is another aspect of the case which is equally decisive against the claim of the appellants, and it is this: When the appellants or their ancestors consented for the possessory information to be taken exclusively in the name of Adriano Reguyal, the latter became a trustee in effect for the others, supposing these to be owners of the property in common with Adriano, as they claim; and Adriano necessarily acquired a power of disposition adequate to convey the possessory right to any bona fide purchaser from him.

The right of the appellants was thereby reduced to a mere equity, which is ineffective against Domingo Belisario and purchasers under him.

What has been said goes on the assumption that the land with which we are here concerned belonged in life to Basilio Reguyal and that the title descended at his death to all of his children in common. This fact mainly rests, however, on the testimony of one of the appellants, and the correctness of the assumption is open to grave question.

The judgment appealed from will be affirmed, and it is so ordered, with costs against the appellants.

Avanceña, C. J., Johnson, Malcolm, Villamor, Ostrand, Romualdez, Villa-Real, and Imperial, JJ., concur.

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