

**THE DIRECTOR OP LANDS, APPLICANT AND APPELLANT, VS.
TIMOTEO ABARCA ET AL., CLAIMANTS, ISIDRO MARFORI,
CLAIMANT AND APPELLEE.**

G.R. No. 34408. December 15, 1931

Ponente: STREET, J.

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STREET, J.:

In the cadastral expediente No. 1, G. L. R. O. Record No. 317, lots bearing the numbers 676, 677, and 678 were in the end claimed by the Director of Lands represented by the provincial fiscal in behalf of the Government, and by Isidro Marfori, successor to Simeon larfori. Upon hearing the cause the trial court declared Marfori to be the owner of the property in question and adjudicated the same to him, with the improvements thereon, the opposition of the Director of Lands being over-ruled. From this judgment the Director of Lands appealed.

The lots in question are on one of the banks of the Davao River as it now runs, in the municipality of Davao, in the province of Davao. It appears that Isidro Marfori is heir of Simeon Marfori who, many yearn a ago, obtained registration of lots 400, 401, and 402 immediately contiguous to the three lots now in question. Since those lots were registered in the name of Simeon Marfori, the Davao River has shifted its bed, thereby forming the lots now in question contiguous to the three lots previously registered. It should be noted that the certificate of title No. 506 covering the lots originally registered calls for the Davao River as boundary of those registered parcels on the southwest. The question now raised is whether Isidro Marfori, as heir of Simeon Marfori, is the owner of the contiguous lots newly formed by the shifting of the river and by accretion as aforesaid.

Upon examining the evidence in connection with the assignments of error, the members of the Division trying this case, with the exception of the ponente, are of the opinion that the conclusion of the trial judge was correct.

The judgment appealed from will therefore be affirmed, and it is so ordered, without pronouncement as to costs.

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

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

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