

THE DIRECTOR OF LANDS, APPLICANT AND APPELLEE, VS. DIONISIO ABALATEO ET AL, CLAIMANTS, MANUEL USISON ET AL, CLAIMANTS AND APPELLANTS.

G. R. No. 34801. December 19, 1931

Ponente: OSTRAND, J.

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OSTRAND, J.:

On June 22,, 19S9, Lot No. 437, Cadastral Case No. 28 of the Court of First Instance of Capiz, was declared public land by the trial court because, with the exception of Feliciano Ubugan who claimed the land as Ms homestead, no one had presented any claim with respect to said lot.

On June 36, 1929, the appellant Auxiliadora Quiachon presented a motion to the court below alleging that she is the owner of a portion consisting of 10 hectares of Lot No. 437 and praying that the decision referred to above be set aside and that she be allowed to file an answer with respect to the same lot. The motion was granted, and Auxxliadora Quiachon, on behalf of her two sons, Manuel Usison and Silverio Usison, subsequently filed an answer with respect to the lot in question. After hearing, the court below again declared Lot No. 437 as public lewd. From this judgment Usison brothers appealed to this court.

We agree with the court below in its findings and judgment rendered in this case. Appellants have failed to show at the hearing any title to the land in question sufficient for registration.

The judgment appealed from is affirmed, with costs against the appellant.

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

It is so ordered.

Avanceña, C. J. Johnson, Vlllamor,and Villa-Real, JJ., concur.

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