

HEIRS OF DATU PENDATUN, APPLICANTS AND APPELLEES, VS. THE DIRECTOR OF LANDS ET AL., OPPONENTS. THE DIRECTOR OF LANDS, APPELLANT.

G. R. No. 36699. March 03, 1934

Ponente: BUTTE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36699/>

BUTTE, J.:

This is an appeal by the Director of Lands from a decision of the Court of First Instance of Cotabato awarding to the Heirs of Datu Pendatun, represented by their guardian, Edward M. Kuder, a tract of land with an area of 3,071 hectares in the district of Buluan, Province of Cotabato.

Salipada, Tinomimbang, Abu-Bakal and Bagutao, minors, represented by their guardian, Edward M. Kuder, filed an application on December 12, 1929, for the registration of said tract of land in accordance with the provisions of the Land Registration Act (No. 496) or with those of the Public Land Act (No. 2874). Some ninety private claimants filed their respective oppositions claiming portions of said land. The Director of Lands and the Director of Forestry opposed the application on the ground that all of said lands are public domain.

On November 18, 1930, the private claimants and the registration applicants made a compromise whereby the applicants excluded from their application the eastern portion of the land described by drawing a straight line from corner 6 to corner 43 of the applicants' plan marked Exhibit A containing an area of 500 hectares and the private oppositors withdrew their opposition to the application of the heirs of Pendatun for the remaining portion of the land. The compromise recites:

"2. The opponents hereby withdraw their opposition to the application of the heirs of Pendatun whose ownership of the remaining portion they acknowledge and recognize and support the registration."

Besides excluding the 500 hectares on the east in pursuance of said compromise, the applicants, for some reason that does not appear in the record, likewise "temporarily" excluded a tract of 500 hectares on the west side of the land in question embraced within points 22 to 34 of the said plan, Exhibit A.

On June 15, 1931, the trial court entered a judgment ordering the registration in favor of the applicants of the entire land in question except that which was excluded as aforesaid. The Director of Lands makes the following assignments of error:

"The lower court erred:

"1. In ordering the registration in favor of the applicants of the real property involved in the case, and in not declaring the same to be public land; and

"2. In denying the motion for new trial."

The decision of the trial court, which is very brief and incomplete considering the immense area of the land in question, makes the following findings of fact which leave much to be desired in the way of specific detail:

"De las pruebas practicadas por los solicitantes se han establecido los siguientes hechos:

"Que los solicitantes han heredado el terreno descrito en el Exhibit A de su padre, el Datu Pendatun, quien a su vez lo heredo de su padre Datu Ante y este de su padre el Sultan Masandag, quien tambien lo heredo del Sultan Umbul, quien a su vez lo heredo del Sultan Diluyudin, que era el fundador de Bago Ingued donde estan situados los terrenos en cuestion; que los solicitanteg y sus causantes por si y por medio de sus inquilinos han estado poseyendo el terreno solicitado desde tiempo inmemorial de una manera pacifica, publica y abierta, continua, adversa, exclusiva y en concepto de duenos, cultivando gran porcion del mismo y dedicando parte al pasto de ganados, sembrandolo de arboles frutales las partes altas y sembrando las partes bajas de palay, maiz y otros productos; que en el terreno solicitado no existe bosque ni arboles maderables.

"Estos hechos se deducen de las declaraciones de los testigos de los solicitantes Salipada, Arba, Sintuan, Lumiguís, Maragua, Manambuay, Labu y Rugungan y corroborados en cierta manera por los testigos de la oposicion (Ramos vs. Director of Lands, 39 Phil., 175, 176)."

We have examined the entire record in this case and come to the conclusion that the applicants have not proven with that certainty required by the statute that they have been in continuous and exclusive possession, holding said land as owners, so as to bring this case within paragraph (b) of section 45 of Act No. 2874. We are convinced that said land should be declared public domain.

The decision of the trial court, and apparently the appellees likewise, seem to assume that by proving the descent of the claimants from Sultan Diluyudin the applicants have proven their right to the land in question. But the succession referred to in the decision and the genealogical tree shown on page 3 of the appellees' brief proves at most a succession to political authority and does not establish in any sense private possession by each of the individuals mentioned of the land in question. The possession which Act No. 2874 contemplates is "the open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership." Even assuming that the rights and prerogatives of Sultan Diluyudin passed by succession in the line as aforesaid, there is nothing in the evidence that convinces us that any of them ever made a bona fide claim of acquisition of ownership or that any of them held adversely and exclusively for himself and against all the world.

Neither the applicants nor their predecessors ever declared the land for the purpose of taxation until the year 1929. Most of it is still uncultivated, covered with trees, cogon and tall grass. It "is probable that from time to time nomadic individuals occupied and cultivated small portions of the land but later abandoned it.

There being no evidence whatever that the property in question was ever acquired by the applicants or their ancestors either by composition title from the Spanish Government or by possessory information title or by any other means for the acquisition of public lands, the property must be held to be public domain.

The judgment of the court below is reversed and the land described in the application and shown on Exhibit A thereof is declared to be public domain. Costs de oficio.

Street, Abad Santos, Hull, and Diaz, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.