

MISAMIS LUMBER CO., INC., APPLICANT AND APPELLANT, VS. THE DIRECTOR OF LANDS ET AL., OPPOSITORS AND APPELLEES.*G.R. No. 36767. February 21, 1933*

Ponente: OSTRAND, J.

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This is an appeal for the registration of land under the Torrens system, filed by Misamis Lumber Co., Inc., a Philippine corporation. The Director of Lands, the Director of Forestry, as well as Jorge B. Neri, Paulino and Leoncio Cebedo, Ramon Daomilas, Esteban Villanueva, Antero Hinagdanan, Inocentes Angelio, Leoncio Bala and others, Agapito Villanueva, Gregorio Gacasan, Leoncio Dico et al., Roman Mabanag et al., Guillermo Amigable, Irineo Ocampos, Francisco Roa, Antonio Murallon, Florencio Tormes, Gregorio Asne, Ignacio Gonzaga, Jose K. Ledesma and sisters, Leoncio Catane, Teodoro Mante, Policarpo Pelito, Eugenia Mahinay, Pedro Dalgo, Julio Garban, Tiburcio Serania, Isidro Bitay, Rafael Bitay, Jose Salibay, Mariano Aldemita, Salvador and Vicente L. Neri, Fortunato Buhisan, Datu Mamaki, Datu Tumbaga, Datu Macatanong, Datu Banukang, Moro Rascal, Moro Daurog, Moro Manintal, Moro Laundi, Valentin Minosa, Simeon Sobrino, Francisco Abangan, Pablo Natividad, Enrique Pacana, Donato Fuentes, Tomas Fuentes, Pedro Durias, Faustino Macamay, Luis Oliveros, Paterno Mabanag, Cenona Canilanza, Isidoro Monarca, Laureana Monarca, Felipe Maglasang, Santiago Maglasang, and others presented oppositions.

It appears from the evidence that as late as the year 1925 most of the land involved in the present proceedings, with an area of 709 hectares according to the opposition presented by the Director of Lands and also according to the decision of the court below, was covered with forest.

In the year 1926, Marciano Aldemita, in the capacity of homesteader, took possession of a portion of the land in question. From that time up to the date of the trial no one had ever molested or interrupted this homesteader in his possession of his homestead. At the time he entered upon the land, it was covered with large trees.

In the same year, another homesteader, Pablo Natividad, also entered upon another portion of the said land, which was then also covered with forest. He has cleared a portion of his homestead, planting it to coconuts, abaca, and corn. He has built four houses on the homestead, and other portions of the same land have also been in the possession and occupation of other public land applicants.

The evidence for the applicant, the Misamis Lumber Co., Inc., tends to show that by virtue of a supposed possessory information title, Simeon Ledesma y Saligumba, deceased, was in possession of a tract of abaca and pasture land with an area of 237 hectares situated in Cagayan, Misamis; that Simeon Ledesma was succeeded in his possession of the land by his children Jose, Concepcion, and Soledad; that the Ledesma brothers later sold to Vicente L. Neri and Salvador Neri two-thirds of said tract of land; that afterwards, or on April 23, 1928, the Neris sold the said portion to the applicant; and that on May 31, 1929, the Ledesma brothers also sold to the applicant the remaining one-third part of the same land. At the time the applicant took possession of the land in question, it was covered with forest.

The Misamis Lumber Co., Inc., applicant-appellant, was in duty bound to identify sufficiently and satisfactorily the land or lands which it claims as its own. Having failed to do so, the applicant-appellant must necessarily fail.

"A person who brings an action to recover possession is under the obligation to fully prove, according to repeated judicial decisions, not only his ownership, but also the identity of the thing claimed.

* * * * *

"The possessor under claim of ownership has in his favor the legal presumption that he holds the possession by reason of a sufficient title, and he can not be forced to show it, because in an action to recover possession of real estate, under an alleged title of ownership, the plaintiff must rely upon the strength of his own title and not upon the weakness of that of the defendant, and he must establish his allegations by a preponderance of evidence. (Sanchez Mellado vs. Municipality of Tacloban, 9 Phil., 92.)

"In order that an action for recovery may be maintained, it is indispensable, according to the well-settled doctrine of the courts of justice, that the person bringing the action shall fully prove not only his dominion over the thing claimed, but also the identity of the same. (Sison vs. Ramos, 13 Phil., 54.)

"A person who brings an action to recover possession is under the obligation to fully prove, according to repeated judicial decisions, not only his ownership, but also the identity of the thing claimed.

"It is an old and well settled rule of the courts¹ that if the plaintiff, upon whom rests the burden of proving his cause of action, fails to show in a satisfactory manner the facts upon which he bases his claim, the defendant is under no obligation to prove his exceptions or defense. (Belen vs. Belen, 13 Phil., 202, 205, 206.)

"The applicant for registration of land under Torrens system must show to the satisfaction of the court that he is the owner of the land in fee simple. (Maloles vs. Director of Lands, 25 Phil., 548.)

"In order to secure approval of an application for the registration of real estate, whether rural or urban, in the property registry, in accordance with the laws that govern in the matter, the petitioner must satisfactorily prove that he is the owner and proprietor of the realty which he seeks to have recorded. (De Liza vs. Director of Lands, 28 Phil., 208.)"[1]

Counsel for the oppositors-appellees states that "the applicant-appellant having failed to identify the land or lands, which it has acquired by purchase from the Neris, his application was, therefore, properly dismissed". It must be said that notwithstanding its efforts to identify the land mentioned in the application for registration filed in this case, the evidence presented by the applicant-appellant, as found by the learned trial judge, was absolutely unsatisfactory and utterly insufficient to identify the land described in the application or the portions thereof it claims to have acquired from the Neris and the Ledesmas.

In view of the foregoing, the court below made the following findings:

"(1) That the land Messrs. Salvador Neri and Vicente L. Neri sold to the party applicant is that only which is described in Exhibit 6;

"(2) That the land that Jose K. Ledesma and his brother Vicente Ledesma sold to the party applicant is the difference between the one-third belonging to them and all the portions they sold to others before the execution of Exhibit 21, as stated above;

"(3) That the party applicant has no right to have all the land applied for, as described in Exhibit A, registered in its name, for that would include considerable real estate belonging to other persons;

"(4) That the land sought to be registered has not been duly identified."

The application for registration is hereby dismissed. Without costs. So ordered.

Avanceña, C. J., Street, Abad Santos, and Butte, JJ., concur.

[1] Quotations taken from brief of the appellees, pp. 23-25.

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