

DAMASO SANTIAGO ET AL., PLAINTIFFS AND APPELLEES, VS. THE INSULAR GOVERNMENT, DEFENDANT AND APPELLANT.

G.R. No. 3783. January 26, 1909

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 2d day of May, 1906, the plaintiffs presented a petition in the Court of Land Registration, for the purpose of registering, under the Torrens system and in accordance with the laws of the Philippine Islands, the following-described real estate:

"A fish pond or breeding ground situated in the district of Dampalit, municipality of Malabon, Rizal Province, P. I., bounded on the north, east, and south by the lands of Miguel Pascual, and on the west by the fish ponds of Servillano Santiago. It measures 20 ares, 18 centares and 68 thousandths. The land described was last assessed for the purposes of the land tax at \$97, U. S. currency, and the buildings at \$30, U. S. currency."

To this petition the Insular Government filed its opposition, basing the same upon the ground that the lands in question were not agricultural lands, but viveros de peces [fish ponds] and therefore the plaintiffs were not entitled to have the same registered under the Torrens system in accordance with the provisions of Act No. 926 of the Philippine Commission. After hearing the evidence and the arguments of the respective parties, the lower court ordered the registration of the lands in question and the issuance to the plaintiff of a certificate of that fact.

From this decision of the lower court, the defendant appealed.

In the brief filed by the defendant and appellant in this court, it is stated that the same questions of law and fact are presented in this case that were presented to the court in the case of *Mapa vs The Insular Government* (Cause No. 3793, 10 Phil. Rep., 175). In that case this court held that lands such as are described in the petition of the plaintiff in the present case, are agricultural lands and are subject to be registered in accordance with the provisions of said Act No. 926.

Upon a full consideration of the facts and the law, we still adhere to the doctrine established in the case of *Mapa vs. The Insular Government*, holding that the lands in question are agricultural lands, and for the reasons stated in that case in support of this doctrine, the judgment of the lower court is hereby affirmed, with the costs of this instance against the appellant.

Arellano, C. J., Torres, Mapa, Carson, Willard, and Tracey, JJ., concur.

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