

JUAN IBAÑEZ DE ALDECOA, PETITIONER AND APPELLANT, VS. THE INSULAR GOVERNMENT, RESPONDENT AND APPELLEE.

G.R. No. 3894. March 12, 1909

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3894/>

TORRES, J.:

On the 8th of March, 1904, in accordance with the new Land Registration Act, Juan Ibañez de Aldecoa applied for the registration of his title to a parcel of land, 3,375 square meters in extent, situated in the town of Surigao; a plan and technical description of said parcel was attached to his application.

After the formalities of the law were complied with, and an opinion of the examiner of titles opposing the request of the applicant, had been rendered, the Attorney-General by a writing dated March 21, 1905, objected to the registration applied for, alleging that the land in question was the property of the Government of the United States, and as now under the control of the Insular Government; that the title of ownership issued by the politico-militar governor of Surigao, Mindanao, issued on the 19th of June, 1889, to Telesforo Ibañez de Aldecoa, antecessor of the petitioner with respect to the land in question, was entirely null and void, for the reason that said grant had not been made in accordance with the laws then in force on the subject, and because the said governor had no authority to make such a grant; he prayed the court below to dismiss the application with costs.

As the case stood the applicant, Aldecoa, on the 8th of April, 1905, amended his former petition, and, relying upon the provisions of paragraphs 5 and 6 of section 54 of Act No. 926, alleged that at the time he requested the registration of the land in question, comprised in the plan then submitted the aforesaid Act No. 926 was not yet in force, and as the latter affords better facilities for securing titles to property unprovided with them, as in the case with the land in question, the applicant, availing himself of the benefits granted by the said Act, prayed that the same be applied to the inscription of his land, inasmuch as it was included within paragraphs 5 and 6 of section 64, Chapter VI, thereof, and prayed the court to take into consideration the amendment to his petition.

Evidence was adduced by the petitioner at the trial of the case, and on February 2, 1907, the judge of the Court of Land Registration entered his decision in the matter and, in view of the opposition offered by the Insular Government denied the petition without costs, and ordered the cancellation of the entry made of the said property in the record under No. 408, folio 206 of volume 2 of the municipality of Surigao.

The applicant excepted to this decision and moved for a new trial; his motion was overruled to which he also excepted and presented the corresponding bill of exceptions which was approved and submitted to this court.

The question set up in these proceedings by virtue of the appeal interposed by counsel for Juan Ibañez de Aldecoa, is whether or not a parcel of land that is susceptible of being cultivated, and, ceasing to be agricultural land, was converted into a building lot, is subject to the legal provisions in force regarding Government public lands which may be alienated in favor of private individuals or corporations. While from the remote time of the conquest of this Archipelago the occupation or material possession together with the improvement and cultivation for a certain number of years, as fixed by the laws of the Indies, of given portions of vacant Government lands,

was the method established by the Government to facilitate the acquisition thereof by private persons, later, by the royal decrees of June 25, 1880, and December 26, 1884, the system of composition with the State and that of sales by public auction were instituted as the means for acquiring such lands.

In view of the difficulties which prevented the rapid dispatch of the proceedings instituted for this purpose, the royal decree of February 13, 1894, was promulgated, establishing the possessory information as the method of legalizing possession of vacant Crown land, under certain conditions which were set out in said decree.

After the change of sovereignty, the Commission enacted Act No. 926, relating to public lands, in accordance with the provisions of sections 13, 14, and 15 of the Act of the Congress of the United States of July 1, 1902, section 54, paragraph 6 of which (Act No. 926) is as follows:

"SEC. 54. The following-described persons or their legal successors in right, occupying public lands in the Philippine Islands, or claiming to own any such lands or an interest therein, but whose titles to such lands have not been perfected, may apply to the Court of Land Registration of the Philippine Islands for confirmation of their claims and the issuance of a certificate of title therefor to wit:

* * * * *

"6. All persons who by themselves or their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural public lands, as defined by said Act of Congress of July first, nineteen hundred and two, under a bona fide claim of ownership except as against the Government, for a period of ten years next preceding the taking effect of this Act, except when prevented by war or force majeure, shall be conclusively presumed to have performed all the conditions essential to a government grant and to have received the same, and shall be entitled to a certificate of title to such land under the provisions of this chapter.

"All applicants for lands under paragraphs one, two, three, four, and five of this section must establish by proper official records or documents that such proceedings as are therein required were taken and the necessary conditions complied with: Provided, however, That such requirements shall not apply to the fact of adverse possession."

Given the above legal provisions and the data contained in the record, it is seen that the land, the registration of which is claimed, was of the class of vacant crown or public land which the State could alienate to private persons, and being susceptible of cultivation, since at any time the person in possession desired to convert it into agricultural land he might do so in the same manner that he had made a building lot of it, it undoubtedly falls within the terms of the said Act of Congress, as well as the provisions of the above-cited section 54 and paragraph 6 thereof of Act No. 926, for the reason that the said land is neither mining nor timber land.

We refrain from mentioning herein what originally was the nature of the land whereon was built the greatest cities of the world; and confining ourselves to that on which the cities and towns in these Islands were erected, it can not be denied that, at the commencement of the occupation of this Archipelago by the Spaniards, and at the time of the distribution of lands, the latter were rural and agricultural in their nature. Rural also were the old towns, the cradle and foundation of the present cities and large towns of the Philippines, and as the inhabitants increased, and added to the number of their dwellings, the farms gradually became converted into town lots.

In provincial towns, and in the suburbs of Manila, many houses are to be seen that are erected on lots that form part of land used for agricultural purposes. If for the time being, and to the advantage of the possessors thereof, they have ceased to be such agricultural lands, they may later on again become transformed into farming land and, by the industry of the owner, again be made to yield fruit.

Hence, any parcel of land or building lot is susceptible of cultivation, and may be converted into a field, and

planted with all kinds of vegetation; for this reason, where land is not mining or forestal in its nature, it must necessarily be included within the classification of agricultural land, not because it is actually used for the purposes of agriculture, but because it was originally agricultural and may again become so under other circumstances; besides, the Act of Congress contains only three classifications, and makes no special provision with respect to building lots or urban lands that have ceased to be agricultural land.

In the decision rendered by this court in the case of *Mapa vs. The Insular Government*, No. 3793 (10 Phil. Rep., 175), the legislation in force was interpreted in a similar sense.

It is not to be believed that it was the sense of the two sovereign powers that have successively promulgated the said laws, to place those in possession of building lots under title of ownership" in an anomalous, uncertain and insecure position, rendering it impossible for them to obtain legal titles to the lands appropriated by them, and denying them the care and protection of the law to which they were certainly entitled on account of the efforts they have made, both in their own behalf, and for the benefit of the cities and towns in which they reside, contributing to the wealth and increase of the country.

In the case at bar we have to deal with laws that were enacted after almost all the towns of this Archipelago were established, and it must be assumed that the lawmakers have started from the supposition that titles to the building lots within the confines of such towns had been duly acquired; therefore, in special cases like the present one, wherein is sought the registration of a lot situated within a town created and acknowledged administratively, it is proper to apply thereto the laws in force and classify it as agricultural land, inasmuch as it was agricultural prior to its conversion into a building lot, and is subject at any time to further rotation and cultivation; moreover, it does not appear that it was ever mining or forest land.

It should be noted that article 1 of the royal decree and regulation of the 25th of June, 1880,-says: "In the Philippine Islands, all vacant lands, soils, and grounds without a lawful private owner, or, which have never been under private control, shall be deemed to be alienable crown lands for the effects of the regulation, and in accordance with law 14, title 12, book 4, of the *Novisima Recopilacion*;" that article 1 of the royal decree of the 14th of February, 1894, states: "Vacant lands, soils, grounds, and mountains in the Philippine Islands shall be deemed to be alienable Crown lands, provided they are not included within the following exceptions: (1) Those of private ownership; (2) those belonging to the forest zone; (3) those comprised in the communal laws, or within zones reserved for the use in common by residents of the community; and (4) those lands which are susceptible of private appropriation by means of composition or possessory information;" and that although section 13 of the Act of Congress of July 1, 1902, directs the Government of the Philippine Islands to classify public lands that are neither forest nor mining lands according to their agricultural character and productiveness, section 14 authorizes and empowers the said Government "to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said Islands, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto, yet failed to secure conveyance of title, etc.;" and section 15 authorizes and empowers the said Government of the Philippine Islands "on such terms as it may prescribe, by general legislation, to provide for the granting, or sale and conveyance to actual, occupants and settlers and other citizens of said Islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said Islands, as it may deem wise, etc."

From the language of the foregoing provisions of the law, it is deduced that, with the exception of those comprised within the mineral and timber zone, all lands owned by the State or by the sovereign nation are public in character, and per se alienable and, provided they are not destined to the use of the public in general or reserved by the Government in accordance with law, they may be acquired by any private or juridical person; and

considering their origin and primitive state and the general uses to which they were accorded, they are called agricultural lands, urban lands or building lots being included in this classification for the purpose of distinguishing rural and urban estates from mineral and timber lands; the transformation they may have undergone is no obstacle to such classification as the possessors thereof may again convert them into rural estates.

If the land sought to be registered is neither mineral nor timber land, and on the other hand is susceptible of cultivation the Act of Congress contains no provision whatever that would exclude it from being classified as agricultural land, and assuming that it falls within that classification, the benefits of paragraph 6, section 54, of Act No. 926, must forthwith be applied for the reason that it has been fully proven that the applicant was in possession thereof for more than 13 years prior to the 26th of July, 1904, when the said Act went into effect. Furthermore, there is no legal reason or cause to exclude urban lands from the benefits of the aforesaid Act; on the contrary, the interpretation that urban real estate, that is not mineral or forestal in character, be understood to fall within the classification of agricultural land, is deemed to be most rational and beneficial to public interests.

Therefore, in view of the foregoing, it is our opinion that the judgment appealed from should be reversed, and that it should be, as it is, hereby ordered, that, after holding in general default all such persons as may have any interest in the said parcel of land, the registration of the same shall be granted in accordance with the Land Registration Act. No special ruling is made as to costs. So ordered.

Willard, J., concurs.

Carson, J., concurs in the result.

ARELLANO, C J., with whom concurs MAPA, J., concurring:

The land that is the subject of the petition in this case, is described in the judgment of the court below, whose conclusions of fact are of the following tenor:

"The object of registration in this case is a lot situated on McKinley Avenue, in the municipality of Surigao, province of the same name; it comprises an area of 3,375 square meters, and is bounded on the north by the seashore; on the east by the land of the heirs of the late Andres Ojeda; on the south by the aforesaid street; and on the west by the premises of the government building.

"In order to acquire the said property, which is a building lot situated in the inhabited portion of the said municipality of Surigao, Telesforo Ibañez de Aldecoa on June 11, 1889, filed a petition with the politico-militar governor of the 3d District of Mindanao to whom then belonged the municipality and Province of Surigao, claiming the said lot as being abandoned, and requesting that he be granted a title of ownership thereto. In view of the said petition, D. Juan Cirlot y Butler, major of Infantry, who at the time was governor, directed bandillos (proclamations) to be published for three successive nights in the said municipality of Surigao, calling on all persons who considered that they were entitled to the said lot; after the bandillos had so been published, and no one appearing to claim the lot, and it appearing from the report of the gobernadorcillo and principales of said municipality that the lot was unoccupied and that no one had ever been known to own the same, the governor, on the 19th of the said month of June, granted to the said Telesforo Ibañez de Aldecoa title of ownership to the said lot in order that he might forthwith build a house thereon. The document setting forth the said concession was a certificate issued on the same date, the 19th, by the aforesaid governor; and by order of the Court of First Instance of Surigao, the same was entered in the record of public instruments of the said court corresponding to said year on the 22d of October. A certified copy of the document so recorded was obtained and attached to the record of the case, and was recorded on the 23d of March, 1896, in the registry of property of the said Province of Surigao at folio 206 of volume 2 of the municipality of Surigao, lot No; 408, first entry.

"After the title of ownership to the lot in question had been granted in the manner above stated, the grantee, Telesforo Ibañez de Aldecoa, immediately took possession and within a short time had it fenced in and took care to keep the fence in good repair; and thus keeping the land constantly fenced in he continued to possess it publicly, in his own name and as the owner thereof, without any interruption or opposition from anyone until he died in the year 1902.

"After the death of the said Telesforo Ibañez de Aldecoa, his widow succeeded him in the possession of one-half of the lot in question for the reason that it pertained to the bienes gananciales (property acquired during marriage), and his son, the petitioner herein, as sole heir of the deceased, inherited the other half. He also has kept the land fenced in, and lately replaced the fence with a wire one. Toward the month of March or April, 1903, the provincial board of Surigao, in spite of the opposition and protests on the part of the aforesaid possessors, ordered the removal of and did remove the fence around the lot above referred to, claiming that the said lot belonged to the Province of Surigao; that for this reason their possession was interrupted until March 1904, when the said possessors, after having filed their application for registration in these proceedings, erected monuments on the lot. And that lot has never been devoted to cultivation, neither is it by its nature suitable for any kind of cultivation

"Such are the facts that should be considered as proven in these proceedings."

From the facts set forth it evidently appears:

First. That the land in question is a building lot situated within the inhabited portion of the town of Surigao.

Second. That since June, 1889, the said lot had been possessed with the knowledge and consent of the said municipality, peacefully and without any opposition up to March or April, 1903, to-wit, approximately fourteen years; that prior to the said adjudication, the gobernadorcillo and the principales of said municipality had been cited and heard on the subject.

Third. That the title of ownership issued by the provincial official of Surigao was entered in the registry of property of said province on the 23d of March, 1896.

Fourth. That from March or April, 1903, until March, 1904, the material possession suffered interruption on account of an abusive and arbitrary act of intrusion of the provincial board of Surigao which had absolutely no authority to commit such an act of spoliation; and,

Fifth. That in March, 1904, after the peaceful and quiet possession was resumed, the petitioner instituted these proceedings for the purpose of obtaining a new title of ownership in accordance with the Acts of the Philippine Commission that created the new registry of property.

The present opposition is based on the supposition that the said lot was a parcel of land subject to composition, as if it were vacant Government land; that as such vacant and Government land, it had not been duly granted by composition when in June, 1889, Telesforo Ibañez de Aldecoa obtained his title of ownership from the politico-militar governor of said province, who was not the person called upon to grant titles by composition after the promulgation of the royal decree of June 25, 1880, and that of December 26, 1884; and the Court of Land Registration, assuming on the contrary that the said land is not vacant crown land, it not being devoted to agriculture but to building purposes, and because "by reason of its nature it is not suitable for agriculture but is destined exclusively to building purposes, and is therefore not agricultural, it believes that the same can not be the subject of adjudication under the provisions of the Act of Congress and Act No. 926 of the Philippine Commission, and that in the opinion of the court, paragraph 6 of section 54 of Act No. 926 is not applicable to urban real estate."

An established rule which has been repeatedly laid down by this court, is that only the vacant Crown lands were

subject to composition; that is, rural lands devoted to cultivation. In the present case the petitioner finds himself between the horns of a dilemma: As to whether the land in question is urban or rural property; if it is rural, the Attorney-General argues that it has not been subjected to composition, and that the possession thereof is consequently illegal; and if it is urban, the lower court rejects it as not being susceptible of acquisition under the title of ownership that has been newly created and organized. In conclusion it appears: First, that the owners of urban real estate can not obtain Torrens titles through possession for ten years, nor by a possessory information recorded for that or a longer period of time. Second, that urban real estate, possessed for more than fourteen years with the knowledge and consent of the authorities of the town wherein it is located, may be recovered by the Government on the ground that it is public land that had not been alienated by it, for the reason that it is not agricultural, nor is it mineral or timber land.

It would be necessary to demonstrate that this building lot, which was recorded in the registry of property with possessory information, and continuously and materially possessed as private property since June, 1889, until the 11th of April, 1899, without opposition from the Spanish Government, was public land transferred by the treaty of Paris to the public domain of the present sovereignty, and that under said character of public land it is not agricultural land that may be conveyed to private dominion according to section 13 of the Act of Congress, and section 54 of Act No. 926.

It is true that at the time above referred to, June of 1889, the politico-militar governor of Surigao had no authority to issue titles by composition. And as a matter of fact, at that time, the said governor did not issue to Telesforo Ibañez de Aldecoa a title by composition. So that this is not the question.

What he did was to adjudicate to Telesforo Ibañez de Aldecoa a building lot in the town of Surigao, and to that effect he issued to him a title of ownership to the said lot. And this is a question anent which absolutely no argument has been made in the whole proceedings.

It is argued that the said provincial governor had no authority to issue the title, and that the said title is null on the unwarranted supposition, that it was a title of composition such as was provided for by the royal decrees of 1880 and 1884, which is entirely incorrect.

What should have been proven was, either that the said lot, though a building or town site (not rural property or arable land) could not be acquired otherwise than by composition, in accordance with the aforesaid royal decrees of 1880 and 1884, or, that the politico-militar governor of a province could not adjudicate the ownership of land situated within the town to a resident thereof as such building lot or urban real estate, and still less as vacant. Crown land, although within the inhabited portion of the town, as it is desired to consider the same. And in this sense nothing has been proven or sought to be proven in the whole case.

The question is merely one of supposition. The Attorney-General has supposed that it was vacant Crown land, and as such, agricultural land which was possessed without title by composition. The court below has supposed it to be a building lot or urban property, not agricultural land, entirely excluded from the benefits of Act No. 926 of the Commission. And in either form the said land or building lot possessed as private property prior to the enactment of Act No. 926, can not be recorded in the new registry of property.

Was it an illegal possession? Was the possession held from 1889 to the 11th of April, 1899, usurped from the Spanish Government so that at the latter date, the land thus possessed should be considered as part of the public property which Spain transferred to the United States by the treaty of Paris?

According to Article VIII of said treaty, Spain ceded all real property which under the law was of public domain, and as such belonged to Spain. It was held that this cession could in no way affect the ownership or rights which,

in accordance with law, corresponded to the peaceful possessor of property of every class, that is to say, the property of private individuals.

Ever since the year 1889, the land in question has been owned by a private individual, and was not public property belonging to the Spanish Government. It was possessed as such, and in order to deprive it of this status it was necessary that the Spanish Government or its assignee should recover possession of the same by due process of law. And in order to recover it, it would be necessary to prove that the said lot, which formed a part of the inhabited portion of Surigao, belonged to the Spanish Government on the 11th of April, 1899. This has not been advanced by the opposition; recovery of possession has not been sought, but the title adjudicated in 1889 is repudiated on the ground that the provincial governor of Surigao had no authority to adjudicate it to the said private individual.

But, from the enforcement of the Laws of the Indies, provincial governors were authorized to organize towns and distribute land for building purposes. Law 1, title 12, book 4, of the Recopilacion of the Laws of the Indies, reads:

"It is our will that there shall be distributed to all those who shall go out to people the new territories, houses, building lots, lands peonias and caballerias in the towns and places which may be assigned to them by the governor of the new settlement * * *. After selecting the territory, province and locality where the new community is to be founded, and after ascertaining the conveniences and resources that may exist thereon, the governor within whose district the same is located shall announce whether it is to be a city, town or village. * * * (Law 2, title 8[1] of the same book.)

"First let there be set aside whatever land may be necessary for solares (building lots) for the people, commons, and abundant pastures whereon the cattle owned by the residents may graze, and as much again for the use of the natives; the rest of the territory shall be divided into four parts, one of them, which he may select, shall be for the person who is obliged to form the town, and the other three parts shall be distributed among the settlers in equal parts. (Law 7 of the same title and book.)[(1)]"

Law 8 provides as to how temples shall be constructed: "Somewhat distant from the plaza, where it will be separated from any other building not necessary for its use or adornment." * * *. "Building lots being assigned near it but not in continuation, for the erection of casas reales (government buildings) and booths in the plaza for public use * * *" it seems that the lot in question in the case at bar is contiguous to the government building or casa real of Surigao,

Law 14 of the same title 7, book 4, is a fundamental law which, as a complement to the foregoing organic laws of towns, provides for the separation of the land constituting the inhabited portion of the town from land properly called vacant (baldios), of which so much is spoken in these land registration cases. It reads as follows :

"Sufficient land having been set aside for the town common, and to allow for the growth of the town as already provided, let all persons authorized to discover and establish new townships indicate pasture lands adjoining the common in order that work cattle, horses, and cattle for slaughtering purposes, together with other cattle which by ordinance the settlers are bound to have, may graze thereon, together with an additional amount, all of which shall be the property of the council, and the balance shall be farm lands to be drawn by lot; there shall be as many of the latter as there are building lots in the township; and if there should be irrigated lands, they shall likewise be divided and distributed by lot in the same proportion among the original settlers. All other lands are to remain vacant in order that we may grant them to new settlers. From said lands the viceroys shall reserve such as they may think advisable to assign to towns unprovided with any, to assist them to pay the salaries of their mayors; they shall provide commons and sufficient pasture grounds, as provided by law, and they shall act accordingly."

Building lots are not vacant lands, and the building lots used to be distributed and adjudicated by the governor of

the province or district to which the town belonged, after hearing the gobernadorcillo and the notables of such town. As urban property, building lots forming part of the inhabited portion of a town, passed beyond the sphere of the administrative laws to enter that of the civil law. Thus, all questions arising in connection with them, after they had been ceded or granted, could only be decided by the civil law, even though raised by the Government, through action brought before the ordinary courts of justice, and not before the administration, nor the contentious tribunals which the Government itself had established in its relations with persons under its administration, as has already been held by this court in the case of *Roura vs. The Insular Government* (8 Phil. Rep., 214).

Vacant lands were those which remained at the disposition of the King or of the supreme government at the capital of the nation after due assignment and distribution of what was needed for the newly formed town; such vacant lands were adjudicated by sale or by composition, or in the form of free grants to new settlers.

We can not affirm the reason given for denying the title of ownership applied for in this case, that the subject of the petition was a building lot, which, not being agricultural land was not entitled to the benefits of section 54 of Act No. 926.

Paragraph 6 of section 54, which determines the persons who may obtain confirmation of their rights, reads: "All persons who by themselves or their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural public lands, as defined by said Act of Congress of July 1, 1902," and what are agricultural lands as defined by the said Act of Congress has already been declared by this court (*Mapa vs. The Insular Government*, 10 Phil. Rep., 175).

On this ground the confirmation and title applied for herein should be granted.

[1] Law 2, title 7, book 4.

[(1)] Law 7, title 7, book 4.

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.