

A. A. ADDISON, PLAINTIFF AND APPELLANT, VS. THE PAYATAS ESTATE IMPROVEMENT CO. ET AL., DEFENDANTS AND APPELLEES.

G. R. No. 39095. September 27, 1934

Ponente: HULL, J.

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HULL, J.:

Plaintiff brought suit in the Court of First Instance of Rizal claiming to be the owner of a strip of land situated in that province, then in the possession of defendants, and for damages for its unlawful detention. After the case had been pending in the trial court for many years, an agreed statement of facts was entered into between the parties and signed by themselves and by their various attorneys of record.

Defendants are the owners of a parcel of land described in the original certificate of title No. 333 of the office of the register of deeds of the Province of Rizal, issued on the 31st of January, 1905, pursuant to land registration proceedings. Subsequently, in cadastral proceedings, plaintiff claimed to be the owner of a large tract of land, part of which was claimed to have been included in the certificate of title No. 333, above mentioned.

In the statement of facts it was agreed that the strip of land in dispute was included within the original certificate of title of defendants, and in view of this stipulation of fact, the trial court held that defendants were the owners of the land in question and therefore were entitled to its possession and were not responsible in damages for its detention.

Section 134 of the Code of Civil Procedure authorizes judgment on an agreed statement of facts. This appeal therefore raises only the narrow question of law, "Can land which has been duly registered and for which Torrens certificate of title has been issued be given to another in a cadastral proceeding?"

This question has been repeatedly answered by this court. The two cases of Legarda and Prieto vs. Saleeby (31 Phil., 590), and Reyes and Nadres vs. Borbon and Director of Lands (50 Phil, 791), are sufficient to show that the original owner cannot be divested of title by subsequent cadastral proceedings.

The judgment appealed from is therefore affirmed. No expression as to costs. So ordered.

Avancena, C. J., Abad Santos, Wickers, and Diaz, JJ., concur.

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