

GUILLEUMO YACAPIN, PLAINTIFF AND APPELLEE, VS. JULIAN JIBERO, DEFENDANT AND APPELLANT.

G.R. No. 3988. January 19, 1909

Ponente: JOHNSON, J.

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JOHNSON, J.:

This was an action to recover a certain parcel of land situated in Kugman, the barrio of Guza, municipality of Cagayan, in the Province of Misamis, which parcel of land was more particularly described in paragraph one of the complaint.

The defendant claimed that he had purchased the land in question of Eleuterio Neri, in October, 1904, and was therefore the owner of the land in question. The defendant claimed that Eleuterio Neri had purchased the land in question of one Ramon Neri y Liñan. The defendant asked that the said Eleuterio Neri be made a party to the action, which request was granted by the court. Eleuterio Neri, however, did not appear as a party in said action.

The defendant claimed and attempted to prove that in the year 1888 the plaintiff gave or donated the land in question to the said Ramon Neri y Liñan. This was denied during the trial by the plaintiff, as well as by the said Ramon Neri y Liñan. The gift or donation was further disproved by the fact that the plaintiff had no title or interest in the land in question until the 12th of March, 1893, nearly five years after the date of the alleged gift or donation. It would appear, therefore, that the title which the defendant claims he obtained from the said Eleuterio Neri, which fact was not proved by any sort of document, had no validity whatever.

During the trial the plaintiff offered in evidence a deed from the State to support his title, issued by "La Direccion General de administracion Civil de Filipinas," dated the 12th day of March, 1893. The defendant objected to the admission of this document in evidence upon the ground that said document had not been recorded, alleging that the document had been issued in accordance with the provisions of the royal order of the 12th of January, 1893, and that said royal order required such documents to be registered in the registry of lands, and the same not being registered in accordance with the provisions of said royal order it was not admissible in evidence.

The lower court admitted the said document in evidence, holding that it not being made to appear that other persons (than the plaintiff) had acquired an interest in the land in question subsequent to the cession made by the State to him, the same was admissible in evidence for the purpose of proving the rights of the plaintiff.

It is true, as was contended by the defendant, that said royal order required such documents to be recorded, but it is also true that said royal decree did not provide that a failure to record such documents rendered them null. The purpose of the requirements as to the registration of such documents evidently was for the purpose of protecting subsequent bona fide parties, who might by reason of the failure to record, acquire interest in such lands. The failure to record the document can not be raised except by the State and by persons who have innocently acquired an interest subsequent in such lands. If it is true that the failure to record such deeds makes them void, the State is the only person authorized to maintain the action to annul. (*Compañia General de Tabacos de Filipinas vs. Topiño*, 4 Phil. Rep., 33; *Capellania del Convento de Tambobong vs. Antonio*, 8 Phil. Rep., 683.) Said

composicion con el Estado clearly gives the plaintiff the title to the lands in question.

With this conclusion we deem it unnecessary to discuss the other questions raised by the appellant. The judgment of the lower court is therefore hereby affirmed with costs.

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

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