

**EDUARDO C. GUICO, PETITIONER, VS. NICASIO SAN PEDRO ET AL.,
RESPONDENTS.***G.R. No. 47601. June 20, 1941*

Ponente: LAUREL, J.

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On November 4, 1930, in the Court of First Instance of Rizal, Eduardo C. Guico, the petitioner here, applied for the registration of a tract of land situated in barrio Tindig na Manga, Paranaque, Rizal, and particularly described in accompanying plan Psu-80886 as being subdivided into eleven lots. In his petition, applicant alleged that said land is included in a big parcel, covered by plan Psu-16400, which originally belonged to Pedro Lopez de Leon who acquired it by composition title from the Spanish Government between the years 1890 and 1894; and that Pedro Lopez de Leon bequeathed the same to his son, Mariano Lopez de Leon, who, in turn, transferred a third portion of it in the north to the present petitioner. The following parties appeared to contest said application: Florentino Baltazar, as to lots Nos. 3, 4, 5, 6, 7, 8 and 11; Estanislao Mayuga, as to lots Nos. 4 and 5; the heirs of Narciso Mayuga, as to lots Nos. 7, 8, 9 and 11; Valeriano Miranda, as to lot No. 6; and thirty-five individuals including the instant nine respondents, hereinafter to be denominated as the Ortega oppositors, as to certain undetermined portions in the whole tract.

On August 19, 1935, the Court of First Instance of Rizal rendered its decision, the dispositive part of which is as follows:

"En meritos de todo lo expuesto, se ordena el registro de Jos lotes 1, 2 y 3 del piano Psu-47035 a nombre de Estanislao Mayuga, desestimando oposicion de Florentino Baltazar y Eduardo Guico con respecto a dichos lotes; tambien se ordena el registro de los lotes 1, 7, 8 y 9 del piano Psu- 56007 y los lotes 8, 9 y 11 del piano Psu-80886 a favor de los herederos de Don Narciso Mayuga, desestimando la oposicion de Eduardo Guico con respecto a los lotes 7 y 8. Se sobresee toda la solicitud de Florentino Baltazar. Asi mismo se ordena el registro de los lotes 1, 2, 3, 6,7 y 10 del piano Psu-88086' a nombre de Eduardo Guico, desestimando la oposicion de Florentino Baltazar en cuanto a los lotes 3 y 6 de Guico, y finalmente se sobresee en su totalidad la oposicion presentada por Valeriano Miranda contra el lote 6 de Eduardo Guico, asi como la de los opositores apellidados Ygaya, Gawaran, Parigilin y De la Cruz en los expedientes Nos. 657 y 758, y Jose Dollenton en el expediente 976, y una vez firme esta decision, expidanse los decretos correspondientes. Sin especial pronunciamiento en cuanto a las costas."

On appeal, the Court of Appeals rendered the following decision, the dispositive part of which recites as follows: "Por todas las consideraciones expuestas, confrmamos la decision apelada en cuanto adjudica a Estanislao Mayuga los lotes 1, 2 y 3 de su piano y que equivalen a los lotes 4," 5 y 6 del piano de Baltazar y 4 y 5 del piano de Guico. "Estimamos las oposiciones de Nicasio Sa& Pedro, Jose Dollenton, Gregorio Arciaga, Donato Navarro, Leon Navarro, Dionisio Dollenton, Basilio Navarro, Bernardo Mellama, Lorenzo Dollenton, Maximo Gawaran, Pio Pangilin, Alejandro de la Cruz, y Valeriano Miranda, revocando la decision en cuanto desestima dichas oposiciones. Si estos opositores desean registrar sus respectivas porciones a su nombre, deberan presentar un piano debidamente aprobado por el Director de Terrenos y contribuir a los gastos de solicitud y publicacion

proporcionalmente, los 9 primeros a los hechos por Eduardo C. Guico y los 5 liltimos a los de Florentino Baltazar.

"Estimamos tambien la oposicion de Valeriano Miranda al lote 6 de Baltazar y si £1 quiere inscribirle a su nombre, debera asimismo levantar un piano debidamente aprobado por el Director de Terrenos y contribuir a los gastos de solicitud y publicacion hechos por dicho intestado de Baltazar.

"Desestimamos las oposiciones de Raymundo San Pedro, Esteban Larica, Tiburcio de la Cruz o Simeon Ignacio y otros, Roberta Igaya y Leocadia Igaya, y de cuantos opositores cuyos nombres no aparecen entre aquellos cuyas oposiciones estimamos en la pagina anterior.

"Adjudicamos a Eduardo C. Guico los lotes 2 y 3 de su piano y las porciones que quedan de las adjudicadas a el por el Juzgado inferior y que no estan comprendidos en los terrenos reclamados por Valeriano Miranda, Nicasio San Pedro, Jose Dollenton, Gregorio Arciaga, Donato Navarro, Leon Navarro, Dionisio Dollenton, Basilio Navarro, Bernardo Mellama y Lorenzo Dollenton, debiendo al efecto presentar un piano enmendado debidamente aprobado por el Director de Terrenos, confirmando asi la decision apelada en lo que estuviera conforme, y revocandola en lo que no estuviera.

"Adjudicamos a los herederos de Narciso Mayuga, llamados Estanislao, Rafael, Nestor, Maura y Maria Mayuga, las porciones que el Juzgado inferior las adjudico, menos los reclamados por Maximo Gawaran, Pio Pangilin y Alejandro de la Cruz, debiendo tambien de levantar, al efecto, un piano enmendado para excluir dichas porciones.

"Y adjudicamos al intestado de Florentino Baltazar el lote 10 de su piano.

"Sin especial pronunciamiento en cuanto a las eostas."

Later, in a separate resolution promulgated on July 2, 1940, the same court denied the motions for reconsideration presented by Eduardo C. Guico, Florentino Baltazar and the Ortega oppositors and the motion for a new trial filed by Estanislao Mayuga, and ordered the registration of lot No. 6 in the name of Eduardo C. Guico.

Eduardo C. Guico now seeks to review the decision of the Court of Appeals, and submits the following assignment of errors:

"1. El Honorable Tribunal de Apelaciones incurrio en error al declarar que no hubo titulo imperfecto a favor de Pedro L6pez de Le6n, mediate predecesor en interes del aqui peticionario.

"2. El Honorable Tribunal de Apelaciones incurrio en error al declarar que no hay cosa juzgada a favor de Mariano Lopez de Leon, inmediato predecesor en interes del aqui peticionario.

"3. El Honorable Tribunal de Apelaciones incurri6 en error al declarar que ocho de los nueve respondentes no estan en estoppel."

In his first assignment of error, petitioner contends that Pedro Lopez de Leon, his predecessor in interest, had an imperfect title fit for registration under section 45 (a) of Act No. 2874. This, undoubtedly, raises a question of fact in regard to which the conclusion of the Court of Appeals that "la solicitud de Pedro Lopez de Le6n de composici6n con el Estado no fue aprobada porque no pudo hacerse la raedici6n correspondiente", in its resolution under date of July 2, 1940, is final. (Guico vs. Mayuga and Heirs of Mayuga, 63 Phil., 328; Mamuyac vs. Abena (alias Inciong), XXXVIII O. G., 64; Bundo.c vs. Hilario and Zamora, G. R. No. 46852, February 27, 1940; Penales vs. Garcia, G. R. No. 46905, June 17, 1940; Priscilla y Samar vs. Peopje, R. G. No. 47307, December 21, 1940.) We observe that according" to the finding of the Court of Appeals the oppositors mentioned in its decision "probaron que ellos y sus causantes poseyeron sus terrenos desde el tiempo del Gobierno Espanol, en concepto de duenos, publicos, pacifica, continuada y exclusivamente." (Decision, p. 35, appendix, petitioner's brief.) Besides, it is to be noted that while abundant proof is offered concerning the filing of the application for

composition title by the original possessor, the record nowhere exhibits compliance with the operative requirement of said section 45 (a) of Act No. 2874, that "such applicants or grantees and their heirs have occupied and cultivated said lands continuously since the filing of their applications."

Res adjudicata is next invoked in favor of Mariano Lopez de Leon. This claim is predicated on the decisions of the Court of First Instance of Rizal in Registration Cases Nos. 375 and 672, instituted by Conrado Potenciano and by the spouses, Lorenzo Gana and Maria Juliana A. Carlos, respectively, and the order of the Director of Lands of December 19, 1930, which was presented by Eduardo C. Guico as Exhibit U. Upon this point, the Court of Appeals found (resolution on motions for reconsideration, July 2, 1940, pp. 46-47, appendix, petitioner's brief.) :

"Second paragraph,—El primero alega que Pedro Lopez de Leon tenia un titulo imperfecto de composicion con el Estado que hay res judieata a su favor y que los opositores, representados por el Sr. Ortega, estan en estoppel. La solicitud de Pedro Lopez de Leon de composicion con el Estado no fue aprobada porque no pudo hacerse la medicion correspondiente. La sentencia a que se refiere dicho mocionante fue una decision desestimando ciertas solicitudes de registro en virtud de la oposicion de Mariano Lopez de Leon, y en la que no tomaron parte los opositores representados por el citado abogado Sr. Ortega. Y no consideramos que haya verdadero estoppel, al menos en favor de Guico, sino en todo caso en favor del Gobierno, porque sus solicitudes presentadas al Director de Terrenos pueden consider arse como debidas a su deseo de obtener un titulo mas barato."

We see no reason for reversing this finding of the Court of Appeals on a mixed question of law and fact.

It is unnecessary to consider the third assignment of error.

The writ is dismissed and the judgment sought to be reviewed is hereby affirmed, with costs against the petitioner. So ordered.

Avanceña, C. J., Diaz, Moran, and Horrilleno, JJ., concur.

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