

MIGUEL PASCUAL, PETITIONER AND APPELLEE, VS. MACARIO ANGELES ET AL., RESPONDENTS AND APPELLANTS.*G.R. No. 4957. April 02, 1909*

Ponente: TORRES, J.

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On October 11, 1906, the attorneys for Miguel Pascual filed with the Court of Land Registration an application for the registration, pursuant to the provisions of the Land Registration Act, of a piece of land belonging exclusively to him. Said land consists of four parcels, was inscribed in the old registry, and is located in the barrio of San Roque, within the municipality of Navotas; it is bounded on the north by lands belonging to Producio Suarez, Brigida Tengco, Saturnina Bunda, Macario Angeles, and Damaso Oliveros; on the east by the Navotas River; on the south by property of Faustino Pascual, and on the west by the Manila Bay, as will be seen on the map accompanying said petition and submitted as Exhibit A. That part of the land in question which is classed as city property has an area of 18,474 square meters and 55 square decimeters, while that part classed as rural property measures 34,164 square meters and 75 square decimeters. A dwelling house and a storehouse of strong materials and corrugated iron roof, the property of the petitioner, are erected thereon. According to the application the said four parcels of land composing the property above mentioned, inscribed in the old registry as already said, and having the foregoing limits, were acquired by the applicant as heir of his mother Crisanta Gonzalez, as appears from Exhibit B which is a certificate issued by the register of deeds of this city. For the purposes of the payment of the land tax the four parcels in question were assessed jointly in the sum of P4,520, as shown by Exhibit C. Said property is free from all incumbrances and, so far as petitioner is aware, no person claims any right or interest in said land except Alejandro Santos, Quiteria Florindo, Marcos Naval, Andrea Soriano, Pedro Pascual, Teodoro Pascual, Felipe Pascual, Angelo Pascual, Miguel Siaño, Marcelo Jiongco, Graciano Alcantara, Pantaleon Bautista, Laureana Gonzalez, Aniceto Santos, Quintin Naval, Esperanza Naval, Fausto Perez, Carlota Naval, Alejandro Senson, Damaso Oliveros and Macario Angeles, all residents of said barrio and pueblo. These persons claim a right or interest in the portion of land occupied by each of them within the property above described, mention being made of the names of the tenants of the part of the land classed as city property as well of the lessees on shares of the part of the land classed as rural property.

At the hearing of this application, Marcelo Jiongco, by his writing of March 12, 1907, appeared and entered a general and specific denial of all and every one of the facts alleged in the application, and by way of special defense he set forth: that there is pending before the Court of First Instance of Rizal civil case No. 210 brought by the same Miguel Pascual, petitioner, against the respondent Marcelo Jiongco and others, concerning the ownership of the land in question; that by another action, No. 99, before the same court and between the applicant and the objector as parties litigant, the issue in regard to the possession of this same land was decided by the court in favor of the present objector; that within parcel B, as seen on map A, he owns a lot with a house erected thereon, the boundaries of which are, on the north, the Calle Real of Navotas; on the south, cultivated land, on the east, the lands of Miguel and Agustin Sianguio and Graciano Alcantara, and on the west, the lands of Angelo Angeles and Pedro Burgos; its area being 2,318.70 square meters; that he and his predecessors in interest have

held the land as owners for a period of more than fifty years, possessing the same peacefully, quietly, and publicly; that he had never known the applicant as owner of the said land, nor asked his permission to build and erect a house nor to sow the land, for which reason he prayed the court to deny said application, and in case it be granted by the court, that a provision be inserted in the decree excluding the parcel of land the subject of his opposition, with the costs against the applicant.

Opposition was also filed by Macario Angeles, who, by his writing of the same date, entered a general and specific denial of all and every one of the facts set forth in the application, and by way of special defense stated that between the applicant and himself there is pending before the Court of First Instance of Rizal civil case No. 211 for recovery of possession, the land which is the subject of his opposition being also in controversy in said case; that in that part of the land indicated on the map by the letter A, in the direction of the bay, the objector has a parcel of 1,623 square meters, with a house and a storehouse erected thereon, its boundaries being, on the north, the property of Damaso Oliveros; on the south, that of Gil Pascual; on the east, the field indicated in green ink, and on the west, the shore of Manila Bay; that the applicant obtained possession of a strip of this land, measuring 15 varas in length and 15 varas in width on the side bounded by the property of Gil Pascual, through ejectment proceedings instituted in said court, for which reason his opposition will not affect said strip of land; that the objector has been in quiet and peaceful possession, as owner of the parcel which is the subject of his opposition for a period of over thirty years; that he had never regarded the applicant as owner of the land, because, in former times, said property was shore land which by his work he converted into land fit for cultivation and building purposes and on which he has planted for a long time past trees such as mangoes, lomboy, tamarind (sampaloc), casuy, almond, camanchile, guava, cane, etc.; for which reason he prayed the court to deny the application, and in case it be granted, that a provision be inserted in the decree of the court excluding therefrom the parcel which is the subject of his opposition, with the costs against the applicant.

After the trial, and in view of the evidence submitted by both sides, and the documents presented having been made part of the record, the court, on April 30, 1908, rendered judgment in said case dismissing the oppositions filed by Marcelo Jiongco and Macario Angeles, concerning the respective parcels of land mentioned by them, and an order of default having been previously made against any other objector, the court decreed the adjudication and registration of the parcels in question in favor of the applicant Miguel Pascual. The objectors, Jiongco and Angeles, filed an exception to said decree and also moved for the reopening and rehearing of the case on the ground that the findings of fact of said judgment are openly and plainly contrary to the weight of the evidence, and because the judgment is not supported by the evidence and is contrary to law. The court, by an order dated May 15, 1908, denied said motion, to which they excepted, wherefore the corresponding bills of exceptions, duly approved, were forwarded to the office of the clerk of this court.

This is an application for the registration of property originally consisting of four parcels of land, of which two small ones are devoted to building and residential purposes, and the other two, of much greater area, are used as fields for plantation purposes. Said four parcels were inscribed under different numbers in the old registry of property.

The opposition filed by the Attorney-General to the registration of the agricultural parcels of land was afterwards withdrawn in view of the data obtained by the Government and the outcome of the case and because the Government had no interest in said two parcels of agricultural land.

Let us now consider the opposition entered by Marcelo Jiongco and Macario Angeles, the former alleging possession of a lot and a building thereon erected within parcel "B" and the latter claiming possession of another lot within parcel C, as appears on the map, Exhibit "A,"

The possession as owner for a period of over fifty years, which includes the time of the possession of his predecessors in interest, which Jiongco alleges to have over a land of 2,318.70 square meters, is by no means supported by the evidence. His alleged right of ownership and possession of the land does not appear from the text of the judgment of September 12, 1903, a certified copy of which forms part of the record of this case. Said judgment was rendered by the judge of the Fifth Judicial District in action No. 99 commenced by the applicant Pascual against the objector Jiongco for the recovery of possession, and held that the plaintiff therein was not entitled to the recovery of possession of the land occupied by the defendant, and located in the sitio of Uaua in the pueblo of Navotas, Province of Rizal. The defendant Jiongco was absolved from the complaint inasmuch as, the judgment says, it has not been established that Miguel Pascual had succeeded his sister Ciriaca Pascual in the rights and actions of the latter, in whose behalf the plaintiff entered into a lease contract with defendant Jiongco, and because it does not appear that the defendant, who is regarded as the lessee, has acknowledged the plaintiff as the lessor by virtue of said contract, and moreover it has not been proved that the land in question formed part of the estate left to him by Ciriaca Pascual.

It is an indisputable fact that Marcelo Jiongco has been in the possession of the lot which is the subject of the opposition filed by him, by virtue of a lease contract entered into on January 2, 1886, between himself and the applicant, the latter in his capacity of attorney-in-fact of said Ciriaca Pascual. This contract was drafted in Tagalog and signed by said objector, the attorney-in-fact of the landowner, and two witnesses. He can not, therefore, be regarded as owner, and his acts, as possessor, performed in his capacity of mere tenant and by permission of the lessor and pursuant to the stipulations of the contract will not help him to establish his possession. (Art. 1942, Civil Code.)

The applicant, Miguel Pascual, is the absolute owner of the four parcels of land in question now constituting a single property, they having been acquired by him as heir of his mother Crisanta Gonzalez, as appears from the documents he submitted, and for this reason, as the right of ownership of the land in question, alleged by the objector, has not been established, there is no legal ground to deny the registration prayed for.

The objector Jiongco, having signed the contract for the lease of said lot, can not now, without repudiating his own acts, deny in an action the rights of the applicant, nor impugn the lawfulness and reality of the contract by virtue of which he, as a mere lessee, has been occupying said land.

Touching the parcel which is the subject of his opposition, as forming part of lot B, its identity appears fully proven in the record not only by the contract of lease but by paragraph 2 of his own writing of opposition, in which it is stated that the above-mentioned parcel was at issue in the action brought before the Court of First Instance of Rizal, so that in denying that the parcel of land belonged to the applicant, and by averring that he had possessed the same as owner for over fifty years, it becomes clear that both parties agree as to the fact that the parcel claimed by the objector as his own is the same one which he is occupying as lessee and forms part of parcel B, and besides the other larger parcels, is owned solely by the applicant.

The opposition of Macario Angeles is chiefly based on the contention that the parcel of 1,623 square meters which he possesses as owner, was formerly shore land, and through his labor he has converted it into profitable soil; the land, however, was sandy, and the sea water in high tide inundated more than one-third of the ground and at times totally covered it. He alleges that the decree of the court ordering the registration of the land in question is contrary to the Law of Ports of May, 1880, because the lands within the maritime zone are of public domain and use, and the accessions and other enlargments of said zone are also of public domain, and that article 366 of the Civil Code concerning the accretions which owners of banks of rivers may receive, is not applicable to the parcel of the objector, which is on the seashore.

It is fully established by the records that the land which is the subject of the opposition filed by Macario Angeles forms part of parcel C, the sole property of the applicant, as is proven by the documents submitted by the latter. By the decision of this court in the ejectment proceedings instituted in the Court of First Instance of Rizal by the applicant Pascual against the objector Angeles, it was held that the defendant had likewise been in the possession of said land by virtue of a lease contract, wherefore, notwithstanding his unproven allegation that he was the owner thereof for a period of over thirty years, this court affirmed the action of the lower court and ordered that he be ejected from the land seized by him, and to pay the rents due and the costs. In executing the judgment rendered, therefor the land was not totally released, for there were left thereon a storehouse and a small dwelling house of the defendant, the objector herein, for which reason the applicant Pascual protested at once against such partial execution of the judgment.

Deducting from the parcel of land in question a strip of land 15 varas square, which Angeles himself acknowledges as belonging to the applicant, the former contends that the remainder of the land belongs to him in spite of the fact that it is included in parcel C which, as indicated above, is owned solely by the applicant. The objector, however, failed to prove his right of dominion thereon, or at least his possession as owner over the remainder of said land; he, by a final judgment, has been classed as a mere tenant who has been occupying the land by permission of the owner and by virtue of a contract, and he has not presented better evidence than that which he submitted in the former proceedings for ejectment.

The fact that the land is sandy and that at high tide it is more or less covered by the sea water does not show that the land in question is not the property of the applicant, nor that it belongs to the maritime zone or that it was formed by accession or accretion. The registration thereof was decreed by the court, in spite of the untenable opposition of Angeles, because the right of the applicant is fully supported by the evidence. No provision of the Law of Ports of May 7, 1880, has been violated, because said law has not been made applicable to these Islands, nor of the Law of Waters of August 3, 1866, because it has no bearing on this case, much less of article 366 of the Civil Code which deals with accessions of lands situated on the banks of rivers but not on the seashore.

The greater or lesser extent of the leased parcel, as shown by the litigation in which the dominion of the lessor is in controversy, does not affect the rights of the latter, more especially if the possessor of a portion thereof has failed to prove that he owned it and that he possessed it as such owner.

It appears proven in the records that the applicant acquired the four parcels of land, including that which is the subject of the opposition, from the estate of his deceased mother; thus his right of ownership of the land in question is uncontrovertible, in spite of the opposition filed by Macario Angeles, who failed to establish his right to the lot which he is occupying as a mere tenant, according to the said decision rendered in the proceedings for ejectment determined on July 26, 1905, in favor of the applicant and against the objector.

For the above considerations we are of the opinion that the judgment appealed from, being in accordance with the law, should be and is hereby affirmed with the costs against the objectors, Marcelo Jiongco and Macario Angeles.

Arellano, C. J., Mapa, Johnson, Carson, and Willard, JJ., concur.

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