

GREGORIO MADARIAGA ET AL., PLAINTIFFS AND APPELLEES, VS. MANUEL CASTRO, DEFENDANT AND APPELLANT. MANUEL RUIZ AND EUSEBIO TIONGSON ET AL., INTERVENERS AND APPELLANTS.*G.R. No. 5695. December 02, 1911*

Ponente: TRENT, J.

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On the 5th of March, 1902, the plaintiffs, Gregorio. Madariaga, Miguel Domingo, and Jose" Jose, filed in the Court of First Instance, Province of Ilocos Norte, a civil suit against Manuel Castro for the purpose of determining their title to and recovering the possession of six parcels of land, and for the further purpose of having the registered title in the name of the defendant canceled. These six parcels of land are fully described with their metes and bounds in the first paragraph of the complaint. After describing the lands and giving their location, the plaintiffs allege that they, together with other persons whose names are not given, entered into an agreement with one Fructuoso Castro, father of the defendant, to have the title to the lands in question together with other real property in that vicinity, adjusted; that in pursuance of this agreement, Fructuoso Castro, in 1890, filed an application with the authorities asking for a Government grant; that Fructuoso Castro, instead of carrying out the agreement to have the patent issued in the name of himself and the plaintiffs as co-owners, proceeded to have said patent issued in his own name only; that after receiving this Government grant in July, 1891, and having it duly registered in 1895, he dispossessed them of these six parcels of land; that Fructuoso Castro, having died about the year 1896, the defendant Manuel Castro, being the only heir of his deceased father, succeeded to the ownership and possession of these lands; and that since they were illegally dispossessed of this property in 1894 they have not received the products of the same up to the time of filing this complaint. They ask judgment, declaring that they, together with the defendant, are the owners of the said lands; that the registration in the name of Fructupso Castro be canceled; for the sum of P1,340, the value of the products since 1896; and for the cost of the cause.

The defendant, in his answer, admitted and set up the Government grant and the registration of the same in the name of his father, and also the transmission of this property to himself upon his father's death. He further alleges in his amended answer that he, in 1896, by means of a public document, sold these lands to one Manuel Ruiz for the sum of P1,000, and that since that time he has not had possession npr had anything to do with said lands.

Subsequent to the filing of this amended answer, Manuel Ruiz was made party defendant and set up the same defense as Manuel Castro; that is to say, that the Government grant had been issued to Fructuoso Castro, and that Manuel Castro inherited this land on the death of his father and sold the same to him (Ruiz) for a valuable consideration.

Eusebio Tongson, Julian Javier, Ponciano Castro, Antonio Bustamante, and Lorenzo Bonaan, having intervened as third parties, alleged that they, together with other persons whose names are not given, and the defendant Castro are the true and lawful owners of the lands in dispute. They deny that the plaintiffs have any interest in these lands and ask the court to render judgment annulling the registered title arid declaring themselves, including

Castro, together with other unnamed persons to be the absolute owners of said lands. Manuel Ruiz, after denying the allegations of these interveners, asks that these lands, which had heretofore been placed in the hands of a receiver, be turned over to him on his presenting the necessary bond, and that he be declared the lawful owner by reason of the purchase from the defendant Castro.

Subsequently thereto and on the 30th of January, 1905, the interveners filed an amended complaint in which they include the names of their alleged co-owners, Adelaida Guerrero and thirteen others. Up to this time, the only lands mentioned are the six parcels in Doro, civil case No. 53.

On the 6th of February, 1905, Adelaida Guerrero and the thirteen other plaintiffs named therein, being the same parties as those mentioned in the complaint dated January 30, filed a complaint against Manuel Castro, civil case No. 356, alleging that they are the true owners of two parcels of land situated in Doro and Taguipuro, described as follows:

The first, situated in Doro, containing 10 hectares 16 ares and 20 centares, is bounded on the north by the Bacarra River, on the south by the Hacienda de Navotas, on the east by Estanislao Ruiz, on the west by Victoriano Castro. The second, in Taguipuro, containing 9 hectares 75 ares and 89 centares, is bounded on the north and south by Laoag, on the east by the lands of the deceased Victoriano Castro, and on the west by Estanislao Ruiz.

The first parcel is the same land as that involved in civil case No. 53. All of the first interveners in case No. 53 are plaintiffs in this case. The same allegations as were made in case No. 53 with reference to the obtaining by Fructuoso Castro, father of the defendant Manuel Castro, of a Government patent, are made in this case. But the plaintiffs in this case also allege that when they discovered in 1894 that the patent had been issued to Fructuoso Castro they sought to have this serious error rectified by the administrative authorities and that they were then informed that they would have to go into court to have this done. The plaintiffs ask judgment, declaring the title issued to Fructuoso Castro null and void, and for the sum of P2,880 damages, being the value of the products of these lands since they were dispossessed in 1894.

Manuel Ruiz, having been made a party defendant, in conjunction with the other defendant, denies all the allegations in the complaint and alleges as a special defense that he is the owner of the lands in question by reason of having purchased the same from the other defendant.

By agreement of the parties and the approval of the court, the two cases, Nos. 53 and 356, were joined and tried together.

The court filed the following decision on June 4, 1906:

"In the Province of Ilocos Norte, P. I., in the time of the large municipalities, there were lands of considerable extent under the name of Estancia de Navotas, which the Government had established under certain conditions for the pasturage of the animals of said province and the sustenance of a garrison in Lepanto, P. I.

"This Estancia included the lands of the sitios called Navotas, Doro. Grande, Doro Pequeño, Taguipuro, etc., of the municipality of Laoag of the said province, and which was abolished before the inauguration of the civil governments in these Islands in the year 1886 and said lands occupied equally by innumerable families for the cultivation of rice.

"By agreement of the many occupants of the part of said abolished Estancia called Doro Pequeño and Taguipuro, their land was divided into five parts, so that Victoriano Castro, Montano Guerrero, Estanislao Ruiz, Eduardo Fontanilla, and Fructuoso Castro might petition the government for the title to each part, and when in the year 1891 five titles were issued in favor of and in the exclusive name of the respective parties above mentioned, these all later took possession of the said lands and ejected the occupants.

"The land in Doro whose title was issued in the name of Fructuoso Castro, measures 10 hectares 16 ares and 20 centares, and is bounded on the north by the Bacarra River, on the east by the land of Estanislao Ruiz, on the south by the lands of Navotas, and on the west by the land of Victoriano Castro.

"The plaintiffs and interveners should not be considered the owners of the said land situated in Doro, because, although they all occupied it jointly, they did not comply with the provisions of the law; and for this reason they lack the proper title, which, although they tried to obtain, they were not able to secure.

"If the title of Fructuoso Castro is invalid, and if none of the parties interested in this case own the land, its reversion to the State must necessarily follow, without prejudice, however, to the right of purchase from the Government in the form provided by the law.

"As, during the period of so many years, the land had passed into the hands of the intervener Manuel Ruiz, he should be entitled to the products received therefrom.

"It does not appear that titles were issued for the land in Taguipuro in the municipality of Laoag, Ilocos Norte, as set forth in the complaint of the interveners Eusebio Tongson and others, as was the case in Doro, and none of the evidence submitted touches this point.

"In view of all the foregoing, the court declares the title issued by the Government in the name of Fructuoso Castro to be null and void, and this decision shall be noted in the inscription of said title in the registry of deeds, The court also dismisses the claims of the plaintiffs and the interveners and decrees the sale made by the defendant Manuel Castro to the intervener Manuel Reyes to be also null and void."

All the parties except the original plaintiffs in case No. 53 appealed and make the following assignments of errors
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"PLAINTIFFS.

"1. The court erred in considering that Eusebio Tongson, Adelaida Guerrero, and their co-plaintiffs were not the owners of the lands in question.

"2. The court also erred in declaring that said lands were and are the property of the State.

"3. The court likewise erred in not ruling that Manuel Castro is obliged to recognize the co-ownership of the lands in question of Eusebio Tongson and his co-partners.

"4. The court also erred in not declaring null and void the sale of the said lands made by Manuel Castro in favor of Manuel Ruiz.

"5. The court erred lastly in failing to make a decision regarding the land in Taguipuro."

"DEFENDANTS.

"1. The court erred in declaring null and void the title of the property duly recorded in the registry of deeds issued by the Spanish Government in favor of Fructuoso Castro, now deceased, father of the defendant Manuel Castro.

"2. The court erred in declaring that the land in Doro covered by said deed belongs to the State and reverts to it.

"3. The court erred in not declaring the land in Doro to belong to the third party, Manuel Ruiz, transferred to him by virtue of the sale executed by the defendant Manuel Castro, son of the deceased Fructuoso Castro."

Counsel for the plaintiffs, on page 14 of his printed brief, says: "The lands of Doro and of Taguipuro are

included in the title issued in the name of Fructuoso Castro only, and the recovery of all of them (the lands) is sought in this complaint."

Counsel for the defendants, in his printed argument in support of his assignments of error, nowhere mentions the lands situated in Taguipuro, but only asks this court to reverse the judgment appealed from and declare the lands situated in Doro to be the exclusive property of the defendant Ruiz. The defendants do not now claim or pretend to have any interest in the lands in Taguipuro. The trial court found as a fact that it had not been shown that a Government grant had been issued for the lands in Taguipuro.

The certificate issued by the registrar of deeds, the public document of purchase and sale from Castro to Ruiz, and the judicial act of fixing the boundaries and monuments refer only to the 10 hectares 16 ares and 20 centares situated in Doro. There is nothing in the record to show that the defendants have ever had possession or claimed ownership of the lands in Taguipuro, except the mere allegations in the complaint, and these allegations are specifically denied in the answer.

After an examination of the entire record before us and taking into consideration the position of counsel for the defendants with reference to this parcel of land, we can not say that the court erred in making the above findings of fact. It was incumbent upon the plaintiffs to establish their case by competent testimony. This they entirely failed to do. The court so found, yet it failed to pronounce judgment. It was the plain duty of the court to render judgment in favor of the defendants, dismissing the complaint with reference to the lands in Taguipuro. If parties to a suit fail, after a fair and full opportunity, to present proof with reference to the subject matter in litigation, the court is not by any means justified in declining to pronounce judgment.

With reference to the lands, in Doro, counsel for the plaintiffs insists that they, together with the deceased Fructuoso Castro, had been for a long time prior to the year 1890 occupying said lands as coowners; that after a clear and positive agreement, Fructuoso Castro obligated himself to petition for and obtain a title from the State in the name of all of them and himself to said lands; that Castro, in violation of this agreement, obtained the title in his own name only; that they, on discovering this fact and before the title was finally registered, filed a petition with the administrative authorities, asking that the title thus issued be corrected so as to include their names as coowners; and that said authorities declined to grant their request and informed them that they would have to obtain relief from the courts.

The deceased, Fructuoso Castro, on the 21st day of April, 1890, addressed the following communication to the president of the provincial board which had charge of the adjustment of titles:

"Don Fructuoso Castro, a sexagenarian, born and residing in this capital, whose personal cedula for the current year I have the honor to forward herewith, with all submission and respect presented himself to me and said: 1, together with my co-owners, Patricio Tamayo, Pio Foronda, and others, possess a field and garden in the sitios called Doro vel Caraoaoi and Taguipuro which came into our possession by inheritance, whose ownership and enjoyment we have had for more than the last forty years without interruption. The boundaries and area agree approximately with the following description: * * * ' "

This communication was signed by the deceased, Fructuoso Castro, and formed the basis for the adjustment of the title, which resulted in the issuance by the authorities of a grant to the lands in Doro to the petitioner. On receipt of this document, the authorities proceeded in due form as provided by law and granted the petitioner a patent which was duly registered in 1895. The petitioner Castro admitted and recognized at the time he started these proceedings that not only Tamayo, Foronda, and others were with himself in possession of these lands and had been for some forty years, but also that he and the said parties were co-owners. The Government grant was issued to Castro in 1891. Pio Foronda filed a protest on the 16th of February, 1894, with the adjustment board which had issued this patent. In this protest, Foronda set up the fact that he and others, together with Castro, were not only

possessors but co-owners of the lands in Doro and asked the board to rectify or correct the title and issue the same in all of their names as such co-owners. The board referred this petition to the provincial fiscal, who rendered the following opinion:

"The right of Foronda and his associates is unquestionable as appears from the first to the last page of this record, but the claim should now be made before the courts; and to that end, and if he so requests it, Foronda must be given a copy of the material testimony."

While it is true that Fructuoso Castro agreed to obtain from the Spanish Government a title in the name of himself and his co-possessors to the land in question, this agreement was not in writing and only appears to have been established by the oral testimony and the statements made in Castro's petition. The record fails to disclose why Foronda and the other interested parties did not pursue their remedy in court in 1894 before the Government grant was finally registered. It must be presumed, in the absence of proof to the contrary, that those interested parties abandoned their rights or entered into some kinds of settlement with Castro; otherwise, they would have sought to prevent the inscribing of this title in the property register.

It is a fact, not denied, that the defendant Manuel Ruiz purchased this land from his codefendant Manuel Castro in the year 1896, and that Castro at that time was in possession of the land under the grant from the Spanish Government, which grant was duly inscribed in the land register. These property rights of Manuel Ruiz, who purchased this land from Castro, who held a duly inscribed title thereto, can in no wise be affected by the terms of the unrecorded agreement between the vendor's father and third parties. (*Agonoy vs. Ruiz*, 11 Phil. Rep., 204.)

The court declared this title or Government grant issued to Fructuoso Castro null and void on the ground that it had been issued on the false presumption that the grantee Caatro was in possession of the land at the time it was issued, and the court held further that neither the plaintiffs nor the defendant Manuel Castro, nor Manuel Ruiz, who purchased from Castro, had any title to the land, because none of them had complied with the provisions of law touching the issuance and perfection of titles to public lands. The court then declared the land in question to be the property of the State, annulled the title issued to Fructuoso Castro and also the transfer made by Manuel Castro to Manuel Ruiz, and directed a note to this effect to be entered upon the register of property wherein it was inscribed. The State is not a party to this action, nor did it pray for a cancellation of said title. Hence, the trial judge in declaring this title null and void and the land in question the property of the State, clearly exceeded his authority.

It appears that the land in question has been placed in the hands of a receiver by the trial court, pending the outcome of this action; but we are clearly of the opinion, in the light of all the facts as they appear from the undisputed allegations of the parties, the documentary evidence, and the findings of the trial court, that the appointment of such a receiver was wholly uncalled for, and that he should be discharged forthwith and the possession of the land returned to the defendant Ruiz.

Let judgment be entered in accordance with this opinion, reversing the judgment of the trial court and directing the judge of that court to discharge forthwith the receiver heretofore appointed, with instructions to return the land to the possession of Manuel Ruiz, without costs. So ordered.

Torres, Mapa, Johnson, Carson, and Moreland, JJ., concur.

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