

MARCELA GONZALEZ, PETITIONER AND APPELLANT, VS. THE INSULAR GOVERNMENT, GIULLERMO CRISOSTOMO AND ISABEL ANGELO, OPPONENTS AND APPELLEES.

G.R. No. 5701. December 04, 1911

Ponente: TRENT, J.

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TRENT, J.:

This court, in the per curiam opinion filed September 1, 1911,[1] said:

"Without prejudice to the filing of a more extended opinion hereafter discussing more fully the facts and the law of the case, the judgment appealed from is hereby reversed in so far as it sustains the opposition of respondents, the opposition to the registration of the property described in the complaint is overruled, and the land described in the petition is ordered registered as therein prayed. No finding as to costs."

The respondents Guillermo Crisostomo and Isabel Angelo having been notified of this judgment filed a petition on the 19th of September, 1911, asking the court to suspend the time in which the judgment ordered entered should become final until the court filed its extended opinion. It now becomes necessary to enter into an examination of the testimony and the law governing this case.

Marcela Gonzalez filed a petition in the Court of Land Registration asking that she be inscribed as the owner of the three parcels of land described in her petition. The Insular Government, being represented by the Attorney-General, appeared and opposed this registration on the ground that the lands formed a part of the public domain. Guillermo Crisostomo and Isabel Angeles also appeared and opposed the petition on the ground that they were the owners of certain portions of the land sought to be inscribed. Judgment was rendered in the court below supporting the opposition of Crisostomo and Angeles as to the portions of the lands described in their respective oppositions. The opposition of the Government was overruled and judgment was entered in favor of the petitioner as to all of the land except that as to which the said two oppositions were sustained. From the decree of the court sustaining these two oppositions the petitioner alone appealed. The only questions to be resolved relate to this appeal.

The important part of the judgment appealed from is the following:

"Therefore, the possession given to Revilla of the lands situated in Umanat and Tumana, respectively, was wholly unauthorized and illegal. Hence, he has not enjoyed the same continuously and peacefully, at least with reference to the lands in Umanat, in regard to which he was compelled to institute an action for the recovery of the same against one Guillermo Crisostomo. Even assuming that such possession was continuous and peaceful since the year 1887, when the land was awarded to him, his claim could not be established under any provision of law. The title which was subsequently issued in December, 1889, for the above mentioned lands was completely invalid. The grant to him being gratuitous, as it were, must have been necessarily made upon one of these two grounds, to wit: an uninterrupted possession for ten years with just title in good faith (sec. 4, regulations of June 25, 1880) ; or, if such a title was lacking, possession for a period of twenty years provided the lands were under cultivation, and of thirty years if the lands were uncultivated. (Sec. 5 of the same

regulations.) Neither of these two conditions obtained at the time the title, through an error or flaw, was granted, and secondly, because, considering the date on which the title was issued and the date upon which the grantee took possession, it could not have had effect with regard to Eulogio Revilla. The lands situated in Umanat were held and occupied by Crisostomo and Angeles, according to the evidence of record."

The three parcels of land sought to be inscribed are, according to the petition, situated in Calumpang, Umanat, and Tumana, barrio of San Marcos, municipality of Calumpit, Province of Bulacan, and are respectively described as follows:

"Parcel A. - Bounded on the north by the lands of Pantaleon de los Santos, Pedro Flores, Honorata Bayan, Juan de los Reyes, and Eugenio Sufiga; on the east by the lands of Leon Rueda; on the west by the lands of Guillermo Crisostomo; and on the south by the lands of Generoso Tiongson; containing 221,115 square meters (22 hectares 11 ares 15 centares).

"Parcel B. - Bounded on the north by the lands of Donato Bayan, Faustina Torres, Antonio de Leon, Benito Espiritu, Pablo Bundoc, Felipe de Leon, Felipe Balares, and Luis Sinkak; on the east by the lands of Guillermo Crisostomo; on the south by the lands of the Insular Government; and on the west by the lands of Guillermo Crisostomo, Felix Bautista, Sabino Manio, Pedro Flores, and Fruto Rojas: containing 194,747 square meters (19 hectares 47 ares 47 centares).

"Parcel C. - Bounded on the north by the Quingua River; on the east by the lands of Antonio de Leon and Luis Sinkak; on the south by the lands of Luis Sinkak, Tomas Lacsamana and Donato Bayan; and on the west by the lands of Antonio Tiongson; containing 52,852 square meters (5 hectares 28 ares 52 centares)."

Guillermo Crisostomo opposed the registration of parcels A and B on the ground that there was included in parcel A 2 hectares 66 ares and 40 centares, and in parcel B 8 hectares 55 ares and 5 centares, of his lands. Isabel Angeles opposed the registration of the same two parcels on the ground that there was included in parcel A 4 hectares 87 ares and 59 centares of her property, and that all of parcel B except that part claimed by Guillermo Crisostomo was her land.

The petitioner's title to these lands is based upon a purchase made by her from Eumelia Eleizegui and Salud Revilla, as appears from a public document duly executed on the 2d of November, 1907, and inscribed in the registry of property, Eumelia Eleizegui acting for herself and as guardian of the minors Eulogio, Manuel, Pilar, and Jose, surnamed Revilla. These vendors are the widow and children of the deceased Eulogio Revilla, husband of Eleizegui and father of the other vendors.

Sometime prior to the year 1880, Jose Perez Rubio filed in the Court of First Instance, Quiapo, Manila, a civil suit against Gregorio Rivera and Maria Soledad Cruz for the purpose of recovering certain fees for professional services. Subsequently thereto judgment was entered and execution issued against the defendants. By virtue of this execution the lands of the defendants situated in Calumpit were levied upon, and on the 23d of February, 1880, sold at public auction. On the 13th of November of that same year, Rubio by means of a public document executed by the clerk of the court, sold all his right, title, and interest in and to such lands to Eulogio Revilla for the sum of 2,000 pesos. This sale was approved by the court. On the 12th of February, 1887, the purchaser, Revilla, was placed in possession of one parcel of land. Revilla, believing that he had not been placed in possession of all the lands purchased by him from Rubio, made application to the court to be placed in possession of two other parcels which he claimed were included in the execution sale and the purchase made by him. The appellant now insists that Revilla was, on the 18th of March, 1887, placed in possession of these two parcels by order of the court, and that the document of this purchase and sale, including the three parcels of land, was duly executed by order of the court on the 12th of April, 1889.

The appellees insist that the possession of the two parcels of land, one in Umanat and the other in Tumana, given

to Revilla by the Court of First Instance of Quiapo was illegal and void, for the reason that the said lands in Umanat and Tumana were not included in the execution sale of February 23, 1880, as shown by the description of the lands then levied upon; and that the lands in the order of execution issued by the Court of First Instance of Quiapo are described as follows:

"Certain lands which they (the judgment debtors) possess in the jurisdiction of Calumpit, bounded on the north by the lands of Lorenzo de los Reyes; on the south by the lands of the town of Barosuain; on the east by the lands of Jose Tiongson; and on the west by the lands of Guillermo Crisostomo; containing three quinones, more or less."

The appellees further insist that the lands described in their respective oppositions have been adjudged to be their property by a court of competent jurisdiction, and that the said judgments have long since become final.

Eulogio Revilla obtained on the 4th of December, 1889, a State grant for the three parcels of land described in the petition. The ownership of this land was adjudged to him on that date by the State and the title ordered registered. The registrar, on the 12th of September, 1892, made the following entry in the property register:

"The foregoing instrument was provisionally recorded in the absence of the old indices, at pages 241, 244, and 246, volume 1, of the Calumpit District, Properties Nos. 105, 106, 107, entry letter A, Bulacan, September 12, 1892."

The final registration was made November 2, 1908.

The opponents lay no claim to that parcel of land described in paragraph C of the petition, neither do they claim to be the owners of all of parcel A, as it will be seen that this parcel contains 22 hectares 11 ares and 15 centares, according to the petition, whereas the appellees together claim only 7 hectares 53 ares and 99 centares. This leaves undisputed 14 hectares 57 ares and 16 centares of that parcel. It is insisted that a portion of parcel A was the only land included in the order of execution issued in 1880. This contention is based upon the description of the land given in that order and its actual area, which appears to be three quinones, more or less. Notwithstanding the fact that it is stated that this parcel contains three quinones, more or less, it appears from the boundaries given that all of the land in that parcel was included. The statement "containing three quinones, more or less" is a mere estimate and it was not intended to be accurate. While it is true that parcel A was the only description in the order of execution, it is nevertheless a fact that all of the lands owned by the judgment debtors in that case were levied upon and the sale went forward on this theory. The judgment creditor purchased all of the lands owned by his judgment debtors within the jurisdiction of that barrio at this execution sale, and he transferred to Revilla all of the lands thus purchased; but when the authorities proceeded to put Revilla in possession of the lands purchased by him and placed him in possession of the one parcel only, he immediately made application to the court for the possession of the other two parcels, and upon this application he was given judicial possession of the said two parcels, one in Umanat and the other in Tumana. This fact was found by the trial court.

The appellee Crisostomo presented Exhibit No. 1, which is a copy of a judgment rendered in the case wherein he was plaintiff and Antero Coronel and Maria Soledad Cruz were defendants. In this case the plaintiff sought to recover possession of two parcels of land. This action was commenced in 1878, judgment was rendered in favor of the plaintiff in 1892, and this judgment was executed in the same year over the opposition of Revilla. The execution of this judgment which resulted in temporarily placing Crisostomo in possession of these two parcels took place long after the State grant had been issued to Revilla and long after Revilla had been judicially placed in possession of these lands. Revilla was not a party plaintiff or defendant in that case, nor in any other case upon which the appellees rely. Consequently, the judgments rendered in those cases could not be binding upon Revilla.

With reference to who was actually in possession of these two parcels of land prior to the insurrection against the

American authorities, it might be well to examine the oral testimony also.

The first witness presented by the petitioner was Francisco Mavia, 40 years of age, resident of Malolos, Bulacan. This witness testified that he knew the deceased, Eulogio Revilla; that before his death the deceased was in possession of three parcels of land within the jurisdiction of the town of Calumpit; that one of these parcels is in Tumana, one in Calumpang, and one in Umanat; that he was the encargado or administrator of these lands for Revilla from 1891 up until the commencement of the revolution; that every year during his administration, all of these three parcels of land were cultivated; that during the revolution Guillermo Crisostomo took possession of one parcel and a man called Ninoy took possession of another one. This witness then proceeded to give the names of the owners of the land adjoining these three parcels at that time.

The second witness presented was Juan Borja, 70 years of age and a resident of Calumpit. This witness stated that he was well acquainted with the deceased Revilla; that he (Revilla) was in possession for a number of years of three parcels of land situated in Calumpang, Umanat, and Tumana; that Revilla and the parties from whom he acquired these lands were in possession of the same since 1887; that he knew this to be a fact because he was one of the laborers of the deceased and assisted in cultivating these lands; that he was present and pointed out to the commissioner Vicente Enriquez, clerk of the court, the location and boundaries of these three parcels when this commissioner placed Revilla in possession of all three parcels; that Revilla continued in possession of the same until his death, after which his wife and daughter remained in possession up to the time of the revolution, when they were dispossessed of a portion of these lands; that he accompanied the surveyor when said lands were surveyed. This witness also gave the boundaries at that time.

The third witness called was Donato Bayan, who testified that the deceased Revilla was in possession of the three parcels of land in question from 1891 and 1892 up to the time of his death; that during all these years Revilla cultivated the three parcels; that he had personal knowledge of these facts because he, in 1891, owned lands joining one of these parcels.

The fourth witness for the petitioner was Emeterio Manlapit, 47 years of age, a laborer, and resident of Calumpit, who testified that he knew the deceased Revilla; that the deceased owned and possessed three parcels of land situated in Umanat, Calumpang, and Tumana; that during the ten years in which the deceased possessed these lands he was one of the laborers who cultivated the same for the deceased; that the latter was never interrupted in the possession of said lands during that time; that upon the death of Revilla, his wife and daughter continued in the possession and cultivation of these parcels of land; that some time after the deceased died a man by the name of Ninoy (Saturnino Litingco), against the will of the widow, took possession of a part of these lands.

The appellee Guillermo Crisostomo, 74 years of age, laborer, resident of Malolos, testifying as witness in his own behalf, pointed out on the plan the two parcels in Umanat and Calumpang and stated that these two parcels were his property, he having acquired a part of the same by purchase and the other part by inheritance from his parents, Jorge Crisostomo and Gervasia Dimaliat; that he had had five lawsuits over these two parcels; that during the proceedings which resulted in the issuance of a grant by the State to Revilla, he signed the expediente as owning land on the south of those parcels for which title was sought; that his sister Escolastica Crisostomo did not sign this expediente for the reason that she was single and consulted him about all her acts.

The next witness presented for the opposition was Saturnino Litingco, husband of the appellee, Isabel Angelo, 66 years of age, resident of the barrio of San Vicente, Malolos, Bulacan. After pointing out on the plan the lands claimed by his wife, he stated that these lands were inherited by his wife from her father, Hermogenes Angelo; that he and his wife have been for more than thirty years and are now in possession of these lands; that his father-in-law had a lawsuit with Maria Soledad over the possession and title to these two small parcels in 1878,

and that the court in that suit, by a final judgment, decreed possession and title to his father-in-law; that after the death of his father-in-law, they had another suit over the same lands with Maria Soledad with the same result; that since the termination of these suits they have had quiet and peaceful possession of these lands without interruption; that it is true that he and his wife sold certain lands inherited by his wife from her father, located in Umanat, to Felix Bautista and Fruto Roxas.

The foregoing testimony considered together with the documentary evidence, establishes the fact that the deceased Revilla was in continuous possession of all the three parcels of land sought to be inscribed for some time prior to the issuance of the State grant and up to the time of his death. This testimony also establishes the fact that after the death of Revilla, his widow and children continued in the peaceful possession of these three parcels of land up until they were dispossessed by the appellees, sometime during the insurrection.

Whether or not a State grant of the character of the one issued to Revilla can be annulled at the instance of a private person, we find it unnecessary to decide; but before this can be done, if it can be done at all, the testimony of the person seeking such relief, before it can overcome the acts of the officials who carried on the proceedings which resulted in the issuance of the State grant, must be clear, positive, and conclusive. The testimony of the appellees in this case falls far short of these requirements.

We concluded that the trial court erred in its findings of fact and conclusions of law and we therefore ordered the judgment rendered in accordance with the above short decision.

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

[1] Not published

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