

REGINO SALACUP, PLAINTIFF AND APPELLANT, VS. SOTERO RAMBAC, DEFENDANT AND APPELLEE.*G.R. No. 5730. September 09, 1910*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5730/>**TORRES, J.:**

On July 22, 1908, counsel for Regino Salacup filed a complaint in the Court of First Instance of Ilocos Norte, alleging that Salacup was the owner, by title arising out of quiet, peaceful, and uninterrupted possession for more than thirty years, of rural real property lying toward Nambaran on the north and toward Mumud, of the pueblo of Bacarra, Ilocos Norte, on the south; that the said land has a perimeter of 445 meters and produces 10 uyonos of palay, approximately, per annum, and was formerly bounded on the north by the property of Genaro Galam and Roman Galam, now by that of Gregorio Bulusan and Graciano Galam; on the east, formerly by that of Andres Dacuycuy and Ciriaco Visco, now by that of Gregorio Bulusan; on the south, formerly by that of the said Visco, now by that of Hilario Magaoay; and on the west, formerly by that of Alvaro Galapon and Placido Butac, now by that of Antonio Acob; that for the past five years the defendant had been arbitrarily and illegally detaining a portion of the land in question, measured from its southern side, which part produces yearly about 1 uyon, 1 baar and 1 manojo of palay; that by such detention the plaintiff had suffered loss and damage to the extent of 5 uyonos, 5 baares, and 5 manojos of palay, which he failed to gather during the said five years, as the product of the said part of his land withheld from him as before stated, which product should be worth P55.50, at P10 an uyon. The complaint concluded by asking that judgment be rendered in plaintiff's favor, declaring the said property to be of his exclusive ownership, and sentencing the defendant to make immediate delivery thereof and to pay damages in the amount of 5 uyonos, 5 baares, and 5 manojos of palay, or their cash value, P55.50, and the costs.

Defendant's counsel in his answer denied each and all of the allegations made in the preceding complaint, and set up, as a special defense, that the defendant was the true owner of the property described therein and had been in possession of the same for more than twenty years, which he offered to prove at the trial.

The case having come to trial and testimony having been furnished by both sides, the documents exhibited being attached to the record, the judge, on July 26, 1909, found inat the complaint had not been substantiated and absolved the defendant, without special finding as to costs. The plaintiff, on being notified of this judgment, took exception and moved for a new trial, which motion was overruled and exception was taken by the appellant, who duly filed the proper bill of exceptions which was certified and forwarded to the clerk of this court with a transcript of the evidence.

The purpose of this litigation is to recover rural property, unduly usurped some five years since, through the institution of the proper action for recovery of title.

In order that an action for the recovery of title may prosper, it is indispensable, in accordance with the precedents established by the courts, that the party who prosecutes it fully prove, not only his ownership of the thing claimed, but also the identity of the same.

The plaintiff, Regino Salacup, alleged that he had possessed the land described in his complaint for more than twenty years, and for the purpose of proving his ownership exhibited a certified copy of a possessory information duly recorded in the registry of property of the district of Ilocos Norte, on the 27th of March, 1895, which title does not appear to have been impugned, nor assailed as invalid.

A possessory information title has the same force and effect as have all other titles recognized by law, and a possessory information recorded in the registry of property is prima facie proof that the possessor of the land to which it relates is the owner thereof. (*Inchausti & Co. vs. The Commanding General of the Division of the Philippines*, 6 Phil. Rep., 556; *Baldovino vs. Amenos*, 9 Phil. Rep., 537.)

From the context of the said possessory information it is perfectly well proven that the land which was usurped by the defendant five years ago is included in the said information and is a part of the first parcel mentioned therein, which land is situated between the two places called Nambaran, to the north, and Mumud, to the south, of the district of Bacarra, and its old boundaries agree with those given in the complaint and by plaintiff's witnesses in their testimony, as well as with those contained in the record of the ocular inspection.

This inspection was made, it is true, at the request of the defendant's attorney. The deputy sheriff and the litigating parties with their respective attorneys went to the place where the property in question is situated and the deputy sheriff proceeded to measure the land, the southern part of which it is claimed was usurped by the plaintiff. This measurement shows the present boundaries to be, to the north, the properties of Gregorio Bulusan and Graciano Galan; to the east, those of the said Bulusan and Hilario Magaoay; to the south, that of the said Magaoay, and to the west, that of Antonio Acob. It was also ascertained that the property has a perimeter of 438 meters. The part of the said land alleged to be unlawfully withheld by the defendant having likewise been measured, it was found that its boundaries are, to the north, the property of Regino Salacup; to the east and south, that of Hilario Magaoay, and to the west, that of Alvaro Galapon. These measurements confirm the averments made by the plaintiff in his complaint, that the defendant usurped the southern part of plaintiff's land. The property in question claimed by the defendant has a perimeter of 202 meters, and according to the report of the deputy sheriff, who carried out the above-mentioned proceedings, which report was made pursuant to an order issued by the court and an agreement by the attorneys for both litigants, the said land held by the defendant, of 202 meters perimeter, is included within the 438 meters of plaintiff's land, this lesser parcel being situated in the southern part of the greater one designated by the plaintiff.

From the foregoing facts it is clearly shown that the plaintiff legally possessed the said real property that was usurped under claim of ownership, as proved by the possessory information entered in the registry of property, which he exhibited. The identity of the land unlawfully held by the defendant has also been proved in a conclusive manner, and as the said defendant has in nowise substantiated his claim that he is the owner of the land in question, the action instituted for the recovery of title is unquestionably proper and restitution must be made of the property so unduly held, together with the products collected therefrom or their value, inasmuch as it was proven at the trial that the defendant usurped the said land and was unlawfully holding it without either title or good reason, and consequently he could not acquire the status of owner in good faith, in accordance with the provisions of article 433 of the Civil Code.

It is, therefore, incontrovertible that the plaintiff is the owner of the land in question, and accordingly he has a right of action against the holder and possessor of the said land to recover the same, pursuant to the provisions of article 348 of the Civil Code.

For the foregoing reasons, it is proper, in our opinion, with a reversal of the judgment appealed from, to condemn, as we do hereby condemn the defendant, Sotero Rambac, to restore the aforesaid part of the land unlawfully held,

measuring some 202 meters in perimeter, to Regino Salacup, who is declared to be the owner thereof, together with 5 uyones, 5 baares, and 5 manojos of palay or their value, P55.60. No special finding is made as to the costs in either instance.

Arellano, C. J., Johnson, Moreland, and Trent, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.