

PEDRO VILLA ABRILLE ET AL., PETITIONERS AND APPELLANTS, VS. JOSE BAÑUELOS ET AL., OPPONENTS AND APPELLEES.*G.R. No. 5829. August 23, 1911*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5829/>**TORRES, J.:**

Valeriana Calivara, on behalf of her children Pedro, Eugenia, Luz, Jose, Enrique, and Carlos, all surnamed Villa Abrille y Calivara, filed, in the Court of Land Registration, on November 18, 1907, an application, amended by that of January 11, 1909, for the registration, in accordance with the Land Registration Act, of a tract of rural land of which the applicants, her said children, were alleged to be the absolute owners; the property was situated in the barrios of Maliualo, Balibago, Matayumtayum, Lomboy, Balincanauay, sitios of San Manuel, Laris, Quinapatan Biga, Mayang, Aguisic, Duruplac, and Capaniquitian, and bounded on the north by timbered lands of Casimiro and Damaso Tañedo, by the property of Juan Briones, and by Government forest land; on the northeast by lands of Anacleto Capinping, Juan Saagun, Francisco Espinosa, and Daniel Romero; on the east by Government land and by rice land belonging to Perfecto Mamaual; on the southeast by rice and timber lands owned by Perfecto Mamaual, Epifania Esguerra, widow of A. Agana, Canuto Tabula, now having heirs, Epifania Esguerra, widow of A. Agana, Maria Fiesta, Juan Ringor and Jose Bañuelos; on the south by the Balincanauay road leading to Lomboy, and rice lands of Agapita Macapagal, widow of Mendosa, and Rosendo Ortega; on the southeast by the lands of Roberto Baun, Justa D. Valeriano and heirs; and on the west by timbered lands of Jose de Leon, Marcos Tañedo, and Perfecto Mamaual, and, back of the latter, by those of Dr. Trinidad H. Pardo de Tavera.

The said estate, according to the amended application, has an area of 870 hectares, 18 ares, and 73 centares, as set forth in detail in the plan, Exhibit B, that accompanies the aforesaid amended application. This latter alleges that the land described was appraised at the last assessment, for the purpose of the land tax, at \$3,390, United States currency; that, according to the applicants' best knowledge and belief, no one had any right or interest in the property described, nor was there any encumbrance whatever thereon, except a mortgage of P500 In favor of Salvador Virtan y Alvarado, a resident of Manila, affecting an area of 159 hectares, 51 ares and 1 centare, situated in the northern part of the tract; and that the applicants, the parties represented by the said Valeriana Calivara, had acquired the property in question by conveyance from the latter, their mother, on November 16, 1907, before a notary of Manila, Emilio Pineda. The application contained the names and addresses of the occupants of the land, as well as a description of the respective titles under which they held, also the names and addresses of the owners of the adjacent properties, and the respective places of domicile of the applicants. They further prayed that, in case the application should not fall within the terms of the Land Registration Act, they be accorded the benefits granted by chapter 6 of Act No. 926 of the Philippine Commission.

After the issuance of summons and the conduction of the other proceedings prescribed by law, some 28 opponents and the Attorney-General appeared. The former alleged that they were, respectively, the owners of the several parcels of land concerned. The latter claimed that the property sought to be registered belonged to the United States and was under the control of the Insular Government, and he prayed that the application be denied, with

costs, and that, in case the land should be found to belong to the Government and be adjudicated to it, the proper certificate of title be issued therefor.

The case came up for hearing, testimony was adduced by both parties, the documents exhibited were attached to the record, and the court rendered judgment on August 9, 1909, holding that the applicants, represented by Valeriana Calivara, were the owners of only two parcels of the land, one of 64 - it should be 84 - hectares, 73 ares, and 62 centares, situated west of Pardo de Tavera's land, and the other of 319 hectares, 25 ares, and 46 centares, the sum of six adjoining parcels of land, the second, fourth, seventh, eighth, ninth, and tenth, east of the said Pardo de Tavera's property. As the applicants' witnesses had not convinced the court that the land mentioned in the applicants documents was of greater area than that recorded in the title deeds issued to them by the State, the greater part of the same still being covered by a forest - a forest belonging to the State - the court decided that the said application for registration could not be admitted, but granted the applicants the right to amend the same, but solely with reference to the two said parcels of land to the exclusion of all the rest, conditioned upon their filing, within thirty days from the date of the judgment, a motion for a rehearing for the purpose of identifying the said two parcels of land, and providing that, should such amendment and motion not be made within the term fixed, the application should be dismissed.

Counsel for the applicants was served with a written notice of the aforementioned judgment on the 26th of the said month. He insisted upon their previous application, waived their right to the thirty days' period allowed for its amendment, and prayed the court to render final judgment decreeing the adjudication and registration, on behalf of his clients, of the land specified in the plans marked as Exhibits A, B, and F. The court, therefore, on the 30th of the same month, issued an order dismissing the application for the registration of the property. Counsel for the applicants, on being notified of this action, entered an exception, announced his intention to file a bill of exceptions, and at the same time, moved for a rehearing of the case, on the grounds that the preceding rulings of the court were openly and manifestly contrary to the weight of the evidence and contrary to law. The motion for a rehearing was overruled by an order of September 8, 1909; exception was taken by the applicants' attorney, who afterwards in due season filed the required bill of exceptions.

This case deals with the inscription by the Court of Land Registration of a large track of agricultural land situated in the pueblos of Paz and Tarlac, Province of Tarlac, which property consists of eleven parcels specified in detail in the plan Exhibit F. This plan was presented subsequent to the presentation of Exhibits A and B, for the reason that in these latter the said eleven parcels of land are not numbered.

We shall first take up the question of seven of the eleven parcels that form the total area of the land sought to be registered, inasmuch as these seven parcels of land were legitimately acquired by the predecessors of the applicants, according to the documents exhibited to prove such acquisition, which are Exhibits Y, R, LL, L, M, I, and E, and relate to the parcels designated in the plan Exhibit F, under the numbers 2, 4, 7, 8, 9, 10, and 11.

The documents just above mentioned, exhibited by the applicants' counsel, furnish proof as to the manner in which those seven parcels of land were acquired by their respective original owners, the predecessors of the applicants. Six of these documents are of a public character, as are the deeds of sale executed by the administration on behalf of the State, and the seventh document is a title of ownership by composition with the State, likewise executed by the administration during the preceding regime. None of these instruments were challenged or impugned as being false, either civilly or criminally, by any of the opponents and no evidence was offered tending to invalidate them.

The judgment appealed from recognizes the validity of the titles exhibited by the applicants to prove their ownership of the said seven parcels of land, designated under numbers 2, 4, 7, 8, 9, 10, and 11, and also

recognizes the correctness of the respective areas set out in each one of their titles of acquisition; but the court was unable to decree the registration of these seven parcels of land for the reason that the total sum of their areas as set forth in the applicants' respective titles only amounts to 403 hectares, 99 ares, and 8 centares, which is much less than half of the aggregate areas specified in the amended application. According to the plans presented by the applicants under letters A, B and F, these amount to 870 hectares, 18 ares, and 74 [73] centares. There is consequently a difference of 466 hectares, 19 ares, and 65 centares.

Even though there be added to the sum of the areas of the said seven parcels of land, of 403 hectares, 99 ares, and 8 centares, the area of four other parcels of land designated in the plan Exhibit F, under the numbers 1, 3, 5, and 6, and with respect to which neither the applicants nor any of their predecessors obtained any title whatever from the State, and which four parcels contain 269 hectares and 26 ares, there would be a total of but 674 hectares, 25 ares, and 8 centares; which compared with that of 870 hectares, 18 ares, and 73 centares, the area mentioned in the application and plans presented as shown by the record, there is seen that there would still be a difference of 195 hectares, 93 ares, and 65 centares.

However, even granting that there was but little accuracy in the measurements of the lands in litigation recorded in their titles, and that the public administrative officers during the previous sovereignty officially allowed, as a tolerable error, 5 per cent of the excess so that when it exceeded this amount and was less than 15 per cent the purchaser was entitled to the "composition" of the surplus on payment of its price determined by appraisal, 'nevertheless it is necessary that the plan be amended to conform with the respective titles of the said seven parcels of land, so that it may appear with certainty whether there was an excess through error and what area of land such excess comprises, for the purpose of ascertaining the rights of the applicants, in their relation to the State and to interested third parties.

Valeriana Calivara, the immediate predecessor in interest of the applicants and the principal witness in this case, and the others who testified in support of the former's claim, were unable exactly to determine the situation and boundaries of each one of the said seven parcels of land specified in the plan, Exhibit F, numbered 2, 4, 7, 8, 9, 10 and 11, or to explain how the surveyor who examined and surveyed the lands in question succeeded in determining and identifying each parcel in accordance with the location, area and boundaries recorded in their respective titles, which titles, as the said Calivara testified, were taken into account by the surveyor in his operations and in making the plan; for, from the oral and documentary evidence of record in the case, it is found that the location, area, and boundaries of the lands described in the titles exhibited by the counsel for the applicants do not exactly coincide with the plans presented, and, consequently, the identity of each of those seven parcels of land was not proved, as is required to have been done by the applicants in order that the same might be registered in accordance with the law.

Article 9 of the old Mortgage Law in force in these Islands, provides:

"Every record made in the registry shall contain the following details:

"1. The nature, location, and bounds of the realty which is the subject of record, or which is affected by the interest which is to be recorded, its superficial area measured according to the standard used in the country, and its equivalent in the metrical system, and its name and number, if they appear in the deed."

Article 63 of the General Regulations for the enforcement of the said law, prescribes:

"To indicate exactly the estates or rights which are the subject matter of the records, Registrars shall act in accordance with the provisions contained in article 9 of the Law, subject to the following rules:

"First. The character of the estate shall be described, stating whether it is rural or city, and the name by which

such estates are known in the province or town.

"Second. The location of the rural estates shall be fixed by a statement of the district, subdistrict, or any other name by which the place in which they are located is known, their boundaries according to the four cardinal points, the character of the contiguous estate, and any details which will avoid its being confounded with others.

"Third. * * *

"Fourth. The superficial area shall be stated in the manner in which it appears in the instrument, and with the denominations employed therein; but if said measurement does not appear in the instrument, this fact shall be stated in the record."

Section 36 of Act No. 496 of the Philippine Commission prescribes, among other things, the following:

"The court may in any case before decree require a survey to be made for the purpose of determining boundaries, and may order durable bounds to be set, and referred to in the application, by amendment."

Section 24 of Act No. 496, as amended by section 7 of Act No. 1875, prescribes that:

"The application may include all the parcels of land or properties belonging to the applicant, provided they are situated within the same province or city. The court may at any time order an application to be amended by striking out one or more parcels or by severance of the application."

It is a well settled doctrine of the courts, that a person who seeks to register his title of ownership to certain land in the Court of Land Registration, must, like another who brings an action for the recovery of possession, satisfactorily prove, not only his right of ownership, but also the identity of the land. (Sison vs. Ramos, 13 Phil. Rep., 54, and Belen vs. Belen, 13 Phil. Rep., 202.)

The judgment appealed from recognizes the applicants' dominion over, or right of ownership to the said seven parcels of land, but, because the identity of each of them was not proved at the trial, in conformity with their respective titles, provision was made for the amendment of the application to the end that, at the rehearing, the plan might be corrected and the parcels of land therein comprised identified, for their due inscription in the property registry.

The merger of the eleven parcels of land, all differing in area, location, boundaries, and methods of acquisition combined to form one single tract, has given rise to the confusion which has prevented the speedy settlement of this case. When the applicants petitioned for the registration of the seven parcels of land for which they hold title deeds, they sought at the same time to register four other parcels, without proper titles, and for the purpose of forming one single tract of land, comprised within s. perimeter without breach of continuity, and adjacent one to the other, filed with the court a plan including the said eleven parcels in a single tract, whereas the conditions surrounding the last four are different from those affecting the first seven.

The application and plans exhibited by the counsel for the applicants contain a declaration of a larger area of land than the total of the respective areas of the parcels as set forth in each of the titles thereto; and, in order that the greater area alleged may prevail over that contained in each title exhibited by the said applicants, it must be proven that they are owners of the land claimed. It has not been explained how the aforementioned seven parcels of land, legally acquired, have now come to contain a large area.

Counsel for the appellants, on page 9 of his brief, says that an ocular inspection of the land, or an order directing that the parcels of land found to belong to the applicants, be plainly marked on the plan, Exhibit F, would have been more expedient, before the rendition of the judgment of August 9, 1909, appealed from, and that, had such

inspection been made or such order issued, his clients would not have had to include in their appeal the lands which unquestionably belong to them.

This voluntary statement shows still more clearly that if the applicants' right of ownership to the before-mentioned seven parcels of land is unquestionable their respective identity and location do not appear exactly determined in the three plans exhibited, especially in the plan Exhibit F, in respect to the several titles of ownership of the said parcels, issued to the predecessors of the applicants by the Spanish Government. It is therefore imperative that a new trial be held for the purpose indicated, to wit, the identification of the properties sought to be registered.

With regard to the parcels of land designated in the plan Exhibit F, under the numbers 1, 3, 5, and 6, and to which reference is made in the documents marked Exhibit CC, V, O and EE, neither may they be registered, as solicited, inasmuch as it has not been shown that the applicants or their predecessors in interest obtained from the State any title to them; nor does there appear to be any proof that they were in possession of the same as owners since 1894, the date of the issuance of the decrees contained in the documents Exhibits O, V, and CC, and which prescribed that the parcels of land referred to should be adjudicated to Cecilia Dominguez del Rosario - inasmuch as the total price of the lands adjudicated was not paid, and for such reason they did not, in legal manner, enter into the possession of the same. And with respect to the parcel of land concerned in the document Exhibit EE, page 206 of the record, this instrument merely contains the report relative to the expediency of the alienation of the land, sought to be obtained by the said Cecilia Dominguez, but says nothing of its sale or adjudication to her; therefore, the vendee not only did not enter into the possession of the land, but also did not acquire any right therein, and so it was that her daughter, Valeriana Calivara, concluded by stating that she waived her claim to the adjudication of the said fourth parcel of land, as shown by document No. 3, page 225 of the record.

The said four documents in no wise prove that the applicants were in possession of the said lands, although three of the parcels may have been adjudicated to one of their predecessors; nor does the record reveal satisfactory proof that they held such properties together with the land not adjudicated, Exhibit EE, because no legal possession exists that could be considered as interrupted by force majeure, as a result of the insurrection which broke out during the last months of the year 1896.

As before stated, aside from the lack of a perfect title, issued in due form, to the parcels of land adjudicated to Cecilia Dominguez by a decree of the Intendencia General de Hacienda, in 1894, the record does not show that the said three parcels of land referred to in the documents Exhibits CC, V, and O, were identified; hence, under no consideration could their entry be allowed upon the property registry, and, much less, the inscription therein of the fourth parcel, concerned in Exhibit EE which was not even adjudicated and the acquisition of which was expressly waived by Valeriana Calivara, page 225 of the record, in accordance with the provisions of paragraphs 2, 3, and 4 of section 54 of Act No. 926, those persons who duly justify their possession of the land, the title of which was not perfected on account of noncompliance with certain requisites established by law and through no default upon their part are the only ones entitled to perfect their titles.

In order to show more clearly the impropriety of the registration, not only of the land referred to in Exhibit EE, but also of the lands concerned in the decrees issued on behalf of the applicants and transcribed in the documents Exhibits CC, V, and O, it is noted that the record bears no proof of Cecilia Dominguez having conveyed her rights in the three parcels of land last mentioned to Valeriana Calivara, the applicants' predecessor in interest, for clause 6 of the document Exhibit G, found on page 83 of the record, sets out no sale or conveyance to Calivara of any rights which Dominguez may have acquired through the adjudication of said lands.

In the additional brief of the appellants, petition is also made for the dissolution of the writ of injunction issued on behalf of the twenty-four opponents who made their appearance in this case, and it is alleged that the latter have

no right to any part of the land which is the subject of the application.

As it does not appear specifically determined whether the lands claimed by these twenty-four opponents who obtained the said writ of injunction, are or are not comprised within the area of the parcels of land provided with titles issued by the State to some of the predecessors of the applicants, which parcels are those numbered 2, 4, 7, 8, 9, 10, and 11, in the plan Exhibit F, it is impossible, at the present time, to grant such dissolution.

For the foregoing reasons, it is proper, in our opinion, to affirm the judgment of August 9, 1909, and to reverse that of the 30th of the same month and year. Therefore, let the record in this case be returned to the Court of Land Registration, with a certified copy of this decision, in order that, after amendment of the application, which shall comprise only the seven parcels of land that are provided with legitimate titles and numbered in the plan Exhibit F, 2, 4, 7, 8, 9, 10, and 11, the judge of the lower court may proceed with a new trial, so that the applicants may furnish a plan prepared in conformity with the titles of the said seven parcels of land, which shall express the present location, area, superficial measurement and boundaries of each of them, and evidence be adduced for the identification of the same. As a result of such proceedings and of the evidence previously taken, the court shall, in due season, render such judgment as may be deemed proper under the law and in accordance with the merits. It is inopportune at the present time to dissolve the injunction issued on behalf of the twenty-four opponents, and therefore the motion made by the counsel for the applicants, is denied. So ordered.

Mapa, Johnson, Carson, and Moreland, 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.