

TIMOTEO BALATIAN ET AL., PLAINTIFFS AND APPELLEES, VS. NICOMEDES AGRA, DEFENDANT AND APPELLANT.

G.R. No. 5878. December 15, 1910

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

The plaintiffs in this case are Timoteo, Ana, and Eleuterio Balatian, the children of Tomas Balatian, who was the only son of Pedro Balatian. Pedro Balatian died on November 30, 1897, and Tomas Balatian on September 15, 1903.

On November 21, 1908, the plaintiffs filed their complaint in which they alleged that, while they were in possession of three parcels of land located in two sitios of the municipality of Vintar, Ilocos Norte, inherited from their father, and by the latter from his father, Nicomedes Agra usurped the said land in July of the same year. They therefore prayed that these properties be restored to them, together with the products collected therefrom during the course of the litigation.

The defendant answered the complaint, denying the aforementioned facts therein set forth and alleged that he had acquired the said parcels of land by purchase from their previous owner, Bernabe Foronda.

The Court of First Instance of Ilocos Sur, which tried this case, found the following facts to have been proven: (1) Pedro Balatian's ownership of the three parcels of land in question; (2) the succession of the only son of Pedro Balatian, who was Tomas Balatian, to the ownership of the said three parcels; (3) the succession, in turn, of the three said children of Tomas Balatian to the same three parcels of land which are now sued for; and (4) the usurpation committed by the defendant. The evidence introduced relative to this last fact was verbal, and to the first three preceding ones, both oral and documentary.

The court found that the plaintiffs were the legitimate owners of the three parcels of land described in the complaint and ordered the defendant to restore the same to them, but made no finding with regard to the products thereof, for lack of proof as to their quantity and quality, and no special finding as to the costs.

This judgment having been appealed from and the bill of exceptions forwarded to this court, it is found that the following assignments of error are alleged against it:

- The finding that Tomas Balatian succeeded to his father in the ownership of the said lands;
- The finding that the plaintiffs were the sole heirs of their father, Tomas Balatian;
- The finding that the plaintiffs, and not the defendant, were the owners of the lands in question; and
- Not to have found that the documents presented by the defendant were valid.

Disregarding the first two assignments of error, which apparently can not be matters of discussion in this case, inasmuch as the defendant does not claim to be a party to the successions concerned herein, and confining

ourselves to the last two, the only ones that are relevant, we find:

(1) That the proof of the plaintiffs' ownership, as found by the trial court, lies in a title by composition with the State, obtained by Pedro Balatian on July 26, 1895, and recorded in the registry of property of Ilocos Norte; (2) that this title comprises seventeen parcels of land, the first, second, and sixteenth of which are those now in dispute; and (3) that the reason why they are claimed by the defendant is because they were, he alleges, included within the said composition title by an agreement had between the applicant, Pedro Balatian, and the party whom he calls his predecessor in interest, Bernabe Foronda.

With respect to this point, the defendant presented a private document, Exhibit 3, wherein it appears that Tomas Balatian declares that he received, on May 19, 1896, from Bernabe Foronda, 15 pesos to pay for the registration "of our rural properties and for such other expenses as may be necessary, because the documents pertaining to their lands have been included among those relating to the lands belonging to us." The trial court, however, accorded no value whatever to this evidence as it considered the document to be false, because it appears that it was authorized by Tomas Balatian on a date when Pedro Balatian was still living, the sole owner of the lands who could and should have authorized it then, for, as before stated, he did not die until November 30, 1897.

Moreover, it must be considered that, even admitting the statements contained in the said document to have been proved, still the latter would not be proof that the lands comprised within Balatian's composition title were precisely the first, second, and sixteenth parcels, and not others of the seventeen embraced in the said title.

None of the assignments of error are sustained.

The judgment appealed from is affirmed, with the costs of this instance against the appellant. So ordered.

Torres, Johnson, Moreland, and Trent, JJ., concur.

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