

VICTORIA SUGUITAN, PLAINTIFF AND APPELLEE, VS. RAMOS VICENTE, DEFENDANT AND APPELLANT.*G.R. No. 5962. December 24, 1910*

Ponente: TORRES, J.

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The counsel of Victoria Suguitan, a widow of legal age, filed a written complaint on April 30, 1908, in the Court of First Instance of Ilocos Norte. In this complaint, which was amended for the third time on July 10, 1909, the plaintiff alleged that she was the possessor, in the quality of owner, of two rural properties in the sitio of Monserrate, of the pueblo of Dingras, Ilocos Norte, bounded, one of them, on the north by lands belonging to the heirs of Andres Castro, on the east by those formerly owned by Dionisio Bonoan, and now by Felipe Enrique, on the south by a river, and on the west by the property of Jose Agbayani; and the other of them, on the north by a ditch, on the east by land formerly owned by Dionisio Bonoan, now by Ramos Vicente, on the south by a river, and on the west by the lands belonging to the heirs of Jose Agbayani, said two properties containing an area, respectively, of 36 ares and 60 centares and 67 ares; that in or about the month of July, 1906, the defendant Ramos Vicente unlawfully occupied, without the plaintiff's knowledge, some 21 ares and 25 centares of the first above-described property and two portions of the second, one of 18 ares and 26 centares and the other of 2 ares and 40 centares, according to the measurements made; wherefore the plaintiff suffered damages in the amount of P60, the value of the products of the said properties which she failed to collect. The plaintiff further set forth that as the defendant refused to return the properties she instituted this action for the recovery of possession of the same, and asked that judgment be rendered sentencing the defendant to deliver to the plaintiff the two aforesaid properties and to pay her, as damages, the sum of P60, the value of the products of the land which the latter failed to collect, and to the payment of the costs.

The counsel for the defendant, by a writing of July 14, 1909, reproduced in all its parts his answer contained in his writing of August 19, 1908, to the complaint preceding the last amended one, and after a general denial of the essential points which served as a basis for the complaint, alleged as a special defense; that the lands described in paragraph No. 1 of the amended complaint were not in the possession of the defendant, according to the area and boundaries of the same therein expressed; that the two parcels of land held by the defendant and which apparently were those claimed by the plaintiff, located in the sitio of Monserrate, of the district of Dingras, had different areas and boundaries from those of the lands which were the subject of the complaint, for one of them measured 170 meters in circumference, equivalent to 7 ares and 70 centares, bounded on the north by the land of Esteban Castro, and on the south, east, and west by that of Marcos Manibug, and the other parcel measured 190 meters in circumference equivalent to 17 ares and 20 centares, and was bounded on the north and east by the plaintiff's own lands, and on the south and west by those of Marcos Manibug; that the said two parcels of land belonged exclusively to the defendant, through acquisition by purchase, one of them from the brothers Angel and Felix Reyes, and the other from the sisters Marcelina and Guillerma Lampituc; and that by virtue of this title he had, for more than twenty years, been in the public, peaceable, and uninterrupted possession of the said lands, in the quality of owner thereof. The defendant therefore prayed that in due course of time judgment be rendered in his

favor by sentencing the plaintiff to perpetual silence and to the payment of the costs.

The case having been heard and oral evidence adduced by both parties, the documents exhibited being attached to the record, the court, in view of the evidence, rendered judgment on August 18, 1909, wherein it found that the plaintiff was the owner of the parcels of land described in the amended complaint and sentenced the defendant to deliver them to the plaintiff. The costs were not assessed against either party. From this judgment the defendant's counsel appealed and moved for the annulment of the said judgment and the holding of a new trial. This motion was denied, exception was taken by the defendant and the latter's counsel filed the proper bill of exceptions which was approved, certified, and forwarded to the clerk of this court.

This is a possessory action brought by the plaintiff for the recovery of possession of two parcels of land usurped several years ago by the defendant and which are situated in the sitio named Monserrate, of the pueblo of Dingras, Ilocos Norte.

For the purpose of proving her ownership to the two parcels of land the recovery of which is sought, the plaintiff exhibited her title of composition with the State, issued by the government of the province by delegation of the Director General de Administration Civil, on July 19, 1895, which title was shown to have been recorded in the property registry on the 16th of August of the same year.

The two said parcels of land, judging from their respective boundaries and areas, are the first and fifth parcels specified in the aforementioned composition title, and notwithstanding the denial of the defendant and the allegations set forth in his answer that the said two parcels of land can in no manner be identified with any of the five parcels of land described in the said ownership title, it is nevertheless certain that the description of the two parcels of land detained by the defendant and claimed by the plaintiff, is in accord with the description of the aforementioned first and fifth parcels as they appear in the said ownership title.

The defendant, while denying that he usurped any property whatever belonging to the plaintiff, alleged that the two parcels of land which he possessed in the aforesaid sitio of Monserrate had different boundaries and areas, and, in order to prove that they belonged exclusively to him, exhibited three private documents, marked with the letters A, B, and C, as titles proving the acquisition of the said lands from the persons whose names are expressed therein. These documents, translations of which are found in the record, do not appear to have been duly legalized, do not state the boundaries of the respective lands to which they relate, nor are the signatures of their makers authenticated.

It is unquestionable that the plaintiff, Victoria Suguitan, held as owner lands in the said sitio which are those described in the title aforementioned, inasmuch as it appears in the record attached thereto, made by the provincial board of composition for the lands of Ilocos Norte, prior to the issuance of the said title and subsequent to the publication of the required notices and the serving of summons on the owners of the adjoining lands, that, on April 4, 1894, the lands, the subject of the composition, two of which are concerned in this litigation, were inspected and examined by the *teniente de sementeras*, a subordinate agent of the Government, and an expert surveyor, who went to the said barrio of Monserrate, and as a result of the said inspection the board aforementioned certified to the *capitan municipal* on February 28, 1895, that Victoria Suguitan had, for the past twelve years, held and had been cultivating the lands, the subject of the proceedings, which were examined, and had acquired them by purchase from Juana and Guillerma Bonoan who also had and cultivated them some forty years before. So the said lands have been held and cultivated since more than fifty years, and therefore the plaintiff's ownership right therein is evident and there exists no legal reason whatever which may prevent her being recognized as and declared to be the sole legitimate owner of the two parcels of land in question, among others, and which must be restored to her by their deforciant, the defendant.

For the foregoing reasons, and because the judgment appealed from is found to be in accord with the law, it is proper, in our opinion, to affirm the same, as we hereby do, with the costs against the appellant. So ordered.

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

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