

MANZANO MASSAOAY, PLAINTIFF AND APPELLANT, VS. ESTEBAN BLASI, DEFENDANT AND APPELLEE.

G.R. No. 6327. September 11, 1911

Ponente: MAPA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6327/>

MAPA, J.:

In the present suit for recovery of a parcel of land judgment was rendered in first instance for defendant, and plaintiff appealed.

Summing up the evidence in the judgment appealed from the court holds:

"It has been established by the oral and documentary evidence adduced by the litigants that the parcel of land in question was acquired from the State by a free grant, first by the plaintiff's father and afterwards by himself; then it was abandoned, in which condition, and with permission from competent authority first had, it was cleared, cultivated and occupied by the defendant continuously for many years to date."

The first part of this finding is in accordance with the evidence and must therefore be sustained, for it is satisfactorily proven, from the composition title presented by the plaintiff, that he obtained from the State on July 26, 1898, a grant of ownership of the land which is the subject of the complaint, along with several other parcels described in said title.

But it is incorrect that the plaintiff has abandoned said land, as averred in the final part of the above findings in the judgment appealed from; and still more incorrect if it is intended to signify thereby, as appears, that he has renounced his ownership of said land. There is no proof of such abandonment. According to the lower court, "a proof of this is the fact stated in the complaint that the defendant has held the land since 1898 and ceased to pay rent in 1901. If the land (it adds) had not been abandoned; by him who considers himself its owner, how is it that he. ceased to derive benefit from it and only claimed it after nine years?" It is proven by the testimony of three witnesses that the plaintiff let the land in question out on; shares to the defendant in the year 1898, and that in said year and the two succeeding ones he received from the defendant half of the crop therefrom, which was the condition of the tenancy on shares; but the defendant has failed to fulfill this condition since the year 1901.

There is no definite record as to what extrajudicial action the plaintiff has taken to recover possession of the land off to secure the half of the crop that he should receive as owners before concluding to institute the present suit for recovery in 1909; but it is certain that he performed no act which might signify his intention or purpose of abandoning said parcel of land, as indicated in the judgment appealed from,; for such can not be inferred from the fact that he has filed no judicial claim during nine years for the nonfulfillment by his tenant, the defendant herein, of the contract of tenancy on shares. This fact may impute to him more or less serious negligence in looking out for his interests; but in no way can it be construed as a renunciation, even by implication, of his right of ownership; and much less can it be regarded as legal ground for depriving him of such right; not even lost by prescription, which was not averred, as sufficient time has not elapsed for this to take place according to law.

The statement in the judgment appealed from that the defendant, as a result of the alleged abandonment by the

plaintiff, cleared, cultivated and has been occupying land in question for many years continuously to date permission of competent authority first had, is not supported in any way by the evidence in the case. The permission referred to in that part of the sentence is a written authorization issued by the gobernadorcillo of the town of Dolores, Abra, Ilocos Sur, to the defendant herein and other individuals to transplant rice to some fields which were said to be abandoned in the sitios called Daquigan, Caguang, Putu, Panday, Sungol, Lassaogan, Rubica, and Abar. But this authorization is dated April 10, 1885, while the composition title whereby the defendant obtained from the State ownership of the land in question was issued only on July 26, 1898. This being true, if the plaintiff had not yet obtained ownership of the said land in 1885, it is evident that there is no room for supposing that he had then abandoned it and that as a consequence of his abandonment the defendant began to occupy and cultivate it in said year, 1885, for the simple reason that one can not abandon what he does not possess. The authorization of the gobernadorcillo of Dolores hardly refers to the land in litigation, for no mention whatsoever is made therein of the sitio of Oangoang, where this land is situated. And if it did refer to this same land, then it was effectively annulled and cancelled by the grant made later to the plaintiff by the State through the composition title of 1898 which has been mentioned; every one knows that only the State can convey ownership of public land to private parties.

In the absence of adequate evidence showing the quantity of products the defendant has secured from the land in question during the years that have elapsed since 1901, there is no basis for computing the half the plaintiff should receive according to the alleged contract of tenancy on shares, so no finding can be made on this point.

The judgment appealed from is hereby reversed and the defendant ordered to restore to the plaintiff the parcel of land which is the subject of the complaint, with the costs in first instance against the said defendant, and no special findings as to the costs in this instance. So ordered.

Torres, 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.