

ALEJANDRO MONTELIBANO AND LEOPOLDO SICHON Y PALACIO, PETITIONERS AND APPELLEES, VS. THE DIRECTOR OF LANDS, OPPONENT AND APPELLANT.

G.R. No. 6535. February 13, 1912

Ponente: TORRES, J.

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TORRES, J.:

This case is before us on appeal by the Attorney-General, representing the Director of Lands, through a bill of exceptions, from the judgment rendered by the Honorable Associate Judge of the Court of Land Registration, Higinio Benitez.

Counsel for Alejandro Montelibano y Ramos and Leopoldo Sichon y Palacio made a written application on January 16, 1909, for registry in the Court of Land Registration of two parcels of land, one of which is situated in the place called Magsungay, and the other in Tangub, both comprised within the territory of the pueblo of Bacolod, Occidental Negros, and within the reservation, their boundaries and areas being set forth in the plan and technical description that accompanied the application. This property was occupied by Leopoldo Sichon as pro indiviso owner of one-half of the same and lessee of the other half which belonged to Alejandro Montelibano. It was further stated in the application that, in the improbable event that the property could not be registered under the Land Registration Act, they would then rely upon the benefits accorded by chapter 6 of Act No. 926, inasmuch as the said Montelibano and Sichon were then and had been in possession of the land and had cultivated it for more than twenty years.

Notification having been made by means of notices published in accordance with the law, the Attorney-General, in behalf of the Director of Lands, opposed the registration sought and prayed that the application be denied, and that, should the said property be found to belong to the Insular Government, it be adjudicated thereto and the proper certificate of registration issued in the latter's behalf.

During the course of the proceedings, counsel for Enrica, Juana, Rufino, Juana, and Gabino, all surnamed Sison y Tubungbanua, opposed the said registration, for the reason that the application included a parcel of land belonging to them, although afterwards this opposition was withdrawn.

After evidence had been adduced in the proceedings relative to the facts alleged and to the order of September 8, 1909, allowing a rehearing, the said associate judge of the Court of Land Registration, on August 30, 1910, rendered judgment whereby, among other provisions, after entry of general default, the adjudication and registration of the said two parcels of land were decreed in the names of Alejandro Montelibano and Leopoldo Sichon. Exception was taken to this judgment by counsel for the Director of Lands who, by written motion, asked for a rehearing. This motion was denied by an order of September 26, which the Attorney-General cited and took exception to, and, the proper bill of exceptions having been presented, the same was certified and forwarded to the clerk of this court.

Every order or final judgment issued or rendered in any trial or action must contain a clear but concise statement

of the facts alleged, which are closely related to the issues to be determined, and held as proven, together with the conclusions deduced therefrom which must be the subject of the findings of law as a basis for a final judgment or order.

Section 133 of the Code of Civil Procedure provides:

"Upon the trial of a question of fact, the decision of the court must be given in writing and filed with the clerk; but the statement of facts must contain only those facts which are essential to a clear understanding of the issues presented and of the facts involved."

Without the concrete relation or statement in the judgment of the facts alleged and proved at the trial, it is not possible to pass upon and determine the issues raised in the litigation, inasmuch as when the facts held to be proved are not set forth in a judicial controversy, it is impossible to administer justice, to apply the law to the points argued, or to uphold the rights of the litigant who has the law on his side.

It is not sufficient that the court or trial judge take into account the facts brought out in an action or suit, the circumstances of each question raised, and the nature and conditions of the proofs furnished by the parties. He must also set out in his decision the facts alleged by the contending parties which he finds to have been proven, the conclusions deduced therefrom, and the opinion he has formed on the issues raised: then only can he intelligently set forth the legal grounds and considerations proper in his opinion for the due determination of the case.

This principle was repeatedly established in the cases of *Braga vs. Millora* (3 Phil. Rep., 458), *Enriquez vs. Enriquez* (3 Phil. Rep., 746), *City of Manila vs. Insular Government* (9 Phil. Rep., 71), and *Alindogan vs. Insular Government* (15 Phil. Rep., 168).

In the judgment appealed from, no clear and concise statement is made of the facts alleged by the parties and held as proved by the trial judge, and therefore the provisions of the law have not been complied with, since the findings of law and the judgment of the court lack the necessary and indispensable foundation, and the conclusions contained in the judgment are not sufficient to serve as a basis therefor.

For the reasons aforesaid, the judgment appealed from is set aside and the record shall be returned to the Court of Land Registration, with a certified copy of this decision, in order that the court may render judgment in the manner herein indicated and in accordance with the law,

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

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