

FELIPE DE GUZMAN, PETITIONER AND APPELLANT, VS. MANUEL DE SANTOS Y CABRERA, OPPONENT AND APPELLEE.*G.R. No. 6609. December 02, 1911*

Ponente: TRENT, J.

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This is an appeal from a judgment of the Court of Land Registration, the Hon. Pedro Concepcion presiding, sustaining the opposition interposed by Manuel de Santos to the registration of a small portion of land embraced within the respective claims of the original petitioner, Felipe de Guzman, and that of the oppositor, Manuel de Santos.

The appellant filed a petition in the Land Court, case No. 5706, asking for the registration of the following described lot or parcel of land:

"A plot of ground situated on Calle Santa Maria (formerly unnamed) of the barrio of Bancaso of the District of Tondo, of this city of Manila, Philippine Islands, bounded on the east (used for its entrance) by the said Calle Santa Maria; on the north (the right side as one enters) by the property of Francisco Toribio and Lucio Buzon; on the south (also the left side as one enters) with the property of Manuel Santos; and on the west (the rear side) with the property of Isabel Tambueco and Miguel Gatpandan."

In petitioner's Exhibit A (a plot showing the ground together with a technical description) the land is technically described as follows: beginning at a point marked 1 on the corrected plan, being N. 9° 30' W., 59.20 m. from the intersection of the north side of Calle Moriones and the east side of Calle Santa Maria; thence N. 836 48' W., 17.15 m. to point 2; thence N. 9° 25' W., 33 meters to point 3; thence N. 89° 30' E. 26.30 m. to point 4; thence S. 6° 25' W., 34.87 m. to point of beginning; containing 727.66 square meters.

The appellee and petitioner, in Expediente No. 6026, describes the land which he sought in that case to have registered as follows: beginning at a point marked 1 on his plan, N. 22° 33' W., 257.31 m. from the northwest corner of the Tondo Church; thence N. 5° 16' E., 10.55 m. to point 2; thence S. 89° 22' W., 21.47 m. to point 3; thence S. 8° 55' E., 4.65 m. to point 4; thence S. 77° 09' W., 12.10 meters to point 5; thence S. 12° 16' E., 7.91 meters to point 6; thence N. 81° 00' E., 30.27 m. to the starting point; containing 336 square meters. Bounded on the north by Felipe de Guzman, on the southeast by Calle Santa Maria and property of Agustin Inocencio, on the southwest by Calle Velasquez, and on the northwest by Isabel Tambueco,

The parties to this action are adjacent property owners and from the record it appears that there is a strip of 154 square meters which is included within the alleged boundaries of both litigants. This small parcel in dispute lies north of the land of Santos and south of that of Guzman and is described as follows: beginning at a point marked 2 on the plan presented by the appellee, which is identical with point 2 in the description of the land sought to be registered by Santos, thence S. 89° 22' W., 21.47 m.; thence S. 11° 27' E., 7.36 m.; thence S. 88° 21' E., 19.28 m.; thence N. 5° 16' E., 8.04 m. to point of beginning. Bounded on the north by Felipe de Guzman, on the east by Calle Santa Maria, on the south by Manuel de Santos, and on the west by Isabel Tambueco.

The court below found that this disputed tract was not included within the lands of Guzman, and was of the opinion that his southern line had been advanced over on to Santos and now embraces a part of his (Santos') land.

In the old deeds which describe the land of Guzman, the courses of the boundary lines are not given, but only the distances, with the bounding limits stated in general terms; while in the plot of the land filed with the petition (Exhibit A), both the courses and distances are shown. The distances as given in the plot filed with the petition do not coincide in all respects with the distances given in the old deeds, but we do not consider this in itself a fatal defect for the reason that in many instances the distances in the old deeds were doubtless intended as approximations and the boundary lines were not always given with the same scientific accuracy as those at the present time.

The lower court stated that the several descriptions given in the deeds and records offered by Guzman in support of his title were all at variance with each other and that it was not possible to arrive at any definite conclusion with reference to the true description of the land of Felipe de Guzman. It is true that in some particulars the old deeds are not in harmony with later descriptions, but we think a careful examination of these descriptions shows that they evidently relate to one and the same plot of ground, and that in most essential respects they are in accord with the description of the land as shown in the registered title and in the petition.

The petitioner (the word petitioner used herein will refer to the original petitioner, Felipe de Guzman) files as his Exhibit D a certified transcript taken from the registrar's book, in which the history of the property claimed by the petitioner is given in so far as the same appears of record, and from this Exhibit D there appear various references and descriptions relating to this property. In one of the oldest references - a deed executed in 1876 - the measurements are given as follows:

"38 varas (31.75 meters) on the east side, on which it is bounded by a closed canal; on the south 30 varas (25.7 meters) bounded by the convent lands; on the west side 28/j varas (23.97 meters) and bounded by the lands of the convent; on the north side 42 varas (35.1 meters) and bounded by a closed canal, Buhat-Buhat. * * * Belonging also to the land a callejon used for entrance. (The figures in meters are inserted,)"

For the purposes of this decision this will be referred to as description No. 1.

In another part of Exhibit D we find this statement with reference to the callejon above mentioned: "The callejon (used for entrance) to said land has disappeared through having been converted together with the closed canal Buhat-Buhat into a public street." It will be observed that Calle Santa Maria lying on the east side of said land is the only public street adjacent thereto, and consequently this must be the street to which reference is made in these descriptions. This last reference also places the callejon and the closed canal on the east side of the land - the same side as the public street. From these descriptions it will be seen that the land has the form of an irregular quadrilateral. The petitioner files a deed of sale, Exhibit B, executed June 8, 1909, by Don Rafael Reyes, as managing agent of the corporation "Varadero de Manila," to himself (the petitioner) and also a deed of sale, Exhibit C, executed October 19, 1906, by the sheriff of Manila, Mr. James J. Peterson, to the said Don Rafael Reyes. In both of these deeds we find the land described as follows:

"A vacant plot of ground in the barrio of Bancaso of the District of Tondo of this city, whose number, if it has any, is not given, bounded on the front side (east) by an unnamed public street; on the right side as one enters (north side), formerly with a closed canal, now changed into unnumbered lots belonging to the heirs of Dona Sotera Trinidad and Don Ramon Lopez; on the left side (south side) by an unnumbered lot which was formerly the property of the parochial convent of Tondo and now that of Isabel Siquingco (Sumpingco) ; and on the rear (west side) by an inside lot which formerly belonged to the said convent and is now owned by Don Manuel Santos. It (the lot herein described) measures 42 varas (equivalent to 35 meters and 10 centimeters) on the front side (east side, now Calle Santa Maria) ; 38 varas, (equivalent to 31 meters and 76 centimeters) on the

right side (the north side); 28 varas and 2 feet (equivalent to 23 meters and 97 centimeters) on the left side (the south side) ; and 30 varas (equivalent to 25 meters and 7 centimeters) on the rear side (the west side), forming a total area of 838.6 square meters."

For the purpose of this decision this will be referred to as description No. 2.

The true description of the property of Felipe de Guzman with reference to the adjacent property owners and boundary lines at the present time is that given in the petition. There is some contention as to courses and distances, but none as to the general location and situation of the property. This fact, then, establishes that Calle Santa Maria is on the east, that the land of Matfuel Santos is on the south, that the property of Isabel Tambueco (an heir of Isabel Sumpingco) lies on the west, and that the property of Francisco Toribio and Lucio Buzon (successors to Sotera Trinidad and Ramon Lopez) lies on the north side. Descriptions Nos. 1 and 2 above referred to do not agree, nor do they correspond in all their measurements with the true description of the property in question.

For the purpose of showing clearly that these apparent differences are not real but are in fact mere errors and misstatements, we have examined the plots of the land as shown by descriptions Nos. 1 and 2. These plots, however, are only approximations and the courses are only given in general terms, but they serve to show the length of the boundary lines and the position of the lot with reference to the adjacent property owners. A comparison of these two plots makes it evident that they are intended to represent one, and the same parcel of ground. The same measurements are indicated, although they are not assigned to the same sides in both plots. In description No. 1 we have a measurement of 35.1 meters on the north side and 31.76 meters on the east side, while in description No. 2 the 31.76 meters is given for the north side and the 35.1 meters for the east side - a reversal of measurements. Likewise, in description No. 1, we have for the south side a measurement of 27.7 meters and for the west a measurement of 23.97 meters, while in description No. 2 these measurements are reversed, 23.97 meters being given for the south side and 25.7 meters for the west side. The lands of Manuel Santos are today and have always been on the south and those of Isabel Tambueco (formerly Isabel Sumpingco) on the west. Yet, in description No. 2 we find that their respective positions are reversed and that the lands of Santos are placed on the west and those of Isabel Sumpingco on the south. These defective and erroneous statements with reference to the descriptions of the petitioner's land in the old deeds are urged by the oppositor as making it impossible to know what is the true description of the land claimed by the petitioner, and that such statements being so palpably wrong, these title deeds are not worthy of consideration and should not be given any weight as supporting petitioner's title.

In this we cannot agree. These errors of description which appear in the old records and which have been successively repeated in subsequent transfers ought not to militate against petitioner's title when it is shown that the land sought to be registered is exactly the same parcel as that included in the old deeds, and also when it is shown as in this case that the petitioner is now asserting title to only such property as is embraced in the registered deed under which he claims.

But it is insisted that the petitioner is asking for the registration of 154 square meters not embraced in his registered title. This registered title, according to the measurements given therein, calls for 838.6 square meters, while the petitioner is only asking for the registration of 727.66 square meters. The record does not offer any specific explanation for this difference, but the existence of this fact relieves the petitioner of the charge that he is claiming more property than his registered deed covers. This difference in area is doubtless due to the fact that the older descriptions were made with no very great effort at exactness and the measurements and area given were the results of approximations rather than of accurate measurements and calculations.

The decision of the court below appears to have been largely based upon a sworn statement of Carlos Palanca,

made for the purpose of taxation, in which the parcel of ground in question is described as follows:

"It is bounded on the front side by an unnamed callejon, on the rear by the land of Francisco Toribio, on the right side (entering) by the land of Manuel Santos, and on the left side by the land of Isabel Sumpingco. The land is in the form of a rectangle with a measurement of 23.5 meters on the front side by 29.5 meters in depth."

This description is at variance with all the other descriptions of the land in question. In no other description does the land appear to have a rectangular shape and it is not now contended by either party that it has such a shape. This description is not correct; for it is evident from the record that the land is not rectangular in shape and that its measurements are different from those given in the statement of Palanca. The positions of the adjacent land owners are not their true positions as shown by the other records in the case, nor is it clear at all just what side is to be taken as the front side according to Palanca's description. In all the other records of the land the side bordering on what is now Calle Santa Maria is taken as the front side; but if we assume that as the front side in the Palanca description, we have a front measurement of 23.5 meters with a depth of 29.5 meters. This, then, would put the lands of Francisco Toribio in the rear, when, as a matter of fact, they lie on the north side. This would also place the land of Santos on the north instead of the south, and the lands of Isabel Sumpingco on the south instead of in the rear (west).

The court below, however, assumed the southern boundary of the Palanca description as the front side, thus establishing the unnamed callejon as running between the lands of Felipe de Guzman (successor to Palanca) and Manuel Santos. With this assumption, then, we have a boundary line between Guzman and Santos of 23.5 meters and a measurement of 29.5 meters for the side bordering on what is now Calle Santa Maria, this last measurement being less by some five meters than the measurements shown in the other records of the case.

But even this assumption will not make the Palanca description harmonize with the old records or what is the known position of the land in question. For, taking the southern side as the front, according to this description the lands of Manuel Santos would lie on the right side (east) instead of lying on the south side. Whatever view is taken of this Palanca description, it is uncertain, confusing, and evidently erroneous; nor do we see any valid reason for assuming this to be a true description of the property. The lower court accepted the measurement of 29.5 meters for the eastern side as a true measurement and concluded that since the present measurement of the eastern side of said land was claimed to be 34.87 meters, that evidently the southern line had been advanced some five meters. This deduction is based upon the theory that the description made by Palanca was a true description of the land; but as we have said, this description is not accurate and reliable. It was made under circumstances when absolute certainty as to description was neither expected nor required.

Therefore, the petitioner's registered title covers all the land described in his petition. The oppositor presents in support of his contention oral evidence only. This oral testimony is not sufficient to overcome the registered title.

The judgment appealed from is therefore reversed and judgment entered in favor of the petitioner, directing the inscription of the land in dispute in the name of the appellant without costs. So ordered.

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

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