

**JOHN R. WALDROOP, THOMAS D. AITKEN, AND PEDRO SERRANO,
PETITIONERS AND APPELLEES, VS. FLORENTINO, MANUEL, INEZ,
AGUSTIN AND HILARIO CASTASEDA AND THE INSULAR
GOVERNMENT, OPPONEN...**

G.R. No. 6852. August 09, 1913

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 13th day of May, 1907, the plaintiffs commenced an action in the Court of Land Registration, for the purpose of securing the registration, under the Torrens land system of registration, of a parcel of land, more particularly described as follows:

"Bounded on the north by the Sapang Cuayan and the Sapang Maragul; on the east by the said Sapang Maragul and land of the heirs of Tomas Olzadon; on the south by land of the said heirs of Tomas Olzadon and Manuel Castañeda; on the west by the Sapang Cumatin; with an area of 2,541,284 square meters (254 hectares 12 ares and 84 centiares), as set forth in the attached plan."

The plaintiffs allege that said land was free from any encumbrance whatsoever and that they had acquired the same by purchase from one Hilario Castañeda and his wife, Juana Cagarin, which purchase was evidenced by a public document bearing date of the 21st of August, 1905.

On the 7th day of October, 1908, the Insular Government, through the Attorney-General, Ignacio "Villamor, presented an opposition to the registration of said parcel of land.

On the 6th day of November, 1908, the defendants, Florentine Castañeda, Manuel Castañeda, Agustin Castañeda, and Hilario Castañeda, presented their opposition to the registration of said parcel of land, alleging that said parcel belonged to them; that they had acquired title to the same by inheritance from their deceased father, Manuel Castañeda; that the land in question had been illegally transferred by the said Hilario Castañeda, brother of Manuel Castañeda, to the plaintiffs.

The issue thus formed, the cause was duly set down for trial. After hearing the evidence the Honorable James A. Ostrand, auxiliary judge of the Court of Land Registration, reached the conclusion that the plaintiffs were entitled to have said land registered in accordance with the prayer of their petition. To the decision of the lower court, exception by the opponents was duly presented. A motion for a new trial was made and denied. From the conclusion of the lower court the opponents appealed. In this court the Attorney-General, on behalf of the Insular Government, assigned the following errors:

"1. The Court of Land Registration erred in holding that the land which is the subject matter of the application is the same as that referred to in the original title of ownership, Exhibit C, presented by the applicants; and in declaring that they are entitled to have issued to them a certificate of title.

"2. The Court of Land Registration erred in holding to be proven that the applicants and their predecessors in

interest have been in possession of the land which is the subject matter of the application for the time and in the manner prescribed in subsection 6 of section 54 of Act No. 926.

"3. The Court of Land Registration erred in decreeing adjudication and registry of the land in question in the applicants' favor."

The other opponents, Florentino Castaneda and his sisters, made the following assignments of error:

"1. In holding in the judgment appealed from, as a finding of fact, that Saturnino Capunu's land was divided between the brothers, Hilario Castañeda, predecessor in interest of the applicants, and Manuel Castaneda, predecessor in interest of the private opponents;

"2. In admitting the alteration maliciously made by the applicants in the true boundaries of the land of their predecessor in interest, Hilario Castaneda;

"3. In decreeing adjudication and registry of a tract of land of more than 254 hectares, despite the definite and conclusive testimony of Hilario Castaneda that the land he sold to the applicants was only that set forth in his title, Exhibit C, as of 23 hectares and a fraction; and

"4. In not sustaining the opposition of the private opponents as owners of the 231 hectares over, with right to register them, as they asked in their written opposition."

With special reference to the assignments of error, an examination of the record brought to this court develops some very strange facts:

(1) We find that the plaintiffs claim title, according to the petition presented in the Court of Land Registration, to 254 hectares 12 ares and 84 centiares.

(2) In support of their right to have said land registered, they present two documents, Exhibits B and C. Exhibit B is a public document and purports to be a conveyance of the land in question by Hilario Castañeda to the plaintiffs and bears date of 21st of August, 1905. Exhibit C is a document representing a composicion con el Estado, issued to Hilario Castañeda on the 7th day of December, 1892, and is represented to be a description of the same land.

(3) While the right of the plaintiffs to have said land registered is based primarily upon Exhibits B and C, we find that their petition filed in the court below is for the registration of 254 hectares 12 ares and 84 centiares. Exhibit B represents the said parcel of land to contain 281 hectares 5 ares and 27 centiares. Exhibit C represents that said parcel of land contains 23 hectares 11 ares and 12 centiares. But little explanation is offered by the plaintiffs for this variation in the extent of the land in question.

(4) Not only is there a marked difference in the amount of land claimed by the plaintiffs, as indicated by their petition and said Exhibits B and C, but we find also that the description of the land in said documents is different and it seems impossible to harmonize the difference, both as to the amount and the description of the land which the plaintiffs claim.

(5) The deed of conveyance from Hilario Castañeda was executed and delivered to the plaintiffs on the 21st day of August, 1905. The plan of the land in question presented on behalf of the plaintiffs was prepared by J. R. Waldroop on the 6th of October, 1906. Even though the survey of the land in question made by one of the plaintiffs after they had become the owners of the land contains nearly 27 hectares less than they had purchased from Hilario Castañeda, the record contains nothing which shows that any objection whatever had been made with reference to said shortage.

(6) The opponents, Florentino Castañeda and his sisters, attempt to show that a portion of the land in question belonged to them by inheritance from their father, Manuel Castañeda. In relation to this contention of said

opponents, it is worthy of note:

(a) That Manuel Castaneda and Hilario Castañeda were brothers.

(b) That Manuel and Hilario, on the same day (the 7th of December, 1892, Exhibits C and E), by a composicion con el Estado, each acquired a parcel of land situated in the sitio of Dingding, pueblo of Capas, Province of Tarlac.

(c) That according to the description given in said composicion (Exhibits C and E), said parcels of land adjoined, the one of Hilario being immediately north of that acquired by Manuel.

During the trial Waldroop testified that he surveyed the land in question and prepared the plan which was presented in the Court of Land Registration (see Record, page 6); that Antonio Castañeda (a brother of Hilario and Manuel) assisted him in said survey and pointed out the land which he had purchased from Hilario; that the only evidence that he had of the boundaries of the land which he had purchased from Hilario (Exhibit B) was obtained from Antonio Castañeda at the time of the survey; that Hilario Castañeda did not point out the boundaries of the land nor assist in the survey.

Antonio Castañeda appeared as a witness at the trial of the cause and testified that he did assist Waldroop at the beginning of the survey; that he did attempt to point out the land which belonged to Hilario and which had been sold to Waldroop; that when he discovered that Waldroop was attempting to include in the survey more land than had been sold by his brother Hilario, he refused to continue assisting in said survey and withdrew. (See Record, pp. 136 and 137.) It appears from the record that Antonio was familiar with the lands which had been acquired by his brothers, Hilario and Manuel. It appears also that there was no natural boundary between the two parcels of land belonging to the two brothers, Hilario and Manuel. It appears from the composicion con el Estado, which the brothers, Hilario and Manuel, obtained from the Government on the same day, that the land of Manuel was immediately south of the parcel of land belonging to Hilario.

In addition to the fact that at the time Waldroop made his survey, his attention was called to the fact that he was including more land than belonged to Hilario, we have the sworn statement of Hilario Castaneda himself that he did not sell to the plaintiffs more land than was included in his composicion con el Estado, or the amount of 23 hectares 11 ares and 12 centiares. It will be noted also that while the deed of sale (Exhibit B) by Hilario Castañeda to the plaintiffs represents the lands of Manuel Castañeda as a portion of the southern boundary, the plan presented by the plaintiffs makes no such representation.

The record contains no proof that the land which Hilario Castañeda obtained from the Government on the 7th day of December, 1892 (Exhibit C), and which is the only land sold by him to the plaintiffs, had any natural boundaries sufficient to definitely identify and segregate it from the adjoining lands. In the absence of such segregation by natural boundaries, it is difficult to understand how the petitioners can claim more land than their vendor had sold to them. There is no proof that Hilario Castañeda had acquired more land in the place named than that which he had acquired from the State. (Exhibit C.)

In order that natural boundaries of land may be accepted for the purpose of varying the extent of the land included in a deed of conveyance, the evidence as to such natural boundaries must be clear and convincing. Such natural boundaries must be of such a character as to definitely and accurately segregate the land in question from the adjoining property. There must be no doubt left that the land included within the natural boundaries is the same land which was intended to be sold by the deed of conveyance. In the present case it appears positively that Hilario Castaneda sold to the petitioners only the land which he had obtained from the Government on the 7th day of December, 1892. By reference to the deed of conveyance by the Government to Hilario Castañeda (Exhibit C)

we find that the Government conveyed to him 23 hectares 11 ares and 12 centiares only. The record shows affirmatively that Hilario Castañeda sold to the petitioners only the land which he had obtained from the Government and no more. In the absence of proof that the land which Hilario Castañeda had obtained from the Government had natural boundaries sufficient to clearly segregate it from the adjoining lands to identify it as a parcel of land separate from other parcels, we must hold, under the proof, that the only land which the plaintiffs own is the land which Hilario Castaneda had obtained from the Spanish Government on the 7th day of December, 1892, or 23 hectares 11 ares and 12 centiares. (Pamintuan vs. Insular Government, 8 Phil. Rep., 512; Paras vs. Insular Government, 11 Phil. Rep., 378; Carrillo vs. Insular Government, 11 Phil. Rep., 379.)

For all of the foregoing reasons, it is hereby ordered and decreed that the judgment of the lower court be reversed. Without any finding as to costs, it is so ordered.

Arellano, C. J., Torres and Mapa, JJ., concur.

Trent, J., dissents.

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