

TIBURCIA DE LIZA, PETITIONER AND APPELLANT, VS. THE DIRECTOR OF LANDS, OBJECTOR AND APPELLEE.*G.R. No. 9387. October 13, 1914*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9387/>**TORRES, J.:**

This appeal, through bill of exceptions, was raised by counsel for the applicant from the judgment rendered on August 12, 1913, by the Honorable James A. Ostrand, judge, who therein decreed the registration in the name of the applicant, Tiburcia de Liza, of the part of the land described in the application, situated west of a straight line drawn from point 23 to point 42 of the plan marked as Exhibit A; and denied the application with respect to the rest of the land.

On February 6, 1913, counsel for Tiburcia de Liza presented an application before the Court of Land Registration praying for the registration, in conformity with law, of the rural property belonging to his client, situated in the place known as Almendras, barrio of San Isidro, town of Concepcion, Tarlac. Said application recited that the property in question was bounded on the north by the properties of Guillermo Baron, Alfonso Pinea, Paulino Gueco, Ciriaco Pinpin, and Cayetano Rivera; on the northeast by the Batibat Creek; on the southeast by the homestead of Jose Liza and that of Engracia Gonzalez; on the south by the Balen Creek, and the properties formerly belonging to Guillermo Baron and Maria Dimaliat and now to the same Guillermo Baron and to Diego Cardenas; and on the west by the lands of Jose Lacsamana and Guillermo Baron; that the said property contained an area of 6,826,020 square meters or a little over 682 hectares and was assessed for the purpose of taxation at \$11,215 United States currency; that it was unencumbered and no one except the applicant had any right or share therein; that it was now occupied by the applicant herself and was acquired by her by gift inter vivos from her parents, Gil de Liza and Teresa Dizon, according to a notarial instrument of April 11, 1911; and that, in the remote possibility that the application could not be allowed in accordance with the Land Registration Act, the applicant would rely upon the provisions of Chapter VI of Act No. 926, inasmuch as she had been in possession of the land and had been cultivating it for the production of rice and sugar cane for more than thirty years.

The application was accompanied by a plan and a technical description of the land, four titles of composition with the Government, a deed of sale executed in favor of Gil de Liza by the previous owners of the property and the composition titles obtained by the vendors, and also by a certified copy of a possessory information secured by the said Gil de Liza for the purpose of proving his possession of, 55 hectares of land and inscribed in the property registry.

By a writing of March 31, 1913, the Attorney-General opposed the registration on the grounds that the land in question belonged to the Government of the United States and was under the control and administration of the Government of the Philippine Islands, wherefore it could not duly be registered in the name of the applicant, and that the alleged titles presented referred to only an area of 345 hectares, while that mentioned in the application was of 682 hectares. He therefore prayed for the dismissal of the application, with the costs against the applicant.

At the hearing of the case, besides the opposition of the Director of Lands, there appeared likewise as objectors the applicants for homestead Severo Sanchez, Leoncio Sanchez, and Francisco Aquino, and, after an examination of the parol and documentary evidence submitted by the parties, the court rendered the judgment aforementioned, to which counsel for the applicant excepted and moved for a rehearing. This motion was denied, an exception was taken by the applicant and, the latter having presented the proper bill of exceptions, the same was approved, certified, and forwarded to the clerk of this court, together with a transcript of the documentary and parol evidence taken at the trial.

In order that approval may be secured for an application for the registration of real estate, whether rural or urban, in the property registry, in accordance with the laws that govern in the matter, it is indispensable that the applicant satisfactorily prove that he is the owner or proprietor of the land or, real property which he seeks to have inscribed in the registry.

The record in the case at bar discloses that the applicant, Tiburcia de Liza, acquired from her parents, Gil de Liza and Teresa Dizon, the said rural property, through a donation inter vivos, which was recorded in a notarial instrument wherein, moreover, the said donation is shown to have been accepted by the donees; that Gil de Liza succeeded in uniting into one single large tract of land, the subject matter of the application, several parcels of land, some of them by purchase and others through occupation—a possession afterwards legalized by composition titles obtained from the Government under the previous sovereignty; and that her possession of a certain area of 55 hectares toward the east of the said large tract of land appears to be accredited by the possessory information approved by an order of April 11, 1893* and inscribed in the property registry on May 12 of the same year.

The record also shows that the applicant and her predecessors, Gil de Liza and his wife, have been for more than thirty years in possession of the said property composed of several parcels of land, utilizing it for the growing of rice, sugar cane and other useful crops, aside from the possession enjoyed by the former owners from whom the said Gil de Liza had acquired or purchased a part of the property in question.

In view of the documentary and parol evidence furnished by the applicant, the court held that the latter as well as her predecessors had been in legitimate possession, under title of ownership, of the land designated on the plan, Exhibit A, as situated on the west, as far as points 23 and 42, and although its area is much greater than what it is shown to be by the documents exhibited as titles to the said property, the court was nevertheless of the opinion that the excess in area was due to errors in the surveys on which the titles granted by the Government were based. He therefore held that the greater part of the land comprised by the plan, Exhibit A, from its extreme western boundary to points 23 and 42 of the plan, toward the east, belonged to the applicant, and that the latter was entitled to have the said large tract of land inscribed in the property registry.

With respect to the parcel of land comprised within the area extending from the said points 23 and 42 of the plan toward the east in the direction of the Batibat Creek, the court held that the applicant had presented no title of ownership obtained through composition with the Government, and that for it she would therefore have to rely upon the provisions of subsection 6 of section 54 of Act No. 926.

Three parcels of land included in the plan, Exhibit A, between the said points 23 and 42 and the eastern boundary toward the Batibat Creek, were duly acquired from their original owners by the applicant's father and predecessor in interest: one of them, of 22 hectares, in September, 1888; another, of 16½ hectares, in August, 1891; and the third parcel, of 22 hectares, in August, 1892. Gil de Liza held possession of the said three parcels of land from the dates just mentioned Until April, 1911, when he and his wife made the donation before referred to, but prior to so doing, and in order to legalize his possession by placing it under the protection of the law, he secured the said possessory information and recorded it in the property registry in the following month of May. The applicant

proved, furthermore; that she, her predecessor in interest, and the original owners of the parcels purchased had been in possession of the land extending from the points 23 and 42 toward the east and the Batibat Creek, although Gil de Liza voluntarily stated in his testimony that the whole tract of land was not plowed and cultivated, but only a part of it toward the west, for the Reason that the clearing of the land, covered with forest toward the said Batibat Creek, had been and was very costly, and furthermore because the revolution that broke out prevented him from continuing to plow and clear the whole of the said part covered with forest. However, by the testimony of the witnesses Juan Gomez and Isaac Casupanan, who had been working on this property, it was proven that a large part of the land shown in the plan as on the east was under cultivation and planted in rice, sugar cane and other crops.

It is to be observed that, as stated by the trial judge, it is difficult, if not impossible, to fix the former boundaries of each parcel, owing to the fact that one parcel was added to another as the applicant's father acquired it through occupation and composition with the Government or by purchase from its former owners, all these parcels being incorporated into one single tract, as shown in the said plan, Exhibit A. Notwithstanding this, none of the owners of the adjoining lands, nor any other who claimed to be injured protested against the application for registration, except the three parties who each occupied by right of homestead a parcel of land toward the eastern end in the part that was unplowed and uncleared of forest, near the Batibat Creek.

Besides, the possession of the land shown on the plan as lying toward the east, which was held by the applicant's predecessor in interest and is now held by the said Tiburcia de Liza, appears to have been duly proven by means of witnesses and the said possessory information. This latter, moreover, shows that an irrigation system was afterwards installed on the aforementioned land, which before was unirrigated, at the expense of its possessor, Gil de Liza an ancestor of the applicant, and this improvement would not have been, made if the person who paid for it had not owned the land.

The possessor of land who is provided with a possessory information title inscribed in the property registry is entitled in law and before the courts to be held a lawful possessor as owner, so long as no other interested party appears and proves a better right, for the said registered possessory information is *prima facie* proof of his right of possession under just title and has the same efficacy as that vested in all other titles enumerated in Acts No. 496 and No. 809. (*Inchausti & Co. vs. The Commanding General of the Division of the Philippines*, 6 Phil. Rep., 556, and other subsequent decisions of this court, in all of Which the same theory has been uniformly maintained.)

Furthermore, the owners of the two adjoining parcels of land on the north and the south, Cayetano Rivera and Engracia Gonzalez, respectively, each obtained from the Court of Land Registration a decree of registration of their land, and the land comprised by the said possessory information was the recognized boundary, on the south side, of the land of Cayetano Rivera, and on the north side, of that of Engracia Gonzalez, for the land that was the subject matter of the possessory information brought by the said Gil de Liza, the predecessor in interest of the applicant, Tiburcia de Liza, was situated just between the two properties of the said Rivera and Gonzalez, who recognized Gil de Liza as the lawful possessor, if not. as the owner, of the land between their respective parcels. All these facts appear in the copies of the judgments of the land court rendered in their respective cases, and in the copies of the plans of their lands, found on pages 129 to 134 of this record.

The admission and judicial recognition on the part of Rivera and Gonzalez, the owners of the lands to the north and south of the land that is the subject matter of the said possessory information inscribed in the property registry, of the applicant's character and quality of possessor, under right of ownership, of the land situated between their respective properties, virtually corroborates the parol evidence adduced by the applicant and the value and efficacy of the said possessory information recorded in the registry on May 12, 1893. Owing to the lapse of more than twenty years, this possessory information now constitutes a true and lawful title of ownership

of the land to which it refers and which was, nevertheless, excluded from registration by the judgment appealed from. These conclusions are based on the facts that no one has disputed the applicant's right to the land, except the three objectors, the possessors through homestead of three small parcels of the same toward its eastern end near the Batibat Creek, already expressly defined in the plan, Exhibit A, and that the said possessory information has not been impugned and assailed as false, either civilly or criminally.

These three parcels must be that part of the land which Gil de Liza admitted he was unable to clear and plow, because; among other reasons, of the outbreak of the revolution, and being thus in a certain manner materially abandoned by the possessor of the remainder of the land, they were occupied by the said three, objectors, who relied upon the benefits granted by Act No. 926.

Although the record in this case does not disclose whether the said three objectors, the possessors of those parcels of land, had obtained a grant of the same as homesteads, in accordance with law, yet, since the applicant has not proven that such objectors' allegation is not true or unfounded, it is to be presumed that the applicant is not in possession of the parcels of land occupied by the aforesaid three objectors, for her predecessor in interest averred in his sworn testimony that he was unable to clear and plow them, wherefore, as he did not in fact possess them, while these objectors did through the homestead privilege, it would be improper to register in the applicant's name the said three' parcels of land situated toward the east and near the Batibat Creek and which are described as within certain boundaries and separated by lines from the main tract of land held by the applicant as the owner and proprietor thereof.

For the foregoing reasons, the judgment appealed from is affirmed; provided, however, after a declaration of general default, the registration of all the land described in the plan Exhibit A, shall be ordered and decreed in the name and in behalf of the applicant, Tiburcia de Liza, with the sole exclusion of the three parcels of land situated toward the east near the Batibat Creek, which now appear as separated by lines from the larger area that is the subject matter of the application and are occupied as homesteads by the objectors Severo and Leoncio Sanchez and Francisco Aquino; and provided, further, that the application shall be denied as regards the said parcels of land and the aforementioned plan shall be accordingly amended in conformity with this decision.

Arellano, C. J., Johnson and Araullo, JJ., concur.

CONCURRING

MORELAND, J., with whom concurs

CARSON, J.,

I agree to the decision except in so far as it seems to give an information posesoria the same qualities as the law (Act No. 496) gives to Torrens titles.

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.