

BENIGNO SOLIS, PETITIONER AND APPELLEE, VS. PEDRO DE GUZMAN, OBJECTOR AND APPELLANT.

G.R. No. 9822. February 15, 1916

Ponente: JOHNSON, J.

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JOHNSON, J.:

This action was commenced in the Court of Land Registration on the 17th of January, 1913. Its purpose was to have registered under the Torrens system, in the name of the plaintiff, certain pieces or parcels of land located in the Province of Nueva Ecija and particularly described in paragraph 1 of the petition. A plan, Exhibit A, accompanied the petition as well as a technical description of the parcels of land in question.

Upon the presentation of the petition the notices required by law were duly given. After said notices had been given the cause was set down for trial on the 16th of September, 1913, in the municipality of Cabanatuan. At the time Bet for the trial of the cause the said Pedro de Guzman appeared and presented his oral objection to the registration of one of said parcels of land. No written opposition was presented by any person. The cause was brought on for trial and proof, oral and documentary, was presented by the petitioner as well as by the said Pedro de Guzman.

After hearing the evidence, the Honorable Dionisio Chanco, judge, reached the conclusion that a preponderance of the evidence showed that the plaintiff was the owner of said parcels of land and ordered the same registered under the Torrens system. From that decision the said Pedro de Guzman appealed to this court and made several assignments of error.

We have carefully examined the evidence brought to this court and have reached the conclusion that the same clearly shows that the plaintiff is entitled to have said parcels of land registered. The facts stated in the decision of the court below are fully sustained by a large preponderance of the evidence. The judgment of the lower court should be and is hereby affirmed, with costs.

We deem it important, however, to call the attention of the opositor to the fact that his failure to present a written opposition might have been fatal had a proper objection been presented in the lower court. Section 34 of Act No. 496 requires all opositores to file an answer which shall state all of the objections to the application and shall set forth the interest claimed by the party filing the same and shall be signed and sworn to by him or by some person in his behalf. In view however of the fact that no objection was made to the form of the opposition presented by the defendant in the present case, and in view of the fact that the conclusion of the lower court was in favor of the plaintiff, we do not now make any pronouncement upon the failure of the defendant to answer in accordance with said section.

For all of the foregoing reasons the judgment of the lower court is hereby affirmed, with costs. So ordered.

Arellano, C. J., Torres, Carson, Moreland, and Trent, JJ., concur.

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