

VICENTE RODRIGUEZ, APPLICANT AND APPELLANT, VS. THE DIRECTOR OF LANDS ET AL., OBJECTORS AND APPELLEES.

G. R. No. 9941. August 07, 1915

Ponente: CARSON, J.

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CARSON, J.:

On November 29, 1912, Vicente Rodriguez filed an application in the Court of Land Registration for the adjudication of title and the registration in his name of 248 hectares 71 ares and 6 centares of land situated in the municipality of Sariaya, Province of Tayabas. The application was opposed by the Director of Lands and a number of homesteaders who claim that the land is a part of the public lands and is in their possession under homestead grants issued to them in accordance with law.

The lower court denied the application for registration upon the ground that the evidence is too uncertain as to the area and boundaries of the land to which the applicant holds title to justify the registration of the land described in his application.

The applicant offered in support of his claim of title eleven documents; eight of these documents are composition titles, as follows:

Exhibit C.—A composition title issued on May 8, 1895, by the Spanish Government in favor of Da. Cayetana Alcala y Rodriguez (mother of the applicant) for 19 hectares 32 ares and 98 centares of land, situated in the barrio of Mangalang, pueblo of Sariaya, Province of Tayabas.

Exhibit D.—A composition title issued in favor of Vicente Rodriguez y Alcala (the applicant herein), on May 8, 1895, for 19 hectares 32 ares and 98 centares of land in the barrio of Mangalang, pueblo of Sariaya, Province of Tayabas.

Exhibit E.—A composition title issued on May 8, 1895, in favor of Luisa Rodriguez (sister of the applicant) for 19 hectares 32 ares and 98 centares of land in the barrio of Mangalang, pueblo of Sariaya, Province of Tayabas.

Exhibit F.—A composition title for three parcels of land in favor of Emigdio Rodriguez y Reynoso (father of the applicant), issued on May 8, 1895:

No. 1. 3 hectares 00 ares 52 centares.

No. 2. 19 hectares 32 ares 98 centares.

No. 3. 19 hectares 32 ares 98 centares.

All three parcels situated in the barrio of Mangalang, pueblo of Sariaya, Province of Tayabas.

Exhibit G.—A composition title issued on May 8, 1895, in favor of Da. Hermogena Alcala y Rodriguez, for 19 hectares 32 ares and 98 centares of land in the barrio of Mangalang, pueblo of Sariaya, Province of Tayabas.

Exhibit H.—A composition title issued on May 8, 1895, in favor of Da. Trinidad Alcala y Rodriguez for 19

hectares 32 ares and 98 centares of land in the barrio of Mangalang, pueblo of Sariaya, Province of Tayabas.

Exhibit I.—A composition title issued on May 8, 1895, in favor of Da. Teresa Alcala y Rodriguez for 19 hectares 32 ares and 98 centares of land in the barrio of Mangalang, pueblo of Sariaya, Province of Tayabas.

The applicant testified that the land embraced in the above composition titles, with the exception of parcel No. 1, Exhibit F, is the land for which he is seeking a registered title.

In addition to the Composition titles the following documents were submitted in support of applicant's claim of title:

Exhibit J.—A public document executed on September 5, 1913, by Cayetana Alcala, the mother of Vicente Rodriguez, which purports to be an intervivos gift in favor of Vicente Rodriguez of the land embraced in the composition title issued in favor of Da. Cayetana Alcala on May 8, 1895. (Exhibit C.)

It will be observed that this document is dated nearly a year subsequent to the filing of the application herein. The application was filed in the Court of Land Registration on November 29, 1912.

Exhibit K.—A deed of sale dated February 10, 1912, of the land embraced in Exhibit H, executed by Trinidad Alcala in favor of Vicente Rodriguez.

Exhibit L.—A deed of sale dated January 23, 1912, executed by Teresa Alcala in favor of Vicente Rodriguez for the land embraced in Exhibit I.

Exhibit LL.—A deed of sale executed by Lorenzo Luna, Hilario Luna, and Hilarion Valderas in favor of Vicente Rodriguez for the land embraced in Exhibit G. This deed is dated February 10, 1912.

It will be observed that the composition title evidenced by Exhibit G was issued in favor of Hermogena Alcala y Rodriguez. The record does not show how the title to this land passed to Lorenzo Luna, Hilario Luna, and Hilarion Valderas. It may be that these parties had come into the ownership of the land by inheritance, but what the real fact was is not satisfactorily disclosed by the record.

It may be well to note, in passing, that counsel for the appellant have fallen into serious error in making their computation of the total area of the tracts of land referred to in these documents. In addition to the areas given in the seven composition grants—Exhibits C to I—they include also, as separate tracts, the land embraced in the documents J, K, L, and LL, thus estimating the total area shown by the exhibits at 234 hectares 92 ares and 74 centares. It is very clear, however, that the documents J, K, L, and LL refer to the land embraced in the Exhibits C, H, I, and G, and that counsel, in estimating the total area of the land described in the exhibits, counted these parcels twice.

The area of the various tracts mentioned in the composition grants (Exhibits C to I), excluding the small parcel in Exhibit F which Rodriguez says is not included in the application, is as follows:

Hectares

Ares.

Centares

Exhibit C

19

32

98

Exhibit D

19

32

98

Exhibit E

19

32

98

Exhibit F (3 parcels):

No. 1

[(a)]

[(a)]

[(a)]

No. 2

19

32

98

No. 3

19

32

98

Exhibit G

19

32

98

Exhibit H

19

32

98

Exhibit I

19

32

98

_____ -

Total

154

63

84

a Omitted.

The area of the land claimed by the applicant is 248 hectares 71 ares and 6 centares. There is a difference of 94 hectares 7 ares and 22 centares between the area claimed and that shown by his title document. The record shows that practically all of the 248 hectares claimed by the petitioner is now held by parties who have gone into possession under homestead grants issued by the Government. The applications for those homestead grants were filed in 1910, 1911, and 1912. Most of them were filed in the year 1911. One application was filed in August, 1912, only a few months before the filing of the petition for registration by Rodriguez.

From an examination of the descriptions of the property as given in the composition grants, together with that found in the plot Exhibit A made under the direction of the Bureau of Lands, there can be little doubt that the land embraced in the composition grants is the identical tract which the Director of Lands is claiming as a part of the public domain, or a part of it. Referring to the composition grants, we find that the estero Mangalang is given as the western boundary of the tracts described in Exhibits G, H, and I and also as the western boundary of parcel No. 2 in Exhibit F. This is the only natural boundary given in the various descriptions found in the record. A reference to the plot (Exhibit A) shows that the estero Mangalang is the western boundary of the tract in question for a considerable distance. The irresistible conclusion is that the land embraced in these composition grants embraces, in part at least, the land for which the Government has issued preliminary homestead patents. This being the case, there can be little doubt that these grants were illegal to the extent of the land embraced in the composition grants from the Spanish Government.

From all the evidence, we think it can fairly be deduced that the various members of the Rodriguez family joined in securing composition title to a tract of land which they or their predecessors in interest claimed to have reduced to cultivation; that they arbitrarily divided the original parcel into lots of equal size, estimated to contain 19 hectares 32 ares and 98 centares each, the different members of the family taking one or more lots; that the applicant has acquired some if not all of these lots; that the total area of the lots which applicant claims to have acquired as shown on the face of the composition grants amounts to 154 hectares 63 ares and 84 centares; that the land now claimed by him includes an area of 248 hectares 71 ares and 6 centares; that some, if not all, of the land

held by the opponent homesteaders is included within the land embraced within the composition grants; that unless it be held that the total area of the land granted in the various composition titles amounted to 248 hectares 71 ares and 6 centares, although the total area granted in terms was but 154 hectares 63 ares and 84 centares, it is impossible from the record, as it now stands, to ascertain the precise location of the land embraced within the composition grants.

It may be that the original tract cultivated by the family of the applicant actually contained 248 hectares and that the various lots for which composition titles were taken contained more than the amount mentioned therein. But the applicant failed to submit the necessary evidence upon which to base such a finding.

It may be, on the other hand, that the original tract contained but 154 hectares, and that the applicant is entitled to but that amount of the land described in his application. In that event, however, his evidence as to the precise location of the land embraced within his application is not sufficient to sustain a decree fixing definitely the location of the land embraced Within the composition titles.

It should be observed, also, that while it is probable that the applicant has acquired perfect title to all the land included in the composition titles submitted by him, the formal proof of transfer of title from the original grantees as it appears in the record is highly defective.

We are satisfied, however, that the applicant, upon being advised of the nature of the defects in the evidence can, if given an opportunity, readily cure these defects, at least to the extent of establishing in himself a registerable title in 154 hectares 63 ares and 84 centares of the land included within the land described in his application, and perhaps to the entire tract.

Under these circumstances, we think his application for a new trial should not have been denied, and that he should have been given an opportunity to introduce new and additional testimony, to cure the defects in the evidence of title upon which he rested his application, so far as it lies in his power so to do, after having been advised of the nature of the defects, in that evidence as proof of title to the land claimed by him.

It is the policy of the law to encourage and assist owners of real estate in procuring the registry of their property. The cost and labor involved in the institution and maintenance of land registration proceedings from the filing of the application to the entry of judgment is always considerable and oftentimes extremely burdensome. It would seem, therefore, that only under exceptional circumstances should an application for registry in the Court of Land Registration be dismissed over the objection of the applicant, and with out giving him an opportunity by the grant of a new trial or otherwise (upon the payment of the costs up to the date of the grant of a new trial or upon such terms as the court may deem reasonable and just), to submit additional evidence in support of his claim of title, when there are strong or reasonable grounds to believe that he is the owner of all or any part of the land described in his application. This especially when the only ground for the dismissal of the application is the lack of formal or perhaps even substantial proof as to the chain of title upon which applicant relies, or as to the precise location of the land, which there is reasonable ground to believe can be supplied by the applicant upon his being advised as to the nature of the defects or omissions in the evidence offered by him, such defects or omissions having been the result of oversight or excusable error on his part in submitting his evidence in support of his claim of title to the land described in his application.

In the case at bar we are of opinion that the interests of the applicant, the Government, and the homesteaders will be consulted and conserved by the grant of a new trial, in the course of which the appellant will be permitted to submit such additional evidence as to his title to the land in dispute, and the location of the land embraced in the composition titles filed with his application, as he may see fit.

The judgment entered in the court below should be reversed and the record remanded to the court wherein these proceedings originated for a new trial, without special condemnation of costs in this instance, the costs of the proceedings in the court below up to this point to be paid by the applicant. So ordered.

Arellano, C. J., Torres, Trent, and Araullo JJ., concur.

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