

**FERMIN LICAD AND MARIA VITUG, PETITIONERS AND APPELLANTS,
VS. NATALIA BACANI ET AL., OPPONENTS AND APPELLEES.***G.R. Nos. 26943-26946. October 15, 1927*

Ponente: ROMUALDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-26943-26946/>

ROMUALDEZ, J.:

On February 19, 1924, Fermin Licad and his wife, Maria Vitug, applied for the registration of three parcels of land known as lots 1, 2 and 3. An opposition was entered by Natalia Bacani and her coclaimants, claiming lot 1 as their own; and by Enrique Bernia and his coclaimants, alleging that lots 2 and 3 belong to them. The Director of Lands also opposed, but did not press his opposition. This proceeding bears No. 644. (G. R. No. 26943.)

On April 14, 1924, Natalia Bacani and her colitigants filed a complaint and prayed that a writ of injunction issue against Fermin Licad, Carlos Paule and Alejandro Tamayo with regard to lot 1 of proceeding No. 644. The injunction was issued on the same day, April 14, 1924. Said civil case bears No. 2928 of the Court of First Instance of Pampanga. (G. R. No. 26946.)

On November 17, 1925, Natalia Bacani and her coapplicants applied for the registration of two portions of land, of which lot 1 is the same lot 1 of proceeding No. 644, instituted by Fermin Licad and his wife Maria Vitug, and they, naturally, objected to the inclusion of lot 1 in the application. This proceeding instituted by Natalia Bacani et al., bears No. 709. (G. R. No. 26944.)

On November 20, 1925, Enrique Bernia and his colitigants applied for the registration of nineteen parcels of land, of which lot 5 is lot 2 in the Licad case No. 644. The Bernia proceeding bears No. 710. (G. R. No. 26945.) After the joint hearing of proceeding No. 644 (G. R. No. 26943), and civil case No. 2928 (G. R. No. 26946) the parties agreed that the evidence presented at said hearing be also considered as evidence in proceedings Nos. 709 and 710 (G. R. Nos. 26944 and 26945, respectively), and that judgment be rendered without further evidence.

The trial court did so, rendering one judgment in the four above-mentioned cases, dismissing the application in proceeding No. 644 (G. R. No. 26943); declaring the injunction issued in proceeding No. 2928 (G. R. No. 26946) final and absolute; and granting the application as to lot 1 in proceeding No. 709 (G. R. No. 26944), and also the application in regard to lot 5 in proceeding No. 710 (G. R. No. 26945). Fermin Licad and his colitigants appeal from this judgment and assign sixteen errors as committed by the lower court in deciding said cases.

The question presented to us in this instance concerns the piece of land formed by the three lots Nos. 1, 2 and 3 of proceeding No. 644 of Fermin Licad and wife.

Lot 1 is claimed on the one hand by the aforementioned Licad spouses, and on the other by Natalia Bacani et al. Lots 2 and 3 are claimed on the one hand by the said Licad couple, and on the other by Enrique Bernia et al.

The Licad spouses, herein appellants, contend that the piece of land composed of these three lots in question forms part of another and larger portion of land which some time back belonged to Celedonio Vitug, upon whose death it passed to the possession of Bonifacio Vitug, his son, who in 1890 or 1891 obtained a possessory

information title, Exhibit E. Upon Bonifacio Vitug's death in 1907 his brother Rosendo Vitug entered into possession and managed it, from whom it passed to Carlos Paule who finally sold the property to the applicants-appellants in the year 1923, by virtue of the document Exhibit B.

The appellees surnamed Bacani contend that they own lot 1 here in question, the northern portion of which is the land described as second parcel in the deed Exhibit 10-Bacani, and the southern portion (of said lot 1) is the land that once belonged to Juan de Dios Lingad, who donated it to Antonio Beltran and the latter's heirs later transferred it to the Bacanis in 1921.

The appellees surnamed Bernia, in turn, assert that the above-mentioned lots 2 and 3, lot 2 of which is lot 5 in proceeding No. 710, formerly belonged to Maximo Sundiang and Roman Flores.

As to lot 1 in the Licad proceeding in dispute between them and the Bacanis, the documentary evidence presented by Licad and his wife, consists chiefly of Exhibit E, found on folio 79 of proceeding No. 644, which is a possessory information title issued by the municipal president of Floridablanca, Pampanga, date unknown, although the instrument is on paper with the tenth seal of the years 1890 and 1891. This document cannot have any legal effect against a composition title such as that presented by the appellees Bacani Exhibit 10-Bacani, found on folios 201 et seq., of said proceeding No. 644. Furthermore, Exhibit E describes a piece of land bounded on the south and west by the Malabo River, while lot 1 in question is bounded on the west by an old road which, according to the evidence, was the Ucum road mentioned as the western boundary of the second parcel of land described in the title Exhibit 10-Bacani referred to above. The appellants attempted to explain that said western boundary set forth in Exhibit E is the original one, but that the portion of land between the river and the Ucum road was transferred by Celedonio Vitug to Antonio Beltran; but the oral evidence on this point is insufficient: Atanasio Pangan's testimony (folios 92 and 93, s. n.) was merely hearsay and was stricken out at the hearing, and Feliciano Vitug's declaration was not certain on this point, as he only says "As I understand it * * *" (folio 23, s. n.). At all events, as we have already indicated, said exhibited document is worthless as a land title.

With respect to the oral testimony on lot 1, while the appellants' witnesses assert that it has been in the possession of the said appellants and their predecessors in interest, the witnesses for the Bacani appellees testify that it was the appellees and their predecessors in interest who have possessed this lot. After a review of the record we see no sufficient reason for altering the conclusion of the lower court that there is a preponderance of evidence in favor of the witnesses of the said Bacani appellees as to the northern portion of lot 1 covered by Exhibit 10-Bacani, as well as in regard to the southern portion which formerly belonged to Juan de Dios Lingad, referred to in the said title Exhibit 10-Bacani, as adjoining the land on the southern side.

Passing now to lots 2 and 3 in question between the appellants and the Bernia appellees, we have already stated that the latter claim to have acquired them from Moises Sundiang and Roman Flores. Their evidence, however, is not, in our opinion, sufficient to show that the lands described in the title deed of Moises Sundiang (Exhibit 4Bernia) as well as in that of Roman Flores (Exhibit 5Bernia) are the same land formed by these two lots 2 and 3 of the appellants' plan Exhibit A.

The testimony of the witnesses Tiburcio Flores and Juliana Pucut does not sufficiently identify the lands about which they testify as the ones referred to in title deeds Exhibits 4-Bernia and 5-Bernia, and neither the one nor the other with the herein contested lots 2 and 3 as described in the aforementioned claimants' plan Exhibit A.

Moreover, Sixto Sundiang, a son of Moises Sundiang himself, testified in the proceeding to the effect that the land which his father sold to Miguel Heras and from whom the Bernias claim their predecessor Arturo Bernia acquired it, is not included in lots 2 and 3.

Aside from the deed of sale executed by Miguel Heras (Exhibit 3-Bernia), from the two titles (Exhibits 4-Bernia and 5-Bernia), and the property declaration (Exhibits 9, 9-a and 9-6), the documents presented by the respondents Bernia do not contain an adequate description of the lands to which they refer, and those contained in Exhibits 3, 4 and 5 do not correspond with lots 2 and 3 now under discussion, nor was it sufficiently proven by the oral evidence that they do correspond.

Moreover, title deed Exhibit 5 is the same document E presented as evidence in a former proceeding instituted by the predecessor in interest of the herein Bernia appellees. In that proceeding, which came to this court on appeal, there were, among others, two lots known as lot 3 and lot 3-A. Of said lot 3, the present lot 3 in proceeding No. 644 forms a part, while lot 3-A in proceeding No. 242, is lot 2 of the present one, No. 644. Touching these lots 3 and 3-A in said proceeding No. 242, we therein held on appeal the following:

"* * * The deed Exhibit E relied on by them" (Arturo Bernia et al.) "to substantiate their claim does not show but 34 hectares, 26 ares and 48 centiares, while said lot 3 contains 217 hectares, 2 ares, and 63 centiares. The description given in the deed locates the land to the south of lot 3. According to the evidence then, Arturo Bernia et al. have no right to title except to a portion of land 34 hectares, 26 ares and 48 centiares which, by means of technical survey and the proper plan, must be situated in the southern part of the said lot 3.

"As to lot 3-A, the evidence of Arturo Bernia et al., does not support their application nor sufficiently show that Exhibit E includes said lot 3-A when it does not even wholly include lot 3."

And upon the strength of these conclusions, we disposed of that case as follows:

"Therefore, the judgment appealed from is affirmed" (denying the registration of said lots 3 and 3-A) "except as to a portion on the south side of lot 3 containing 34 hectares, 26 ares and 48 centiares, which is hereby adjudicated to the appellants, who shall present a plan and a technical description of said portion duly approved by the Director of Lands, before the issuance of the proper decree."

Although the conclusions and findings above quoted are not res adjudicata against the herein appellees surnamed Bernia, they are, nevertheless, sufficient data to show the strength of the conclusion that the deed, Exhibit 5, only gives said appellees a right to a portion of the southern part of lot 3 in the former proceeding No. 242 and that on no account does it apply to lot 3-A in that proceeding which is lot 2 in the present proceeding No. 644, in dispute between them and the appellants Licad and wife.

Consequently, as the documents presented by the Bernia appellees with respect to said lots 2 and 3 in question in proceeding No. 644 (without prejudice to the decree in proceeding No. 242 so far as the same may affect lot 3 here in question) are worthless and without legal effect, only the oral evidence presented by both sides concerning said lands is left for our consideration. And the oral evidence solely and to the exclusion of the documentary evidence is, according to our examination of it, decidedly preponderant in favor of Fermin Licad and wife insofar as it relates to said lands, that is, that said spouses are the ones who have possessed the lands in question, and also their predecessors in interest before them, for a sufficient length of time and under such claim of ownership, and with such publicity continuousness and exclusiveness as are sufficient under the law to award them the title sought by them to be registered.

Therefore the judgment appealed from is affirmed in respect to lot 1 of proceeding No. 644 of Fermin Licad and wife, and it is reversed with respect to lot 2 of said proceeding, said lot being adjudicated to said spouses Fermin Licad and Maria Vitug.

That portion of lot 3 in said proceeding No. 644 not included in the 34 hectares, 26 ares and 48 centiares adjudicated to Arturo Bernia et al. in the former proceeding No. 242, according to a judgment rendered by this court in said proceeding which bears G. R. No. 20912,[1] is likewise adjudged to said spouses, without express

pronouncement as to costs in this instance. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Johns, and Villa-Real, JJ., concur.

[1] Bernia vs. Kerr, promulgated November 13, 1923, not reported.

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.