

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, PETITIONER, VS. LUIS ADELANTAR ET AL., CLAIMANTS. MARTA ESPINOSA, TEBESO SAZON, DONATO DEOCAMPO, GRACIANO JARODA, BALBINO DEQUILLA Y BE...

G. R. Nos. 32133, 32155, 32156, 32179, 32198, 32288, 82239, 32272-32275, 32301-32305, 32333, 32353, and 32354. February 25, 1931

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-32133/>

OSTRAND, J.:

On September 14, 1925, the Philippine Government instituted a cadastral proceeding of a tract of land situated in the municipality of Barotac Nuevo, Province of Iloilo, in accordance with section 1856" of the Administrative Code. A large part of the tract appears to be mangrove swamps, the administration of which is claimed by the Bureau of Forestry. The Bureau of Lands also claimed the lots with the exception of lot No. 1081. The same lots are also claimed by private individuals.

Upon trial the Court of First Instance declared the lots to be public lands with the exception of certain portions which had been under cultivation, and the herein claimants appealed to this court. The names of the claimants and the numbers of the lots, as well as the numbers of the cases appealed, are as follows:

Lot No

Private claimant

G. R. No.

725

Marta Espinosa and Quirino S. Cabrera

32133

1081 Tereso Sazon

32155

841 Donato Deocampo

32156

743 Graciano Jaroda

}32179

2668 Vicente Catequista, Feliciano Cartagena

850 and 851

Balbino DequiUa y Belandres

32198

783 Gregoria Panaguiton

32238

855 Bernardo Siaotong

32239

1086 and 1094 Catalina Sarrosa

32272

1097 Leonardo Araneta

32273

1265 Alfonso Doronila

32274

1266 and 1267 do

32275

1193

Carolina Blancaflor and heirs of Quirino Agudo

32301

1210 Leonardo Araneta

32302

1253 Agustin Perez

32303

1198 Jesus Buensuceso, Bias Gonzalez, and Higinio Belmonte

32304

1199. Jesus Biona

32305

1232 Nicolas Barrido

32333

1197 Valentin Buensuceso

32353

1233 Nicolas Buensuceso and Feliciano Cartagena

32354

After a careful examination of the various cases included in the brief of the Attorney-General we can see no error in the findings of the court below. The claimants pretend that they, by themselves, and their predecessors in interest have had possession of the respective parcels of land for long periods, but, if so, the occupancy of the land can only have been precarious. As stated above, the tract in question consists principally of mangrove swamps and the administration thereof has been in the hands of the Bureau of Forestry. Only four of the lots, namely, Noe. 725, 841, 850 and 851 have been declared for taxation and that was only in the years 1916 and 1917. The remaining lots do not seem to have been declared by anyone for the purpose of taxation, and in the past the Bureau of Forestry has generally issued licenses to cut wood and to construct fishponds on the tract in question. Some of the licensees and permittees are claimants herein and it seems evident that the present opposition of the appellants is comparatively a recent undertaking. It will be noted that there is no proof whatever that the lands in question had ever been acquired by the appellants or their supposed predecessors in interest either by composition title from the Spanish Government or by possessory information title or by any other legal means to acquire public lands and no such title papers have been offered in evidence in the trial.

It is also apparent that the appellants have not been in open, continuous, exclusive and notorious possession and occupation of the lands in controversy, as required by law. Under section 45 (b) of Act No. 2874, the possession of public land, without title derived from the Government, must have commenced before July 26, 1894, and have been continuous thereafter at least until July 1, 1919, when said Act No. 2874 became effective. The appellants having failed to comply with the provisions of the law, the lots claimed cannot be registered in their favor under the aforesaid section 45 (6) of Act No. 2874. The statute of limitations in regard to public land does not run against the Government.

The decision of the court below in regard to all of the cases above enumerated is hereby affirmed without costs. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Johns, and Romualdez, JJ., concur.

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