

46 Phil. 862

[G.R. No. 20387. October 19, 1923]

MANUEL ROA, AS GUARDIAN AND ON BEHALF OF THE MINORS JESUS AND JOSE ROA, ET AL., PETITIONERS AND APPELLEES, VS. THE DIRECTOR OF LANDS, ON BEHALF OF THE GOVERNMENT OF THE PHILIPPINE ISLANDS, ET AL., OPPONENTS AND APPELLANTS; PATRICIO LIÑAN AND CATALINO NERI, OPPONENTS AND APPELLEES.

D E C I S I O N

ROMUALDEZ, J.:

The Court of First Instance of Misamis adjudicated to the applicants the lands described in the application, and decreed the registration thereof in their name, with the exclusion of those claimed in this case by Catalino Neri and Patricio Liñan, overruling the oppositions presented by Jorgia Asiñero and others, on the one hand, and by the Government of the Philippine Islands represented by the Director of Lands, on the other.

Jorgia Asiñero and her cooppositors, as well as the Director of Lands, appealed from said judgment, and the former assign errors to the action of the lower court:

“1. In rendering judgment without jurisdiction;

“2. In admitting Exhibits B, C, D, E, F, I, R, X, AA, DD, GG, and FF as evidence;

“3. In admitting oral evidence about the contents of the document Exhibit C;

“4. In denying the motion for dismissal presented by the opponent Government of the Islands, which was adhered to by the opponent private individuals, now

appellants;

“5. In not finding and recognizing that the opponent private individuals have been from time immemorial in the possession, as owners, of the respective portions claimed by each of them, and in holding them to have been mere tenants,
and the applicants the true owners of the whole land covered by the application;

“6. In finding and holding” the applicants to have a right to the title of the land sought to be registered;

“7. In adjudicating to the applicants the title to all the lands covered by the application;

“8. In not holding the possession and ownership of the lands to have prescribed in favor of the opponent private individuals;

“9. In not denying the application.”

The Director of Lands, in turn, alleges that the trial court erred:

“1. In holding that the land, the registration of which is applied for, has been originally owned by Vicente Roa, original predecessor in interest of the appellants.

“2. In holding that Vicente Roa’s title was first a concession only to have some cattle on the land in question but at that time the Spanish Government had decreed to the effect that those who had such concession would become the owners
of public lands, such as was granted to Vicente Roa mentioned herein.

“3. In not holding that the applicants failed to establish the identity of the land, the registration of which is applied for.

“4. In deciding and in adjudging and decreeing the registration of the parcel of land in question in favor of the applicants.”

As to whether or not the Honorable Delfin Jaranilla, judge, could render the decision appealed from, not being the judge who had tried the case, and being then only a vacation judge of the twenty-fifth (which includes the Province of Misamis) and twenty-sixth judicial districts, designated by the Secretary of Justice, we find that in rendering the decision appealed from, he was clothed with the necessary jurisdiction for the purpose. Under section 13 of Act No. 867, Judge Quirico Abeto, who took cognizance of the case, could render judgment in this case even if he were outside of the court of Misamis, provided he was within the Philippine Islands. As before he could render his decision, Judge Abeto was transferred to another group, and his place was taken by the trial judge, the Honorable Delfin Jaranilla, as Auxiliary Judge of the Seventh Group, we see no reason why the aforesaid judge, who decided this case, should be legally incapacitated to do so.

Said judge makes in the decision the following findings, which we believe are sufficiently supported by the evidence:

“The court after having taken into consideration all the evidence presented in this case holds as established by great preponderance of evidence, the following facts: That the land applied for herein as described in technical description in the map attached to the record in this case, has been originally owned by Vicente Roa; that Vicente Roa was succeeded by Bernardo Roa; that Bernardo Roa was also succeeded by his son Pio Roa; that Pio Roa having died, the applicants herein have inherited the land in question; that Vicente Roa, the original owner of the said land, acquired said land since 1836, and possessed same as owner since then as well as his successors and up to the present applicants herein; that his title was first a concession only to have some cattle on said land, but at that time the Spanish government had decreed to the effect that those who had such concession would convert themselves as owners of public land such as was granted to Vicente Roa mentioned herein; that Vicente Roa by means of his documents presented as exhibits in this case which were obtained by him from the Spanish government entitled him to the ownership of the land in question which ownership was transmitted to his successors up to the present applicants herein whose possession has been continuous, publicly and as

owners of same.

“The only opponents who, according to the opinion of this court, have established their right to the portions of the land applied for herein are Catalino Neri and Patricio Liñan. Catalino Neri presented evidence to the effect that he has had the possession of the land mentioned in his opposition for so many years or since 1895 as is recited in the possessory information which he had obtained from his predecessors Policarpia Emata marked Exhibit 11 in this case; that since then he has been possessing the land in question adversely, publicly and continuously, and so the court believes that the possession of Catalino Neri mentioned herein is enough to acquire by prescription the title of the land mentioned in his opposition. On the other hand, Patricio Liñan is one also of those opponents who had established his right to the land claimed by him as, since the year 1906, he had won the suit from Manuel Corrales and Zosimo Roa

as executors’ of the deceased Pio Koa over the land in question. The decision of the Court of First Instance of Cagayan, Misamis, with regard to the parcel of the land claimed for by him in this case is attached to the record of this case as one of the exhibits in the case.

“The other claimants represented by Attorney Troadio Galicano, Esq., claim that they have also been in the possession of the lands for so many years, but the court after examining the documents signed by them in favor of the applicants herein and their predecessors as well as the evidence presented by the applicants that the said opponents were only mere tenants in their lands, that they were paying rents to, and shared their product with, the applicants herein and their predecessors, (the court) is convinced that the applicants herein had proven their ownership of the land in question.”

One of the principal points raised in this case is whether the grant under which the applicants claim title should be held limited to a mere permit to have some cattle on the land in question, or may now be considered to be a grant of the title itself to said land.

Exhibits C and F, admitted as evidence, in the admission of which no error was committed by the trial court, shows that the applicants’ predecessor in

interest, Vicente Roa, had petitioned permission to have some cattle in the sitio of Bugo of the town of Cagayan, Province of Misamis, during the first half of the nineteenth century; that the superintendent of all the branches of the Royal Finance of these Islands granted said petition, upon the payment by the applicant of the sum of P100 and 2 per cent thereon, which was the estimated value of the land, plus P70, 6 *reales*, 4 *granos*, and 4 *quintos*, which sums were paid by said Vicente Roa; and that high official on December 4, 1838, decreed as follows:

“And I order and direct said Mayor in his capacity as Under-Deputy of Finance to advise the officers of justice present and residing in said province to respect and comply with this grant, without in any way violating its terms and without doing any injury to, or interfering with, the title and direct ownership of said Vicente Roa over said land with the aforesaid ten reserve houses.”

Considering the terms of this grant and applying the benign criterion, which is characteristic of the laws then in force with regard to granting land titles to the natives of these Islands, and taking into account the possession which the applicants and their predecessors in interest have exercised, as owners, either personally, or through their tenants and representatives, over the land in question, we hold that the applicants, through such grant and effective possession, acquired title to the land in controversy.

The identity of the land is also discussed in the evidence. While in the deed of grant said land is not described by its bounds or area, yet the place where it is situated is mentioned and it has been shown that Vicente Roa had a house there. The evidence of the applicants establishes the limits of the portion of land which the applicants and their predecessors have been in possession of, which land appears to be the one sought to be registered in this case, with the exclusion of the portions adjudicated in the judgment appealed from to Catalino Neri and Patricio Liñan.

We find in the judgment appealed from no error whatsoever sufficient for us to alter the same; wherefore it is hereby affirmed in all its parts, with costs against the opponents, with the exception of the Director of Lands. So

ordered.

Johnson, Street, Malcolm, Avanceña, Villamor, and Johns,
JJ., concur.

Date created: June 17, 2014