

7 Phil. 467

[ G.R. No. 3345. February 09, 1907 ]

**JUAN HERNANDEZ TIO-QUINCHUAN ET AL., PLAINTIFFS AND APPELLEES, VS.  
MANUEL LIM ET AL., DEFENDANTS AND APPELLANTS.**

**D E C I S I O N**

**WILLARD, J.:**

The appellants made no motion for a new trial in the court below on the ground of the insufficiency of the evidence to support the findings of fact. The only question before us, therefore, is whether these findings of fact together with the facts admitted by the pleading are sufficient to support a judgment for the plaintiffs.

An examination of the decision shows clearly that upon the facts therein stated the plaintiffs are entitled to recover.

They presented in support of their claim of ownership a patent issued by the Government in 1891 in accordance with the regulations of the 25th of June, 1880. (Gaceta de Manila, 10th of September, 1880, p. 1729.) It is claimed by the appellants that it appears from the decisions that the father of the plaintiffs who made application for this grant was a Chinaman, and that by the regulations aforesaid he was excluded from the benefits of the law.

An examination of the law itself shows no such prohibition. There is nothing in any one of its articles except in article 7 which in any way indicates that the benefits of the law were limited to natives of the Islands and were not given to foreigners and Spaniards born outside of the Philippines. Article 7, together with articles 2 and 3, refer to the "*legua comunal*," and their provisions are limited to land of that character. There was nothing in this case to show that the land here in controversy was within the "*legua comunal*" of any pueblo.

The judgment of the court below is affirmed with costs of this instance against the

appellants. After expiration of twenty days let judgment be entered in accordance herewith and ten days thereafter the record remanded to the court below for proper action. So ordered.

*Arellano, C. J., Torres, Mapa, Johnson, Carson, and Tracey, JJ., concur.*

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