

5 Phil. 255

[G.R. No. 2332. November 10, 1905]

MIGUEL EVANGELISTA, PLAINTIFF AND APPELLANT, VS. TRANQUILINO BASCOS ET AL., DEFENDANTS AND APPELLEES.

D E C I S I O N

WILLARD, J.:

The plaintiff, claiming to be the owner of 112 hectares of land in the barrio of Unsad, in the pueblo of Villasis, in the Province of Pangasinan, brought this action to recover the possession of a part of this land, which he claimed was unlawfully occupied by the defendants.

The evidence does not show that he has any documentary title to any of the land. He introduced in evidence a paper, executed by the *principales* of the town in 1860, which purported to give him and Leonardo Evangelista the ownership of a certain tract of land in said barrio for the purpose of cultivating the same. The title to this land could not have been granted by this instrument, because the persons executing it had no power to convey it.

There is nothing in the description contained in this document which indicates that it is the same land described in the complaint in this action. The plaintiff, however, testified that it was, and that he had been in possession thereof from 1860 to 1902, when he was dispossessed by the defendants. Upon this point an issue of fact was raised between plaintiff and defendants, the latter testifying that the plaintiff had never been in possession of any part of the land now occupied by them. Upon this issue of fact we think that the evidence preponderates in favor of the defendants.

The plaintiff in 1893 undertook to obtain a title from the

Government to the land described in his complaint under the laws relating to the adjustment of titles with the State. He failed, however, in this undertaking, and in 1893 the defendant Bascos acquired a deed from the State under these same laws for the land which he occupies.

There is no other evidence in the case which relates to any of the defendants except to the defendant Tranquilino Bascos. As to him the plaintiff introduced in evidence a document signed by Bascos in May, 1893. This document stated that the tract of land for which Bascos had obtained the deed from the State had been returned by him to its former owner, the plaintiff.

The evidence in the case shows that this statement was not true. It showed that the defendant Bascos had not delivered the possession of this land to the plaintiff, and his claim is that he was induced to sign the document by reason of threats made at the time by the parish priest of the locality. It is claimed by the plaintiff that this document operated as a transfer of the title of the land from the defendant Bascos to the plaintiff. We do not think that it can be given any such effect. It amounted, in our opinion, only to an extrajudicial admission that the plaintiff was the owner of the land. It was competent for the defendant to overcome the effect of this admission by evidence showing that the plaintiff was not in fact the owner of the land, and the evidence produced by the defendant did, in our opinion, prove that the plaintiff was not the owner.

The judgment of the court below is affirmed, with the costs of this instance against the appellant, and after the expiration of twenty days judgment should be entered in accordance herewith, and the case remanded to the court below for execution of said judgment. So ordered.

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

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