

5 Phil. 153

[G.R. No. 2631. October 21, 1905]

EDWIN H. WARNER, PETITIONER AND APPELLEE, VS. 771 OBJECTORS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

This is an appeal from the Court of Land Registration. The appellants made no motion for a new trial in the court below, and we can not therefore review the evidence. The findings of fact stated in the decision of the lower court sustain the judgment in favor of the petitioner. This is not controverted by the appellants.

The only questions presented by them in their brief relate to the validity of certain deeds presented in evidence by the petitioner as the basis of his title.

The Augustinian religious order acquired title to a part of the land in controversy by deed dated March 31, 1629. It is claimed by the appellants that this deed is invalid because the Augustinians had no power to acquire real estate in the Philippine Islands. Among all the laws cited by the appellants in support of this contention, we find none that prohibits in any way this order from acquiring and holding real estate in these Islands.

By deed dated October 1, 1898, the petitioner, Warner, bought of the Augustinians the land in question. It is claimed by the appellants that this religious order had no power to sell real estate. This contention is completely answered by the royal order dated December 4, 1890, cited in the appellee's brief, which expressly conferred this power upon the religious orders in the Philippine Islands.

The judgment of the court below is affirmed, without costs in this court, 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.

Date created: April 28, 2014