

Opinion of the Court.

Another preliminary matter may as well be disposed of here.

It is suggested that even if the applicant have title he cannot have it registered, because the Philippine Commission's Act

No. 926, of 1903, excepts the Province of Benguet among others from its operation. But that act deals with the acquisition of

new titles by homestead entries, purchase, etc., and the perfecting of titles begun under the Spanish law. The applicant's

claim is that he now owns the land and is entitled to registration under the Philippine Commission's Act No. 496, of 1902,

which established a court for that purpose with jurisdiction "throughout the Philippine Archipelago," § 2, and authorized in general terms applications to be made by persons claiming to own the legal estate in fee simple, as the applicant does. He

is entitled to registration if his claim of ownership can be maintained.

We come then to the question on which the case was decided

below, namely, whether the plaintiff owns the land. The position of the Government, shortly stated, is that Spain assumed,

asserted and had title to all the land in the Philippines except so far as it saw fit to permit private titles to be acquired; that there was no prescription against the Crown, and that if there was, a decree of June 25, 1880, required registration within a limited time to make the title good; that the plaintiff's land was not registered and therefore became, if it was not always, public land; that the United States succeeded to the title of Spain, and so that the plaintiff has no rights that the Philippine Government is bound to respect.

If we suppose for the moment that the Government's contention is so far correct that the Crown of Spain in form asserted a title to this land at the date of the Treaty of Paris, to

which the United States succeeded, it is not to be assumed without argument that the plaintiff's case is at an end. It is true that Spain in its earlier decrees embodied the universal

feudal theory that all lands were held from the Crown, and perhaps the general attitude of conquering nations toward people

not recognized as entitled to the treatment accorded to those

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