

Opinion of the-Court.

begins by the characteristic assertion of feudal overlordship. and the origin of all titles in the king or his predecessors. That

was theory and discourse. The fact was that titles were admitted to exist that owed nothing to the, powers of Spain beyond this recognition in their books.

Prescription is mentioned again in the royal cedula of October 15, 1754, cited in 3 Philippine, 546: "Where such possessors

shall not be able to produce title deeds it shall be sufficient if

they shall show that ancient possession, as a valid title by prescription." It may be that this means possession from before

1700, but at all events the principle is admitted. As prescription, even against crown lands, was recognized by the laws of

Spain, we see no sufficient reason for hesitating to admit that it- was recognized in the Philippines in regard to lands over which Spain had only a paper sovereignty.

The question comes however on the decree of June 25, 1880,

for the adjustment of royal lands wrongfully occupied by private individuals in the Philippine Islands. This begins with

the usual theoretic assertion that for private ownership there must have been a grant by competent authority, but instantly descends to fact by providing that for all legal effects those who have been in possession for certain times shall be deemed owners. For cultivated land, twenty years uninterrupted is enough. For uncultivated, thirty. Art. 5. So that when this decree went into effect the applicant's father was owner of the land by the very terms of the decree. But it is said, the object

of this law was to require the adjustment or registration process' dings that it described, and in that way to require every one

to get a document of title or lose his land. That purpose may have been entertained; but 'it does not appear clearly to have been applicable to all. The regulations purport to have been

made "for the adjustment of royal lands wrongfully occupied by private individuals." (We follow the translation in the Government's brief.) It does not appear that this land ever was royal land or wrongfully occupied. In art. 6 it is provided that ' " interested parties, not included within the two preceding

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