[G. R. No. 35746. March 28, 1934]

JOSE M. KERR ET AL., APPLICANTS AND APPELLANTS,VS.INTESTATE ESTATE OF THE DECEASED ARTURO BERNIA ET AL.,OPPOSITORS AND APPELLEES.

D E C I S I O N

J. STEVENS-ACTING CLERK OF COURT

The Court having regularly acquired jurisdiction of the above-entitled cause submitted by both parties for decision, after consideration thereof by the Court upon the record, its decision and order for judgment having been filed on the 11th day of April, A. D. nineteen hundred and thirty-four;

By virtue thereof it is hereby adjudged and decreed that the judgment of the Court of First instance of Pampanga, dated the 26th day of December, nineteen hundred and thirty, and from which the above-entitled appeal was taken, be, and the same is hereby affirmed, insofar as it adjudicates to the applicants Bernia Lots C, 4 and 5 of the plan Exh. "B-Kerr", which are equivalent to Lots 8, 9, 11, IS, 13, 14, 15 and 16 of Exh. "29-Bernia", plan SWO-9233, Sheet No. 2; and Lot. B of said Exh. "B-Kerr", plan psu-11330 And., SWO-7476 to the oppositor Ignacio Dimson and his wife; and hereby modified insofar as it failed to adjudicate Lot 6-A of the said Exh. "B-Kerr" which is equivalent to Lot 18-a of Exh. "29-Bernia (plan SWO-9233, sheet No. 2) to said Ignacio Dimson and his wife, adjudicating said lot 6-A or 18-a to said oppositor Ignacio Dimson and his wife upon payment by them to the appellants Kerr of their proportionate share in the expenses incurred in the publication of the notices and other incidental expenses incurred in the proceedings in case No. 584, G.L.R.O. Record no. 23476, in conformity with the provisions of Act No. 3621 amending art. 37 of Act No. 496. The right to apply in separate proceeding for the registration in their own name of that portion of Lot A, indicated in said Exh. "B-Kerr", plan psu-11330 Amd., SWO-No. 7476, situated North and East of the aforementioned Lot 6-A' or 18-a is hereby reserved to the spouses Dimson. in all other respects the judgment appealed from is hereby affirmed without special pronouncement as to costs.

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