

**\*\*Title\*\*:** Spouses Elegio and Dolia Cañezo vs. Spouses Apolinario and Consorcia L. Bautista

**\*\*Facts\*\*:** The Spouses Elegio and Dolia Cañezo, owners of a 186-square-meter parcel of land in Coronado Heights, Mandaluyong City, and Spouses Apolinario and Consorcia Bautista, owners of an adjacent 181-square-meter lot, were entangled in a property dispute due to encroachment. In 1995, the Cañezos, during the construction on their lot, discovered that their property was encroached upon by structures built by the Bautistas without their consent. Despite oral and written demands and unsuccessful barangay mediation, the Bautistas refused to remove the encroaching structures. Consequently, the Cañezos filed a complaint for the issuance of a writ of demolition with damages in 2000. The Bautistas were declared in default for failing to file an answer, leading to an ex parte trial and a favorable decision for the Cañezos by the Regional Trial Court of Mandaluyong City, which the Bautistas appealed.

**\*\*Procedural Posture\*\*:** The Court of Appeals reversed the trial court's decision, stating that the Cañezos should have filed a suit for recovery of possession instead of seeking a writ of demolition. This prompted the Cañezos to file a petition for review with the Supreme Court, contending that the appellate court gravely erred in its decision and misunderstanding of their complaint.

**\*\*Issues\*\*:**

1. Whether the Court of Appeals erred in reversing the decision of the trial court.
2. Whether the Cañezos should have filed for recovery of possession instead of a writ of demolition.

**\*\*Court's Decision\*\*:** The Supreme Court granted the petition, affirming the trial court's decision with modification. The Court clarified that the case, though captioned as seeking a writ of demolition, was essentially an accion reivindicatoria, an action to recover ownership and possession of a parcel of land. The Court found that the Cañezos sufficiently established their ownership and the encroachment by the Bautistas, making the latter builders in bad faith. The Court ordered the demolition of the encroaching structures at the Bautistas' expense and awarded damages and attorney's fees to the Cañezos.

**\*\*Doctrine\*\*:** The Supreme Court reiterated the doctrine concerning accion reivindicatoria, specifying that in such actions, the plaintiff must prove ownership and identify the property in question. The Court also applied the principles regarding the treatment of builders in bad faith, affirming that they are liable for the demolition of unauthorized structures and

compensation for damages.

**\*\*Class Notes\*\*:**

- **\*\*Accion Reivindicatoria\*\*:** An action to recover ownership along with jus utendi and jus fruendi, requiring proof of ownership and identification of the property. Relevant legal provision: Article 434 of the Civil Code.
- **\*\*Builders in Bad Faith\*\*:** Builders who erect structures on land not their own with knowledge of their lack of right, obligated to demolish the structure or compensate the landowner. Relevant legal provisions: Articles 449 and 450 of the Civil Code.
- **\*\*Default (in court proceedings)\*\*:** Failure to respond to a lawsuit within the set period, resulting in the court proceeding without the input of the defaulting party.

**\*\*Historical Background\*\*:** This case reflects the judicial process for resolving property disputes in the Philippines, especially those involving encroachment and bad faith construction. It underscores the significance of correct procedural action for the recovery of possession and the courts' role in adjudicating property rights, affirming the importance of barangay (village) mediation attempts before court action.