

Title: Sps. Dolores Miranda Provost and Jean Provost vs. Court of Appeals and Sps. Victor Ramos and Fe A. Ramos (G.R. No. 153336)

Facts:

- **Property Acquisition:** The respondents, spouses Victor and Fe Ramos, acquired a parcel of land (Lot No. 12542, Case 15, Cad. 473) situated in Putingbalas, Tupsan Grande, Mambajao, Camiguin through a donation from Nicolasa Yap Vda. de Abao on October 24, 1994. Adjacent to their lot is another parcel of land (Lot No. 12543, C-15, Cad. 473) owned by petitioner Dolores Miranda Provost, purchased from Rosario Abanil.
- **Fence Construction:** In May 1992, the Provosts constructed a fence separating these two lots.
- **Encroachment Dispute:** In 1994, the Ramoses believed that the Provosts had encroached on their lot by 314 square meters. The Ramoses demanded the return of the encroached area, but the Provosts refused. A relocation survey commissioned by the Ramoses supported their claim.
- **Conflicting Surveys:** The Provosts contested this claim, citing that the original survey used was defective and had been disapproved by the DENR Regional Office, resulting in a corrected survey.
- **Second Survey:** Upon the Provosts' request, another relocation survey was conducted using the corrected survey plan, showing the fence was within their property.
- **Legal Action:**
 - **MTC Complaint:** On December 26, 1994, the Ramos spouses filed a complaint for recovery of ownership and possession with damages and a preliminary injunction before the Municipal Trial Court (MTC) of Mambajao, Camiguin.
 - **MTC Decision:** The MTC dismissed the complaint on February 19, 1999, ruling that the Ramoses failed to prove ownership and possession of the disputed area.
 - **RTC Appeal:** On appeal, the Regional Trial Court (RTC) on December 10, 1999, affirmed the MTC's decision. The RTC shifted the basis to the modified survey plan, finding no encroachment by the Provosts.
 - **Petition to the Court of Appeals:** Disagreeing with the RTC, the Ramoses appealed to the Court of Appeals (CA), which overturned the RTC's decision on February 13, 2003, ordering the Provosts to vacate the area and to pay damages to the Ramoses.
 - **Motion for Reconsideration:** The Provosts' Motion for Reconsideration was denied by the CA on August 27, 2003.
- **Petition to the Supreme Court:**

- **Certiorari under Rule 65**: The Provosts argued exceeding limits of jurisdiction, reliance on disapproved survey plans, and being denied due process by the CA.
- **Supreme Court Review**: The Supreme Court opted to treat the petition as one proper for review under Rule 45.

Issues:

1. **Encroachment on Property**: Whether or not the petitioners encroached on the property of private respondents.
2. **Validity of the Survey Plan**: Whether the Court of Appeals erred in relying on the disapproved original survey plan used by the Ramoses rather than the corrected survey plan.
3. **Awarding of Damages and Fees**: If the Court of Appeals properly awarded actual damages, rental, attorney's fees, and other litigation expenses.

Court's Decision:

- **Main Issue - Encroachment**: The Supreme Court sustained the RTC's decision, noting that the Ramoses failed to distinctly identify the property they sought to recover based on under the original, disapproved survey plan. The corrected survey plan, which was approved, ought to delineate the correct boundaries, showing no encroachment by the Provosts.
- **Survey Plan Validity**: The Court opined the CA erred by relying on the old, disapproved survey and ignoring the corrected, approved survey.
- **Damages and Fees**: The Supreme Court found no sufficient basis for the CA's awards of actual damages, attorney's fees, and litigation expenses and thus removed these awards.

Doctrine:

- **Article 434 of the Civil Code**: In actions to recover property, the plaintiff must establish the identity of the property and rely on the strength of their title rather than the weakness of the defendant's claim. Boundaries, not precise measurements, define land.
- **Appeal Provisions**: §8, Rule 40, Rules on Civil Procedure provides for RTC's handling of appeals from the MTC's decisions even if the MTC lacks jurisdiction, contingent on the RTC having original jurisdiction over the subject matter.

Class Notes:

- **Elements in Recovery of Property**:
 1. **Identity of Property**: Must be clearly established.
 2. **Strength of Title**: Plaintiff's title must be strong.

- **Principles on Survey Plans**:

1. **Approved vs. Disapproved**: Approved plans carry more weight.
 2. **Boundaries over Area**: Land is defined by its boundaries rather than calculated area.
- **Rule on Awarding Fees**: Attorney's fees and litigation expenses only when just and equitable, not routinely issued when a party prevails (e.g., gross bad faith required).

Historical Background:

- **Cadastral Surveys**: Historical context regarding disputes typically stems from defective land registration systems, disapproved surveys, and subsequent corrections in PHL land titles.

- **Survey Approval**: Emphasis on survey correction by authorities (DENR) reflecting historical issues in land identification and boundary disputes during different governments and evolving cadastral practices.

Legislation/Doctrine Application:

- The judgment reinstated the RTC's decision confirming no encroachment based on the corrected survey, applying cadastral law and principles protecting defined land boundaries against changing survey plans, emphasizing judicial finding that accurate delineation of property limits, rather than area, is pivotal.