SPS. RONALD HUTCHISON AND VALENTINE NAVALLE-HUTCHISON, PETITIONERS, VS. ENRIQUE M. BUSCAS, RESPONDENT.

G.R. NO. 158554. May 26, 2005

Ponente: PUNO, J.

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PUNO, J.:

The case at bar concerns a boundary dispute involving 6,471 square meters of land in San Juan, Lubao, Pampanga. Petitioner spouses RONALD and VALENTINE HUTCHISON seek the reversal of the Decision of the Court of Appeals in CA-G.R. CV No. 66077, dated February 19, 2003, holding that respondent ENRIQUE M. BUSCAS is entitled to the possession of the disputed area.

The records show that on October 1, 1987, petitioner spouses purchased from V.A. Development Enterprises, Inc. a 76,207-sq. m. land (designated as Lot No. 7216) in San Juan, Lubao, Pampanga. They occupied the land after a title was issued in their names.

On August 22, 1989, one Juanita Arrastia, the owner of a lot adjacent to that of petitioner spouses, sold a portion of her land to respondent. The transaction, covering 7,581 sq. m. (designated as Lot No. 7047-A), was evidenced by a Quitclaim Deed in favor of respondent. Respondent occupied 1,100 sq. m. of his land. However, he failed to register the portion of the lot in his name and title to the property remained in Arrastia's name.

On January 10, 1995, respondent commissioned geodetic engineer Narciso Manansala to survey his property. Manansala prepared a sketch/subdivision plan of respondent's lot. His survey revealed that 6,471 sq. m. thereof was occupied by petitioner spouses.

Respondent sent a demand letter to petitioner spouses to vacate the encroached area. Petitioner spouses refused and insisted that it was part of their land. Thus, respondent filed a complaint for unlawful detainer (Civil Case No. 1329) against petitioner spouses before the Municipal Trial Court (MTC) of Lubao, Pampanga. After trial, the MTC ruled in favor of respondent. However, on appeal, the Regional Trial Court (RTC) dismissed the case. It ruled that MTC had no jurisdiction over the subject matter as it is a boundary dispute and the proper action should have been an accion reinvindicatoria before the RTC.

Consequently, respondent filed a case for accion reinvindicatoria against petitioner spouses with the RTC of Guagua, Pampanga.[1] At the trial, respondent adduced in evidence the Quitclaim Deed to prove his title over the disputed area. He likewise testified on the survey conducted by Manansala. Another geodetic engineer, Angelito H. Nicdao, testified that in the unlawful detainer case earlier filed by the respondent, he was directed by the MTC judge hearing the case to conduct a verification survey of the parties' lots. In compliance with the order, he surveyed the two (2) lots using the title of petitioner spouses and the records of the Bureau of Lands.[2] His survey revealed that petitioner spouses encroached on 6,471 sq. m. of the adjacent land claimed by respondent. Respondent offered in evidence the verification plan and report of Nicdao relative to his survey.

On the part of petitioner spouses, petitioner Valentine Hutchison testified that she purchased Lot No. 7216 in

Lubao, Pampanga, covering an area of 76,207 sq. m., and title thereto was duly issued in her name and that of her spouse.

After trial, the RTC dismissed[3] the complaint for lack of merit. It ruled that respondent's Quitclaim Deed was not sufficient proof of ownership; that respondent failed to clearly identify the property claimed as it was only marked with an "X" sign, and; that petitioner spouses, as registered owners, are entitled to possession of the disputed lot.

On appeal, the Court of Appeals reversed the decision of the trial court. [4] It ruled that respondent is entitled to possession of the disputed area as he was able to prove his claim of ownership and the identity of the subject land.

Hence, this appeal where petitioner spouses assign the following errors:

> I
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> THE COURT OF APPEALS ERRED IN ITS CONCLUSION THAT THE RESPONDENT SUFFICIENTLY IDENTIFIED THE PROPERTY HE SEEKS TO RECOVER.
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> II
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> THE COURT OF APPEALS ERRED IN ITS LEGAL CONCLUSION OF LAW THAT THE TITLE OF THE RESPONDENT TO THE SUBJECT PROPERTY IS THE QUITCLAIM DEED OVER A PORTION OF LAND.
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> III
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> THE COURT OF APPEALS ERRED IN ITS LEGAL CONCLUSION THAT THE RESPONDENT STRENGTHENED HIS "TITLE" BY THE SURVEY HE CAUSED TO BE PREPARED.
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> IV
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> THE COURT OF APPEALS ERRED IN ITS CONCLUSION OF LAW THAT THE RESPONDENT PROVED BY A PREPONDERANCE OF EVIDENCE THAT HIS PROPERTY WAS ENCROACHED UPON BY THE PETITIONERS.
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> V
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> THE COURT OF APPEALS ERRED IN ITS CONCLUSION OF LAW THAT THE RESPONDENT "IS DECLARED OWNER OF THE 6,471 SQUARE-METERS DISPUTED LOT, AND THE PETITIONERS ARE THUS ORDERED TO VACATE THE SAME."

Petitioner spouses contend that there was a gross misapprehension of facts by the Court of Appeals and its legal conclusions were contrary to law and jurisprudence. They assert that respondent failed to identify the portion of land he was claiming and prove his ownership thereof. They allege that: (a) respondent's identification of his 7,581 sq. m. property with a mere "X" mark on the Annex "A" of the Quirclaim Deed is insufficient as the attached Annex "A" was not presented at the trial, and; (b) the surveys conducted by the geodetic engineers cannot be used to identify respondent's lot as they were based on the records of the Bureau of Lands and not on the document of title of respondent.

We find for the petitioner spouses.

In civil cases, the law requires that the party who alleges a fact and substantially asserts the affirmative of the issue has the burden of proving it.[5] This evidentiary rule is based on the principle that the suitor who relies upon the existence of a fact should be called upon to prove it.[6]

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Article 434 of the New Civil Code[7] provides that to successfully maintain an action to recover the ownership of a real property, the person who claims a better right to it must prove two (2) things: first, the identity of the land claimed, and; second, his title thereto. In the case at bar, we find that respondent failed to establish these two (2) legal requirements.

The first requisite: the identity of the land. In an accion reinvindicatoria, the person who claims that he has a better right to the property must first fix the identity of the land he is claiming by describing the location, area and boundaries thereof.[8] Anent the second requisite, i.e., the claimant's title over the disputed area, the rule is that a party can claim a right of ownership only over the parcel of land that was the object of the deed.[9] Respondent sought to prove these legal requisites by anchoring his claim on the Quitclaim Deed over a portion of land which was executed by Arrastia in his favor. However, a cursory reading of the Quitclaim Deed shows that the subject land was described, thus:

> x x x a portion of that property situated at San Juan, Lubao, Pampanga which portion subject of this sale consists of 7,581 square meters more or less, as indicated particularly in the herein attached plan marked as Annex "A" and made an integral part hereof, and the subject property with an "X" sign.

Thus, the Quitclaim Deed specified only the extent of the area sold, i.e., 7,581 sq. m. of Arrastia's land. Annex "A" of the Deed, where the entire lot of Arrastia was particularly described and where the specific portion of the property sold to respondent was marked, was not presented by respondent at the trial. As the Deed itself failed to mention the metes and bounds of the land subject of the sale, it cannot be successfully used by respondent to identify the area he was claiming and prove his ownership thereof. Indeed, the presentation of the Annex "A" is essential as what defines a piece of land is not the size mentioned in the instrument but the boundaries thereof which enclose the land and indicate its exact limits.[10]

Neither can the surveys of the lots of petitioner spouses and respondent prove the identity of the contested area and respondent's ownership thereof. The records show that when geodetic engineers Manansala and Nicdao surveyed the lands, they merely relied on the self-serving statement of respondent that he owns the portion of the lot adjacent to petitioner spouses. They were not shown the Deed of Quitclaim and its Annex "A" or any other document of title which described the specific portion of the land allegedly conveyed to respondent.[11] Thus, the surveys cannot be given evidentiary weight to prove the identity of the land sold to respondent and his ownership thereof.

Moreover, the rules on evidence provide that where the contents of the document are the facts in issue, the best evidence is the instrument itself.[12] In the case at bar, the identity of the land claimed and respondent's ownership thereof are the very facts in issue. The best evidence to prove these facts is the Quitclaim Deed and its Annex "A" where respondent derives his title and where the land from which he purchased a part was described with particularity, indicating the metes and bounds thereof. Respondent's failure to adduce in evidence Annex "A" of the Quitclaim Deed or produce secondary evidence, after proof of its loss, destruction or unavailability,[13] is fatal to his cause.

Finally, it bears stress that in an action to recover real property, the settled rule is that the plaintiff must rely on the strength of his title, not on the weakness of the defendant's title.[14] This requirement is based on two (2) reasons: first, it is possible that neither the plaintiff nor the defendant is the true owner of the property in dispute,[15] and second, the burden of proof lies on the party who substantially asserts the affirmative of an issue for he who relies upon the existence of a fact should be called upon to prove that fact.[16] In the case at bar, as respondent failed to prove his title to and identity of the contested land, there exists no legal ground upon which to turn over the possession of the disputed area to him.

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IN VIEW WHEREOF, the petition is GRANTED. The Decision of the Court of Appeals in CA-G.R. CV No. 66077, dated February 19, 2003, is hereby reversed and set aside. The Decision of the Regional Trial Court of Guagua, Pampanga, dismissing the complaint for accion reinvindicatoria in Civil Case No. G-3183, is reinstated. No pronouncement as to costs.

SO ORDERED.

Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.
Tinga, J., out of the country.

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[1] Civil Case No. G-3183.

[2] Exh. "D," Verification Report, Folder of Exhibits at 86.

[3] October 26, 1999 Decision, penned by Judge Gregorio Pimentel, Jr., Rollo at 40-43.

[4] CA Decision, dated February 19, 2003, Penned by Associate Justice B.A. Adefuin-De la Cruz and concurred in by Associate Justices Mercedes Gozo-Dadole and Danilo B. Pine; Rollo at 32-36.

[5] Alonzo v. San Juan, G.R. No. 137549, February 11, 2005.

[6] Ramcar, Inc. v. Garcia, 114 Phil. 1026 (1962).

[7] Art. 434. In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim.

[8] Heirs of Anastacio Fabela v. Court of Appeals, 362 SCRA 531 (2001).

[9] Veterans Federation of the Philippines v. Court of Appeals, 345 SCRA 348 (2000).

[10] Heirs of Anastacio Fabela v. Court of Appeals, 362 SCRA 531 (2001); Turquesa v. Valera, 322 SCRA 573 (2000).

[11] Respondent's testimony, June 16, 1998 TSN at 28-29.

[12] Sections 3 & 5, Rule 130, Rules of Court.

[13] Section 5, Rule 130 (2), Rules of Court provides:

x x x When the original document has been lost or destroyed, or cannot be produced in court, the offeror, upon proof of its execution or existence and the cause of its unavailability without bad faith on his part, may prove its contents by a copy, or by a recital of its contents in some authentic document, or by the testimony of witnesses in the order stated.

[14] Turquesa v. Valera, 322 SCCRA 573 (2000).

[15] Civil Code of the Philippines, Annotated, Justice Edgardo L. Paras, vol. two, 14[th] ed. at 130.

[16] Ramcar, Inc. v. Garcia, 114 Phil. 1026 (1962).

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