

SPOUSES ADRIANO AND NORMA SIOSON and SPOUSES ARNIEL AND EDITH SIOSON, PETITIONERS, VS.

G.R. No. 161387. March 13, 2009

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] of the 26 June 2003 Decision[2] and 4 December 2003 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 67304. The Court of Appeals affirmed the 6 July 2001 Decision[4] and 11 September 2001 Order[5] of the Regional Trial Court of Iloilo City, Branch 33 (RTC). The RTC reversed the 14 March 1997 Decision[6] of the Municipal Trial Court in Cities of Iloilo City, Branch 2 (MTCC).

The Facts

On 4 June 1996, the heirs of Federico Avanceña (respondents) filed a complaint for ejectment against spouses Adriano and Norma Sioson and spouses Arniel[7] and Edith Sioson (petitioners). Respondents alleged that petitioners constructed their cottages on a portion of their lot, Lot No. 934-B-4, covered by Transfer Certificate of Title No. T-111572 (TCT No. T-111572).[8] Respondents maintained that there was no lease agreement between the parties and that respondents merely tolerated petitioners' occupation of their lot. Respondents added that petitioners did not heed their 3 May 1996 demand letter asking petitioners to vacate the property, prompting respondents to file the complaint. Respondents also asked for the payment of rent, attorney's fees, costs of litigation, and moral and exemplary damages.

In their answer with counterclaim, petitioners denied that their cottages stood on Lot No. 934-B-4. Spouses Adriano and Norma Sioson alleged that their cottage stood entirely on Lot No. 934-B-7, a road-widening lot, which was the boundary of Lot No. 934-B-4 on the south. Spouses Arniel and Edith Sioson claimed that their cottage did not stand on either Lot Nos. 934-B-4 or 934-B-7 but stood across Molo-Arevalo Boulevard. Petitioners added that Lot No. 934-B-7 did not belong to respondents. Petitioners also asked for attorney's fees, litigation expenses, and moral and exemplary damages.

In their answer to counterclaim, respondents insisted that petitioners' cottages stood on Lot No. 934-B-4. Respondents admitted that Lot No. 934-B-7 was an area reserved for the proposed road widening of Molo-Arevalo Boulevard. However, respondents maintained that the project had not yet been implemented and no expropriation proceedings had been initiated by the City of Iloilo for the project.

Upon orders[9] of the MTCC, an ocular inspection and a relocation survey were conducted on 16 and 24 August 1996, respectively.

In the preliminary conference order,[10] petitioners and respondents agreed that the issues should be limited to determining: (1) whether petitioners had cottages standing on Lot No. 934-B-4 and (2) who among the parties

were entitled to damages.

On 14 March 1997, the MTCC rendered its decision in favor of petitioners. The dispositive portion of the MTCC decision reads:

WHEREFORE, premises considered, the complaint is hereby ordered DISMISSED with costs.

Counterclaim is likewise dismissed for lack of merit.

SO ORDERED.[11]

Aggrieved, respondents appealed to the RTC.

On 6 July 2001, the RTC reversed the MTCC's decision. The dispositive portion of the 6 July 2001 Decision provides:

WHEREFORE, based on the foregoing considerations, We hereby Order to:

- Reverse the Decision dated 14 March 1997;
- Direct defendants/appellees Spouses Adriano and Norma Sioson and Spouses Arniel and Edith Sioson to vacate the 239 squaremeters sublot 934-B-7 considering that the same belonged to the plaintiffs/appellants - pro-indiviso - with their other co-heirs shown in Exhibit "G" and the 129[12] square meters of Lot 934-B-4 because this portion belonged to plaintiffs/appellants;
- Direct defendants/appellees Spouses Adriano and Norma Sioson to pay, jointly and severally, the monthly rentals of the properties that they occupied and used in the pursuit of their business in the name and style of Adring's Lechon and Manokan from the filing of the Complaint on 4 June 1996 until they completely vacate said premises at the rate of P1,500.00 per month;
- Direct the defendants/appellees Spouses Adriano and Norma Sioson to pay, jointly and severally, attorney's fees in the amount of P5,000.00; and
- Direct the defendants/appellees Spouses Adriano and Norma Sioson to pay, jointly and severally, the cost of litigation in the amount of P3,000.00.

SO ORDERED.[13]

Petitioners appealed to the Court of Appeals.

On 26 June 2003, the Court of Appeals affirmed the RTC's decision. The dispositive portion of the decision reads:

WHEREFORE, premises considered, the instant petition for review is hereby DISMISSED.

SO ORDERED.[14]

Petitioners filed a motion for reconsideration.

On 4 December 2003, the Court of Appeals denied petitioners' motion for reconsideration.

The Ruling of the MTCC

The MTCC declared that spouses Adriano and Norma Sioson's cottage occupied Lot No. 934-B-7 and only its walls stood on the boundary of Lot No. 934-B-4. The MTCC also declared that spouses Arniel and Edith Sioson's cottage stood on neither Lot No. 934-B-4 nor Lot No. 934-B-7.

The Ruling of the RTC

The RTC declared that petitioners' cottages were built on 139 square meters of Lot No. 934-B-4 and on a portion of the 239 square meters of Lot No. 934-B-7.

The RTC also concluded that the cession^[15] of Lot No. 934-B-7 in favor of the City of Iloilo appeared to have been abandoned because the City of Iloilo neither initiated any expropriation proceeding nor issued any title to Lot No. 934-B-7. Consequently, the RTC declared respondents and the other co-heirs as the owners pro-indiviso of Lot No. 934-B-7. The RTC also ruled that respondents had a better right of possession over Lot No. 934-B-7 than petitioners.

The Ruling of the Court of Appeals

The Court of Appeals agreed with the RTC's conclusions. The Court of Appeals added that even assuming that the City of Iloilo did not abandon the road widening project, this did not give petitioners the absolute right to possess and occupy Lot No. 934-B-7 in derogation of the rights of respondents.

The Issues

Petitioners raise the following issues:

- Whether the RTC could, in the exercise of its appellate jurisdiction, reverse the MTCC's decision by deciding an issue not raised in the pleadings or beyond the theory of the case before the lower court; and
- Whether the RTC could, on appeal, reverse the MTCC's factual findings which were clearly supported by evidence.

The Ruling of the Court

The petition is meritorious.

Petitioners argue that the RTC and the Court of Appeals should not have made any declaration as to the possession and ownership of Lot No. 934-B-7 because this was not the subject matter of the complaint for ejectment before the MTCC.

We agree with petitioners. Courts of justice have no jurisdiction or power to decide a question not in issue.^[16] It is elementary that a judgment must conform to, and be supported by, both the pleadings and the evidence, and must be in accordance with the theory of the action on which the pleadings are framed and the case was tried.^[17] The courts, in rendering decisions, ought to limit themselves to the issues presented by the parties in their pleadings.^[18] A judgment that goes outside of the issues and purports to adjudicate something on which the court did not hear the parties is not only irregular but also extra-judicial and invalid.^[19] The rule rests on the fundamental tenets of fair play.^[20]

In an ejectment case, the only issue for resolution is the question of who is entitled to the physical or material possession of the property in dispute.^[21]

In this case, respondents' complaint for ejectment before the MTCC clearly stated that the subject matter of the complaint was Lot No. 934-B-4.^[22] In their answer to counterclaim, respondents reaffirmed that the subject matter of the complaint was Lot No. 934-B-4.^[23] The MTCC's preliminary conference order limited the issue to whether petitioners had cottages on Lot No. 934-B-4.^[24] Petitioners and respondents filed their position papers on the basis of the foregoing issue. Clearly, the issue in the complaint for ejectment was limited to the possession of Lot No. 934-B-4. Therefore, the RTC and the Court of Appeals, in ruling on the possession and ownership of Lot No. 934-B-7, went beyond the issue of the case.

The other issue raised by petitioners is factual in nature - whether petitioners' cottages stood only on Lot No. 934-B-7, as ruled by the MTCC, or partly on Lot Nos. 934-B-4 and 934-B-7, as ruled by the RTC and affirmed by the Court of Appeals.

In general, only questions of law are appealable to this Court under Rule 45. However, where the factual findings of the trial court are in conflict with those of the appellate court and when the appellate court manifestly overlooked certain relevant facts which, if properly considered, would justify a different conclusion, this Court has the authority to review and, if necessary, reverse the factual findings of the lower courts.[25] This is precisely the situation in this case.

The Court notes that, at the request of respondents, the MTCC conducted an ocular inspection and a relocation survey to determine whether petitioners' cottages stood on Lot No. 934-B-4. Based on the position papers of the parties and the affidavits of witnesses, the MTCC declared that spouses Adriano and Norma Sioson's cottage stood entirely on Lot No. 934-B-7 and only its walls stood on the boundary of Lot No. 934-B-4.

On the other hand, the RTC, relying on the records of the case before the MTCC and the memoranda of the parties, reversed the MTCC's findings. The RTC declared that petitioners' cottages occupied 139 square meters of Lot No. 934-B-4 and a portion of the 239 square meters of Lot No. 934-B-7. The RTC accorded more weight to the report and sketch plan of respondents' Geodetic Engineer Jose S. Mañosa, Jr. (Engineer Mañosa, Jr.), as opposed to the report and sketch plan of petitioners' Geodetic Engineer Maria Gina J. Gonzales (Engineer Gonzales).

Examining the records of the case, we find that the RTC's factual findings, as affirmed by the Court of Appeals, are not supported by the evidence on record. According to the RTC, Engineer Mañosa, Jr.'s sketch plan[26] showed that petitioners' cottages encroached on 139 square meters of Lot No. 934-B-4. The RTC added that Engineer Mañosa, Jr.'s report[27] stated that petitioners' cottages stood on both Lot Nos. 934-B-4 and 934-B-7.

However, upon close examination of Engineer Mañosa, Jr.'s report and sketch plan, we note that they are inconsistent and contradictory. Engineer Mañosa, Jr.'s sketch plan, which did not even indicate where Lot No. 934-B-7 was located, showed that petitioners' entire 139 square meter cottages stood inside Lot No. 934-B-4, clearly contradicting Engineer Mañosa, Jr.'s report that petitioners' cottages stood on both Lot Nos. 934-B-4 and 934-B-7. Engineer Mañosa, Jr.'s sketch plan was inconsistent with respondents' TCT No. T-111572 which clearly stated that Lot No. 934-B-4's boundaries on the south were "points 2 to 3 by Lot 934-B-7 (Road Widening) and beyond by Molo-Arevalo Boulevard (30.00 m. wide)." Engineer Mañosa, Jr.'s sketch plan was also inconsistent with respondents' subdivision plan[28] which showed that Lot No. 934-B-4 was bounded on the south by Lot No. 934-B-7.

On the other hand, Engineer Gonzales' report[29] and sketch plan[30] were complimentary and consistent even with respondents' other evidence. Engineer Gonzales' sketch plan showed that Lot No. 934-B-4 was bounded on the south by Lot No. 934-B-7, as described in TCT No. T-111572 and as shown in respondents' subdivision plan.

We reverse the RTC's factual finding. We affirm the MTCC's factual finding that petitioners' cottages stand on Lot No. 934-B-7 and do not encroach on Lot No. 934-B-4.

WHEREFORE, we SET ASIDE the 26 June 2003 Decision and 4 December 2003 Resolution of the Court of Appeals and REINSTATE the 14 March 1997 Decision of the Municipal Trial Court in Cities of Iloilo City, Branch 2.

SO ORDERED.

Ynares-Santiago[**], Corona, Leonardo-De Castro, and Brion[**], JJ., concur.

[**] Designated member per Special Order No. 584.

[**] Designated member per Special Order No. 570.

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 7-13. Penned by Associate Justice Rodrigo V. Cosico, with Associate Justices Edgardo P. Cruz and Perlita J. Tria Tirona, concurring.

[3] Id. at 14.

[4] Id. at 145-153. Penned by Judge Virgilio M. Patag.

[5] Id. at 166.

[6] Id. at 121-143. Penned by Judge Nelida S. Medina.

[7] Sometimes appears in the records as "Arnel."

[8] RTC records, p. 40. TCT No. T-111572 describes the parcel of land accordingly: A parcel of land (Lot 934-B-4 of the subdivision plan (LRC) Psd-46063, being a portion of Lot 934, described on plan Psd-22267, LRC (GLRO) Cad. Rec. No. 9741), situated in the district of Arevalo, City of Iloilo, Island of Panay. Bounded on the ... S. points 2 to 3 by Lot 934-B-7 (Road Widening) and beyond by Molo-Arevalo Boulevard (30.00 m. wide); ...

[9] Id. at 75-76.

[10] Id. at 79.

[11] Rollo, p. 143.

[12] Should be 139 square meters in accordance with Exhibit "E-1," RTC records, p. 161.

[13] Id. at 152-153.

[14] Id. at 13.

[15] RTC records, pp. 192-193. Transfer Certificate of Title No. T-6113 of Lot No. 934, the mother lot of Lot Nos. 934-B-4 and 934-B-7, contained an annotation that it was subject "to a cession in favor of the City of Iloilo covering a portion of 239 square meters of the above described parcel of land as per document executed before Municipal Judge of the City of Iloilo Deogracias Lutero doc. No. 49 page 10 Book I, S-1948, dated June 7, 1948 and registered on June 17, 1948 under entry No. 2416."

[16] *Bernas v. Court of Appeals*, G.R. No. 85041, 5 August 1993, 225 SCRA 119.

[17] *Liga v. Allegro Resources Corp.*, G.R. No. 175554, 23 December 2008; *Jose Clavano, Inc. v. Housing and Land Use Regulatory Board*, 428 Phil. 208 (2002).

[18] *Liga v. Allegro Resources Corp.*, G.R. No. 175554, 23 December 2008, citing *Falcon v. Manzano*, 15 Phil. 441 (1910).

[19] *Salvante v. Cruz*, 88 Phil. 236 (1951).

[20] *Mon v. Court of Appeals*, G.R. No. 118292, 14 April 2004, 427 SCRA 165.

[21] Rules of Court, Section 1, Rule 70.

[22] *Rollo*, p. 55.

[23] *Id.* at 76.

[24] RTC records, p. 79.

[25] *Lagon v. Hooven Comalco Industries, Inc.*, 402 Phil. 404 (2001).

[26] RTC records, p. 161.

[27] *Id.* at 173.

[28] *Id.* at 160.

[29] *Id.* at 81.

[30] *Id.* at 82.

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