

****Title: Tan v. Spouses Antazo, G.R. No. 659 Phil. 400 (2010)****

****Facts:****

1. ****Ownership and Encroachment Dispute:****

- Respondent Spouses Apolinar and Genoveva Antazo own two parcels of land in Binangonan, Rizal, covered by titles OCT No. M-11592 and a portion of another lot identified as Lot 2175, Cad 609-D.
- They filed an **accion reivindicatoria** suit seeking to recover a 114-square meter portion of their property allegedly encroached upon by Ceferina Lopez Tan.

2. ****Trial Court Proceedings:****

- On July 25, 2008, the Regional Trial Court (RTC), Branch 68, found in favor of the spouses, ordering Tan to vacate the encroached area, remove the fence, and pay attorney's fees amounting to PHP 50,000.
- Tan's motion for reconsideration was denied on August 21, 2008.

3. ****Appeal to the Court of Appeals:****

- Tan filed a petition for certiorari under Rule 65 with the Court of Appeals on October 2, 2008, citing grave abuse of discretion by the RTC.
- On November 6, 2008, the Court of Appeals dismissed the petition for adopting an improper mode of appeal.
- Tan's motion for reconsideration was denied on March 10, 2009.

4. ****Petition for Review on Certiorari to the Supreme Court:****

- Tan filed a petition under Rule 45 with the Supreme Court, arguing grave abuse of discretion by the RTC and requesting a liberal interpretation of procedural rules.

****Issues:****

1. ****Propriety of Certiorari under Rule 65:****

- Whether a petition for certiorari was the appropriate remedy against the RTC's decisions, considering that another mode of appeal was available.

2. ****Alleged Grave Abuse of Discretion:****

- Whether the RTC acted with grave abuse of discretion in ordering the eviction, requiring fence removal, and awarding attorney's fees.

3. ****Factual and Legal Basis:****

- Whether the RTC decision lacked sufficient factual and legal basis, thus constituting void judgment.

4. **Procedural Infirmities:**

- Whether procedural defects related to the verification and certification against forum shopping warranted dismissal.

Court's Decision:

1. **Certiorari as Improper Remedy:**

- The Supreme Court highlighted that Rule 65 petitions are reserved for correcting errors of jurisdiction when no appeal or other adequate remedy is available.

- Tan should have appealed the RTC decision under Rule 42 within the allowable time frame. The petition for certiorari could not be used to revive a lost appeal.

2. **Grave Abuse of Discretion Not Proven:**

- The Court emphasized that mere errors in judgment are insufficient for certiorari; it requires proof of capricious and whimsical exercise of judgment — which Tan failed to demonstrate.

3. **Factual and Legal Basis:**

- The RTC's decision was found to substantially comply with the constitutional requirement by explaining the basis of the decision through titles and survey evidence proving encroachment.

4. **Procedural Infirmities:**

- Claims of procedural infirmities related to the petitioner's affidavits did not warrant dismissal as the matter was straightforward.

Doctrine:

- **Rule 65 Petitions:** Certiorari is confined to jurisdictional challenges or grave abuses of discretion. It is not a substitute for a lost appeal.

- **Substantial Compliance:** An RTC decision must detail factual and legal bases sufficient to support its conclusions to meet constitutional standards.

Class Notes:

- **Certiorari (Rule 65):** Limited to correcting jurisdictional errors and abuses of

discretion; not an alternative for a direct appeal.

- **Appeal Timeliness (Rule 42):** Appeals must be filed within the specified period; failing which certiorari cannot act as a substitute.
- **Section 14, Article VIII of the Constitution:** Courts' decisions must state the facts and law upon which judgments are based.
- **Procedural Rules & Substantial Justice:** Liberal interpretations of procedural rules are valid only with adequate justification of preventing injustice.

Historical Background:

The case illustrates the principle of adherence to procedural rules in the Philippine judicial system, emphasizing that certiorari petitions cannot circumvent the loss of the appeal period. It reaffirms jurisprudence on ensuring courts provide clear factual and legal bases in their decisions and underscores the delineation between errors of judgment and jurisdictional errors.