

## **SECOND DIVISION**

**[ G.R. No. 127833, January 22, 1999 ]**

**TEODORO URQUIAGA AND MARIA AGUIRRE, PETITIONERS, VS.  
THE COURT OF APPEALS, VICENTE CASES AND ANITA  
CRISOSTOMO, RESPONDENTS.**

### **D E C I S I O N**

**BELLOSILLO, J.:**

VICENTE CASES and ANITA CRISOSTOMO, spouses, are the registered owners of Lot No. 6532 with an area of 26,152 square meters situated in Sicayab, Dipolog City, covered by Original Certificate of Title No. P-16635. They acquired the property on 23 May 1969 pursuant to Sales Patent No. 4511. It was originally designated as Lot No. 4443-B-1. On 15 January 1979 they caused the subdivision of Lot No. 6532 into Lot No. 6532-A containing an area of 6,275 square meters, and Lot No. 6532-B with an area of 19,877 square meters. Thereafter, Transfer Certificates of Title Nos. T-1424 and T-1425 were issued for the two (2) lots.

Sometime in 1981 workers of petitioners Teodoro Urquiaga and Maria Aguirre entered Lot No. 6532-B and gathered nipa palms therefrom. Respondents called the attention of petitioner Urquiaga regarding the intrusion but the latter allegedly assured them that the incident would not be repeated. However, on several occasions in June 1984 workers of petitioners again entered the premises of Lot No. 6532-B this time claiming that the property was owned by petitioners. They further claimed that the property was priorly owned and possessed "since time immemorial" by the parents of petitioner Maria Aguirre, Jose Aguirre and Cristina Gonzales. Petitioner Aguirre allegedly took over the subject lot when it was donated to her by her parents on 5 November 1955. On his part, petitioner Urquiaga claimed possession of the lot in his capacity as administrator thereof.

Private respondents Vicente and Anita attempted to settle the controversy amicably. However, during the conference before the Barangay Captain, petitioner Urquiaga questioned the validity of private respondents' title by ascribing actual fraud in its acquisition. As a consequence, respondents filed a complaint before the Regional Trial Court for quieting of title, recovery of material possession, damages and preliminary mandatory injunction.

On 14 August 1985 respondent spouses moved for the issuance of a temporary restraining order against petitioner Urquiaga on the ground that he constructed a dike on the subject property. An ocular inspection by the trial court confirmed their allegation. Consequently, on 28 August 1985 the trial court issued an order enjoining petitioner Urquiaga and/or any of his representatives and workers from further building a dike, destroying nipa palms or undertaking any activity that would alter the status of Lot No. 6532-B.

But petitioners Urquiaga and Aguirre defied the trial court as shown by the series of written manifestations with accompanying pictures submitted by respondents: (a) addition of height to existing dike on 10 September 1985;<sup>[1]</sup> (b) construction of a new dike on 28 September 1985;<sup>[2]</sup> (c) continuation of construction of the same dike on 14 October 1985;<sup>[3]</sup> (d) further continuation of construction of the same dike on 24 October 1985;<sup>[4]</sup> (e) cutting down of nipa palms on 26 May 1986;<sup>[5]</sup> (f) continuation of the cutting down of nipa palms on 17 June 1986;<sup>[6]</sup> (g) cutting down of a big piapi tree on 19 September 1986;<sup>[7]</sup> and, (h) further cutting down of nipa palms on 27 November 1986.<sup>[8]</sup>

On 13 January 1992 the trial court rendered judgment: (a) declaring respondent spouses Vicente Cases and Anita Crisostomo as the absolute and lawful owners and possessors of Lot No. 6532-B without prejudice to the provisions of Sec. 90, par. (i), of the Public Land Act as amended;<sup>[9]</sup> (b) finding respondents' documents and titles over Lot No. 6532-B valid and binding, more particularly TCT No. T-1425, OCT No. P-16635, Patent Award and sketch map of Lot No. 6532; (c) ordering petitioners to pay jointly to respondents P5,000.00 representing the damages sustained by respondents' nipa plantation, P2,000.00 which was equivalent to the amount petitioners realized from the nipa palms taken out of the lot in question, P5,000.00 as attorney's fees, and P1,000.00 as litigation costs; and, (d) dismissing the counterclaim of petitioners for lack of merit.<sup>[10]</sup>

Petitioners appealed. Private respondents likewise appealed due to the failure of the trial court to grant them their prayer for moral damages of P500,000.00<sup>[11]</sup> and actual damages of P150,000.00.<sup>[12]</sup>

On 31 July 1996 respondent Court of Appeals modified the decision by deleting the award of actual damages for lack of proof and explanation on the basis thereof; instead, it ordered petitioners to pay jointly and severally to respondents P20,000.00 as nominal damages and another P20,000.00 for moral damages. The rest of the judgment was affirmed.<sup>[13]</sup> On 19 December 1996 reconsideration of its decision was denied by the appellate court.<sup>[14]</sup>

Petitioners now come to us maintaining that respondents acquired title over Lot No. 6532-B through fraud and misrepresentation. They contend that their predecessors-in-interest had been in possession thereof long before World War II, which possession has now ripened into ownership, and that respondents are not entitled to any award of damages.

We find no reversible error committed by respondent Court of Appeals. We sustain private respondents' ownership of Lot No. 6532-B. As between the verbal claim of ownership by petitioners through possession for a long period of time, which was found by the court *a quo* to be inherently weak, and the validly documented claim of ownership of respondents, the latter must naturally prevail. As succinctly observed by respondent Court of Appeals in assessing the totality of the evidence -

We do not agree with defendants that they are also the occupants and possessors of the subject lot just because it "is adjacent to their titled property." Precisely, the boundaries of defendants' titled property were

determined, delineated and surveyed during the cadastral survey of Dipolog and thereafter indicated in their certificate of title in order that the extent of their property will be known and fixed. Since the subject lot was already found to be outside their titled property, defendants have no basis in claiming it or other adjacent lots for that matter. Otherwise, the very purpose of the cadastral survey as a process of determining the exact boundaries of adjoining properties will be defeated.

Defendants' own title, O.C.T. No. 0-357 (in the names of Jose Aguirre and Cristina Gonzales), in fact belies their claim of occupation and possession over the adjacent subject lot. Examining said title, we note that: (1) the cadastral survey of Dipolog was conducted from January, 1923 to November, 1925; (2) defendants' titled property was one of those lots surveyed and this was designated as Lot No. 2623; (3) during the survey, it was already determined and known that Lot No. 2623 is bounded on the northeast, southeast, southwest and west by Lot No. 4443 (as we have seen in our narration of facts, the subject lot is a subdivision lot of Lot No. 6532 which was originally identified as Lot No. 4443-B-1, Dipolog Cadastre 85 Ext.: hence, the subject lot is a portion of Lot No. 4443); and (4) O.C.T. No. 0-357 was issued on October 11, 1965 on the strength of the judgment rendered on July 31 (sic), 1941 by the then Court of First Instance of Zamboanga del Norte in Cadastral Case No. 6, LRC Cadastral Record No. 756.

From the foregoing facts, we find that as early as January, 1923 when the cadastral survey was started, the boundaries of Lot Nos. 2623 and 4443 were already determined and delineated. Since the subject lot was surveyed to be part of Lot No. 4443, it means that during that time defendants' predecessors-in-interest never claimed ownership or possession over the subject lot. Otherwise, they would have complained so that the subject lot could be excluded from Lot No. 4443 and included in Lot No. 2623, they being adjacent lots. It is obvious then that defendants' predecessors only claimed Lot No. 2623 and they pursued their claim in Cadastral Case No. 6, LRC Cadastral Record No. 756 until O.C.T. No. 0-357 was issued to them. The contention of defendants that they and their predecessors-in-interest occupied and possessed the subject lot since time immemorial therefore is not true.

The judgment of the CFI of Zamboanga del Norte on July 15, 1941 in Cadastral Case No. 6, LRC Cadastral Record No. 756 with respect to Lot No. 4443 further negates defendants' claim over the subject lot. The dispositive portion of the judgment provides:

In view of the foregoing, Lot No. 4443 is hereby ordered subdivided by specifically delimiting the perimeter of the seven-are (sic) portion thereof occupied by Elena Casellon and her children which is the only elevated and dry portion of the whole lot, and this portion shall be marked as Lot No. 4443-A  
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