

It bears stressing that in every land dispute, the aim of the courts is to protect the integrity of and maintain inviolate the Torrens system of land registration, as well as to uphold the law; a resolution of the parties' dispute is merely a necessary consequence.<sup>3</sup>

In overlapping of titles disputes, it has always been the practice for the court to appoint a surveyor from the government land agencies - the Land Registration Authority or the DENR - to act as commissioner.<sup>4</sup>

Upon perusal of the records, there was already a survey conducted by a geodetic engineer pursuant to the Order of the Court granting the motion to conduct Relocation Survey and ordering the Provincial Environment and Natural Resources Office (PENRO) province of Palawan to submit to the court the name of the geodetic engineer who will conduct the relocation survey.<sup>5</sup> Acting on said Order, Engr. Aldrin Cabasares was tasked by the PENRO to conduct the relocation survey.

The findings of Engr. Aldrin Cabasares<sup>6</sup> states, to wit:

Based on the result of the relocation survey and the field data gathered, the entire existing fence, the portion of the house of the defendants and the respective portion of areas occupied by them are found inside Lot 993-D. These findings supplement and confirm the results of the relocation survey conducted on site on September 18, 2017.

A follow up report was then made by the PENRO rectifying the information regarding the report made on December 7 2017. Instead of TCT No. T-21659 registered in the name of Michael L. Cheng, single and Benedict L. Balisbis married to Marichelle C. Balibis, it is now corrected and read to TCT No. T-21658 registered in the name of Edna L. Balisbis, married to Liao Chin Guat and Andrew L. Cheng.

Reliance of the Court to the survey conducted by the geodetic engineer appointed as a commissioner is necessary in order to resolve the case especially when the issue involved is something that requires a technical understanding of the boundaries indicated in the title.

It is an elementary principle of civil law that the owner of real property is entitled to the possession thereof as an attribute of his or her ownership. In fact, the holder of a Torrens Title is the rightful owner of the property thereby covered, and is entitled to its possession.<sup>7</sup>

There was no official determination on the allegation of the defendants that they are occupying the salvage zone<sup>8</sup> and not the property of the plaintiff. Likewise, the issue of the salvage zone was already noted by the Court to be a concern of the government particularly the Department of Environment and Natural Resources (DENR) and not the plaintiffs.<sup>9</sup> Even assuming arguendo of such allegation, the defendants are not allowed to stay within said zone pursuant to under Article 51 of Presidential Decree No. 1067.

<sup>3</sup> Ibid.

<sup>4</sup> CAMBRIDGE REALTY AND RESOURCES CORP. VS ERIDANUS DEVELOPMENT, INC AND CHITO REALTY CORP. G.R. No. 152445, July 4, 2008

<sup>5</sup> Order dated June 21, 2017

<sup>6</sup> Memorandum PENRO Exhibit "Q, Q-1, Q-2, Q-3, and Q-4"

<sup>7</sup> CECILIA T. JAVELOSA VS EZEQUIEL TAPIAS, ET AL., G.R. No. 204361, July 04, 2018

<sup>8</sup> ...  
<sup>9</sup> ...