

## SECOND DIVISION

[ G.R. No. 194488, February 11, 2015 ]

**ALICIA B. REYES, PETITIONER, VS. SPOUSES VALENTIN RAMOS,  
FRANCISCO S. AND ANATALIA RESPONDENTS.**

### DECISION

**LEONEN, J.:**

This is a Rule 45 Petition<sup>[1]</sup> of the Court of Appeals Decision<sup>[2]</sup> dated August 12, 2010 and of the Court of Appeals Resolution<sup>[3]</sup> dated October 28, 2010.

On March 28, 2006, petitioner Alicia B. Reyes, through Dolores B. Cinco,<sup>[4]</sup> filed a Complaint<sup>[5]</sup> before the Regional Trial Court of Malolos, Bulacan, for easement of right of way against respondents, Spouses Francisco S. Valentin and Anatalia Ramos.<sup>[6]</sup>

In her Complaint before the Regional Trial Court, petitioner alleged that she was the registered owner of a 450-square-meter parcel of land in Barangay Malibong Bata, Pandi, Bulacan, designated as Lot No. 3-B-12 and covered by TCT No. T-343642-(M).<sup>[7]</sup> The property used to be a portion of Lot No. 3-B<sup>[8]</sup> and was surrounded by estates belonging to other persons.<sup>[9]</sup>

Petitioner also alleged that respondents' 1,500-square-meter property surrounded her property, and that it was the only adequate outlet from her property to the highway.<sup>[10]</sup> A 113-square-meter portion of respondents' property was also the "point least prejudicial to the [respondents]."<sup>[11]</sup> The easement sought was the vacant portion near the boundary of respondents' other lot.<sup>[12]</sup>

(please see image: G.R. No. 194488, page 2.)

**Figure 1. Drawing showing the location of petitioner's and respondents' properties in relation to the proposed easement.**

Petitioner's property is located on the leftmost part of the drawing. Respondents' property and the proposed 113-square-meter easement are located on the drawing's right side that contains petitioner's property. Barangay Malibong Bata Road can be seen on the rightmost part of the drawing.

Petitioner insisted that her property was not isolated because of her own acts.<sup>[14]</sup> When her mother gave the property to her as part of her inheritance, there was no intention for the property to have no outlet.<sup>[15]</sup>

According to petitioner, her and respondents' lots were previously owned by her

mother. Respondents' lot was given to Dominador Ramos (Dominador) who allegedly was respondents' predecessor-in-interest. Dominador was also her mother's brother and caretaker of properties.<sup>[16]</sup>

Only 500 square meters were given to Dominador. Part of the 1,500 square meters was intended as a right of way. Dominador was tasked to prepare the documents. But, instead of limiting the conveyance to himself to 500 square meters of the property, he conveyed the whole 1,500 square meters, including that which was supposed to be the access to the barangay road.<sup>[17]</sup>

Petitioner's mother only learned about what Dominador did when a meeting was called in 1989 regarding the implementation of the Comprehensive Agrarian Reform Program.<sup>[18]</sup> She did not cause the recovery of her title because at that time, the Register of Deeds of Bulacan was razed by fire, causing the destruction of the documents covering the subject properties. Dominador was also her brother, whom she presumed would give her a right of way to the main road. Instead of giving way, however, he closed the passage, causing petitioner's property's isolation.<sup>[19]</sup>

Despite demands and willingness to pay the amount, respondents refused to accede to petitioner's claims.<sup>[20]</sup>

In their Answer,<sup>[21]</sup> respondents contended that the isolation of petitioner's property was due to her mother's own act of subdividing the property among her children without regard to the pendency of an agrarian case between her and her tenants.<sup>[22]</sup> The property chosen by petitioner as easement was also the most burdensome for respondents.<sup>[23]</sup> Respondents pointed to an open space that connected petitioner's property to another public road.<sup>[24]</sup>

Upon agreement by the parties, the Branch Clerk of Court conducted an ocular inspection of the premises in February 2007, in the presence of the parties.<sup>[25]</sup>

After an Ocular Inspection Report<sup>[26]</sup> was submitted on March 2, 2007, the case was considered submitted for decision.<sup>[27]</sup>

On April 11, 2007, the trial court issued its Decision,<sup>[28]</sup> dismissing the Complaint for easement of right of way, thus:<sup>[29]</sup>

**WHEREFORE,** finding the prayer for a grant of compulsory easement of right of way on a 113 square meter portion of defendants' property to be devoid of merit, the same is hereby DENIED. Consequently, the case is ordered DISMISSED with no pronouncements as to damages and costs.  
<sup>[30]</sup>

The trial court found that petitioner's proposed right of way was not the least onerous to the servient estate of respondents.<sup>[31]</sup> It noted that the proposed right of way would pass through improvements, such as respondents' garage, garden, and grotto.<sup>[32]</sup> The trial court also noted the existence of an irrigation canal that

limited access to the public road.<sup>[33]</sup> However, the trial court pointed out that "[o]ther than the existing irrigation canal, no permanent improvements/structures can be seen standing on the subject rice land."<sup>[34]</sup> Moreover, the nearby landowner was able to construct a bridge to connect a property to the public road.<sup>[35]</sup> Hence, "[t]he way through the irrigation canal would . . . appear to be the shortest and easiest way to reach the barangay road."<sup>[36]</sup>

Petitioner appealed the Regional Trial Court's Decision.<sup>[37]</sup>

On August 12, 2010, the Court of Appeals denied petitioner's appeal and affirmed *in toto* the Regional Trial Court's Decision.<sup>[38]</sup> It found no reversible error in the trial court's decision to dismiss petitioner's complaint.<sup>[39]</sup> Petitioner failed to discharge the burden of proving the existence of the requisites for the grant of easement.<sup>[40]</sup> The Court of Appeals also found that petitioner's property had an adequate outlet to the public road.<sup>[41]</sup>

Petitioner's Motion for Reconsideration dated September 8, 2010 was denied by the Court of Appeals in a Resolution promulgated on October 28, 2010.<sup>[42]</sup>

Petitioner filed this Petition on December 22, 2010<sup>[43]</sup> to assail the Decision and Resolution of the Court of Appeals.<sup>[44]</sup>

We are asked to determine whether petitioner has the compulsory easement of right of way over respondents' property.

Petitioner argued that the Regional Trial Court and the Court of Appeals failed to consider that it was not her property that was adjacent to the irrigation canal but her sister's. Her property was surrounded by other estates belonging to other persons. Hence, she had to pass through other properties before reaching the irrigation canal.<sup>[45]</sup>

Moreover, even if she traversed the other properties, she would only end up on the bank of the irrigation canal without means to cross over.<sup>[46]</sup> The fact that she had to construct a bridge over the irrigation canal supported her position that there was indeed no adequate outlet from her property to the public road.<sup>[47]</sup> In any case, a bridge will necessarily be an obstruction on the public road.<sup>[48]</sup>

Petitioner further argued, citing *Quimen v. Court of Appeals*,<sup>[49]</sup> that "[t]he owner of the dominant estate can demand a right of way through the servient estate provided he indemnifies the owner thereof for the beneficial use of his property."<sup>[50]</sup>

In their Comment<sup>[51]</sup> on the Petition, respondents argued that this case is already barred by prior judgment.<sup>[52]</sup> Petitioner's predecessor-in-interest and her children had already previously filed an action for easement of right of way against respondents.<sup>[53]</sup> That case had already been dismissed in favor of respondents.<sup>[54]</sup> The reason for the dismissal of the case was the possibility of constructing a bridge over the irrigation canal.<sup>[55]</sup> Respondents further argued that the easement must be

real and not fictitious.<sup>[56]</sup>

The petition has no merit.

## I

### **The issue of ownership is irrelevant to the case; filing of a complaint for easement is a recognition of the servient property owner's rights**

Petitioner points out that respondents' property was previously owned by her mother. She alleged that her uncle who was her mother's caretaker of property fraudulently caused the titling of the whole 1,500-square-meter property instead of just the 500-square-meter portion under his name.<sup>[57]</sup>

These allegations are relevant only if we are determining the issue of the property's ownership. However, this is not an issue in this case. Petitioner does not question the ownership or the registration of respondents' title over the property. We are limited to the issue of petitioner's easement rights. On that matter, petitioner's act of filing a Complaint for easement of right of way is an acknowledgement that the property is owned by respondents. It is tantamount to a waiver of whatever right or claim of ownership petitioner had over the property.

## II

### **Petitioner failed to satisfy the Civil Code requirements for the grant of easement rights**

The acts of petitioner's predecessor-in-interest necessarily affect petitioner's rights over the property. One of the requirements for the grant of an easement of right of way is that the isolation of the property is not due to the acts of the dominant estate's owners.

As shown in the pleadings submitted to the trial court, petitioner and respondents had conflicting claims on this issue. Petitioner alleged that it was her uncle, Dominador, who caused the isolation of her property through his act of appropriating for himself the whole property entrusted to him by her mother. Moreover, he closed the passage from petitioner's property to the public road.

On the other hand, respondents alleged that the isolation was due to the acts of petitioner's predecessor-in-interest. She allegedly subdivided the property in favor of her children, including petitioner, without regard to the pending dispute over the property. If the latter is true, petitioner could not claim any right to compulsory easement even if it was not she who caused the property's isolation. Petitioner is bound by her predecessor-in-interest's act of causing the isolation of her property.

Assuming, however, that petitioner or her mother did not cause the isolation of petitioner's property, petitioner still cannot be granted the easement of right of way over the proposed portion of respondents' property. This is because she failed to

satisfy the requirements for an easement of right of way under the Civil Code.

Articles 649 and 650 of the Civil Code provide the requisites of an easement of right of way:

ART. 649. The owner, or any person who by virtue of a real right may cultivate or use any immovable, which is surrounded by other immovables pertaining to other persons and without adequate outlet to a public highway, is entitled to demand a right of way through the neighboring estates, after payment of the proper indemnity.

Should this easement be established in such a manner that its use may be continuous for all the needs of the dominant estate, establishing a permanent passage, the indemnity shall consist of the value of the land occupied and the amount of the damage caused to the servient estate.

In case the right of way is limited to the necessary passage for the cultivation of the estate surrounded by others and for the gathering of its crops through the servient estate without a permanent way, the indemnity shall consist in the payment of the damage caused by such encumbrance.

This easement is not compulsory if the isolation of the immovable is due to the proprietor's own acts.

ART. 650. The easement of right of way shall be established at the point least prejudicial to the servient estate, and, insofar as consistent with this rule, where the distance from the dominant estate to a public highway may be the shortest.

Based on these provisions, the following requisites need to be established before a person becomes entitled to demand the compulsory easement of right of way:<sup>[58]</sup>

1. An immovable is surrounded by other immovables belonging to other persons, and is without adequate outlet to a public highway;
2. Payment of proper indemnity by the owner of the surrounded immovable;
3. The isolation of the immovable is not due to its owner's acts; and
4. The proposed easement of right of way is established at the point least prejudicial to the servient estate, and insofar as consistent with this rule, where the distance of the dominant estate to a public highway may be the shortest.

An easement of right of way is a real right. When an easement of right of way is granted to another person, the rights of the property's owner are limited.<sup>[59]</sup> An owner may not exercise some of his or her property rights for the benefit of the person who was granted the easement of right of way. Hence, the burden of proof to