

NINETEENTH DIVISION

[CA-G.R. CEB-CV NO. 04353, March 12, 2014]

**SPOUSES WILLY TE AND JUANITA TE, PETITIONERS-APPELLEES,
VS. REPUBLIC OF THE PHILIPPINES, THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES AND THE REGISTER
OF DEEDS OF CEBU CITY, RESPONDENTS-APPELLANTS.**

DECISION

HERNANDO, J:

Before this Court is an appeal filed by the Republic of the Philippines^[1] seeking the reversal of the July 26, 2011 Order^[2] of the Regional Trial Court (RTC), Branch 18, of Cebu City, in Special Proceeding Case No. 17925-CEB, a petition for Reduction of Legal Easement on TCT No. 8084 from Forty (40) Meters to Three (3) Meters.

The Antecedents:

The Spouses Willy Te and Juanita Te are the registered owners of Lot 10330, situated in Barangay Talamban, Cebu City, containing an area of 889 square meters and covered by Transfer Certificate of Title (TCT) No. 8084. This title originated from a Free Patent, Original Certificate of Title (OCT) No. 3-1013, granted on May 27, 1971 under Act No. 496. The free patent and TCT No. 8084 contained the condition that a forty-meter legal easement from the bank of any river or stream shall be preserved as permanent timberland.

On September 15, 2010, the Spouses Te filed a petition for reduction of legal easement docketed as Special Proceeding Case No. 17925-CEB before the court *a quo*. The Spouses Te alleged that the subject land is classified as residential as reflected in the tax declaration and the Certification of the Office of the City Assessor of Cebu City. Thus, they contend that the applicable legal easement is only three meters pursuant to Department of Environment and Natural Resources (DENR) Administrative Order No. 99-21. To further bolster their claim, the Spouses Te cited the case of *Doris Chiongbian-Oliva v. Republic of the Philippines*,^[3] which according to them had a similar factual milieu. In said case, the Supreme Court granted the reduction of the forty-meter legal easement to three square meters.

On March 7, 2011, the DENR filed its Comment countering that at the time of the filing of the application for free patent, the subject land was an agricultural land. It stressed that the subsequent introduction of a residential building and the urbanization of the surrounding area cannot convert the land other than its actual classification. Moreover, it asserted that the Spouses Te are estopped from questioning the forty-meter legal easement as such limitation was apparent on the face of OCT No. 3-1013 and their purchase of the land is an indication of their assent to honor and abide with the conditions of said title.

On April 12, 2011, the Spouses Te filed a Motion for Judgment on the Pleadings on the ground that the issues alleged in their petition, particularly the applicability of the case of *Doris Chiongbian-Oliva v. Republic of the Philippines*, was not controverted by the DENR in its Comment.

On July 26, 2011, the trial court issued the assailed Order granting the Motion filed by the Spouses Te, the dispositive portion of which reads:^[4]

WHEREFORE, in view of the foregoing consideration, the motion for judgment on the pleadings is granted. The forty (40) meter legal encumbrance annotated in the petitioner's title is hereby reduced to three (3) meters in accordance with law.

Accordingly, the Register of Deeds of Cebu City is hereby directed to cancel the above legal encumbrance of forty (40) meters annotated on Petitioner's Transfer Certificate of Title No. 8084 and in lieu thereof, annotate the applicable legal encumbrance of three (3) meters only.

SO ORDERED.

The trial court found that the case of *Doris Chiongbian-Oliva v. Republic of the Philippines* was indeed factually similar to the petition of the Spouses Te. Accordingly, the trial court took judicial notice that the subject land is an urban area and that the applicable legal easement is only three meters.

Thus, the instant appeal before Us.

The Issue:

The main issue here is whether or not the trial court erred in finding that the applicable legal easement is three meters and not forty meters.

The Court's Ruling

The appeal is impressed with merit.

At first glance, the instant case seemingly presents another classic example where the application of the principle of *stare decisis*^[5] comes into play. *Stare decisis* declares that, for the sake of certainty, a conclusion reached in one case should be applied to those which follow, if the facts are substantially the same, even though the parties may be different.^[6] Unfortunately, the case of *Doris Chiongbian-Oliva v. Republic of the Philippines* is not at all fours with the instant case. Concededly, most facts are similar in that, firstly, the subject land in the Chiongbian-Oliva case is situated, as in this case, in Talamban, Cebu City. Secondly, both lands were initially covered by a free patent, which contained a similar condition pertaining to a forty-meter legal easement to be preserved as permanent timberland. Thirdly, the lands are classified as residential by its respective tax declarations and Certifications issued by the Office of the City Assessor of Cebu City. Lastly, both lands are actually used for residential purposes. However, the similarities end there. The most crucial difference that sets this case apart from the Chiongbian-Oliva case is that in the latter, the subject land underwent further subdivision, consolidation, or consolidation-subdivision as to justify the reduction of the legal easement from forty meters to three meters. It is evident that the legal easement was reduced because