

Title: **Usero & Samela vs. Court of Appeals and Polinar Spouses**

**Facts:**

Petitioners Usero and Samela owned adjacent lots in Golden Acres Subdivision, Las Piñas City. Behind their lots was private respondent spouses Polinar's property. Separating these properties was a low-lying strip of land with stagnant water and water lilies, believed by the Polinars to be part of a creek. Following damage from storms and flooding, the Polinars constructed a concrete wall and riprapped the bank within this strip to protect their property, actions objected to by Usero and Samela who claimed ownership over the strip. Petitioners filed separate forcible entry complaints. The Metropolitan Trial Court favored the petitioners in separate judgments, which were appealed by the Polinars to the Regional Trial Court, which reversed the initial decisions, dismissing the complaints. The petitioners then sought review from the Court of Appeals, which affirmed the Regional Trial Court's decisions, leading to these consolidated petitions for review under Rule 45 to the Supreme Court.

**Issues:**

1. Whether the disputed strip of land is private property of the petitioners or part of a creek and therefore public domain.
2. The applicability of public dominion over the creeks and the rights of the parties surrounding riprapping for soil erosion prevention.

**Court's Decision:**

The Supreme Court denied the consolidated petitions, affirming the decisions of the Court of Appeals. The Court ruled that the disputed strip is part of a creek, thus belonging to the public domain, not subject to private ownership. The determination was supported by evidence such as a barangay certification, a certification from the Second Manila Engineering District, and photographs showing waterlilies, indicating a permanent stream of water. Despite petitioners presenting their Transfer Certificates of Title, these documents did not conclusively refute the claim of the strip being a creek. The Court noted that creeks are considered public water and are not registrable under the Torrens system.

**Doctrine:**

The case upholds the principle that properties intended for public use, including creeks, are part of the public dominion and not susceptible to private ownership. Creeks, as recesses or arms of a river, fall under the category of "others of similar character" as stipulated in Article 420 of the Civil Code of the Philippines, emphasizing that such natural resources are

beyond the ambit of private titles and ownership.

**\*\*Class Notes:\*\***

- **\*\*Public Dominion vs. Private Ownership:\*\*** Properties of public dominion include those intended for public use like roads, canals, rivers, ports, shores, and likewise creeks. Such properties cannot be owned privately and are beyond the scope of the Torrens system of registration.

- **\*Relevant Statute:** Article 420 of the Civil Code of the Philippines.

- **\*\*Evidence in Property Disputes:\*\*** The presentation and the quality of evidence play a critical role in property disputes, especially when claims involve areas potentially of public interest or dominion.

- **\*\*Forcible Entry Claims:\*\*** The proper identification of property boundaries and ownership is crucial in forcible entry cases. Defendants can justify changes to property based on its classification (public or private domain) and corresponding regulations.

**\*\*Historical Background:\*\***

This case brings to light the complexities surrounding land ownership disputes in urbanizing cities in the Philippines. Specifically, it underscores the challenges in distinguishing between private property and public domain, especially when it involves natural features like creeks that have been historically communal or of public utility, reflecting the tension between protecting private property rights and preserving public resources in the face of urban expansion and environmental considerations.