

****Title:**** Alolino v. Flores: A Case Analysis on Easement of Light and View and Illegal Structures

****Facts:****

This case revolves around Teofilo Alolino, the petitioner, and Fortunato and Anastacia Marie Flores, the respondents. Alolino, owning two contiguous parcels of land in Taguig, built a bungalow and later added a second floor, extending his house up to the edge of his property which borders a municipal road. In 1994, the Flores couple constructed a house/store on this municipal road directly behind Alolino's property, blocking his windows and rear door, affecting his access to light, ventilation, and the road itself. Despite Alolino's demands and complaints, and even after receiving Notices of Illegal Construction from the Building Official of Taguig, the Floreses continued their construction. This led Alolino to file a lawsuit in the RTC seeking the demolition of the Floreses' structure, claiming violations of his easement of light and view, along with a demand for damages. The Floreses argued against the claim, stating their long-standing occupancy and citing Alolino's own breach of building regulations. The RTC sided with Alolino, demanding the demolition of the encroaching structure, but this decision was reversed by the Court of Appeals (CA), leading to Alolino's petition for review with the Supreme Court.

****Issues:****

1. Whether Alolino acquired an easement of light and view by virtue of a title.
2. The applicability of setbacks from the National Building Code and Civil Code regarding Alolino's property.
3. Alolino's right of way over the lot occupied by the Floreses.
4. Whether the Floreses' house/store constitutes a nuisance per se.

****Court's Decision:****

The Supreme Court ruled in favor of Alolino, reversing the CA's decision. The Court established that the Floreses' house/store, built on government property without proper authority, was illegal. It clarified that properties intended for public use, such as the municipal road, cannot be subject to private encroachments that inhibit public use and benefit - including blocking access to light and ventilation for neighboring properties. It refuted the Floreses' claim, grounded on the reclassification of the property by the local government, by highlighting the necessity of an ordinance, not a mere resolution, for such reclassification to be valid. Hence, the CA's dismissal based on the lack of acquired easements of light and view was reversed, underscoring that the Floreses' construction was a nuisance as it interfered with the public use of the road and Alolino's property. The Court

ordered the removal of the illegal structure and awarded Alolino attorney's fees.

****Doctrine:****

This case reaffirms the principles surrounding properties intended for public use and their protection from private encroachments that can hinder public and adjoining private interests. Specific to this case is the doctrine that local government units must follow prescribed legal procedures, including the enactment of ordinances, to reclassify or close roads of public use. Furthermore, it delineates the conditions under which easements of light and view can be sought and established, notably in the context of illegal structures on public land.

****Class Notes:****

1. ****Easement of Light and View:**** A legal principle allowing a property owner to receive sufficient light and air through openings in a wall bordering an adjoining property. It highlights the need for formal prohibition or a title to acquire such easement.
2. ****Illegal Structures:**** Buildings or constructions on public property without legal permission represent encroachments that can be considered nuisances per se due to their obstruction of public use and safety.
3. ****Public vs. Patrimonial Property:**** Distinction crucial in determining the regulation and use of local government properties, stressing that properties designed for public use are outside the commerce of man and cannot be unilaterally reclassified or encumbered by private individuals.
4. ****Article 694, Civil Code:**** Defines a nuisance and sets the parameter for identifying actions or structures that significantly impede public or private property use, emphasizing the protection of health, safety, and public welfare.

****Historical Background:****

This case reflects ongoing challenges in urban development, particularly in managing legally ambiguous spaces like unused roads. It underscores the tension between individual property rights and community welfare, illustrating the legal mechanisms available to address encroachments and nuisances. It also highlights the critical role of local government units in urban planning and governance, emphasizing the need for adherence to legal procedures in property reclassification and the importance of public use protection.