

Title:

****Calimoso et al. vs. Roullo: A Case on Easement of Right of Way****

Facts:

The case originated from a Complaint for Easement of Right of Way filed by Axel D. Roullo, claiming he owned Lot 1462-C-1 in Brgy. Sambag, Jaro, Iloilo City, which was isolated by surrounding estates, including one owned by Helen Calimoso, Marilyn P. Calimoso, and Liby P. Calimoso. Roullo sought access to a public road through the Calimosos' property, claiming it was the shortest and most convenient route.

The Calimosos contested, proposing an alternative route via a potential concrete bridge over Sipac Creek, and sought damages for the malicious and groundless suit.

The Regional Trial Court (RTC) of Iloilo City ruled in favor of establishing an easement over the Calimosos' lot, requiring Roullo to compensate the Calimosos. The Calimosos appealed to the Court of Appeals (CA), which affirmed the RTC's decision in full. Unconvinced, the Calimosos filed a petition for review on certiorari to the Supreme Court, arguing about the necessity, potential damage to their property, and the existence of alternative routes to the public road.

Issues:

1. Whether the requisites for the establishment of a compulsory easement of right-of-way were met.
2. Whether the established easement through the Calimosos' lot was at the point least prejudicial to the servient estate.
3. Whether an alternative route could establish a right-of-way through lots other than the Calimosos' property.

Court's Decision:

The Supreme Court reversed the CA's decision, finding the establishment of an easement through the Calimosos' property did not satisfy the requisite of being the least prejudicial option. It highlighted that though the route through the Calimosos' lot was the shortest, it was not the least damaging, given that other options existed which were less harmful though longer. The Court stressed the importance of minimizing damage to the servient estate over mere distance considerations.

Doctrine:

- The establishment of a legal easement of right-of-way must meet specific criteria,

including the absence of adequate outlet to a public highway, payment of proper indemnity, the isolation not being caused by the acts of the dominant estate's proprietor, and the easement being established with least prejudice and at the shortest distance to the dominant estate. However, when the shortest path is not the least prejudicial, the criterion of least prejudice takes precedence.

Class Notes:

- **Legal Requirements for Easement of Right of Way:** Dominant estate's lack of access, indemnification, not result of proprietor's actions, least prejudicial point, shortest distance possible if consistent with minimal prejudice.
- **Precedence of Criteria:** Least prejudice over shortest distance when choosing the path for the easement.
- **Supreme Court's Role:** Power to review and reverse lower court decisions if the legal bases or facts are misapplied or misunderstood.

Historical Background:

This case is pivotal in elucidating the balancing act courts must perform between the necessity for access to a public road by a landlocked property (dominant estate) and the protection of another property's (servient estate) integrity and value. The critical takeaway is the Supreme Court's stance on favoring minimal harm over mere convenience, setting a precedent for future easement disputes where multiple routes are possible, ensuring decisions are to the least detriment to the servient estates.