

### Title:

Pacita David-Chan vs. Court of Appeals and Phil. Rabbit Bus Lines, Inc.: A Case on the Denial of Easement of Right of Way

### The Facts:

Pacita David-Chan, the petitioner, sought an easement of right of way through the property owned by the respondent, Philippine Rabbit Bus Lines, Inc. (PRBL). Her property in San Fernando, Pampanga, approximately 635 sqm in size, was bordered on most sides by other properties, leaving only a narrow passage two feet four inches wide through PRBL's lot as her access to the highway. This suit was initiated after PRBL began constructing a fence that threatened to eliminate this access. David-Chan's petition to the Regional Trial Court in San Fernando, which sought to enjoin PRBL from continuing the fence construction and demanded the right of way, was dismissed, as was PRBL's counterclaim for insufficiency of evidence. The Court of Appeals subsequently affirmed this decision.

David-Chan's property was acquired in a manner not involving the Singian Brothers Corporation, previous owners of the PRBL lot, ruling out her claims based on privileges such as pre-emption or redemption rights. The Regional Trial Court's finding had been influenced by a prior judgment (Civil Case No. 4865) against David-Chan and her relatives for unlawful occupancy of the land, further complicating her position.

After failures in the lower courts, David-Chan sought recourse in the Supreme Court, raising issues on both legal and compassionate grounds, particularly invoking Filipino values to support her plea.

### Issues:

1. Legal entitlement of David-Chan to a right of way over PRBL's property.
2. The possible application of Filipino values (pakikisama, pakikipagkapwa-tao) as grounds for granting an easement of right of way.

### Court's Decision:

The Supreme Court denied David-Chan's petition, affirming the appellate court's decision. Key determinants included:

- David-Chan had other possible access points to the highway, notably through the abutting Pineda family property. Her actions, particularly erecting a fence which isolated her property further, contravened the requirements for a compulsory easement of right of way.
- Failure to prove the absence of adequate outlet, her contribution to the property's

isolation, and lack of tender for proper indemnity weakened her position.

- On legal grounds, specifically Articles 649 and 650 of the Civil Code, David-Chan's claims did not meet the necessary requisites for an easement of right of way.
- Appeals to equity and Filipino cultural values could not override the lack of legal merit in her claim.

### ### Doctrine:

The Supreme Court reiterated principles regarding easements of right of way, particularly emphasizing the necessity of meeting the specific requisites provided under Articles 649 and 650 of the Civil Code. Crucially, it stressed that equity could not be applied in contravention of statutory law.

### ### Class Notes:

- **\*\*Essential Elements for Easement of Right of Way\*\***: Under Civil Code Articles 649 and 650, the claimant must prove (1) the property is surrounded and without adequate access to a public highway; (2) indemnity is offered; (3) the isolation of the property isn't due to the owner's actions; and (4) the easement is at the least prejudicial point to the servient estate.
- **\*\*Doctrine of Equity\*\***: Equity supplements but does not supplant statutory law. Claims for legal remedies must first be grounded in statutory entitlements.
- **\*\*Property Law Principle\*\***: Owners cannot, by their actions that lead to the isolation of their property, subsequently claim right of way easements through adjacent properties.

### ### Historical Background:

This case encapsulates the tension between theoretical entitlements under property law and practical circumstances influencing property access. It underscores the Philippine legal system's emphasis on statutory criteria over equitable or compassionate pleas in the determination of property rights, demonstrating the rigidity in applying the law despite the appeal to cultural values and equity.