

Title: ****Spouses Custodio and Santos vs. Court of Appeals and Heirs of Pacifico Mabasa****

****Facts:****

This case involves a dispute over the grant of an easement of right of way and the corresponding damages related to the blockage of said access. The chain of events is as follows:

- ****August 26, 1982:**** Pacifico Mabasa filed Civil Case No. 47466 before the Regional Trial Court (RTC) of Pasig, seeking the grant of an easement of right of way against Cristino Custodio, Brigida Custodio, Rosalina Morato, Lito Santos, and Maria Cristina Santos.
- ****1981:**** Mabasa purchased a parcel of land with a two-door apartment situated in Tipas, Taguig. The land was surrounded by properties owned by the aforementioned defendants.
- ****February 1982:**** Defendants Santos and Morato built adobe fences that effectively enclosed a critical passageway, making it narrower and eventually blocking it off entirely. This led to Mabasa's tenants vacating the premises.
- ****February 27, 1990:**** The RTC decided to grant Mabasa permanent access to the public street through the passageway and ordered him to pay the Custodios and Santos PHP 8,000 as indemnity.
- ****Post-RTC Decision:**** Mabasa passed away, and his heirs continued the case, appealing the trial court's decision to the Court of Appeals (CA) on the ground that the trial court failed to award damages.
- ****November 10, 1993:**** The CA affirmed the RTC's decision with modification, awarding the Mabasas PHP 65,000 as actual damages, PHP 30,000 as moral damages, and PHP 10,000 as exemplary damages.
- ****July 8, 1994:**** CA denied Custodios' and Santos' motion for reconsideration.
- ****Supreme Court:**** Petitioners appealed to the Supreme Court, contesting both the grant of the right of way and the award of damages.

****Issues:****

1. ****Whether the grant of the right of way to the Mabasas was proper.****
2. ****Whether the award of damages to the Mabasas by the Court of Appeals was proper.****

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

****Issue 1: Grant of Right of Way****

The Supreme Court did not entertain the issue of granting the right of way, as the petitioners did not appeal the RTC decision on the right of way to the CA, and thus it became final. The non-appeal indicated they were satisfied with this part of the decision.

****Issue 2: Award of Damages****

The Supreme Court reversed the CA's award of damages, determining it lacked substantial legal basis. The Court elucidated the concept of "damnum absque injuria," which translates to "damage without injury." The decision explained that although Mabasa's heirs suffered financial losses, these did not result from a legal wrong by the petitioners (Custodios and Santos).

The petitioners merely exercised their lawful property rights by enclosing and building on their land, which was not subject to any servitude at the time, as definitively established by the trial court's later decision. The Supreme Court found no malicious intent or unlawful act in the petitioners' actions to justify the damage awards of the CA.

****Doctrine:****

1. ****"Damnum absque injuria"***** — Legal doctrine stating that monetary loss or damage does not necessarily mean entitlement to compensation if it arises from a lawful act.
 - This principle was used to explain that while the respondents experienced harm, no legal right was infringed upon by the petitioners.
2. ****Exercise of Property Rights**** — Owners are entitled to use, enjoy, and dispose of their property as seen fit, within the limits established by law (referencing Article 430 of the Civil Code).

****Class Notes:****

- ****Key Elements****:
 - Easement of Right of Way: Legal pathway established through the court requiring an adjoining property owner to provide access to a landlocked property.
 - Damnum Absque Injuria: Loss without wrongful conduct by another party.
 - Exercise of Property Rights: Rights of ownership include the right to enclose or fence property.
- ****Statutory Provisions****:
 - ****Article 430, Civil Code****: Establishes the fundamental right of property owners to enclose their land without prejudice to servitudes.
 - Legal remedies often hinge on the existence of both legal damage and a corresponding duty breached by the defendant.

****Historical Background:****

This case occurred within the evolving legal landscape in the Philippines concerning property rights and easements. During this period, the judiciary faced multiple cases

balancing the rights of property owners against developing infrastructure and accessibility therein. The principle of “damnum absque injuria” helps delineate lawful actions vis-a-vis compensable wrongs, setting precedence in property law and compensation disputes.