

SPOUSES WILLY TE AND JUANITA TE, PETITIONERS-APPELLEES, VS. REPUBLIC OF THE PHILIPPINES, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE REGISTER OF DEEDS OF CEBU CI...

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HERNANDO, J:

Before this Court is an appeal filed by the Republic of the Philippines[1] seeking the reversal of the July 26, 2011 Order[2] of the Regional Trial Court (RTC), Branch 18, of Cebu City, in Special Proceeding Case No. 17925-CEB, a petition for Reduction of Legal Easement on TCT No. 8084 from Forty (40) Meters to Three (3) Meters.

The Antecedents:

The Spouses Willy Te and Juanita Te are the registered owners of Lot 10330, situated in Barangay Talamban, Cebu City, containing an area of 889 square meters and covered by Transfer Certificate of Title (TCT) No. 8084. This title originated from a Free Patent, Original Certificate of Title (OCT) No. 3-1013, granted on May 27, 1971 under Act No. 496. The free patent and TCT No. 8084 contained the condition that a forty-meter legal easement from the bank of any river or stream shall be preserved as permanent timberland.

On September 15, 2010, the Spouses Te filed a petition for reduction of legal easement docketed as Special Proceeding Case No. 17925-CEB before the court a quo. The Spouses Te alleged that the subject land is classified as residential as reflected in the tax declaration and the Certification of the Office of the City Assessor of Cebu City. Thus, they contend that the applicable legal easement is only three meters pursuant to Department of Environment and Natural Resources (DENR) Administrative Order No. 99-21. To further bolster their claim, the Spouses Te cited the case of Doris Chiongbian-Oliva v. Republic of the Philippines,[3] which according to them had a similar factual milieu. In said case, the Supreme Court granted the reduction of the forty-meter legal easement to three square meters.

On March 7, 2011, the DENR filed its Comment countering that at the time of the filing of the application for free patent, the subject land was an agricultural land. It stressed that the subsequent introduction of a residential building and the urbanization of the surrounding area cannot convert the land other than its actual classification. Moreover, it asserted that the Spouses Te are estopped from questioning the forty-meter legal easement as such limitation was apparent on the face of OCT No. 3-1013 and their purchase of the land is an indication of their assent to honor and abide with the conditions of said title.

On April 12, 2011, the Spouses Te filed a Motion for Judgment on the Pleadings on the ground that the issues alleged in their petition, particularly the applicability of the case of Doris Chiongbian-Oliva v. Republic of the Philippines, was not controverted by the DENR in its Comment.

On July 26, 2011, the trial court issued the assailed Order granting the Motion filed by the Spouses Te, the dispositive portion of which reads:[4]

WHEREFORE, in view of the foregoing consideration, the motion for judgment on the pleadings is granted. The forty (40) meter legal encumbrance annotated in the petitioner's title is hereby reduced to three (3) meters in accordance with law.

Accordingly, the Register of Deeds of Cebu City is hereby directed to cancel the above legal encumbrance of forty (40) meters annotated on Petitioner's Transfer Certificate of Title No. 8084 and in lieu thereof, annotate the applicable legal encumbrance of three (3) meters only.

SO ORDERED.

The trial court found that the case of *Doris Chiongbian-Oliva v. Republic of the Philippines* was indeed factually similar to the petition of the Spouses Te. Accordingly, the trial court took judicial notice that the subject land is an urban area and that the applicable legal easement is only three meters.

Thus, the instant appeal before Us.

The Issue:

The main issue here is whether or not the trial court erred in finding that the applicable legal easement is three meters and not forty meters.

The Court's Ruling

The appeal is impressed with merit.

At first glance, the instant case seemingly presents another classic example where the application of the principle of *stare decisis*[5] comes into play. *Stare decisis* declares that, for the sake of certainty, a conclusion reached in one case should be applied to those which follow, if the facts are substantially the same, even though the parties may be different.[6] Unfortunately, the case of *Doris Chiongbian-Oliva v. Republic of the Philippines* is not at all fours with the instant case. Concededly, most facts are similar in that, firstly, the subject land in the *Chiongbian-Oliva* case is situated, as in this case, in Talamban, Cebu City. Secondly, both lands were initially covered by a free patent, which contained a similar condition pertaining to a forty-meter legal easement to be preserved as permanent timberland. Thirdly, the lands are classified as residential by its respective tax declarations and Certifications issued by the Office of the City Assessor of Cebu City. Lastly, both lands are actually used for residential purposes. However, the similarities end there. The most crucial difference that sets this case apart from the *Chiongbian-Oliva* case is that in the latter, the subject land underwent further subdivision, consolidation, or consolidation-subdivision as to justify the reduction of the legal easement from forty meters to three meters. It is evident that the legal easement was reduced because the land underwent several surveys for purposes of subdivision, consolidation, or consolidation-subdivision, to wit:

Since the property in this case was originally alienable land of the public domain, the application for free patent contained the condition that a forty-meter legal easement from the banks on each side of any river or stream found on the land shall be demarcated and preserved as permanent timberland. However, after the property was administratively titled, it underwent several surveys for purposes of subdivision, consolidation, or consolidation-subdivision as evidenced by TCT No. 5455. This title provides that it is a transfer from TCT Nos. 3975 and 4360 and describes the property as Lot 2 of the consolidation-subdivision plan Pcs-07-002121, being a portion of Lot 6 and 7 Pcs-07-000974. Thus, presently only three meters is required to be demarcated and preserved as permanent timberland. (Emphasis Ours)

Corollarily, in the *Chiongbian-Oliva* case, the Supreme Court cited the following specific provisions of DENR Administrative Order (A.O.) No. 99-21 as to justify the grant of the reduction of the legal easement:

2.1 Original Surveys:

2.1.a Public Lands:

All alienable and disposable (A and D) lands of the public domain shall be surveyed pursuant to Section 1 Par. (1) of R.A. 1273 [C.A. No. 141, Section 90(i)] whereby a strip of forty (40) meters wide starting from the banks on each side of any river or stream that may be found on the land shall be demarcated and preserved as permanent timberland.

Likewise, to be demarcated are public lands along the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest area, along their margins which are subject to the easement for public use in the interest of recreation, navigation, floatage, fishing and salvage.

x x x x

2.3 Survey of Titled Lands:

2.3.1 Administratively Titled Lands:

The provisions of item 2.1.a and 2.1.b shall be observed as the above. However, when these lands are to be subdivided, consolidated or consolidated-subdivided, the strip of three (3) meters which falls within urban areas shall be demarcated and marked on the plan for easement and bank protection.

The purpose of these strips of land shall be noted in the technical description and annotated in the title. (Emphasis Ours)

x x x x

Indubitably, the Supreme Court granted the reduction of the legal easement pursuant to Section 2.3.1 of DENR A.O. No. 99-21. Therefore, the trial court cannot rely on this legal basis to grant the reduction of the legal easement, like in the Chiongbian-Oliva case, since the land in the instant case was never subdivided, consolidated or consolidated-subdivided.

Parenthetically, a perusal of the records would reveal that the trial court failed to specifically mention under what provision of DENR A.O. No. 99-21 the reduction of the legal easement would apply to. On this point, the trial court simply ruled, "Applying DENR A.O. No. 99-21, the applicable legal easement is only three meters." Nevertheless, assuming that its ruling should be interpreted in conjunction with the ruling in the Chiongbian-Oliva case, where the reduction of the legal easement was allowed pursuant to Section 2.3.1 of DENR A.O. No. 99-21, then the reduction is improper as already previously explained.

All told, the principle of stare decisis is inapplicable in the instant case. The trial court cannot rely on the ruling set forth in the Chiongbian-Oliva case to warrant the reduction of the legal easement from forty meters to three meters. Concomitantly, since the trial court failed to mention any other provision under DENR A.O. No. 99-21 to justify the reduction of the legal easement, it had no legal basis to grant the same. Thus, We are constrained to affirm the forty-meter legal easement subscribed in TCT No. 8084, which is to be preserved as a permanent timberland.

WHEREFORE, the instant appeal is GRANTED. The July 26, 2011 Order of the Regional Trial Court, Branch 18, of Cebu City, is hereby REVERSED and SET ASIDE. The Petition for Reduction of Legal Easement of the Spouses Te in Special Proceeding Case No. 17925-CEB is DISMISSED for lack of merit. No costs.

SO ORDERED.

Salandanan-Manahan, and Quijano-Padilla, JJ., concur.

[1] Represented by the Office of the Solicitor General.

[2] Penned by Hon. Gilbert P. Moises, Rollo, pp. 33-35.

[3] G.R. No. 163118, April 27, 2007.

[4] Supra, Rollo, p. 35.

[5] "stare decisis et non quieta movere" (Follow past precedents and do not disturb what has been settled.)

[6] Negros Navigation Co., Inc. v. Court of Appeals, G.R. No. 110398, November 7, 1997.

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