

****Title:**** Eduardo Cuaycong et al. vs. Ramona Benedicto et al.

****Facts:**** The case concerns the right of the plaintiffs, Eduardo Cuaycong and several others, to use two roads crossing the Hacienda Toreno, owned by defendants Blasa and Ramona Benedicto, located in Victorias, Negros Occidental. The roads in question were the Nanca-Victorias and Dacuman-Toreno roads. The plaintiffs, including owners and lessees of haciendas adjacent to Hacienda Toreno, claimed a continuous, open, and known use of the Nanca-Victorias road for over twenty years for transportation related to their haciendas. However, in November 1912, the Benedictos closed off this road. The plaintiffs filed a complaint, seeking a judgment to allow them the continued use of the road, alongside a preliminary injunction, which was granted. The Benedictos disputed this, claiming the road as private and stating that they only demanded tolls for its use. The Court of First Instance ruled in favor of the plaintiffs regarding the Nanca-Victorias road, recognizing it as a public highway through immemorial prescription. The Dacuman-Toreno road claims were dismissed due to procedural defaults.

****Issues:****

1. Is the Nanca-Victorias road at the point where it crosses Hacienda Toreno a public highway?
2. If not a public highway, have plaintiffs established a prescriptive easement of way over this portion of the road?

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

1. ****Public Highway Claim:**** The Supreme Court found that the Nanca-Victorias road was not established as a public highway. The court scrutinized evidence of public and government maintenance, usage patterns, and historical claims but found them insufficient to classify the road as a public highway.
2. ****Easement of Way:**** The Court also determined that the plaintiffs failed to prove a prescriptive easement of way. The decision highlighted that the users' possession was not *en concepto de dueño* (under a claim of title) but was merely tolerated by the landowners, thus failing to initiate the prescription period for acquiring an easement.

****Doctrine:**** The decision underscored that permissive use of property, without evidence of adverse possession *en concepto de dueño* or governmental maintenance, does not automatically convert into a public right of way or establish an easement through prescription.

****Class Notes:****

- ****Prescriptive Rights:**** Must be based on adverse possession under a claim of title and cannot arise merely from tolerance or permissive use.
- ****Public vs. Private Roads:**** A road's classification as public requires substantial evidence of government maintenance or a clear indication of governmental or public claim over it, not just extensive use.
- ****Immemorial Possession:**** Immemorial possession, required for establishing certain easements, suggests use extending so far back in time that its origin cannot be determined.

****Historical Background:**** This case delves into the complexities of land use and rights of way within the context of Spanish colonial law influences on Philippine land law, particularly around concepts of public versus private roads and easements. It highlights the challenges in transitioning from informal, permissive use arrangements to formal, rights-based claims over land and the evidentiary burdens associated with establishing such rights in court.