Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ALICIA B. REYES, Petitioner,	**G.R. No. 194488**
	Present:
-versus-	CARPIO, *J., Chairperson,* VELASCO, JR. *J.,** DEL CASTILLO, MENDOZA, and LEONEN, *JJ.*
SPOUSES FRANCISCO S. VALENTIN and ANATALIA RAMOS, Respondents.	**Promulgated:** FEB 11 2015

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DECISION

LEONEN, *J.*:

This is a Rule 45 Petition[1] of the Court of Appeals Decision[2] dated August 12, 2010 and of the Court of Appeals Resolution[3] dated October 28, 2010.

On March 28, 2006, petitioner Alicia B. Reyes, through Dolores B. Cinco,[4] filed a Complaint[5] before the Regional Trial Court of Malolos,

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* Designated Acting Member per S.O. No. 1910 dated January 12, 2015.

1 *Rollo*, pp. 11–62.

2 Id. at 64–75. The Decision was penned by Associate Justice Josefina Guevara-Salonga and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Samuel H. Gaerlan of the Special Fourth Division.

3 Id. at 76–77. The Resolution was penned by Associate Justice Josefina Guevara-Salonga and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Samuel H. Gaerlan of the Former Special Fourth Division.

4 Id. at 78.

Bulacan, for easement of right of way against respondents, Spouses Francisco S. Valentin and Anatalia Ramos.[6]

In her Complaint before the Regional Trial Court, petitioner alleged that she was the registered owner of a 450-square-meter parcel of land in Barangay Malibong Bata, Pandi, Bulacan, designated as Lot No. 3-B-12 and covered by TCT No. T-343642-(M).[7] The property used to be a portion of Lot No. 3-B[8] and was surrounded by estates belonging to other persons.[9]

Petitioner also alleged that respondents' 1,500-square-meter property surrounded her property, and that it was the only adequate outlet from her property to the highway.[10] A 113-square-meter portion of respondents' property was also the "point least prejudicial to the [respondents]."[11] The easement sought was the vacant portion near the boundary of respondents' other lot.[12]

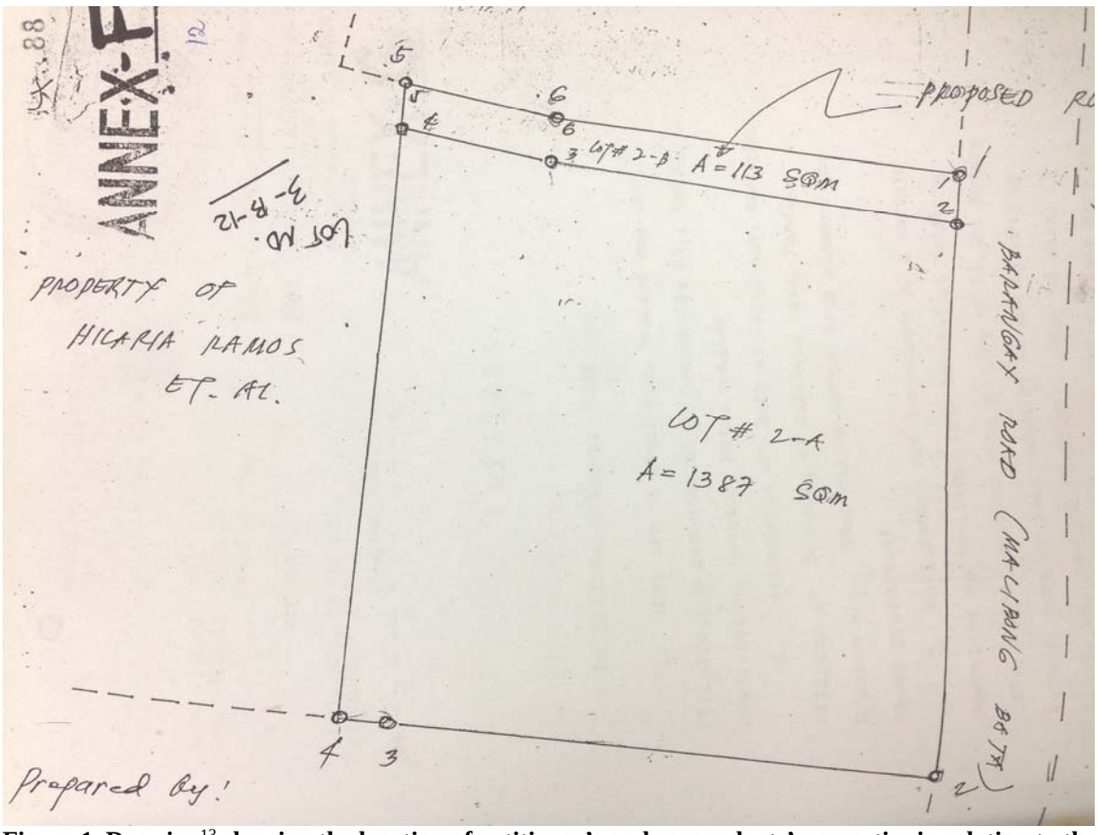

Figure 1. Drawing[13] showing the location of petitioner's and respondents' properties in relation to the proposed easement. Petitioner's property is located on the leftmost part of the drawing. Respondents' property and the proposed 113-square-meter easement are located on the drawing's right side that contains petitioner's property. Barangay Malibong Bata Road can be seen on the rightmost part of the drawing.

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5 Id. at 78–81.
6 Id. at 65, 78, and 80.
7 Id. at 65 and 163.
8 Id.
9 Id. at 15.
10 Id. at 79 and 163.
11 Id. at 79.
12 Id. at 163.
13 Id. at 88.

Petitioner insisted that her property was not isolated because of her own acts.[14] When her mother gave the property to her as part of her inheritance, there was no intention for the property to have no outlet.[15]

According to petitioner, her and respondents' lots were previously owned by her mother. Respondents' lot was given to Dominador Ramos (Dominador) who allegedly was respondents' predecessor-in-interest. Dominador was also her mother's brother and caretaker of properties.[16]

Only 500 square meters were given to Dominador. Part of the 1,500 square meters was intended as a right of way. Dominador was tasked to prepare the documents. But, instead of limiting the conveyance to himself to 500 square meters of the property, he conveyed the whole 1,500 square meters, including that which was supposed to be the access to the barangay road.[17]

Petitioner's mother only learned about what Dominador did when a meeting was called in 1989 regarding the implementation of the Comprehensive Agrarian Reform Program.[18] She did not cause the recovery of her title because at that time, the Register of Deeds of Bulacan was razed by fire, causing the destruction of the documents covering the subject properties. Dominador was also her brother, whom she presumed would give her a right of way to the main road. Instead of giving way, however, he closed the passage, causing petitioner's property's isolation.[19]

Despite demands and willingness to pay the amount, respondents refused to accede to petitioner's claims.[20]

In their Answer,[21] respondents contended that the isolation of petitioner's property was due to her mother's own act of subdividing the property among her children without regard to the pendency of an agrarian case between her and her tenants.[22] The property chosen by petitioner as easement was also the most burdensome for respondents.[23] Respondents pointed to an open space that connected petitioner's property to another

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14 Id. at 65.
15 Id. at 65–66 and 163.
16 Id. at 66 and 163.
17 Id.
18 Id. at 250.
19 Id. at 66 and 250.
20 Id. at 250.
21 Id. at 96–100.
22 Id. at 66 and 250.
23 Id.

public road.[24]

Upon agreement by the parties, the Branch Clerk of Court conducted an ocular inspection of the premises in February 2007, in the presence of the parties.[25]

After an Ocular Inspection Report[26] was submitted on March 2, 2007, the case was considered submitted for decision.[27]

On April 11, 2007, the trial court issued its Decision,[28] dismissing the Complaint for easement of right of way, thus:[29]

> **WHEREFORE**, finding the prayer for a grant of compulsory easement of right of way on a 113 square meter portion of defendants' property to be devoid of merit, the same is hereby DENIED. Consequently, the case is ordered DISMISSED with no pronouncements as to damages and costs.[30]

The trial court found that petitioner's proposed right of way was not the least onerous to the servient estate of respondents.[31] It noted that the proposed right of way would pass through improvements, such as respondents' garage, garden, and grotto.[32] The trial court also noted the existence of an irrigation canal that limited access to the public road.[33] However, the trial court pointed out that "[o]ther than the existing irrigation canal, no permanent improvements/structures can be seen standing on the subject rice land."[34] Moreover, the nearby landowner was able to construct a bridge to connect a property to the public road.[35] Hence, "[t]he way through the irrigation canal would . . . appear to be the shortest and easiest way to reach the barangay road."[36]

Petitioner appealed the Regional Trial Court's Decision.[37]

On August 12, 2010, the Court of Appeals denied petitioner's appeal

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24 Id. at 66.
25 Id. at 67 and 250.
26 Id. at 134.
27 Id. at 67 and 250.
28 Id. at 249–254.
29 Id. at 254.
30 Id. at 168.
31 Id. at 252.
32 Id.
33 Id.
34 Id.
35 Id. at 253.
36 Id. at 252.
37 Id. at 64.

and affirmed *in toto* the Regional Trial Court's Decision.[38] It found no reversible error in the trial court's decision to dismiss petitioner's complaint.[39] Petitioner failed to discharge the burden of proving the existence of the requisites for the grant of easement.[40] The Court of Appeals also found that petitioner's property had an adequate outlet to the public road.[41]

Petitioner's Motion for Reconsideration dated September 8, 2010 was denied by the Court of Appeals in a Resolution promulgated on October 28, 2010.[42]

Petitioner filed this Petition on December 22, 2010[43] to assail the Decision and Resolution of the Court of Appeals.[44]

We are asked to determine whether petitioner has the compulsory easement of right of way over respondents' property.

Petitioner argued that the Regional Trial Court and the Court of Appeals failed to consider that it was not her property that was adjacent to the irrigation canal but her sister's. Her property was surrounded by other estates belonging to other persons. Hence, she had to pass through other properties before reaching the irrigation canal.[45]

Moreover, even if she traversed the other properties, she would only end up on the bank of the irrigation canal without means to cross over.[46] The fact that she had to construct a bridge over the irrigation canal supported her position that there was indeed no adequate outlet from her property to the public road.[47] In any case, a bridge will necessarily be an obstruction on the public road.[48]

Petitioner further argued, citing *Quimen v. Court of Appeals*,[49] that "[t]he owner of the dominant estate can demand a right of way through the servient estate provided he indemnifies the owner thereof for the beneficial use of his property."[50]

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38 Id. at 74.
39 Id. at 71.
40 Id.
41 Id.
42 Id. at 76–77.
43 Id. at 11.
44 Id. at 58.
45 Id. at 48–49.
46 Id.
47 Id. at 52.
48 Id. at 56.
49 326 Phil. 969, 977 (1996) [Per J. Bellosillo, First Division].
50 *Rollo*, p. 47.

In their Comment[51] on the Petition, respondents argued that this case is already barred by prior judgment.[52] Petitioner's predecessor-in-interest and her children had already previously filed an action for easement of right of way against respondents.[53] That case had already been dismissed in favor of respondents.[54] The reason for the dismissal of the case was the possibility of constructing a bridge over the irrigation canal.[55] Respondents further argued that the easement must be real and not fictitious.[56]

The petition has no merit.

I

The issue of ownership is irrelevant to the case; filing of a complaint for easement is a recognition of the servient property owner's rights

Petitioner points out that respondents' property was previously owned by her mother. She alleged that her uncle who was her mother's caretaker of property fraudulently caused the titling of the whole 1,500-square-meter property instead of just the 500-square-meter portion under his name.[57]

These allegations are relevant only if we are determining the issue of the property's ownership. However, this is not an issue in this case. Petitioner does not question the ownership or the registration of respondents' title over the property. We are limited to the issue of petitioner's easement rights. On that matter, petitioner's act of filing a Complaint for easement of right of way is an acknowledgement that the property is owned by respondents. It is tantamount to a waiver of whatever right or claim of ownership petitioner had over the property.

II

Petitioner failed to satisfy the Civil Code requirements for the grant of easement rights

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51 Id. at 333–340.
52 Id. at 336–337.
53 Id. at 336.
54 Id. at 337.
55 Id.
56 Id. at 338–339, *citing Costabella Corporation v. Court of Appeals*, 271 Phil. 350, 359 (1991) [Per J. Sarmiento, Second Division].
57 Id. at 18 and 65–66.

The acts of petitioner's predecessor-in-interest necessarily affect petitioner's rights over the property. One of the requirements for the grant of an easement of right of way is that the isolation of the property is not due to the acts of the dominant estate's owners.

As shown in the pleadings submitted to the trial court, petitioner and respondents had conflicting claims on this issue. Petitioner alleged that it was her uncle, Dominador, who caused the isolation of her property through his act of appropriating for himself the whole property entrusted to him by her mother. Moreover, he closed the passage from petitioner's property to the public road.

On the other hand, respondents alleged that the isolation was due to the acts of petitioner's predecessor-in-interest. She allegedly subdivided the property in favor of her children, including petitioner, without regard to the pending dispute over the property. If the latter is true, petitioner could not claim any right to compulsory easement even if it was not she who caused the property's isolation. Petitioner is bound by her predecessor-in-interest's act of causing the isolation of her property.

Assuming, however, that petitioner or her mother did not cause the isolation of petitioner's property, petitioner still cannot be granted the easement of right of way over the proposed portion of respondents' property. This is because she failed to satisfy the requirements for an easement of right of way under the Civil Code.

Articles 649 and 650 of the Civil Code provide the requisites of an easement of right of way:

> ART. 649. The owner, or any person who by virtue of a real right may cultivate or use any immovable, which is surrounded by other immovables pertaining to other persons and without adequate outlet to a public highway, is entitled to demand a right of way through the neighboring estates, after payment of the proper indemnity.
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> Should this easement be established in such a manner that its use may be continuous for all the needs of the dominant estate, establishing a permanent passage, the indemnity shall consist of the value of the land occupied and the amount of the damage caused to the servient estate.
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> In case the right of way is limited to the necessary passage for the cultivation of the estate surrounded by others and for the gathering of its crops through the servient estate without a permanent way, the indemnity shall consist in the payment of the damage caused by such encumbrance.

> This easement is not compulsory if the isolation of the immovable is due to the proprietor's own acts.
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> ART. 650. The easement of right of way shall be established at the point least prejudicial to the servient estate, and, insofar as consistent with this rule, where the distance from the dominant estate to a public highway may be the shortest.

Based on these provisions, the following requisites need to be established before a person becomes entitled to demand the compulsory easement of right of way:[58]

1. An immovable is surrounded by other immovables belonging to other persons, and is without adequate outlet to a public highway;

2. Payment of proper indemnity by the owner of the surrounded immovable;

3. The isolation of the immovable is not due to its owner's acts; and

4. The proposed easement of right of way is established at the point least prejudicial to the servient estate, and insofar as consistent with this rule, where the distance of the dominant estate to a public highway may be the shortest.

An easement of right of way is a real right. When an easement of right of way is granted to another person, the rights of the property's owner are limited.[59] An owner may not exercise some of his or her property rights for the benefit of the person who was granted the easement of right of way. Hence, the burden of proof to show the existence of the above conditions is imposed on the person who seeks the easement of right of way.[60]

We agree with the Regional Trial Court's and the Court of Appeals' findings that petitioner failed to establish that there was no adequate outlet to the public highway and that the proposed easement was the least prejudicial to respondents' estate.

There is an adequate exit to a public highway.

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58 *See Bacolod-Murcia Milling Co., Inc., et al. v. Capitol Subdivision, Inc., et al.*, 124 Phil. 128, 132–133 (1966) [Per J. J.B.L. Reyes, En Banc].

59 *See Cristobal v. Court of Appeals*, 353 Phil. 318, 328 (1998) [Per J. Bellosillo, First Division].

60 *Cristobal v. Court of Appeals*, 353 Phil. 318, 327 (1998) [Per J. Bellosillo, First Division], *citing Costabella Corporation v. Court of Appeals*, 271 Phil. 350, 358 (1991) [Per J. Sarmiento, Second Division], *which in turn cited Locsin v. Climaco*, G.R. No. L-27319, January 31, 1969, 26 SCRA 816, 836 [Per J. Castro, En Banc], *Angela Estate, Inc. v. Court of First Instance of Negros Occidental*, 133 Phil. 561, 574 (1968) [Per J. Castro, En Banc], and *Bacolod-Murcia Milling Co., Inc., et al. v. Capitol Subdivision, Inc., et al.*, 124 Phil. 128, 133 (1966) [Per J. J.B.L. Reyes, En Banc].

This court explained in *Dichoso, Jr. v. Marcos*[61] that the convenience of the dominant estate's owner is not the basis for granting an easement of right of way, especially if the owner's needs may be satisfied without imposing the easement.[62] Thus:

> Mere convenience for the dominant estate is not what is required by law as the basis of setting up a compulsory easement. Even in the face of necessity, if it can be satisfied without imposing the easement, the same should not be imposed.
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> . . . .
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> Also in *Floro v. Llenado*, we refused to impose a right of way over petitioner's property although private respondent's alternative route was admittedly inconvenient because he had to traverse several ricelands and rice paddies belonging to different persons, not to mention that said passage is impassable during the rainy season.
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> And in *Ramos, Sr. v. Gatchalian Realty, Inc.*, this Court refused to grant the easement prayed for even if petitioner had to pass through lots belonging to other owners, as temporary ingress and egress, which lots were grassy, cogonal, and greatly inconvenient due to flood and mud because such grant would run counter to the prevailing jurisprudence that mere convenience for the dominant estate does not suffice to serve as basis for the easement.[63] (Citations omitted)

Access to the public highway can be satisfied without imposing an easement on respondents' property.

The Ocular Inspection Report reads, in part:

> Upon reaching the said place, pictures were taken in the presence of both parties and their respective counsel. The undersigned observed that fronting the lot where the house of the defendant is erected, is Brgy. Malibong Bata public road. The property of the plaintiff is located at the back of defendant's lot. Plaintiff, through her counsel, requested that the side portion of defendants' lot where the latter's garage and a grotto are erected or a portion of defendants' newly acquired adjacent lot be the right of way. This was objected to by Atty. Batalla arguing that to grant the same is more prejudicial to the defendants considering that the improvements thereon will be affected and that there is another existing public road which is nearer to the plaintiff's property. Atty. Sali admitted that there is another existing public road but the right of way cannot be done as there is more or less four-meter wide irrigation before reaching the said public road.
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> In order to confirm if there is indeed another existing public road

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61 G.R. No. 180282, April 11, 2011, 647 SCRA 495 [Per J. Nachura, Second Division].

62 Id. at 504.

63 Id. at 504–505. *See also Cristobal v. Court of Appeals*, 353 Phil. 318, 328–329 (1998) [Per J. Bellosillo, First Division].

> which is nearer to plaintiff's property, the undersigned together with the above-mentioned court personnel and the parties and their respective counsel, proceeded to the said place. True enough, there is a public road also named Brgy. Malibong Bata public road, fronting plaintiff's property. However, there is more or less four-meter wide irrigation before reaching the said public road. It was also confirmed that the two properties of the plaintiff are between the public road which is adjacent to the irrigation. Atty. Sali manifested that they already requested before the officers of the National Irrigation Administration (NIA) for the grant of the right of way but the same was disapproved. Atty. Batalla pointed out that there are already some concrete bridges nearby the properties of the plaintiff.[64]

Based on the Ocular Inspection Report, petitioner's property had another outlet to the highway. In between her property and the highway or road, however, is an irrigation canal, which can be traversed by constructing a bridge, similar to what was done by the owners of the nearby properties.

There is, therefore, no need to utilize respondents' property to serve petitioner's needs. Another adequate exit exists. Petitioner can use this outlet to access the public roads.

The outlet referred to in the Ocular Inspection Report may be longer and more inconvenient to petitioner because she will have to traverse other properties and construct a bridge over the irrigation canal before she can reach the road. However, these reasons will not justify the imposition of an easement on respondents' property because her convenience is not the gauge in determining whether to impose an easement of right of way over another's property.[65]

Petitioner also failed to satisfy the requirement of "least prejudicial to the servient estate."

Article 650 of the Civil Code provides that in determining the existence of an easement of right of way, the requirement of "least prejudic[e] to the servient estate" trumps "distance [between] the dominant estate [and the] public highway." "Distance" is considered only insofar as it is consistent to the requirement of "least prejudice."

This court had already affirmed the preferred status of the requirement of "least prejudice" over distance of the dominant estate to the public highway.[66] Thus, in *Quimen*, this court granted the longer right of way over therein respondent's property because the shorter route required that a

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64 *Rollo*, p. 134.

65 *Dichoso, Jr. v. Marcos*, G.R. No. 180282, April 11, 2011, 647 SCRA 495, 504 [Per J. Nachura, Second Division].

66 *Cristobal v. Court of Appeals*, 353 Phil. 318, 329 (1998) [Per J. Bellosillo, First Division]. *Quimen v. Court of Appeals*, 326 Phil. 969, 979 (1996) [Per J. Bellosillo, First Division].

structure of strong materials needed to be demolished.[67] This court said:

> [T]he court is not bound to establish what is the shortest distance; a longer way may be adopted to avoid injury to the servient estate, such as when there are constructions or walls which can be avoided by a round about way, or to secure the interest of the dominant owner, such as when the shortest distance would place the way on a dangerous decline.
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> . . . .
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> The criterion of least prejudice to the servient estate must prevail over the criterion of shortest distance although this is a matter of judicial appreciation. While shortest distance may ordinarily imply least prejudice, it is not always so as when there are permanent structures obstructing the shortest distance; while on the other hand, the longest distance may be free of obstructions and the easiest or most convenient to pass through. In other words, where the easement may be established on any of several tenements surrounding the dominant estate, the one where the way is shortest and will cause the least damage should be chosen. However, as elsewhere stated, if these two (2) circumstances do not concur in a single tenement, the way which will cause the least damage should be used, even if it will not be the shortest.[68] (Citation omitted)

Petitioner would have permanent structures — such as the garage, garden, and grotto already installed on respondent's property — destroyed to accommodate her preferred location for the right of way.

The cost of having to destroy these structures, coupled with the fact that there is an available outlet that can be utilized for the right of way, negates a claim that respondents' property is the point least prejudicial to the servient estate.

An easement is a limitation on the owner's right to use his or her property for the benefit of another. By imposing an easement on a property, its owner will have to forego using it for whatever purpose he or she deems most beneficial. Least prejudice, therefore, is about the suffering of the servient estate. Its value is not determined solely by the price of the property, but also by the value of the owner's foregone opportunity for use, resulting from the limitations imposed by the easement.[69]

Imposing an easement on the part of respondents' property for petitioner's benefit would cost respondents not only the value of the property but also the value of respondents' opportunity to use the property as a garage or a garden with a grotto.

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67 *Quimen v. Court of Appeals*, 326 Phil. 969, 981 (1996) [Per J. Bellosillo, First Division].

68 Id. at 973–979.

69 PAUL A. SAMUELSON and WILLIAM D. NORDHAUS, ECONOMICS 13 (18th ed., 2005). Opportunity cost is defined as "[t]he cost of the forgone alternative[.]"

Petitioner may use another outlet, which may provide longer access from her property to the public highway, but is free from obstructions. The four-meter wide irrigation canal may be traversed upon construction of a bridge. As noted by the trial court:

> A neighboring land owner was able to construct a short concrete bridge wide enough even for vehicles to pass through the irrigation canal from his property to the barangay road. The Court sees no reason why plaintiff could not do the same and why it would not be allowed if carried in accordance with the requirements set by NIA.[70]

Contrary to petitioner's assertion, a reading of the August 17, 2005 National Irrigation Administration Letter-Response[71] to petitioner's query regarding the possibility of constructing a concrete bridge over the irrigation canal shows that petitioner was not really disallowed from constructing a bridge. She was merely given certain conditions, thus:

> Wherefore, this office could not negate such decision.[72] However, request for grant of right of way for the construction of bridge over an irrigation canal could be granted subject to the following conditions[:] (1) that the landowner will shoulder the cost of construction subject to the design and specifications approved by this office[;] (2) construction schedule must be informed for inspection[;] (3) subject construction will not impede the free flow of irrigation water[;] (4) distance between bridges will not hamper our mechanical equipment to move freely within the area during clearing schedule; (5) active participation of the landowner in the clearing and maintenance of the canal for continuous water flow; (6) any violation of the above conditions will mean revocation of the permit and any damage to the canal structures will mean restoration of the landowner at his own cost.[73]

It is true that an easement of right of way may be granted even if the construction of the bridge was allowed. However, in determining if there is an adequate outlet or if the choice of easement location is least prejudicial to the servient estate, this court cannot disregard the possibility of constructing a bridge over the four-meter-wide canal. This court must consider all the circumstances of the case in determining whether petitioner was able to show the existence of all the conditions for the easement of right of way.

The Regional Trial Court and the Court of Appeals also considered the aspect of necessity for an easement in determining petitioner's rights.

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70 *Rollo*, p. 167.

71 Id. at 120.

72 The said Decision refers to the Regional Trial Court Decision dated August 4, 2005, "denying the request of the Cinco family for easement of right of way from the Valentin family, stating that the adequate and shorter way to the barangay road is the irrigation canal." (*Rollo*, p. 120.)

73 *Rollo*, p. 120.

The trial court found that there is still no necessity for an easement of right of way because petitioner's property is among the lots that are presently being tenanted by Dominador and Filomena Ramos' children.[74] Petitioner is yet to use her property. The Complaint for easement was found to have been filed merely "for future purposes."[75] Thus, according to the Court of Appeals, "[a]dmittedly, there is no immediate and imperative need for the construction of a right of way as the dominant estate and its surrounding properties remain as agricultural lands under tenancy."[76]

The aspect of necessity may not be specifically included in the requisites for the grant of compulsory easement under the Civil Code. However, this goes into the question of "least prejudice." An easement of right of way imposes a burden on a property and limits the property owner's use of that property. The limitation imposed on a property owner's rights is aggravated by an apparent lack of necessity for which his or her property will be burdened.

III

The case is not barred by prior judgment

Respondents argued in their Comment that the case was already barred by prior judgment because petitioner's predecessor-in-interest and her siblings had already filed an action for easement against respondents in 2004. This case, according to respondents, had already been dismissed because of the existence of another public road or highway, which can be accessed after the construction of a bridge over the irrigation canal.[77]

Respondents alleged that petitioner's predecessor-in-interest not only subdivided her property among her children, which included petitioner. Petitioner's predecessor-in-interest also converted her property from farmland to home lots. This, respondents argued, is prohibited under Section 73(c) and 73(e), and Section 74 of the Comprehensive Agrarian Reform Law.[78] Hence, the conversion was illegal, and this case still involves the predecessor-in-interest's property prior to its subdivision.[79]

In her Reply,[80] petitioner argued that the property was not barred by prior judgment because she was already the registered owner of her property before the complaint for easement was filed by her mother and her siblings.

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74 Id. at 167.
75 Id. at 167–168.
76 Id. at 72.
77 Id. at 336–337.
78 Id. at 337.
79 Id. at 336–337.
80 Id. at 349–352.

She was not a party to that case.[81]

Dismissal of a case on the ground of *res judicata* requires that a final judgment must have been rendered between the same parties over the same subject matter and cause of action.[82]

Even if it is true that this and the alleged previous case involve the same issue, there can be no *res judicata* if there is no identity of parties and/or subject matter. For purposes of determining if there is identity of parties, two different persons may be considered as one identity if they represent the same interest or cause.[83]

Based on the records, petitioner's certificate of title was issued in her name on April 12, 1999.[84] If as admitted by respondents, the previous case for easement was filed in 2004 and petitioner was not represented in the case, then there could have been no identity of the parties and subject matter. Petitioner's interest could not have been represented by her predecessor-in-interest or by her siblings because none of them were the owners of petitioner's property in 2004.

Respondents' insistence that the cases involve the same interests because the alleged conversion of petitioner's predecessor-in-interest's property from farmland to home lots was illegal involves the determination of whether there was such conversion. The determination of whether there was conversion may be relevant to the issue of the validity of petitioner's title but is not relevant to the issue of the existence of petitioner's easement rights. This determination needs proper reception and assessment of evidence, which is not the province of this court. That issue should be threshed out in a separate case directly attacking petitioner's certificate of title.

WHEREFORE, the Court of Appeals Decision promulgated on August 12, 2010 and its Resolution promulgated on October 28, 2010 are **AFFIRMED.**

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

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81 Id. at 351.

82 *See Archbishop of Manila v. Director of Lands*, 35 Phil. 339, 351 (1916) [Per J. Torres, En Banc]; *University of the Philippines v. Court of Appeals*, G.R. No. 97827, February 9, 1993, 218 SCRA 728, 737 [Per J. Romero, Third Division].

83 *See also University of the Philippines v. Court of Appeals*, G.R. No. 97827, February 9, 1993, 218 SCRA 728, 737–738 [Per J. Romero, Third Division].

84 *Rollo*, p. 84.

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

PRESBITERO J. VELASCO, JR.
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice