



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 16, 2023**, which reads as follows:*

“G.R. No. 255694 (Ana C. Tan, joined by her husband Jimmy Tan, Petitioners v. Diosdado Dasal, substituted by his heirs Violeta Dasal, Diosdado Dasal, Jr., Ma. Teresa D. Vibandor, Ma. Purificacion D. Dasal, and Ma. Violeta D. Nacionales, Respondents). – This Petition for Review on *Certiorari*¹ challenges the Decision² and the Resolution³ of the Court of Appeals (CA), which granted the appeal of Diosdado Dasal, substituted by his heirs Violeta Dasal, Diosdado Dasal, Jr., Ma. Teresa D. Vibandor, Ma. Purificacion C. Dasal, and Ma. Violeta D. Nacionales (respondents); and denied the Motion for Reconsideration⁴ thereof filed by Ana C. Tan, joined by her husband Jimmy Tan (petitioners), respectively, in CA-G.R. CV No. 01653.

At the crux of this controversy is Lot 1833-L, a parcel of land located in Roxas City, which was originally owned by the spouses Silverio and Purificacion Dasal. When they died, ownership was passed onto their three surviving children, namely: Enrico, Cristino, and herein respondent Diosdado Dasal (collectively, the Dasal brothers), who later subdivided the property into three portions, *i.e.*, Lots 1833-L-1, 1833-L-2, and 1833-L-3. Thereafter, the Dasal brothers decided to sell Lots 1833-L-2 and 1833-L-3, retaining Lot 1833-L-1 which was further subdivided into four lots, as reflected in a Subdivision Agreement⁵ executed and a Subdivision Plan⁶ prepared for such purpose, with the following owners:⁷

¹ *Rollo*, pp. 4-31.

² *Id.* at 33-44. The Decision dated August 20, 2019 was penned by Associate Justice Edward B. Contreras, with the concurrence of Associate Justices Gabriel T. Ingles and Alfredo D. Ampuan.

³ *Id.* at 48-49. The Resolution dated November 23, 2020 was penned by Associate Justice Gabriel T. Ingles, with the concurrence of Associate Justices Emily R. Aliño-Geluz and Lorenza Redulla Bordios.

⁴ *Id.* at 62-66.

⁵ *Id.* at 71-72.

⁶ *Id.* at 74.

⁷ *Id.* at 34.

Lot Number	Owner
Lot 1833-L-1-A	Dasal brothers
Lot 1833-L-1-B	Enrico
Lot 1833-L-1-C	Inocencio Bermejo (to whom Cristino sold his undivided share)
Lot 1833-L-1-D	Respondent Diosdado ⁸

In the aforesaid Subdivision Plan, a portion of Diosdado's property abutting the property of Inocencio Bermejo (Inocencio) and parallel to Lot 1833-L-1-B owned by Enrico was indicated as an "existing alley."⁹

Sometime in October 1987, Enrico caused the further subdivision of Lot 1833-L-1-B into two parcels: (1) Lot 1833-L-1-B-1, which was sold to herein petitioners; and (2) Lot 1833-L-1-B-2, which was sold to Edmund Sia (Edmund). Attached to the Subdivision Plan¹⁰ prepared for Lot-1833-L-1-B, subject to the approval of the Land Management Sector of the Department of Environment and Natural Resources, was an Affidavit¹¹ purportedly executed by respondent Diosdado, stating that a portion of his lot had been donated to "all the occupants within the said subdivision" for their "free use and passage" as an alley.

Later on, petitioners constructed a commercial building on Lot 1833-L-1-B-1, which was leased out to different entities, including the AMA Computer Learning Center.¹²

However, respondent Diosdado apparently constructed a fence on the disputed alley, preventing petitioners and their lessees from using it. After he rejected their request to re-open the alley, petitioners were constrained to institute a complaint for injunction and damages with a prayer for the issuance of a preliminary injunction, and/or a restraining order against him before the Regional Trial Court of Roxas City. The case, docketed as Civil Case No. V-6960, was raffled off to Branch 18.

In their complaint, petitioners asserted that the Dasal brothers and Inocencio earlier agreed to reserve a portion of respondent Diosdado's lot as an alley to provide ingress and egress to their property. This was clearly shown in the Subdivision Plan for Lot 1833-L-1-D, as well as in the corresponding Transfer Certificate of Title No. T-21393 issued in favor of respondent Diosdado, which states: "[e]xisting Alley of 3.00 m. wide along

⁸ *Id.*

⁹ *Id.* at 34 & 74.

¹⁰ *Id.* at 54.

¹¹ *Id.* at 73.

¹² *Id.* at 8-9.

Line 5-1 is reserved.”¹³

Refuting petitioners’ contentions, respondent Diosdado disavowed having knowledge about the subdivision of Lot 1833-L-1 and claimed that his signature appearing on the supposed Subdivision Agreement¹⁴ of Lot 1833-L-1 was forged. Likewise, he was not aware that a portion of the area assigned to him was reserved as an alley. However, since his house was already erected on Lot 1833-L-1-D, he no longer objected to such assignment. Respondent Diosdado also insisted that the alley was intended as a foot path for the use only of Inocencio and no one else, and that his property was not a servient estate insofar as petitioners’ lot was concerned. Instead, petitioners should have asked for a right of way from Enrico, who sold the realty to them. Ultimately, respondent Diosdado denied that petitioners had to pass through the existing alley in his lot to go to and from their property; only that it was more convenient for them to use the same.¹⁵

In due course, the trial court granted petitioners’ prayer for the issuance of a temporary restraining order and/or preliminary mandatory injunction, ordering respondent Diosdado, then substituted by his heirs, herein respondents, to desist from closing the alley. Eventually, the trial court rendered the Decision¹⁶ in favor of petitioners, declaring that they were entitled to use the existing alley in respondent Diosdado’s property for ingress or egress, thusly—

WHEREFORE, in view of the foregoing disquisition, [petitioners] having shown by preponderance of evidence that [Diosdado], or his heirs-successors[,] cannot without approval of the court, close[,] or obstruct the passageway, the existing alley 3.00 m. wide and 48.55 meters in length, delineated in the approved subdivision plan of Lot 1833-L-1, Psd 06-01552 (Exhibit “B”) and duly annotated or registered [o]n Transfer Certificate of Title No. T-21393 (Exhibit “J”, “J-1”), judgment in favor of the [petitioners] and against the [respondents] is hereby rendered:

1. Ordering the [respondents], their privies, representatives, agents[,] and any person acting for and in their behalf, to cease and desist from closing and to clear or remove the steel matting fence planted at the boundary or any obstruction on the existing alley on Lot No. 1833-L-1-D with a width of three (3) meters and a length of 48.55 meters, as delineated and shown on the approved Subdivision Plan of Lot No. 1833-L-1 and annotated in TCT No. 21393 of [Diosdado], for the use as ingress or egress of the [petitioners] and the lessees of their property that

¹³ *Id.* at 34.

¹⁴ *Id.* at 71-72.

¹⁵ *Id.* at 35.

¹⁶ *Id.* at 52-60. The Decision dated June 5, 2006 was penned by Judge Charlito F. Fantilanan.

adjoins it, including the persons who have business thereat; and
(sic)

2. Making permanent the Writ of Preliminary Mandatory Injunction dated November 10, 1997 issued by the Court[; and]
3. Dismissing the [respondents'] counterclaim for want of evidence and for lack of merit.

Costs against the [respondents].

SO ORDERED.¹⁷

The trial court relied primarily on Section 50¹⁸ of Presidential Decree No. 1529,¹⁹ which forbade a registered owner from closing or disposing a street or passageway so delineated in a subdivision plan without prior court approval.

Dismayed, respondents elevated the matter to the CA *via* a petition for review. Through the assailed Decision, the CA granted the appeal and dismissed petitioners' complaint in Civil Case No. V-6960. It held that: *one*, the annotation on respondent Diosdado's title did not show that the alley was reserved for the use of all the co-owners of Lot 1833-L-1; *two*, the affidavit donating the alley was null and void since respondent Diosdado's signature

¹⁷ *Id.* at 59-60.

¹⁸ *Subdivision and consolidation plans.* – Any owner subdividing a tract of registered land into lots which do not constitute a subdivision project has defined and provided for under P.D. No. 957, shall file with the Commissioner of Land Registration or with the Bureau of Lands a subdivision plan of such land on which all boundaries, streets, passageways and waterways, if any, shall be distinctly and accurately delineated.

If a subdivision plan, be it simple or complex, duly approved by the Commissioner of Land Registration or the Bureau of Lands together with the approved technical descriptions and the corresponding owner's duplicate certificate of title is presented for registration, the Register of Deeds shall, without requiring further court approval of said plan, register the same in accordance with the provisions of the Land Registration Act, as amended: Provided, however, that the Register of Deeds shall annotate on the new certificate of title covering the street, passageway or open space, a memorandum to the effect that except by way of donation in favor of the national government, province, city or municipality, no portion of any street, passageway, waterway or open space so delineated on the plan shall be closed or otherwise disposed of by the registered owner without the approval of the Court of First Instance of the province or city in which the land is situated.

A registered owner desiring to consolidate several lots into one or more, requiring new technical descriptions, shall file with the Land Registration Commission, a consolidation plan on which shall be shown the lots to be affected, as they were before, and as they will appear after the consolidation. Upon the surrender of the owner's duplicate certificates and the receipt of consolidation plan duly approved by the Commission, the Register of Deeds concerned shall cancel the corresponding certificates of title and issue a new one for the consolidated lots.

The Commission may not order or cause any change, modification, or amendment in the contents of any certificate of title, or of any decree or plan, including the technical description therein, covering any real property registered under the Torrens system, nor order the cancellation of the said certificate of title and the issuance of a new one which would result in the enlargement of the area covered by the certificate of title.

¹⁹ AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES, signed on June 11, 1978.

therein was forged; *three*, it was proven that petitioners did not need to pass through respondent Diosdado's property to access the public road; and *four*, the trial court's interpretation of Section 50 of Presidential Decree No. 1529 amounted to a perpetual deprivation on the part of respondent Diosdado of the use and enjoyment of the passageway on his lot.²⁰

Undaunted, petitioners moved for reconsideration, which was given short shrift through the impugned Resolution.²¹

Petitioners now seek redress before this Court through the instant Petition, asseverating that: *first*, the Court of Appeals unduly expanded the scope of the annotation in Transfer Certificate of Title No. T-21393 under respondent Diosdado's name covering Lot 1833-L-1-D; *second*, the affidavit executed by respondent Diosdado is valid; *third*, the easement of right of way over the existing alley is contractual; and *fourth*, Section 50 of Presidential Decree No. 1529 applies to the case at bench.²²

THE COURT'S RULING

The pivotal issue for resolution is whether petitioners are legally entitled to the use of the alley in dispute.

After an exhaustive review of the records, the Court finds no reason to deviate from the pronouncement of the CA that petitioners are not entitled to use the alley found on the property of respondents.

In settling this matter, apropos is Section 50 of Presidential Decree No. 1529, the relevant portion of which states:

Subdivision and consolidation plans. — ...

If a subdivision plan, be it simple or complex, duly approved by the Commissioner of Land Registration or the Bureau of Lands together with the approved technical descriptions and the corresponding owner's duplicate certificate of title is presented for registration, **the Register of Deeds shall, without requiring further court approval of said plan, register the same in accordance with the provisions of the Land Registration Act, as amended: Provided, however, that the Register of Deeds shall annotate on the new certificate of title covering the street,**

²⁰ *Rollo*, pp. 37-43.

²¹ *Id.* at 2.

²² *Id.* at 11-21.

passageway or open space, a memorandum to the effect that except by way of donation in favor of the national government, province, city or municipality, no portion of any street, passageway, waterway or open space so delineated on the plan shall be closed or otherwise disposed of by the registered owner without the approval of the Court of First Instance of the province or city in which the land is situated. ...²³

In *Republic v. Ortigas*,²⁴ the Court elucidated that the foregoing provision “contemplates roads and streets in a subdivided property, not public thoroughfares built on a private property that was taken from an owner for public purpose.”²⁵ Given that the alley involved in the case at hand refers to one located inside a private subdivided property, reliance on Section 50 of Presidential Decree No. 1529 is proper.

Section 50 of Presidential Decree No. 1529 supersedes Section 44 of Act No. 496²⁶ which provides that, “[i]f there are streets and/or passageways, no new certificates shall be issued **until said plan has been approved by the Court of First Instance** of the province or city in which the land is situated. A petition for that purpose shall be filed by the registered owner, and the court after notice and hearing, and after considering the report of the Chief of the General Land Registration Office, may grant the petition, **subject to the condition, which shall be noted on the proper certificate, that no portion of any street or passageway so delineated on the plan shall be closed or otherwise disposed of by the registered owner without approval of the court first had, or may render such judgment as justice and equity may require.**”

Reading the above statutory provisions together, it is readily apparent that Section 50 of Presidential Decree No. 1529 now allows the Register of Deeds to register a subdivision plan containing streets or passageways, duly approved by the Commissioner of Land Registration or the Bureau of Lands, *sans* court approval. All the same, the Register of Deeds is enjoined to annotate on the new certificate of title a memorandum to the effect that the streets or passageways delineated as such shall not be closed by the registered owner without court approval.

Therefore, the best evidence that the alley in Diosdado’s property is truly a *street* or *passageway* reserved for the use of **all** occupants of Lot 1833-L-1, as subdivided, and not merely Inocencio, would be the

²³ Emphasis supplied.

²⁴ 728 Phil. 277, March 3, 2014 [Per J. Leonen, Third Division].

²⁵ *Id* at 290.

²⁶ AN ACT TO PROVIDE FOR THE ADJUDICATION AND REGISTRATION OF TITLES TO LANDS IN THE PHILIPPINE ISLANDS, OTHERWISE KNOWN AS ‘THE LAND REGISTRATION ACT, enacted on November 6, 1902.

memorandum to that effect annotated on the certificate of title covering it.²⁷ This is bolstered by the fact that under the law, streets and passageways are expected to be “distinctly and accurately delineated”²⁸ on the subdivision plan.

Here, petitioners presented Transfer Certificate Title No. T-21393, covering Lot 1833-L-1-D in the name of respondent Diosdado, which bears the following statement: “*NOTE: Existing Alley of 3.00 m. wide along Line 5-1 is reserved.*”²⁹ This annotation does not explicitly state for whom the use of the alley on Lot 1833-L-1-D was reserved. Even a cursory examination of the approved Subdivision Plan from which the title was derived from demonstrates that it is equally ambiguous for whose benefit the “existing alley” was reserved, since it was only designated as such.

Moreover, it bears stressing that the annotation on respondent Diosdado’s title does not comply with the required tenor of the memorandum under Section 50, signaled by the use of the word “shall” in the said provision. The non-fulfillment of this condition further casts doubts on the legal effects of the annotation since the persons to whom the rights over the passageway were granted cannot be determined with certainty.

Absent clear and express terms in the Subdivision Agreement and the Subdivision Plan for Lot 1833-L-1 drawn up by the parties herein as to the nature of the burden upon respondent Diosdado’s estate, the Court may determine their intention, as may be gathered from their contemporaneous and subsequent acts.³⁰

For one, when the Subdivision Plan for Lot 1833-L-1 was executed, it was logical to assume that the alley was reserved exclusively for Inocencio’s use, since his property was the only one that had been blocked-in by the contiguous lots. Otherwise put, it was the only estate in actual need of access to the alley in question because at the time Lot 1833-L-1 was subdivided, all other lots which were not owned by Inocencio had ample access to public roads. Particularly, Enrico’s lot remained intact at that time and still abutted the Fuentes Driveway, thereby giving it access to the main road, *i.e.*, Fuentes Drive. Meanwhile, Lot 1833-L-1-A held by the Dasal brothers abutted

²⁷ See *China Banking Corporation v. Co*, 587 Phil 380, 388 (2008) [Per J. Carpio-Morales, Second Division].

²⁸ Section 50, Presidential Decree No. 1529.

²⁹ *Rollo*, p. 76.

³⁰ See *F.F. Cruz & Co., Inc. v. Galandez*, G.R. No. 236496, July 8, 2019 [Per J. Perlas-Bernabe, Second Division] at 9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

Hemingway Street.

For another, the CA found that petitioners actually used a concrete passageway beside their building to access the public highway, and that their real intention in seeking the use of respondent Diosdado's alley – which is characterized as an uncemented plot of land – was to provide a parking area for the clients of their building's tenants. As it stands, these circumstances necessarily lead to no other conclusion than that the parties in this case *did not* intend to create an easement of right of way in favor of all the occupants of Lot 1833-L-1, as subdivided.

Other than the Subdivision Agreement and the Subdivision Plan, petitioners posit that they are entitled to the free use of the alley in dispute based on the Affidavit purportedly executed by Diosdado, which donated the designated alley in favor of all the occupants of the subdivided lot. Contrariwise, respondents claim that the said document is void since respondent Diosdado was not the one who executed it, as substantiated by the handwriting expert they presented.

The position of petitioners cannot pass judicial muster.

Prefatorily, whether there was actual forgery in this case is a finding of fact conclusive upon the Court. It is basic that this Court's jurisdiction is limited to reviewing only errors of law, and not weighing all over again evidence already considered in the proceedings below. The resolution of factual issues is the function of lower courts, whose findings are accorded with respect, unless certain exceptions are present to warrant review of these findings.³¹ None of these exceptions obtain in this case. In effect, the Court cannot disturb the finding of the CA that the affidavit was not genuine.

Assuming *arguendo* that the affidavit was authentic, the CA nevertheless correctly ruled that it was an invalid donation for it lacked the proper form as well as the required acceptance. In paragraph 3 thereof, respondent Diosdado supposedly stated that "... I hereby donate to all occupants within the said subdivision the free use and passage of said existing alley within my Lot 1833-L-1-D."³² If indeed, he intended such affidavit to transfer real rights over land, he should have first complied with the formalities³³ required by law for the donation of immovables.³⁴

³¹ See *Rebultan v. Spouses Daganta*, 835 Phil 521, 529 (2018) [Per J. Jardeleza, First Division].

³² *Rollo*, p. 73.

³³ In order that a donation of an immovable property be valid, the following elements must be present: (a) the essential reduction of the patrimony of the donor; (b) the increase in the patrimony of the donee; (c)

Glaringly, there was no proof that the occupants of Lot 1833-L-1, as subdivided, accepted his donation in the same affidavit or in a separate public instrument. Owing to the lack of acceptance as required by law, the donation *via* the Affidavit is indubitably void.

At this juncture, the Court echoes with approbation the following disquisition of the CA regarding the void nature of the affidavit—

Considering that the Affidavit of Donation was null and void, Diosdado could never be held [to be] estopped to raise the ineffectivity of the document as his defense. A fundamental characteristic of void or inexistent contracts is that the action for the declaration of their inexistence does not prescribe; nor may the right to set up the defense of their inexistence or absolute nullity be waived or renounced. Void contracts are equivalent to nothing and are absolutely wanting in civil effects; they cannot be validated either by ratification or prescription.³⁵

In connection thereto, Article 1410 of the Civil Code provides that “[t]he action or defense for the declaration of the inexistence of a contract does not prescribe.” Elsewise stated, “an action that is predicated on the fact that the conveyance complained of was null and void *ab initio* is imprescriptible.”³⁶ Given that the action to declare the Affidavit null and void is imprescriptible, petitioners cannot invoke laches as a defense.³⁷ Undeniably, respondents cannot be estopped from assailing the validity of the Affidavit, precisely because Diosdado’s signature therein was forged and therefore produced no legal effect.³⁸

From the foregoing disquisition, it is beyond cavil that a voluntary easement, defined by Article 619 of the Civil Code as that created by will of the owners, was not established by the documentary evidence proffered by petitioners. There being none, the Court proceeds to determine whether a legal easement, *i.e.*, one established by law, was created over the disputed alley in favor of petitioners.

the intent to do an act of liberality or *animus donandi*; (d) the donation must be contained in a public document; and (e) that the acceptance thereof be made in the same deed or in a separate public instrument; if acceptance is made in a separate instrument, the donor must be notified thereof in an authentic form, to be noted in both instruments. See *Sy v. Antonio*, G.R. No. 230120, 5 July 5, 2021 [Per J. J.Y. Lopez, Third Division].

³⁴ *Id.*

³⁵ *Rollo*, p. 40.

³⁶ See *Arakor Construction and Development Corp. v. Sta. Maria*, G.R. No. 215006, January 11, 2021. [Per J. Hernando, Third Division] at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁷ See *id.*

³⁸ See *id.*

The conferment of a legal or compulsory easement of right of way is governed by Articles 649 and 650 of the Civil Code, which provide:

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.

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.

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.

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.

Thus, for herein petitioners to be entitled to an easement of right of way, the following requisites must concur:

1. The dominant estate is surrounded by other immovables and has no adequate outlet to a public highway (Art. 649, par. 1);
2. There is payment of proper indemnity (Art. 649, par. 1);
3. The isolation is not due to the acts of the proprietor of the dominant estate (Art. 649, last par.); and
4. The right of way claimed is 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 (Art. 650).³⁹

Here, there is no showing that the above requisites were satisfied. In truth, petitioners insist that the easement of right of way was one created by will of the parties concerned.

³⁹ *Spouses Williams v. Zerda*, 807 Phil. 491, 497-498 (2017) [Per J. Mendoza, Second Division].

In any event, a legal easement is not warranted in the case at bench. *First*, the supposed dominant estate, *i.e.*, Lot 1833-L-1-B, was neither surrounded by other immovables nor had an inadequate outlet to a public highway. As earlier mentioned, before petitioners' predecessor-in-interest Enrico subdivided Lot 1833-L-1-B, it had adequate access to Fuentes Drive. *Second*, there is nothing in the records to suggest that respondent Diosdado was paid the proper indemnity, or that there was intent to pay him for the use of the alley on his lot, which presumably is the servient estate. *Third*, the isolation of petitioners' lot was due primarily to Enrico's act of causing the subdivision of Lot 1833-L-1-B without leaving an adequate right of way in their favor.

Furthermore, petitioners had no legal right to demand a right of way from respondents in the first place. Article 652 of the Civil Code explains in part that "[w]henver a piece of land acquired by *sale*, exchange or partition, is surrounded by other estates of the vendor, exchanger, or co-owner, he [or she] shall be obliged to grant a right of way without indemnity." In this case, it was incumbent upon Enrico, and *not* respondents, to grant passageway to petitioners after selling Lot 1833-L-1-B-1 to them.

By the same token, it is doctrinally settled that "the true standard for the grant of the legal right is 'adequacy.' Hence, when there is already an existing adequate outlet from the dominant estate to a public highway, even if the said outlet, for one reason or another, be inconvenient, the need to open up another servitude is entirely unjustified. For to justify the imposition of an easement or right of way, 'there must be a real, not a fictitious or artificial necessity for it.'"⁴⁰ Pursuant to Article 655, "[i]f the right of way granted to a surrounded estate ceases to be necessary because its **owner has joined it to another abutting on a public road**, the owner of the servient estate may demand that the easement be extinguished..."

Petitioners admitted that they already had an adequate outlet to a public highway when they subsequently purchased Lot 1833-L-1-B-2 from Edmund, which directly abutted Fuentes Drive. Such acquisition gave petitioners free access to their property. Perforce, supposing that an easement over the disputatious alley was created, it may now be extinguished since the outlet to Fuentes Drive "substantially meet[s] the needs of the dominant estate..."⁴¹

⁴⁰ See *Costabella Corp. v. Court of Appeals*, 271 Phil. 350-362 (1991) [Per J. Sarmiento, Second Division],

⁴¹ Article 655, Civil Code.

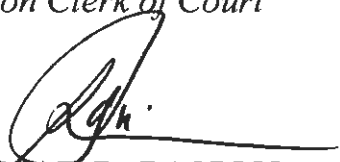
All told, the CA committed no serious reversible error when it ruled that petitioners were not entitled to a right of way over the existing alley on respondents' lot.

PREMISES CONSIDERED, the instant Petition for Review on *Certiorari* is hereby **DENIED**. The Decision dated August 20, 2019 and the Resolution dated November 23, 2020 of the Court of Appeals in CA-G.R. CV No. 01653 are **AFFIRMED**.

By authority of the Court:

MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

By:


RUMAR D. PASION
Deputy Division Clerk of Court
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2/16/23

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