



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

**METROPOLITAN MANILA
DEVELOPMENT AUTHORITY
(MMDA),**

Petitioner,

G.R. No. 203386

Present:

CAGUIOA, *J.*, Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, *JJ.*

— versus —

DIAMOND MOTOR CORPORATION,
Respondent.

Promulgated:

October 11, 2023

Micel DCB-H

DECISION

DIMAAMPAO, *J.*:

The instant Petition for Review on *Certiorari*¹ challenges the Decision² and the Resolution³ of the Court of Appeals (CA), which affirmed the unreasonableness of the ten-meter legal easement that the Metropolitan Manila Development Authority (petitioner) sought to impose on the property of Diamond Motor Corporation (respondent), and which denied its Motion for Reconsideration⁴ thereof, respectively, in CA-G.R. CV No. 94872.

¹ *Rollo*, pp. 62–104.

² *Id.* at 106–126. The Decision dated May 4, 2012 was penned by Associate Justice Agnes Reyes-Carpio, with the concurrence of Associate Justices Jose C. Reyes, Jr. (retired Member of this Court) and Franchito N. Diamante.

³ *Id.* at 128–129. Dated August 30, 2012.

⁴ *Id.* at 458–467.

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Respondent maintains an automobile store outlet and showroom along Quezon Avenue in Quezon City, Metro Manila, which are erected on two adjoining registered lots in its name. The properties sit beside the northern bank of the San Juan River. Its property line, set approximately two and a half meters from the riverbank, is demarcated by a concrete floodwall to separate the lots from the bank. This floodwall existed prior to respondent's occupation of the properties. With the permission of the Quezon City government, the floodwall was rebuilt by respondent to prevent floodwaters from destroying its properties.⁵

On September 5, 2007, respondent was informed that petitioner intended to demolish the floodwall, along with all the other existing structures within ten meters from the strip of the bank of the San Juan River. Essentially, the MMDA was demanding the imposition of a ten-meter easement against respondent's properties for the creation of a "Road Right-of-Way" along the riverbank, pursuant to MMDA Resolution No. 3, Series of 1996 and Article IX of Metro Manila Council (MMC) Ordinance No. 81-01.⁶

Respondent protested the demolition given that it amounted to an intrusion into its property line and the project would result in the destruction of a substantial portion of its showroom and the main wall of its outlet store.⁷ Having failed to amicably settle the dispute, respondent instituted a complaint⁸ for the nullification of both MMDA Resolution No. 3, Series of 1996 and Article IX of MMC Ordinance No. 81-01, as well as other injunctive reliefs, which was raffled off to Branch 143 of the Regional Trial Court (RTC) of Makati City.

While the RTC initially issued a temporary restraining order against the demolition,⁹ it eventually rendered an order denying the application for injunction and dismissing the complaint.¹⁰

Aggrieved, respondent filed a Petition for Review on *Certiorari*¹¹ directly with this Court, docketed as G.R. No. 180872. In the Resolution¹² dated February 6, 2008, the Court resolved to issue a status *quo ante* order directing petitioner to refrain from any action during the pendency of the case, which would work an injustice to respondent in relation to the controversy. The case was remanded to the RTC as well for the conduct of further

⁵ *Id.* at 107. CA Decision.

⁶ *Id.* at 107–108.

⁷ *Id.* at 108.

⁸ *Id.* at 166–192.

⁹ *Id.* at 193–194. The RTC Order dated October 3, 2007 in Civil Case No. 07-889 was signed by Judge Zenaida T. Galapate-Laguilles.

¹⁰ *Id.* at 235–245. The RTC Order dated November 28, 2007 was signed by Judge Zenaida T. Galapate-Laguilles.

¹¹ *Id.* at 246–283.

¹² *Id.* at 284–285.

proceedings so as to determine the reasonableness of the intended ten-meter easement.¹³

Upon remand, the case was re-raffled to Branch 66 of the RTC of Makati City after the previous judge inhibited.¹⁴ Thereafter, further proceedings were conducted, including an ocular inspection of the subject properties which was attended by the new presiding judge. Likewise, additional testimonial and documentary evidence were submitted.¹⁵

In due course, the RTC rendered a Decision¹⁶ finding that the proposed ten-meter easement was unreasonable, and permanently enjoining petitioner from enforcing the same. However, it was authorized to enforce a maximum three-meter easement from the bank pursuant to Article 51 of Presidential Decree (PD) No. 1067,¹⁷ otherwise known as the Water Code.¹⁸ The trial court found that the MMDA primarily drew its legal imprimatur from Section 1, Article IX of MMC Ordinance No. 81-01, which provides for a ten-meter easement for the establishment of “linear park[s].” However, the MMC’s power to issue the foregoing ordinance was merely delegated by the Legislature and, perforce, must give way to national legislation, such as Article 51 of the Water Code and Article 638 of the Civil Code, which equally mandate only a three-meter easement from the same riverbank for public use in the general interest of navigation, floatage, fishing and salvage.¹⁹ As between the Ordinance on one hand, and the two statutes on the other, the latter must prevail.²⁰ Corollary thereto, MMDA Resolution No. 3, Series of 1996 cannot stand on its own to validate petitioner’s proposed plan as it cannot exercise police power or legislative power.²¹ As to the inherent reasonableness of the ten-meter easement, the RTC ruled against the petitioner, ratiocinating that it had justified the ten-meter easement on the basis of a location plan, which was based on a final report on a study conducted on the San Juan River watershed. In turn, such study sprung from a much older 1979 study conducted by the then Ministry of Public Works, Transportation and Communication.²² Petitioner’s witness confirmed that the ten-meter easement would serve as a maintenance road along the bank to facilitate cleaning operations.²³ The trial court observed that nowhere in the studies and reports was it ever recommended that the proposed maintenance road be ten meters in width. Moreover, no additional study or report were done to support the

¹³ *Id.* at 284. SC Resolution.

¹⁴ *Id.* at 109. CA Decision.

¹⁵ *Id.*

¹⁶ *Id.* at 330–339. The Decision dated October 9, 2009 was signed by Presiding Judge Joselito C. Villarosa.

¹⁷ A DECREE INSTITUTING A WATER CODE, THEREBY REVISING AND CONSOLIDATING THE LAWS GOVERNING THE OWNERSHIP, APPROPRIATION, UTILIZATION, EXPLOITATION, DEVELOPMENT, CONSERVATION AND PROTECTION OF WATER RESOURCES, enacted on December 31, 1976.

¹⁸ *Rollo*, p. 339. RTC Decision.

¹⁹ *Id.* at 333–334.

²⁰ *Id.* at 334.

²¹ *Id.* at 333.

²² *Id.* at 335.

²³ *Id.*

ten-meter easement.²⁴ Furthermore, the final report itself stated that the maintenance road can be done on either side of the bank. Thus, contrary to petitioner's contention, the location plan was not actually in full accord with the final report itself.²⁵

Petitioner's motion for reconsideration²⁶ having been denied by the RTC,²⁷ it sought recourse with the CA *via* an appeal.²⁸

In the impugned Decision,²⁹ the CA affirmed the judgment rendered by the RTC with modification, specifically that respondent was unequivocally directed to remove any man-made structures on its property which were within the three-meter legal easement from the riverbank imposed by the Water Code upon the lifting of the Court's *status quo ante* order.³⁰ The appellate court concurred with the trial court that the ten-meter easement had no legal bases. *Firstly*, the ten-meter easement contemplated under Article IX of MMC Ordinance No. 81-01 is only for the creation of linear parks, with no mention at all of measures for flood controls.³¹ *Secondly*, MMDA Resolution No. 3, Series of 1996 was *ultra vires* for enlarging the scope of MMC Ordinance No. 81-01 by including the construction of service roads within the coverage of the easement imposed therein.³² *Thirdly*, both the Civil Code and the Water Code only provide for a three-meter easement. While Article 55 of the Water Code states that the "government may construct necessary flood control structures in declared flood control areas, and for this purpose it shall have a legal easement as wide as may be needed," this authority is always tempered by reasonableness. Unfortunately, petitioner failed to legally justify how wide the easement should actually be to properly accommodate its equipment.³³ *Lastly*, the evidence proffered failed to factually establish the need for the ten-meter easement. However, the CA declared that the RTC erred in stating that maintenance roads need only be established on one side of the bank as this statement in the final report actually pertained to a drainage scheme and not flood control.³⁴ In any case, prevailing jurisprudence has settled that flood control is not within petitioner's responsibilities.³⁵ Despite this, given that it was established on record that there are actually structures encroaching within the three-meter easement from the riverbanks imposed by the Water Code, the CA directed respondent to remove the same.³⁶

²⁴ *Id.* at 336–337.

²⁵ *Id.* at 338.

²⁶ *Id.* at 340–349.

²⁷ *Id.* at 350–352. The Order dated January 14, 2010 was signed by Presiding Judge Joselito C. Villarosa.

²⁸ *Id.* at 353–354.

²⁹ *Id.* at 106–126.

³⁰ *Id.* at 126.

³¹ *Id.* at 112–113.

³² *Id.* at 114–115.

³³ *Id.* at 115–117.

³⁴ *Id.* at 119–120.

³⁵ *Id.* at 121–123.

³⁶ *Id.* at 123–125.

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Petitioner sought for a reconsideration³⁷ of the foregoing adjudication, which the CA brushed aside in the oppugned Resolution.³⁸

In the Petition³⁹ at bench, petitioner prays that this Court reverse and set aside the CA's rulings and in effect, dismiss the complaint filed before the RTC.

During the pendency of this case, respondent filed its Comment⁴⁰ to the Petition, and petitioner filed its corresponding Reply.⁴¹ Later, the Court directed the parties to move-in-the-premises,⁴² and in compliance, the parties manifested separately that no negotiations or compromise agreements were entered into and no supervening events have occurred as would have any impact on the resolution of the case.⁴³

The primordial issue to be resolved is whether or not petitioner may validly impose a ten-meter easement on respondent's properties for the implementation of flood control measures?

THE COURT'S RULING

The Court resolves to **DENY** the Petition.

The imposition of the ten-meter easement is in the nature of expropriation.

In order to properly shed light on the main issue, it is necessary to first determine how to categorize the burden sought to be imposed on respondent's private properties.

To recall, petitioner clarified through its additional testimonial evidence that the ten-meter easement was for the purpose of establishing a maintenance road along the bank to facilitate cleaning operations as part of its flood control measures.⁴⁴ Through the imposition of this easement, respondent's property line would be permanently set back to serve the public good.

The Court has already held in the past that the imposition of burden over a private property through easement was considered an exercise of the power of eminent domain.⁴⁵ "[A] regulation which substantially deprives the

³⁷ *Id.* at 458–467.

³⁸ *Id.* at 128–129. Dated August 30, 2012.

³⁹ *Id.* at 62–104.

⁴⁰ *Id.* at 475–498.

⁴¹ *Id.* at 508–516.

⁴² *Id.* at 521. Resolution dated February 6, 2017.

⁴³ *Id.* at 534–539 and 544–547.

⁴⁴ *Id.* at 335. RTC Decision.

⁴⁵ *See Didipio Earth-Savers' Multi-Purpose Ass'n., Inc. v. Sec. Gozun*, 520 Phil. 457, 479 (2006).



owner of his proprietary rights and restricts the beneficial use and enjoyment for public use amounts to compensable taking.”⁴⁶

Eminent domain is an inherent power of every sovereign state that is vested in its Legislature.⁴⁷ While such power may be validly delegated, the exercise thereof by the delegated entities is not absolute and remains subject to the restraints imposed by the conferring law.⁴⁸ Pertinently, in every examination of the exercise of eminent domain by a delegated entity, the Court must subject the same to painstaking scrutiny as it involves a derogation of a fundamental right,⁴⁹ *i.e.*, that no person shall be deprived of life, liberty, or property without due process of law.⁵⁰

However, before gauging the propriety of executing the power itself, the Court must determine whether the governmental entity, *i.e.*, petitioner in this case, was properly delegated this power by Congress. On this score, the Court rules in the negative.

Petitioner was not given the power of eminent domain for the purpose of implementing flood control measures within Metro Manila.

The Court takes this occasion to clarify the extent of the powers granted to petitioner.

Petitioner is a development authority created under Republic Act (RA) No. 7924.⁵¹ The scope of its services is outlined under Section 3 thereof—

Sec. 3. Scope of MMDA Services. – Metro-wide services under the jurisdiction of the MMDA are those services which have metro-wide impact and transcend local political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by the individual local government units (LGUs) comprising Metropolitan Manila. These services shall include:

(a) Development planning which includes the preparation of medium and long-term development plans, the development, evaluation and packaging of projects, investments programming; and coordination and monitoring of plan, program and project implementation.

⁴⁶ *Id.* at 481.

⁴⁷ *See Agata Mining Ventures, Inc. v. Heirs of Teresita Alaan*, 874 Phil. 130, 136 (2020)

⁴⁸ *Id.*

⁴⁹ *See City of Manila v. Prieto, et al.*, 856 Phil. 34, 46 (2019).

⁵⁰ 1987 CONSTITUTION, Article III, sec. 1.

⁵¹ AN ACT CREATING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES, effective on March 1, 1995.

(b) Transport and traffic management which include the formulation, coordination, and monitoring of policies, standards, programs and projects to rationalize the existing transport operations, infrastructure requirements, the use of thoroughfares, and promotion of safe and convenient movement of persons and goods; provision for the mass transport system and the institution of a system to regulate road users; administration and implementation of all traffic enforcement operations, traffic engineering services and traffic education programs, including the institution of a single ticketing system in Metropolitan Manila.

(c) Solid waste disposal and management which include formulation and implementation of policies, standards, programs and projects for proper and sanitary waste disposal. It shall likewise include the establishment and operation of sanitary land fill and related facilities and the implementation of other alternative programs intended to reduce, reuse and recycle solid waste.

(d) Flood control and sewerage management which include the formulation and implementation of policies, standards, programs and projects for an integrated flood control, drainage and sewerage system.

(e) Urban renewal, zoning, and land use planning, and shelter services which include the formulation, adoption and implementation of policies, standards, rules and regulations, programs and projects to rationalize and optimize urban land use and provide direction to urban growth and expansion, the rehabilitation and development of slum and blighted areas, the development of shelter and housing facilities and the provision of necessary social services thereof.

(f) Health and Sanitation, urban protection and pollution control which include the formulation and implementation of policies, rules and regulations, standards, programs and projects for the promotion and safeguarding of the health and sanitation of the region and for the enhancement of ecological balance and the prevention, control and abatement of environmental pollution.

(g) Public safety which includes the formulation and implementation of programs and policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations, earthquakes, flood and tidal waves, and coordination and mobilization of resources and the implementation of contingency plans for the rehabilitation and relief operations in coordination with national agencies concerned.

In order to render the foregoing services, petitioner is granted the following powers under the same law:

Sec. 5. Functions and Powers of the Metropolitan Manila Development Authority. – The MMDA shall:



(a) Formulate, coordinate and regulate the implementation of medium and long-term plans and programs for the delivery of metro-wide services, land use and physical development within Metropolitan Manila, consistent with national development objectives and priorities;

(b) Prepare, coordinate and regulate the implementation of medium-term investment programs for metro-wide services which shall indicate sources and uses of funds for priority programs and projects, and which shall include the packaging of projects and presentation to funding institutions;

(c) Undertake and manage on its own metro-wide programs and projects for the delivery of specific services under its jurisdiction, subject to the approval of the Council. For this purpose, MMDA can create appropriate project management offices;

(d) Coordinate and monitor the implementation of such plans, programs and projects in Metro Manila; identify bottlenecks and adopt solutions to problems of implementation;

(e) The MMDA shall set the policies concerning traffic in Metro Manila, and shall coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, engineering and education. Upon request, it shall be extended assistance and cooperation, including but not limited to, assignment of personnel, by all other government agencies and offices concerned;

(f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke driver's licenses in the enforcement of such traffic laws and regulations, the provisions of RA 4136 and PD 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose; and

(g) Perform other related functions required to achieve the objectives of the MMDA, including the undertaking of delivery of basic services to the local government units, when deemed necessary subject to prior coordination with and consent of the local government unit concerned.

A plain reading of the foregoing provisions reveals no mention at all of the power to expropriate. In fact, the Court had occasion to declare in the oft-cited case of *Metropolitan Manila Development Authority v. Bel-Air Village Association, Inc.*⁵² that petitioner, unlike its predecessor – the Metro Manila Commission, was neither a local government unit nor public corporation

⁵² 385 Phil. 586 (2000).



endowed with legislative power.⁵³ It was **constrained** to perform the following acts: “formulation, coordination, regulation, implementation, preparation, management, monitoring, setting of policies, installation of a system and administration.”⁵⁴

Particular to the issue presented for resolution, petitioner is limited to flood control management, which includes “the formulation and implementation of policies, standards, programs and projects for an integrated flood control, drainage and sewerage system.”⁵⁵ Nevertheless, by no stretch of imagination can the foregoing mandate be interpreted to include the greater power of eminent domain.

Nevertheless, petitioner insists that the seminal case of *Metropolitan Manila Development Authority, et al. v. Concerned Residents of Manila Bay, et al.*⁵⁶ (*Manila Bay* case) supports its position that it is empowered to “cause the removal of any structures and other encroachments along Manila Bay and its tributaries, including the San Juan River, in violation of existing laws such as the Water Code of the Philippines.”⁵⁷ To prohibit petitioner from implementing the easement requirement along the San Juan River “goes against the rationale of the Honorable Court in the *Manila Bay* case..., calling upon the concerned government agencies to ‘transcend’ their limitations to protect the environment”.⁵⁸

Regrettably, petitioner has misunderstood the Court’s pronouncement in the *Manila Bay* case.

First. The Court’s directive to petitioner in *Manila Bay* to “dismantle and remove all structures, constructions, and other encroachments established or built in violation of RA 7279, and other applicable laws along the Pasig-Marikina-San Juan Rivers, the NCR (Parañaque-Zapote, Las Piñas) Rivers, the Navotas-Malabon-Tullahan-Tenejeros Rivers, and connecting waterways and esteros in Metro Manila”,⁵⁹ was not intended to be a *carte blanche* authority to impose any and all easements or burdens outside of the existing and future obstructions and encroachments built along waterways that have contributed to the worsening condition of the Manila Bay. The subject matter of the case was confined to a specific problem, albeit its far-reaching implications.

⁵³ *Id.* at 616.

⁵⁴ *Id.* at 607.

⁵⁵ Section 3(d) of RA No. 7942.

⁵⁶ 595 Phil. 305 (2008).

⁵⁷ *Rollo*, p. 97. Petition for Review on *Certiorari*.

⁵⁸ *Id.* at 98. Italics and emphasis supplied.

⁵⁹ *Supra* note 56 at 351.

Second. The basis for the Court's directive to petitioner proceeds from its own charter, RA No. 7279,⁶⁰ the Water Code, RA No. 9003,⁶¹ and the 2002 Memorandum of Agreement it had entered with the Department of Public Works and Highways, all of which qualify and identify it as the "lead agency and implementor of programs and projects for flood control projects and drainage services" as well as for sanitation and landfill concerns within Metro Manila.⁶² The Court did not expand the wording of the foregoing laws; it merely tasked the MMDA to faithfully execute their provisions to alleviate the worsening pollution and environmental conditions of the Manila Bay.

Third. The removal of obstructions and encroachments for the Manila Bay efforts was confined to the clearing and protection of **public spaces** in accordance with prevailing law, as both the illegal occupation of danger areas in breach of RA No. 7279 and other applicable laws, and the "dumping of waste matters 'in public places, such as roads, canals or *esteros*,'" contributed to the problem.⁶³ Nowhere in the *Manila Bay* case did the Court sanction the burdening or taking of **private properties**.

Incidentally, there is a need to elucidate the Court's earlier pronouncement in *Filinvest Land, Inc. v. Flood-Affected Homeowners of Meritville Alliance*⁶⁴ (*Filinvest*), which the CA relied on to arrive at its challenged rulings.

The *Filinvest* case involved the flooding situation in Meritville, a low-cost townhouse project in Pulang Lupa, Las Piñas City. When the nearby areas were developed at a higher elevation, the floodwaters from the heavily silted Naga River concentrated on the lower regions, including the townhouse subdivision. The residents therein sued its developer, *i.e.*, Filinvest Land, Inc. (Filinvest Land), to take responsibility for the situation. Filinvest Land, in turn, disclaimed liability and contended that it was herein petitioner which should shoulder the responsibility from the flooding of the Naga River inasmuch as part of its scope under its charter is flood control. The Court held that Filinvest Land could not look to herein petitioner as its services only involved "laying down policies and coordination with other agencies relative to its primary functions." Rather, it was the Las Piñas city government "which had the duty to control the flood in Meritville Townhouse Subdivision."⁶⁵

⁶⁰ AN ACT TO PROVIDE FOR A COMPREHENSIVE AND CONTINUING URBAN DEVELOPMENT AND HOUSING PROGRAM, ESTABLISH THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES, approved on March 24, 1992.

⁶¹ AN ACT PROVIDING FOR AN ECOLOGICAL SOLID WASTE MANAGEMENT PROGRAM, CREATING THE NECESSARY INSTITUTIONAL MECHANISMS AND INCENTIVES, DECLARING CERTAIN ACTS PROHIBITED AND PROVIDING PENALTIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES, approved on January 26, 2001.

⁶² *Metropolitan Manila Development Authority v. Concerned Residents of Manila Bay*, *supra* note 56 at 350-351.

⁶³ *Id.* at 335.

⁶⁴ 556 Phil. 622 (2007).

⁶⁵ *See Id.* at 632.

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Undeniably, the *Filinvest* case severely downplays the function and role of petitioner anent flood control within Metro Manila and appears anathema to the *Manila Bay* case. However, it bears stressing that the *Filinvest* case preceded the *Manila Bay* case. In addition, the former is a mere division case while the latter is a case promulgated by the Court sitting *en banc*. Thus, the Court's pronouncement in the *Manila Bay* case on the metes and bounds of petitioner's authority on flood control management should prevail. This notwithstanding, and as stated above, petitioner's authority does not extend to the expropriation of private property.

***No law presently supports
petitioner's ten-meter easement.***

By the same token, petitioner cannot claim that it is merely "implementing the law" by imposing the ten-meter easement.

As earlier adumbrated, petitioner argues that MMDA Resolution No. 3, Series of 1996 merely implements Section 1, Article IX of MMC Ordinance No. 81-01, and "Section 1, Article IX of MMC Ordinance No. 81-01 does not contravene Article 638 of the Civil Code and Article 51 of the Water Code. Indeed, it is in consonance with Articles 54 and 55 of the Water Code".⁶⁶

The aforementioned provisions are quoted hereunder for ease of reference:

MMC Ordinance No. 81-01

Article IX
SPECIAL PROVISIONS

SECTION 1. Maintaining a linear park along Pasig River and other major waterways within Metropolitan Manila Area. – In consonance with the provisions of Presidential Decrees No. 296 (Water Code) [*sic*], 957 (creating the Committee on Task Force Pasig) [*sic*], 1067 (creating the Pasig River Development Council) [*sic*], a minimum setback of ten (10) meters from existing shorelines, banks or streams shall be maintained as a linear park.

Should there be a change in the existing shorelines or banks of the rivers or streams, the setback shall be construed as moving with the actual riverbanks or shorelines.

Civil Code

Art. 638. The banks of rivers and streams, even in case they are of private ownership, are subject throughout their entire length and within a zone of three meters along their margins, to the easement of public use in the general interest of navigation, floatage, fishing and salvage.

⁶⁶ *Rollo*, p. 83.

Estates adjoining the banks of navigable or floatable rivers are, furthermore, subject to the easement of towpath for the exclusive service of river navigation and floatage.

If it be necessary for such purpose to occupy lands of private ownership, the proper indemnity shall first be paid. (553a)

Water Code

ARTICLE 51. 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 areas, along their margins, are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

ARTICLE 54. In declared flood control areas, rules and regulations may be promulgated to prohibit or control activities that may damage or cause deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of the river, increase flood losses or aggravate flood problems.

ARTICLE 55. The government may construct necessary flood control structures in declared flood control areas, and for this purpose it shall have a legal easement as wide as may be needed along and adjacent to the riverbank and outside the bed or channel of the river.

Petitioner contends that while the measurement of “ten meters” does not appear under the foregoing provisions, Article 55 of the Water Code expressly states that the government may impose a “legal easement as wide as may be needed along and adjacent to the river bank”,⁶⁷ and MMC Ordinance No. 81-01 identified the said “need” as ten meters.⁶⁸

This line of reasoning fails to persuade.

Petitioner concedes that no statute categorically establishes a ten-meter easement for purposes of flood control. In fact, both the Civil Code and Water Code institute a mere three-meter easement from the bank for public use in the general interest of navigation, floatage, fishing and salvage. While Article 55 of the Water Code concededly contains a caveat that a legal easement of a variable length may be constructed for flood control, it is not automatically executed. In the first place, it is limited to “flood control areas,” which must first be declared as such by the Secretary of Public Works, Transportation and Communications.⁶⁹ Moreover, the establishment of this kind of easement

⁶⁷ *Rollo*, p. 84.

⁶⁸ *Id.* at 86–87.

⁶⁹ *See* Article 53 of the Water Code which reads:

would constitute compensable taking as earlier discussed that must go through the appropriate expropriation proceedings. Nonetheless, it would remain incumbent on the government to prove the necessity of the taking. Furthermore, it is doubtful if Section 1, Article IX of MMC Ordinance No. 81-01 even pertains to flood control as the easement therein is constituted for “linear parks”.

All told, Section 1, Article IX of MMC Ordinance No. 81-01 and, by extension, MMDA Resolution No. 3, Series of 1996 cannot anchor its validity on either the Civil Code or the Water Code. If these two issuances were indeed intended to implement the foregoing statutes, they would be invalid for expanding the wording of the law. It is axiomatic that an administrative agency may not modify, expand, or subtract the law it intends to implement.⁷⁰

Assuming arguendo that petitioner has colorable basis to impose the easement, it failed to prove its necessity.

In any case, even if the Court were to assume that petitioner is capacitated by law to impose the ten-meter easement, whether in the exercise of the power of eminent domain or in implementation of an actual law, it would not further its cause.

As above intimated, the easement in this instance is in the nature of expropriation. It is an elementary principle that the taking of private property for public purposes “necessarily originates from ‘the necessity’ and the taking must be limited to such necessity.”⁷¹

Here, petitioner could not prove the actual necessity thereof.

To recall, the case was originally remanded to the RTC to determine the “reasonableness” of the imposition. While reasonableness and necessity are not synonymous, the analysis and conclusion of the lower courts apply analogously to either standard in this instance.

After extensive trial and weighing of documentary and testimonial evidence, the RTC determined that it was unreasonable. It held that the underlying basis for imposing the easement, *i.e.*, the location plan, the final report on a study conducted on the San Juan River, and even the 1979 study conducted by the Ministry of Public Works, Transportation and Communication, never indicated that the maintenance road to be constructed

ARTICLE 53. To promote the best interest and the coordinated protection of flood plain lands, the Secretary of Public Works, Transportation and Communications may declare flood control areas and promulgate guidelines for governing flood plain management plans in these areas.

⁷⁰ See *Abrenica v. Commission on Audit*, G.R. No. 218185, September 14, 2021.

⁷¹ *De la Paz Masikip v. City of Pasig*, 515 Phil. 364, 374 (2006).



for flood operations needed to be ten meters in width.⁷² Moreover, no updated study was conducted to support petitioner's conclusion.⁷³ The CA concurred with this conclusion and held that petitioner failed to establish the factual necessity for a ten-meter easement.⁷⁴

It is beyond cavil that the uniform factual findings of the lower courts will generally not be disturbed by this Court on a Rule 45 petition. While there are exceptions to this rule,⁷⁵ none have been shown to apply here. Indeed, the evidence on record supports this conclusion. Consequently, the Court agrees with the courts *a quo* that petitioner miserably failed to establish the necessity of the easement.

A Final Word

Notwithstanding the foregoing conclusions, the Court does not downplay the magnitude of the worsening flood problem within Metro Manila, including the mounting loss of lives and damage to properties. Certainly, petitioner's objectives are laudable. But the Court cannot uphold its actions *sans* legal imprimatur. Should the adjustment of legal easements be deemed necessary, it is the proper agencies granted the delegated power of eminent domain which must act.

THE FOREGOING DISQUISITIONS CONSIDERED, the Petition for Review on *Certiorari* is hereby **DENIED** for lack of merit. The Decision dated May 4, 2012 and the Resolution dated August 30, 2012 of the Court of Appeals in CA-G.R. CV No. 94872, are **AFFIRMED**. Accordingly, the Status *Quo Ante* Order issued in G.R. No. 180872 is **LIFTED**.

SO ORDERED.


JAPAR B. DIMAAMPAO
Associate Justice

⁷² *Rollo*, p. 335. RTC Decision.

⁷³ *Id.* at 336–337.

⁷⁴ *Id.* at 115–117. CA Decision.

⁷⁵ *See Rep. of the Phils. v. Sps. Goloyuco*, 854 Phil. 310, 318 (2019).

WE CONCUR:



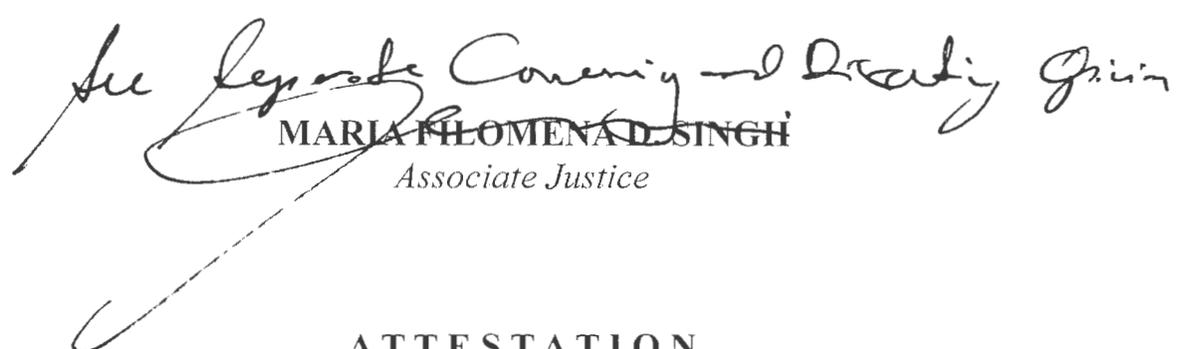
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



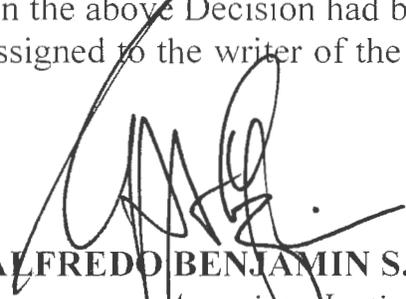
SAMUEL H. GAERLAN
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

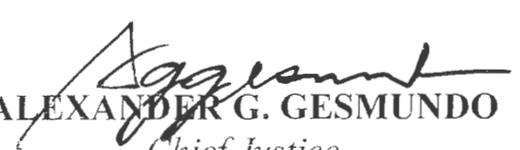
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third 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 this Court.



ALEXANDER G. GESMUNDO
Chief Justice