
Research Article

Easement Clarity: Legal and Jurisprudential Distinctions

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ABSTRACT

Through the doctrinal analysis, examination of the judicial decisions, and field data, this study examined the role of visibility, documentation, and notice in recognizing the easement, in enforcing the easement, and resolving the easement disputes in the Philippines according to the legalities in property law and the case-law differences between apparent and non-apparent easements. According to the findings, apparent easements can reinforce legal consideration since they provide constructive notice to the owners of the land, purchasers and other third parties due to their visible and permanent characteristics. Unobtrusive easements, like underground drainage, or a title contract limit without any object, tend to demand more explicit written evidence and an endorsement to the title to be enforceable, which can be viewed as a restrictive interpretation of Articles 620 and 622 of the Civil Code. The paper highlights that the surest way to ensure that rights can be adhered to is by making a comprehensive documentation especially registration under the Torrens system. Easements are considered as real rights when they are properly contained in the relevant plans and contracts and registered in the relevant registers. Unregistered easements, on the other hand, are also not binding on any subsequent owners of the land, and only bind the individuals who signed the easement. Nevertheless, easements are often imposed on the title where the easements are not recorded on the title but where subsequent owners had actual knowledge under visible conditions in the land as has been seen in cases such as *Heirs of Limense v. The abbreviation Vda*. It is important that the notice, or the alleged notice, is an essential element in the solution of a dispute, notice, which is also called *viuda*, i.e. widow, in Spanish-language documents de Ramos. Overall, the visibility, the supporting documentation and the notice of the existence of an easement in the Philippines constitute the determining factors of the enforceability and clarity of an easement in Philippine jurisprudence. In practical terms, the study emphasizes on the importance of transparent registration and record-keeping to minimize legal conflicts, safeguard property rights and ensure stability in land transactions.

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Introduction

Easements play a significant role in Philippine property law as a legal instrument where the rights of landowners are balanced with practical and social necessity of allowing another individual to use the land that belongs to them in a restricted manner. The easements are mostly governed under the Civil Code of the Philippines, but largely affected by the case law, which governs the use of land, where ownership boundaries are and how property is enjoyed peacefully. Despite a long history of easement existence in the legal theory, disagreements on easements are still prevalent, and they are mostly due to ambiguous terms of their origin, limitations, and application. These disputes continue to underscore a longstanding dilemma in Philippine legal practice, namely the lack of clarity in defining the nature, extent and legal consequences of the various types of easements. Although the Civil Code provides an elaborate classification of the various types of easements such as continuous or discontinuous, apparent or non-apparent, legal or voluntary, the practical application of these categories has proved to be difficult. The legal owners of land, lawyers, and even judges will often have difficulties in determining the existence of an easement, how it was formed and the consequential rights and obligations. This is complicated by the correlation between legal principles and jurisprudential decisions where the jurisprudential rulings have sometimes narrowed down, extended, or adjusted the general principles of the Civil Code to suit the actual world conditions (Civil Code of the Philippines, R.A. 386, Arts. 613–630).

Philippine jurisprudence proves the fact that controversial issues that surround easement are usually pegged on issues of clarity, sufficiency of evidence of existence of easement, distinction between toleration and legal right and interpretation of signs that manifest, and long usage of property. The inability to reconcile the knowledge or practice of these principles can result in opposing claims, protracted lawsuits and insecurity on property. This ambiguity undermines the most important objectives of property law, stability, predictability,

and even fairness of rights allocation. It is on this ground that an especial consideration of the easement clarity as a juristical and a jurisprudential problem is opportune and even justified. The variations in the doctrines which the statutory provisions on easements pursue, under consideration in the interpretations and applications of the courts in the Philippines, will allow one to have a clearer understanding of the variations between these real rights. More than that, it emphasizes the practical solutions of clarity or the absence of it in solving conflict situations and regulating the actions of landowners. This study aims at making a contribution to a more consistent understanding of easements in the Philippine law by conducting an analysis of the legal system and applicable jurisprudence which focuses on the significance of clear legal norms in enhancing orderly property relationships and the prevention of conflict. Easements or servitudes are rights that enable persons or entities to utilize the property of another person with a purpose or to limit certain uses by the owner of the property, so that there is a sensible land use and sustainable development (Korngold, 2004; Williams, 1949). The easements in the Philippines are divided into legal easements imposed by law to be used or used in accordance with necessity by the community and voluntary easements, achieved through mutual agreement between the owners of the property (Civil Code of the Philippines, 1950, Art. 613-619).

Some of the common legal easements are right of way, which is an easement where the property of one person allows another to pass through, because there was no proper passage to a public highway; drainage easements, where the passage of water through the neighboring properties is allowed; and support easements, where the stability of the adjacent buildings is ensured (Korngold, 2004; Williams, 1949). These systems enable governments, firms and individuals to use land for a given purpose, e.g. in roads, utilities or conservation whilst preserving property rights of the land owners (Chen, 2025). Outside the specific case of more powerful land systems, as argued

by the World Bank (2023), legal easements aid in infrastructure development, economic development, environmental conservation, and conflict avoidance. The primary source, *Navigating Legal Easements: Logical Framework and Impact in Philippine Civil Law*, gives the conceptual framework of easements through the statutory construction of easements and their categorization alongside their real-life implications with reference to the Civil Code of the Philippines. It also focuses on the logical structure behind easement like nature, methods of acquisition, restrictions and extinguishment besides bringing into focus the role of these legal constructs to property relationship and land use. This holistic methodology forms the theoretical foundation of the analysis of easements functions in the context of the Philippine civil law and the discussion is based on codal clauses and their perceived legal implications. It is based on the given ground that the corresponding article titled, *Easement Clarity: Legal and Jurisprudential Distinctions* enriches the analysis of the question of how courts interpret and apply said legal frameworks to particular cases. Though the theoretical and statutory framework of easements is presented in the main study, the latter study provides insight on the ambiguities associated with the topic by looking at the jurisprudential differences, judicial trends, and interpretative differences in the case law in the Philippines. The two studies are complementary to each other, the main study provides the logical/normative background, and the second one narrows down on it and places it within the context of judicial interpretation, which adds more clarity and practical insight to easements in Philippine civil law.

An easement of right-of-way is a type of legal servitude on land that exists in the Philippine legal system to provide access to land that is landlocked or otherwise does not have sufficient access to a public road or other infrastructure. Articles 649 and 650 of the Civil Code permit a landowner whose land is enclosed by other estates and who has no appropriate outlet to a public highway to claim under the statutory requirements, an easement of right-of-way through other estates, subject to the payment of proper indemnity and the

choice of the route which will cause minimal prejudice to the servient estate. Using the Sagumayon-Macabolo Bridge locality in Albay Province, there might be a compulsory right-of-way easement in case the lands surrounding the bridge or the access ways to the bridge are surrounded by other lots of land with no viable accessibility by the public roads. In case the proprietors of such compounded areas prove that they can only gain access to the public infrastructure facilities such as the bridge that connects to a barangay road by use of another piece of property, they can invoke the doctrine of easements that are legally enforceable to gain ingress and egress. In those situations, Philippine courts have stressed that the easement should not be the creation of the actions of a landowner and should place the minimal burden on the servient estate that is predetermined by the needs in accessibility. In addition, jurisprudence affirms that easements are not pegged on mere convenience: to qualify on the landlocked property owners have to prove real necessity and absence of an adequate outlet and the point of passage must be selected on the basis of minimum prejudice to the neighboring owners despite the fact that the ease may not necessarily be the shortest. For instance, in *Calimoso v. In* a case before the Philippine Supreme Court, *Rouullo*, the would-be easement site was denied since though it was the shortest line, it would have had more undue damage and other lines though longer would have been less prejudicial. Within the SagumayonMacabola Bridge, the factual showing of the genuineness of the lands being landlocked by the claimant, and the routing access of the bridge or the neighboring property being the least cumbersome route available, would have to be particular in the case of legal easement of right-of-way claim. This analytical approach provides a balance between the access requirements of communities and the constitutional commitment against uncompensated burdens to property, a particularly relevant consideration in rural infrastructure development in provinces such as Albay in which bridges tend to play a vital role in connecting communities.

Research Objectives

Specific objectives:

- To collect data/records and define and distinguish apparent and non-apparent easements based on jurisprudential tests and practical indicators.
- To collect field data to assess how the visibility or invisibility of easement features affects legal recognition, enforceability, and conflict resolution.
- To collect data/records to analyze land documents and titles for easements embedded in contracts or legal covenants.

Review of Related Studies and Literature

A basic source of law that establishes the basic law of easements in the Philippine property law is the Civil Code (Republic Act No. 386) which defines and categorizes easements (continuous and discontinuous) as well as apparent and non-apparent easements. Particularly, Article 615 establishes the criteria of visible and non-visible easements, both of which are core to legal recognition and acquisition, and forms the statutory foundation of differentiating the types of easements in doctrinal analysis as well as juristical-legal analysis. In a legal comment on right-of-way and easements by *Respicio and Co.*, it addresses easements under the civil code, right-of-way as a particular easement category, and how it relates to the classification of easements as either continuous or discontinuous or apparent/non-appearances to modes of acquisition and enforceability. It highlights the different types of easements as legal doctrine as well as their impact on the interpretive consequences especially to landlocked property, relevant to empirical study of legal versus practical easement recognition.

The practical effect of unintelligible or poorly applied law of easements can be seen in the notable cases and controversy of the Philippines. Abel (2021) infers that there was a barangay road and an accreted lot in the Oriental Mindoro. The petitioner asserted that he owned the accreted land and wanted compensation on the land part that was utilized as a barangay road. The respondents pointed out that the lot that was accreted was under

easement limitations. The case raised the intricacies of easement regulations, specifically the issue of weighing individual ownership rights and access to the land by individual people (*Manigbas v.*). Abel, (2021). In *Liwag vs Happy Glen Loop Homeowners Association*, the Court used the classification of Civil Code in declaring that a water facility was a continuous and apparent easement since it was continually used and could be recognized by the visible features such as the overhead water tank. This ruling demonstrates the functioning of the Philippine jurisprudence statutory definitions of easements as well as visibility as one of the determinants of legal recognition. In the case of *Heirs of Limense vs Ramos*, G.R No. 152319 (2009) where a right of way was being used as an alley, the Supreme Court affirmed a discontinuous and apparent easement that can only be acquired by title. This decision points to the fact that visibility of the use is relevant to the law of acquisition, and shows the jurisprudential examples of how awareness of actual use and open use are relevant to the issue of enforceability that is the focus of your research objectives

(https://lawphil.net/judjuris/juri2009/oct2009/gr_152319_2009.html)

The timeliness of research into the legal easement within the Philippine context can be explained by the fact that legal easements are directly related to the acute land problems; in particular, during property disagreements, the boundaries or rights of access to property can be facing controversies. These conflicts are essential issues to settle in order to achieve social peace and the rule of law (Santos, 1958). The urban growth system experiences the growth as cities grow and pressures on infrastructure and social utilities are being overstretched. Legal easements are critical in the provision of access to roads, drainage, and other critical facilities and thus are inevitable where sustainable urban planning is concerned (Ramadhani and Lubis, 2021). Moreover, easements cause great economic effects in the sense that they affect property value and development potential. An example is that a clear right-of-way would increase the access and marketability of a property, and unresolved land issues would discourage the

investment and halting projects aimed at development (Santos, 1958).

These concerns can be resolved to make a study on legal easements clear, offer fair solutions, and advance the objective of economic and urban development in the country. This renders the subject relevant but also critical in the contemporary scene.

Conceptual/ Theoretical Framework

The existence of apparent and non-apparent easements in the Philippine law has a strong basis in the Civil Code and supported by the jurisprudence. Article 615 of the Civil Code refers to apparent easements as easements that are kept in sight constantly with the help of external signs and non-apparent easements that do not indicate any visible trace of their existence. The Supreme Court has always used this doctrine by asserting that easements are real rights that cannot be separated out of property and have to be understood within the context of visibility, permanence, and continuity.

As legal scholars and legal practitioners observe, courts depend on physical indicators that are objective and not subjective knowledge and intent. According to *Respicio and Co.*, easements are encumbrances created on one immovable to the benefit of the other immovable and the enforceability of an easement depends on whether it was outwardly expressed or not. Constructive notice to later purchasers, even in the absence of title annotation, is apparent estoppel, where it is apparently known, like visible pathways, drainage canals, utility lines. On the other hand, non-evident easements, such as underground drainage or unseen contractual restrictions, need to be recorded expressly on title or have contractual proof in order to be validated (*Respicio and Co. Law*).

The jurisprudential framework is further clarified by recurring tests applied by courts:

1. **Visibility Test.** The concept of this test is the principle of easement clarity because it is to ascertain whether easement is perceivable by ordinary observation. It focuses on external and physical evidence that render the easement visible to the landowners, buyers and third parties, which is in line with Article 615 of the

Civil Code, which describes apparent easements as such that are consistently maintained visible through external signs. Very useful in operational sense in this research, the visibility will be assessed in the number of visible clues like pathways, alleys, drainage canals, overhead utility lines or built access roads. The data will be coded as visible (1) when there are physical indicators, which can be perceived without the special examination, and non-visible (0) when there are no outward manifestations.

2. **Permanence Test.** The Permanence Test lends strength to the clarity of easements by assessing the permanence of the physical manifestation of an easement by examining the stability of an easement, its permanence, and not its intermittence. It highlights the permanence of the easement reflection over time so that property encumbrances are not anchored on temporary or unofficial signs. Permanence in this research will be evaluated by assessing the easement features by considering the constructions such as permanent drainage canals, concrete pathway and utility poles that are naturally built. Indicators will be categorized as (1) permanent, when they are stable and permanent such as footpaths which are not reinforced, and (2) temporary, when they are intermittent, informal or easily changed like foot paths.

3. **Continuity Test.** The prominence of this test is that it draws attention to whether easement is clear and whether it functions without human interference. It shows the automatic, continuous use of easements, which is in line with the jurisprudence that emphasizes the importance of fairness and notice in property relations. Continuity in this study will be quantified by determining features of easements that operate on their own like drainage canals that are always filled with water, utility lines that transfer electricity. The indicators will be categorized as (1) continuous, when they are functioning independently of human interference, and (2) non-continuous, when the indicators need human intervention such as opening closed gates by hand or walking pathways that are only used seasonally.

Field research and case law demonstrate that visibility makes recognition and mediation

of conflicts easier. In a given Supreme Court case; an obvious alley that served as a passageway was held to be an apparent easement of right of way despite lack of annotation on the title because the landowners had actual knowledge of its usage over the years. This goes to show that the visibility acts as constructive notice, minimizing controversy as well as enhancing enforceability. Conversely, easements incorporated only by contracts and having no physical manifestations usually result in court battles as the latter owners can challenge their interests on grounds of not having been registered.

The Torrens System is vital towards legal certainty. Contracts or subdivision plans that contain easements need to be annotated on the title to the servient estate in order to bind third parties. According to *Respicio and Co.*, at the

Table 1

Jurisprudential Tests and Legal Criteria for Philippine Easements

Jurisprudential Tests and Legal Criteria for Philippine Easements			
Jurisprudential Tests	Core Legal Objective & Civil Code Alignment	Practical Indicators / Real-World Signs	Operational Coding Matrix
1. Visibility Test	Determines whether an easement can be perceived by ordinary observation. Aligns with Article 615 of the Civil Code , which defines apparent easements as those maintained constantly in view via external signs. It establishes constructive notice for subsequent buyers.	Visible pathways, alleys, drainage canals, built-up access roads, or overhead utility/power lines.	Visible (1): Physical indicators can be perceived without a special examination. Non-visible (2): There are no outward physical manifestations.
2. Permanence Test	Assesses the stability and enduring nature of the physical manifestation over time rather than intermittent or temporary presence. Ensures that property encumbrances are not anchored on unofficial or fleeting markers.	Engineered constructions like permanent drainage canals, concrete pathways, or naturally built utility poles.	Permanent (1): Stable and enduring structures. Temporary (2): Intermittent, informal, or easily changed markers (e.g., unreinforced footpaths)

<p>3. Continuity Test</p>	<p>Evaluates whether the easement functions automatically on its own without requiring constant human intervention. Supports equity, notice, and predictable legal expectations in ongoing property relations.</p>	<p>Continuous independent operations, such as drainage canals constantly filled with moving water or utility lines transferring electricity .</p>	<p>Continuous (1): Functions independently of active human interference . Non-continuous (2): Requires active human intervention (<i>e.g., opening gates manually or seasonal footpaths</i>).</p>
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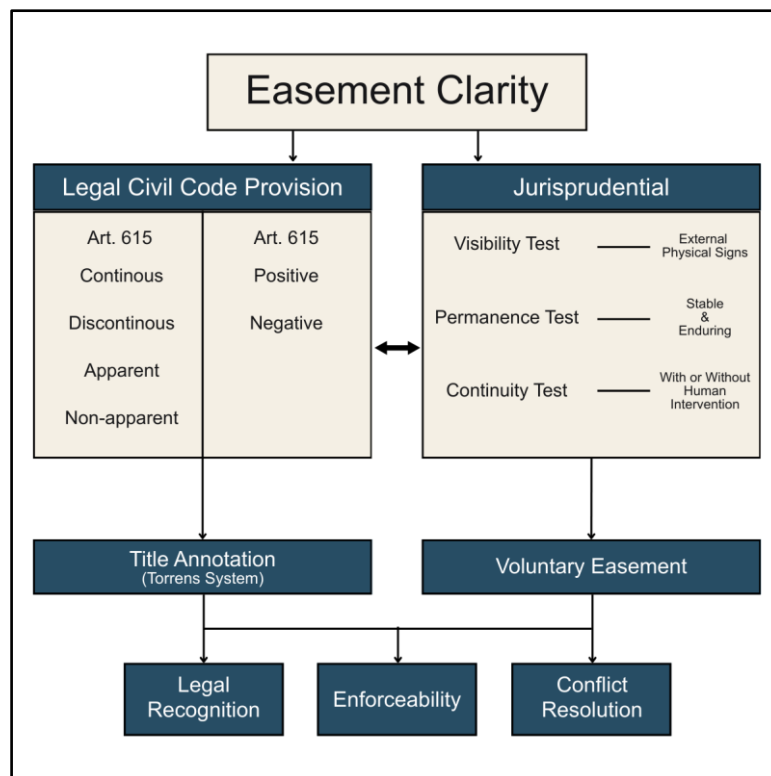


Figure 1. Easement Clarity: Legal and Jurisprudential Distinctions

Materials and Methods

It is an interdisciplinary paper and its method of analysis of legal easements in the Philippine civil law in terms of their implications on property rights, urban planning and environmental sustainability is structured. Challenging legal acts, court decisions and regulation policies with the aim of understanding the type of easement and its execution. This would involve a critical examination into the stipulations of the Civil Law, the cases which have been decided on with the help of verdict and government laws governing legal easements.

Research Design

The research design is a qualitative empirical research design that involves the study of the legal doctrines and the study of the same empirically. The doctrinal part is concerned with the discussion of easement statutes, jurisprudence and legal principles of easements, particularly the distinction between apparent and non-apparent easements. This research design is a mixture of both the doctrinal and field data analysis (empirical) that aims at explaining the difference between apparent and non-apparent easements. The research provides a delicate understanding of the nature of

visibility of easements of the law of recognition, enforceability and settlement of disputes through the jurisprudence, land records and uncovered examples.

Data Gathering Procedure

Judicial review of the judicial rulings in easement cases, specifically in rulings that relate to apparent and non-apparent easements. Statutory provisions and land laws relevant to easements, and land titles, deeds, contracts, and registered covenants containing express or implied easement clauses. These documents were selected through criterion-based purposive sampling, focusing on cases and records that explicitly discuss visibility, permanence, or manifestation of easement rights. Field based participants such as the landowners affected by easement, legal practitioners and the Land Registry or cadastral officials, were the selected participants using expert purposive sampling, based on their experience with land transactions, easement enforcement, or dispute resolution.

Procedures for Data Collection

The data was collected by means of doctrinal and jurisprudential review. Case law was gathered through legal databases and court archives and the sources of judicial tests, rationale, and indicators applied to determine whether easements are obvious or not. To determine the existence of easement in documents, the analysis of the land titles, the deeds, and the contracts was done. Review of writing language, registration and description of easements. Site observations and visually measure easements to record their physical expressions. Semi-structured interviews or observational notes of a perception of visibility and its influence on enforcement and conflicts.

Research Tools and Instruments

The study employed the Document Analysis Checklist to systematically review judicial decisions, statutes, and land records. Jurisprudential Coding Matrix to classify easements as apparent or non-apparent based on judicial criteria on visibility, permanence, continuous use. Semi-Structured Interview Guide was conducted to elicit expert insights on legal

recognition and conflict resolution. Observation guide and field notes were recorded to record physical indicators of easement visibility or invisibility.

Data Analysis Technique

The qualitative analytical method applied in the study entailed doctrinal legal analysis of the interpretation and synthesis of the case law. Determination of judgeship tests of apparent and non-apparent easements. Content analysis in which judicial decisions, interviews and documents are coded to determine recurring themes, including visibility, notice, permanence and enforceability. Cross-case judicial reasoning. Comparative analysis Easements that were legally established and those discovered on the basis of physical and documentary evidence were compared. Evaluation of differences between legal documents and realities.

Results and Discussion

Objective 1. Collection of data/records, defining and distinguishing apparent and non-apparent easements based on jurisprudential tests and practical indicators.

The findings of the research show that the jurisprudence in the Philippines invariably relies on the appearance or lack of external visible signs when determining the distinction between the apparent and non-apparent easements in a direct relationship with Article 615 of the Civil Code of Philippines, which states, apparent easements, as those that are made known and maintained constantly in view through external signs. Non-apparent easements, i.e. easements which give no external evidence of their being, are referred to.

The judicial rulings examined in the research confirm that courts in their pursuit of determining the presence of an easement apply objective physical signs, and not subjective knowledge or intent of the parties, to ascertain the presence of an easement. Some of the indicators of a common jurisprudence are visible pathways, drainage canals, overhead power lines as well as built-up access roads. These signs provide positive warnings to the later buyers and third parties. On the other hand, non-apparent easements like underground drainage, rof-way easements that were not in

physical existence and those restrictions in a contract that were not the manifestation of a contract, were always treated as non-apparent even where they had been recognized in private agreements.

The discussion of the Supreme Court decisions shows that three methods of jurisprudential testing are used: so-called Visibility Test and Permanence Test, and Continuity Test. The answer to this is yes in the test of visibility which is the question of whether the easement can be discerned by normal observation. During permanence test, whether the physical sign of the easement is constant and permanent, not temporary or intermittent is the question to be asked. Finally, in a continuity test, the test is whether the use or indication of the easement is in existence without human interference. The research also discovered that the courts do not impose equal weight on all three tests, this is because visibility and permanence are accorded weight. Such interpretative plasticity is consistent with the Philippine jurisprudence which values notice and fairness in the relations regarding property.

Pragmatic measures of easements represented by field data gathered during the study showed that practical measures of easements were absent where they should be legally recognized. An example is the informal footpaths that were long-established but were considered not to be apparent easements as they were not permanent. The visible utility installations were considered as apparent easements whether not annotated on titles. This lack of congruency brings out an important outcome that visibility does not necessarily translate to enforceability especially where there are statutory elements like registration or express grant that are legally required.

The results validate high levels of doctrinal conformity to the Article 617 of the Civil Code on acquisition of apparent easements by title or by prescription that was often referred to in the ruling of the existence of visible and continuous easements achieved after the expiry of the prescriptive period. Article 620 of the same code on non-apparent easements is also limited to being obtained by title, was specifically applied and non-apparent easements were not upheld by the courts unless with clear

evidence of the existence of a contract or registered easement. The research also established that Philippine courts are using these provisions to hold onto the registered ownership to secure the Torrens system that does not give any hidden burdens on the land owners without issuing them a clear notice. Survey of land titles and contracts indicated that a lot of easements are not annotated on certificates of title and they are inscribed on deeds of sale, subdivision plans, or development agreements. Based on the findings of the research, the apparent easements can tie up the subsequent owners without the title annotation by constructive notice. Whereas, none of the easements are usually enforced to third parties unless they are duly registered. This supports the jurisprudential focus on clarity, visibility, and registration as requisites of the property law certainty of law.

Objective 2. *Collection of field data to assess how the visibility or invisibility of easement features affects legal recognition, enforceability, and conflict resolution.*

Among the most reliable results of the field data was the fact that visible physical features on the land are able to greatly contribute to legal recognition of easements. Philippine law considers apparent easements as such easements that are known and maintained in sight by external features that demonstrate the use and enjoyment of the same, non-apparent easements, on the other hand, have no external means to indicate their existence.

In a case decided by the Supreme Court it was held that a clearly visible alley used as a passageway is an apparent easement of right of way even if it was not annotated on the land title, because it was known to successive landowners and used actively over many years. The Court emphasized that the presence of a physical path which people regularly use constitutes a visible sign of easement that owners are presumed to respect. This suggests that visibility functions as a form of notice, whether actual or constructive and that potential buyers, transferees, and even courts cannot ignore. When easement features are visible, later landowners are deemed to have knowledge of their

existence, which facilitates recognition and enforceability, even absent formal documentation.

Observations in the field indicated that easement features that are easy to see are more convenient to allow the dominating estate to exercise their rights, especially in dispute cases. On the other hand, where easements remained unnoticed as in the case of underground drainage routes that lacked any form of markers, the owners of the servient estates would often dispute that a burden existed at any level at all than made enforcement more difficult. Such results are in line with Philippine jurisprudence where actual knowledge or constructive notice is considered a major element of enforceability. The Court in the above case of the alley stated that an actual knowledge of visible easement features should be followed by the owner of the land even where there was no particular annotation on the title. In such a way, the visibility decreases the informational asymmetry of the parties, enhancing the legal position of easements and minimizing the possibility of disputes.

Contrastingly, field evidence on easements that lacked physical evidence such as easements that were only mentioned in the contract or restrictive covenants and had not been marked by any physical evidence were far harder to enforce in practice. What the legal doctrine anticipates. Unspoken easements are hardly enforceable against other parties unless there is some express written evidence such as the annotation on title, a deed of recognition, or a final judgment of court. Article 623 of the Civil Code provides that where there is evidence of an easement but the evidence is neither written nor visible, either a deed of recognition by the servient owner of the estate or a declaration of the court can fix the lack of visible evidence and make it binding. This points to a legal loophole in the context of the owners of non-apparent easements who frequently struggle to overcome challenges due to the fact that such easements do not have features, which would inform their successors or buyers, and complicate conflict resolution and predispose them to litigation.

A notable knowledge gained out of the data was that conflict resolutions in the

easement disputes significantly follow the presence of later owners of easement features being noticed. In several instances, easements were imposed by courts where the successors knew the apparent indications of the easement, or had taken titles under which an apparent easement already existed under Article 624 of the Civil Code, which states that apparent easements between already unified properties might be treated as a title to the easement when sold, and so far as there is no express exclusion. This highlights the fact that real or assigning knowledge that is enabled by the visibility addresses conflicts better than situations where easements are concealed or unregistered.

The analysis of judicial decisions cited in this paper revealed that the courts attach strong consideration to the visible physical evidence of the use of easement during the interpretation of property rights. The Supreme Court referred to the fact that an easement continued to exist through the mere existence of a physical alley and the absence of any contrary stipulations as the fact that an easement prevailed over a titleholder who had actual notice. By contrast, easements whose terms are purely contractual without any visible indication are frequently faced with the burden of extra evidence before action can be taken. This fits the doctrine of law that visible signs are good evidence of use and notice which simplifies the judicial task of proving and makes the enforcement easier.

Objective 3. *Collection of data/records to analyze land documents and titles for easements embedded in contracts or legal covenants.*

Analysis of land documents and titles reveals that easements formed in a voluntary manner by way of voluntary agreements or legal covenant fall under the Philippine law of voluntary easements. The Civil Code has it that easements can be created either by law (legal easements) or by the desire of the owners (voluntary easements) like by contracts or deeds and these rights are beneficial to the servient estate to the dominant estate. Voluntary easements are generally created in contracts to sell land, or restrictions on subdivision or development arrangements in which some parties

voluntarily give rights-of-way, utility access, drainage, or other rights. On the inclusion of such covenants in a public deed and registration in the Register of Deeds, they become binding on successors-in-interest.

The study discovered that the annotation of easements on the title of the servient estate and preferably that of the dominant title are key determinants to the enforceability over the subsequent purchase or third parties. The easements are normally recorded as easements against the title of the land under the Philippine Torrens system or the Property Registration Decree, (PD No. 1529). Easements disclosed in full and noted on title records, when part of a contract, provide constructive notice to future purchasers, that is, subsequent purchasers are assumed to understand the existence of the encumbrance to the land.

This follows the rule of easements under the Civil Code that easements do run with the land and bind successors to the same when they are part of the public registry. Conversely, when easements are not annotated to the title but are referred to in private contracts, it might only give them effect in relation to the original contracting persons but not innocent value purchasers. It highlights the significance of the public registration as a device of legal security and enforceability.

One is that Philippine jurisprudence may be able to declare the presence of an easement when it was not annotated on the title at the time of transfer but there is existing knowledge or indications of use of the easement knowing about which the parties had. In *Heirs of Limense v. Vda. de Ramos*, the Supreme Court affirmed an easement of right of way in which successors-in-interest knew about its constant utilization over the years, despite the fact that the title did not have an annotation. This finding underscores the dynamic between the documentary analysis and actual notice: as of the Torrens system, registration gives a legal notice to subsequent landowners, but in some situations, actual knowledge can suffice to bind them.

Easements are commonly established and recognized in land documents and titles. It was established that such embedded easements have to meet the requirements of the Civil Code

in order to be legally binding. The nature of the easement provided by the contract should be clearly stated as a real right and the obligations of the owner of the servient estate. The easement has to be recorded in a public instrument and registered or the third party that acquires the property without prior notice may not be bound by the easement. In situations where there are conditions of easement formation annotation of the easement should be made to impose legally recognizable encumbrances. This is in accordance with Article 622 of the Civil Code that gives that non-apparent easements have to be obtained by virtue of a title, as well as not by prescription alone.

The study showed that easements written in contracts or covenants that are duly registered assist in minimizing uncertainties on land rights and decreasing land disputes. By having both parties and future owners aware of easement burdens by the annotation of titles and using express contractual language, courts have higher chances of success in upholding such rights with foreseeable results. This result indicates the principle of the Civil Code which states that easements are real rights inseparable of the property and which, unless expressly extinguished or excepted by the contract, transfer with some dominant estate.

The research however also identified that land titles do not necessarily reflect on easements made by contract and therefore the likelihood of a conflict to occur between land owners. In such cases. Whether the subsequent purchasers are bona fide purchasers may be challenged in case the declaration of the easement had initially been made in a contract but had not been inscribed against the title in the public registry. This brings out the reality of the law which says that title annotation is more plausible than the contractual reference, when it comes to establishing easement rights which can be enforced against third party under the Torrens system.

Conclusions and Recommendation

Conclusions

In this *Easement Clarity: Legal and Jurisprudential Distinctions* research study, there were three objectives which were linked. It started by gathering and examining documents

on jurisprudence to determine and distinguish apparent and non-apparent easements through the application of the known tests of visibility, permanence and continuity and through the application of practical evidence such as paths, canals and utility lines. Second it gathered field evidence to assess the invisibility or visibility of easements on legal recognition, enforceability, and resolution of conflict which brings the relevance of actual and constructive notice to the property disputes. Thirdly, it considered titles of land, contracts and covenants to ascertain how documentation and registration practices affect the validity and enforceability of easements in Torrens system.

A combination of those goals indicates that visibility, documentation, and notice are the important variables determining easement clarity. Constructive notice and judicial favour is afforded to apparent easements and strict adherence to registration and contractual formalities is necessary to non-apparent easements. The paper concludes by affirming that the enhancement of transparency using observable signs, adequate records, and credible title annotations are the means of promoting fairness, stability, and minimized dispute in the property relations.

Recommendation

This study suggests that whenever an easement is made or transferred, lawyers, surveyors, and developers should document a visibility assessment. Photographs, site sketches, description of easement features geotagged and made as annexes to deeds of sale and to contracts may also be included, and is a way of making legal documentation reflect jurisprudential dependence on physical indicators.

A typical contract clauses that is differentiating between apparent and non-apparent easements can also be formulated to enunciate the easement either being apparent or non-apparent. Add express recognition of the fact that the easement is obligatory on the successors-in-interest to avoid the ambiguity and to bring the Contractual language into compliance with the Articles 615-620 of the Civil Code. Make the registration of the underground utilities,

drainage easements, setback restriction, and covenants prohibitory required upon execution. The non-apparent easements are not noticeable and can be challenged unless it is strengthened with a documentary notice depending on the Torrens system.

Effective coordination with local institutions and utility providers in order to enable uniform markers. Even the slight physical signs can be used to give constructive notice and diminish the disagreements. The Registry of Deeds may make the separate easement annotation section on certificates of title. Group easements into type that includes right of way, drainage, utility or setback. Show visible or invisible, as existing labels are ambiguous in most cases, thus more specific classifications will enhance the clarity and awareness of buyers.

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Proposed Utilization/ Dissemination Activities Emanating from Results

The study findings will be utilized to enhance the legal clarity, better the land

transaction practice and minimize the disputes regarding easement in the Philippines. The findings will be useful in understanding easement rights as a practical guideline to interpreting, recording, and enforcing easements by clarifying the difference between apparent and non apparent easements as per the civil code and the jurisprudence of the Philippines.

In particular, the findings will be applied to interpret the law and prepare cases. The jurisprudential tests and practical indicators that have been identified in the study can be used by legal practitioners and courts to evaluate easement claims more reliably, especially in the case of notice, visibility, and enforceability. The findings will guide the best practices in writing contracts, annotating titles, and registering easements, particularly, non-apparent easements, which need greater registration in order to bind a third party.

Improve due diligence of land deals. By using the research findings, buyers, developers and conveyancers may use the information to locate any possible easements in the property inspections and title reviews to minimize chances of disputes in the future. Development of support policy and institutional reforms. The agencies of the government can refer to the study in enhancing their handling of registries, presenting easements annotations to a standard, and incorporating visibility and notice concerns into the systems of land administration.

The legal practitioners and the Judiciary are the main beneficiaries of the research. Property and land law practitioners, judges, prosecutors, and court researchers will have a clear jurisprudential framework for evaluating easement visibility, documentation, and enforceability. Government and regulatory agencies such as the Land Registration Authority (LRA), the Register of Deeds, the Department of Environment and Natural Resources (DENR) and Local government units (LGUs) will have evidence-based guidance for registry practices, title annotation, and land use regulation.

Landowners and the general public property buyers and sellers, homeowners' associations will benefit from an improved awareness of easement rights and obligations, reducing

unexpected land-use restrictions. Academic and research institutions, law schools and research centers will be guided with reference material for property law instruction, legal research, and future studies on servitudes.

Thus, to ensure wide and effective utilization of the research findings, there must be academic and professional publications in peer-reviewed law journals, bar journals, or property law reviews. Preparation of a research monograph or policy paper summarizing key findings and recommendations. Conference and seminar presentation of findings at legal research conferences.

Through targeted application and strategic dissemination, the results of "Easement Clarity: Legal and Jurisprudential Distinctions in the Philippines" will contribute to greater legal certainty, improved land governance, and reduced easement-related disputes. By reaching legal professionals, government agencies, and land stakeholders, the study ensures that doctrinal clarity is translated into practical, real-world impact.

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