

- This implies that a sectoral representative must represent the special interest/concern of the sector in which he/she is a member. A government employee therefore, cannot simply represent an NGO because of varied interest.

DAR Opinion No. 27, S. 2008
October 10, 2008

OWNERSHIP; OWNER OF THE LAND BECOMES OWNER OF WHAT HAS BEEN ERECTED TO HIS LAND BY ANOTHER

- The owner of the land becomes the owner of what had been erected on his land by another. However, determination is required on whether the builder was in good faith or in bad faith. Assuming that the builder was in good faith, the landowner should he desire to appropriate the fence, must first give the proper indemnification to the builder (i.e., the alleged tenant and his sons).

DAR Opinion No. 05, S. 2008
February 19, 2008

PACTO DE RETRO SALE; PRINCIPLE

- On *pacto de retro* sale, title to and ownership of property are immediately vested in the vendee *a retro*, subject only to the resolutive condition that the vendor repurchases it within the stipulated period. Pending the redemption, the vendor loses all ownership rights over the property, save for the right to repurchase it.
- The vendee can be protected under Article 1606 of the New Civil Code as to the repurchase period, if no period was agreed upon, vendor must exercise the right to repurchase within four (4) years from the execution of the contract providing for the period to repurchase. If there is an agreement, the period cannot extend ten (10) years. Moreover, in case of failure to redeem, there shall be consolidation of ownership in the vendee *a retro* and such failure results in the loss of the right to repurchase.

DAR Opinion No. 29, S. 2008
November 14, 2008

PUBLIC DOMINION; CREEK CLASSIFIED AS PROPERTY OF PUBLIC DOMAIN

- Art. 502 of the Civil Code of the Philippines provides that rivers and their natural beds are of public dominion.
- In the case of *Mercado vs. Mun. President of Macabebe*, 59 Phil 592, a creek is merely an arm of a river, and must therefore be classified as property of public dominion. A creek is really property of public dominion, being an arm or extension of a river. But even granting that it is private, still, if used by the general public for a long time it has ceased to be private, and the alleged owner or claimant has no right to prevent the public from using the same.
- No person shall have a right over bodies of water classified as property of public dominion such as a creek. However, the discharge of domestic waters (such as water for washing, bathing, cooking or other household needs, home gardens and watering of lawns or domestic animals) to a creek may not be restricted except