

SECOND DIVISION

[G.R. No. 202932, October 23, 2013]

**EDILBERTO U. VENTURA, JR., PETITIONER, VS. SPOUSES
PAULINO AND EVANGELINE ABUDA, RESPONDENTS.**

D E C I S I O N

CARPIO, J.:

The Case

This petition for review on certiorari seeks to annul the Decision^[1] dated 9 March 2012 of the Court of Appeals (CA) in CA-G.R. CV No. 92330 and the Resolution^[2] dated 3 August 2012 denying the motion for reconsideration. The Decision and Resolution dismissed the Appeal dated 23 October 2009 and affirmed with modification the Decision^[3] dated 24 November 2008 of the Regional Trial Court of Manila, Branch 32 (RTC Manila).

The Facts

The RTC-Manila and the CA found the facts to be as follows:

Socorro Torres (Socorro) and Esteban Abletes (Esteban) were married on 9 June 1980. Although Socorro and Esteban never had common children, both of them had children from prior marriages: Esteban had a daughter named Evangeline Abuda (Evangeline), and Socorro had a son, who was the father of Edilberto U. Ventura, Jr. (Edilberto), the petitioner in this case.

Evidence shows that Socorro had a prior subsisting marriage to Crispin Roxas (Crispin) when she married Esteban. Socorro married Crispin on 18 April 1952. This marriage was not annulled, and Crispin was alive at the time of Socorro's marriage to Esteban.

Esteban's prior marriage, on the other hand, was dissolved by virtue of his wife's death in 1960.

According to Edilberto, sometime in 1968, Esteban purchased a portion of a lot situated at 2492 State Alley, Bonifacio Street, Vitas, Tondo, Manila (Vitas property). The remaining portion was thereafter purchased by Evangeline on her father's behalf sometime in 1970.^[4] The Vitas property was covered by Transfer Certificate of Title No. 141782, dated 11 December 1980, issued to "Esteban Abletes, of legal age, Filipino, married to Socorro Torres."^[5]

Edilberto also claimed that starting 1978, Evangeline and Esteban operated small business establishments located at 903 and 905 Delpan Street, Tondo, Manila

(Delpan property).^[6]

On 6 September 1997, Esteban sold the Vitas and Delpan properties to Evangeline and her husband, Paulino Abuda (Paulino).^[7] According to Edilberto:

[w]hen Esteban was diagnosed with colon cancer sometime in 1993, he decided to sell the Delpan and Vitas properties to Evangeline. Evangeline continued paying the amortizations on the two (2) properties situated in Delpan Street. The amortizations, together with the amount of Two Hundred Thousand Pesos (Php 200,000.00), which Esteban requested as advance payment, were considered part of the purchase price of the Delpan properties. Evangeline likewise gave her father Fifty Thousand Pesos (Php 50,000.00) for the purchase of the Vitas properties and [she] shouldered his medical expenses.^[8]

Esteban passed away on 11 September 1997, while Socorro passed away on 31 July 1999.

Sometime in 2000, Leonora Urquilla (Leonora), the mother of Edilberto, discovered the sale. Thus, Edilberto, represented by Leonora, filed a Petition for Annulment of Deeds of Sale before the RTC-Manila. Edilberto alleged that the sale of the properties was fraudulent because Esteban's signature on the deeds of sale was forged. Respondents, on the other hand, argued that because of Socorro's prior marriage to Crispin, her subsequent marriage to Esteban was null and void. Thus, neither Socorro nor her heirs can claim any right or interest over the properties purchased by Esteban and respondents.^[9]

The Ruling of the RTC-Manila

The RTC-Manila dismissed the petition for lack of merit.

The RTC-Manila ruled that the marriage between Socorro and Esteban was void from the beginning.^[10] Article 83 of the Civil Code, which was the governing law at the time Esteban and Socorro were married, provides:

Art. 83. Any marriage subsequently contracted by any person during the lifetime of the first spouse of such person shall be illegal and void from its performance unless:

1. The first marriage was annulled or dissolved; or
2. The first spouse had been absent for seven consecutive years at the time of the second marriage without the spouse present having news of the absentee being alive, or if the absentee, though he has been absent for less than seven years, is generally considered as dead and believed to be so by the spouse present at the time of contracting such subsequent marriage, or if the absentee is presumed dead

according to articles 390 and 391. The marriage so contracted shall be valid in any of the three cases until declared null and void.

During trial, Edilberto offered the testimony of Socorro's daughter-in-law Conchita Ventura (Conchita). In her first affidavit, Conchita claimed that Crispin, who was a seaman, had been missing and unheard from for 35 years. However, Conchita recanted her earlier testimony and executed an Affidavit of Retraction.^[11]

The RTC-Manila ruled that the lack of a judicial decree of nullity does not affect the status of the union. It applied our ruling in *Niñal v. Badayog*:^[12]

Jurisprudence under the Civil Code states that no judicial decree is necessary in order to establish the nullity of a marriage. x x x

Under ordinary circumstances, the effect of a void marriage, so far as concerns the conferring of legal rights upon the parties, is as though no marriage had ever taken place. And therefore, being good for no legal purpose, its invalidity can be maintained in any proceeding in which [the] fact of marriage may be material, either direct or collateral, in any civil court between any parties at any time, whether before or after the death of either or both the husband and the wife, and upon mere proof of the facts rendering such marriage void, it will be disregarded or treated as non-existent by the courts.^[13]

According to the RTC-Manila, the Vitas and Delpan properties are not conjugal, and are governed by Articles 144 and 485 of the Civil Code, to wit:

Art. 144. When a man and a woman live together as husband and wife, but they are not married, or their marriage is void from the beginning, the property acquired by either or both of them through their work or industry or their wages and salaries shall be governed by the rules on co-ownership.

Art. 485. The share of the co-owners, in the benefits as well as in the charges, shall be proportional to their respective interests. Any stipulation in a contract to the contrary shall be void.

The portions belonging to the co-owners in the co-ownership shall be presumed equal, unless the contrary is proved.

The RTC-Manila then determined the respective shares of Socorro and Esteban in the properties. It found that:

[w]ith respect to the property located at 2492 State Alley, Bonifacio St. Vitas, Tondo, Manila covered by TCT No. 141782, formerly Marcos Road, Magsaysay Village, Tondo, Manila, [Evangeline] declared that part of it

was first acquired by [her] father Esteban Abletes sometime in 1968 when he purchased the right of Ampiano Caballegan. Then, in 1970, she x x x bought the right to one-half of the remaining property occupied by Ampiano Caballegan. However, during the survey of the National Housing Authority, she allowed the whole lot [to be] registered in her father's name. As proof thereof, she presented Exhibits "8" to "11" x x x. [These documents prove that] that she has been an occupant of the said property in Vitas, Tondo even before her father and Socorro Torres got married in June, 1980.^[14]

Anent the parcels of land and improvements thereon 903 and 905 Del Pan Street, Tondo, Manila, x x x Evangeline professed that in 1978, before [her] father met Socorro Torres and before the construction of the BLISS Project thereat, [her] father [already had] a bodega of canvas (lona) and a sewing machine to sew the canvas being sold at 903 Del Pan Street, Tondo Manila. In 1978, she was also operating Vangie's Canvas Store at 905 Del Pan [Street], Tondo, Manila, which was evidenced by Certificate of Registration of Business Name issued in her favor on 09 November 1998 x x x. When the BLISS project was constructed in 1980, [the property] became known as Unit[s] D-9 and D-10. At first, [her] father [paid] for the amortizations [for] these two (2) parcels of land but when he got sick [with] colon cancer in 1993, he asked [respondents] to continue paying for the amortizations x x x. [Evangeline] paid a total of P195,259.52 for Unit D-9 as shown by the 37 pieces of receipts x x x and the aggregate amount of P188,596.09 for Unit D-10, [as evidenced by] 36 receipts x x x.^[15]

The RTC-Manila concluded that Socorro did not contribute any funds for the acquisition of the properties. Hence, she cannot be considered a co- owner, and her heirs cannot claim any rights over the Vitas and Delpan properties.^[16]

Aggrieved, Edilberto filed an appeal before the CA.

The Ruling of the CA

In its Decision^[17] dated 9 March 2012, the CA sustained the decision of the RTC-Manila. The dispositive portion of the CA Decision reads:

WHEREFORE, the Appeal is hereby DENIED and the challenged Decision of the court *a quo* STANDS.

SO ORDERED.^[18]

The CA ruled, however, that the RTC-Manila should have applied Article 148 of the Family Code, and not Articles 144 and 485 of the Civil Code. Article 148 of the Family Code states that in unions between a man and a woman who are incapacitated to marry each other: