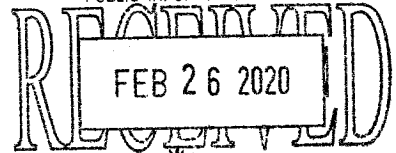




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



BY: YCA
TIME: 9:49 AM

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2020** which reads as follows:*

“**G.R. No. 250372 (Norie C. Paghubasan v. Amparo Y. Apostol)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the June 14, 2019 Decision² and the October 29, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 108147 for failure of petitioner Norie C. Paghubasan (Norie) to sufficiently show that the CA committed any reversible error in declaring that the subject property is a conjugal property of respondent Amparo Y. Apostol (Amparo) and her deceased husband, Rafael Apostol (Rafael).

As correctly ruled by the CA, Rafael and Norie’s property regime was co-ownership under Article 148 of the Family Code,⁴ which provides that only the properties acquired by both of the parties through their actual joint contribution of money, property, or industry shall be owned by them in common in proportion to their respective contributions. In this case, since Norie failed to substantiate her claim that she was financially capable to buy the subject property, said purchase was considered as solely financed by Rafael. Hence, Rafael’s registration of the subject property under Norie’s name was tantamount to a void donation under Article 739 (1)⁵ of the Civil Code.⁶ All told, the CA

¹ Rollo, pp. 11-29.

² Id. at 36-47. Penned by Associate Justice Ruben Reynaldo G. Roxas with Associate Justices Marlene Gonzales-Sison and Victoria Isabel A. Paredes, concurring.

³ Id. at 49-50.

⁴ Executive Order No. 209 entitled “THE FAMILY CODE OF THE PHILIPPINES” (August 3, 1988). Article 148 thereof provides:

Article 148. In cases of cohabitation not falling under the preceding Article, only the properties acquired by both of the parties through their actual joint contribution of money, property, or industry shall be owned by them in common in proportion to their respective contributions. In the absence of proof to the contrary, their contributions and corresponding shares are presumed to be equal. The same rule and presumption shall apply to joint deposits of money and evidences of credit.

⁵ Article 739 of the CIVIL CODE reads:

Article 739. The following donations shall be void:

(1) Those made between persons who were guilty of adultery or concubinage at the time of the donation[.]

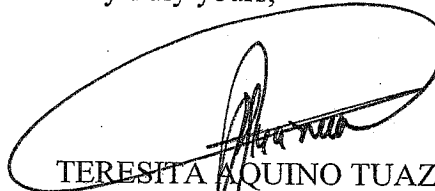
⁶ See *Juaquino v. Reyes*, 478 Phil. 343, 359 (2004).

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properly ordered the reconveyance of the subject property to Amparo and to Rafael's estate.

SO ORDERED. (Hernando, J., on official leave.)”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court ⁵ p 2/20
20 FEB 2020

PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
5th Floor, PAO-DOJ Agencies Building
NIA Road corner East Avenue
Diliman, 1104 Quezon City

ATTY. REMIGIO D. SALADERO, JR. (reg)
Counsel for Respondent
No. 33-B, E. Rodriguez Sr. Ave.
Quezon City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 122
Caloocan City
(Civil Case No. C-23312)

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Supreme Court, Manila

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Ermita, 1000 Manila
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GR250372. 02/03/2020(117)URES