

Title: Perez Jr. v. Perez-Senerpida

Facts:

This case revolves around the donation of a parcel of land that was executed during the union of a man and woman without the benefit of marriage or under a void marriage. Eliodoro Q. Perez and Adelita M. Perez were married and had a piece of property in Olongapo City, Philippines. Before his marriage to Adelita, Eliodoro was previously married and from this union, he had a son named Nicxon Perez Sr., who then sired Nicxon L. Perez, Jr. (the petitioner).

On unknown dates, a “Renunciation and Waiver of Rights” was executed by Adelita in Eliodoro’s favor, which was inscribed on the title of the property (TCT No. T-7396). Subsequently, Eliodoro donated the property to Nicxon Perez Jr. without Adelita’s consent, which led to the issuance of TCT No. T-12547 to Nicxon Jr.

After Eliodoro’s death, his legitimate heirs executed an Extrajudicial Settlement Among Heirs with Waiver, which recognized Adelita’s and the other children’s rights to inheritance. Aveigail Perez-Senerpida, claiming to be one of the children of Eliodoro and Adelita, contested that the donation was made without her mother’s consent and was therefore prejudicial to her inherited rights. She filed a case for the annulment of both the donation and the title.

In response, Nicxon Perez Jr. argued that Adelita had already renounced her rights over the property; thus, the donation by Eliodoro was valid, and the annulment was unwarranted.

The Regional Trial Court (RTC) of Olongapo City found for Aveigail, which was affirmed upon appeal by the Court of Appeals (CA). The CA based their decision on the existence of the property regime of absolute community property (ACP) between Eliodoro and Adelita, thereby requiring the consent of both for the donation to be valid.

Issues:

1. Did the CA and RTC err in ruling that the property regime of Eliodoro and Adelita was still covered by the ACP despite the final decision declaring their marriage void ab initio?
2. Was the “Renunciation and Waiver of Rights” (RWR) executed by Adelita valid?
3. Is the “Deed of Donation” (DoD) executed by Eliodoro in favor of Nicxon valid?

Court’s Decision:

The Supreme Court (SC) partly granted the Petition. The SC held that the first two issues

should be resolved jointly. The SC corrected the lower courts' ruling that the marriage between Eliodoro and Adelita was still valid at the time of Eliodoro's death, stating that a final judgment had previously declared their marriage void ab initio. Thus, their property regime was not ACP but governed by the rules on co-ownership per Article 147 of the Family Code.

The SC then declared the RWR to be void, citing Article 87 of the Family Code, which voids every donation or grant of gratuitous advantage between spouses during the marriage and also to persons living as husband and wife without a valid marriage.

The SC finally ruled that the DoD executed by Eliodoro in favor of Nicxon was void as Eliodoro did not have the right to dispose of the property without the consent of Adelita, with whom he co-owned the property due to their cohabitation.

Doctrine:

The SC reiterated several doctrines:

1. The prohibition on donations between spouses during marriage also applies to those living together as husband and wife without valid marriage, per Article 87 of the Family Code.
2. Properties acquired by a man and a woman under a void marriage or without the benefit of marriage are governed by the rules on co-ownership as per Article 147 of the Family Code, requiring the consent of both for any disposition of co-owned property.

Historical Background:

The Family Code of the Philippines, which took effect on August 3, 1988, provided explicit provisions on the property regimes between spouses and those living together without the benefit of marriage or under a void marriage. Before its effectivity, the Civil Code provisions and jurisprudence were applied. One such previous case reflecting on this matter was *Matabuena v. Cervantes* (1971), which interpreted the Civil Code regarding donations between common-law partners. The prohibition under the Civil Code against donations between spouses during marriage was extended to cover unmarried couples living together to avoid rewarding relationships that circumvented marital laws. This principle influenced the drafting and inclusion of Article 87 in the Family Code, aiming to maintain this prohibition and shield property relations within marital and pseudo-marital unions from fraudulent or undue influences.