

Title: **Erlinda A. Agapay vs. Carlina (Cornelia) V. Palang and Herminia P. Dela Cruz**

**Facts:**

The case revolves around a dispute involving two parcels of land acquired during the cohabitation of petitioner Erlinda Agapay and Miguel Palang, who was married to respondent Carlina Vallesterol Palang. Miguel and Carlina married in July 1949, and Miguel worked abroad shortly after, only returning occasionally. Attempts at divorcing Carlina were documented in 1957. In 1973, while still legally married to Carlina, Miguel, then 63, married 19-year-old Erlinda Agapay, which was void due to Miguel's subsisting marriage to Carlina. Prior to this marriage, in May 1973, Miguel and Erlinda jointly purchased agricultural land, and later, a house and lot were purchased allegedly solely by Erlinda in 1975.

Upon Miguel's death in 1981, Carlina and her daughter filed a lawsuit against Erlinda Agapay seeking recovery of the disputed properties, arguing these were acquired during Erlinda's cohabitation with Carlina's lawful husband, Miguel. The trial court initially ruled in favor of Erlinda, dismissing the complaint. However, the Court of Appeals later overturned this decision, ruling in favor of Carlina and her daughter, directing Erlinda to vacate and deliver the properties to them. Erlinda Agapay then filed a petition for review with the Supreme Court.

**Issues:**

1. The ownership of the properties acquired during Erlinda's cohabitation with Miguel.
2. The validity of the deeds of conveyance.
3. Erlinda Agapay's claim that her son with Miguel, Kristopher Palang, should inherit from Miguel's estate.
4. Whether Kristopher Palang should be considered a party-defendant in the case.

**Court's Decision:**

The Supreme Court denied Erlinda Agapay's petition, affirming the decision of the Court of Appeals. The Court analyzed the legality of the acquisitions under the cohabitation situation of Erlinda and Miguel, invoking Article 148 of the Family Code. Since Erlinda could not prove her actual monetary contribution to the purchase of the properties, and given the void and in-existent donation by Miguel due to their adulterous relationship, the properties were deemed to rightly fall back to the conjugal partnership of Miguel and Carlina. Furthermore, questions regarding the heirship and filiation of illegitimate children were noted to be more appropriately addressed in probate court or special proceedings.

**\*\*Doctrine:\*\***

- Under Article 148 of the Family Code, properties acquired by a man and a woman living together as husband and wife without a valid marriage, are owned in common only if both parties have actually contributed to its acquisition.
- Donations between persons guilty of adultery or concubinage at the time of the donation are deemed void under Article 739 of the Civil Code, mirroring the prohibition found in Article 87 of the Family Code against donations between spouses not validly married.
- Issues of heirship and filiation of illegitimate children should be resolved in probate court or special proceedings, not in ordinary civil actions.

**\*\*Class Notes:\*\***

- When assessing co-ownership under Article 148, actual monetary contribution is required to establish a share in the property.
- Donations made between persons in an adulterous relationship are void, regardless of their intentions or agreements.
- Settlement of an estate, including the determination of heirs, belongs in probate proceedings, not civil lawsuits over property disputes.

**\*\*Historical Background:\*\***

This case underscores the complexities involved in property disputes emanating from extramarital relationships, especially against the backdrop of the Philippines' legal framework concerning marriage, family, and property rights. Furthermore, it illustrates the challenges in proving property ownership and contributions therein when such properties are acquired during cohabitation outside a valid marriage. The decision reiterates the significance of marital fidelity and the legal boundaries that define property rights in the context of familial relationships recognized by law.