

### Title:

\*\*Virginia Sy Ocampo vs. Deogracio Ocampo: A Case on the Division of Properties in a Void Marriage\*\*

### Facts:

Virginia Sy Ocampo filed for a Petition for Declaration of Nullity of Marriage against Deogracio Ocampo on September 10, 1990, due to psychological incapacity, under Civil Case No. Q-90-6616 at the Regional Trial Court of Quezon City, Branch 87. The court, on January 22, 1993, declared the marriage null and void, basing its judgment on Article 36 of the Family Code, but did not address the matter of property division due to a lack of detailed inventory from the petitioner. This decision became final as no appeal was filed.

Years later, on March 31, 1999, the court requested a project of partition from both parties, which led to hearings due to their inability to agree, culminating in an order on January 13, 2004, that mandated a 50-50 division of declared properties. Virginia appealed this decision, which was met by Deogracio with a motion to dismiss the appeal and for immediate execution, both of which were denied. Despite Deogracio's subsequent motion for reconsideration, the trial court maintained its decision, which Virginia appealed. The Court of Appeals, in its Decision on August 11, 2010, and Resolution on October 5, 2011, denied Virginia's appeal and her motion for reconsideration, leading to Virginia's Petition for Review on Certiorari to the Supreme Court.

### Issues:

1. Whether the applied provisions of the Family Code regarding conjugal partnerships should govern the property relations between Virginia and Deogracio, despite their marriage being declared null and void.
2. Whether the properties acquired during the marriage should be divided equally, considering the claims of bad faith and psychological incapacity.

### Court's Decision:

The Supreme Court denied Virginia's petition, upholding the appellate court's decision which allowed for an equal share in the division of properties. The Court elucidated that, notwithstanding the nullity of marriage under Article 36 due to psychological incapacity, Article 147 of the Family Code governs the property relations of parties in a void marriage. This provision essentially regards the properties acquired by the couple through their efforts as co-owned, to be divided equally in the absence of clear and convincing evidence to the contrary. The Court further dismissed the argument that Deogracio should be deprived

of his share due to bad faith or psychological incapacity, emphasizing the standard of equal sharing prescribed by Article 147.

**### Doctrine:**

The doctrine reiterated in this case is that within the context of a void marriage, notably one voided under Article 36 of the Family Code for psychological incapacity, the division of properties acquired during the union shall be governed by Article 147. This implies a presumption of equal co-ownership of properties acquired during the union, absent proof to the contrary.

**### Class Notes:**

- In marriages declared null under Article 36 due to psychological incapacity, property relations are governed by Article 147 of the Family Code, not by the rules concerning conjugal partnerships or absolute community.
- Article 147 prescribes equal division of properties acquired by the couple's efforts during cohabitation, barring evidence showing a different contribution.
- The presumption of equal contribution includes non-monetary efforts towards family and household care.

**### Historical Background:**

This case reflects the jurisprudential development regarding property relations in null marriages in the Philippines, particularly those annulled due to psychological incapacity under Article 36 of the Family Code. It highlights the application of Article 147 in such contexts, emphasizing an inclusive understanding of contributions towards property acquisition, expanding beyond mere financial investment to include care and maintenance of the family and household.