

### ### Title

**\*\*Spouses Araceli Oliva-De Mesa & Ernesto S. De Mesa v. Spouses Claudio D. Acero, Jr. & Ma. Rufina D. Acero, Sheriff Felixberto L. Samonte, and Registrar Alfredo Santos\*\***

### ### Facts

1. **\*\*Initial Purchase and Construction (1984-1987)\*\*:**

- Araceli Oliva and Ernesto De Mesa (the petitioners) purchased a parcel of land at No. 3 Forbes Street, Mount Carmel Homes Subdivision, Iba, Meycauayan, Bulacan on April 17, 1984 while cohabiting. They built a house on it and got married in January 1987, making it their family home.

2. **\*\*Loan and Default (1988)\*\*:**

- In September 1988, Araceli took a loan of P100,000 from Claudio D. Acero, Jr. (Claudio), securing it with a mortgage on the property. She issued a check that was later dishonored due to a closed account. Failing to resolve the non-payment, Claudio filed a criminal complaint for violation of B.P. 22 (Bouncing Checks Law) against the petitioners.

3. **\*\*Court Proceedings and Execution (1990-1995)\*\*:**

- In October 1992, the RTC acquitted the petitioners but ordered them to pay the loan amount with interest. Subsequently, a writ of execution was issued in 1993, leading to the auctioning of the property in 1994, where Claudio emerged as the highest bidder.

4. **\*\*Ejectment and Title Transfer (1995-1999)\*\*:**

- The Final Deed of Sale was issued to Claudio in March 1995, and the Registrar cancelled Araceli's title and issued a new TCT in Claudio's name. Claudio then leased the property back to the petitioners, who defaulted on rental payments. Claudio filed an ejectment case in 1998, resulting in an MTC decision in 1999 ordering the petitioners and another occupant to vacate.

5. **\*\*Attempts to Nullify Title (1999-2008)\*\*:**

- The petitioners' appeals against the MTC and RTC decisions were unsuccessful. In 1999, they filed a separate complaint to nullify Claudio's title, arguing the property is a family home exempt from execution. Both RTC and CA dismissed this complaint.

### ### Issues

1. **\*\*Forum Shopping\*\*:** Whether the petitioners are guilty of forum-shopping.
2. **\*\*Validity of TCT No. T-221755 (M)\*\*:** Whether the lower courts erred in refusing to cancel the title issued to Claudio.

### ### Court's Decision

#### 1. **Forum Shopping**:

- **Ruling**: The Supreme Court ruled the petitioners were not guilty of forum-shopping.
- **Reasoning**: The court explained that the issues in the ejectment case (right to possession) differed from those in the annulment case (ownership). Ejectment judgments are not res judicata concerning title disputes.

#### 2. **Validity of TCT No. T-221755 (M)**:

- **Ruling**: The Court upheld the lower courts' refusal to cancel the title.
- **Reasoning**: The Court acknowledged the property as a family home but emphasized that the claim for exemption from execution must be asserted and proven to the sheriff before the auction sale. The petitioners' claim, raised years later during the detainer proceedings, was deemed too late and treated as waived.

### ### Doctrine

#### - **Family Home Exemption**:

- For a property to be exempt from execution under the Family Code, it must be asserted as a family home before the auction. Failure to do so in time results in waiving the exemption.
- **Relevant Jurisprudence**: *Honrado v. Court of Appeals, Kelley, Jr. v. Planters Products, Inc.*

### ### Class Notes

#### - **Key Concepts**:

1. **Family Home Exemption**: Articles 153 and 155 of the Family Code.
2. **Forum Shopping Elements**: Identity of parties, rights asserted, and issues.
3. **Ejectment vs. Ownership**: Ejectment resolves possession issues, not ownership conclusively.
4. **Waiver of Rights**: Failure to timely assert exemptions results in waiving the right.

### ### Historical Background

- This case demonstrates the application of family home exemptions under Philippine law. It highlights procedural safeguards necessary to protect such claims and the incremental legal evolution surrounding the enforcement of civil liabilities versus property rights. The procedural lapses by the petitioners, leading to the eventual denial of their claims, underscore the strict adherence to timelines in claiming legal exemptions to avoid losing rights afforded by protective legal statutes.