

**\*\*Title: Mercado-Fehr vs. Fehr | G.R. No. 144580 | Declaration of Nullity of Marriage and Property Settlement\*\***

**\*\*Facts:\*\***

1. **\*\*March 1997 - Initiation of Case:\*\***

- Petitioner Elna Mercado-Fehr filed a petition for declaration of nullity of her marriage to Respondent Bruno Fehr under Article 36 of the Family Code, citing psychological incapacity.

2. **\*\*January 30, 1998 - Trial Court Decision:\*\***

- The Regional Trial Court (RTC) of Makati declared the marriage null and void ab initio and ordered the dissolution of their conjugal partnership of property.  
- Custody of their two minor children was awarded to the petitioner.  
- An inventory and distribution of properties were ordered.

3. **\*\*Post-Judgment Orders:\*\***

- Respondent filed multiple motions, leading to an August 24, 1999, RTC order that excluded certain properties from conjugal assets and divided the remaining properties between the parties.  
- Petitioner filed a motion for reconsideration regarding the ownership of Suite 204 and child support arrangements, which was partially granted in an order dated October 5, 2000.

4. **\*\*November 28, 2000 - Notice of Appeal and Certiorari:\*\***

- Petitioner withdrew her notice of appeal and filed a special civil action for certiorari and prohibition with the Court of Appeals (CA), questioning the October 5, 2000, RTC order.

5. **\*\*October 26, 2001 - CA Dismissal:\*\***

- The CA dismissed the petition for certiorari, ruling that the RTC's order constituted errors of judgment, which should be resolved via ordinary appeal instead.

6. **\*\*Denial of Motion for Reconsideration:\*\***

- The CA denied the petitioner's motion for reconsideration.

7. **\*\*Supreme Court Petition:\*\***

- Petitioner raised issues regarding procedural errors and the application of co-ownership rules to the Supreme Court.

**\*\*Issues:\*\***

1. **Procedural Issue:**

- Whether the CA erred in dismissing the petition for certiorari due to alleged grave abuse of discretion by the RTC in its distribution of properties.

2. **Substantive Issues:**

- Ownership of Suite 204 of the LCG Condominium.
- Proper division and partition of properties acquired by the petitioner and respondent.

**Court's Decision:**

1. **Procedural Ruling:**

- The Supreme Court found that a strict application of procedural rules could result in a miscarriage of justice. The RTC's order was a final order which could be appealed; however, the Court chose to review the case to prevent injustice and address the merits directly.

2. **Ownership of Suite 204:**

- The Court decided that Suite 204, purchased while the couple cohabitated, is governed by co-ownership rules under Article 147 of the Family Code. The presumption is that properties acquired during cohabitation are acquired through joint effort and thus should be owned equally.

3. **Division of Properties:**

- The Court held that the division should adhere to co-ownership principles since the marriage was nullified. The RTC's erroneous three-way split (including provisions for children's shares) was overruled.

**Doctrine:**

- **Article 147 of the Family Code:** Establishes that properties acquired during cohabitation without marriage or under a void marriage are governed by co-ownership rules.

- **Certiorari Appeals:** May be entertained in exceptional situations where strict procedural adherence could lead to injustice.

**Class Notes:**

- **Article 36 of the Family Code:** Addresses nullity of marriage due to psychological incapacity.

- **Article 147 of the Family Code:** Governs property regimes under void marriages or

cohabitation by creating a special co-ownership.

- **Certiorari vs. Ordinary Appeal:** Certiorari is justified when there is no adequate remedy, and grave abuse of discretion is evident.
- **Final Orders:** Post-decision orders on property distribution are appealable final orders.

**Historical Background:**

- The case is a landmark in understanding property relations in void marriages, elucidating the implementation of co-ownership principles under the Family Code.
- It emphasizes the judiciary's role in ensuring equity and justice, especially concerning property and support obligations following nullified marriages.