

### Title: Dorotea De Ocampo Vda. De Delizo et al. vs. Urbana Delizo et al.

### Facts:

- **First Marriage and First Set of Children**:

- Nicolas Delizo married Rosa Villasfer on April 20, 1891, until her death on December 7, 1909.

- Their children are Urbana Delizo, Severino Delizo, and Francisco Delizo (deceased by 1943; survived by his heirs Rancivillano, Soltrifilo, Josefina, Eufrocina, Aurea, Edita, and Fe).

- **Second Marriage and Second Set of Children**:

- Nicolas Delizo remarried Dorotea de Ocampo in October 1911.

- Their children are named Regino, Crispina, Carmen, Basilio, Hilario, Macario, Sendon, Marciano, and Hermogenes.

- **The Dispute**:

- After Rosa's death, Nicolas and his second wife Dorotea managed the properties from both marriages.

- Upon Nicolas Delizo's death on May 3, 1957, Urbana and Severino (children of the first marriage) and the heirs of Francisco filed for partition of the properties, claiming entitlement.

- **Properties Involved**:

- The properties concerned include over a hundred hectares of agricultural land spread across San Jose and Muñoz in Nueva Ecija, and an urban lot in Sampaloc, Manila.

- **Procedural History**:

- Trial court ruled on April 27, 1964, dividing properties among Severino, Urbana, Francisco's heirs (children of the first marriage), Dorotea (second wife), and the children from the second marriage.

- 1/2 to children of the first marriage (Urbana, Severino, Francisco's heirs)

- 1/4 to Dorotea

- 1/4 to be divided among all children (from both marriages).

- Petitioners (children from the second marriage) appealed to the Court of Appeals.

- Court of Appeals ruled on August 12, 1970, modifying the lower court's decision.

- Appeal advanced to the Supreme Court due to claims of errors by the Court of Appeals by the petitioners.

### Issues:

1. **Ownership Rights of the Caanawan Properties**:
  - Were the 66-hectare Caanawan lands part of the first or second marriage's conjugal partnership?
2. **Validity of Adverse Possession and Prescription for Second Marriage's Claim**:
  - Should the properties be considered barred from claim by adverse possession and prescription (47 years of continuous possession by the second marriage's family)?
3. **Appropriate Apportionment of Properties**:
  - How should properties acquired during the second marriage, claimed to be bought through fruits of first marriage's properties, be divided?

### Court's Decision:

- **Issue 1**:
  - **Caanawan Properties**:
    - Supreme Court concluded that the Caanawan lands were not fully acquired legally during the period of the first marriage as the land was still under public domain and subject to Homestead Act requirements.
    - Only 20 hectares were cultivated during the first marriage period, taken by the first conjugal partnership.
    - Remaining 46 hectares cleared during the second marriage, thus shared proportionally.
- **Issue 2**:
  - **Prescription and Possession**:
    - The long possession by the second marriage's family (1911-1957) did not negate the rightful claims as the properties needed division by conjugal operation.
- **Issue 3**:
  - **Proportional Property Division**:
    - Total estate's division based on the contribution and duration of each conjugal partnership.
    - Second conjugal partnership received 23/32 of properties, while the first received 9/32.
    - Nicolas Delizo's share divided equally among all his children and surviving spouse.

### Doctrine:

1. **Homestead Land Acquisition**:

- Ownership not established until all legal requirements completed (Act No. 926).

2. **Equitable Property Division**:

- Properties should be proportioned between successive conjugal partnerships considering labor contributions and improvements.

**Class Notes:**

- **Homestead Rights**:

- Requirements under Act No. 926, notably five-year continuous cultivation and residence.

- **Property Rights in Marriages**:

- Properties are presumed conjugal unless proven exclusive.

- **Partition and Co-ownership**:

- Spouses' and heirs' rights must be clearly apportioned considering legal presumptions and practical tests of possession and labor contributions.

**Historical Background:**

- **Conjugal Property Laws**:

- Precedents in Philippine property law concerning multiple marriages and homestead laws.
- Reflective of the evolution of land ownership laws from a colonial era-based framework to post-war interpretations in a developing legal structure.