

**\*\*Title:\*\***

Cirila Arcaba vs. Erlinda Tabancura Vda. de Batocael, et al.

**\*\*Citation:\*\***

421 Phil. 1096, G.R. No. 139655, Second Division

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

Francisco Comille and his wife Zosima Montallana owned Lot No. 437-A in Dipolog City. Zosima died in 1980, after which Francisco and Juliana Bustalino Montallana executed a deed of extrajudicial partition, with Juliana waiving her share of the property to Francisco. Having no children, Francisco asked his niece Leticia Bellosillo, Luzviminda Paghacian, and the petitioner Cirila Arcaba to take care of him. Francisco executed a “Deed of Donation Inter Vivos” in favor of Cirila for a 150-square meter portion of the property as a reward for her ten years of service. Francisco died on October 4, 1991.

Respondents, Francisco’s nephews and nieces, alleged that the donation was void under Article 87 of the Family Code as Cirila was Francisco’s common-law wife. The trial court ruled in favor of respondents, and the Court of Appeals affirmed.

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

1. Whether the Court of Appeals correctly concluded that Cirila Arcaba was the common-law wife of Francisco Comille.
2. Whether the “Deed of Donation Inter Vivos” executed by Francisco Comille in favor of Cirila Arcaba is void under Article 87 of the Family Code.

**\*\*Court’s Decision:\*\***

1. **\*\*Common-law Wife Determination:\*\***

The Supreme Court affirmed the finding that Cirila Arcaba was Francisco Comille’s common-law wife based on substantial evidence:

- Testimonies stated that Cirila and Francisco lived together and conducted themselves publicly as a couple.
- Documents showed Cirila using the surname “Comille.”
- Cirila did not demand a regular cash wage, suggesting a relationship beyond that of an employer and employee.

2. **\*\*Validity of Donation under Article 87 of the Family Code:\*\***

The Supreme Court ruled the donation void under Article 87. The evidence supported that Cirila and Francisco cohabitated as husband and wife, nullifying the donation made during

such relationship as per the Family Code.

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

Article 87 of the Family Code prohibits donations between individuals cohabitating as husband and wife without a valid marriage, except for moderate gifts on occasions of family rejoicing. This case reaffirms the application of this prohibition to void gratuitous donations made under such circumstances.

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

- **\*\*Key Elements:\*\***

- Family Code Article 87: Prohibition on donations between spouses or common-law partners.
- Evidentiary Standards: Public conduct and documentation as proof of common-law relationships.
- Burden of Proof: Requirements shifting based on relationship status.

- **\*\*Relevant Statutes:\*\***

- Family Code of the Philippines, Article 87:

> “Every donation or grant of gratuitous advantage, direct or indirect, between the spouses during the marriage shall be void, except moderate gifts which the spouses may give each other on the occasion of any family rejoicing. The prohibition shall also apply to persons living together as husband and wife without a valid marriage.”

- Labor Code, Articles 99-101: Employment standards for domestic workers, indicating entitlement to a regular wage.

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

The case emphasizes the legal implications of donation and property transfer within conjugal contexts and common-law relationships in the Philippines. Recognizing cohabitation’s impact on property rights underscores the Family Code’s role in protecting legal heirs’ interests against potentially void donations, reflecting societal values regarding marriage and family relationships in Philippine law.

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This detailed case brief provides law students with essential points and contextual understanding of applying the Family Code’s Article 87, aiding their preparation and grasp of relevant family law principles.