

****Title:**** Bernard B. Benasa vs. Presentacion R. Mahor (G.R. No. [Specify G.R. No.]

****Facts:****

In 1974, Bernard Benasa (petitioner), a seafarer, began an extramarital affair with Presentacion Mahor (respondent), who was then married to Pablo Mahor. During their decades-long relationship, Benasa remitted substantial portions of his seafaring income to Mahor, intended for both savings and acquiring properties in the Philippines. Mahor, allegedly using these funds, acquired real properties in Quezon City, Tagaytay City, and Baliuag, Bulacan, but registered them solely under her name. Upon retiring in 1999, Benasa requested an inventory of the funds he sent and the properties purchased. After receiving no response, he sent a demand letter in 2009 which also went unheeded. Consequently, he filed a suit in the RTC in January 2012 for an accounting and reconveyance of the acquired properties, claiming a co-ownership basis under Articles 147 and 148 of the Family Code.

Mahor was declared in default due to non-appearance, allowing Benasa to present evidence ex parte, which included remittance slips, personal letters acknowledging receipt of funds, and photographs indicating their relationship. The RTC, however, dismissed his petition, lacking evidence of lawful co-ownership, noting Mahor's marriage with Pablo and dismissing the relationship as mere concubinage. The CA affirmed this, stating Benasa failed to establish actual cohabitation necessary to claim co-ownership under Article 148. Dissatisfied with this, Benasa sought relief from the Supreme Court.

****Issues:****

1. Did Benasa and Mahor cohabit under Article 148 of the Family Code, entitling Benasa to claim co-ownership of the properties acquired during their relationship through his financial contributions?
2. Is there sufficient evidence to prove that Benasa contributed to the acquisition of properties registered solely to Mahor?
3. Does Benasa have a claim over personal properties he abandoned in Mahor's possession?

****Court's Decision:****

****Issue 1:**** The Court ruled that Benasa's relationship with Mahor fell under Article 148 of the Family Code, characterizing it as a form of cohabitation despite being adulterous. The periodic absences necessitated by seafaring did not negate the existence of a de facto marital relationship. The Court acknowledged Benasa's intention to return and sustain his domestic ties with Mahor, substantiated by remittances and continued exchange of letters,

and thus giving weight to their 25-year consistent partnership in terms of substantial contribution to family expenses.

Issue 2: It was determined that the properties bought using Benasa's remittances are held in co-ownership with Mahor. The Court found credible Benasa's presentation of cumulative amounts over a 25-year span, alongside admissions by Mahor in various correspondences referring to using those funds (i.e., her statement referring to one property as bought "from my allotment"), indicative of considerable financial input by Benasa. The remand of the case to the RTC was ordered for a proper accounting to establish the extent of contributions and corresponding ownership interests.

Issue 3: Benasa's claim over personal properties was unsupported due to inadequate evidence. The photographs and valuation lacked sufficient detail to overcome legal presumptions of possession favoring the person holding the property; hence, such claims were denied. Mahor's purported lack of independent acquisition means was seen as speculative and not substantiated by concrete evidence.

Doctrine:

The case established that genuine cohabitation under Article 148 can exist regardless of intermittent physical presence if intent and continued support imply sustenance of a shared life. Financial contributions significant in such a relationship establish a degree of co-ownership proportionate to those contributions and are not negated by an absence of formal documentation of intent for property acquisition. The case emphasizes careful documentation to sustain claims of co-ownership contrary to registered titles.

Class Notes:

- **Article 148, Family Code** - Governs property relations of persons cohabiting but are not mutually capacitated to marry, affecting patrimonial rights on shared acquisitions proportionate to contributions.
- **Co-ownership Evidence** - Proving substantial financial contribution can establish co-ownership even when documentation does not explicitly state shared ownership intentions.

Historical Background:

This decision reflects the judicial adaptation to acknowledge the property rights of individuals partaking in relationships resembling marital cohabitation under Philippine family law, without legal recognition, recognizing the socio-economic realities of overseas workers maintaining relationships domestically.