

****Title:**** Onesimo Agapito vs. Marilyn F. Agapito

****Facts:****

- In 2015, Marilyn F. Agapito filed an Unlawful Detainer case against Onesimo Agapito, her brother, in the Municipal Trial Court (MTC) of Bocaue, Bulacan.
- Marilyn asserted ownership of a property located at 191 Centro 1st, Bunlo, Bocaue, Bulacan, which was registered under her name with a Transfer Certificate of Title (TCT) No. T-100482. Onesimo occupied this property without paying rent.
- Without Marilyn's consent, Onesimo built a house on the property, claimed to be valued at P375,200, starting in 2000.
- Attempts at resolving the issue through barangay conciliation failed, and Marilyn formally demanded Onesimo to vacate the property in 2014.
- Onesimo claimed he built the house unaware of any dissent from Marilyn and with her knowledge. He insisted he was entitled to reimbursement for the value of the house and a right to retain it until reimbursement.
- The MTC ruled favorably for Marilyn, ordering Onesimo to vacate the property and compensate reasonable rent; Onesimo was denied reimbursement rights as he was considered a builder in bad faith.
- Onesimo appealed to the RTC, asserting entitlement to reimbursement and right to retention. The RTC upheld MTC's decision, denying Onesimo any reimbursement for building improvements due to lack of good faith.
- Onesimo escalated the matter to the Court of Appeals (CA) which affirmed the lower courts' rulings but reinstated reimbursement for any preservation expenses.
- Onesimo then filed a Petition for Review on Certiorari at the Supreme Court.

****Issues:****

1. Whether Onesimo Agapito is considered a builder in good faith under Articles 448 and 546 of the Civil Code.
2. If Onesimo is entitled to reimbursement for improvements made on Marilyn's property.
3. Whether Onesimo holds the right to retain possession until reimbursement for the property's improvements is made.

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

- The Supreme Court reversed the CA decision, determining that Onesimo was indeed a builder in good faith, considering the undeniable fact that Marilyn, despite her claims, must have known about his improvements given proximity and duration.
- Application of Articles 448, 546, and 548 was invoked, recognizing Onesimo's right to

reimbursement for the improvements, and by extension, the right to retention pending reimbursement.

- The case was remanded to the MTC for determining the values regarding improvements and assessing their rightful reimbursement.

****Doctrine:****

- ****Builder in Good Faith:**** A genuine belief in having the right to construct or occupy a property, despite contrary legal ownership. Legal entitlement to reimbursement and property retention is established when improvements are built in good faith unless evidence shows clear landowner opposition.

- ****Articles 448 and 546 Application:**** Address legal recourse for builders in good faith, allowing property retention until improvement value reimbursement.

****Class Notes:****

- ****Article 448 Civil Code:**** Governs rights of landowners and builders when improvements are made in good faith on someone else's land.

- ****Article 546 Civil Code:**** Enforces reimbursement for necessary and useful improvements to possessors in good faith who maintain the right to retain possession until paid.

****Historical Background:****

- This conflict between siblings over property rights touches upon broader societal issues of family land use relations in the Philippines. Historically, such family disputes have been prevalent due to traditional land inheritance practices, often leading to complex legal battles. The case exemplifies the delicate balance between familial relations and legal property rights under Philippine law.