

Title: **Tumlos v. Spouses Fernandez, 386 Phil. 936 (2000)**

**Facts:**

- Initial Agreement and Cohabitation:** Mario Fernandez and Guillerma Tumlos cohabitated despite Mario being legally married to Lourdes Fernandez. During this period, an apartment building at ARTE SUBDIVISION III in Valenzuela, Metro Manila, was acquired. Guillerma, Mario, and their two children lived there, and Guillerma claimed she administered the property.
- Violation of Agreement:** The Fernandez spouses allowed Guillerma, Toto Tumlos, and Gina Tumlos to live in the apartment for seven years without paying rent. It was initially agreed Guillerma would pay P1,600 per month and the others P1,000 per month, but these payments were not made.
- Demand and Ejectment:** The Fernandezes demanded payment of unpaid rentals and that the Tumlos family vacate the property for a new construction. They claimed unpaid rentals of P143,600 from Guillerma and P84,000 from Toto and Gina Tumlos. The demands went unheeded.
- Filing of Complaint:** The Fernandez spouses filed an ejectment suit (Civil Case No. 6756) in the Municipal Trial Court (MTC) of Valenzuela.
- Defense by Tumlos:** Guillerma filed an answer asserting her co-ownership based on a "Contract to Sell" naming her as a co-vendee and argued the Fernandez spouses had no cause of action against her.
- Preliminary Conference and Submission of Evidence:** After an unfruitful preliminary conference, both parties submitted their position papers and evidence: the Fernandezes included their marriage contract and demand letters, Guillerma filed her affidavit and the disputed "Contract to Sell".
- MTC Decision and RTC Appeal:** The MTC ruled against Guillerma. She presented new evidence before the Regional Trial Court (RTC) on appeal, including birth certificates of her children with Mario and a claim that the "Contract to Sell" was fraudulently altered to exclude her.
- RTC Ruling and Motion for Reconsideration:** The RTC initially affirmed the MTC decision but later reconsidered, concluding Guillerma was a co-owner upon finding the

“Contract to Sell” not authentic.

9. **Court of Appeals Ruling:** On appeal by the Fernandezes, the CA reversed the RTC, reinstating the MTC’s decision to eject the Tumlos. They emphasized Guillerma failed to prove actual contribution to the property’s purchase as required by Article 148 of the Family Code.

**Issues:**

1. **Whether the Court of Appeals erred in dismissing the claim of co-ownership by Guillerma Tumlos.**
2. **Whether Article 148 of the Family Code was properly applied by the Court of Appeals.**
3. **Whether the right to support could bar the ejectment action.**

**Court’s Decision:**

1. **Claim of Co-ownership:**

- **Evidence Consideration:** The Supreme Court agreed that while new evidence was permissible on appeal for procedural fairness, Guillerma failed to prove her co-ownership with Mario.

- **Article 148 Application:** The applicable law due to existing lawful marriage of Mario was Article 148 of the Family Code. Under this, Guillerma needed to show an actual joint contribution to the property’s acquisition. Her failure to do so negates her co-ownership claim.

2. **Support vs. Ejectment:**

- The court emphasized that an ejectment suit deals solely with possessory rights. Guillerma’s claim of needing support for her children does not override the respondents’ better possessory claim.

- Additionally, no judicial or extrajudicial demand for support was made as mandated by Article 203 of the Family Code.

**Doctrine:**

- **Article 148 of the Family Code:** Actual contribution must be proven for co-ownership in non-marital cohabitation cases where one party is otherwise married.

- **Ejectment Law:** The issue of possession can temporally consider ownership but does not adjudicate it permanently.

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

- **\*\*Article 148, Family Code of the Philippines:\*\*** In cohabitation cases, property acquisition requires actual joint contributions for co-ownership.
- **\*\*Requirement for Support:\*\*** Legal obligations for support need a documented demand before they can impact legal proceedings such as ejectment cases.
- **\*\*Procedural Fairness in Evidence:\*\*** Evidence introduced at the appeal stage must still relate to the initial legal theories presented.

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

- **\*\*Family Code Context:\*\*** Article 148 addresses the property relations for non-marital cohabitants specifically where one is validly married to another, providing greater clarity than Article 144 of the Civil Code, thus updating Philippine family law to modern social contexts.