

****Perla G. Patricio vs. Marcelino G. Dario III and The Honorable Court of Appeals, Second Division****

537 Phil. 595

****Facts:****

On July 5, 1987, Marcelino V. Dario died intestate and was survived by his wife, Perla G. Patricio, and their two sons, Marcelino Marc Dario and Marcelino G. Dario III. Among his properties was a parcel of land in Cubao, Quezon City, covered by TCT No. RT-30731. The family extrajudicially settled the estate on August 10, 1987, leading to the issuance of TCT No. R-213963 in the names of Perla and her two sons.

Perla and Marcelino Marc proposed to partition the property, but Marcelino G. Dario III refused. Consequently, Perla and Marcelino Marc initiated a partition action before the Quezon City RTC, docketed as Civil Case No. Q-01-44038. On October 3, 2002, the RTC ordered the property's partition and public auction, with shares allocated as follows: Perla (4/6), Marcelino Marc (1/6), and Marcelino G. Dario III (1/6).

Marcelino G. Dario III's motion for reconsideration was denied on August 11, 2003, prompting his appeal to the Court of Appeals, which initially denied his appeal on October 19, 2005. Upon reconsideration, the CA reversed itself on December 9, 2005, dismissing the complaint for partition, citing that a minor beneficiary lived in the family home.

****Issues:****

1. Whether the Court of Appeals erred in reversing its own decision and denying the partition and sale of the property, applying Article 159 of the Family Code.
2. Whether the minor grandson of the decedent qualifies as a beneficiary under Article 154 of the Family Code, thereby prohibiting the partition of the family home.

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

The Supreme Court reversed the CA's decision, ruling in favor of partitioning the property.

1. ****Ten-Year Rule and Minor Beneficiary:****

- Article 159 of the Family Code states the family home continues despite death for ten years or while a minor beneficiary resides therein. Here, the decedent's minor grandson qualifies as a beneficiary under Article 154, provided he meets the residency and dependency requirements.

2. ****Actual Residency:****

- The court found Marcelino Lorenzo R. Dario IV had been living in the family home and was thus considered a rightful beneficiary.

3. **Dependency for Support:**

- The crux was whether the minor grandson was dependent on Perla G. Patricio for support. Although he resided in the family home and was a descendant, Article 199 established that legal support falls primarily on the parents if they are capable.

- The Court determined that Marcelino Lorenzo R. Dario IV was legally dependent on his father, Marcelino G. Dario III, who was financially capable.

Since the minor was not dependent on Perla, the property should not continue as a family home merely based on his residency. The lack of dependency nullified the prohibition against partition provided by Article 159.

Doctrine:

1. **Article 159 of the Family Code:** The family home lasts for 10 years after the death of a spouse constituting it or while a minor beneficiary resides. The heirs cannot partition it unless a court finds compelling reasons.

2. **Dependency on Support:** Beneficiaries must primarily depend on the head of the family residing in the family home. Legal support obligations primarily lie with the closer family members (e.g., parents) before extending to others (e.g., grandparents).

Class Notes:

- **Family Home (Article 153-159, Family Code):**

- Constituted when occupied as a family residence.

- Exempt from forced sale or execution.

- Preserved 10 years post-death or while a minor resides.

- Primary dependency provides continuity; without dependency, dissolution is possible.

- **Support Obligation Hierarchy (Article 199, Family Code):**

- Parents before grandparents.

- Legal capacity of supporters is crucial.

Historical Background:

This case highlights the legislative intent of the Family Code to protect minor beneficiaries through legal constructs like the family home. The evolving family dynamic, with minors potentially living with grandparents due to various familial structures, forms the backdrop. This case explores the tension between the sanctity of the family home and practical

dependency support hierarchies within extended families. The ruling underscores the principle that adequate legal support must be pinpointed to the closest capable relatives, preserving family integrity and mitigating conflicts over estate management.