

Title: Fortunata Solis v. Maxima Barroso, et al., 53 Phil. 912

Facts:

- The spouses Juan Lambino and Maria A. Barroso had three children: Alejo, Eugenia, and Marciana Lambino. On June 2, 1919, they drafted a donation propter nuptias in a private document (Exhibit A), promising lands to Alejo Lambino and Fortunata Solis. This was done in anticipation of the marriage of Alejo and Fortunata.
- The condition stated that if one of the couple died, half the land would revert to the donor while the surviving spouse would retain the other half.
- Alejo and Fortunata married on June 8, 1919, and took possession of the lands.
- On August 3, 1919, Alejo passed away. Later that year, donor Juan Lambino also died, and Maxima Barroso, his wife, took back possession of the lands.
- Fortunata Solis filed a legal action against Maxima Barroso, Eugenia, and Marcelina Lambino, demanding a legally compliant deed of donation and partition of the lands and their fruits.
- The lower court agreed with Fortunata, citing Article 1279 of the Civil Code, directing the defendants to execute the deed transferring half the land to Fortunata. The case was subsequently appealed.

Issues:

1. Whether Article 1279 of the Civil Code, concerning contracts, applied to this donation.
2. Whether the marriage consideration makes the donation “onerous” under Article 622, subjecting it to contract rules.
3. Whether the lack of a public instrument invalidated the donation propter nuptias.

Court’s Decision:

- The Supreme Court reversed the lower court’s decision.
  1. It held that Article 1279, which pertains to contracts, was inapplicable as it concerns only existing valid contracts that require an additional formality to be effective. In this donation’s case, the formality of a public instrument was required for the donation to be valid, per Article 633.
  2. The Court determined that the donation propter nuptias was not “onerous” and was invalid without a public instrument. The donation’s purpose, found in marriage consideration, did not make it onerous.

3. It concluded that a public instrument was mandatory under Article 633 for the donation of real property to be valid. The document's lack of this requisition rendered the donation invalid.

Doctrine:

- Donation propter nuptias requiring real property must be made via public instrument per Article 633 of the Civil Code.
- A donation is not considered onerous merely because it is in contemplation of marriage. Therefore, rules concerning onerous contracts do not apply.

Class Notes:

- Key Elements: Donation propter nuptias; Formal validity requirement (public instrument); Onerous and Remuneratory distinctions; Influence of marriage as consideration.
- Relevant Statute: Article 633 of the Civil Code (necessitating formal validity through a public instrument for real property).
- Application: Understanding when marriage as consideration affects a donation's classification and validity requirements.

Historical Background:

- The case provides insight into early 20th-century Philippine jurisprudence regarding family donations and the emerging need for formality in legal transactions, demonstrating the evolution of legal doctrines surrounding property and familial relations in the Philippines. The case reflects a historical emphasis on formal legal procedures, influencing subsequent property and family-related laws in the country.