

PHILIPPINE DAILY INQUIRER

# PROPERTY

Editor  
Theresa S. Samaniego

Desk Editor  
Amy R. Remo



## PIONEERING CONDO LIFESTYLE IN THE SOUTH

By Theresa S. Samaniego  
@teksamaniegoINQ

He took a risk and it paid off. While residential condominiums were already starting to take off in key urban centers about a decade ago, Jeffrey Ng opted not to join the fray in building these modern dwellings in Metro Manila.

Instead, the president of Cathay Land Inc. started to build his mid-rise condominiums outside the metro, where the residents prefer and are still more accustomed to the traditional house-and-lot setting.

"We started building (mid-rise condominium projects) around 10 years ago with Scandia I and II. We felt that even there (in Silang, Cavite), we had a demand. People, especially the expatriates working in the nearby industrial estate were asking us about it," Ng recalled.

### Expat community

He shared that at that time, there were a lot of Koreans and Japanese who were working in the different multinational companies in nearby industrial estates. While some prefer the house-and-lot setting, a big number of the expats preferred to stay in a condo unit.

"With the demand coming from them, we thought of putting up, initially, Scandia Suites I and II and both were sold out. Since then, we have put up several more," Ng said. "Selling wasn't an issue."

Cathay Land also has the Golf View Terraces, Stanford Suites I, II and III, and the Fullerton Suites, which broke ground last year. All these are located in Silang, Cavite. Each project has its own amenities such as the swimming pool and landscaped gardens, which Ng said, the expats "really liked."

The recently built condos further have pocket gardens in every floor, affording residents and their guests with stunning views of either Tagaytay or the Laguna Lake as they lounge around.

What appealed to the expats, he further explained, was that living in a condo affords them utmost convenience. For one, they won't have to worry about the maintenance of their home, repairs, as well as their safety and security. A condo's proximity to the expats' workplaces, commercial establishments, service shops, among others, lessen the hassle of having to drive far to get your essentials.

### Growing local market

But what surprised Ng was that apart from expats, there was also a growing preference from Filipinos in the area.

"To our surprise, there's also quite a big demand from other markets," Ng said. "We have Filipinos working at the industrial estates, too, the empty nesters who prefer the condominium lifestyle, professors from neighboring schools and universities, and even students. We have a lot of schools beside us—you have St. Scholastica, Don Bosco, De La Salle, Xavier, Miriam and

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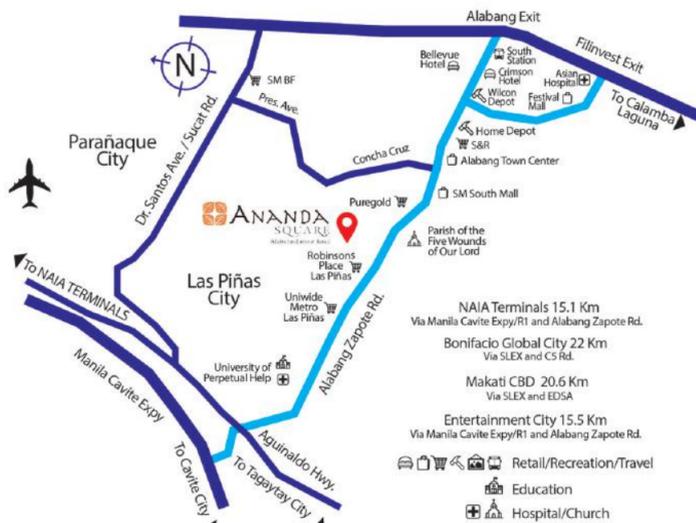
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## Sorry honey... you alone must pay!

It is one nightmare that they will never forget. Spouses Ren and Lecia and several other persons were accused of murder. After trial, the court acquitted Ren, but found Lecia and another person guilty beyond reasonable doubt of the crime charged.

Accordingly, the trial court ordered those found guilty to pay each of the heirs of the victims, jointly and severally, P50,000 as civil indemnity, P50,000 each as moral damages, and P150,000 actual damages. On appeal, the appellate court affirmed the conviction of both accused but modified the penalty to reclusion perpetua. With respect to the monetary awards, the appellate also affirmed the award of civil indemnity and moral damages but deleted the award for actual damages for lack of evidentiary basis. In its place, however, the Court made an award of P15,000 each by way of temperate damages. In addition, the Court awarded P50,000 exemplary damages per victim to be paid solidarily by them. The decision became final and executory.

As expected, the heirs of the deceased moved to execute the monetary awards stated in the decision. The trial ordered the issuance of the writ, resulting in the levy of real properties registered in the names of Ren and Lecia. Subsequently, a notice of levy and a notice of sale on execution were issued.

Ren and Lecia filed a motion to quash the writ of execution, claiming that the levied properties were conjugal assets, not paraphernal assets of Lecia.

The trial court denied the motion. Finding that Lecia did not own any paraphernal property, the court ruled that the

civil indemnities it imposed may be charged on the parties community properties. The court opined that even if Ren and Lecia were married before the effectivity of the Family Code, their property regime should now be governed by the provisions of the absolute community property regime, and no longer that of conjugal property regime since no vested rights have been acquired by each over the properties of the community. Hence, the liabilities imposed on Lecia may properly be charged against their absolute community property.

**Q: What is the property relations of Ren and Lecia?**

**A:** It is the regime of conjugal partnership of gains because they were married prior to the enactment of the Family Code and that they did not execute any prenuptial agreement.

**Q: Is the court correct in its ruling that the provisions of the Family Code should be given retroactive effect?**

**A:** While it is true that the personal stakes of each spouse in their conjugal assets are inchoate or unclear prior to the liquidation of the conjugal partnership of gains and, therefore, none of them can be said to have acquired vested rights in specific assets, it is evident that the Family Code does not intend to reach back and automatically convert into absolute community of property relation all conjugal partnerships of gains that existed before 1988 excepting only those with prenuptial agreements. In fact, the Family Code itself provides in Article 76 that marriage settlements cannot be modified except prior to marriage. Clearly, therefore, the conjugal partnership of gains that gov-



### PROPERTY RULES

MA. SOLEDAD  
DERIQUITO-MAWIS

erned the marriage between Ren and Lecia who were married prior to 1988 cannot be modified except before the celebration of that marriage.

**Q: What are the instances when post-marriage modification of the property regime of the spouses can take place?**

**A:** Post-marriage modification can take place only where: (a) the absolute community or conjugal partnership was dissolved and liquidated upon a decree of legal separation; (b) the spouses who were legally separated reconciled and agreed to revive their former property regime; (c) judicial separation of property had been had on the ground that a spouse abandons the other without just cause or fails to comply with his obligations to the family; (d) there was judicial separation of property under Article 135; (e) the spouses jointly filed a petition for the voluntary dissolution of their absolute community or conjugal partnership of gains. None of these circumstances exists in the case of Ren and Lecia.

**Q: What is the applicable law in deciding whether or not the conjugal properties of Ren and Lecia may be held to answer for the civil liabilities imposed on Lecia in**

**the murder case?**

**A:** It is Article 122 of the Family Code which states that "The payment of personal debts contracted by the husband or the wife before or during the marriage shall not be charged to the conjugal properties partnership except insofar as they redounded to the benefit of the family.

Neither shall the fines and pecuniary indemnities imposed upon them be charged to the partnership.

However, the payment of personal debts contracted by either spouse before the marriage, that of fines and indemnities imposed upon them, as well as the support of illegitimate children of either spouse, may be enforced against the partnership assets after the responsibilities enumerated in the preceding Article have been covered, if the spouse who is bound should have no exclusive property or if it should be insufficient; but at the time of the liquidation of the partnership, such spouse shall be charged for what has been paid for the purpose above-mentioned.

**Q: Can the civil indemnity imposed on Lecia be charged on their conjugal assets?**

**A:** No, since Ren does not dispute the court's finding that Lecia has no exclusive property of her own, Art. 122 applies. The civil indemnity that the decision in the murder case imposed on her may be enforced against their conjugal assets after the responsibilities enumerated in Article 121 of the Family Code have been covered.

**Q: What are the responsibilities enumerated in Art. 121 of the Family Code?**

**A:** Art. 121. The conjugal partnership shall be liable for:

(1) The support of the

spouse, their common children, and the legitimate children of either spouse; however, the support of illegitimate children shall be governed by the provisions of this Code on Support;

(2) All debts and obligations contracted during the marriage by the designated administrator-spouse for the benefit of the conjugal partnership of gains, or by both spouses or by one of them with the consent of the other;

(3) Debts and obligations contracted by either spouse without the consent of the other to the extent that the family may have benefited;

(4) All taxes, liens, charges, and expenses, including major or minor repairs upon the conjugal partnership property;

(5) All taxes and expenses for mere preservation made during the marriage upon the separate property of either spouse;

(6) Expenses to enable either spouse to commence or complete a professional, vocational, or other activity for self-improvement;

(7) Antenuptial debts of either spouse insofar as they have redounded to the benefit of the family;

(8) The value of what is donated or promised by both spouses in favor of their common legitimate children for the exclusive purpose of commencing or completing a professional or vocational course or other activity for self-improvement; and

(9) Expenses of litigation between the spouses unless the suit is found to be groundless.

If the conjugal partnership is insufficient to cover the foregoing liabilities, the spouses shall be solidarily liable for the unpaid balance with their separate

properties.

**Q: Must the heirs of the deceased victim wait for the liquidation of the conjugal partnership of Ren and Lecia before it can assert their claim for civil indemnities arising from Lecia's conviction?**

**A:** No. Article 121 of the Family Code allows payment of the criminal indemnities imposed on his wife, Lecia, out of the partnership assets even before these are liquidated. Indeed, it states that such indemnities "may be enforced against the partnership assets after the responsibilities enumerated in the preceding article have been covered."

of those assets is required. This is not altogether unfair since Article 122 states that "at the time of liquidation of the partnership, such [offending] spouse shall be charged for what has been paid for the purposes above-mentioned." It is important, however, that the court must first ascertain that, in enforcing the writ of execution on the conjugal properties of spouses Ren and Lecia for the satisfaction of the indemnities imposed by final judgment on the latter accused in the criminal cases, the responsibilities enumerated in Article 121 of the Family Code have been covered.

Source: *Efren Pana vs. Heirs of Juanite, Sr.*, G.R. No. 164201, December 10, 2012

Ma. Soledad Deriquito-Mawis  
Dean, Lyceum of the Philippines University  
Outgoing Chairman,  
Philippine Association of Law Schools Mawis Law Office

**FROM B5-1** Ateneo Graduate School," he said.

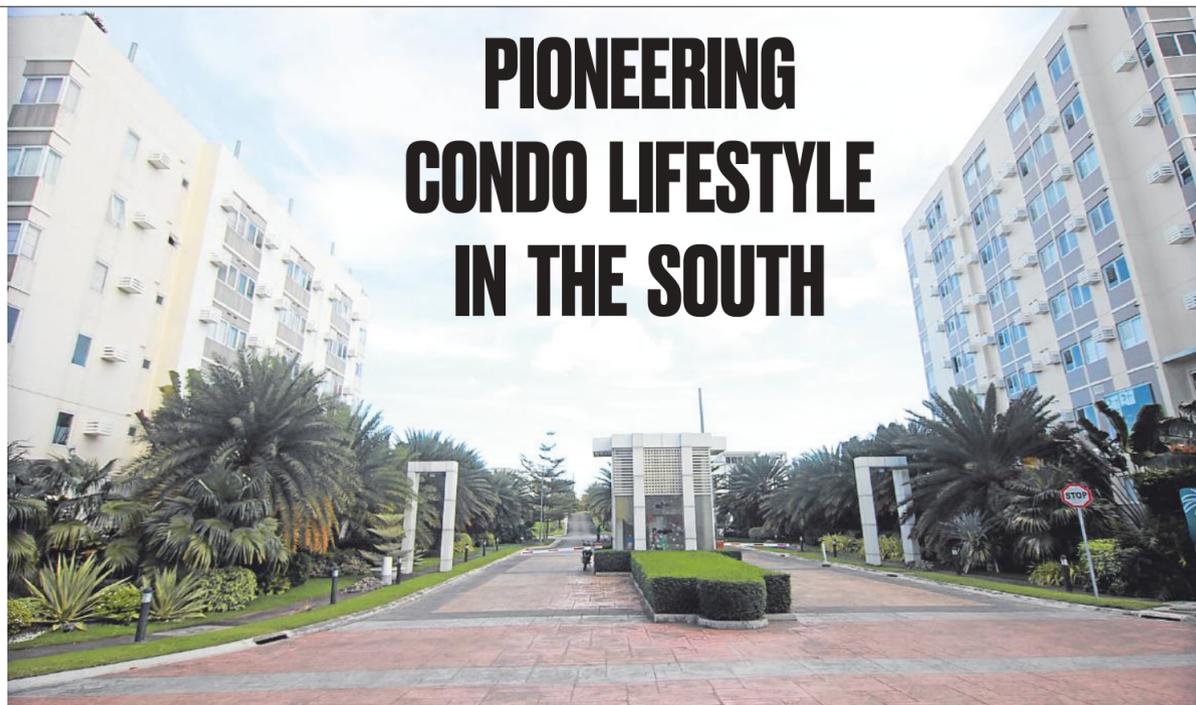
"What we provide is that modern convenience from a condominium lifestyle in a more relaxed environment. You have that rustic, idyllic rural setting and yet, all the modern amenities of city living are there," Ng added.

Indeed, how can one ask for more? All projects by Cathay Land are masterplanned, designed to provide a different kind of comfort and convenience in a suburban setting. Within the condos, there are commercial spaces that offer a resident's necessities: a supermarket, convenience stores, coffee shop, laundromat, tutorial services, spa and pet care, among others—which are all just one elevator ride away.

What's more, these commercial spaces offer potential business opportunities for budding entrepreneurs in the area, whether they live within Cathay Land's 500-ha South Forbes Golf City or in nearby villages.

For residents, several tourist and recreational spots are highly accessible, allowing them to relax and unwind while doing their favorite outdoor activities with family and friends during weekends.

"We've been getting very good feedback and demand for our condos. It's a growing market and with the completion of the Cavite Laguna Expressway (Calax), which will provide a new access road to Laguna Blvd., Laguna Technopark, up to the Sta. Rosa-Tagaytay Road,



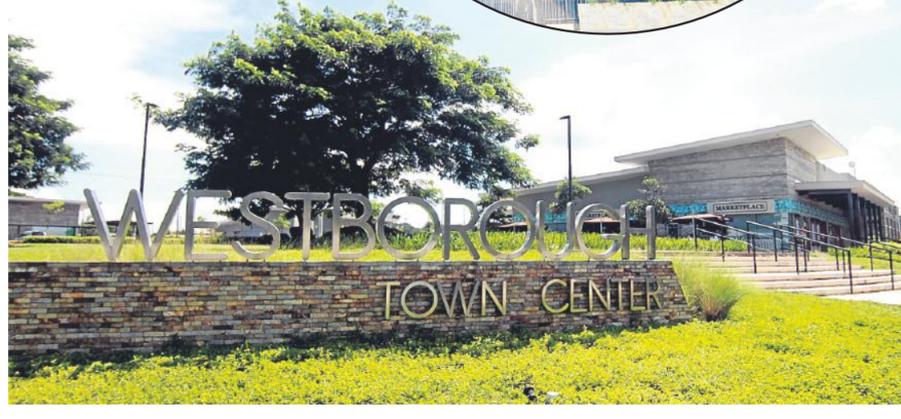
Cathay Land offers modern convenience from a condominium lifestyle in a more relaxed environment.

it's going to be more convenient for people coming from as far away as Makati and Alabang, even Carmona, Biñan, and Calamba in Laguna to get here," he said.

**First mover advantage**

It thus pays that Ng has always been one to take calculated risks. But it comes as no surprise. After all, he is one of the prime movers in the South, a visionary who had bet big on Sta. Rosa, Laguna and Silang, Cavite when these areas were mostly just vast tracts of idle land decades ago.

Within this areas, Cathay





The college-division winners of the hip-hop competition —NICOLE REY

# DANCING FOR SISTERHOOD, WOMEN EMPOWERMENT

Despite hurdles, St. Paul College Pasig, University of Asia and the Pacific top WNCAA's 2nd Hip-hop Dance Competition

**By Nicole Venice Rey**  
De La Salle University  
Class of 2019

If there's one act that screams empowerment and confidence, it's dancing. Make it an all-girl group synchronized to the beat and it's a striking vision of power.

Eight schools battled it out on the court that served as the dance floor for the 2nd Hip-hop Dance Competition during the 50th Women's National Collegiate Athletic Association (WNCAA), which opened last Sept. 21 at SM Mall of Asia Arena.

"Let's go, let's go!" chanted St. Paul College Pasig's 16-member dance crew, called Terpsichore Street, after the goddess of dance.

With their impressive moves and determined facial expressions, they came out on top in the Juniors Division.

But with every performance comes a set of struggles. The group had limited time to practice due to numerous suspensions of classes and conflicting schedules, said Pau O'Keeffe, a Grade 11 Terpsichore Street member. They made sure these didn't affect their performance.

Meanwhile, the University of Asia and the Pacific's (UA&P) Squadra, last year's first runner-up, emerged champion this season in the Seniors Division. Dressed in sleek white pants and blazers, the ladies knew their first rule of business was to win, and so they did.

For Kyra Matela, third year at UA&P, she has

her "family" of young women who empower each other with every dance move to thank for.

Squadra, like any family, went through hardships. The biggest challenge was developing chemistry among the new members who were competing for the first time. Then there was the stress of academics. The pressure was high for them to clinch the championship.

### Eye on the prize

But their eyes were on the prize. "It served as a motivation for us to train and hustle harder," Matela said.

In the Juniors Division, San Beda Alabang was first runner-up, while Assumption Antipolo placed second runner-up.

For the Seniors Division, University of Makati placed first runner-up, while Centro Escolar University was second runner-up.

St. Scholastica's College and Philippine Women's University also competed in the Seniors Division.

The five participating schools in the Seniors Division will directly enter the finals of the Southeast Asian (SEA) Games special hip-hop competition on Nov. 12. The winner will perform at a special event organized by the SEA Games. —CONTRIBUTED INQ



San Beda Alabang, Juniors Division first runner-up —SHOUN NICHOLAS DAVID



Assumption College San Lorenzo —SHOUN NICHOLAS DAVID



University of Asia and the Pacific's Squadra —SHOUN NICHOLAS DAVID



## Acienda Designer Outlet celebrates first anniversary with Acienda Fest

Acienda Designer Outlet - the country's first true international Outlet mall -- is celebrating its first anniversary this Saturday, October 26th, with a bevy of activities as soon as the mall opens doors at 10 am all the way 'til late evening.

Lucky ticket holders get to enjoy loads of shopping, eating, skating, dancing and rock & rolling all day long.

First off, shoppers just need to present receipts, single or accumulated, worth at least P1500 to the Acienda mall admin office or at the entrance gate during the event day proper. All receipts from September 27 up to October 26 can be exchanged for tickets. VIP tickets can also be redeemed for receipts worth at least P5000.

So, shop for some more fabulous items from brands such as Nike, True Religion and Havaianas at great discounts at Acienda Designer Outlet so you can have more

friends and family join the fun!

Over at Acienda Designer Outlet's North Parking side, the Let's Eat Pare group will host a Food Fest the whole day. So grab some favorites like gourmet burgers, local fare, street food and fab drinks all day long!

Burn those calories at Acienda Fest's skate clinic. Beginners and seasoned enthusiasts will surely enjoy personal training and safety tips from pro skaters.

The whole day will be fun-filled with close-up magicians, LED dancers and mimes bringing a smile to everyone's faces. So catch those amazing moments with these

talented performers with that perfect selfie.

At 2pm, nine of the country's top bands take the stage at Acienda Designer Outlet to bring the house down. UDD, Hale, Join the Club, Lenses, Aoui, Maude, Dante&Amigo, Laluna and the 5th string band all vow to wow Acienda shoppers with the hits!

So, what are you waiting for? Come join the fun at Acienda Fest this Saturday. Shop 'til you drop at Acienda Designer Outlet to get free tickets for the whole gang! Join the fun at Km 48, Aguinaldo Highway, Silang, Cavite, or visit [www.aciendadesigneroutlet.com](http://www.aciendadesigneroutlet.com) for more details.



### NEW PIZZA PLACE ALERT



From left, DLSU Volleybells Mereoppe Sharma and Leila Cruz, with classmates Luis Pangilinan and Ken Tiangco —PHOTOS BY SHOUN NICHOLAS DAVID

## LATEST PIZZA BRANCH IN TAFT AVENUE

Eighteen years and over a hundred branches in the Philippines later, Yellow Cab Pizza Co. continues to share a slice of New York through its assortment of pizzas, sandwiches, pasta, chicken and desserts.

Yellow Cab finally opens its newest branch on 2/F R Square Mall, Taft Avenue cor-

ner Pablo Ocampo Street, Malate, Manila.

Situated near De La Salle University, this branch is perfect for students, professors, commuters and pizza lovers in the Taft Avenue area, and promises to serve the same fresh, hot and fast dishes that are #SoWorthIt.



Neon lights design inside the pizza place