



Republic of the Philippines
Fourth Judicial Region
REGIONAL TRIAL COURT
Branch 130, Trece Martires City
rtc1tmt130@judiciary.gov.ph
09198753023

enrdd

C. Ngason

EDNA DEVOLGADO VALES,

Plaintiff,

- versus -

**CIVIL CASE NO. TMCV-037-23
FOR: RECONVEYANCE AND
DAMAGES**

CHONA T. VALES,

Defendant.

x-----x

ORDER

Before this Court is a *Motion for Leave of Court to Serve of Summons by Publication* filed by Plaintiff Edna Devolgado Vales through counsel, Atty. Ma. Bernadette C. Solis, on June 18, 2024.

In the said Motion, Plaintiff averred that on April 11, 2024, she received the Process Server's Return dated April 1, 2024 issued by Process Server Orlando G. Nicolas stating that the latter failed to serve the Summons together with the copy of the complaint and its annexes to Defendant Chona T. Vales at her residence at Lot 13 Blk 39 Phase II, ACM Homes, Alapan 1-A, Imus City, Cavite because the Defendant is no longer residing thereat. Plaintiff further averred that she has no knowledge of the current address and whereabouts of the defendant.

Considering that the defendant is no longer residing on the given address of the plaintiff and defendant's whereabouts remain unknown despite diligent inquiry, the *Motion for Leave of Court to Serve of Summons by Publication* is hereby granted.

ACCORDINGLY, the Court allows the service of summons on Defendant Chona T. Vales by publication in Lot 13 Blk 39 Phase II, ACM Homes, Alapan 1-A, Imus City, Cavite. The Summons and the Complaint shall be published once a week for three (3) consecutive weeks, in a newspaper of general circulation in the Philippines. The defendant is directed to file an Answer within sixty (60) calendar days from date of last publication.

Let the copy of the Summons and the Complaint, as well as this Order, be sent by registered mail to the last known address of the defendant.

SO ORDERED.

Trece Martires City, Cavite, December 17, 2024.


GAYSOL C. LUNA
Presiding Judge

DEC 18 2024

GCL/mgc

Copy Furnished:

EDNA DEVOLGADO VALES

Plaintiff

1112 Cityland Tower I, Dela Rosa St.
Makati City, Metro Manila

SOLIS & SOLIS LAW & ACCOUNTING OFFICE

ATTY. MA. BERNADETTE C. SOLIS

Counsel for the Plaintiff

solis_law_acctg_office@yahoo.com

CHONA T. VALES

Defendant

Lot 13, Block 39, Phase III, ACM Homes
Alapan 1-A, Imus City, Cavite

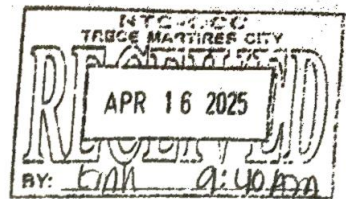
OFFICE OF THE CLERK OF COURT

Trece Martires City, Cavite

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EDNA DEVOLGADO VALES,

Plaintiff,

- versus -

CIVIL CASE NO. **TMCV-037-23**
FOR: RECONVEYANCE AND
DAMAGES

CHONA T. VALES,

Defendant.

X-----X

SUMMONS
(By Publication)

TO: **CHONA T. VALES**
Lot 13, Block 39, Phase III, ACM Homes
Alapan 1-A, Imus City, Cavite

WHEREAS, on September 29, 2023, **EDNA DEVOLGADO VALES** through counsel, Atty. Ma. Bernadette C. Solis filed before this Court a Complaint for Reconveyance and Damages against Chona T. Vales, which reads as follows:

PLAINTIFF EDNA DEVOLGADO VALES, by the undersigned counsel and unto this Honorable Court, most respectfully alleges that:

1. Plaintiff is of legal age (senior citizen), Filipino, widow of Conrado G. Vales, and residing at 1112 Cityland Tower I, Dela Rosa St., Makati City, Metro Manila, Philippines. While defendant is of legal age, Filipino, and with residence and postal address at Lot 13, Block 39, Phase III, ACM Homes, Alapan 1-A, Imus City, Cavite, where she may be reached with Summons and other court processes.
2. Plaintiff is seeking for the reconveyance of a parcel of land located at Eagle Ridge Residential Estate covered by Transfer Certificate of Title (TCT) No. 057-2013005447 (**Annex "A"**) and Tax Declaration (TD) No. 242-0018-09092 which is registered under the names—"SPOUSES CONDRADO G. VALES AND CHONA T. VALES". The latest TD No. 242-0018-09092, realty tax payment paid by Plaintiff under Official Receipt No. 0160458 dated April 22, 2022, and Tax Clearance dated February 23, 2023, are attached as **Annexes "B", "B-1", and "B-2",** respectively.
3. Plaintiff was married to Conrado G. Vales in Dededo, Guam, USA, on December 18, 1991, the photocopy of their License and Certificate of Marriage including the apostilles are attached hereto as **Annexes "C-1" and "C",** respectively. The Plaintiff and Conrado G. Vales had lived together as husband and wife continuously from the date of marriage on December 18, 1991 up to the time of Conrado G. Vale's death in San Diego, California on August 21, 2021. The Certificate of Death of Conrado G. Vales with its corresponding apostille are attached hereto as **Annexes "D-1" and**



"D", respectively.

4. The late Conrado G. Vales had owned a successful and profitable construction and consulting company in Dededo, Guam, until his death. He was a Professional Mechanical Engineer. Aside from the lot in question, he bought a "Studio D-3" condominium unit from Cebu Hilton Resort & Towers - Condotel worth Php1,902,225.60 in October 1999. The photocopy of the Contract To Buy and Sell is attached as **Annex "E"**. He also bought a lot (TCT No. T-688677) from Ayala Greenfield Estates in Calamba, Laguna worth Php6,373,600.00 in April 2010. The photocopy of the Deed of Absolute Sale is attached as **Annex "F"**. He also bought real property in Davao the details of which shall be divulged during the hearing of this case.

5. Unknown to the Plaintiff, her husband Conrado G. Vales bought a parcel of land located at Eagle Ridge Residential Estate, Barangay Javalera, General Trias, Cavite, covered by TCT No. 057-2013005447, with an area of 755 square meters. It was registered in the name of, "Spouses Conrado G. Vales and Chona T. Vales, both of legal age, Filipino citizens". This property is inside the Eagle Ridge Golf and Country Club. Its market value shown on the tax declaration is Php2,416,000.00; while its assessed value as of year 2021 shows an amount of Php483,200.00 which is well within the jurisdiction of this Honorable Court. Its Technical Description as shown in the title is as follows:

A parcel of land (Lot 2 Block 23 of the CONSOLIDATION/SUBDIVISION PLAN, PCS-04-012217 BEING A PORTION OF THE CONSOLIDATION LOTS 2927, 2928, 2929 (RS-04-000978) 2938 (RS-04000969) 2959, 2940 (RS -04-2439), 2950, 2951, 2952 (RS 04-0002437), 2957 (RS-04-000958), 2969; 2970 (RS-04-0002438), 2953, 2958 & 2959, ALL OF SAN FRANCISCO DE MALABON ESTATE. L.R.C. RECORD NO.), SITUATED IN THE BARANGAY OF TRACTORA & JAVALERA, MUN. OF GEN. TRIAS, PROV. OF CAVITE. BOUNDED ON THE N., ALONG LINES 1-2-3-4-5 BY CAD., LOT 33; ON THE E., ALONG LINE 5-6 BY LOT 3, BLOCK 23; ON THE S., ALONG LINES 6-7-8-9 BY BLOCK 22A AOKI GOLF COURSE; ON THE W., ALONG LINE 9-1, BLOCK 23 ALL OF THE CONS./SUBD. PLAN. BEGINNING AT A POINT MARKED "1" ON PLAN BEING N. 35 DEG. 30' W., 1376.28 M. FROM MON. 197, SAN FRANCISCO DE MALABON ESTATE. THENCE S. 85 DEG. 29' E., 6.85 M. TO POINT 2. THENCE S. 80 DEG. 56'E., 9.11 M. TO POINT 3; THENCE S. 77 DEG. 00'E., 7.29 M. TO POINT 4; THENCE S. 72 DEG. 50' E., 7.09 M. TO POINT 5; THENCE S. 16DEG. 15'W., 28.50 M. TO POINT 6; THENCE N. 77 DEG. 00W., 7.00 M. TO POINT 7; THENCE N. 83 DEG. 10'W., 6.99 M. TO POINT 8; THENCE N. 89 DEG. 21'W., 7.02 M. TO POINT 9; THENCE N. 01 DEG. 45' W., 30.59 M. TO POINT OF BEGINNING. CONTAINING AN AREA OF SEVEN HUNDRED FIFTY FIVE (755) SQUARE METERS. XXX.

6. That based on the aforementioned title, the subject lot was acquired by and transferred into the names of Conrado G. Vales and a certain assumed name Chona T. Vales on February 23, 2013, which was made during the existence of the marriage and cohabitation between Spouses Conrado G. Vales and Edna Devolgado Vales. Obviously, the name Chona T. Vales was a fictitious name designed to misrepresent herself as the wife of Conrado G. Vales in order to facilitate the registration of title under her assumed name. She was alleged the paramour of Conrado G. Vales. It was reported that this alias "Chona T. Vales" had no known employment and

steady income when this transaction was made. Thus, it is very clear that all the consideration of the sale of subject lot came from Conrado G. Vales.

7. In the case of Milagros Joaquin vs. Lourdes J. Reyes, et al, G. R. No. 154645, July 13, 2004, it was discussed that:

"Xxx regarding the registration of the property in petitioner's name, it is enough to stress that a certificate of title under the Torrens system aims to protect dominion; it cannot be used as an instrument for the deprivation of ownership. It has been held that property is conjugal if acquired in a common-law relationship during the subsistence of a preexisting legal marriage, even if it is titled in the name of the common-law wife. In this case, a constructive trust is deemed created under Article 1456 of the Civil Code, which we quote:

Art. 1456. If property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes.

The registration of the property in petitioner's name was clearly designed to deprive Rodolfo's legal spouse and compulsory heirs of ownership. By operation of law, petitioner is deemed to hold the property in trust for them. Therefore, she cannot rely on the registration in repudiation of the trust, for this case is a well-known exception to the principle of conclusiveness of a certificate of title."

8. Article 144 of the Civil Code mandates a co-ownership between a man and a woman who are living together but are not legally married. Prevailing jurisprudence holds, though, that for Article 144 to apply, the couple must not be incapacitated to contract marriage (*Tumlos vs. Spouses Fernandez*, 386 Phil 936, 950). It has been held that the Article is inapplicable to common-law relations amounting to adultery or concubinage, as in this case. The reason therefor is the absurdity of creating a co-ownership in cases in which there exists a prior conjugal partnership between man and his lawful wife (*Please see Tumlos case, supra*).

9. Thus, foregoing considered, the share of the paramour with assumed name of Chona T. Vales should be reconveyed into the names of Spouses Conrado G. Vales and Edna Devolgado Vales, the legal husband and wife in this case.

10. It is very clear that this Chona T. Vales had acted in bad faith considering she assumed a name in order to represent herself as the legal wife of Conrado G. Vales.

11. By virtue of this wrongful act and bad faith made by the defendant, herein plaintiff suffered sleepless nights, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation and other similar injury. Considering the social status of the plaintiff who helped her husband manage a successful consulting and construction firm, the defendant should be made to pay plaintiff the amount of Php500,000.00 as moral damages.

12. By virtue of this wrongful act and bad faith made by the defendant, the plaintiff was constrained to engage the services the below-mention law firm to file this Reconveyance and Damages Case. The defendant should be made to pay Plaintiff the amount of Attorney's fees of Php 100,000.00 and per appearance fees of Php3,500.00. Defendant should also made to pay plaintiff the costs of suit.

13. That the plaintiff had suffered travel expenses from Guam to Cavite and vice versa and shall continue to suffer the same once the hearing of this case has begun. The actual expenses and travelling expenses shall be presented in court during the hearing.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Court that a decision be rendered in favor of the plaintiff and an Order be issued:

1. The property covered by Transfer Certificate No. 057-2013005447 be declared conjugal property of Spouses Conrado G. Vales and Edna Devolgado Vales, and that Chona T. Vales be ordered to reconvey the property in favor of the plaintiff.

2. That defendant be made to pay the alleged moral damages, actual damages, attorney's fees, and the costs of suit.

Plaintiff further prays for such other relief that may be just and equitable under premises.

Bacoor City for Trece Martires City, September 27, 2023.

WHEREAS, on December 17, 2024, an Order was issued allowing the service of Summons on Defendant Chona T. Vales by publication in Lot 13 Blk 39 Phase II, ACM Homes, Alapan 1-A, Imus City, Cavite. The Summons and the Complaint shall be published once a week for three (3) consecutive weeks, in a newspaper of general circulation in the Philippines. The defendant is directed to file an Answer within sixty (60) calendar days from date of last publication.

NOW THEREFORE, you are hereby required to file your answer within sixty (60) days from last publication of this Summons. If you fail to answer within the aforesaid time, the Plaintiff will take judgment against you by default and demand from said Court the relief prayed for in the said Complaint.

WITNESS, the Honorable GAYSOL C. LUNA, Presiding Judge of this Court, this December 17, 2024 at Trece Martires City, Cavite.


ATTY. SHALLY MAE P. VILLA
Clerk of Court V

SPV/mgc

Copy Furnished:

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CHONA T. VALES

Defendant

Lot 13, Block 39, Phase III, ACM Homes
Alapan 1-A, Imus City, Cavite

OFFICE OF THE CLERK OF COURT

Trece Martires City, Cavite