

## LACHES, DEFINITION AND EXCEPTION

Laches – or stale demands – is the failure or neglect for an unreasonable length of time to do that which, by exercising due diligence, could or should have been done earlier. It is rooted in equity and may result in the extinction of a legal right.

The existence of Laches is judged on a case by case basis, with the main consideration being given to the *effect* of the delay. For example, while a void contract may be attacked at any time, it was held in one case that a 15-year delay in challenging the contract despite knowledge of its invalidity already gave rise to Laches. The other party, in effect, was made to believe that the contract was valid for 15 whole years. The Supreme Court said that to disrupt him after such a long period of inaction would be inequitable.

However, lesser known is the peculiarity that Laches is liberally applied as between relatives.

A fairly recent case illustrates this point.

Margarita owned several parcels of land. Roberto, one of her sons, was then applying for a US Visa.

In 1968, she executed an *Affidavit of Real Property Transfer* over one of her real properties in favor of Roberto and also had the Tax Declarations named under him. All this was done to help Roberto with his US Visa application. There was however, no real intent to vest ownership in her son.

In 1992, Roberto sold the properties to Pedro with neither Margarita's consent nor knowledge.

In 1995, Roberto died. During the wake of his son, Margarita finally learned of the sale and filed a court action against Pedro for the return of the contested property.

Both the Trial Court and the Court of Appeals ruled that Margarita was guilty of Laches. They found significant the fact that Margarita did nothing to formally retrieve the property from Roberto after he acquired his US Visa.

When elevated to the Supreme Court, the Supreme Court overturned the earlier decisions of the lower courts by ruling that *"The existence of a confidential relationship based upon consanguinity is an important circumstance for consideration; hence, the doctrine [Laches] is not to be applied mechanically as between near relatives."* It added that the *"trust and confidence normally connoted in our culture by that relationship"* should not be taken against the holder of the right.

Here, it was undisputed that Margarita was Roberto's mother. This fact was held sufficient to explain and excuse Margarita's long delay in the exercise of her rights, considering that the purported *transfer* was only made to accommodate a son's wish to live the American dream.

*(based on G.R. No. 175073, August 15, 2011)*