



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

JERRYSUS L. TILAR,
Petitioner,

G.R. No. 214529

Present:

- versus -

CARPIO, J., Chairperson,
PERALTA,
MENDOZA,
LEONEN, and
MARTIRES, JJ.

ELIZABETH A. TILAR and the
REPUBLIC OF THE PHILIPPINES,
Respondents.

Promulgated:

12 JUL 2017

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DECISION

PERALTA, J.:

Before us is a direct recourse from the Decision¹ dated June 3, 2014 and the Order² dated August 19, 2014, both issued by the Regional Trial Court, Branch 14, Baybay City, (RTC) in Special Proceeding (SP) No. B-10-11-39 dismissing the petition for declaration of nullity of marriage on the ground of lack of jurisdiction over the subject matter, and denying reconsideration thereof, respectively.

The factual antecedents are as follows:

¹ Penned by Judge Carlos O. Arguelles; *rollo*, pp. 18A-22.
² *Id.* at 31.

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On November 4, 2010, petitioner filed with the RTC a petition³ for declaration of nullity of marriage on the ground of private respondent's (respondent) psychological incapacity based on Article 36 of the Family Code. He alleged that he and respondent were married on June 29, 1996 in a Catholic Church in Poro, Poro Camotes, Cebu with Rev. Fr. Vicente Igot as the solemnizing officer; that a son was born of their marriage; that their marriage went well in the first few months but respondent later became an extremely jealous, violent person which resulted to frequent quarrels and petitioner being threatened and physically harmed; that she is a happy-go-lucky and extravagant type of person and a gambler; that they eventually separated in 2002; and, that respondent is now living with another man in Cebu City. Petitioner consulted a clinical psychologist and respondent was said to be suffering from "aggressive personality disorder as well as histrionic personality disorder" which made her psychologically incapacitated to comply with her essential marital obligations.

Respondent failed to file her Answer despite being served with summons. The RTC then required the Public Prosecutor to conduct an investigation whether collusion existed. In his Manifestation and Compliance, the Public Prosecutor certified as to the absence of collusion between the parties.⁴ Trial, thereafter, ensued with petitioner and his witness testifying.

On June 3, 2014, the RTC issued its assailed Decision, the dispositive portion of which reads as follows:

WHEREFORE, PREMISES CONSIDERED, this case is ORDERED DISMISSED for lack of jurisdiction over the subject matter.⁵

In so ruling, the RTC ratiocinated in this wise:

x x x the lingering issue that confronts this Court, whether it can validly [pass] upon the validity of church marriage in the light of the separation of the Church and the State as enunciated in Section 6 of Art. (sic) of the 1987 Constitution. Withal, marriage is a sacrament according to the teaching of the Catholic Church. Being a sacrament, the same is purely religious. Declaration of nullity, which is commonly called an annulment in the Catholic Church, is a judgment rendered by an ecclesiastical tribunal determining that the sacrament of marriage was invalidly contracted. The procedure is governed by the Church's Canon Law not by the civil law observed by the State in nullity cases involving civil marriages. Ergo, the principle of separation of Church and State finds application in this case. x x x

³ *Id.* at 14-18.

⁴ *Id.* at 19.

⁵ *Id.* at 22.



x x x x

Clearly, the State cannot encroach into the domain of the Church, thus, resolving the validity of the church marriage is outside the province of its authority. Although the Family Code did not categorize the marriage subject of the petition for nullity or annulment, the Constitution as the fundamental law of the State laid down the principle of separation, ergo, it is beyond cavil that nullity of a church marriage cannot be taken out of the church jurisdiction. The court being an entity of the State is bereft of any jurisdiction to take cognizance of the case.

As the second issue hinges on the affirmative resolution on the jurisdiction of this Court, the same becomes moot due to the non-affirmance of jurisdiction over the subject matter of the case.⁶

Petitioner filed his motion for reconsideration, which the RTC denied in an Order dated August 19, 2014.

In denying the motion for reconsideration, the RTC said:

Marriages solemnized and celebrated by the Church are [*per se*] governed by its Canon Law. Although the Family Code provides for some regulations, the same does not follow that the State is authorized to inquire to its validity, The Constitution is supreme to the Family Code. Under the doctrine of constitutional supremacy, the Constitution is written in all laws, acts and transactions, hence, the same must be upheld.⁷

Petitioner filed the instant petition for review on the sole ground that:

The Regional Trial Court erred in dismissing the case on the ground that the validity of church marriage is outside of the province of its authority.⁸

Petitioner contends that the RTC had rendered judgment principally on the ground that the validity of church marriage is outside the province of its authority, however, it is the civil law, particularly the Family Code, which principally governs the marriage of the contracting parties.

The Solicitor General filed a Manifestation in Lieu of Comment on the petition for review arguing that the courts have jurisdiction to rule on the validity of marriage pursuant to the provision of the Family Code, and that the RTC has exclusive jurisdiction over cases involving contracts of marriage and marital relations.

⁶ *Id.* at 20-21.

⁷ *Id.* at 31.

⁸ *Id.* at 8.



We find merit in this petition.

Section 2 of Article XV of the Constitution provides:

Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

Our Constitution clearly gives value to the sanctity of marriage. Marriage in this jurisdiction is not only a civil contract, but it is a new relation, an institution the maintenance of which the public is deeply interested.⁹ Thus, the State is mandated to protect marriage, being the foundation of the family, which in turn is the foundation of the nation.¹⁰ The State has surrounded marriage with safeguards to maintain its purity, continuity and permanence. The security and stability of the State are largely dependent upon it. It is the interest of each and every member of the community to prevent the bringing about of a condition that would shake its foundation and ultimately lead to its destruction.¹¹

Our law on marriage, particularly the Family Code, restates the constitutional provision to protect the inviolability of marriage and the family relations. In one of the whereas clauses of the Family Code, it is stated:

Whereas, there is a need to implement policies embodied in the New Constitution that strengthen marriage and the family as a basic social institution and ensure equality between men and women.

Accordingly, Article 1 of the Family Code pertinently provides:

Art. 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code.

As marriage is a special contract, their terms and conditions are not merely subject to the stipulations of the contracting parties but are governed

⁹ *Mariategui v. Court of Appeals*, 282 Phil. 348, 356 (1992).

¹⁰ Section 1, Art. XV, Constitution, thus:

Section 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

¹¹ *Jimenez v. Cañizares*, 109 Phil. 273, 276 (1960).

by law. The Family Code provides for the essential¹² as well as formal¹³ requisites for the validity of marriage. The absence of any of the essential or formal requisites shall render the marriage void *ab initio*, except as stated in Article 35 (2). A defect in any of the essential requisites shall not affect the validity of the marriage but the party or parties responsible for the irregularity shall be civilly, criminally and administratively liable.¹⁴ No prescribed form or religious rite for the solemnization of the marriage is required. It shall be necessary, however, for the contracting parties to appear personally before the solemnizing officer and declare in the presence of not less than two witnesses of legal age that they take each other as husband and wife. This declaration shall be contained in the marriage certificate which shall be signed by the contracting parties and their witnesses and attested by the solemnizing officer. A marriage license shall be issued by the local civil registrar of the city or municipality where either contracting party habitually resides, except in marriages where no license is required.¹⁵ The rationale for the compulsory character of a marriage license is that it is the authority granted by the State to the contracting parties, after the proper government official has inquired into their capacity to contract marriage.¹⁶

The Family Code also provides on who may solemnize and how marriage may be solemnized, thus:

Art. 7. Marriage may be solemnized by:

x x x x

(2) Any priest, rabbi, imam, or minister of any church or religious sect duly authorized by his church or religious sect and registered with the civil registrar general, acting within the limits of the written authority granted by his church or religious sect and provided that at least one of the contracting parties belongs to the solemnizing officer's church or religious sect;

x x x x

Article. 8. The marriage shall be solemnized publicly in the chambers of the judge or in open court, in the church, chapel or temple, or in the office of the consul-general, consul or vice-consul, as the case may be, and not elsewhere, except in cases of marriages contracted on the point

¹² Art. 2. No marriage shall be valid, unless these essential requisites are present:
 (1) Legal capacity of the contracting parties who must be a male and a female; and
 (2) Consent freely given in the presence of a solemnizing officer.

¹³ Art. 3. The formal requisites of marriage are:
 (1) Authority of the solemnizing officer;
 (2) A valid marriage license except in the cases provided for in Chapter 2 of this Title; and
 (3) A marriage ceremony which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age.

¹⁴ Art. 4.

¹⁵ Art. 9.

¹⁶ See *Republic v. Dayot*, 573 Phil. 553, 569 (2008).

of death or in remote places in accordance with Article 29 of this Code, or where both of the parties request the solemnizing officer in writing in which case the marriage may be solemnized at a house or place designated by them in a sworn statement to that effect.

Thus, the contract of marriage is entered into by complying with the requirements and formalities prescribed by law. The marriage of petitioner and respondent which was solemnized by a Catholic priest and was held in a church was in accordance with the above-quoted provisions. Although, marriage is considered a sacrament in the Catholic church, it has civil and legal consequences which are governed by the Family Code. As petitioner correctly pointed out, the instant petition only seeks to nullify the marriage contract between the parties as postulated in the Family Code of the Philippines; and the declaration of nullity of the parties' marriage in the religious and ecclesiastical aspect is another matter.¹⁷ Notably, the proceedings for church annulment which is in accordance with the norms of Canon Law is not binding upon the State as the couple is still considered married to each other in the eyes of the civil law. Thus, the principle of separation of the church and state finds no application in this case.

As marriage is a lifetime commitment which the parties cannot just dissolve at whim, the Family Code has provided for the grounds¹⁸ for the

¹⁷ *Rollo*, p. 9-A.

¹⁸ Art. 35. The following marriages shall be void from the beginning:

(1) Those contracted by any party below eighteen years of age even with the consent of parents or guardians;

(2) Those solemnized by any person not legally authorized to perform marriages unless such marriages were contracted with either or both parties believing in good faith that the solemnizing officer had the legal authority to do so;

(3) Those solemnized without license, except those covered the preceding Chapter;

(4) Those bigamous or polygamous marriages not failing under Article 41;

(5) Those contracted through mistake of one contracting party as to the identity of the other; and

(6) Those subsequent marriages that are void under Article 53.

Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. (As amended by Executive Order 227)

Art. 37. Marriages between the following are incestuous and void from the beginning, whether relationship between the parties be legitimate or illegitimate:

(1) Between ascendants and descendants of any degree; and

(2) Between brothers and sisters, whether of the full or half blood.

Art. 38. The following marriages shall be void from the beginning for reasons of public policy:

(1) Between collateral blood relatives whether legitimate or illegitimate, up to the fourth civil degree;

(2) Between step-parents and step-children;

(3) Between parents-in-law and children-in-law;

(4) Between the adopting parent and the adopted child;

(5) Between the surviving spouse of the adopting parent and the adopted child;

(6) Between the surviving spouse of the adopted child and the adopter;

(7) Between an adopted child and a legitimate child of the adopter;

(8) Between adopted children of the same adopter; and



termination of marriage. These grounds may be invoked and proved in a petition for annulment of voidable marriage or in a petition for declaration of nullity of marriage, which can be decided upon only by the court exercising jurisdiction over the matter. Section 19 of Batas Pambansa Blg. 129, as amended, otherwise known as the *Judiciary Reorganization Act of 1980* provides:

Section 19. Jurisdiction in civil cases. — Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x

(15) In all actions involving the contract of marriage and marital relations;

Hence, a petition for declaration of nullity of marriage, which petitioner filed before the RTC of Baybay City, falls within its exclusive jurisdiction; thus, the RTC erred in dismissing the petition for lack of jurisdiction.

WHEREFORE, the petition for review on *certiorari* is **GRANTED**. The Regional Trial Court, Branch 14, Baybay City, Leyte is **ORDERED** to

(9) Between parties where one, with the intention to marry the other, killed that other person's spouse, or his or her own spouse.

Art. 41. A marriage contracted by any person during subsistence of a previous marriage shall be null and void, unless before the celebration of the subsequent marriage, the prior spouse had been absent for four consecutive years and the spouse present has a well-founded belief that the absent spouse was already dead. In case of disappearance where there is danger of death under the circumstances set forth in the provisions of Article 391 of the Civil Code, an absence of only two years shall be sufficient.

For the purpose of contracting the subsequent marriage under the preceding paragraph the spouse present must institute a summary proceeding as provided in this Code for the declaration of presumptive death of the absentee, without prejudice to the effect of reappearance of the absent spouse.

Art. 45. A marriage may be annulled for any of the following causes, existing at the time of the marriage:

(1) That the party in whose behalf it is sought to have the marriage annulled was eighteen years of age or over but below twenty-one, and the marriage was solemnized without the consent of the parents, guardian or person having substitute parental authority over the party, in that order, unless after attaining the age of twenty-one, such party freely cohabited with the other and both lived together as husband and wife;

(2) That either party was of unsound mind, unless such party after coming to reason, freely cohabited with the other as husband and wife;

(3) That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband and wife;

(4) That the consent of either party was obtained by force, intimidation or undue influence, unless the same having disappeared or ceased, such party thereafter freely cohabited with the other as husband and wife;

(5) That either party was physically incapable of consummating the marriage with the other, and such incapacity continues and appears to be incurable; or

(6) That either party was afflicted with a sexually-transmissible disease found to be serious and appears to be incurable.



PROCEED with the resolution of the case based on the sufficiency of the evidence presented.

SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


JOSE CATRAL MENDOZA
Associate Justice

*I certify that S. Leonen
expressed his vote concurring
with this ponencia.*
MARVIC M.V.F. LEONEN
Associate Justice 


SAMUEL R. MARTIRES
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice