Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

CRISTITA ANABAN, CRISPINA ANABAN, PUREZA ANABAN, CRESENCIA ANABAN-WALANG, and ROSITA ANABAN-BARISTO, Petitioners,	**G.R. No. 249011**
	Members:
- versus -	PERLAS-BERNABE., *SAJ, Chairperson,* GESMUNDO, LAZARO-JAVIER, LOPEZ, and DELOS SANTOS,* *JJ.*
BETTY ANABAN-ALFILER, MERCEDES ANABAN, and MARCELO ANABAN, Respondents.	Promulgated: MAR 15 2021

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DECISION

LAZARO-JAVIER, *J.*:

The Case

This petition for review on *certiorari*[1] seeks to reverse and set aside the Decision[2] dated July 24, 2019 of the Court of Appeals in CA-G.R. SP No. 154216 affirming the nullity of the bigamous marriage between Pedrito Anaban (Pedrito) and Pepang Guilabo (Pepang) and petitioners Cristita Anaban, Crispina Anaban, Pureza Anaban, Cresencia Anaban-Walang, and Rosita Anaban-Baristo's status as illegitimate children of Pedrito and must inherit only as such.

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* Vice J. Rosario, per raffle dated February 10, 2021.

1 *Rollo*, pp. 9-22.

2 Penned by Associate Justice Tita Marilyn Payoyo-Villordon and concurred in by Associate Justice Ricardo R. Rosario (now a member of the Court) and Associate Justice Victoria Isabel A. Paredes, *id.* at 23-34.

Antecedents

In 1942, Pedrito Anaban (Pedrito) and Virginia Erasmo (Virginia) got married in accordance with the native customs of the Ibaloi Tribe to which they both belonged. They had three (3) children, *i.e.*, respondents Betty Anaban-Alfiler, Mercedes Anaban, and Marcelo Anaban.[3]

In 1947, however, the council of tribe elders took notice of Virginia's insanity and based thereon approved the couple's divorce and allowed Pedrito to remarry.[4]

In 1952, Pedrito got married to fellow Ibaloi Pepang still in accordance with their tribe's customs. They begot eight (8) children – Lardi Anaban, Teodoro Anaban, Monina Anaban and respondents Cristita Anaban, Crispina Anaban, Pureza Anaban, Cresencia Anaban-Walang, and Rosita Anaban-Baristo.[5]

Upon Pedrito's death on September 2, 2004, respondents sued for summary settlement or judicial partition of the intestate estate of their father Pedrito.[6] They named as respondents their half-siblings, petitioners Cristita Anaban, Crispina Anaban, Pureza Anaban, Cresencia Anaban-Walang, and Rosita Anaban-Baristo.

Respondents averred that during the marriage of their father Pedrito to their mother Virginia, Pedrito acquired from his father Pedro Anaban a portion of land covered by Transfer Certificate of Title (TCT) No. T-14574. But the new certificate of title issued to Pedrito reflected that he was married to petitioners' mother Pepang. Although in truth, his marriage with their mother Virginia was not yet *legally* dissolved. Thus, petitioners are actually the illegitimate children of their father Pedrito.[7]

Petitioners, on the other hand, argued that they are the legitimate children of their father Pedrito with their mother Pepang. Pedrito and respondents' mother Virginia were married in accordance with the Ibaloi Tribe customs and their marriage was also dissolved in accordance with Ibaloi tribe customs and traditions. Thereafter, Pedrito married their (petitioners') mother Pepang similarly in accord with the Ibaloi customs. Since the celebration of marriage pursuant to a tribe's customs was recognized under the Old Civil Code of the Philippines, then its dissolution in accordance with that tribe's customs must also be recognized. Thus, both the marriage and the subsequent divorce between Pedrito and Virginia are valid. Consequently, the marriage of their parents must also be deemed valid.[8]

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3 *Id.* at 10.
4 *Id.* at 10 and 62.
5 *Id.* at 10 and 55.
6 *Id.* at 24 and 58; upon the filing of the action below, Lardi and Teodoro already passed away.
7 *Id.* at 25.
8 *Id.* at 26.

Ruling of the Municipal Circuit Trial Court (MCTC)

By Decision[9] dated September 28, 2015, the MCTC ruled that, first, the marriage between Pedrito and Virginia was validly dissolved in accordance with the customs of the Ibaloi tribe; and second, petitioners are the legitimate children of Pedrito who must succeed in equal proportion with respondents, *viz.*:

> WHEREFORE, from the foregoing, judgment is hereby rendered as follows by declaring and ordering that:
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> 1. The entire intestate estate of Pedrito Anaban consists of his exclusive property described as the parcel of land with an area of 1.8 hectares located at Calot, Sablan, Benguet and registered in the name of Pedrito Anaban under TCT No. T-14575;
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> 2. Petitioners Betty Anaban-Alfiler, Mercedes Anaban and Marcelo (Billy) Anaban and respondents Teodoro Anaban, Cristita Anaban, Crispina Anaban, Pureza Anaban, Monina Anaban, Crese[n]cia (Esterlita) Anaban-Walang and Rosita Anaban-Baristo are the true and lawful heirs of the late Pedrito Anaban and entitled to inherit the intestate estate left [by] the said deceased;
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> 3. Said true and lawful heirs of the late Pedrito Anaban shall divide the subject parcel of land covered by TCT No. T-14575 into ten equal shares of 1,800 square meters each;
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> 4. Within 30 days from [the] finality of this Decision, Administratrix Betty Alfiler is ordered to prepare a project of partition of the intestate estate of the late Pedrito Anaban for [purposes] of distribution and delivery to the heirs their corresponding shares, the identification of which should be mutually agreed by the heirs. In the event that identification of the location of the specific shares will not be agreed upon mutually, the same shall be identified through draw lots; and
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> 5. Administratrix Betty Alfiler is likewise hereby ordered to render her final accounting of her administration of the intestate estate of the late Pedrito Anaban also within 30 days from finality of this Decision.
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> SO ORDERED.[10]

It held that since the tribe elders approved Pedrito and Virginia's divorce. Subsequently, the tribe elders also approved Pedrito and Pepang's marriage in accordance with the Ibaloi customs. Thus, Pedrito's marriage with Pepang was as valid as his marriage to Virginia. Petitioners, therefore, are also Pedrito's legitimate children.[11]

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9 Penned by Judge Marietta S. Brawner Cualing, *id.* at 49-65.

10 *Id.* at 65.

11 *Id.* at 63-65.

Ruling of the Regional Trial Court (RTC)

On appeal, RTC-Branch 10, La Trinidad, Benguet, by Decision[12] dated October 10, 2017, declared as bigamous the marriage of Pedrito and Pepang, thus:

> WHEREFORE, in view of the foregoing, the appeal is partially GRANTED.
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> The Decision of the court *a quo* declaring that the intestate estate of the decedent consists only of that parcel of land with an area of 18,574 square meters, registered in the name of the decedent under Transfer Certificate of Title No. T-14575 is hereby AFFIRMED.
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> The Court finds the marriage between the decedent, PEDRITO ANABAN and Pepang Guilabo bigamous and VOID. Respondent-appellees are, therefore, illegitimate. Necessarily, Petitioner-appellants, as legitimate children, shall equally divide the entire one-half of their father's estate, while Respondent-appellees, as illegitimate children, shall equally divide the other half thereof. Thus, assuming that no creditor's claim may be deducted upon finality of this judgment, each of Petitioner-appellants shall be entitled to a share of 3,095.66 square meters. The other one-half remaining portion shall be apportioned equally between and among Respondent-appellees. Thus, also assuming that no creditor's claim may be deducted, Respondent-appellees will get a share of 1,326.71 square meters each from their father's estate. The Decision of the court *a quo* stating the contrary is hereby REVERSED and SET ASIDE.
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> Prior to distribution, the court *a quo* should ensure that the required publication of the notice of hearing of the petition and the notice to creditors be complied with and the claims of creditors, if any, are disposed of.
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> SO ORDERED.[13]

It held that customs and traditions cannot supplant existing laws unless specifically provided under said laws. Under the Civil Code, a subsisting marriage may be dissolved only by death of either spouse or when the marriage is annulled or declared void. True, Article 78 of the old Civil Code recognizes the validity of marriages *performed* in accordance with the couple's customs, rites, or practices, but this recognition is limited to the solemnization of marriage and does not extend to its dissolution. Thus, Pedrito's purported divorce from Virginia cannot be legally recognized. It follows, therefore, that Pedrito's marriage to Pepang was bigamous, hence, void. In the eyes of the law, his marriage to Virginia subsisted. Consequently, petitioners are illegitimate children of Pedrito.[14]

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12 Penned by Acting Presiding Judge Emmanuel Cacho Rasing, *id.* at 35-48.

13 *Id.* at 47-48.

14 *Id.* at 42-43.

Ruling of the Court of Appeals

By its assailed Decision[15] dated July 24, 2019, the Court of Appeals affirmed.

The Court of Appeals ruled that Article 78 of the old Civil Code was unequivocal – it only referred to celebration of marriage. There was nothing therein implying that the framers also intended to include the validity of divorce decreed in accordance with non-Christian rites or customs. As the statute is clear, its literal meaning must be applied without attempt at any further interpretation.[16]

More, Section 8, Rule VI of the Implementing Rules and Regulations (IRR) of Republic Act No. 8371 (RA 8371), otherwise known as the Indigenous People's Rights Act of 1997 (IPRA) also limits the State's recognition of marriages to those *solemnized* pursuant to the non-Christian's rites and customs. It does not mention anything about the State recognition of dissolution of marriages in accordance with non-Christian practices.[17]

It is true that the State has permitted divorce between Muslim Filipinos after the enactment of the Code of Muslim Personal Laws; but not divorce in other local tribes.[18]

The Court of Appeals opined that while it commiserated with the plight of petitioners and the rest of those non-Christians who contracted subsequent marriages, honestly believing that their previous marriages had already been dissolved by a divorce decree in accordance with their customs, the court cannot do anything as the matter is for the exclusive consideration of the legislature and not of the judiciary.[19]

The Present Petition

Petitioners now pray that the disposition of the Court of Appeals be reversed and set aside. They maintain that Pedrito's marriage with Virginia had already been legally dissolved before he got married to their mother Pepang. As marriages solemnized in accordance with a tribe's customs and rites are recognized by the State, the subsequent dissolution of these marriages in accordance with the same customs and rites must also be recognized.[20]

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15 Penned by Associate Justice Tita Marilyn Payoyo-Villordon and concurred in by Associate Justice Ricardo R. Rosario (now a member of the Court) and Associate Justice Victoria Isabel A. Paredes, *id.* at 23-34.

16 *Id.* at 30.

17 *Id.* at 31.

18 *Id.* at 32-33.

19 *Id.* at 33.

20 *Id.* at 15.

Admittedly, Article 78 did not expressly state that marriages may be dissolved according to customs, rites, or practices of non-Christians, but it cannot be denied that the framers of the law intended to recognize all the existing customs, rites, or practices of non-Christians, for how else would a marriage solemnized in accordance with non-Christian's customs, rites, or practices be dissolved if not in also accordance with the same customs, rites, or practices?[21]

The Court of Appeals also failed to give due attention to the IPRA. Its passage has been the very legal basis of the recognition of customary laws and practices of the indigenous people (IPs) and indigenous cultural communities (ICCs). *It is a policy of the State to maintain the cultural integrity of the ICCs and IPs.*[22]

This is precisely the reason why the Philippine Statistics Authority (PSA) now applies Administrative Order No. 3 (AO 3), Series of 2004 to govern the procedures and guidelines for the effective civil registration, among others, of births, marriages, dissolution of marriages, and other civil concerns of the ICCs and IPs. It defines dissolution of marriage among IPs as the termination of marriage per ruling of the council of elders for causes sanctioned by established customary laws or practices after exhausting all possible means of reconciliation between the couple. This was what happened to the marriage of Pedrito and Virginia. The Ibaloi council of elders decreed their separation and thereafter allowed their father to marry their mother.[23]

In their Opposition/Motion to Deny Due Course[24] dated October 28, 2019, respondents pray that the petition be denied due course on ground that petitioners failed to furnish their (respondents) counsel with a copy of the petition. Petitioners only sent a copy of the petition to them, not their counsel in violation of Section 5, Rule 45 of the Revised Rules of Court and of established jurisprudence stating that service must be made to counsel if the adverse party is represented by one. They were duly represented by counsel, hence, service of the petition should have been made on their counsel.

The State, on the other hand, through Assistant Solicitor General Rex Bernardo L. Pascual, Senior State Solicitor Joel N. Villaseran, and State Solicitor Soleil C. Flores, avers[25] that the marriage between Pedrito and Pepang is void. Customs and traditions cannot be made to apply over and above existing laws unless otherwise allowed by these laws. The old civil code which was in effect at the time Pedrito and Pepang got married simply

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21 *Id.* at 17.
22 *Id.* at 17-18.
23 *Id.* at 18-19.
24 *Id.* at 70-76.
25 *Id.* at 103-116.

stated that marriages may be performed in accordance with the parties' customs, rites, or practices. It did not state that marriages may be dissolved according to these customs, rites, and practices. Nothing therein implied that the lawmakers intended to allow as well securing a divorce in accordance with tribal customs, rites, or practices.[26]

More, customs must be proven as a fact. Here, petitioners failed to sufficiently prove their specific customs, if any, governing divorce. They did not present evidence that conclusively establish that Pedrito's purported divorce from Virginia was in accord with their customs. They similarly failed to present any ruling or decision rendered by the council of elders supposedly approving the dissolution of Pedrito's marriage with Virginia. Further, they failed to prove that Pedrito and Virginia complied with the required rituals for completion of the divorce process. In fine, it cannot be safely assumed that Pedrito's marriage with Virginia was validly terminated.[27]

Issue

Is Pedrito Anaban's divorce from Virginia Erasmo claimed to have been decreed in accordance with the Ibaloi customs be recognized under our laws?

Ruling

We answer in the negative.

At the threshold, we emphasize that the action below is for partition of Pedrito's estate. In determining who should succeed to the estate, the court may pass upon the validity of the subsequent marriage between Pedrito and Pepang. Thus, in ***De Castro v. Assidao-De Castro***,[28] the Court decreed:

> However, **other than for purposes of remarriage, no judicial action is necessary to declare a marriage an absolute nullity. For other purposes, such as** but not limited to **determination of heirship, legitimacy or illegitimacy of a child, settlement of estate**, dissolution of property regime, or a criminal case for that matter, **the court may pass upon the validity of marriage even in a suit not directly instituted to question the same so long as it is essential to the determination of the case**. This is without prejudice to any issue that may arise in the case. When such need arises, a final judgment of declaration of nullity is necessary even if the purpose is other than to remarry. The clause "on the basis of a final judgment declaring such previous marriage void" in Article 40 of the Family Code connotes that such final judgment need not be obtained only for purpose of remarriage.

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26 *Id.* at 108-109.
27 *Rollo*, pp. 110-
28 568 Phil. 724, 731-732 (2008), citing *Niñal v. Bayadog*, 384 Phil. 661, 675 (2000).

> Likewise, in *Nicdao Cariño v. Yee Cariño*, the Court ruled that it is clothed with sufficient authority to pass upon the validity of two marriages despite the main case being a claim for death benefits. Reiterating *Niñal*, we held that **the Court may pass upon the validity of a marriage even in a suit not directly instituted to question the validity of said marriage**, so long as it is essential to the determination of the case. However, evidence must be adduced, testimonial or documentary, to prove the existence of grounds rendering such a marriage an absolute nullity. (Empahsis supplied)

Here, there is no dispute that Pedrito was first married to Virginia, although petitioners assert this marriage was later on validly dissolved by the divorce decree handed down by the Ibaloi council of elders which consequently allowed Pedrito to remarry.

The question now comes to fore: can the divorce granted under Ibaloi customs and practices be legally recognized as to make Pedrito's subsequent marriage to Pepang as valid.

All of the courts below resolved the validity of the so-called divorce between Pedrito and Virginia through the lens of the old Civil Code. But, in reality, when Pedrito and Virginia got married and even when they later on supposedly divorced, the old Civil Code was not yet in effect. For it took effect on June 18, 1949, or two (2) years after the divorce decree was purportedly handed down by the Ibaloi council of elders. The law in effect prior thereto was still the Spanish Civil Code of 1889, Article 5 of which stated: [29]

> Article 5. Laws are abrogated only by other subsequent laws, and the disuse or **any custom or practice to the contrary shall not prevail against their observance**. (Emphasis supplied)

This was the equivalent of Article 11 of the old Civil Code which provides that customs which are contrary to law, public order or public policy shall not be countenanced.

For purposes of determining whether divorce was contrary to law, public order or public policy at the time Pedrito and Virginia allegedly obtained their own divorce, we trace back the history of divorce or dissolution of marriage starting from the Spanish regime.

During the Spanish colonization, Las Siete Partidas was passed which only allowed relative divorce or what is known now as legal separation. This allowed spouses to be free of all marital obligations while their marriage subsists in the eyes of the law. In 1917, however, *Las Siete*

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[29] See the Spanish Code of 1889 translation at https://archive.org/stream/spanishcivilcode00spairich/spanishcivilcode00spairich_djvu.txt last accessed on November 12, 2020.

Partidas was repealed by Act No. 2710[30] which took effect on March 11, 1917. Section 1 of Act No. 2710 reads:

> Section 1. A petition for divorce can only be filed for adultery on the part of the wife or concubinage on the part of the husband, committed in any of the forms described in article four hundred and thirty-seven of the Penal Code.

Divorce, then, can be granted only on two (2) grounds, *i.e.*, adultery and concubinage. This was the prevailing law when Pedrito and Virginia got married in 1942. In 1943, however, during the Japanese occupation, Act No. 2710 was abolished and Executive Order No. 141 (EO 141) was enacted and took effect on March 25, 1943.

Under EO 141, absolute divorce may be granted on these grounds: (a) adultery and concubinage; (b) attempt on the life of one spouse by the other; (c) a subsequent marriage by either party before the previous one was dissolved; (d) loathsome contagious diseases contracted by either spouse; (e) incurable insanity; (f) impotency; (g) repeated bodily violence by one against the other; (h) intentional or unjustified desertion continuously for at least one year; (i) unexplained absence from the last conjugal abode continuously for at least three years; and (j) slander by deed or gross insult by one spouse against the other.

Only a little over a year, however, after the Americans had taken over the Japanese as colonizers again of the Philippines, EO 141 became ineffective and Act No. 2710, which allowed divorce on ground of concubinage and adultery, was once again reinstated. This was the prevailing law when Pedrito and Virginia were granted divorce by the Ibaloi council of elders in 1947.

Thus, in 1947, only two (2) grounds were accepted for divorce, *i.e.*, adultery and concubinage. Neither was the reason for Pedrito and Virginia's divorce. The Ibaloi council of elders granted the divorce on ground of Virginia's alleged insanity. The divorce, therefore, is contrary to law, hence, cannot be recognized.

The issue of whether divorce based on customs and practices can be legally recognized during the effectivity of Act No. 2710 has been resolved by the Court as early as 1933 in ***People v. Bitdu.***[31] The Court held that Mora Bitdu's divorce from Moro Halid in accordance with the Mohammedan customs cannot be recognized. For divorce cannot be had except in that court upon which the state has conferred jurisdiction, and then only for those causes and with those formalities which the state has, by statute, prescribed. The Court explained:

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30 An Act to Establish Divorce.

31 58 Phil. 817, 821-822 (1933).

> There is little to add to the well considered decision of the trial judge. It seems to us unnecessary to determine whether or not the divorce in question was granted in accordance with the Mohammedan religious practices, as to which there seems to exist considerable uncertainty, because in our view of the case **a valid divorce can be granted only by the courts and for the reasons specified in Act No. 2710**. It is not claimed that the appellant was divorced from her first husband in accordance with said Act.
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> In the case of *Francisco vs. Tayao* (50 Phil., 42), it was held that in the Philippines the causes for divorce are prescribed by statute or Act No. 2710 that (of adultery on the part of the) wife or concubinage on the part of the husband.
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> In the recent decision of *People vs. Bituanan* (Moro), (56 Phil., 23), where the defendant and a Moro woman were married by a datu according to Moro customs and usages and afterwards divorced by the datu according to the same customs and usages, it was held that the marriage performed according to the rites of the Mohammedan religion was valid, and assumed, for the purpose of that case, that the defendant and his wife were not legally divorced.
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> Section 25 of the Marriage Law (Act No. 3613) provides that marriages between Mohammedans may be performed in accordance with the rites or practice of their religion, but **there is no provision of law which authorizes the granting of divorces in accordance with the rites or practices of their religion.**
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> **A divorce cannot be had except in that court upon which the state has conferred jurisdiction, and then only for those causes and with those formalities which the state has by statute prescribed** (19 C.J., 19).
>
> It is conceded **in all jurisdictions that public policy, good morals, and the interests of society require that the marriage relation should be sounded with every safeguard and its severance allowed only in the manner prescribed and for the causes specified by law.** And the parties can waive nothing essential to the validity of the proceedings (19 C.J., 20).
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> **With respect to the contention that the appellant acted in good faith in contracting second marriage, believing that she had been validly divorced from her first husband, it is sufficient to say that everyone is presumed to know the law, and the fact that one does not know that is act constitutes a violation of the law does not exempt him from the consequences thereof**. x x x (Emphasis supplied)

As the trial court in ***Bitdu*** held, the laws governing marriage and its incidents are moral in nature and as *such they are laws relating to public policy. The habits and customs of a people, the dogmas and doctrines of a religion cannot be superior to or have precedence over laws relating to public policy, because as stated above laws relating to marriage and its incidents are normal in nature and as such they affect public policy.* This holds true even up to this time.

Since there was no legal and valid ground for the divorce of Pedrito and Virginia, in the eyes of the law, they were still married and their marriage was not dissolved as to permit Pedrito to remarry. Pedrito's subsequent marriage to petitioners' mother Pepang, therefore, is void for being bigamous. Verily, the RTC and the Court of Appeals did not err when they ruled so and declared petitioners as Pedrito's illegitimate children.

Petitioners insists, however, that since the old Civil Code and the IPRA recognize customs in the solemnization of marriage, the same should be applied in cases of dissolution as marriage. But, as discussed, customs which are contrary to law, public policy and public order cannot be recognized.

Also, even assuming that the old Civil Code was applicable in the present case, the Court would arrive at the same conclusion. Article 78 of the old Civil Code provided:

> **Article 78**. Marriages between Mohammedans or pagans who live in the non-Christian provinces may be performed in accordance with their customs, rites or practices. No marriage license or formal requisites shall be necessary. Nor shall the persons solemnizing these marriages be obliged to comply with Article 92.
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> x x x x x x x x x

Section 8, Rule 6 of the IRR of IPRA is similarly worded:

> **Section 8**. *Recognition of Customary Laws and Practices Governing Civil Relations*. Marriage as an inviolable social institution shall be protected. Marriages performed in accordance with customary laws, rites, traditions and practices shall be recognized as valid. As proof of marriage, the testimony of authorized community elders or authorities of traditional sociopolitical structures shall be recognized as evidence of marriage for purposes of registration. x x x

Clearly, both the old Civil Code and the IPRA-IRR provisions limited the State recognition to "*marriages performed*" in accordance with customary laws, rites, traditions, and practices. There is *no mention* of the recognition of dissolution of marriage in accordance with the IP's customs.

On this score, we emphasize that Muslim customs, rites, and practices are the only non-Christian customary law recognized by the State through the enactment of Presidential Decree No. 1083 otherwise known as the Code of Muslim Personal Laws of the Philippines.[32] The same in fact bears an entire chapter exclusively dedicated to divorce. Notably, its applicability clause states:

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[32] Signed by former President Ferdinand E. Marcos on February 4, 1977.

> **Article 13.** *Application.*
>
> (1) The provisions of this Title shall apply to marriage and divorce wherein both parties are Muslims, or wherein only the male party is a Muslim and the marriage is solemnized in accordance with Muslim law or this Code in any part of the Philippines.

At present, there is no similar law explicitly recognizing the matrimonial customs, rites, and practices of the Ibaloi Tribe.

Even if we are to assume that the constitutional and statutory right to cultural integrity includes recognition of indigenous divorce or any other form of indigenous dissolution of marriages, the record is bereft of evidence that: (i) the culture of the Ibaloi recognizes divorce or any other form of dissolution of marriage; (ii) this recognition is a central aspect of their cultural integrity and not merely peripheral to it; (iii) this recognition has been a central cultural practice since time immemorial and lasted to this day in its modern forms; and (iv) the contents of and procedures for this central cultural practice, if any.

The lead government agency for this determination – in the words of the learned counsel of the State, the proof of customary law as a fact – is the National Commission on Indigenous Peoples. But nothing from their end could answer how, why, and when the dissolution of marriages is central to the right to cultural integrity and what it means to say so. It would, therefore, be speculative at this point to link this right to cultural integrity to the dissolution of marriages between members of the IP communities, sans any supporting evidence.

Lastly, petitioners invoke PSA's AO 3, series of 2004 governing the procedures and guidelines for civil registration of births, marriages, dissolution of marriages, and other civil concerns of the ICCs and IPs. According to petitioners, AO 3 defines dissolution of marriage among IPs as the termination of marriage per ruling of the council of elders for causes sanctioned by established customary law or practice after exhausting all possible means of reconciliation between the couple.

But, AO 3 only took effect in 2004, fifty-seven (57) years after the divorce was supposedly granted by the Ibaloi council of elders to Pedrito and Virginia. It cannot be applied retroactively, but only prospectively.

Besides, AO 3 is only a procedural avenue to recognize divorce or any other form of dissolution of marriage where the substantive law already recognizes such change in a person's civil status. AO 3 cannot confer substantive rights because the role of the PSA and now the National Statistics Office is to record the civil status of persons but not to issue laws on how to obtain or confer status.

All told, we hold that the Court of Appeals did not err in pronouncing that the marriage of Pedrito and Virginia was not legally dissolved. As a consequence, Pedrito's subsequent marriage to Pepang was bigamous, thus, void from the beginning. The status of petitioners as illegitimate children of Pedrito and their heirship as such insofar as Pedrito's estate is concerned can no longer be questioned.

ACCORDINGLY, the petition is **DENIED** and the Decision dated July 24, 2019 of the Court of Appeals in CA-G.R. SP No. 154216 is **AFFIRMED**.

SO ORDERED.

AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

ALEXANDER G. GESMUNDO
Associate Justice

MARIO V. LOPEZ
Associate Justice

EDGARDO L. DELOS SANTOS
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.

ESTELA M. PERLAS-BERNABE
Senior 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.

DIOSDADO M. PERALTA
Chief Justice