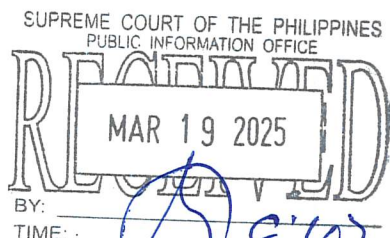




Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION



LEONCIO L. MELOCOTON,
Petitioner,

G.R. No. 265808

— versus —

Present:
LEONEN, J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., * JJ.

JENNIFER B. PRING and the
REPUBLIC OF THE PHILIPPINES,
Respondents.

Promulgated:

JAN 22 2025

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DECISION

LOPEZ, J., J.:

This Court resolves a Petition for Review on *Certiorari*¹ filed by Leoncio L. Melocoton (Melocoton) assailing the Decision² and the Resolution³ of the Court of Appeals (CA), which reversed the Decision⁴ of the Regional Trial Court (RTC) finding the marriage of Melocoton and respondent Jennifer B. Pring (Pring) is not bigamous.

* On official business.

¹ *Rollo*, pp. 3–11.

² *Id.* at 20–30. The May 16, 2022 Decision in CA-G.R. CV No. 05413-MIN was penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Loida S. Posadas-Kahulugan and Anisah B. Amanodin-Umpa of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

³ *Id.* at 33–35. The December 13, 2022 Resolution in CA-G.R. CV No. 05413-MIN was penned by Associate Justice Anisah B. Amanodin-Umpa and concurred in by Associate Justices Loida S. Posadas-Kahulugan and John Z. Lee of the Special Former Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

⁴ *Id.* at 14–18. The October 26, 2018 Decision in Civil Case No. 31,055-2005 was penned by Presiding Judge Ronald S. Tolentino (now an Associate Justice of the Court of Appeals) of Branch 12, Regional Trial Court, Davao City.

The Antecedents

On April 9, 1981, Melocoton married Susan Jimenez (Jimenez) in San Pedro, Laguna.⁵ On May 16, 1987, or during the subsistence of his marriage with Jimenez, Melocoton married Pring in Marbel, South Cotabato before the municipal mayor of Tantangan, South Cotabato.⁶ In their Marriage Contract,⁷ Melocoton and Pring were married at Pring's residence in Marbel, South Cotabato, solemnized by Liberato R. Deliza, Jr., municipal mayor of Tantangan, South Cotabato. Melocoton had real properties he owned in common with his siblings and a residential house in Melocoton compound, which was built using the money given by his mother.⁸

On September 6, 2005, Melocoton filed a Petition for Nullity of Marriage, Correction of Entries with Prayer of Writ of Preliminary Mandatory, and Prohibitory Injunction⁹ against Pring before the RTC contending that his marriage with Pring was null and void because he was already married to Jimenez, the solemnizing officer who officiated his wedding with Pring had no legal authority to solemnize the marriage, and his signature in the marriage certificate of his second marriage was forged.¹⁰ Additionally, Melocoton claimed that the real properties belong to him exclusively, and sought to have the entries in the certificates of title of the subject properties naming Pring as his wife, be stricken off from the titles.¹¹

For her part, Pring contended that she believed in good faith that the mayor of Tantangan, South Cotabato had the legal authority to solemnize her marriage with Melocoton. Nevertheless, in the event that her marriage with Melocoton be declared void, their property relations should be governed by Article 147 of the Family Code, which provides for a presumption of joint contribution, and thus, they have equal shares of the properties acquired during their marriage. She further argued that she contributed to the residential house by funding its completion with her own money, including the appliances, furniture, and fixtures.¹²

The RTC rendered its Decision,¹³ the dispositive portion reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

⁵ *Id.* at 15.

⁶ *Id.* at 21.

⁷ Records, p. 163.

⁸ *Rollo*, p. 22.

⁹ Records, pp. 2-9.

¹⁰ *Rollo*, p. 14.

¹¹ *Id.* at 22.

¹² *Id.*

¹³ *Id.* at 14-18.

1. The marriage of Petitioner [Melocoton] and Respondent [Pring] is declared *VOID AB INITIO* for being a bigamous marriage pursuant to Article 80 of the Civil Code;
2. The Local Civil Registrar of the Municipality of Tantangan and the Chief of the National Statistics Office are hereby directed to record and enter this decree into the marriage records of the parties in their respective marriage registers;
3. The Petitioner [Melotocon's] prayer for correction of entries in the title that the name of Respondent [Pring] be removed in the Transfer Certificates of Title Nos. 114328, 114329, 171550, 171551, 171552, 171553 and 171554 is DENIED;
4. The conjugal partnership of gains is hereby dissolved and the property regime of both parties in the disputed properties be distributed equally between them pursuant to Article 144 of the Civil Code in relation to Article 148 of the Family Code with the Petitioner [Melocoton's] share accruing to the conjugal partnership of his existing valid marriage.

With costs against the Petitioner.

SO ORDERED.¹⁴

The RTC held that the marriage of Melocoton and Jimenez remained valid and subsisting in the absence of any proof that such marriage was dissolved. It stated that the marriage certificate of Melocoton and Jimenez is a public document and enjoys the presumption of regularity of execution. With this, the subsequent marriage of Melocoton to Pring was void from the beginning, being a bigamous marriage under Article 80 of the Civil Code.¹⁵ As regards the property relations of Melocoton and Pring, the RTC held that Pring had not offered any proof of her actual contribution of money, property, or industry in the acquisition of the subject properties. In the absence of such proof to the contrary, Article 148 of the Family Code applies, which provides that their contributions and corresponding shares are presumed to be equal. Hence, Pring's name should not be stricken off in the certificates of title of the subject properties.

Undeterred, Melocoton filed a partial appeal before the CA. His appeal only concerns the RTC's ruling on his properties in so far as it held that Pring should be given an equal share of those properties, arguing that Pring had not shown her actual joint contribution in the acquisition of the subject properties.

¹⁴ *Id.* at 17.

¹⁵ *Id.* at 22-23.

On the other hand, Pring countered that Melocoton failed to prove that he bought the subject properties with his own money.¹⁶

Meanwhile, respondent Republic of the Philippines, through the Office of the Solicitor General (OSG), respectfully submits its Compliance and Manifestation.¹⁷ In its Appellee's Brief,¹⁸ the OSG contended that the RTC was incorrect in ruling that the marriage of Melocoton and Pring is bigamous. It argued that Melocoton failed to prove that his marriage with Jimenez was valid and subsisting at the time he contracted his second marriage with Pring. Nevertheless, the OSG agreed with Melocoton that the latter had the sole ownership of the subject properties.¹⁹

The CA rendered its Decision,²⁰ the dispositive portion of which reads:

ACCORDINGLY, the Decision of the Regional Trial Court, Branch 12 of Davao City dated October 26, 2018 is REVERSED. The petition for annulment of marriage is DISMISSED for insufficiency of evidence.

SO ORDERED.²¹

The CA concurred with the position of the OSG. It held that the marriage certificate was not sufficient to prove that Melocoton's prior marriage with Jimenez was valid and subsisting at the time the second marriage took place, as to make the second marriage void for being bigamous. Hence, the marriage of Melocoton and Pring is not bigamous. With this finding, the CA did not rule on the property regime of Melocoton and Pring.

Undeterred, Melocoton filed a Motion for Reconsideration, but it was likewise denied by the CA in its Resolution.²²

Hence, Melocoton filed the instant Petition.

Issues

This Court resolves the following issues:

First, whether the CA committed grave abuse of discretion in reviewing the RTC's ruling on petitioner Leoncio L. Melocoton's declaration of

¹⁶ *Id.* at 24.

¹⁷ *CA rollo*, pp. 85-88.

¹⁸ *Id.* at 144-155.

¹⁹ *Rollo*, p. 24.

²⁰ *Id.* at 20-30.

²¹ *Id.* at 29.

²² *Id.* at 33-35.

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marriage with respondent Jennifer B. Pring as void from the beginning when it was not assigned as an error in the appeal;

Second, whether the marriage of Leoncio L. Melocoton and Jennifer B. Pring is valid; and

Lastly, whether the subject properties were owned exclusively by Leoncio L. Melocoton.

This Court's Ruling

The Petition is unmeritorious.

Generally, only matters assigned as errors in the appeal may be resolved by the CA. As an exception, the CA may review errors that are not assigned but are closely related to or dependent on an assigned error. Rule 51, Section 8 of the Rules of Court, as amended, provides:

Rule 51: Judgment

SEC. 8. Questions that may be decided. — No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

In *Catholic Bishop of Balanga v. CA*,²³ this Court enumerated the exceptions where the CA may review errors that are not assigned before it, thus:

True, the appealing party is legally required to indicate in his brief an assignment of errors, and only those assigned shall be considered by the appellate court in deciding the case. However, equally settled in jurisprudence is the exception to this general rule.

Roscoe Pound states that 'according to Ulpian in Justinian's Digest, appeals are necessary to correct the unfairness or unskillfulness of those who judge.' Pound comments that 'the purpose of review is prevention quite as much as correction of mistakes. The possibility of review by another tribunal, especially a bench of judges [. . .] is an important check upon tribunals of first instance. It is a preventive of unfairness. It is also a stimulus to care and thoroughness as not to make mistakes.' Pound adds that 'review involves matters of concern both to the parties to the case and to the public[.] It is of public

²³ 332 Phil. 206 (1996) [Per J. Hermosisima, Jr., First Division].

concern that full justice be done to [e]very one.' This judicial injunction would best be fulfilled and the interest of full justice would best be served if it should be maintained that [...] appeal brings before the reviewing court the totality of the controversy resolved in the questioned judgment and order apart from the fact that such full-scale review by appeal is expressly granted as a matter of right and therefore of due process by the Rules of Court.

Guided by the foregoing precepts, we have ruled in a number of cases that the appellate court is accorded a broad discretionary power to waive the lack of proper assignment of errors and to consider errors not assigned. It is clothed with ample authority to review rulings even if they are not assigned as errors in the appeal. Inasmuch as the Court of Appeals may consider grounds other than those touched upon in the decision of the trial court and uphold the same on the basis of such other grounds, the Court of Appeals may, with no less authority, reverse the decision of the trial court on the basis of grounds other than those raised as errors on appeal. We have applied this rule, as a matter of exception, in the following instances:

- (1) Grounds not assigned as errors but affecting jurisdiction over the subject matter;
- (2) Matters not assigned as errors on appeal but are evidently plain or clerical errors within contemplation of law;
- (3) Matters not assigned as errors on appeal but consideration of which is necessary in arriving at a just decision and complete resolution of the case or to serve the interest of justice or to avoid dispensing piecemeal justice;
- (4) Matters not specifically assigned as errors on appeal but raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to reuse or which the lower court ignored;
- (5) Matters not assigned as errors on appeal but closely related to an error assigned; and
- (6) Matters not assigned as errors on appeal but upon which the determination of a question properly assigned, is dependent.²⁴ (Citations omitted)

Thus, the CA has the discretion to consider the issue and address the matter where its ruling is necessary: (a) to arrive at a just and complete resolution of the case; (b) to serve the interest of justice; or (c) to avoid dispensing piecemeal justice. This is consistent with its authority to review the totality of the controversy brought on appeal.

From the foregoing, the CA is allowed to resolve matters not assigned as errors if it finds that their consideration is necessary in arriving at a complete and just resolution of the case. As mentioned above, the CA may review errors that are not assigned but are closely related to or dependent on an assigned error. This exception lies in this case.

²⁴ *Id.* at 216-218.

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To recall, petitioner filed a Petition for Nullity of Marriage and Correction of Entries in the Certificates of Title of the subject properties against respondent. The RTC granted the petition for nullity of marriage but denied the correction of entries in the certificates of title of the subject properties. Aggrieved by the decision of the RTC, petitioner filed a Partial Appeal before the CA, only raising the issue on the correction of entries in the certificates of title of the subject properties. The OSG then filed its Appellee's Brief and argued that petitioner has not shown the status of his prior marriage and thus cannot successfully claim bigamy. The CA reversed the decision of the RTC and ruled that the marriage between petitioner and respondent Pring is not bigamous, hence valid.

Here, the CA correctly reviewed the case in its entire context because the primordial issue on the nullity of marriage is intertwined or closely related with the error raised on appeal which is the issue on property relations. These issues are interdependent on each other since the property regime between the parties depends entirely on the status of their marriage, thus without these two issues, there can be no complete resolution of the case.

With this, We now resolve the status of the marriage between petitioner and respondent. To reiterate, petitioner argued before the RTC that his marriage to Jimenez is valid and thus, his subsequent marriage to respondent is bigamous. We do not agree.

A marriage is considered bigamous if it was contracted while a party's marriage has not yet been legally dissolved.²⁵ Bigamous or polygamous marriages are void from the beginning.²⁶

Article 349 of the Revised Penal Code defines bigamy:

Article 349. Bigamy. — The penalty of [*prision mayor*] shall be imposed upon any person who shall contract a second or subsequent marriage before the former marriage has been legally dissolved, or before the absent spouse has been declared presumptively dead by means of a judgment rendered in the proper proceedings.

Thus, the elements of bigamy are as follows: (1) the offender has been legally married; (2) the marriage has not been legally dissolved or, in case their spouse is absent, the absent spouse could not yet be presumed dead according to the Civil Code; (3) that they contract a second or subsequent

²⁵ *Marbella-Bobis v. Bobis*. 391 Phil. 648, 654 (2000) [Per J. Ynares-Santiago, First Division].

²⁶ CIVIL CODE, art. 80 states:

ARTICLE 80. The following marriages shall be void from the beginning:

....
(4) Bigamous or polygamous marriages not falling under article 83, number 2[.]

marriage; and (4) that the second or subsequent marriage has all the essential requisites for validity.²⁷

From the foregoing, to claim bigamy, petitioner must not only show compliance with the requisites of marriage²⁸ but also must show that his prior marriage with Jimenez is valid and subsisting at the time of his second marriage with respondent Pring. To recall, petitioner married Jimenez in 1981 while his marriage with respondent Pring occurred in 1987. However, records are bereft of proof of the status of petitioner's first marriage at the time he married respondent Pring.

Here, petitioner only presented the photocopy of the front page of the marriage certificate to prove the validity of his marriage with Jimenez. While the marriage certificate is the primary proof of marriage, the fact that the same marriage subsists during the time of the celebration of the second marriage was not reflected in the marriage certificate. Further, petitioner's narration that Jimenez is now living in the United States of America is self-serving and offers nothing of evidentiary value.²⁹ Thus, petitioner failed to prove that his second marriage with respondent Pring is bigamous.

In *Adong v. Cheong Seng Gee*,³⁰ this Court explains that the law favors the validity of marriage, because the State is interested in the preservation of the family and the sanctity of the family is a matter of constitutional concern:

The basis of human society throughout the civilized world is that of marriage. Marriage in this jurisdiction is not only a civil contract, but it is a new relation, an institution in the maintenance of which the public is deeply interested. Consequently, every intendment of the law leans toward legalizing matrimony. Persons dwelling together in apparent matrimony are presumed, in the absence of any counter-presumption or evidence special to the case, to be in fact married. The reason is that such is the common order of society, and if the parties were not what they thus hold themselves out as being, they would be living in the constant violation of decency and of law. A presumption established by our Code of Civil Procedure is "that a man and woman deporting themselves as husband and wife have entered into a lawful contract of marriage." *Semper praesumitur pro matrimonio*—Always presume marriage.³¹ (Citations omitted)

²⁷ *Capili v. People*, 713 Phil. 256, 262 (2013) [Per J. Peralta, Third Division].

²⁸ CIVIL CODE, art. 53 states:

ARTICLE 53. No marriage shall be solemnized unless all these requisites are complied with:

(1) Legal capacity of the contracting parties;
(2) Their consent, freely given;
(3) Authority of the person performing the marriage; and
(4) A marriage license, except in a marriage of exceptional character[.]

²⁹ CA rollo, p. 209.

³⁰ 43 Phil. 43 (1922) [Per J. Malcolm, *En Banc*].

³¹ *Id.* at 56.

The presumption is always in favor of the validity of marriage. Any doubt should be resolved to sustain such validity. Indeed, this Court is mindful of this principle as well as of the Constitutional policy which protects and strengthens the family as the basic autonomous social institution and marriage as the foundation of the family.³² In this case, having failed to establish petitioner's claim of bigamy, then the presumption on validity of his marriage with respondent Pring prevails.

Considering that the marriage of petitioner and respondent Pring occurred prior to the effectivity of the Family Code, then the Civil Code governs their property relations.


Article 160 of the Civil Code provides:

ART. 160. All property of the marriage is presumed to belong to the conjugal partnership, unless it be proved that it pertains exclusively to the husband or to the wife.

In the case at bar, the subject properties were all bought during the subsistence of marriage of petitioner and respondent. Notably, no evidence were presented as to their actual contribution in the acquisition of the subject properties. Thus, the subject properties are part of their conjugal partnership.

FOR THESE REASONS, the Petition for Review on *Certiorari* is **DENIED**. The May 16, 2022 Decision and December 13, 2022 Resolution of the Court of Appeals in CA-G.R. CV No. 05413-MIN are **AFFIRMED**. The marriage of petitioner Leoncio L. Melocoton and respondent Jennifer B. Pring is valid. The subject properties acquired by petitioner and respondent during their marriage covered by Transfer Certificates of Title Nos. 114328, 114329, 171550, 171551, 171552, 171553, and 171554 are conjugal.

SO ORDERED.”

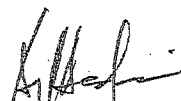

JOSE P. LOPEZ
Associate Justice

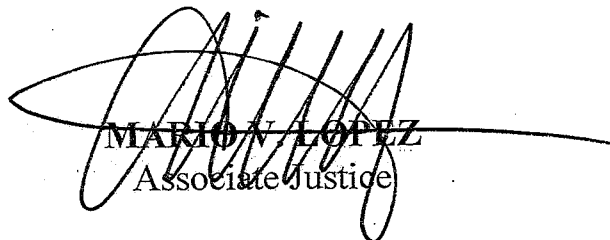
³² CONST., art. XV, sec. 2 states:
SECTION 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

with Concurrence

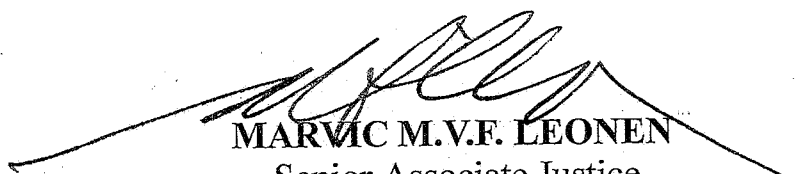

AMY C. LAZARO-JAVIER
Associate Justice


MARION LOPEZ
Associate Justice

On official business
ANTONIO T. KHO, JR.
Associate Justice

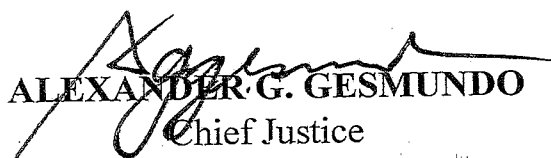
ATTESTATION

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.


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Second 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.

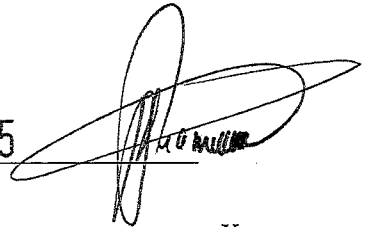

ALEXANDER G. GESMUNDO
Chief Justice

SECOND DIVISION

G.R. No. 265808 (LEONCIO L. MELOCOTON, Petitioner, v. JENNIFER B. PRING and the REPUBLIC OF THE PHILIPPINES, Respondents)

Promulgated:

JAN 22 2025



X ----- X

CONCURRENCE

The *ponencia* upheld the validity of the marriage between petitioner Leoncio L. Melocoton (Melocoton) and Jennifer B. Pring (Pring), ordaining that though Melocoton did not raise the status of his marriage with Pring as an issue, the same is intertwined or closely related with his appeal on their property relations. Thus, the Court of Appeals correctly ruled upon the validity of their marriage.

I concur with the *ponencia*'s sound disquisition and further submit that while Melocoton limited his appeal only to contest Pring's alleged share in the subject properties, the Office of the Solicitor General (OSG), on behalf of the Republic, notably assailed the trial court's finding that Melocoton and Pring's marriage is bigamous.¹ In fact, the OSG argued that Melocoton failed to prove that his first marriage with Susan Jimenez (Jimenez) was valid and subsisting when he married Pring.² Clearly, therefore, the validity of Melocoton and Pring's marriage was still very much an issue on appeal. I thus agree that the case has not attained finality as regards this particular issue.

Here, Melocoton hinges his allegations solely on one piece of documentary evidence: the marriage certificate of his first marriage with Jimenez. He claims that such is enough proof that his marriage with Jimenez was valid and subsisting when he married Pring.

I disagree. In my view, the Court of Appeals correctly ordained that the marriage certificate is insufficient to prove that Melocoton's first marriage was still valid at the time of the second marriage. As aptly ratiocinated by the appellate court:³

¹ *Ponencia*, pp. 3–4.

² *Id.*

³ Decision dated May 16, 2022 of the Court of Appeals in CA-G.R. CV No. 05413-MIN, pp. 7–8.



While the marriage certificate is the primary proof of marriage, the fact that the same marriage *subsists* is not always reflected in the marriage certificate. For one thing, the death of a spouse, which surely dissolves a marriage will not show in the marriage certificate. For another thing, a spouse who acquired a foreign citizenship and got divorced in the foreign jurisdiction, may not have her marriage certificate in the Philippines automatically or timely updated.

Only cancellation of marriage by final and executory order of the competent court may be reflected in the marriage certificate. This is usually printed on the margin of the marriage certificate by the Office of the Civil Register General and the Philippine Statistics Authority.


Thus, a marriage subsists until it is annulled or one of the spouses is dead. At the very least, *proof of life* of the prior spouse at the time when the second marriage was contracted should be presented as evidence if one is to allege bigamy.

So, with only the certificate of marriage—a photocopy of only the front page at that—in recorded evidence here, We know nothing of the status of Leoncio's first marriage. Although, Leoncio testified in passing that his prior wife is now in the United States of America, this statement is self-serving and offers nothing of evidentiary value unless corroborated.

Indeed, before a marriage may be annulled on the ground of bigamy, it must be duly shown that the second marriage being assailed as bigamous was contracted during the subsistence of the first marriage. Thus, in *Iwasawa v. Gangan*,⁴ the Court agreed that the marriage between the parties is bigamous when the totality of the evidence on record sufficiently showed that: (1) respondent married Arambulo on June 20, 1994 in Manila; (2) respondent contracted a second marriage with petitioner on November 28, 2002 in Pasay City; (3) **there was no judicial declaration of nullity of marriage** of respondent with Arambulo when she married petitioner; and (4) Arambulo died only on July 14, 2009.

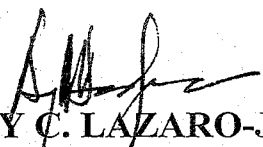
Compared to *Iwasawa*, the evidence here is sorely lacking. Worse, the marriage certificate relied upon by Melocoton is a mere photocopy, and an incomplete one, as it consists only of the first page. Sans any other evidence apart from his bare allegations, the real status of Melocoton's first marriage when he married anew cannot be ascertained. Consequently, it cannot be said that Melocoton was able to prove that his second marriage with Pring is bigamous.

⁴ 717 Phil. 825 (2013) [Per J. Villarama, Jr., First Division].



In any case, *semper praesumitur pro matrimonio*. The presumption is always in favor of the validity of the marriage.⁵ Thus, doubt being present in this case, it must be presumed that Melocoton and Pring's marriage is valid instead of void for being bigamous. Consequently, the subject properties are conjugal in nature.

Thus, I vote to **DENY** the Petition for Review on *Certiorari* and affirm the Decision dated May 16, 2022 and Resolution dated December 13, 2022 of the Court of Appeals in CA-G.R. CV No. 05413-MIN, declaring the marriage of petitioner Leoncio L. Melocoton and respondent Jennifer B. Pring valid.



AMY C. LAZARO-JAVIER
Associate Justice

⁵ *Alcantara v. Alcantara*, 558 Phil. 192 (2007) [Per J. Chico-Nazario, Third Division].

