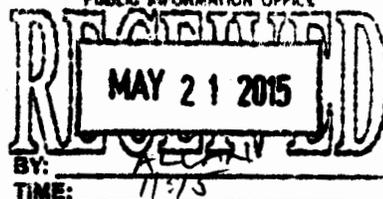




Republic of the Philippines
Supreme Court
Baguio City

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 15, 2015, which reads as follows:

“G.R. No. 210764 (Ludivina C. Villarica v. William R. Villarica). – For resolution is the instant petition seeking to nullify the Decision¹ of the Court of Appeals (CA), dated January 7, 2014 in CA-G.R. CV No. 93049.

Herein respondent and petitioner are husband and wife. They were married on two occasions. The first marriage was conducted in a civil ceremony held in Meycauayan, Bulacan on January 10, 1975. This marriage was registered with the local civil registrar of Meycauayan. Sixteen (16) days after, or on January 26, 1975, the same parties, using the same marriage license, reaffirmed their marriage vows in a church wedding held in Santuario de San Jose in Greenhills, Mandaluyong. This second marriage, on the other hand, was registered with the local civil registrar of Mandaluyong. Thereafter, petitioner sought the nullification of the second marriage.

After trial, the RTC rendered its Decision declaring the second marriage between petitioner and respondent as null and void on the ground that the latter is psychologically incapacitated to comply with his essential marital obligations. The RTC Decision became final and executory on August 9, 2004.

Subsequently, when respondent asked the civil registrar of Mandaluyong to enter into its civil registry the decision of the RTC declaring the nullity of the parties' second marriage, the civil registrar of Mandaluyong refused on the ground that the first marriage between petitioner and respondent still existed as the same was not a subject of the RTC decision.

¹ Penned by Associate Justice Rodil V. Zalameda, with Associate Justices Ramon M. Bato, Jr. and Pedro B. Corales, concurring; *rollo* pp. 27-36.

April 15, 2015

As such, respondent moved for the amendment of the RTC Decision praying that it include the cancellation of the parties' first marriage.

On September 18, 2008, the RTC issued an Order directing the Local Civil Registrar of Meycauayan, Bulacan as well as the National Statistics Office to cancel from their Book of Entries the first marriage of the parties.

On appeal, the CA affirmed the above-assailed RTC Order.

Hence, the instant petition which the Court finds to be without merit.

In the present case, the demands of substantial justice and the Court's exercise of its equity jurisdiction allow the amendment of the May 31, 2004 decision of the RTC so as to include the nullification of the parties' first marriage.

Indeed, it would be the height of absurdity to consider respondent, on the one hand, as psychologically incapacitated to perform the essential duties of a married man insofar as his second marriage to petitioner is concerned while, on the other hand, consider him capable of doing so if we take into account their first marriage, which was celebrated a mere 16 days earlier.

Also, the Court agrees with the pronouncement of the RTC in its September 18, 2008 Order, as affirmed by the CA, that the issue on respondent's psychological incapacity has already been settled and the filing of a new action for the purpose of nullifying the parties' first marriage on the same ground as respondent's psychological incapacity is already barred by the doctrine of *res judicata* by conclusiveness of judgment. Indeed, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies, whether or not the claim, demand, purpose, or subject matter of the two actions is the same.²

Petitioner may argue that a subsequent petition may still be filed for the nullification of the earlier marriage between the parties on grounds other than psychological incapacity. It remains a fact, however, that the second marriage of the parties was nullified on the ground that respondent is psychologically incapacitated to perform his marital duties and responsibilities, a ground which can also be used to annul the first marriage

² *Social Security Commission v. Rizal Poultry and Livestock Association, Inc.*, G.R. No. 167050, June 1, 2011, 650 SCRA 50, 57.

April 15, 2015

of the parties. Considering that the two marriages were celebrated just several days apart, it would thus be pointless to conduct further or other proceedings to nullify the first marriage which was not included in the Decision of the Regional Trial Court, dated May 31, 2004, or to determine the existence of other grounds for the purpose of declaring the first marriage as null and void.

Finally, it bears to point out that the State, through the Office of the Solicitor General (*OSG*), in its Comment to the instant petition, did not oppose the ruling of the RTC and the CA, and opined as follows:

X X X X

In our jurisdiction, it remains settled that the State has a high stake in the preservation of marriage rooted in its recognition of the sanctity of married life and in its mission to protect and strengthen the family as a basic autonomous social institution, thus, the State maintains that any doubt should be resolved in favor of the existence and continuation of the marriage and against its dissolution and nullity x x x x. However, here, the antecedents and circumstances surrounding the instant case compel the State to veer away from said principle. It thus humbly agrees with the Honorable Court of Appeals in ruling that while the trial court is barred from granting a *nunc pro tunc* judgment to include the civil wedding, it was nevertheless authorized to *pro hac vice* amend its final and executory decision.

X X X X

x x x The trial court's Order dated September 18, 2008 amending its May 31, 2004 Decision directing the cancellation of the Meycauayan civil marriage was founded on "higher interests of justice and equity"

Accordingly, here, substantial justice and equity allow the amendment of the trial courts decision in declaring the parties' civil marriage null and void, and in canceling the civil registry entries of both civil and church marriages of the parties. For the trial court to do otherwise, that is, to still keep the civil registry entry of the civil marriage while declaring the church marriage as null and void, would be incongruous and not sychronized with reality.

As correctly observed by the Honorable Court of Appeals, the continued existence of the civil wedding between the parties would make it impossible to execute the final and executory [decision] of the trial court. Therefore, the relief sought for below by the petitioner herself to declare the civil marriage between her and the herein respondent spouse, which was eventually granted by the trial court, would thus become unattainable and futile if the instant petition would be granted by this Honorable Court.

In fact, it is a wonder why the petitioner would now question the amendment of the trial court's decision to include the cancellation of her civil marriage with the respondent when, in the first place, she herself

April 15, 2015

sought the declaration of her church wedding as null and void. It would thus be absurd to have the church wedding annulled while retaining the civil wedding and allowing it to subsist.

x x x³

WHEREFORE, the instant petition is **DENIED**. The Decision of the Court of Appeals, dated January 7, 2014 in CA-G.R. CV No. 93049, is **AFFIRMED**. (*Jardeleza, J., no part, due to his prior action as Solicitor General; Perlas-Bernabe, J., designated additional Member per Raffle dated September 1, 2014; Villarama, Jr., J., on official leave; Mendoza, J., designated Acting Member, per Special Order No. 1966 dated March 30, 2015*).

SO ORDERED.”

Very truly yours,


WILFREDO V. LAPITAN
 Division Clerk of Court
4/15/15

Atty. Jean Marie L. Uy
 Counsel for Petitioner
 CALLEJA LAW OFFICE
 W2904-C, PSE Centre
 Exchange Road, Ortigas Center
 1605 Pasig City

COURT OF APPEALS
 CA G.R. CV No. 93049
 1000 Manila

CHAVEZ MIRANDA ASEOCHE LAW OFFICES
 Counsel for Private Respondent
 8th Floor, One Corporate Plaza
 No. 845 Arnaiz Avenue
 1200 Makati City

Mr. William R. Villarica
 Respondent
 No. 23 Sandico Street
 Marilao, 3019 Bulacan

The Presiding Judge
 REGIONAL TRIAL COURT
 Branch 140, 1200 Makati City
 (Civil Case No. 99-1917)

OFFICE OF THE SOLICITOR GENERAL
 134 Amorsolo Street
 Legaspi Village, 1229 Makati City

PUBLIC INFORMATION OFFICE
 LIBRARY SERVICES
 Supreme Court, Manila
 [For uploading pursuant to A.M. 12-7-1-SC]

Judgment Division
 JUDICIAL RECORDS OFFICE
 Supreme Court, Manila

³ Rollo, pp. 118-120.