

****Title:**** Diego de la Viña vs. Antonio Villareal and Narcisa Geopano: A Case on Jurisdiction, Divorce, and Preliminary Injunction in Conjugal Property Dispute

****Facts:****

The case originated when Narcisa Geopano filed a complaint for divorce against her husband, Diego de la Viña, in the Court of First Instance of the Province of Iloilo, alleging adultery and mistreatment. Geopano also sought the partition of the conjugal property, valued at about P300,000, and alimony pendente lite. She later filed a motion for a preliminary injunction to restrain de la Viña from alienating or encumbering any part of the conjugal property during the pendency of the action, alleging he was attempting to do so.

De la Viña opposed both the divorce action and the injunction, arguing that the court lacked jurisdiction given that he was a resident of the Province of Oriental Negros and contended that a married woman cannot establish a residence separate from her husband, thus also questioning the court's jurisdiction over him.

After the lower court overruled de la Viña's demurrer and granted the injunction, de la Viña filed a petition for certiorari in the Supreme Court, challenging the lower court's jurisdiction and the issuance of the preliminary injunction against him.

****Issues:****

1. Can a married woman establish a residence or domicile separate from her husband for the purpose of filing a divorce?
2. In a divorce action, can a wife obtain a preliminary injunction against her husband to prevent him from alienating or encumbering conjugal property?

****Court's Decision:****

1. The Supreme Court held that a married woman may establish a residence or domicile separate from her husband under certain circumstances, such as when the husband has given cause for divorce. This exception recognizes that the unity of residence between husband and wife does not apply in cases where their marital harmony is disrupted, especially when legal separation or divorce proceedings are underway.
2. Regarding the issuance of a preliminary injunction, the Court affirmed the lower court's decision, holding that in divorce proceedings where the partition of conjugal property is sought, a wife can indeed obtain a preliminary injunction to prevent her husband from alienating or encumbering their conjugal property. This is to prevent potential injustice or violation of the wife's rights during the litigation.

****Doctrine:****

The Court reiterated the doctrine that a wife may acquire a separate domicile from her husband under circumstances such as those warranting a divorce, challenging the traditional notion that a wife's domicile is invariably that of her husband's. Additionally, it was established that a court can issue a preliminary injunction in divorce cases to protect the interests of the conjugal partnership by preventing one spouse from disposing of property pending litigation.

****Class Notes:****

- ****Married Woman's Separate Domicile:**** A married woman can establish a residence or domicile separate from her husband in cases warranting a divorce or when the husband's behavior justifies such separation.
- ****Preliminary Injunction in Conjugal Property:**** In divorce actions, a preliminary injunction can be issued to prevent either spouse from alienating or encumbering conjugal property to protect the assets pending the outcome of the divorce proceedings.
- ****Application of the Law:**** Courts are guided not only by statutes but also by jurisprudential principles, especially in dealing with equitable matters and injunctions not explicitly covered by law.
- ****Jurisdiction Over Divorce Cases:**** The assertion of jurisdiction in divorce cases can be based on the actual residence of the aggrieved party when separation from the spouse is justified, moving away from the traditional domicile doctrine.

****Historical Background:****

This case reflects the evolving views on marriage, domicile, and property rights within the Philippine legal system. It underscores the judiciary's role in adapting legal doctrines to address the realities of marital relations, especially in the context of divorce and separation. By recognizing a wife's right to establish a separate domicile and allowing judicial intervention to protect conjugal property, the ruling marked a significant step towards acknowledging individual rights within the marital bond.