

Title: Cristita Anaban, et al. vs. Betty Anaban-Alfiler, et al.

Facts:

In 1942, Pedrito Anaban married Virginia Erasmo in accordance with the native customs of the Ibaloi Tribe. They had three children: Betty Anaban-Alfiler, Mercedes Anaban, and Marcelo Anaban (respondents). In 1947, Virginia was declared insane by the tribe's council of elders, who approved a divorce between Virginia and Pedrito. Subsequently, in 1952, Pedrito remarried Pepang Guilabo, also following Ibaloi customs. They had eight children, including Cristita Anaban, Crispina Anaban, Pureza Anaban, Cresencia Anaban-Walang, and Rosita Anaban-Baristo (petitioners).

Upon Pedrito's death in 2004, respondents sought to settle his estate through partition. They claimed that Pedrito's marriage to Pepang was bigamous because his marriage with Virginia was not legally dissolved. Therefore, petitioners were illegitimate children. Petitioners argued that their parents' marriage was legal, asserting that the dissolution of Pedrito and Virginia's marriage under Ibaloi customs should also be considered valid because marriage was recognized under Ibaloi customs by the Old Civil Code.

The Municipal Circuit Trial Court (MCTC) upheld petitioners' claims, recognizing the divorce and the subsequent marriage under Ibaloi customs. The Regional Trial Court (RTC), however, ruled the marriage to be bigamous, thus declaring petitioners illegitimate. The Court of Appeals affirmed this decision, emphasizing the limited application of customs under the Civil Code was only for marriage celebration and not dissolution.

Issues:

1. Can the divorce granted under Ibaloi customs between Pedrito and Virginia be legally recognized?
2. Are the children of Pedrito and Pepang legitimate or illegitimate?

Court's Decision:

The Supreme Court denied the petition, upholding the RTC and the Court of Appeals' decisions.

1. **\*\*Legal Recognition of Divorce under Ibaloi Customs\*\***: The Court ruled that while the Old Civil Code recognized marriages performed according to tribal customs, it did not extend this recognition to dissolutions or divorces per those customs. The applicable law when Pedrito and Virginia's divorce supposedly happened was Act No. 2710, which allowed divorce only on grounds of adultery or concubinage. Since the reason for their divorce was

Virginia's alleged insanity, it was not a legal ground for divorce under the statute. Thus, the 1947 divorce under Ibaloi customs could not be legally recognized.

2. **Legitimacy of Petitioners**: Since the divorce between Pedrito and Virginia was invalid, their marriage remained legally effective; consequently, Pedrito's subsequent marriage to Pepang was bigamous and therefore void. This rendered the petitioners' status as illegitimate children.

Doctrine:

- **Customs in Law**: Under the Old Civil Code and the Indigenous Peoples' Rights Act (IPRA), while marriages performed according to native customs are recognized, the same does not apply to divorces unless specified by statutory laws like in the Muslim Code.
- **Legal Ground for Divorce**: At the relevant time (1947), grounds for legal divorce in the Philippines were limited to adultery and concubinage (Act No. 2710). Other causes, including those based on tribal customs, were not recognized in law.
- **Bigamy**: A subsequent marriage is invalid if a prior marriage has not been legally dissolved (Civil Code).

Class Notes:

- **Key Elements**:
  - Valid Marriage (Civil Code, Old Civil Code)
  - Grounds for Divorce (Act No. 2710; not customary law unless specified)
  - Legitimacy and Illegitimacy (based on the validity of marriage and annulments)
  - Bigamy (when a subsisting marriage renders subsequent marriage void)
- **Relevant Legal Provisions**:
  - Article 78, Old Civil Code (recognition of customary marriage not extending to divorce)
  - Act No. 2710 (divorce grounds of adultery and concubinage)
  - Code of Muslim Personal Laws (recognition of Muslim divorces)

Historical Background:

The case delves into the application of tribal customs within the Philippine legal framework, reflecting the legal intricacies during periods of overlapping legal regimes such as Spanish, American, and local customary law influences. It underscores the continuous tension between indigenous customary practices and national statutory laws, especially regarding personal and family relations, brought into sharp relief by the legislative evolution under colonial and post-colonial governance.