

Title

****Navarro vs. Judge Hernando C. Domagtoy****

Facts

1. ****Background****

- Rodolfo G. Navarro, Municipal Mayor of Dapa, Surigao del Norte, filed an administrative case against Municipal Circuit Trial Court Judge Hernando Domagtoy.
- Navarro accused Judge Domagtoy of gross misconduct, inefficiency in office, and ignorance of the law on two separate counts.

2. ****First Incident****

- On September 27, 1994, Judge Domagtoy solemnized the marriage of Gaspar A. Tagadan and Arlyn F. Borga.
- Tagadan was merely separated from his first wife, Ida Peñaranda, and had not obtained a legal declaration of her presumptive death.
- The marriage was solemnized based on a joint affidavit by third parties, which was merely acknowledged before a judge, falsely assumed as a judicial declaration of presumptive death.

3. ****Second Incident****

- On October 27, 1994, Judge Domagtoy officiated the marriage of Floriano Dador Sumaylo and Gemma G. del Rosario outside his jurisdiction.
- The ceremony took place at Judge Domagtoy's residence in Dapa, which is not within his judicial area of Sta. Monica-Burgos, Surigao del Norte.
- There was a written request by only one party, Gemma del Rosario, but this did not justify solemnizing the marriage outside his jurisdiction under the exceptions provided by the Family Code.

Procedural Posture

1. ****Before the Office of the Court Administrator (OCA)****

- The complaint was assessed without referral for further investigation, due to sufficient submitted pleadings.
- Respondent Judge Domagtoy offered defenses citing reliance on affidavits and provisions in the Family Code.

2. ****Dismissal of Prior Complaints****

- Previous complaints against Judge Domagtoy had been dismissed, including one related

pending case, thus not impacting the current assessment.

Issues

1. ****Validity of Marriage Based on Presumed Death Without Judicial Declaration****:
 - Whether Judge Domagtoy erred in solemnizing a marriage without a judicial declaration of presumptive death of the bridegroom's first spouse.
2. ****Solemnizing a Marriage Outside Judicial Jurisdiction****:
 - Whether Judge Domagtoy erred in solemnizing a marriage outside of his territorial jurisdiction based on a unilateral request from one party.

Court's Decision

1. ****Validity of Marriage Based on Presumed Death****:
 - Article 41 of the Family Code mandates a judicial declaration of the presumptive death of a spouse before contracting a subsequent marriage.
 - Judge Domagtoy's reliance on a non-judicial affidavit was insufficient and resulted in a bigamous and void marriage, highlighting his ignorance of the law.
2. ****Solemnizing a Marriage Outside Judicial Jurisdiction****:
 - Articles 7 and 8 of the Family Code strictly require the marriage to be solemnized within a judge's jurisdiction unless specific exceptions apply.
 - Judge Domagtoy violated this provision by officiating the marriage in Dapa, beyond his legal authority, and misconstrued the exceptions under Article 8, again demonstrating a lack of legal comprehension.

Doctrine

1. ****Necessity of Judicial Declaration of Presumptive Death****:
 - Under Article 41 of the Family Code, a judicial proceeding is mandatory to declare presumptive death before remarrying.
2. ****Jurisdictional Limits on Judicial Authority in Marriage Solemnization****:
 - Articles 7 and 8 of the Family Code stipulate that judges may solemnize marriages only within their territorial jurisdiction, with limited exceptions. Non-compliance can result in administrative sanctions.

Class Notes

- ****Article 41, Family Code****: Requires judicial declaration of presumptive death for remarriage.

- **Article 7, Family Code**: Defines authority to solemnize marriages within jurisdiction.
- **Article 8, Family Code**: Specifies venue of marriage ceremonies and exceptions.
- **Bigamous Marriages**: Under Article 35, such marriages are void ab initio.
- **Administrative Liability**: Judges can be administratively liable for overstepping jurisdictional bounds.

Historical Background

- The case underscores judicial accountability within the Philippine legal system, emphasizing that even minor procedural lapses by judicial officers can lead to significant legal and personal repercussions, such as void marriages. It reflects ongoing reforms to enforce competence and ethical standards in the judiciary during the late 20th century.