

Title: Roberto Domingo v. Court of Appeals, et al., G.R. No. 104818, 17 September 1993, Third Division

Facts:

- Marriage and Coverture:** Roberto Domingo and Delia Soledad Avere were married on November 29, 1976.
- Discovery of Prior Marriage:** Delia discovered in 1983 that Roberto had a previous marriage to Emerlina dela Paz on April 25, 1969, still valid and existing.
- Bigamy Case:** Following the revelation, Emerlina dela Paz filed a bigamy case against Roberto and Delia.
- Employment and Property Accumulation:** Since January 23, 1979, Delia was employed in Saudi Arabia, visiting the Philippines only for annual vacations, and out of her earnings, she purchased properties worth approximately Php 350,000, managed and possessed by Roberto.
- Mismanagement and Infidelity:** On a vacation in June 1989, Delia discovered Roberto was cohabitating with another woman and disposing of her properties without consent.
- Appointing Attorney-in-Fact:** Delia appointed her brother, Moises R. Avera, to manage her properties, but Roberto refused to transfer possession.
- Petition Filed:** On May 29, 1991, Delia filed a petition for Declaration of Nullity of Marriage and Separation of Property in the Regional Trial Court of Pasig.
- Motion to Dismiss:** Roberto filed a Motion to Dismiss on June 20, 1991, citing that the petition stated no cause of action.
- Trial Court's Denial:** The trial court denied the motion on August 20, 1991, referencing need for a judicial declaration of nullity.
- Certiorari and Mandamus:** Roberto filed a special civil action with the Court of Appeals, which was dismissed on February 7, 1992.
- Petition to Supreme Court:** Hindered by the Court of Appeals ruling, Roberto sought relief from the Supreme Court.

Issues:

- Necessity of Judicial Declaration:** Whether a petition for judicial declaration of a void marriage is necessary, and if so, whether it is only for purposes of remarriage.
- Proper Remedy for Property Recovery:** Whether the declaration of nullity petition is the proper remedy for recovering properties claimed to belong to Delia exclusively.

Court's Decision:

- Judicial Declaration Requirement:**

- The Supreme Court affirmed that a judicial declaration of nullity is necessary not solely for purposes of remarriage. Such a declaration provides a legal basis for resolving incidents arising from the void marriage, including property disputes and status determinations.
- The court referenced Article 40 of the Family Code, explaining that a final judgment is required to declare a marriage void to avoid illegal bigamy charges or other legal issues.

2. **Property Recovery Remedy:**

- The court ruled that the petition for nullity of marriage was necessary to establish a basis for settling the property issues.
- The decision highlighted that the lower court has jurisdiction to handle both the nullity and the incidental questions regarding the parties' properties.

The court supported the lower courts' rulings, emphasizing that the actions taken were consistent with legal protocols and the petition's extended purpose of property separation was justified alongside declaring the marriage's nullity.

Doctrine:

- The necessity for a judicial declaration of nullity of marriage, even for purposes beyond remarriage. Per Article 40 of the Family Code, legal recognition of a void marriage must be judicially declared before engaging in subsequent legal acts such as remarriage or property distribution.
- The court reaffirmed the principle from cases like **Gomez v. Lipana** and **Vda. de Consuegra v. GSIS** that a judicial determination is essential to adjudicate properties resulting from a void marriage.

Class Notes:

1. **Void Marriages:** Requires judicial declaration of absolute nullity (Article 40, Family Code).
2. **Bigamy:** Engaging in a subsequent marriage without a judicial declaration of nullity exposes parties to criminal liability.
3. **Property Issues:** Can be settled through the same proceedings that declare the nullity of marriage (Art. 43, Family Code).
4. **Procedural Steps:** Judicial declarations to prevent illegalities and provide clear, formal termination of marital and property ties.

Historical Background:

Historically, the Philippines faced numerous inconsistencies in court rulings regarding

bigamous marriages and was governed primarily by civil and religious norms reflecting colonial influences. With the enactment of the Family Code in 1987, the legal landscape clarified many ambiguities, primarily through doctrines aimed at remedying the repercussions of nullified marriages—underscoring the protection of marriage as a fundamental social institution.