

****Title:****

Republic of the Philippines vs. Gloria Bermudez-Lorino, G.R. No. 160021, 489 Phil. 761 (2005)

****Facts:****

Gloria Bermudez-Lorino and Francisco Lorino, Jr. were married on June 12, 1987, and had three children. Gloria was unaware of Francisco's violent behavior and habit of excessive drinking and socializing, which rendered him unable to maintain stable employment. Due to these behaviors and for her and their children's safety, Gloria left Francisco and moved in with her parents. In 1991, Gloria starting working abroad to support her children and received no communication from Francisco thereafter.

On August 14, 2000, Gloria filed a petition in the Regional Trial Court (RTC) of San Mateo, Rizal, seeking a declaration of the presumptive death of Francisco for the purpose of remarriage under Article 41 of the Family Code. The RTC ordered the publication of the petition and set a hearing on September 18, 2000. Various pieces of evidence, including affidavits and publication proofs, were submitted to the court.

In its decision dated November 7, 2001, the RTC declared Francisco presumptively dead, making this judgment immediately final and executory as per Article 247 of the Family Code. However, the Office of the Solicitor General (OSG) filed a Notice of Appeal, which the RTC mistakenly entertained, transferring the case to the Court of Appeals (CA). The CA, treating the case under ordinary appeal rules, affirmed the RTC's decision on September 23, 2003.

The Republic, represented by the OSG, directly filed a petition for review on certiorari with the Supreme Court under Rule 45, arguing that the CA did not have jurisdiction over an immediately final and executory RTC decision.

****Issues:****

1. Whether the Court of Appeals duly acquired jurisdiction over the appeal on a final and executory judgment of the Regional Trial Court.
2. Whether the factual and legal bases for a judicial declaration of presumptive death under Article 41 of the Family Code were duly established.

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

Issue 1: Jurisdiction of the Court of Appeals

The Supreme Court ruled that the RTC's decision dated November 7, 2001 was immediately final and executory, making any appeal improper. The RTC erred in entertaining the OSG's Notice of Appeal and forwarding the records to the CA. Consequently, the CA also committed an error by assuming jurisdiction and addressing the appeal. The court reiterated that an appeal could not be entertained in matters where the law expressly provides that the judgment is immediately final and executory.

Issue 2: Factual and Legal Bases for Presumptive Death

While the Supreme Court recognized that the factual and legal elements necessary for declaring Francisco presumptively dead were presented and uncontested, it emphasized that the primary issue was procedural propriety. The Republic's challenge should not have been addressed in an appeal, as the determination by the RTC was conclusive.

****Doctrine:****

The doctrine affirmed in this case is that judgments in summary judicial proceedings under the Family Code, such as declarations of presumptive death, are immediately final and executory (Article 247 of the Family Code). These judgments cannot be appealed, and attempts to do so are procedurally infirm.

****Class Notes:****

1. ****Summary Judicial Proceedings:****

- Governed by Family Code Articles 238-247.
- Purpose: Expedite familial legal matters.
- Judgments are immediately final and executory per Article 247.

2. ****Presumptive Death under Article 41 of the Family Code:****

- Requirements: Continuous absence for four consecutive years, well-founded belief by the spouse of the absentee's death.
- Purpose: Allows the present spouse to remarry.

3. ****Jurisdiction and Appeal:****

- Appellate courts lack jurisdiction to review immediately final and executory judgments.
- The right to appeal is not absolute and must conform to statutory provisions.

****Historical Background:****

The Family Code of the Philippines (Executive Order No. 209), effective since August 3, 1988, modernized and codified various aspects of family and matrimonial law. The

provisions on summary judicial proceedings were introduced to ensure swift resolution of family-related legal issues, reflecting legislative intent to make family law judgments immediately enforceable and reducing prolonged legal contests.

This context underscores the importance of strict adherence to procedural rules to preserve the intent of expediency and finality in family law cases, as epitomized in the discussed case.