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Roque v. Encarnacion

Title:

Roque v. Encarnacion, et al., 95 Phil. 643 (1954)

Facts:

- In Civil Case No. 16787 of the Court of First Instance of Manila, Asuncion Roque Reyes (plaintiff and petitioner) filed a suit against her husband, Francisco Reyes (defendant and respondent).
- Plaintiff claimed that they were married in November 1943 and had two children from their union. During their marriage, the plaintiff acquired personal and real properties yielding a monthly income of P3,530.
- Plaintiff alleged that the defendant committed concubinage with Elena Ebarle and attempted to kill her in 1952 by physically assaulting her.
- Plaintiff sought legal separation, custody of the children, liquidation of the conjugal property, and alimony and support for the children.
- Defendant responded with several counterclaims, including that plaintiff was already married to one Policarpio Bayore since February 19, 1930, and fraudulently misrepresented herself as single. He requested the annulment of their marriage, custody of the children, and damages of P30,000.

Procedural Posture:

- Defendant filed a motion for summary judgment, supported by a deposition from Policarpio Bayore and an affidavit. Plaintiff opposed, claiming that annulment could not be decided through summary judgment and presented no affidavits or depositions.
- The trial court granted the summary judgment, nullified the marriage, awarded custody of the children to the defendant, forfeited plaintiff's rights to conjugal properties in favor of the children, but granted custody of the smaller child to the plaintiff.
- Plaintiff sought to annul the trial court's summary judgment on the grounds of jurisdictional overreach and contested facts.

Issues:

1. Whether an action for annulment of marriage can be resolved through a motion for summary judgment.
2. Whether the trial court erred in ignoring genuine issues of fact raised by the plaintiff, thereby abusing its discretion.

Court's Decision:

- The Supreme Court of the Philippines ruled that the issue of annulment was not suitable for summary judgment as such proceeding is not meant for resolving claims requiring a trial, especially considering the strict state policy on marriage and annulment.
- The Court determined that the trial judge erred by resolving the case through summary judgment and by ignoring genuine factual disputes about plaintiff's belief that her prior marriage was null.
- The summary judgment was annulled, and the case was remanded to the lower court for trial following proper procedural rules.

Doctrine:

- The case emphasizes that summary judgment is inappropriate for annulment of marriage due to the complex factual and legal issues involved and the public policy favoring the preservation of marriage.
- The strict adherence to procedural rules is essential to ensure fair resolution of disputes in consonance with public policy.

Class Notes:

- ****Elements of a Legitimate Action for Annulment of Marriage:****
 1. Existence of previous valid marriages.
 2. Misrepresentation or concealment of one's marital status at the time of second marriage.
 3. Genuine issues of fact surrounding the circumstances of the marriage.
- ****Procedural Aspect:****
 - Actions for annulment or separation require full trial, not summary proceedings, as per Section 10, Rule 35 of the Rules of Court.
- ****Public Policy Principle:****
 - The state's policy on marriage emphasizes its indissolubility and solemnization requiring formal trial processes for annulments, per Articles 88 and 101 of the Civil Code of the Philippines.

Historical Background:

- The Philippines, predominantly Catholic, treats marriage as an indissoluble union with no provision for divorce under the Civil Code. This case underscores the strict procedural and substantive requirements for annulling a marriage in line with religious and cultural values.

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