

Title: Republic of the Philippines vs. Robert P. Narceda

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Facts

Robert P. Narceda (Respondent) married Marina B. Narceda (Marina) on July 22, 1987, when Marina was 17 years old. In 1994, Marina left for Singapore and never returned. Respondent received no communications from her and could not locate her despite efforts. He learned from a town mate that Marina was living with a Singaporean husband. Desiring to remarry, Respondent filed a petition for judicial declaration of Marina's presumptive death with the Regional Trial Court (RTC) of Balaoan, La Union, on May 16, 2002. The RTC granted the petition on May 5, 2005.

The Republic of the Philippines (Petitioner), through the Office of Solicitor General (OSG), appealed to the Court of Appeals (CA), arguing that Respondent failed to exercise the due diligence required by law to establish a well-founded belief of Marina's death. The CA dismissed the appeal, stating that judgments in summary proceedings under the Family Code are immediately final and executory. The OSG's Motion for Reconsideration was likewise denied on April 29, 2008. The Petitioner filed a Petition for Review on certiorari with the Supreme Court.

Issues

1. Whether the Court of Appeals erred in dismissing the Petition for lack of jurisdiction.
2. Whether Respondent established a well-founded belief that his absentee spouse was dead, thereby justifying the declaration of presumptive death.

Court's Decision

1. **Jurisdiction of the Court of Appeals:**

- **Supreme Court's Analysis:** The CA did not err in dismissing the appeal. Article 247 of the Family Code states that the judgment in summary judicial proceedings is immediately final and executory. This provision leaves no room for appeal. The correct remedy for the Petitioner was to file a petition for certiorari, questioning any abuse of discretion amounting to lack of jurisdiction in the CA.

- **Conclusion:** The CA correctly dismissed the appeal due to lack of jurisdiction, consistent with Article 247.

2. **Establishment of Well-Founded Belief for Presumptive Death:**

- **Supreme Court's Analysis:** Since the judgment in summary proceedings is immediately final and executory, any claim regarding the failure to establish a well-founded belief cannot be entertained once the appeal period for a certiorari has lapsed.

- **Conclusion:** The issue of whether Respondent established a well-founded belief that his spouse was dead cannot be revisited by the Supreme Court due to procedural deficiencies in appealing the RTC's decision.

Doctrines

1. **Immediacy and Finality of Summary Judicial Proceedings Judgments:** Judgments in summary proceedings under the Family Code are immediately final and executory, and hence not subject to appeal (Article 247 of the Family Code).

2. **Proper Remedy:** A petition for certiorari under Rule 65, not an ordinary appeal, is the proper remedy to question an RTC's judgment in the summary proceedings under the Family Code. Appeals via certiorari must follow the Doctrine of Hierarchy of Courts.

Class Notes

- **Immediate Finality:** Summary judicial proceedings under the Family Code, including those for declaration of presumptive death, result in judgments that are immediately final and executory (Article 247).

- **Appeals:** Traditional appeals (Rule 42) are not available for judgments in such summary proceedings; errors must be brought up through certiorari petitions under Rule 65 with the proper appellate procedure.

- **Well-Founded Belief:** For summary proceedings involving presumptive death, there must be a well-founded belief in the spouse's death. Failure to do this adequately can be contested, but must follow proper procedural pathways.

Historical Background

The provisions analyzed reflect specific rules for family-related cases implemented under the Family Code of the Philippines. Article 247 establishes the immediacy of judgments to expedite resolutions in family matters, intending to reduce prolonged litigation and emotional distress often associated with family law cases. The procedural pathways, clarified in this decision, underscore the importance of adhering to statutory requirements and the Doctrine of Hierarchy of Courts. Historically, this ruling reiterates the importance of procedural correctness in appeals, maintaining the integrity and finality of lower court

decisions in summary proceedings.