

### Title:

Lupo Almodiel Atienza vs. Judge Francisco F. Brillantes, Jr., A.M. No. MTJ-92-706, 312 Phil. 939 (1992)

### Facts:

Lupo A. Atienza filed an administrative complaint for Gross Immorality and Appearance of Impropriety against Judge Francisco Brillantes, Jr., the presiding judge of the Metropolitan Trial Court, Branch 20, Manila.

1. **Background:**

- Atienza had two children with Yolanda De Castro and resided at No. 34 Galaxy Street, Bel-Air Subdivision, Makati, Metro Manila.
- He purchased the house in 1987 and stayed there whenever he was in Manila.

2. **Incident:**

- In December 1991, Atienza discovered Judge Brillantes sleeping on his bed. The houseboy informed him that Brillantes had been cohabiting with De Castro.
- Atienza left the house without confronting Brillantes but instructed the houseboy to take care of his children.
- Subsequently, Brillantes allegedly prevented Atienza from visiting his children and alienated their affection towards him.

3. **Relation and Arrest:**

- Judge Brillantes was married to Zenaida Ongkiko, with whom he had five children (as declared in his 1986 and 1991 sworn statements).
- On January 13, 1992, following an argument with De Castro at her office, Atienza was arrested, allegedly due to Judge Brillantes' influence.

4. **Defense by Judge Brillantes:**

- Brillantes denied causing Atienza's arrest and claimed that the complaint was part of a dispute over the Bel-Air residence.
- He explained his first marriage to Ongkiko in 1965 lacked a valid marriage license and hence was void.
- He reiterated that no valid marriage license was obtained even when they went through a second marriage ceremony as insisted by Ongkiko's parents.
- Brillantes asserted that when he married De Castro in Los Angeles on December 4, 1991, he believed he was single under the law due to the invalidity of his first marriage.

### Issues:

1. **Applicability of Article 40 of the Family Code:**

- Whether Brillantes was required to obtain a judicial declaration of the nullity of his first marriage before he could validly remarry under the Family Code.

2. **Immorality and Impropriety:**

- Whether Brillantes' actions constituted gross immorality and appeared improper, warranting dismissal from the judicial service.

### Court's Decision:

**1. Applicability of Article 40:**

- The Supreme Court clarified that Article 40 of the Family Code, requiring a judicial declaration of the nullity of the previous marriage to contract a second, is applicable to remarriages entered into after the Code's effectivity on August 3, 1988, irrespective of when the first marriage occurred.

- The Court highlighted that procedural laws like Article 40 could be applied retroactively as they do not impair vested rights.

**2. Immorality and Impropriety:**

- The Court found that Judge Brillantes failed to secure a marriage license for both marriages with Ongkiko which indicated bad faith and deceit.

- The Court emphasized that judges are held to higher moral standards both in their official capacities and personal lives. His relationship with De Castro while married to Ongkiko violated these standards.

- The Supreme Court dismissed Brillantes from service with forfeiture of all leave and retirement benefits and disqualification from any future government service.

### Doctrine:

1. **Procedural Law Application:**

- Article 40 of the Family Code is a procedural statute that applies retroactively to remarriages after the Code's effectivity date.

- Procedural laws do not confer vested rights; thus, their retroactive application does not violate any person's rights.

**2. Judicial Ethics:**

- Judges must demonstrate impeccable moral fitness both in public duty and private conduct. Any actions undermining public confidence in the judiciary's integrity are grounds

for dismissal.

### Class Notes:

**Key Elements:**

- **Article 40, Family Code:** Requires a judicial declaration of nullity before remarriage.
- **Judicial Conduct:** Judges must maintain integrity and propriety in all aspects of life (Imbing v. Tiongzon)
- **Procedural Law:** Retroactive application is permissible if it doesn't impair vested rights.

Verbatim Citation:

- **Article 40, Family Code:** "The absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis solely of a final judgment declaring such previous marriage void."

**Application:** Judge Brillantes' actions were scrutinized under Article 40 regardless of his first marriage date. His conduct violated principles of judicial ethics, mandating his removal from service.

### Historical Background:

The case unfolded during a time when the Philippines was reinforcing judicial reforms and judicial propriety to maintain public trust. The Family Code, which took effect in 1988, restructured family law provisions to address ambiguities in legal standards around marriage, nullity, and remarriage, reflecting broader socio-legal reforms amidst the post-martial law transition in Philippine governance. This case elucidates the evolving interpretation of new procedural mandates in safeguarding against impropriety and moral lapses among public figures.