

### Title: **Peregrina Macua Vda. De Avenido vs. Tecla Hoybia Avenido**

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### Facts:

- **Initial Marriage:**

On September 30, 1942, Tecla Hoybia Avenido (Tecla) and Eustaquio Avenido (Eustaquio) were married in Talibon, Bohol, attended by the Parish Priest. Four children were born of this union.

- **Disappearance:**

In 1954, Eustaquio left Tecla and moved to Davao City around 1958, eventually cohabiting with Buenaventura Sayson, who died in 1977 with no issue.

- **Subsequent Marriage:**

In 1979, Eustaquio married Peregrina Macua Vda. De Avenido (Peregrina) in Davao City.

- **Eustaquio's Death:**

Eustaquio passed away on September 22, 1989.

- **Legal Claim:**

On November 11, 1998, Tecla filed a complaint for the declaration of nullity of the marriage between Eustaquio and Peregrina in the Regional Trial Court (RTC).

- **RTC Proceedings:**

Peregrina responded with an answer and counterclaim maintaining she was the legal spouse and asserting the deprivation of properties.

- **RTC Judgment:**

The RTC dismissed both Tecla's complaint and Peregrina's counterclaim on March 25, 2003.

- **Appeal to CA:**

Tecla appealed to the Court of Appeals (CA), which reversed the RTC's decision on August 31, 2005, declaring Tecla's marriage valid and Peregrina's marriage bigamous and void.

- **Petition for Review on Certiorari:**

Peregrina elevated the case to the Supreme Court (SC).

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### Issues:

1. **Validity of relying on presumptions of marriage and secondary evidence:**
  - Can the court rely on the presumption of marriage to invalidate a subsequent union?
  - Should secondary evidence (like certificates and witness testimonies) be used without the original marriage contract?
  
2. **Probative value of a church-issued marriage certificate without the priest's testimony:**
  - Can a marriage certificate issued by the parish without the priest's courtroom testimony prove the existence of a valid marriage?

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### Court's Decision:

**Issue 1: Presumption of Marriage and Secondary Evidence**

- **Resolution:**

The Supreme Court upheld the CA's reliance on the presumption of marriage and secondary evidence, determining that marriage can be proven even by testimonial or circumstantial evidence when primary documents are not available due to exceptional circumstances (like WWII destruction). Marriages presumed valid based on cohabitation and birth records were sufficient, coupled with testimonies and certifications.

**Issue 2: Probative Value of Church Certificate**

- **Resolution:**

Secondary evidence was deemed competent to establish marriage validity. Testimonies from witnesses present at the ceremony and certificates noted by authorities were admissible. The absence of the officiating priest's testimony didn't discount the certifications' evidentiary weight.

### Doctrine:

- **Proof of Marriage:**

While primary evidence like marriage certificates is preferable, secondary evidence can establish marital status in case of destruction/unavailability.

- **Presumption of Marriage:**

The law favors the presumption of marriage validity when individuals live as a couple and birth records indicate such status.

- **Secondary Evidence Utilization:**

Establishing loss or unavailability of primary documents allows for secondary evidence to

substantiate claims.

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### ### Class Notes:

- **\*\*Presumption of Marriage:\*\***
- Long-term cohabitation and public marriage reputation suffice to presume marital validity (Sec. 334, No. 28, Code of Civil Procedure).
- Supporting evidence like birth certificates strengthens presumption.
- **\*\*Secondary Evidence Acceptance:\*\***
- Loss and inability to procure primary evidence warrants secondary evidence (Rule 130, Sec. 5, Rules of Court).
- Testimonial, certificates, and circumstantial evidence admissible where primary evidence is inaccessible.
- **\*\*Bigamy and Void Marriages:\*\***
- Legal recognition given to the first valid marriage.
- Subsequent marriages legally incapacitated while the first persists.

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### ### Historical Background:

This case underscores the intricacies and sensitivities involved in marital verifications amid historic wartime disruptions. The scarcity of primary records prompted reliance on secondary evidence, reflective of broader judicial flexibility post-WWII, impacting family law and property rights significantly.