

**\*\*Title:\*\***

Republic of the Philippines vs. Leilanie Dela Cruz Fenol, G.R. No. 214634

**\*\*Facts:\*\***

Leilanie Dela Cruz Fenol (respondent) married Reneto Alilongan Suminguit on July 8, 2000, in Kidapawan City. They had a child named Loren Jade Fenol Suminguit. In January 2001, Reneto left their home in Malayan, M'lang, Cotabato, to go to Manila to apply for work abroad and since then, he had been missing.

Leilanie searched for Reneto by traveling to Manila in 2002 and staying there for seven months. She also went to Reneto's family in Cayawan, Davao del Norte, but they didn't know his whereabouts. In 2004, she worked abroad and returned in 2008 without news about Reneto.

On November 16, 2009, Leilanie filed a Petition for Declaration of Presumptive Death of Reneto before the Regional Trial Court (RTC) of Kabacan, Cotabato.

**\*\*Procedural Posture:\*\***

1. **\*\*RTC Ruling:\*\***

- On April 15, 2011, the RTC declared Reneto presumptively dead under Article 41 of the Family Code, considering his absence of more than nine years and the exertion of reasonable efforts by Leilanie to locate him. The OSG moved for reconsideration, which the RTC denied on May 31, 2012.

2. **\*\*Court of Appeals (CA) Ruling:\*\***

- The CA, in its Decision dated November 28, 2013, affirmed the RTC's ruling, supporting that the respondent exerted sufficient efforts and formed a well-founded belief that Reneto was already dead. A subsequent motion for reconsideration by the OSG was denied on May 26, 2014.

3. **\*\*Supreme Court:\*\***

- The Republic, through the OSG, filed a Petition for Review on Certiorari to the Supreme Court, focusing on procedural and substantive issues of the case.

**\*\*Issues:\*\***

1. Whether the CA erred in dismissing the OSG's petition for certiorari as an incorrect remedy.
2. Whether the respondent sufficiently met the "well-founded belief" requirement under Article 41 of the Family Code to declare Reneto presumptively dead.

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

**\*\*1. Procedural Issue:\*\***

The Supreme Court held that the CA committed an error by dismissing the petition for certiorari filed by the OSG. The final and executory nature of the RTC judgment in summary proceedings under Article 41 does not preclude a special civil action for certiorari under Rule 65 as a correct remedy to challenge alleged errors.

**\*\*2. Substantive Issues:\*\***

The Supreme Court found that the respondent's efforts were insufficient to establish a "well-founded belief" that Reneto was dead:

1. **\*\*Efforts to Locate Reneto:\*\***

- The respondent's search efforts in Manila in 2002 and inquiries to Reneto's family in Davao del Norte were deemed lacking. She did not present witnesses to corroborate her inquiries and did not seek the assistance of police or government authorities.

2. **\*\*Lack of Comprehensive Search:\*\***

- No report to the authorities and no coordinated efforts with the Philippine consul office while abroad weakened her claim of having conducted an honest and diligent search for her missing husband.

Due to these inadequacies, the Supreme Court ruled that Leilanie failed to establish a well-founded belief that Reneto was already dead.

**\*\*Doctrine:\*\***

The Supreme Court reiterated that a judgment in a summary proceeding, such as a declaration of presumptive death under Article 41 of the Family Code, is immediately final and executory. However, an aggrieved party can challenge it through a petition for certiorari under Rule 65 for grave abuse of discretion—affirmed in *Republic v. Narceda* and *Republic v. Tango*.

**\*\*Class Notes:\*\***

- **\*\*Article 41, Family Code:\*\*** Summary procedure for a judicial declaration of presumptive death.
- **\*\*Well-Founded Belief:\*\*** Requires diligent and reasonable efforts to locate the absent spouse. Proves not only absence but a state of death presumed from diligent search.
- **\*\*Procedural Rule:\*\*** Judgments in summary proceedings are final and executory but can be challenged via certiorari under Rule 65.

**\*\*Historical Background:\*\***

This case is grounded within the context of legislative changes in the Family Code of the Philippines since its adoption in 1987, which aims to streamline family matters, including presumed death for remarriage. The case demonstrates the judiciary's adherence to ensuring thorough searches before disrupting the sanctity of marriage by allowing remarriage.