

**Title:** Republic of the Philippines vs. Gregorio Olasco

**Facts:**

- **Initial Filing:** On August 5, 1988, Gregorio Nolasco filed a petition before the Regional Trial Court (RTC) of Antique, Branch 10, for the declaration of presumptive death of his wife, Janet Monica Parker, under Article 41 of the Family Code of the Philippines. Alternatively, he prayed that their marriage be declared null and void.

- **Republic's Opposition:** The Republic, through the Provincial Prosecutor of Antique and the Solicitor-General, opposed the petition, asserting that Nolasco did not have a well-founded belief that his wife was dead and that the nullity request was an attempt to circumvent marriage laws.

- **Nolasco's Testimony:** Nolasco, a seaman, testified that he met Janet Monica Parker, a British subject, in a bar in England, and she lived with him on his ship for six months before they married in Antique on January 15, 1982. After the marriage, Nolasco left for another seaman's contract, leaving Janet with his parents. In January 1983, Nolasco was informed by his mother that Janet had given birth to his son but left Antique. Nolasco sought his wife in England without success.

- **Mother's Testimony:** Nolasco's mother testified that Janet desired to return to England due to dissatisfaction with rural life in Antique and left on December 22, 1982, shortly after giving birth.

- **RTC Decision:** The RTC granted Nolasco's petition and declared Janet Monica Parker presumptively dead on October 12, 1988.

- **Court of Appeals:** The Republic appealed, arguing lack of well-founded belief. The Court of Appeals affirmed the RTC's decision.

- **Supreme Court:** The Republic, via the Solicitor-General, filed a Petition for Review in the Supreme Court, contending that Nolasco lacked a well-founded belief in his wife's death.

**Issues:**

1. **Whether Nolasco demonstrated a well-founded belief that his wife Janet Monica Parker was already dead.**

**Court's Decision:**

1. **Well-Founded Belief:**

- **Legal Standard:** The Court emphasized that Article 41 of the Family Code requires a well-founded belief that the spouse is dead for declaratory relief.
- **Assessment of Nolasco's Efforts:** The Court found Nolasco's search insufficient to meet the diligence required. Nolasco's search in London was deemed inadequate as he confused it with Liverpool. His lack of reporting to authorities, reliance on uncorroborated information, and failure to verify Janet's family background weakened his claim.
- **Historical Case References:** The Court referenced *United States v. Biasbas*, which necessitated thorough investigation efforts, and *Goitia v. Campos-Rueda*, reinforcing marriage's sanctity that shouldn't allow circumvention by collusion.

2. **Reversal of Lower Courts' Decisions:**

- The Supreme Court reversed the decisions of both the RTC and the Court of Appeals due to Nolasco's failure to establish a well-founded belief that his wife was dead.

**Doctrine:**

1. **Requirement of Well-Founded Belief:** Under Article 41 of the Family Code, a well-founded belief that the absent spouse is dead requires vigilant and diligent search efforts, not mere suspicion or limited inquiries.
2. **Protection of Marriage:** Marriage is an inviolable social institution, and the law demands rigorous standards before recognizing presumptive death declarations to allow remarriage.

**Class Notes:**

- **Article 41, Family Code:** A spouse can remarry if the other has been absent for four consecutive years with a well-founded belief of death, requiring judicial declaration of presumptive death.
- **Diligence Required:** Cases like *United States v. Biasbas* and *Goitia v. Campos-Rueda* underscore the need for thorough, detailed searches before a presumption of death can be validly declared.
- **Policy on Marriage:** Marriage is protected as a foundational societal institution, necessitating strict adherence to legal procedures to avoid easy dissolution or circumvention.

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

This case is rooted in the evolution of family law in the Philippines, particularly the transition from the Civil Code to the Family Code which introduced stricter standards for declaring a spouse presumptively dead. The context highlights the state's interest in preserving the sanctity and durability of marriage, contrasting past more lenient presumptions with current rigorous requirements. The decision reinforces the judiciary's role in safeguarding marital bonds against unsubstantiated claims of spousal disappearance.