

**## Title:**

Syed Azhar Abbas vs. Gloria Goo Abbas, G.R. No. 187512, September 21, 2010.

**## Facts:**

1. Petitioner Syed Azhar Abbas (Syed) and respondent Gloria Goo Abbas (Gloria) were married on January 9, 1993, in Manila, Philippines.
2. Syed, a Pakistani citizen, claimed he was unaware that the ceremony conducted at his mother-in-law's residence was a wedding.
3. The marriage contract indicated that Marriage License No. 9969967, issued at Carmona, Cavite, was used.
4. Syed testified that he never applied for nor resided in Carmona, Cavite.
5. In July 2003, Syed obtained a certification from the Municipal Civil Registrar of Carmona stating that Marriage License No. 9969967 was issued to a different couple, Arlindo Getalado and Myra Mabilangan.
6. Gloria, on her behalf, presented witnesses including Reverend Mario Dauz, the officiating officer, who confirmed the marriage but did not provide the actual marriage license.
7. The Pasay City RTC annulled the marriage on October 5, 2005, citing the absence of a valid marriage license.
8. Gloria's appeal to the Court of Appeals (CA) reversed the RTC's decision, prompting Syed to file a Petition for Review on Certiorari with the Supreme Court.

**## Issues:**

1. Whether the marriage between Syed Azhar Abbas and Gloria Goo Abbas is void due to the absence of a valid marriage license.
2. Whether the certification provided by the Municipal Civil Registrar of Carmona had probative value despite lacking explicit mention of a diligent search.
3. Whether the evidence presented by Gloria concerning the marriage ceremony and subsequent cohabitation could validate the marriage.

**## Court's Decision:**

1. **\*\*Absence of Valid Marriage License\*\*:**
  - The Supreme Court emphasized that a valid marriage license is a formal requisite for marriage under Article 3 of the Family Code of the Philippines.
  - The certification from the Municipal Civil Registrar of Carmona indicated that no marriage license was issued to Syed and Gloria, directly contradicting the claim that Marriage License No. 9969967 was used.
  - The Court held that the burden of proving the validity of the marriage license fell on

Gloria, which she failed to discharge.

2. **Probative Value of Certification**:

- Under Section 28, Rule 132 of the Rules of Court, certifications by custodians of official records are admissible as proof of the non-issuance of a document.
- Despite the CA's criticism that the certification did not explicitly mention a "diligent search," the Supreme Court ruled that the presumption of regularity in the performance of official duties sufficed.
- The certification carried probative value and showed no evidence to the contrary.

3. **Other Evidence Presented by Gloria**:

- Despite testimonials and photographs proving that a wedding ceremony was conducted and a marriage contract was signed, the absence of a valid marriage license was a fatal flaw under Articles 4 and 35(3) of the Family Code.
- The Supreme Court stated that cohabitation and compliance with other formal requisites do not cure the absence of a valid marriage license. Therefore, the marriage was void ab initio.

**## Doctrine:**

- **Formal Requisites of Marriage**: Article 3 of the Family Code states the formal requisites of marriage, which include a valid marriage license unless exempt.
- **Void Marriages**: Under Article 35(3) of the Family Code, marriages solemnized without a license are void, except for cases covered under Chapter 2, Title I of the Family Code.
- **Probative Value of Certifications**: Certificates issued by public officers indicating the non-issuance of a record, supported by the presumption of regularity, are given probative value unless disproved by affirmative evidence.

**## Class Notes:**

- **Key Elements**:
  - Formal Requisites: Authority of solemnizing officer, valid marriage license, marriage ceremony.
  - Article 4 and 35(3), Family Code: Absence of formal requisites like a marriage license renders the marriage void.
- **Proof of Non-Issuance**: Section 28, Rule 132, Rules of Court authorizes certifications for proof of absence.
- **Statutory Provisions**:
  - **Article 3, Family Code**: Formal requisites of marriage.

- **Article 4, Family Code**: Absence makes marriage void.
- **Article 35(3), Family Code**: Marriages without a license are void.
- **Application**: Official certifications are probative for proving non-issuance of licenses; lacking a marriage license invalidates the marriage regardless of other compliance.

**## Historical Background:**

- This case demonstrates the statutory emphasis on formal requirements for marriage in Philippine law. Highlighting the importance of a valid marriage license, it showcases judicial interpretation ensuring stringent adherence to legal provisions. The case also emphasizes the role of official certifications and presumptions of regularity in public office duties.