

**\*\*Title\*\*:** Cynthia S. Bolos vs. Danilo T. Bolos: A Case on Applicability of A.M. No. 02-11-10-SC in Marriages Solemnized Before the Family Code

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

- **\*\*July 10, 2003\*\*:** Cynthia S. Bolos (Cynthia) filed a petition for the declaration of nullity of her marriage to Danilo T. Bolos (Danilo) under Article 36 of the Family Code (JDRC No. 6211).
- **\*\*August 2, 2006\*\*:** The RTC of Pasig City, Branch 69, pronounced the marriage null and void ab initio due to psychological incapacity on both parties.
- **\*\*August 25, 2006\*\*:** Danilo received the decision.
- **\*\*September 11, 2006\*\*:** Danilo filed a Notice of Appeal.
- **\*\*September 19, 2006\*\*:** The RTC denied due course to the appeal for failure to file a motion for reconsideration or new trial, per Section 20 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.
- **\*\*November 23, 2006\*\*:** RTC denied a motion to reconsider the denial of Danilo's appeal.
- **\*\*January 16, 2007\*\*:** RTC declared the August 2, 2006 decision final and executory.
- **\*\*Court of Appeals (CA)\*\*:** Danilo filed a petition for certiorari under Rule 65 challenging the RTC orders, claiming grave abuse of discretion. He argued that the prerequisite of filing a motion for reconsideration did not apply as their marriage was solemnized before the Family Code's enactment in 1988.
- **\*\*December 10, 2008\*\*:** The CA reversed the RTC orders.
- **\*\*February 11, 2009\*\*:** The CA denied Cynthia's motion for extension of time to file a motion for reconsideration and her motion for partial reconsideration.

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

1. **\*\*Whether A.M. No. 02-11-10-SC applies to marriages solemnized before the effectivity of the Family Code\*\*.**
2. **\*\*Whether Danilo was required to file a motion for reconsideration before appealing\*\*.**
3. **\*\*Whether the CA erred in denying Cynthia's motion for extensions based on the non-extendible nature of the 15-day reglementary period\*\*.**
4. **\*\*Whether substantial justice merited a relaxation of the procedural rules\*\*.**

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

**\*\*Issue 1\*\*:** **\*\*Applicability of A.M. No. 02-11-10-SC\*\***

- The Supreme Court held that A.M. No. 02-11-10-SC applies only to marriages entered into

after the Family Code took effect on August 3, 1988. The rule does not extend to marriages solemnized before this date.

**\*\*Issue 2\*\*: \*\*Requirement of Motion for Reconsideration\*\***

- Given their marriage predated the Family Code, Danilo was not required to file a motion for reconsideration before appealing.

**\*\*Issue 3\*\*: \*\*Denial of Extension of Time\*\***

- The Supreme Court upheld that the period for filing a motion for reconsideration is non-extendible. Therefore, the CA was correct in denying Cynthia's motion for extension.

**\*\*Issue 4\*\*: \*\*Relaxation of Rules\*\***

- The Court emphasized strict adherence to procedural rules, noting that exceptions are not warranted by mere expediency claims. The rules of procedure must be observed to avoid delays and ensure orderly judicial processes.

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

1. **\*\*Scope of A.M. No. 02-11-10-SC\*\*:**

- Only marriages contracted under the Family Code (post August 3, 1988) fall within the ambit of A.M. No. 02-11-10-SC.

2. **\*\*Non-Extendible Reglementary Period\*\*:**

- The 15-day period for filing a motion for reconsideration is strict and non-extendible.

3. **\*\*Literal Interpretation of Statutes\*\*:**

- Where the law is clear and unambiguous, it must be applied according to its plain language without resorting to interpretation or construction.

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

- **\*\*Article 36 of the Family Code\*\*:** Psychological incapacity as a ground for declaration of nullity.

- **\*\*A.M. No. 02-11-10-SC\*\*:** Applicability to marriages under the Family Code.

- **\*\*Procedural Rules\*\*:** Strict adherence to non-extendible reglementary periods (e.g., *Habaluyas v. Japson*).

- **\*\*Legal Maxims\*\*:** Plain-meaning rule (*verba legis*) should be applied without deviation (*verba legis non est recedendum*).

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

The case highlights the transitional issues arising from changes in family law in the

Philippines. The enactment of the Family Code in 1988 introduced new grounds for nullity of marriage, such as psychological incapacity. Prior marriages, governed by the Civil Code, posed interpretive challenges when these transitions took effect. The case underscores the judiciary's approach to procedural adherence and the application of new rules to earlier statutes, reflecting the legal system's evolution.