

Title:

Antonia Armas y Calisterio v. Marietta Calisterio, G.R. No. 135736

Facts:

On April 24, 1992, Teodorico Calisterio died intestate, leaving several parcels of land valued at approximately PHP 604,750. He was survived by his second wife, Marietta Calisterio. Teodorico and Marietta were married on May 8, 1958, but Marietta had previously married James William Bounds on January 13, 1946, and James disappeared without a trace on February 11, 1947. Marietta did not secure a court declaration of James's presumptive death before remarrying.

On October 9, 1992, Teodorico's sister, Antonia Armas y Calisterio, filed a petition in the RTC of Quezon City, Branch 104, to administer Teodorico's estate, claiming to be the sole heir due to the alleged bigamous nature of Teodorico and Marietta's marriage. Marietta opposed this and asserted her status as the surviving spouse, seeking priority in administering the estate.

On February 5, 1993, the trial court appointed Sinfoniano C. Armas, Jr., and Marietta as co-administrator and administratrix of the estate. On January 17, 1996, the trial court ruled in favor of Antonia, declaring her the sole heir. Marietta appealed to the Court of Appeals, raising several errors related to the application of the Family Code and the validity of her marriage to Teodorico.

Issues:

The primary legal issues raised were:

1. Applicability of the Family Code versus the Civil Code in determining the validity of the marriage between Marietta and Teodorico.
2. Whether the marriage between Marietta and Teodorico was bigamous and thus void since there was no judicial declaration of James Bounds's presumptive death.
3. Classification of the house and lot located at #32 Batangas Street, Quezon City, as conjugal property.
4. Marietta's status as a legal heir of Teodorico.
5. Priority of appointment as administrator of Teodorico's estate.

Court's Decision:

Applicability of Legal Codes:

The Court ruled that the Civil Code, in force at the time of Marietta's second marriage in

1958, was applicable (not the Family Code which took effect in 1988). Article 256 of the Family Code provides that its retroactive application should not prejudice or impair acquired rights under the Civil Code.

Validity of the Second Marriage:

According to Article 83 of the Civil Code, a subsequent marriage is generally void unless the first marriage was annulled or dissolved, or the first spouse was absent for seven consecutive years without news of being alive or presumed dead under certain conditions. The Court determined that Marietta's marriage to Teodorico was valid, given James Bounds's disappearance for over eleven years before the second marriage, aligning with the Civil Code provisions even without a judicial declaration of presumptive death.

Conjugal Property:

The house and lot at #32 Batangas Street were deemed conjugal property, shared equally between Teodorico and Marietta. Upon Teodorico's death, the property was to be divided equally between the surviving spouse and the decedent's estate.

Succession Rights:

Marietta was acknowledged as a compulsory heir entitled to one-half of Teodorico's estate. Furthermore, the Court clarified that Teodorico's sister, Antonia, and not her children, would be entitled to the other half, given that siblings, not their children, succeed in the absence or incapacity of the parents.

Priority as an Administrator:

The matter of appointing an estate administrator was remanded to the trial court to determine Marietta's competence. If found competent and willing, she should be appointed; otherwise, another competent and willing next-of-kin should be chosen.

Doctrine:

1. **Retrospective Application Limitation (Article 256, Family Code):** The Family Code will not apply retroactively if such application would impair acquired or vested rights under the Civil Code.
2. **Validity of Subsequent Marriages (Article 83, Civil Code):** A subsequent marriage, in the absence of a judicial declaration of presumptive death, remains valid given that the absent spouse had been missing under conditions specified in Article 83 at the time of the second marriage.

Class Notes:

- **Article 83, Civil Code:** Discusses conditions for the validity of a subsequent marriage during the life of an absentee first spouse.
- **Article 256, Family Code:** States the limits of retroactive application of the Family Code.
- **Succession Rights:** Clarified the inheritance rights among siblings and nephews or nieces in intestacy cases.

Historical Background:

The case provides an essential understanding of the interplay between the Civil and Family Codes in the Philippines, particularly on matters of marriage validity and succession rights. The context lies in the updates in legal provisions with the introduction of the Family Code in 1988 and addresses the rights vested under the prior Civil Code, leading to precedent-setting legal interpretations concerning family law.