

### Title:

**\*\*Republic of the Philippines vs. Alan B. Alegro\*\***

### Facts:

**\*\*1. Initial Petition:\*\***

On March 29, 2001, Alan B. Alegro filed a petition in the Regional Trial Court (RTC) of Catbalogan, Samar, Branch 27 for the declaration of presumptive death of his wife, Rosalia (Lea) A. Julaton.

**\*\*2. Court Order and Notice:\*\***

The court issued an order on April 16, 2001, scheduling a hearing on May 30, 2001. The order required publication in a local newspaper and service to relevant parties including the Solicitor General, the Provincial Prosecutor, and Lea via registered mail.

**\*\*3. Motion to Dismiss:\*\***

On May 28, 2001, the Office of the Solicitor General (OSG) filed a Motion to Dismiss, which the court denied for failure to comply with Rule 15 of the Rules of Court.

**\*\*4. Evidence Presented by Alan:\*\***

Alan testified about his marriage to Lea on January 20, 1995, and her subsequent disappearance on February 7, 1995, following a disagreement. He narrated his efforts to locate her through friends, at her parents' house, and in Manila. Alan also reported her disappearance to local police and the National Bureau of Investigation (NBI).

**\*\*5. Supporting Testimonies:\*\***

Barangay Captain Juan Magat and others corroborated Alan's account, noting they had not seen Lea since her disappearance.

**\*\*6. Judgment by RTC:\*\***

On January 8, 2002, the RTC granted the petition declaring Lea presumptively dead for purposes of Alan's subsequent marriage.

**\*\*7. Appeal to the Court of Appeals:\*\***

The OSG appealed to the Court of Appeals (CA), which affirmed the RTC's decision on August 4, 2003.

**\*\*8. Petition for Review:\*\***

The OSG then filed a petition for review on certiorari with the Supreme Court, arguing that Alan failed to prove a well-founded belief that his wife was dead, and had not exerted reasonable efforts to locate her.

### Issues:

\*\*1. Whether the RTC erred in declaring Lea presumptively dead without Alan having a well-founded belief of her death.\*\*

\*\*2. Whether the CA erred in affirming the RTC's decision.\*\*

\*\*3. Whether Alan exerted the necessary due diligence to locate his missing wife as required under Article 41 of the Family Code.\*\*

### Court's Decision:

\*\*1. Well-Founded Belief:\*\*

The Supreme Court held that Alan did not establish a well-founded belief that his wife was already dead. The Court emphasized that this belief must result from proper and honest inquiries.

\*\*2. Diligence in Search:\*\*

The Court found Alan's efforts insufficient. The OSG pointed out that Alan's inquiries were limited and he failed to follow up with critical witnesses and sources that could provide information on Lea's whereabouts. The Court noted his reporting to authorities came as an afterthought, only after the OSG filed its motion to dismiss.

\*\*3. Legal Requirements:\*\*

The Court reiterated that the belief in the spouse's death must come from diligent and reasonable efforts. Alan's actions did not meet these standards, leading to the conclusion that his belief was not well-founded.

\*\*Final Ruling:\*\*

The Supreme Court granted the OSG's petition, reversing the CA's decision and ordering the dismissal of Alan's petition for declaration of presumptive death.

### Doctrine:

\*\*1. Article 41 of the Family Code:\*\*

A spouse can only remarry if the absent spouse has been missing for four consecutive years and the present spouse has a well-founded belief that the absent spouse is dead. Proper and honest inquiries are necessary to establish this belief.

**\*\*2. Due Diligence:\*\***

The level of due diligence required is strict, and any lapse or superficial search is insufficient.

**### Class Notes:**

- **\*\*Article 41, Family Code:\*\*** Requires a well-founded belief in the death of an absent spouse formed through diligent efforts.
- **\*\*Evidence of Belief:\*\*** Direct or circumstantial evidence can establish belief; testimonial evidence must be extensive and corroborated.
- **\*\*Judicial Safeguard:\*\*** Courts must watch for collusion between parties in marital cases to prevent manipulative dissolutions of marriages.
- **\*\*Procedural Requirements:\*\*** Filing notices and making inquiries must follow scheduled and documented processes.

**### Historical Background:**

**\*\*Philippine Family Law Context:\*\***

The case is set against the backdrop of the Philippine legal framework's strong protection of marriage as an inviolable social institution. The 1987 Constitution of the Philippines enshrines marriage as the foundation of family life, mandating the state to safeguard against its dissolution except under rigidly defined circumstances. This context underscores the stringent requirements imposed by Article 41 of the Family Code, reflecting the societal commitment to the permanence and stability of matrimonial unions.