

****Title:**** Republic of the Philippines vs. Jose B. Sareñogon, Jr.

****Facts:****

1. On November 4, 2008, Jose B. Sareñogon, Jr. (“Jose”) filed a petition before the Regional Trial Court (RTC) of Ozamiz City-Branch 15 seeking the declaration of presumptive death of his wife, Netchie S. Sareñogon (“Netchie”), to enable him to remarry under Article 41 of the Family Code.
2. An amended order dated February 11, 2009, set the petition for initial hearing on April 16, 2009, and directed publication in a newspaper of general circulation.
3. Nobody opposed the petition, and trial followed with Jose presenting his evidence.
4. Jose testified that he and Netchie met in 1991, married on August 10, 1996 but lived together only for a month before he left for a job as a seaman and Netchie went to Hong Kong as a domestic helper.
 1. He lost contact with Netchie three months after she left.
 2. He attempted to contact Netchie’s parents and inquired from her relatives and friends but was unable to ascertain her whereabouts.
5. Jose’s efforts and testimonies were corroborated by his brother Joel Sareñogon and Netchie’s aunt Consuelo Sande.
6. RTC ruled in favor of Jose on January 31, 2011, declaring Netchie presumptively dead.

****Procedural History:****

1. On April 19, 2011, the Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG), filed a petition for certiorari with the Court of Appeals (CA).
2. On October 24, 2011, the CA dismissed the Republic’s petition citing a wrong mode of appeal.
3. The Republic, consequently, filed the instant Petition for Review on Certiorari with the Supreme Court.

****Issues:****

1. Whether the CA was correct in dismissing the Republic’s petition for certiorari under Rule 65 on the ground that the proper remedy should have been through an appeal.
2. Whether Jose had met the “well-founded belief” requirement to justify a declaration of presumptive death under Article 41 of the Family Code.

****Court’s Decision:****

1. ****On Procedural Issue:****

The Supreme Court ruled that the Republic correctly filed a petition for certiorari under

Rule 65. It noted precedents stipulating that a decision in a summary proceeding for the declaration of presumptive death under Article 41 of the Family Code is immediately final and executory, rendering certiorari under Rule 65 the correct remedy. Hence, CA erred in dismissing the Republic's petition based on the mode of appeal.

2. **On the Substantive Issue:**

The court discussed the required standard of "well-founded belief" under Article 41. It ruled that the measure demands active efforts and inquiries, emphasizing the strict standards to avoid misuse of the provision for personal convenience in dissolving marriages.

The SC found that Jose's efforts did not meet the rigorous requirement of due diligence. Specifically, Jose did not utilize relevant government agencies or media outlets, nor did he provide sufficient evidence showing a comprehensive search for Netchie. His purported inquiries and testimonies by close relatives were deemed insufficient, and thus, did not meet the threshold of a well-founded belief of Netchie's death.

Therefore, the petition by the Republic was granted, reversing the CA decision, and dismissing Jose's petition for the declaration of Netchie's presumptive death.

Doctrine:

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

A declaration of presumptive death for re-marriage purposes under Article 41 requires a spouse to have a well-founded belief of the absent spouse's death, established through a diligent and extensive search. Mere absence or lack of communication is insufficient.

2. **Summary Proceedings and Appeals:**

Judgments in summary proceedings such as Article 41 petitions are immediately final and executory, precluding traditional appeal routes and necessitating a petition for certiorari to challenge trial court decisions involving grave abuse of discretion.

Class Notes:

1. **Elements of Rule 65 Certiorari:**

- Immediate finality and executory nature of the decision.
- Grave abuse of discretion as the basis for certiorari.

2. **Requirements under Article 41 of the Family Code:**

- Absence for four consecutive years.
- A well-founded belief that the spouse is dead.

- Detailed and documented search efforts.

3. **Case Precedents:**

- Republic v. Bermudez-Lorino (2005)
- Republic v. Tango (2009)
- Republic v. Narceda (2013)
- Republic v. Cantor (2013)

4. **Statutes:**

- Article 41, Family Code of the Philippines.
- Rule 65, Revised Rules of Court (Certiorari).

Historical Background:

The case reflects the judiciary's strict stance on the dissolution of marriage in the Philippines, a country that sees marriage as a fundamental social institution. The rigorous requirements stipulated in Article 41 of the Family Code are intended to curb fraudulent claims and misuses, preserving the sanctity of marital relations in line with the Constitution's policy to protect and honor the family as a basic social unit. This context underscores the state's vigilance against possible abuses of familial statutes and contributes to the framework for interpreting similar future cases.