

Title:

Republic of the Philippines v. Ludyson C. Catubag

Facts:

Ludyson C. Catubag (respondent) and Shanaviv G. Alvarez-Catubag cohabited before officially marrying in 2003. They had two children, Mark Bryan and Rose Mae. In 2001, Catubag went to work overseas while Shanaviv stayed in the Philippines. They acquired a housing unit in 2006. On July 12, 2006, Shanaviv disappeared. Catubag returned from abroad, searched for Shanaviv, inquired from friends and relatives, searched in Bicol, broadcasted her disappearance via Bombo Radyo, and visited various hospitals and funeral parlors, but to no avail.

After almost seven years, on May 4, 2012, Catubag filed a petition in the RTC to have Shanaviv declared presumptively dead. The RTC granted the petition on May 23, 2013, allowing Catubag to remarry without prejudice to Shanaviv's reappearance.

The Republic (petitioner) through the OSG, elevated the issue to the Court of Appeals (CA) via a petition for certiorari, arguing that Catubag lacked a "well-founded belief" that his wife was dead. The CA dismissed the petition due to failure to file a motion for reconsideration and for not attaching all relevant documents. The Republic then filed a Motion for Reconsideration, which the CA denied. Consequently, the Republic petitioned the Supreme Court (SC) for review.

Issues:

1. Whether the petitioner's resort to a Petition for Certiorari under Rule 65 was proper.
2. Whether the private respondent complied with the essential requisites of a petition for declaration of presumptive death under Article 41 of the Family Code.

Court's Decision:

****1. Proper Use of Certiorari:****

- The SC held that the petitioner's resort to a Petition for Certiorari under Rule 65 to challenge the RTC's decision was proper because judgments in summary proceedings under the Family Code are immediately final and executory, making a motion for reconsideration or an appeal inappropriate. Certiorari may be resorted to in cases of grave abuse of discretion.

****2. Compliance with Article 41's Requisites:****

- The SC emphasized four requisites under Article 41 of the Family Code for a declaration of

presumptive death: the absent spouse must be missing for four years (or two years in danger-of-death circumstances), the present spouse must wish to remarry, must have a “well-founded belief” that the absent spouse is dead, and must file for a summary proceeding.

- The SC critically examined Catubag’s efforts to establish a “well-founded belief” and found them lacking. Despite his various claims, Catubag failed to present corroborative evidence regarding his searches and inquiries from friends and relatives. Furthermore, there was no engagement with local authorities or other government agencies like the NBI. The SC concluded that these omissions displayed a lack of due diligence.

- Comparison with previous jurisprudence (such as cases of Granada, Cantor, and Orcelino-Villanueva) reinforced the SC’s conclusion that Catubag’s efforts were insufficient. Active and diligent efforts were necessary to establish a “well-founded belief,” which Catubag failed to demonstrate.

****Conclusion:****

- The SC granted the petition, annulled the RTC and CA resolutions, and denied Catubag’s petition for a declaration of presumptive death for his wife.

Doctrine:

- Decisions in summary proceedings under the Family Code are immediately final and executory, precluding standard appeals.

- The “well-founded belief” requisite under Article 41 requires active and diligent efforts to ascertain the absent spouse’s status, which must be adequately corroborated by evidence.

Class Notes:

- ****Article 41, Family Code****: Four-year (or two-year in danger-of-death) absence and well-founded belief are prerequisites for declaring presumptive death.

- ****Procedural Finality****: Judgments in summary proceedings under the Family Code are final, necessitating certiorari for substantial reviews.

- ****Diligence Standard****: Active, diligent, and corroborated efforts required to establish a “well-founded belief” in the spouse’s death.

- ****Key Jurisprudence****: Republic vs. Granada, Cantor, and Orcelino-Villanueva outline the due diligence requirement.

Historical Background:

The case reflects the legal rigor applied in protecting marital institutions and ensuring the appropriate application of presumptive death declarations under Philippine law. It

underscores the importance of thorough judicial scrutiny to prevent possible misuse of Article 41 provisions for circumventing existing marriage laws. The decision aligns with the broader historical context of the Family Code's enactment to safeguard the sanctity of marriage while providing legal remedies for genuinely abandoned spouses.