

ERLINDA S. PADILLO, PETITIONER, VS. NUMERIANO VICTOR L. PADILLO, HONORABLE JOSE L. BAUTISTA, PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 107, RESPONDENTS.

Ponente: LANTION, J.A.C., J.

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LANTION, J.A.C., J.:

THE CASE

This Petition for Certiorari[1] under Rule 65 of the Rules of Court seeks to annul and set aside the Order[2] dated 12 March 2013 of the Regional Trial Court of Quezon City, Branch 107 (court a quo), in Civil Case No. Q-02-46706, the dispositive portion of which reads:

WHEREFORE, the Motion for Reconsideration filed by the respondent's[3] counsel is denied.

SO ORDERED.

THE FACTS

(As culled from the Records)

On 21 May 1988, Petitioner Erlinda S. Padillo (Erlinda) and Private Respondent Numeriano Victor L. Padillo (Numeriano) entered into a contract of marriage in San Jose, Camarines Sur.

On 26 April 2002, Numeriano filed a Petition/Complaint[4] to declare his marriage with Erlinda as null and void on the ground of lack of marriage license.

On 8 June 2012, the court a quo granted Numeriano's Petition/Complaint, declaring his marriage with Erlinda void ab initio. The dispositive portion of the Decision reads:

“WHEREFORE the petition/complaint is granted and judgment is rendered as follows:

1. Declaring the marriage between the petitioner, NUMERIANO VICTOR L. PADILLO JR. and respondent, ERLINDA P. SAPO, which was celebrated on May 21, 1998 in San Jose, Camarines Sur, void ab initio pursuant to Article 3 (2) and Article 4 of the Family Code;

On 30 October 2012, or within fifteen days after receiving a copy of the above Decision, Erlinda filed a Notice of Appeal, but the same was not given due course for her failure to file a motion for reconsideration as a precondition to her appeal pursuant to Section 20[5] of AM 02-11-10-SC[6].

On 23 November 2012, Erlinda filed a Motion for Reconsideration of the Order[7] denying her appeal, arguing that AM 02-11-10-SC does not apply in the instant case considering that: 1) the Petition for declaration of nullity of marriage filed by Numeriano was instituted prior to the effectivity of AM 02-11-10-SC; and 2) the subject marriage was celebrated on 21 May 1988, prior to the effectivity of the Family Code on 3 August 1988. Hence, Erlinda prayed that her appeal be given due course.

On 12 March 2013, the court a quo, issued the assailed Order denying Erlinda's Motion for Reconsideration. Hence, this Petition.

ISSUE

I

THE DENIAL OF THE NOTICE OF APPEAL FOR FAILURE OF ERLINDA S. PADILLO TO COMPLY WITH A.M. NO. 02-11-10-SC AMOUNTS TO GRAVE ABUSE OF DISCRETION.

II

THE NOTICE OF APPEAL SHOULD BE GRANTED.

III

THE DENIAL OF THE MOTION FOR RECONSIDERATION IS WHIMSICAL [AND] CAPRICIOUS.

THIS COURT'S RULING

Erlinda imputes grave abuse of discretion on the part of the court a quo in not giving due course to her appeal for her failure to comply with Section 20[8] of AM 02-11-10-SC. She contends that AM 02-11-10-SC does not apply in the instant case considering that: 1) the Petition for declaration of nullity of marriage filed by Numeriano was instituted prior to the effectivity of AM 02-11-10-SC; and 2) her marriage with Numeriano was celebrated on 21 May 1988, prior to the effectivity of the Family Code on 3 August 1988.

The Petition is meritorious.

The Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages provided under A.M. No. 02-11-10-SC is explicit in its scope. Section 1 of the said Rule reads:

Section 1. Scope. – This Rule shall govern petitions for declaration of absolute nullity of void marriages and annulment of voidable marriages under the Family Code of the Philippines. (Emphasis Ours)

x x x

A plain reading of A.M. No. 02-11-10-SC leaves no room for any doubt. The same covers only those marriages entered into during the effectivity of the Family Code which took effect on August 3, 1988.

Also, the Supreme Court, in the case of *Carlos v. Sandoval*[9] enumerated the kind of actions[10] which are beyond the ambit of A.M. No. 02-11-10-SC:

“x x x the following actions for declaration of absolute nullity of a marriage are excepted from A.M. No. 02-11-10-SC, to wit:

1. Those filed vis-à-vis marriages celebrated during the effectivity of the Civil Code (before the effectivity of the family Code); and

2. Those commenced before March 15, 2003, the effectivity date of A.M. No. 02-11-10-SC.

x x x”

Here, the marriage between Erlinda and Numeriano was contracted on 21 May 1988, or almost three (3) months before the effectivity of the Family Code. Under the plain-meaning rule or the latin maxim *verba legis*, a provision that is clear, plain and free from ambiguity must be given its literal meaning and applied without attempted interpretation.[11] It is clear that Section 1 of A.M. No. 02-11-10-SC extends only to those marriages entered into during the effectivity of the Family Code (beginning August 3, 1988), and thus applying its literal

meaning, Erlinda and Numeriano's marriage is beyond the coverage of A.M. No. 02-11-10-SC.

Moreover, A.M. No. 02-11-10-SC, being a procedural rule, is to be applied prospectively. In other words, the said rule is confined only to actions or proceedings commenced after it took effect on March 15, 2003.[12]

In this case, Numeriano filed his Petition for declaration of nullity of marriage on 26 April 2002, eleven (11) months prior to the effectivity of AM 02-11-10-SC. Clearly, the said rule does not govern the present Petition, as said Petition was filed before the effectivity of A.M. No. 02-11-10-SC.

In arguing that AM 02-11-10-SC governs the instant Petition, Numeriano contends that the case was actually filed, not on 26 April 2002, but on 5 June 2003 - the date of filing of his Amended Petition/Complaint for declaration of nullity of marriage. Thus, the case should be considered to have been commenced after the effectivity of A.M. No. 02-11-10-SC (March 15, 2003), making the said rule applicable in the instant case.

The contention is untenable.

Even assuming that Numeriano's Petition/Complaint for declaration of nullity of marriage indeed commenced on 5 June 2003, said Petition/Complaint still cannot be governed by AM 02-11-10-SC as Numeriano's marriage with Erlinda, to reiterate, was celebrated prior to the effectivity of the Family Code. Besides, We cannot consider Numeriano's Petition/Complaint to have been commenced on the date when he filed his Amended Petition/Complaint considering that an amendment which does not alter the cause of action of the original complaint, but merely supplements or amplifies the facts previously alleged therein, does not affect the reckoning date of filing of the said original complaint.[13]

Here, a perusal of Numeriano's original Complaint and Amended Complaint reveals that both have essentially identical allegations and causes of action, to wit: 1) that Numeriano was made to sign a certain document by Erlinda when they were having a beach party at San Jose, Camarines Sur on 21 May 1988; 2) that Numeriano was unaware that the document he signed was in fact a marriage contract; and 3) that his marriage with Erlinda should be declared void on the ground of lack of marriage license. Notably, the only new ones set forth in the Amended Complaint are merely supplemental facts on how Numeriano was allegedly persuaded to sign the purported document. As the allegations and causes of action in the original and Amended Complaint are just the same, the action is deemed filed and commenced on the date of the filing of the original Complaint on 26 April 2002, not on the date of the amended version. Clearly, AM 02-11-10-SC cannot in any way govern Numeriano's Petition/Complaint. For this reason, the rule that filing a motion for reconsideration should first be filed as a precondition to an appeal under Section 20 of A.M. No. 02-11-10-SC finds no application in this case.

Under Section 2 (a)[14] and 3[15], Rule 41 of the Rules of Court, cases decided by the Regional Trial Court (RTC) in the exercise of its original jurisdiction shall be appealed to the Court of Appeals within fifteen (15) days after receipt of the said decision by filing a notice of appeal with the RTC (Ordinary Appeal). However, under A.M. No. 02-11-10-SC, a prior motion for reconsideration before filing an appeal is required.

In the case at bar, the court a quo, in the exercise of its original jurisdiction, rendered a Decision granting Numeriano's Petition/Complaint[16] for declaration of nullity of marriage. Believing that A.M. No. 02-11-10-SC does not apply in the instant case, Erlinda immediately filed an ordinary appeal,[17] without having interposed a prior motion for reconsideration. However, the court a quo issued an Order, denying Erlinda's appeal as she did not file a prior motion for reconsideration of the Decision declaring her marriage with Numeriano void, pursuant to Section 20 of A.M. No. 02-11-10-SC. Considering that Section 20 of A.M. No. 02-11-10-SC, as earlier discussed, is not applicable in the instant case, Erlinda correctly pursued the correct mode of appeal by filing an ordinary appeal under Section 2 (a)[18] and 3[19], Rule 41 of the Rules of Court which required no prior motion

for reconsideration before filing an appeal.

Appeal is an essential part of our judicial system. Its purpose is to bring up for review a final judgment of the lower court. The courts should, thus, proceed with caution so as not to deprive a party of his/her right to appeal.[20] In fine, Erlinda should be given the fullest opportunity to establish the merits of her appeal, considering that what is at stake is the sacrosanct institution of her marriage, an inviolable social institution, in which the State is vitally interested protecting and strengthening.[21]

WHEREFORE, the instant petition is GRANTED. The Order dated 12 March 2013 of the Regional Trial Court of Quezon City, Branch 107 is REVERSED and SET ASIDE.

ACCORDINGLY, the Regional Trial Court of Quezon City, Branch 107, is ORDERED to grant Petitioner Erlinda S. Padillo's appeal in Civil Case No. Q-02-46706.

SO ORDERED.

Veloso, V.S.E., (Chairperson) and Antonio-Valenzuela, N.G., JJ., concur.

[1] Rollo, pp. 3-22.

[2] Rollo, p. 19.

[3] Herein Petitioner Erlinda S. Padillo.

[4] Rollo, pp. 21-26.

[5] SECTION 20. Appeal. —

(1) Pre-condition. — No appeal from the decision shall be allowed unless the appellant has filed a motion for reconsideration or new trial within fifteen days from notice of judgment.

(2) Notice of appeal. — An aggrieved party or the Solicitor General may appeal from the decision by filing a Notice of Appeal within fifteen days from notice of denial of the motion for reconsideration or new trial. The appellant shall serve a copy of the notice of appeal on the adverse parties.

[6] Entitled "Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages," promulgated on 15 March 2003.

[7] Dated 7 November 2012.

[8] Requiring a motion for reconsideration as a precondition to an appeal in actions under AM 02-11-10-SC.

[9] G.R. No. 179922, December 16, 2008.

[10] For Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

[11] Padua v. People, G.R. No. 168546, July 23, 2008.

[12] Ablaza, vs. Republic of the Philippines, G.R. No. 158298., August 11, 2010.

[13] Spouses Dionisio vs. Linsangan, G.R. No. 178159, March 2, 2011.

[14] SEC. 2. Modes of appeal. —

(a) Ordinary appeal. — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the

exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. x x x

[15] Sec. 3. Period of ordinary appeal. — The appeal shall be taken within fifteen (15) days from notice of the judgment or final order appealed from. Where a record on appeal is required, the appellant shall file a notice of appeal and a record on appeal within thirty (30) days from notice of the judgment or final order. . . .

[16] For Declaration of Nullity of Marriage.

[17] Rollo, pp. 39-40.

[18] SEC. 2. Modes of appeal. —

(a) Ordinary appeal. — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. x x x

[19] Sec. 3. Period of ordinary appeal. — The appeal shall be taken within fifteen (15) days from notice of the judgment or final order appealed from. Where a record on appeal is required, the appellant shall file a notice of appeal and a record on appeal within thirty (30) days from notice of the judgment or final order. . . .

[20] Bolos vs. Bolos, G.R. No. 186400, October 20, 2010.

[21] Supra, 13.

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