

GLORIA G. JOCSON, PLAINTIFF-APPELLEE, VS. RICARDO R. ROBLES, DEFENDANT-APPELLANT.*G.R. No. L-23433. February 10, 1968*

Ponente: REYES, J. B. L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/94214125479d/>**REYES, J. B. L., J.:**

On February 4, 1963, Gloria G. Jocson commenced in the Juvenile 6 Domestic Relations Court an action for the annulment of marriage to Ricardo R. Robles (Civ. Case No. E-00013), on the ground that it was bigamous. It was alleged in the amended complaint previous to his marriage to plaintiff on May 27, 1958, defendants Robles had contracted a first marriage with Josefina Fausto, who had instituted a criminal action for Bigamy against the same defendant in the Court of First Instance of Manila (Crim. Case No. 64124). Plaintiff also demanded from the defendant moral and exemplary damages, attorneys' fees, and costs, claiming that during their cohabitation, she was subjected to physical maltreatment by her husband, resulting in the premature birth of their first child, who died three days later.

In his answer, defendant also assailed the validity of the marriage. But he charged plaintiffs' parents with having compelled him by force, threat and intimidation, to contract that marriage with her notwithstanding their knowledge that he is a married man; and that said threat and intimidation allegedly persisted until January, 1963 when he was finally able to get away and live apart from the plaintiff.

Thereafter, defendant filed a motion for summary judgment, on the ground that no genuine issue of fact is involved in the case. It was claimed that defendant's contention, that his consent to the marriage was secured by force and intimidation employed upon his person by the relatives of plaintiff, was allegedly supported by the joint affidavit of plaintiff's father and brother, dated October 28, 1963, attached to the motion (pp. 22-32, Record on Appeal). Plaintiff, on the other hand, submitted the case for judgment on the pleadings.

On December 23, 1963, defendant's motion for summary judgment was denied, the court ruling that before it can pass upon plaintiff's prayer for the declaration of nullity of her marriage to defendant, there is necessity for proof that when he contracted marriage with plaintiff, defendant Robles had a previous and subsisting valid marriage. The evidentiary requirement to establish these facts, according to the court, was not met in the motion for summary judgment. Defendant's plea to have his marriage declared as having been brought about by force and intimidation, was also denied, the court finding indications of collusion between the parties in their attempt to secure the nullification of said marriage. Reconsideration of this order, sought by defendant, was denied on January 18, 1964. And, when both parties failed to appear at the scheduled hearing on March 9, 1964, the court directed the dismissal of the action.

On April 17, 1964, defendant notified the court below of his intention to appeal to this Court from the abovementioned orders of December 23, 1963, January 18, 1964, and March 9, 1964. The appeal bond and amended record on appeal, dated April 15, 1964, were thereafter approved.

It is noted that, as specified in the notice of appeal, defendant is taking exception from the lower court's orders of

December 23, 1963, January 18, 1964, and March 9, 1964; however, there is no indication or certification or proof that the filing of the appeal notice, bond and record on appeal on April 17, 1964 were made within the reglementary period, as required by the provisions of Section 6, Revised Rule 41 of the Rules of Court. Thereunder, the record on appeal must contain, not only the full names of all the parties to the proceeding, as well as the pleadings, petitions, motions and orders related to the order or judgment subject of the appeal and which are necessary for the proper understanding of the issue involved therein, but also "such data as will show that the appeal was perfected on time." This requirement, incorporated in the new Rules of Court to enable the appellate courts to determine without protracted inquiry whether an appeal was timely made or not, was held to be jurisdictional, failure to comply with which shall cause the dismissal of the appeal.[1] There is here no showing that the present appeal was perfected within the reglementary period, which datum should have appeared in the record on appeal.

On the merits, we are satisfied that the Court of Domestic Relations correctly denied the motion for summary judgment in view of the first paragraph of Articles 88 and 101 of the Civil Code of the Philippines, that expressly prohibit the rendition of a decree of annulment of a marriage upon a stipulation of facts or a confession of judgment. The affidavits annexed to the petition for summary judgment practically amount to these methods not countenanced by the Civil Code.

FOR THE FOREGOING REASONS, this proceeding is hereby dismissed conformable to Section (a) of Revised Rule 50 of the Rules of Court, and the judgment appealed from is affirmed. Costs against the appellant.

Concepcion, C.J., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] Atlas Consolidated Mining & Development Corporation vs. Progressive Labor Association, G. R. No. L-27125, September 15, 1967.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.