

JULIAN SIMAN, PLAINTIFF AND APPELLEE, VS. SATURNINO LEUS AND SIMEON LEUS, DEFENDANTS AND APPELLANTS.*G.R. No. 12900. March 27, 1918*

Ponente: MALCOLM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12900/>**MALCOLM, J.:**

Julian Siman, plaintiff, brings action against Saturnino Leus and Simeon Leus, father and son, defendants, to have the marriage between plaintiff's daughter, Simeona Siman, 18 years of age, and Simeon Leus annulled, and to recover damages. The grounds set forth in the complaint are "fraud, force, threats, and intimidation." Although not assigned as error these statements disclose on their face why we must hold with defendants.

The father is not the legal representative of the child before the courts. (Code of Civil Procedure, secs. 116, 117, 553, and 558; Palet vs. Aldecoa & Co. [1910], 15 Phil., 232; Pobre vs. Blanco [1910], 17 Phil., 156.) The right of a parent to maintain an action for the annulment of the marriage of an infant son or daughter is permitted only when the party in whose behalf it is sought was under the age of legal consent and such marriage was contracted without the consent of his or her parents. (Marriage Law, secs. 10 [1]; 11 [1].) The consent of the parents to the marriage was not necessary since the girl was not under the age of 18 years. (Marriage Law, sec. 7 [3].) In other words, it is not enough for the plaintiff to allege a cause of action in favor of someone; he must show that it exists in favor of himself. It would certainly be a startling proposition to announce that a judgment can be procured dissolving a marriage contract without it being disclosed in the complaint that the alleged injured party is desirous of being released from the bonds of matrimony. Such a rule would permit a parent to invalidate a marriage without the consent or knowledge of a party thereto. If it were to obtain, it would prove subversive to social order, sound policy, and good morals. (See Fero vs. Fero [1901], 70 N. Y. Supp., 742; Coddington vs. Lamer [1902], 78 N. Y. Supp., 276; Wood vs. Baker [1904], 88 N. Y. Supp., 854.)

The causes assigned for annulling this marriage are those enumerated in paragraphs 4 and 5, section 10, of the Marriage Law. In the succeeding section of the same law, it is provided that the action to obtain a decree of nullity of marriage for either of these two causes must be brought "by the injured party." But here the supposed injured party, the girl, does not institute action nor is it instituted in her behalf by the father. Yet, the real party in interest is the girl. She must be regarded as a married woman until nullity is ascertained and declared by a competent court. By marriage, although under the age of majority, she has become emancipated. (Civil Code, Book I, Title XI, chapter 1.) The last sentence of article 317 of this chapter of the Civil Code relative to appearance in court by the minor has been repealed by the Code of Civil Procedure. (Code of Civil Procedure, secs. 116, 558; Willard's Notes to the Spanish Civil Code, page 35.) Nor does the girl need a guardian ad litem in order to bring suit. (Code of Civil Procedure sec. 115; Marriage Law, sec. 11.) It is only the infant wife who may maintain an action to annul her marriage on the grounds alleged in the complaint. It is for her to elect as to whether or not she desires the marriage to be declared void.

Considering, therefore, the purpose of the law and construing together the appropriate provisions of the Civil Code, the Code of Civil Procedure, and the Marriage Law, in order to give effect to them, it results that, where

one of the parties to a marriage is over the age of consent but yet an infant, the father of this minor, emancipated by marriage, has no right of action, in himself, to sue for the nullity of such marriage, and the minor daughter does not need his aid in bringing the suit. Nor does the minor daughter emancipated by marriage need a guardian ad litem in order to bring action. (Delpit vs. Young [1899], 51 La. Ann., 923.)

In consonance with the foregoing, judgment is reversed, without special finding as to costs. So ordered.

Arellano, C. J., Torres, Johnson, Araullo, Street, Avanceña, and Fisher, JJ., concur.

Carson J., did not take part.

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.