

BENJAMIN G. TING, PETITIONER, VS. CARMEN M. VELEZ-TING, RESPONDENT.

G.R. No. 166562. March 31, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

Before us is a petition for review on certiorari seeking to set aside the November 17, 2003 Amended Decision[1] of the Court of Appeals (CA), and its December 13, 2004 Resolution[2] in CA-G.R. CV No. 59903. The appellate court, in its assailed decision and resolution, affirmed the January 9, 1998 Decision[3] of the Regional Trial Court (RTC), Branch 23, Cebu City, declaring the marriage between petitioner and respondent null and void ab initio pursuant to Article 36 of the Family Code.[4]

The facts follow.

Petitioner Benjamin Ting (Benjamin) and respondent Carmen Velez-Ting (Carmen) first met in 1972 while they were classmates in medical school.[5] They fell in love, and they were wed on July 26, 1975 in Cebu City when respondent was already pregnant with their first child.

At first, they resided at Benjamin's family home in Maguikay, Mandaue City.[6] When their second child was born, the couple decided to move to Carmen's family home in Cebu City.[7] In September 1975, Benjamin passed the medical board examinations[8] and thereafter proceeded to take a residency program to become a surgeon but shifted to anesthesiology after two years. By 1979, Benjamin completed the preceptorship program for the said field[9] and, in 1980, he began working for Velez Hospital, owned by Carmen's family, as member of its active staff,[10] while Carmen worked as the hospital's Treasurer.[11]

The couple begot six (6) children, namely Dennis, born on December 9, 1975; James Louis, born on August 25, 1977; Agnes Irene, born on April 5, 1981; Charles Laurence, born on July 21, 1986; Myles Vincent, born on July 19, 1988; and Marie Corinne, born on June 16, 1991.[12]

On October 21, 1993, after being married for more than 18 years to petitioner and while their youngest child was only two years old, Carmen filed a verified petition before the RTC of Cebu City praying for the declaration of nullity of their marriage based on Article 36 of the Family Code. She claimed that Benjamin suffered from psychological incapacity even at the time of the celebration of their marriage, which, however, only became manifest thereafter. [13]

In her complaint, Carmen stated that prior to their marriage, she was already aware that Benjamin used to drink and gamble occasionally with his friends.[14] But after they were married, petitioner continued to drink regularly and would go home at about midnight or sometimes in the wee hours of the morning drunk and violent. He would confront and insult respondent, physically assault her and force her to have sex with him. There were also instances when Benjamin used his gun and shot the gate of their house.[15] Because of his drinking habit, Benjamin's job as anesthesiologist was affected to the point that he often had to refuse to answer the call of his

fellow doctors and to pass the task to other anesthesiologists. Some surgeons even stopped calling him for his services because they perceived petitioner to be unreliable. Respondent tried to talk to her husband about the latter's drinking problem, but Benjamin refused to acknowledge the same.[16]

Carmen also complained that petitioner deliberately refused to give financial support to their family and would even get angry at her whenever she asked for money for their children. Instead of providing support, Benjamin would spend his money on drinking and gambling and would even buy expensive equipment for his hobby.[17] He rarely stayed home[18] and even neglected his obligation to his children.[19]

Aside from this, Benjamin also engaged in compulsive gambling.[20] He would gamble two or three times a week and would borrow from his friends, brothers, or from loan sharks whenever he had no money. Sometimes, Benjamin would pawn his wife's own jewelry to finance his gambling.[21] There was also an instance when the spouses had to sell their family car and even a portion of the lot Benjamin inherited from his father just to be able to pay off his gambling debts.[22] Benjamin only stopped going to the casinos in 1986 after he was banned therefrom for having caused trouble, an act which he said he purposely committed so that he would be banned from the gambling establishments.[23]

In sum, Carmen's allegations of Benjamin's psychological incapacity consisted of the following manifestations:

- Benjamin's alcoholism, which adversely affected his family relationship and his profession;
- Benjamin's violent nature brought about by his excessive and regular drinking;
- His compulsive gambling habit, as a result of which Benjamin found it necessary to sell the family car twice and the property he inherited from his father in order to pay off his debts, because he no longer had money to pay the same; and
- Benjamin's irresponsibility and immaturity as shown by his failure and refusal to give regular financial support to his family.[24]

In his answer, Benjamin denied being psychologically incapacitated. He maintained that he is a respectable person, as his peers would confirm. He said that he is an active member of social and athletic clubs and would drink and gamble only for social reasons and for leisure. He also denied being a violent person, except when provoked by circumstances.[25] As for his alleged failure to support his family financially, Benjamin claimed that it was Carmen herself who would collect his professional fees from Velez Hospital when he was still serving there as practicing anesthesiologist.[26] In his testimony, Benjamin also insisted that he gave his family financial support within his means whenever he could and would only get angry at respondent for lavishly spending his hard-earned money on unnecessary things.[27] He also pointed out that it was he who often comforted and took care of their children, while Carmen played mahjong with her friends twice a week.[28]

During the trial, Carmen's testimony regarding Benjamin's drinking and gambling habits and violent behavior was corroborated by Susana Wasawas, who served as nanny to the spouses' children from 1987 to 1992.[29] Wasawas stated that she personally witnessed instances when Benjamin maltreated Carmen even in front of their children.[30]

Carmen also presented as witness Dr. Pureza Trinidad-Oñate, a psychiatrist.[31] Instead of the usual personal interview, however, Dr. Oñate's evaluation of Benjamin was limited to the transcript of stenographic notes taken during Benjamin's deposition because the latter had already gone to work as an anesthesiologist in a hospital in South Africa. After reading the transcript of stenographic notes, Dr. Oñate concluded that Benjamin's compulsive drinking, compulsive gambling and physical abuse of respondent are clear indications that petitioner suffers from

a personality disorder.[32]

To refute Dr. Oñate's opinion, petitioner presented Dr. Renato D. Obra, a psychiatrist and a consultant at the Department of Psychiatry in Don Vicente Sotto Memorial Medical Center, as his expert witness.[33] Dr. Obra evaluated Benjamin's psychological behavior based on the transcript of stenographic notes, as well as the psychiatric evaluation report prepared by Dr. A.J.L. Pentz, a psychiatrist from the University of Pretoria in South Africa, and his (Dr. Obra's) interview with Benjamin's brothers.[34] Contrary to Dr. Oñate's findings, Dr. Obra observed that there is nothing wrong with petitioner's personality, considering the latter's good relationship with his fellow doctors and his good track record as anesthesiologist.[35]

On January 9, 1998, the lower court rendered its Decision[36] declaring the marriage between petitioner and respondent null and void. The RTC gave credence to Dr. Oñate's findings and the admissions made by Benjamin in the course of his deposition, and found him to be psychologically incapacitated to comply with the essential obligations of marriage. Specifically, the trial court found Benjamin an excessive drinker, a compulsive gambler, someone who prefers his extra-curricular activities to his family, and a person with violent tendencies, which character traits find root in a personality defect existing even before his marriage to Carmen. The decretal portion of the decision reads:

WHEREFORE, all the foregoing considered, judgment is hereby rendered declaring the marriage between plaintiff and defendant null and void ab initio pursuant to Art. 36 of the Family Code. x x x

x x x x

SO ORDERED.[37]

Aggrieved, petitioner appealed to the CA. On October 19, 2000, the CA rendered a Decision[38] reversing the trial court's ruling. It faulted the trial court's finding, stating that no proof was adduced to support the conclusion that Benjamin was psychologically incapacitated at the time he married Carmen since Dr. Oñate's conclusion was based only on theories and not on established fact,[39] contrary to the guidelines set forth in Santos v. Court of Appeals[40] and in Rep. of the Phils. v. Court of Appeals and Molina.[41]

Because of this, Carmen filed a motion for reconsideration, arguing that the Molina guidelines should not be applied to this case since the Molina decision was promulgated only on February 13, 1997, or more than five years after she had filed her petition with the RTC.[42] She claimed that the Molina ruling could not be made to apply retroactively, as it would run counter to the principle of stare decisis. Initially, the CA denied the motion for reconsideration for having been filed beyond the prescribed period. Respondent thereafter filed a manifestation explaining compliance with the prescriptive period but the same was likewise denied for lack of merit. Undaunted, respondent filed a petition for certiorari[43] with this Court. In a Resolution[44] dated March 5, 2003, this Court granted the petition and directed the CA to resolve Carmen's motion for reconsideration.[45] On review, the CA decided to reconsider its previous ruling. Thus, on November 17, 2003, it issued an Amended Decision[46] reversing its first ruling and sustaining the trial court's decision.[47]

A motion for reconsideration was filed, this time by Benjamin, but the same was denied by the CA in its December 13, 2004 Resolution.[48]

Hence, this petition.

For our resolution are the following issues:

- Whether the CA violated the rule on stare decisis when it refused to follow the guidelines set forth under the Santos and Molina cases;

- Whether the CA correctly ruled that the requirement of proof of psychological incapacity for the declaration of absolute nullity of marriage based on Article 36 of the Family Code has been liberalized; and
- Whether the CA's decision declaring the marriage between petitioner and respondent null and void [is] in accordance with law and jurisprudence.

We find merit in the petition.

I. On the issue of stare decisis.

The principle of stare decisis enjoins adherence by lower courts to doctrinal rules established by this Court in its final decisions. It is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument.[49] Basically, it is a bar to any attempt to relitigate the same issues,[50] necessary for two simple reasons: economy and stability. In our jurisdiction, the principle is entrenched in Article 8 of the Civil Code.[51]

This doctrine of adherence to precedents or stare decisis was applied by the English courts and was later adopted by the United States. Associate Justice (now Chief Justice) Reynato S. Puno's discussion on the historical development of this legal principle in his dissenting opinion in *Lambino v. Commission on Elections*[52] is enlightening:

The latin phrase stare decisis et non quieta movere means "stand by the thing and do not disturb the calm." The doctrine started with the English Courts. Blackstone observed that at the beginning of the 18th century, "it is an established rule to abide by former precedents where the same points come again in litigation." As the rule evolved, early limits to its application were recognized: (1) it would not be followed if it were "plainly unreasonable"; (2) where courts of equal authority developed conflicting decisions; and, (3) the binding force of the decision was the "actual principle or principles necessary for the decision; not the words or reasoning used to reach the decision."

The doctrine migrated to the United States. It was recognized by the framers of the U.S. Constitution. According to Hamilton, "strict rules and precedents" are necessary to prevent "arbitrary discretion in the courts." Madison agreed but stressed that "x x x once the precedent ventures into the realm of altering or repealing the law, it should be rejected." Prof. Consovoy well noted that Hamilton and Madison "disagree about the countervailing policy considerations that would allow a judge to abandon a precedent." He added that their ideas "reveal a deep internal conflict between the concreteness required by the rule of law and the flexibility demanded in error correction. It is this internal conflict that the Supreme Court has attempted to deal with for over two centuries."

Indeed, two centuries of American case law will confirm Prof. Consovoy's observation although stare decisis developed its own life in the United States. Two strains of stare decisis have been isolated by legal scholars. The first, known as vertical stare decisis deals with the duty of lower courts to apply the decisions of the higher courts to cases involving the same facts. The second, known as horizontal stare decisis requires that high courts must follow its own precedents. Prof. Consovoy correctly observes that vertical stare decisis has been viewed as an obligation, while horizontal stare decisis, has been viewed as a policy, imposing choice but not a command. Indeed, stare decisis is not one of the precepts set in stone in our Constitution.

It is also instructive to distinguish the two kinds of horizontal stare decisis -- constitutional stare decisis and statutory stare decisis. Constitutional stare decisis involves judicial interpretations of the Constitution while statutory stare decisis involves interpretations of statutes. The distinction is important for courts enjoy more flexibility in refusing to apply stare decisis in constitutional litigations. Justice Brandeis' view on the binding effect of the doctrine in constitutional litigations still holds sway today. In soothing prose, Brandeis stated: "Stare decisis is not . . . a universal and inexorable command. The rule of stare decisis is not inflexible. Whether it shall be followed or departed from, is a question entirely within the discretion of the court, which is

again called upon to consider a question once decided." In the same vein, the venerable Justice Frankfurter opined: "the ultimate touchstone of constitutionality is the Constitution itself and not what we have said about it." In contrast, the application of stare decisis on judicial interpretation of statutes is more inflexible. As Justice Stevens explains: "after a statute has been construed, either by this Court or by a consistent course of decision by other federal judges and agencies, it acquires a meaning that should be as clear as if the judicial gloss had been drafted by the Congress itself." This stance reflects both respect for Congress' role and the need to preserve the courts' limited resources.

In general, courts follow the stare decisis rule for an ensemble of reasons, viz.: (1) it legitimizes judicial institutions; (2) it promotes judicial economy; and, (3) it allows for predictability. Contrariwise, courts refuse to be bound by the stare decisis rule where (1) its application perpetuates illegitimate and unconstitutional holdings; (2) it cannot accommodate changing social and political understandings; (3) it leaves the power to overturn bad constitutional law solely in the hands of Congress; and, (4) activist judges can dictate the policy for future courts while judges that respect stare decisis are stuck agreeing with them.

In its 200-year history, the U.S. Supreme Court has refused to follow the stare decisis rule and reversed its decisions in 192 cases. The most famous of these reversals is *Brown v. Board of Education* which junked *Plessy v. Ferguson*'s "separate but equal doctrine." *Plessy* upheld as constitutional a state law requirement that races be segregated on public transportation. In *Brown*, the U.S. Supreme Court, unanimously held that "separate . . . is inherently unequal." Thus, by freeing itself from the shackles of stare decisis, the U.S. Supreme Court freed the colored Americans from the chains of inequality. In the Philippine setting, this Court has likewise refused to be straitjacketed by the stare decisis rule in order to promote public welfare. In *La Bugal-B'laan Tribal Association, Inc. v. Ramos*, we reversed our original ruling that certain provisions of the Mining Law are unconstitutional. Similarly, in *Secretary of Justice v. Lantion*, we overturned our first ruling and held, on motion for reconsideration, that a private respondent is bereft of the right to notice and hearing during the evaluation stage of the extradition process.

An examination of decisions on stare decisis in major countries will show that courts are agreed on the factors that should be considered before overturning prior rulings. These are workability, reliance, intervening developments in the law and changes in fact. In addition, courts put in the balance the following determinants: closeness of the voting, age of the prior decision and its merits.

The leading case in deciding whether a court should follow the stare decisis rule in constitutional litigations is *Planned Parenthood v. Casey*. It established a 4-pronged test. The court should (1) determine whether the rule has proved to be intolerable simply in defying practical workability; (2) consider whether the rule is subject to a kind of reliance that would lend a special hardship to the consequences of overruling and add inequity to the cost of repudiation; (3) determine whether related principles of law have so far developed as to have the old rule no more than a remnant of an abandoned doctrine; and, (4) find out whether facts have so changed or come to be seen differently, as to have robbed the old rule of significant application or justification.[53]

To be forthright, respondent's argument that the doctrinal guidelines prescribed in *Santos* and *Molina* should not be applied retroactively for being contrary to the principle of stare decisis is no longer new. The same argument was also raised but was struck down in *Pesca v. Pesca*,[54] and again in *Antonio v. Reyes*. [55] In these cases, we explained that the interpretation or construction of a law by courts constitutes a part of the law as of the date the statute is enacted. It is only when a prior ruling of this Court is overruled, and a different view is adopted, that the new doctrine may have to be applied prospectively in favor of parties who have relied on the old doctrine and have acted in good faith, in accordance therewith under the familiar rule of "lex prospicit, non respicit."

II. On liberalizing the required proof for the declaration of nullity of marriage under Article 36.

Now, petitioner wants to know if we have abandoned the *Molina* doctrine.

We have not.

In *Edward Kenneth Ngo Te v. Rowena Ong Gutierrez Yu-Te*,^[56] we declared that, in hindsight, it may have been inappropriate for the Court to impose a rigid set of rules, as the one in *Molina*, in resolving all cases of psychological incapacity. We said that instead of serving as a guideline, *Molina* unintentionally became a straightjacket, forcing all cases involving psychological incapacity to fit into and be bound by it, which is not only contrary to the intention of the law but unrealistic as well because, with respect to psychological incapacity, no case can be considered as on "all fours" with another.^[57]

By the very nature of cases involving the application of Article 36, it is logical and understandable to give weight to the expert opinions furnished by psychologists regarding the psychological temperament of parties in order to determine the root cause, juridical antecedence, gravity and incurability of the psychological incapacity. However, such opinions, while highly advisable, are not conditions sine qua non in granting petitions for declaration of nullity of marriage.^[58] At best, courts must treat such opinions as decisive but not indispensable evidence in determining the merits of a given case. In fact, if the totality of evidence presented is enough to sustain a finding of psychological incapacity, then actual medical or psychological examination of the person concerned need not be resorted to.^[59] The trial court, as in any other given case presented before it, must always base its decision not solely on the expert opinions furnished by the parties but also on the totality of evidence adduced in the course of the proceedings.

It was for this reason that we found it necessary to emphasize in *Ngo Te* that each case involving the application of Article 36 must be treated distinctly and judged not on the basis of a priori assumptions, predilections or generalizations but according to its own attendant facts. Courts should interpret the provision on a case-to-case basis, guided by experience, the findings of experts and researchers in psychological disciplines, and by decisions of church tribunals.

Far from abandoning *Molina*, we simply suggested the relaxation of the stringent requirements set forth therein, cognizant of the explanation given by the Committee on the Revision of the Rules on the rationale of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages (A.M. No. 02-11-10-SC), viz.:

To require the petitioner to allege in the petition the particular root cause of the psychological incapacity and to attach thereto the verified written report of an accredited psychologist or psychiatrist have proved to be too expensive for the parties. They adversely affect access to justice of poor litigants. It is also a fact that there are provinces where these experts are not available. Thus, the Committee deemed it necessary to relax this stringent requirement enunciated in the *Molina* Case. The need for the examination of a party or parties by a psychiatrist or clinical psychologist and the presentation of psychiatric experts shall now be determined by the court during the pre-trial conference.^[60]

But where, as in this case, the parties had the full opportunity to present professional and expert opinions of psychiatrists tracing the root cause, gravity and incurability of a party's alleged psychological incapacity, then such expert opinion should be presented and, accordingly, be weighed by the court in deciding whether to grant a petition for nullity of marriage.

III. On petitioner's psychological incapacity.

Coming now to the main issue, we find the totality of evidence adduced by respondent insufficient to prove that petitioner is psychologically unfit to discharge the duties expected of him as a husband, and more particularly, that he suffered from such psychological incapacity as of the date of the marriage eighteen (18) years ago. Accordingly, we reverse the trial court's and the appellate court's rulings declaring the marriage between

petitioner and respondent null and void ab initio.

The intendment of the law has been to confine the application of Article 36 to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.[61] The psychological illness that must have afflicted a party at the inception of the marriage should be a malady so grave and permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond he or she is about to assume.[62]

In this case, respondent failed to prove that petitioner's "defects" were present at the time of the celebration of their marriage. She merely cited that prior to their marriage, she already knew that petitioner would occasionally drink and gamble with his friends; but such statement, by itself, is insufficient to prove any pre-existing psychological defect on the part of her husband. Neither did the evidence adduced prove such "defects" to be incurable.

The evaluation of the two psychiatrists should have been the decisive evidence in determining whether to declare the marriage between the parties null and void. Sadly, however, we are not convinced that the opinions provided by these experts strengthened respondent's allegation of psychological incapacity. The two experts provided diametrically contradicting psychological evaluations: Dr. Oñate testified that petitioner's behavior is a positive indication of a personality disorder,[63] while Dr. Obra maintained that there is nothing wrong with petitioner's personality. Moreover, there appears to be greater weight in Dr. Obra's opinion because, aside from analyzing the transcript of Benjamin's deposition similar to what Dr. Oñate did, Dr. Obra also took into consideration the psychological evaluation report furnished by another psychiatrist in South Africa who personally examined Benjamin, as well as his (Dr. Obra's) personal interview with Benjamin's brothers.[64] Logically, therefore, the balance tilts in favor of Dr. Obra's findings.

Lest it be misunderstood, we are not condoning petitioner's drinking and gambling problems, or his violent outbursts against his wife. There is no valid excuse to justify such a behavior. Petitioner must remember that he owes love, respect, and fidelity to his spouse as much as the latter owes the same to him. Unfortunately, this court finds respondent's testimony, as well as the totality of evidence presented by the respondent, to be too inadequate to declare him psychologically unfit pursuant to Article 36.

It should be remembered that the presumption is always in favor of the validity of marriage. *Semper praesumitur pro matrimonio*. [65] In this case, the presumption has not been amply rebutted and must, perforce, prevail.

WHEREFORE, premises considered, the petition for review on certiorari is GRANTED. The November 17, 2003 Amended Decision and the December 13, 2004 Resolution of the Court of Appeals in CA-G.R. CV No. 59903 are accordingly REVERSED and SET ASIDE.

SO ORDERED.

Ynares-Santiago, (Chairperson), Carpio Morales, [*]Chico-Nazario, and Peralta, JJ., concur.

[*] Additional member in lieu of Associate Justice Ma. Alicia Austria-Martinez per Special Order No. 602 dated March 20, 2009.

[1] Penned by Associate Justice Bienvenido L. Reyes, with Associate Justices Rodrigo V. Cosico and Sergio L. Pestaño, concurring; rollo, pp. 78-89.

[2] Rollo, pp. 110-111.

[3] Id. at 35-45.

[4] Art. 36 of the Family Code provides in full:

Article 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. [as amended by Executive Order No. 227 dated July 17, 1987]

[5] TSN, December 7, 1994, morning, p. 4.

[6] Id. at 12.

[7] Id. at 17.

[8] Id. at 14; Exhibit "3."

[9] Id. at 13, 15.

[10] Id. at 21-23.

[11] Id. at 10.

[12] Rollo, p. 48.

[13] Id. at 35.

[14] TSN, January 6, 1995, pp. 3, 8-9.

[15] Rollo, p. 36.

[16] Id. at 37.

[17] Id.

[18] Id. at 40.

[19] Id. at 44.

[20] Id. at 40.

[21] Id.

[22] Id. at 36.

[23] Id. at 40.

[24] Id. at 48-49.

[25] Id. at 42, 49.

[26] Id. at 49.

[27] TSN, December 7, 1994, morning, pp. 23-25.

[28] Id. at 26.

[29] TSN, August 31, 1995, pp. 5-26.

[30] Id. at 7-9.

[31] Rollo, p. 38.

[32] Id. at 39.

[33] Id. at 41.

[34] Id. at 54-55.

[35] Id. at 42.

[36] Id. at 35-45.

[37] Id. at 45.

[38] Id. at 47-65.

[39] Id. at 64.

[40] G.R. No. 112019, January 4, 1995, 240 SCRA 20.

[41] 335 Phil. 664 (1997).

[42] Rollo, pp. 80-81.

[43] Docketed as G.R. No. 150479.

[44] CA rollo, pp. 199-202.

[45] Rollo, pp. 78-79.

[46] Supra note 1.

[47] Pertinent portion of the CA's Amended Decision dated November 17, 2003 reads:

The foregoing considered and taking a cue on the adoption x x x of the Honorable Justices of the Supreme Court of the new "Rule On Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages" (A.M. No. 02-11-10-SC) which took effect on March 15, 2003, this Court hereby RECONSIDERS itself and GRANTS the motion for reconsideration filed by the herein petitioner-appellee on November 29, 2000. Consequently, respondent-appellant's appeal is hereby DISMISSED and the DECISION of the court below declaring the marriage between CARMEN M. VELEZ-TING and BENJAMIN G. TING null and void ab initio under Article 36 of the Family Code of the Philippines is hereby AFFIRMED.

WHEREFORE, in view thereof, we can not do any less but sustain the decision dated 29 August 2002 of the court below in Civil Case No. CEB-14826 declaring the marriage between petitioner-appellee Carmen Velez-Ting and respondent-appellant Benjamin G. Ting void from the beginning under Article 36, Family Code (as amended by E.O. No. 227 dated 17 July 1987).

Consequently, the Decision of this Court promulgated on October 19, 2000 is hereby SET ASIDE and a new one rendered AFFIRMING the appealed Decision of the Court a quo.

SO ORDERED. (Id. at 88-89.)

[48] Rollo, pp. 110-111.

[49] De Mesa v. Pepsi Cola Products Phils., Inc., G.R. Nos. 153063-70, August 19, 2005, 467 SCRA 433, 440.

[50] Id. at 438.

[51] Art. 8 of the Civil Code provides in full:

Article 8. Judicial decisions applying or interpreting the laws or the Constitution shall form part of the legal system of the Philippines.

[52] G.R. Nos. 174153 and 174299, October 25, 2006, 505 SCRA 160.

[53] *Id.* at 308-312. (Citations and emphasis omitted.)

[54] 408 Phil. 713 (2001).

[55] G.R. No. 155800, March 10, 2006, 484 SCRA 353.

[56] G.R. No. 161793, February 13, 2009.

[57] *Supra* note 41, at 680.

[58] *Marcos v. Marcos*, 397 Phil. 840 (2000).

[59] *Id.* at 850.

[60] Rationale for the New Rules as submitted by the Committee on the Revision of Rules to the Supreme Court, November 11, 2002, p. 3, as cited in Sta. Maria, Jr., *Court Procedures in Family Law Cases*, 2007 ed., pp. 10-11.

[61] *Supra* note 40, at 34.

[62] *Marcos v. Marcos*, *supra* note 58, at 850-851.

[63] *Rollo*, p. 39.

[64] *Id.* at 54-55.

[65] *Carating-Siayngco v. Siayngco*, G.R. No. 158896, October 27, 2004, 441 SCRA 422, 437.

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