RESTITUTO M. ALCANTARA, PETITIONER, VS. ROSITA A. ALCANTARA AND HON. COURT OF APPEALS, RESPONDENTS.

G.R. NO. 167746. August 28, 2007

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-167746/

CHICO-NAZARIO, J.:

Before this Court is a Petition for Review on Certiorari filed by petitioner Restituto Alcantara assailing the Decision[1] of the Court of Appeals dated 30 September 2004 in CA-G.R. CV No. 66724 denying petitioner's appeal and affirming the decision[2] of the Regional Trial Court (RTC) of Makati City, Branch 143, in Civil Case No. 97-1325 dated 14 February 2000, dismissing his petition for annulment of marriage.

The antecedent facts are:

A petition for annulment of marriage[3] was filed by petitioner against respondent Rosita A. Alcantara alleging that on 8 December 1982 he and respondent, without securing the required marriage license, went to the Manila City Hall for the purpose of looking for a person who could arrange a marriage for them. They met a person who, for a fee, arranged their wedding before a certain Rev. Aquilino Navarro, a Minister of the Gospel of the CDCC BR Chapel.[4] They got married on the same day, 8 December 1982. Petitioner and respondent went through another marriage ceremony at the San Jose de Manuguit Church in Tondo, Manila, on 26 March 1983. The marriage was likewise celebrated without the parties securing a marriage license. The alleged marriage license, procured in Carmona, Cavite, appearing on the marriage contract, is a sham, as neither party was a resident of Carmona, and they never went to Carmona to apply for a license with the local civil registrar of the said place. On 14 October 1985, respondent gave birth to their child Rose Ann Alcantara. In 1988, they parted ways and lived separate lives. Petitioner prayed that after due hearing, judgment be issued declaring their marriage void and ordering the Civil Registrar to cancel the corresponding marriage contract[5] and its entry on file.[6]

Answering petitioner's petition for annulment of marriage, respondent asserts the validity of their marriage and maintains that there was a marriage license issued as evidenced by a certification from the Office of the Civil Registry of Carmona, Cavite. Contrary to petitioner's representation, respondent gave birth to their first child named Rose Ann Alcantara on 14 October 1985 and to another daughter named Rachel Ann Alcantara on 27 October 1992.[7] Petitioner has a mistress with whom he has three children.[8] Petitioner only filed the annulment of their marriage to evade prosecution for concubinage.[9] Respondent, in fact, has filed a case for concubinage against petitioner before the Metropolitan Trial Court of Mandaluyong City, Branch 60.[10] Respondent prays that the petition for annulment of marriage be denied for lack of merit.

On 14 February 2000, the RTC of Makati City, Branch 143, rendered its Decision disposing as follows:

> The foregoing considered, judgment is rendered as follows:
>
> - The Petition is dismissed for lack of merit;
>
> - Petitioner is ordered to pay respondent the sum of twenty thousand pesos (P20,000.00) per month as support

for their two (2) children on the first five (5) days of each month; and

- To pay the costs.[11]

As earlier stated, the Court of Appeals rendered its Decision dismissing the petitioner's appeal. His Motion for Reconsideration was likewise denied in a resolution of the Court of Appeals dated 6 April 2005.[12]

The Court of Appeals held that the marriage license of the parties is presumed to be regularly issued and petitioner had not presented any evidence to overcome the presumption. Moreover, the parties' marriage contract being a public document is a prima facie proof of the questioned marriage under Section 44, Rule 130 of the Rules of Court.[13]

In his Petition before this Court, petitioner raises the following issues for resolution:

- The Honorable Court of Appeals committed a reversible error when it ruled that the Petition for Annulment has no legal and factual basis despite the evidence on record that there was no marriage license at the precise moment of the solemnization of the marriage.

- The Honorable Court of Appeals committed a reversible error when it gave weight to the Marriage License No. 7054133 despite the fact that the same was not identified and offered as evidence during the trial, and was not the Marriage license number appearing on the face of the marriage contract.

- The Honorable Court of Appeals committed a reversible error when it failed to apply the ruling laid down by this Honorable Court in the case of Sy vs. Court of Appeals. (G.R. No. 127263, 12 April 2000 [330 SCRA 550]).

- The Honorable Court of Appeals committed a reversible error when it failed to relax the observance of procedural rules to protect and promote the substantial rights of the party litigants.[14]

We deny the petition.

Petitioner submits that at the precise time that his marriage with the respondent was celebrated, there was no marriage license because he and respondent just went to the Manila City Hall and dealt with a "fixer" who arranged everything for them.[15] The wedding took place at the stairs in Manila City Hall and not in CDCC BR Chapel where Rev. Aquilino Navarro who solemnized the marriage belongs.[16] He and respondent did not go to Carmona, Cavite, to apply for a marriage license. Assuming a marriage license from Carmona, Cavite, was issued to them, neither he nor the respondent was a resident of the place. The certification of the Municipal Civil Registrar of Carmona, Cavite, cannot be given weight because the certification states that "Marriage License number 7054133 was issued in favor of Mr. Restituto Alcantara and Miss Rosita Almario"[17] but their marriage contract bears the number 7054033 for their marriage license number.

The marriage involved herein having been solemnized on 8 December 1982, or prior to the effectivity of the Family Code, the applicable law to determine its validity is the Civil Code which was the law in effect at the time of its celebration.

A valid marriage license is a requisite of marriage under Article 53 of the Civil Code, the absence of which renders the marriage void ab initio pursuant to Article 80(3)[18] in relation to Article 58 of the same Code.[19]

Article 53 of the Civil Code[20] which was the law applicable at the time of the marriage of the parties states:

Art. 53. No marriage shall be solemnized unless all these requisites are complied with:

(1) Legal capacity of the contracting parties;

(2) Their consent, freely given;

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

(3) Authority of the person performing the marriage; and

(4) A marriage license, except in a marriage of exceptional character.

The requirement and issuance of a marriage license is the State's demonstration of its involvement and participation in every marriage, in the maintenance of which the general public is interested.[21]

Petitioner cannot insist on the absence of a marriage license to impugn the validity of his marriage. The cases where the court considered the absence of a marriage license as a ground for considering the marriage void are clear-cut.

In Republic of the Philippines v. Court of Appeals,[22] the Local Civil Registrar issued a certification of due search and inability to find a record or entry to the effect that Marriage License No. 3196182 was issued to the parties. The Court held that the certification of "due search and inability to find" a record or entry as to the purported marriage license, issued by the Civil Registrar of Pasig, enjoys probative value, he being the officer charged under the law to keep a record of all data relative to the issuance of a marriage license. Based on said certification, the Court held that there is absence of a marriage license that would render the marriage void ab initio.

In Cariño v. Cariño,[23] the Court considered the marriage of therein petitioner Susan Nicdao and the deceased Santiago S. Carino as void ab initio. The records reveal that the marriage contract of petitioner and the deceased bears no marriage license number and, as certified by the Local Civil Registrar of San Juan, Metro Manila, their office has no record of such marriage license. The court held that the certification issued by the local civil registrar is adequate to prove the non- issuance of the marriage license. Their marriage having been solemnized without the necessary marriage license and not being one of the marriages exempt from the marriage license requirement, the marriage of the petitioner and the deceased is undoubtedly void ab initio.

In Sy v. Court of Appeals,[24] the marriage license was issued on 17 September 1974, almost one year after the ceremony took place on 15 November 1973. The Court held that the ineluctable conclusion is that the marriage was indeed contracted without a marriage license.

In all these cases, there was clearly an absence of a marriage license which rendered the marriage void.

Clearly, from these cases, it can be deduced that to be considered void on the ground of absence of a marriage license, the law requires that the absence of such marriage license must be apparent on the marriage contract, or at the very least, supported by a certification from the local civil registrar that no such marriage license was issued to the parties. In this case, the marriage contract between the petitioner and respondent reflects a marriage license number. A certification to this effect was also issued by the local civil registrar of Carmona, Cavite.[25] The certification moreover is precise in that it specifically identified the parties to whom the marriage license was issued, namely Restituto Alcantara and Rosita Almario, further validating the fact that a license was in fact issued to the parties herein.

The certification of Municipal Civil Registrar Macrino L. Diaz of Carmona, Cavite, reads:

> This is to certify that as per the registry Records of Marriage filed in this office, Marriage License No. 7054133 was issued in favor of Mr. Restituto Alcantara and Miss Rosita Almario on December 8, 1982.
>
> This Certification is being issued upon the request of Mrs. Rosita A. Alcantara for whatever legal purpose or intents it may serve.[26]

This certification enjoys the presumption that official duty has been regularly performed and the issuance of the marriage license was done in the regular conduct of official business.[27] The presumption of regularity of

official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. However, the presumption prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and, in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness.[28] Significantly, apart from these, petitioner, by counsel, admitted that a marriage license was, indeed, issued in Carmona, Cavite.[29]

Petitioner, in a faint attempt to demolish the probative value of the marriage license, claims that neither he nor respondent is a resident of Carmona, Cavite. Even then, we still hold that there is no sufficient basis to annul petitioner and respondent's marriage. Issuance of a marriage license in a city or municipality, not the residence of either of the contracting parties, and issuance of a marriage license despite the absence of publication or prior to the completion of the 10- day period for publication are considered mere irregularities that do not affect the validity of the marriage.[30] An irregularity in any of the formal requisites of marriage does not affect its validity but the party or parties responsible for the irregularity are civilly, criminally and administratively liable.[31]

Again, petitioner harps on the discrepancy between the marriage license number in the certification of the Municipal Civil Registrar, which states that the marriage license issued to the parties is No. 7054133, while the marriage contract states that the marriage license number of the parties is number 7054033. Once more, this argument fails to sway us. It is not impossible to assume that the same is a mere a typographical error, as a closer scrutiny of the marriage contract reveals the overlapping of the numbers 0 and 1, such that the marriage license may read either as 7054133 or 7054033. It therefore does not detract from our conclusion regarding the existence and issuance of said marriage license to the parties.

Under the principle that he who comes to court must come with clean hands,[32] petitioner cannot pretend that he was not responsible or a party to the marriage celebration which he now insists took place without the requisite marriage license. Petitioner admitted that the civil marriage took place because he "initiated it."[33] Petitioner is an educated person. He is a mechanical engineer by profession. He knowingly and voluntarily went to the Manila City Hall and likewise, knowingly and voluntarily, went through a marriage ceremony. He cannot benefit from his action and be allowed to extricate himself from the marriage bond at his mere say-so when the situation is no longer palatable to his taste or suited to his lifestyle. We cannot countenance such effrontery. His attempt to make a mockery of the institution of marriage betrays his bad faith.[34]

Petitioner and respondent went through a marriage ceremony twice in a span of less than one year utilizing the same marriage license. There is no claim that he went through the second wedding ceremony in church under duress or with a gun to his head. Everything was executed without nary a whimper on the part of the petitioner.

In fact, for the second wedding of petitioner and respondent, they presented to the San Jose de Manuguit Church the marriage contract executed during the previous wedding ceremony before the Manila City Hall. This is confirmed in petitioner's testimony as follows"

> WITNESS
>
> As I remember your honor, they asked us to get the necessary document prior to the wedding.
>
> COURT
>
> What particular document did the church asked you to produce? I am referring to the San Jose de Manuguit church.
>
> WITNESS

I don't remember your honor.

COURT

Were you asked by the church to present a Marriage License?

WITNESS

I think they asked us for documents and I said we have already a Marriage Contract and I don't know if it is good enough for the marriage and they accepted it your honor.

COURT

In other words, you represented to the San Jose de Manuguit church that you have with you already a Marriage Contract?

WITNESS

Yes your honor.

COURT

That is why the San Jose de Manuguit church copied the same marriage License in the Marriage Contract issued which Marriage License is Number 7054033.

WITNESS

Yes your honor.[35]

The logical conclusion is that petitioner was amenable and a willing participant to all that took place at that time. Obviously, the church ceremony was confirmatory of their civil marriage, thereby cleansing whatever irregularity or defect attended the civil wedding.[36]

Likewise, the issue raised by petitioner -- that they appeared before a "fixer" who arranged everything for them and who facilitated the ceremony before a certain Rev. Aquilino Navarro, a Minister of the Gospel of the CDCC Br Chapel -- will not strengthen his posture. The authority of the officer or clergyman shown to have performed a marriage ceremony will be presumed in the absence of any showing to the contrary.[37] Moreover, the solemnizing officer is not duty-bound to investigate whether or not a marriage license has been duly and regularly issued by the local civil registrar. All the solemnizing officer needs to know is that the license has been issued by the competent official, and it may be presumed from the issuance of the license that said official has fulfilled the duty to ascertain whether the contracting parties had fulfilled the requirements of law.[38]

Semper praesumitur pro matrimonio. The presumption is always in favor of the validity of the marriage.[39] Every intendment of the law or fact leans toward the validity of the marriage bonds. The Courts look upon this presumption with great favor. It is not to be lightly repelled; on the contrary, the presumption is of great weight.

WHEREFORE, premises considered, the instant Petition is DENIED for lack of merit. The decision of the Court of Appeals dated 30 September 2004 affirming the decision of the Regional Trial Court, Branch 143 of Makati City, dated 14 February 2000, are AFFIRMED. Costs against petitioner.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[1] Penned by Associate Justice Vicente S. E. Veloso with Associate Justices Roberto A. Barrios and Amelita G. Tolentino, concurring; rollo, p. 25-32.

[2] Penned by Judge Salvador S. Abad Santos; CA rollo, pp. 257-258.

[3] Docketed as Civil Case No. 97-1325.

[4] Crusade of the Divine Church of Christ.

[5] Annex A, Records, p. 5; Annexes B to C, Records, pp. 6-7.

[6] Rollo, pp. 33-36.

[7] Id. at 185.

[8] TSN, 14 October 1999, p. 34.

[9] Rollo, p. 39.

[10] Id. at 46.

[11] Id. at 68-69.

[12] Id. at 21.

[13] Sec. 44. Entries in official records. - Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts therein stated.

[14] Rollo, p. 206.

[15] Id. at 209.

[16] Records p. 1.

[17] Id. at 15-a.

[18] (3) Those solemnized without a marriage license, save marriages of exceptional character.

[19] Art. 58. Save marriages of an exceptional character authorized in Chapter 2 of this Title, but not those under article 75, no marriage shall be solemnized without a license first being issued by the local civil registrar of the municipality where either contracting party habitually resides.

[20] Now Article 3 of the Family Code.

Art. 3. The formal requisites of marriage are:

> (1) Authority of the solemnizing officer;
>
> (2) A valid marriage license except in the cases provided for in Chapter 2 of this Title; and
>
> (3) A marriage ceremony which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age.

Art. 4. The absence of any of the essential or formal requisites shall render the marriage void ab initio, except as stated in Article 35.

A defect in any of the essential requisites shall render the marriage voidable as provided in Article 45.

[21] Niñal v. Bayadog, 384 Phil. 661, 667-668 (2000).

[22] G.R. No.103047, 2 September 1994, 236 SCRA 257, 262.

[23] G.R. No.132529, 2 February 2001, 351 SCRA 127, 133.

[24] 386 Phil. 760, 769 (2000).

[25] Article 70 of the Civil Code, now Article 25 Family Code, provides:

The local civil registrar concerned shall enter all applications for marriage licenses filed with him in a register book strictly in the order in which the same shall be received. He shall enter in said register the names of the applicants, the dates on which the marriage license was issued, and such other data as may be necessary.

[26] Records, p. 15-a.

[27] Sec. 3. Disputable presumptions. - x x x

x x x x

(m) That official duty has been regularly performed. (Rule 131, Rules of Court.)

[28] Magsucang v. Balgos, 446 Phil. 217, 224-225 (2003).

[29] TSN. 23 November 1999, p. 4.

[30] Sta. Maria Jr., Persons and Family Relations Law, p. 125.

[31] Sempio-Diy, Handbook on the Family Code, p. 8; Moreno v. Bernabe, 316 Phil. 161, 168 (1995).

[32] Abacus Securities Corporation v. Ampil, G.R. No. 160016, 27 February 2006, 483 SCRA 315, 337.

[33] TSN, 1 October 1998, p. 96.

[34] Atienza v. Judge Brilliantes, Jr., 312 Phil. 939, 944 (1995).

[35] TSN, 1 October 1998, pp. 33-35.

[36] Ty v. Court of Appeals, 399 Phil. 647, 662 2003).

[37] Goshen v. New Orleans, 18 US 950.

[38] People v. Janssen, 54 Phil. 176, 180 (1929).

[39] Carating-Siayngco v. Siayngco, G.R. No. 158896, 27 October 2004, 441 SCRA 422, 436; Sevilla v. Cardenas, G.R. No. 167684, 31 July 2006, 497 SCRA 428, 443.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.