CYNTHIA S. BOLOS, PETITIONER, VS. DANILO T. BOLOS, RESPONDENT.

G.R. No. 186400. October 20, 2010

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court seeking a review of the December 10, 2008 Decision[1] of the Court of Appeals (CA) in an original action for certiorari under Rule 65 entitled "Danilo T. Bolos v. Hon. Lorifel Lacap Pahimna and Cynthia S. Bolos," docketed as CA-G.R. SP. No. 97872, reversing the January 16, 2007 Order of the Regional Trial Court of Pasig City, Branch 69 (RTC), declaring its decision pronouncing the nullity of marriage between petitioner and respondent final and executory.

On July 10, 2003, petitioner Cynthia Bolos (Cynthia) filed a petition for the declaration of nullity of her marriage to respondent Danilo Bolos (Danilo) under Article 36 of the Family Code, docketed as JDRC No. 6211.

After trial on the merits, the RTC granted the petition for annulment in a Decision, dated August 2, 2006, with the following disposition:

> WHEREFORE, judgment is hereby rendered declaring the marriage between petitioner CYNTHIA S. BOLOS and respondent DANILO T. BOLOS celebrated on February 14, 1980 as null and void ab initio on the ground of psychological incapacity on the part of both petitioner and respondent under Article 36 of the Family Code with all the legal consequences provided by law.
>
> Furnish the Local Civil Registrar of San Juan as well as the National Statistics Office (NSO) copy of this decision.
>
> SO ORDERED.[2]

A copy of said decision was received by Danilo on August 25, 2006. He timely filed the Notice of Appeal on September 11, 2006.

In an order dated September 19, 2006, the RTC denied due course to the appeal for Danilo's failure to file the required motion for reconsideration or new trial, in violation of Section 20 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

On November 23, 2006, a motion to reconsider the denial of Danilo's appeal was likewise denied.

On January 16, 2007, the RTC issued the order declaring its August 2, 2006 decision final and executory and granting the Motion for Entry of Judgment filed by Cynthia.

Not in conformity, Danilo filed with the CA a petition for certiorari under Rule 65 seeking to annul the orders of the RTC as they were rendered with grave abuse of discretion amounting to lack or in excess of jurisdiction, to wit: 1) the September 19, 2006 Order which denied due course to Danilo's appeal; 2) the November 23, 2006 Order which denied the motion to reconsider the September 19, 2006 Order; and 3) the January 16, 2007 Order

which declared the August 2, 2006 decision as final and executory. Danilo also prayed that he be declared psychologically capacitated to render the essential marital obligations to Cynthia, who should be declared guilty of abandoning him, the family home and their children.

As earlier stated, the CA granted the petition and reversed and set aside the assailed orders of the RTC. The appellate court stated that the requirement of a motion for reconsideration as a prerequisite to appeal under A.M. No. 02-11-10-SC did not apply in this case as the marriage between Cynthia and Danilo was solemnized on February 14, 1980 before the Family Code took effect. It relied on the ruling of this Court in Enrico v. Heirs of Sps. Medinaceli[3] to the effect that the "coverage [of A.M. No. 02-11-10-SC] extends only to those marriages entered into during the effectivity of the Family Code which took effect on August 3, 1988."

Cynthia sought reconsideration of the ruling by filing her Manifestation with Motion for Extension of Time to File Motion for Reconsideration and Motion for Partial Reconsideration [of the Honorable Court's Decision dated December 10, 2008]. The CA, however, in its February 11, 2009 Resolution,[4] denied the motion for extension of time considering that the 15-day reglementary period to file a motion for reconsideration is non-extendible, pursuant to Section 2, Rule 40, 1997 Rules on Civil Procedure citing Habaluyas v. Japson, 142 SCRA 208. The motion for partial reconsideration was likewise denied.

Hence, Cynthia interposes the present petition via Rule 45 of the Rules of Court raising the following

I S S U E S

I

THE COURT OF APPEALS GRAVELY ERRED IN ISSUING THE QUESTIONED DECISION DATED DECEMBER 10, 2008 CONSIDERING THAT:

A. THE PRONOUNCEMENT OF THE HONORABLE COURT IN ENRICO V. SPS. MEDINACELI IS NOT APPLICABLE TO THE INSTANT CASE CONSIDERING THAT THE FACTS AND THE ISSUE THEREIN ARE NOT SIMILAR TO THE INSTANT CASE.

B. ASSUMING ARGUENDO THAT THE PRONOUNCEMENT OF THE HONORABLE COURT IS APLLICABLE TO THE INSTANT CASE, ITS RULING IN ENRICO V. SPS. MEDINACELI IS PATENTLY ERRONEOUS BECAUSE THE PHRASE "UNDER THE FAMILY CODE" IN A.M. NO. 02-11-10-SC PERTAINS TO THE WORD "PETITIONS" RATHER THAN TO THE WORD "MARRIAGES."

C. FROM THE FOREGOING, A.M. NO. 02-11-10-SC ENTITLED "RULE ON DECLARATION OF ABSOLUTE NULLITY OF VOID MARRIAGES AND ANNULMENT OF VOIDABLE MARRIAGES" IS APPLICABLE TO MARRIAGES SOLEMNIZED BEFORE THE EFFECTIVITY OF THE FAMILY CODE. HENCE, A MOTION FOR RECONSIDERATION IS A PRECONDITION FOR AN APPEAL BY HEREIN RESPONDENT.

D. CONSIDERING THAT HEREIN RESPONDENT REFUSED TO COMPLY WITH A PRECONDITION FOR APPEAL, A RELAXATION OF THE RULES ON APPEAL IS NOT PROPER IN HIS CASE.

II

THE COURT OF APPEALS GRAVELY ERRED IN ISSUING THE QUESTIONED RESOLUTION DATED FEBRUARY 11, 2009 CONSIDERING THE FOREGOING AND THE FACTUAL CIRCUMSTANCES OF THIS CASE.

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III

THE TENETS OF JUSTICE AND FAIR PLAY, THE NOVELTY AND IMPORTANCE OF THE ISSUE AND THE SPECIAL CIRCUMSTANCES IN THIS CASE JUSTIFY AND WARRANT A LIBERAL VIEW OF THE RULES IN FAVOR OF THE PETITIONER. MOREOVER, THE INSTANT PETITION IS MERITORIOUS AND NOT INTENDED FOR DELAY.[5]

From the arguments advanced by Cynthia, the principal question to be resolved is whether or not A.M. No. 02-11-10-SC entitled "Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages," is applicable to the case at bench.

Petitioner argues that A.M. No. 02-11-10-SC is also applicable to marriages solemnized before the effectivity of the Family Code. According to Cynthia, the CA erroneously anchored its decision to an obiter dictum in the aforecited Enrico case, which did not even involve a marriage solemnized before the effectivity of the Family Code.

She added that, even assuming arguendo that the pronouncement in the said case constituted a decision on its merits, still the same cannot be applied because of the substantial disparity in the factual milieu of the Enrico case from this case. In the said case, both the marriages sought to be declared null were solemnized, and the action for declaration of nullity was filed, after the effectivity of both the Family Code in 1988 and of A.M. No. 02-11-10-SC in 2003. In this case, the marriage was solemnized before the effectivity of the Family Code and A.M. No. 02-11-10-SC while the action was filed and decided after the effectivity of both.

Danilo, in his Comment,[6] counters that A.M. No. 02-11-10-SC is not applicable because his marriage with Cynthia was solemnized on February 14, 1980, years before its effectivity. He further stresses the meritorious nature of his appeal from the decision of the RTC declaring their marriage as null and void due to his purported psychological incapacity and citing the mere "failure" of the parties who were supposedly "remiss," but not "incapacitated," to render marital obligations as required under Article 36 of the Family Code.

The Court finds the petition devoid of merit.

Petitioner insists that A.M. No. 02-11-10-SC governs this case. Her stance is unavailing. The Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages as contained in A.M. No. 02-11-10-SC which the Court promulgated on March 15, 2003, is explicit in its scope. Section 1 of the Rule, in fact, 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.
>
> The Rules of Court shall apply suppletorily.

The categorical language of A.M. No. 02-11-10-SC leaves no room for doubt. The coverage extends only to those marriages entered into during the effectivity of the Family Code which took effect on August 3, 1988.[7] The rule sets a demarcation line between marriages covered by the Family Code and those solemnized under the Civil Code.[8]

The Court finds Itself unable to subscribe to petitioner's interpretation that the phrase "under the Family Code" in A.M. No. 02-11-10-SC refers to the word "petitions" rather than to the word "marriages."

A cardinal rule in statutory construction is that when the law is clear and free from any doubt or ambiguity, there is no room for construction or interpretation. There is only room for application.[9] As the statute is clear, plain, and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. This is

what is known as the plain-meaning rule or verba legis. It is expressed in the maxim, index animi sermo, or "speech is the index of intention." Furthermore, there is the maxim verba legis non est recedendum, or "from the words of a statute there should be no departure."[10]

There is no basis for petitioner's assertion either that the tenets of substantial justice, the novelty and importance of the issue and the meritorious nature of this case warrant a relaxation of the Rules in her favor. Time and again the Court has stressed that the rules of procedure must be faithfully complied with and should not be discarded with the mere expediency of claiming substantial merit.[11] As a corollary, rules prescribing the time for doing specific acts or for taking certain proceedings are considered absolutely indispensable to prevent needless delays and to orderly and promptly discharge judicial business. By their very nature, these rules are regarded as mandatory.[12]

The appellate court was correct in denying petitioner's motion for extension of time to file a motion for reconsideration considering that the reglementary period for filing the said motion for reconsideration is non-extendible. As pronounced in Apex Mining Co., Inc. v. Commissioner of Internal Revenue, [13]

> The rule is and has been that the period for filing a motion for reconsideration is non-extendible. The Court has made this clear as early as 1986 in Habaluyas Enterprises vs. Japzon. Since then, the Court has consistently and strictly adhered thereto.
>
> Given the above, we rule without hesitation that the appellate court's denial of petitioner's motion for reconsideration is justified, precisely because petitioner's earlier motion for extension of time did not suspend/toll the running of the 15-day reglementary period for filing a motion for reconsideration. Under the circumstances, the CA decision has already attained finality when petitioner filed its motion for reconsideration. It follows that the same decision was already beyond the review jurisdiction of this Court.

In fine, the CA committed no reversible error in setting aside the RTC decision which denied due course to respondent's appeal and denying petitioner's motion for extension of time to file a motion for reconsideration.

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 right to appeal.[14] In the recent case of Almelor v. RTC of Las Pinas City, Br. 254,[15] the Court reiterated: While the right to appeal is a statutory, not a natural right, nonetheless it is an essential part of our judicial system and courts should proceed with caution so as not to deprive a party of the right to appeal, but rather, ensure that every party-litigant has the amplest opportunity for the proper and just disposition of his cause, free from the constraints of technicalities.

In the case at bench, the respondent should be given the fullest opportunity to establish the merits of his appeal considering that what is at stake is the sacrosanct institution of marriage.

No less than the 1987 Constitution recognizes marriage as an inviolable social institution. This constitutional policy is echoed in our Family Code. Article 1 thereof emphasizes its permanence and inviolability, thus:

> Article 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code.

This Court is not unmindful of the constitutional policy to protect and strengthen the family as the basic autonomous social institution and marriage as the foundation of the family.[16]

Our family law is based on the policy that marriage is not a mere contract, but a social institution in which the State is vitally interested. The State finds no stronger anchor than on good, solid and happy families. The break up of families weakens our social and moral fabric and, hence, their preservation is not the concern alone of the family members.[17]

WHEREFORE, the petition is DENIED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Leonardo-De Castro,[*] and Peralta, JJ., concur.

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[*] Designated as an additional member in lieu of Justice Roberto A. Abad, per Special Order No. 905 dated October 5, 2010.

[1] Rollo, pp. 43-48. Penned by Associate Justice Arcangelita M. Romilla-Lontok with Associate Justices Mariano C. Del Castillo (now a member of this Court) and Romeo F. Barza, concurring.

[2] See Rollo, p. 8; see also Annex A of petition, rollo, p. 44.

[3] G.R. No. 173614, September 28, 2007, 534 SCRA 418, 427-428.

[4] Annex B of petition; rollo p. 49.

[5] Rollo, pp. 12-14.

[6] Id. at 329.

[7] Supra note 3, citing Modequillo v. Breva, G.R. No. 86355, May 31, 1990, 185 SCRA 766,722.

[8] Carlos v. Sandoval, G.R. No. 179922, December 16, 2008, 574 SCRA 116, 132.

[9] Amores v. House of Representatives Electoral Tribunal, G.R. No. 189600, June 29,2010, citing Twin Ace Holdings Corporation v. Rufina and Company, G.R. No. 160191, June 8, 2006, 490 SCRA 368, 376.

[10] Padua v. People, G.R. No. 168546, July 23, 2008, 559 SCRA 519, 531, citing R. Agpalo, Statutory Construction 124 (5[th] ed., 2003).

[11] Laguna Metts Corporation v. Court of Appeals, G.R. No. 185220, July 27, 2009, 594 SCRA 139, 143, citing Yutingco v. Court of Appeals, 435 Phil. 83 (2002).

[12] Id., citing Gonzales v. Torres, A.M. No. MTJ-06-1653, July 30, 2007, 528 SCRA 490.

[13] 510 Phil. 268, 274 (2005).

[14] Aguilar v. Court of Appeals, 320 Phil 456, 460 (1995).

[15] G.R. No. 179620, August 26, 2008, 563 SCRA 447, 460-461, citing Salazar v. Court of Appeals, 426 Phil 864, 877 (2002), citing Labad v. University of Southeastern Philippines, 414 Phil 815, 826 (2001).

[16] Almelor v. Regional Trial Court of Las Pinas City, Br. 253, G.R. No. 179620, August 26, 2008, 563 SCRA 447 citing 1987 Philippine Constitution, Art. II, Sec. 12 which provides:

> Sec. 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. x x x

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Art. XV, Secs. 1-2 which provides:

Sec. 1. The State recognizes the Filipino family as the foundation of the nation.

Accordingly, it shall strengthen its solidarity and actively promote its total development.

Sec. 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

[17] Azcueta v. Republic, G.R. No. 180668, May 26, 2009, 588 SCRA 196, 205, citing Ancheta v. Ancheta, G.R. No. 145370, March 4, 2004, 424 SCRA 725, 740; Tuason v. Court of Appeals, 326 Phil 169, 180-181 (1996).

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