

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. EDNA ORCELINO-VILLANUEVA, RESPONDENT.

G.R. No. 210929. July 29, 2015

Ponente: MENDOZA, J.

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MENDOZA, J.:

In this petition for review on certiorari under Rule 45 of the Rules of Court, the Office of the Solicitor General (OSG), on behalf of the Republic of the Philippines, assails the October 18, 2013 Decision[1] and the January 8, 2014 Resolution[2] of the Court of Appeals (CA), in CA-G.R. S.P. No. 03768-MIN, which affirmed the October 8, 2009 Judgment[3] of the Regional Trial Court, Branch 10, Malaybalay City, Bukidnon (RTC), in SP Proc. Case No. 3316-09, granting the petition of respondent Edna Orcelino-Villanueva (Edna) and declaring her husband, Romeo L. Villanueva (Romeo), as presumptively dead under Article 41 of the Family Code.[4]

The Antecedents

Edna and Romeo were married on December 21, 1978, in Iligan City.

In 1992, Edna worked as domestic helper in Singapore while her husband worked as a mechanic in Valencia City, Bukidnon. In 1993, Edna heard the news from her children that Romeo had left their conjugal home without reason or information as to his whereabouts.

Thereafter, Edna took a leave from work and returned to the country to look for Romeo. She inquired from her parents-in-law and common friends in Iligan City. Still, she found no leads as to his whereabouts or existence. She also went to his birthplace in Escalante, Negros Oriental, and inquired from his relatives.

On August 6, 2009, Edna filed before the RTC a petition[5] to declare Romeo presumptively dead under Article 41 of the Family Code.

During the trial, Edna was presented as the lone witness. In its October 8, 2009 Order,[6] the RTC granted the petition on the basis of her well-founded belief of Romeo's death. Hence:

WHEREFORE, premises considered, judgment is hereby rendered declaring Romeo L. Villanueva to be presumptively dead for all legal intents and purposes in accordance with Article 41 of the Family Code of the Philippines, without prejudice to his reappearance.

SO ORDERED.[7]

On August 13, 2010, the OSG filed a petition for certiorari under Rule 65 of the Rules of Court before the CA alleging grave abuse of discretion on the part of the RTC in finding that Edna had a well-founded belief that Romeo, her absent spouse, was dead. It argued that the conclusions reached by the RTC were in direct opposition to established jurisprudence, as ruled by the Court in *Republic v. Nolasco*[8] (*Nolasco*) and *U.S. v. Biasbas*[9]

On October 18, 2013, the CA dismissed the petition, holding that the RTC acted within its jurisdiction in issuing the assailed decision having been expressly clothed with the power to determine the case.[10] It also cited Article

247 of the Family Code[11] which provided for the final and immediate executory character of the decision of the RTC, acting as a family court, thus, rendering the issue of whether or not Edna had sufficiently established a well-founded belief to warrant the decree of presumptive death of her absent spouse, as moot and academic.

On November 20, 2013, the OSG filed a motion for reconsideration but the CA denied it on January 8, 2014.

Hence, this petition.

ISSUES

I.

WHETHER OR NOT THE CA ERRED IN AFFIRMING THE RTC DECISION DESPITE THE FACT THAT THE CONCLUSION REACHED BY THE RTC IS CONTRARY TO PREVAILING JURISPRUDENCE.

II.

WHETHER OR NOT THE CA ERRED IN RULING THAT THE GROUNDS RAISED BY THE PETITIONER TO ASSAIL THE RTC DECISION ARE MERE ERRORS OF JUDGMENT.[12]

The OSG argues that the CA erred in not finding grave abuse of discretion on the part of the RTC when the latter affirmed the existence of Edna's well-founded belief as to the death of her absent spouse. It claims that the evidence presented by Edna, which merely consisted of bare and uncorroborated assertions, never amounted to a diligent and serious search required under prevailing jurisprudence.

Respondent Edna, through her counsel, invokes the finality, inalterability and immutability of the RTC decision, which was affirmed by the CA.[13]

Ruling of the Court

The Court grants the petition.

Article 41 of the Family Code provides that before a judicial declaration of presumptive death may be granted, the present spouse must prove that he/she has a well-founded belief that the absentee is dead.[14] In this case, Edna failed. The RTC and the CA overlooked Edna's patent non-compliance with the said requirement.

The well-founded belief in the absentee's death requires the present spouse to prove that his/her belief was the result of diligent and reasonable efforts to locate the absent spouse and that based on these efforts and inquiries, he/she believes that under the circumstances, the absent spouse is already dead. It necessitates exertion of active effort (not a mere passive one). Mere absence of the spouse (even beyond the period required by law), lack of any news that the absentee spouse is still alive, mere failure to communicate, or general presumption of absence under the Civil Code would not suffice.[15] The premise is that Article 41 of the Family Code places upon the present spouse the burden of complying with the stringent requirement of well-founded belief which can only be discharged upon a showing of proper and honest-to-goodness inquiries and efforts to ascertain not only the absent spouse's whereabouts but, more importantly, whether the absent spouse is still alive or is already dead.[16]

This strict standard approach ensures that a petition for declaration of presumptive death under Article 41 of the Family Code is not used as a tool to conveniently circumvent the laws in light of the State's policy to protect and strengthen the institution of marriage. Courts should never allow procedural shortcuts but instead should see to it that the stricter standard required by the Family Code is met.[17]

Accordingly, in a string of cases, this Court has denied petitions for the declaration of presumptive death on the

said basis.

In *Republic of the Philippines v. Court of Appeals*,^[18] the Court ruled that the present spouse failed to prove that he had a well-founded belief that his absent spouse was already dead before he filed his petition. His efforts to locate his absent wife allegedly consisted of the following:

(1)

He went to his in-laws' house to look for her;

(2)

He sought the barangay captain's aid to locate her;

(3)

He went to her friends' houses to find her and inquired about her whereabouts among her friends;

(4)

He went to Manila and worked as a part-time taxi driver to look for her in malls during his free time;

(5)

He went back to Catbalogan and again looked for her; and

(6)

He reported her disappearance to the local police station and to the NBI.

Despite these claimed "earnest efforts," the Court still ruled against the present spouse. The Court explained that he failed to present the persons from whom he made inquiries and only reported his wife's absence after the OSG filed its notice to dismiss his petition in the RTC.

Similarly in *Republic v. Granada*,^[19] the Court ruled that the present spouse failed to prove her "well-founded belief" that her absent spouse was already dead prior to her filing of the petition. She simply did not exert diligent efforts to locate her husband either in the country or in Taiwan, where he was known to have worked. Moreover, she did not explain her omissions. In said case, the Court wrote:

The belief of the present spouse must be the result of proper and honest to goodness inquiries and efforts to ascertain the whereabouts of the absent spouse and whether the absent spouse is still alive or is already dead. Whether or not the spouse present acted on a well-founded belief of the death of the absent spouse depends upon inquiries to be drawn from a great many circumstances occurring before and after the disappearance of an absent spouse and the nature and extent of the inquiries made by the present spouse.

In *Nolasco*, the present spouse filed a petition for declaration of presumptive death of his wife, who had been missing for more than four years. He testified that his efforts to find her consisted of:

(1)

Searching for her whenever his ship docked in England;

(2)

Sending her letters which were all returned to him; and

(3)

Inquiring from their friends regarding her whereabouts, which all proved fruitless.

The Court held that the present spouse's methods of investigation were too sketchy to form a basis that his wife was already dead. It stated that the pieces of evidence only proved that his wife had chosen not to communicate with their common acquaintances, and not that she was dead.

Recently, in *Republic v. Cantor*[20] (Cantor), the Court considered the present spouse's efforts to have fallen short of the "stringent standard" and lacked the degree of diligence required by jurisprudence as she did not actively look for her missing husband; that she did not report his absence to the police or seek the aid of the authorities to look for him; that she did not present as witnesses her missing husband's relatives or their neighbors and friends, who could corroborate her efforts to locate him; that these persons, from whom she allegedly made inquiries, were not even named; and that there was no other corroborative evidence to support her claim that she conducted a diligent search. In the Court's view, the wife merely engaged in a "passive search" where she relied on uncorroborated inquiries from her in-laws, neighbors and friends. She, thus, failed to conduct a diligent search. Her claimed efforts were insufficient to form a well-founded belief that her husband was already dead.

In this case, Edna claimed to have done the following to determine the whereabouts and the status of her husband:

- She took a vacation/leave of absence from her work and returned to the Philippines to look for her husband.
- She inquired from her parents-in-law in Iligan City and from their common friends in the same city and in Valencia City.
- She went as far as the birthplace of her husband in Escalante, Negros Oriental, so she could inquire from her husband's relatives.

Despite her efforts, she averred that she received negative responses from them because none of them had knowledge of the existence of her husband who had been missing for 15 years.

Applying the standard set forth by the Court in the previously cited cases, particularly *Cantor*, Edna's efforts failed to satisfy the required well-founded belief of her absent husband's death.

Her claim of making diligent search and inquiries remained unfounded as it merely consisted of bare assertions without any corroborative evidence on record. She also failed to present any person from whom she inquired about the whereabouts of her husband. She did not even present her children from whom she learned the disappearance of her husband. In fact, she was the lone witness. Following the basic rule that mere allegation is not evidence and is not equivalent to proof,[21] the Court cannot give credence to her claims that she indeed exerted diligent efforts to locate her husband.

Moreover, no document was submitted to corroborate the allegation that her husband had been missing for at least fifteen (15) years already. As the OSG observed, there was not even any attempt to seek the aid of the authorities at the time her husband disappeared. In *Cantor*, the present spouse claimed to have sought the aid of the authorities or, at the very least, reported his absence to the police.[22] Yet, the Court denied her pleas.

Verily, it makes sense to conclude that her efforts were not diligent and serious enough to give meaning to her well-founded belief that Romeo was already dead. Suffice it to state that her petition should have been denied at the first instance. The RTC, however, granted it, reasoning

xxx that it was in 1993 when the petitioner while abroad heard the news from her children that her husband left their conjugal home xxx without informing the children nor communicating with the herein petitioner as to the reasons why he left their family abode nor giving them any information as to his whereabouts; that herein petitioner took vacation/leave of absence from her work and return to the Philippines, in order to look for her

husband and made some inquiries with her parents-in-law in Iligan City, from their common friends in Iligan City and in Valencia City, and even went as far as the birthplace of her husband, particularly at Escalante, Negros Oriental, inquiring from her husband's relatives, but she only got negative response from them since none of them have any knowledge as to the present existence of her husband that since the year 1993 up to the present, a period of about fifteen [15] years have elapsed, the person and the body of petitioner's husband could not be found, located nor traced as there is no any information as to his existence or whereabouts.[23]

Worse, the CA affirmed the RTC decision when it dismissed the petition for certiorari filed by the OSG. The CA should have realized the glaring and patent disregard by the RTC of the rulings in similar situations where petitions for declaration of presumptive death have been denied by this Court. By declaring Romeo presumptively dead, the CA clearly ignored this Court's categorical pronouncements.

WHEREFORE, the petition is GRANTED. Accordingly, the October 18, 2013 Decision and the January 8, 2014 Resolution of the Court of Appeals are hereby REVERSED and SET ASIDE. The petition of respondent Edna Orcelino-Villanueva to have her husband declared presumptively dead is DENIED.

SO ORDERED.

Carpio, (Chairperson), Brion, and Perlas-Bernabe,[*] JJ., concur.

[*] Designated Acting Member in lieu of Associate Justice Mariano C. Del Castillo, per Special Order No. 2115, dated July 22, 2015.

[1] Rollo, pp. 27-35. Penned by Associate Justice Edward B. Contreras, with Associate Justices Edgardo T. Lloren and Marie Christine Azcarraga Jacob, concurring.

[2] Id. at 36-37.

[3] Id. at 48-49. Penned by Judge Centiles Bacal.

[4] The Family Code, Art. 41. A marriage contracted by any person during the subsistence of a previous marriage shall be null and void, unless before the celebration of the subsequent marriage, the prior spouse had been absent for four consecutive years and the spouse present had a well-founded belief that the absent spouse was already dead. In case of disappearance where there is danger of death under the circumstances set forth in the provision of Article 391 of the Civil Code, an absence of only two years shall be sufficient.

For the purpose of contracting the subsequent marriage under the preceding paragraph, the spouse present must institute a summary proceeding as provided in this Code for the declaration of presumptive death of the absentee, without prejudice to the effect of reappearance of the absent spouse.

[5] Rollo, pp. 38-40.

[6] Id. at 48-49. Penned by Judge Josefina Gentiles Bacal.

[7] Id. at 49.

[8] G.R. No. 94053, March 17, 1993, 220 SCRA 20.

[9] 25 Phil. 71 (1913).

[10] Rollo, p. 34.

[11] The Family Code, Art. 247. The judgment of the court shall be immediately final and executory.

[12] Rollo, pp. 14-15.

[13] Id. at 66-70.

[14] Republic v. Cantor, G.R. No. 184621, December 10, 2013, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2013/december2013/184621.pdf>> (Last visited: April 28, 2015).

[15] Id.

[16] Id., citing Republic of the Philippines v. Court of Appeals (Tenth Div.), 513 Phil. 391, 397-398 (2005).

[17] Republic v. Cantor, supra note 14.

[18] 513 Phil. 391 (2005).

[19] G.R. No. 187512, June 13, 2012, 672 SCRA 432, 444-445.

[20] Supra note 14.

[21] Republic v. Cantor, supra note 14, citing Guidangen v. Wooden, G.R. No. 174445, February 15, 2012, 666 SCRA 119, 131.

[22] Supra note 14.

[23] Rollo, pp. 48-49.

DISSENTING OPINION

LEONEN, J.:

Edna Orcelino-Villanueva (Edna) was a domestic helper based in Singapore. In 1993, she came home immediately after she heard news from her children that her husband, Romeo L. Villanueva (Romeo), left their conjugal dwelling. She came home, leaving her work, for the purpose of looking for her husband and taking care of her children. She had limited resources for her search.

For 15 or 16 years, she endured the absence of her husband. Within those long years, whether in good times or bad, she never heard from him. He did not discharge any of his duties as husband.

In ruling against her and concluding that she did not search hard enough for Romeo, the majority fails to appreciate several crucial facts:

First, Edna turned away from her livelihood, her modest means of subsistence, just to search for Romeo.

Second, Edna did not only embark on a token search. She did not limit herself to her parents-in-law and to common friends in Iligan City, the place where she and Romeo were married. Edna went all the way to Romeo's birthplace, which was Escalante, Negros Oriental. There, she inquired from Romeo's relatives as to his whereabouts.

Third, 15 or 16 years had passed since Edna was told that Romeo had gone missing when she filed her Petition to declare Romeo presumptively dead. If Edna merely intended to use a petition for declaration of presumptive death as a convenient means for circumventing laws that protect the institution of marriage, it is astounding that she would await the inconvenience of 15 or 16 years.

Edna established a well-founded belief that her husband, Romeo, is already dead.

I vote to sustain the assailed October 18, 2013 Decision[1] and January 8, 2014 Resolution[2] of the Court of Appeals in CA-G.R. SP No. 03768-MIN, affirming the October 8, 2009 Judgment[3] of the Regional Trial Court, Branch 10, Malaybalay City, Bukidnon, declaring Romeo presumptively dead pursuant to Article 41 of the Family Code.

I reiterate the position I articulated in my dissent to *Republic of the Philippines v. Cantor*. [4] I maintain that a strict standard should not be used in evaluating the efforts made by a spouse to ascertain the status and whereabouts of an absent spouse. The marital obligations provided for by the Family Code require the continuing presence of each spouse. A spouse is well to suppose that this shall be resolutely fulfilled by the other spouse. Failure to do so for the period established by law gives rise to the presumption that the absent spouse is dead, thereby enabling the spouse present to remarry.

Article 41 of the Family Code provides:

Art. 41. A marriage contracted by any person during subsistence of a previous marriage shall be null and void, unless before the celebration of the subsequent marriage, the prior spouse had been absent for four consecutive years and the spouse present has a well-founded belief that the absent spouse was already dead. In case of disappearance where there is danger of death under the circumstances set forth in the provisions of Article 391 of the Civil Code, an absence of only two years shall be sufficient.

For the purpose of contracting the subsequent marriage under the preceding paragraph the spouse present must institute a summary proceeding as provided in this Code for the declaration of presumptive death of the absentee, without prejudice to the effect of reappearance of the absent spouse.

Article 41's requirement of a well-grounded belief calls for an inquiry into a spouse's state of mind.[5] Otherwise abstract, one's state of mind can only be ascertained through overt acts.

Article 41 requires this belief to be "well-grounded." It therefore requires nothing more than for a spouse to have a "reasonable basis for holding to such belief." [6] Article 41 relies on a basic and plain test: rationality.[7]

What is rational in each case depends on context. Rationality is not determined by the blanket imposition of pre-conceived standards. Rather, it is better determined by an appreciation of a person's unique circumstances.[8]

Moreover, all that Article 41 calls to sustain is a presumption. By definition, there is no need for absolute certainty. A presumption is, by nature, favorable to a party and dispenses with the burden of proving. Consequently, neither is there a need for conduct that establishes such a high degree of cognizance that what is established is proof, and no longer a presumption:

In declaring a person presumptively dead, a court is called upon to sustain a presumption, it is not called upon to conclude on verity or to establish actuality. In so doing, a court infers despite an acknowledged uncertainty. Thus, to insist on such demanding and extracting evidence to "show enough proof of a well-founded belief, is to insist on an inordinate and intemperate standard.[9]

It is improper for the majority to insist upon the same "strict standard approach"[10] that was relied on in *Cantor* and conclude that Edna's efforts "were not diligent and serious enough." [11] The majority fails to appreciate several crucial facts in this case that define the limits of her situation.

Edna's lack of resources appears in the records. She only had the ability to present herself as witness.

Concededly, Edna could have engaged in other efforts—asking for the help of police officers, filing a formal missing-person report, announcing Romeo's absence in radio or television programs—as would show how

painstakingly she endeavored to search for Romeo. Insisting on Edna to have also made these efforts, however, is to insist that she act in an ideal manner. It takes her away from her own reality and requires her to fulfill pre-conceived notions of what satisfies notice. It fails to appreciate the merit of the lengths she actually went through to search for Romeo.

Unless Edna had the ability to gain access to radio or television programs with nationwide coverage or ensure that her notices were posted in all precincts, then requiring this type of search would have been futile and economically wasteful. If we are to lend truth to the concept of social justice, we have to make judgments based on her context. To reiterate, she is one of the millions who had to go abroad to earn a more prosperous life for herself and her children. She had to cut short her employment to come home and make an honest search for her husband. To require her to squander more time and money to reach media and the police would have been economically expensive for her. The law should be interpreted in the context of reality—and ours is different from Edna's.

Edna was an abandoned wife whose husband was missing for 15 or 16 years. Her search for Romeo began more than two decades ago in a province in Mindanao, far removed from this nation's capital. She was an overseas Filipino worker, a domestic helper, who was compelled to return to the Philippines to tend to a missing husband. Twenty-two years ago, when she embarked on her search, she could not have been aided by the convenience of ready access to communication networks. To go to her husband's birthplace and inquire from his relatives, she could not have merely boarded an hour-long flight; she must have endured hours, even days at sea. It is in light of these human realities that Edna's efforts must be appreciated.

This court must realize that insisting upon an ideal will never yield satisfactory results. A stringent evaluation of a party's efforts made out of context will always reveal means through which a spouse could have 'done more' or walked the proverbial extra mile to ascertain his or her spouse's whereabouts. A reason could always be conceived for concluding that a spouse did not try 'hard enough.'

So, too, insisting on Edna's perceived shortcomings unjustly puts the blame on her and undermines the shortcoming that Romeo himself committed. All marital obligations recognized in the Family Code are predicated upon each spouse's presence. The primordial marital obligation is "to live together, observe mutual love, respect and fidelity, and render mutual help and support."^[12] As I explained in my dissent in Cantor:

The opinions of a recognized authority in civil law, Arturo M. Tolentino, are particularly enlightening: Meaning of "Absent" Spouse. - The provisions of this article are of American origin, and must be construed in the light of American jurisprudence. An identical provision (except for the period) exists in the California civil code (section 61); California jurisprudence should, therefore, prove enlightening. It has been held in that jurisdiction that, as respects the validity of a husband's subsequent marriage, a presumption as to the death of his first wife cannot be predicated upon an absence resulting from his leaving or deserting her, as it is his duty to keep her advised as to his whereabouts. The spouse who has been left or deserted is the one who is considered as the 'spouse present'; such spouse is not required to ascertain the whereabouts of the deserting spouse, and after the required number of years of absence of the latter, the former may validly remarry.

Precisely, it is a deserting spouse's failure to comply with what is reasonably expected of him/her and to fulfil the responsibilities that are all but normal to a spouse which makes reasonable (i.e., well-grounded) the belief that should he/she fail to manifest his/her presence within a statutorily determined reasonable period, he/she must have been deceased. The law is of the confidence that spouses will in fact "live together, observe mutual love, respect and fidelity, and render mutual help and support" such that it is not the business of the law to assume any other circumstance than that a spouse is deceased in case he/she becomes absent.^[13]

It is Romeo who has been absent. In so doing, he is rightly considered to be no longer in a position to perform his

marital obligations to Edna. Having been absent for the statutorily prescribed period despite his legal obligations as a married spouse, Romeo should be rightly considered presumptively dead.

The majority burdened itself with ensuring that petitions for declaration of presumptive death are not used as procedural shortcuts that undermine the institution of marriage. While this is a valid concern, the majority goes to unnecessary lengths to discharge this burden. Article 41 of the Family Code concedes that there is a degree of risk in presuming a spouse to be dead, as the absent spouse may, in fact, be alive and well. Thus, Article 41 provides that declarations of presumptive death are "without prejudice to the reappearance of the absent spouse." The state is thus not bereft of remedies.

Consistent with this, Article 42 of the Family Code provides for the automatic termination of the subsequent marriage entered into by the present spouse should the absent spouse reappear:

Art. 42. The subsequent marriage referred to in the preceding Article shall be automatically terminated by the recording of the affidavit of reappearance of the absent spouse, unless there is a judgment annulling the previous marriage or declaring it void ab initio.

A sworn statement of the fact and circumstances of reappearance shall be recorded in the civil registry of the residence of the parties to the subsequent marriage at the instance of any interested person, with due notice to the spouses of the subsequent marriage and without prejudice to the fact of reappearance being judicially determined in case such fact is disputed.

Moreover, in *Santos v. Santos*,^[14] we recognized that in cases where a declaration of presumptive death was fraudulently obtained, the subsequent marriage shall not only be terminated, but all other effects of the declaration nullified by a successful petition for annulment of judgment:

The proper remedy for a judicial declaration of presumptive death obtained by extrinsic fraud is an action to annul the judgment. An affidavit of reappearance is not the proper remedy when the person declared presumptively dead has never been absent.

....

Therefore, for the purpose of not only terminating the subsequent marriage but also of nullifying the effects of the declaration of presumptive death and the subsequent marriage, mere filing of an affidavit of reappearance would not suffice.^[15]

The majority is gripped with the apprehension that a petition for declaration of presumptive death may be availed of as a dangerous expedient. Nothing, in this case, sustains fear. A misplaced anxiety is all that there is. As things stand, Edna has shown facts that warrant a declaration that Romeo is presumptively dead. Proceeding from these merits, this Petition must be denied.

ACCORDINGLY, I vote to DENY the Petition. The Decision of the Court of Appeals in CA-G.R. SP No. 03768-MIN, affirming the October 8, 2009 Judgment of the Regional Trial Court, Branch 10, Malaybalay City, Bukidnon, declaring Romeo L. Villanueva presumptively dead pursuant to Article 41 of the Family Code, must be affirmed.

[1] Rollo, pp. 27-35. The Decision was penned by Associate Justice Edward B. Contreras and concurred in by Associate Justice Edgardo T. Lloren and Associate Justice Marie Christine Azcarraga Jacob.

[2] Id. at 36-37.

[3] Id. at 48-49. The Judgment was penned by Judge Josefina Centiles Bacal.

[4] J. Leonen, Dissenting Opinion in Republic of the Philippines v. Cantor, G.R. No. 184621, December 10, 2013, 712 SCRA 1, 35-53 [Per J. Brion, En Banc].

[5] Republic v. Court of Appeals and Alegro, 513 Phil. 391 (2005) [Per J. Callejo, Sr., Second Division].

[6] J. Leonen, Dissenting Opinion in Republic v. Cantor, G.R. No. 184621, December 10, 2013, 712 SCRA 1, 48 [Per J. Brion, En Banc].

[7] Id.

[8] Id.

[9] Id.

[10] Ponencia. p. 5.

[11] Id. at 7.

[12] FAMILY CODE, art. 68

[13] J. Leonen, Dissenting Opinion in Republic v. Cantor, G.R. No. 184621, December 10, 2013, 712 SCRA 1, 51-52 [Per J. Brion, En Banc], citing 1 ARTURO M. TOLENTINO, Commentaries and Jurisprudence on the Civil Code of the Philippines, 281-282 (1990), citing People v. Glab, 13 App. (2d) 528, 57 Pac. (2d) 588 and Harrington Estate, 140 Cal. 244, 73 Pac. 1000; and FAMILY CODE, art. 68.

[14] G.R. No. 187061, October 8, 2014, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2014/october2014/187061.pdf>> [Per J. Leonen, Second Division].

[15] Id. at 1-10.

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