

**SPOUSES RAMON C. FERREROS AND DULCE T. FERREROS,
PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES, LOCAL CIVIL
REGISTRY, MANILA, LOCAL CIVIL REGISTRY, QUEZON CITY, OUR
LADY OF LOURD...**

G.R. No. 276941, April 07, 2026

Ponente: LOPEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-276941/>

LOPEZ, J.:

This Court resolves a Petition for Review on Certiorari[1] assailing the Decision[2] and Resolution[3] of the Court of Appeals (CA) which found no grave abuse of discretion in the Order[4] of the Regional Trial Court (RTC) dismissing the Petition[5] for cancellation of entry in the Civil Registry filed by Ramon C. Ferreros and Dulce T. Ferreros (Spouses Ferreros) for lack of jurisdiction.

The Antecedents

On March 20, 1989, Spouses Ferreros were married in the Philippine Independent Church in Sta. Cruz, Manila. Unknown to them, at the time of their marriage ceremony, they did not have a valid marriage license. Consequently, the absence of marriage license was indicated in their marriage contract. After, the Philippine Independent Church reported to the Local Civil Registry of Manila that the marriage of Spouses Ferreros was celebrated without a marriage license.[6]

Subsequently, Spouses Ferreros learned that their marriage was celebrated without the requisite marriage license. In believing that their marriage was void due to the absence of marriage license, they decided to get married again on October 3, 1995 in Our Lady of Lourdes Church in Quezon City as evinced by their marriage certificate.[7] This time, their marriage had all the essential and formal requisites of a valid marriage.[8]

On September 7, 2022, Spouses Ferreros filed a Petition[9] for cancellation of entry in the Civil Registry before the RTC for the cancellation of their previous marriage due to the absence of a marriage license. The RTC disposed as follows:

Considering that: a.) the allegations and reliefs prayed for in the instant petition apparently seek to declare petitioners' previous marriage as void ab initio for lack of a marriage license which falls within the exclusive original jurisdiction of the Family Court, and b.) even assuming that the petition was properly filed under Rule 108 of the Rules of Court, the same still failed to specifically implead all the indispensable parties pursuant to Section 3 of the said Rule, the instant petition is hereby dismissed without prejudice.

SO ORDERED.[10]

The RTC held that the Petition filed by Spouses Ferreros falls within the jurisdiction of Family Courts because they sought to declare their previous marriage as void from the beginning due to the absence of a marriage license. Also, even if the Petition falls under Rule 108, Section 1 of the Rules of Court,[11] it is still dismissible because Spouses Ferreros failed to implead all the indispensable parties in their Petition, pursuant to Rule 108,

Section 3 of the Rules of Court.[12] Thus, the RTC dismissed the said Petition without prejudice to refiling the case.

Subsequently, on October 14, 2022, Spouses Ferreros filed an Amended Petition[13] to include the Local Civil Registry of Quezon City. Then, on October 18, 2022, Spouses Ferreros filed a Motion for Reconsideration, which was also denied by the RTC in its Order.[14]

Aggrieved, Spouses Ferreros filed a Petition for Certiorari and Mandamus[15] to the CA. The CA disposed the case as follows:

WHEREFORE, the Petition for [Certiorari] filed by Spouses Ramon C. Ferreros and Dulce T. Ferreros is DENIED. Accordingly, the Order dated September 29, 2022 and the Order dated November 8, 2022 of the Regional Trial Court of Manila City, Branch 50 in Spec. Proc. No. R-MNL-22-07319-SP is hereby AFFIRMED.

SO ORDERED.[16]

Undeterred, Spouses Ferreros filed a Motion for Reconsideration, which was likewise denied by the CA in a Resolution.[17]

The CA ruled that the lone issue raised by Spouses Ferreros that their previous marriage should be declared void ab initio is within the exclusive and original jurisdiction of Family Courts. Thus, the RTC did not act with grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing the Petition because the allegations and reliefs prayed for by Spouses Ferreros, fall under the exclusive jurisdiction of the Family Courts.

Hence, Spouses Ferreros filed the instant Petition.

On March 14, 2025, this Court required respondents to file their Comment on this Court's February 24, 2025 Resolution within 10 days from notice. In its Comment,[18] the Office of the Solicitor General (OSG) stated that petitioners' resort to a Petition for cancellation of entry in the Civil Registry under Rule 108 of the Rules of Court to declare their first marriage void ab initio due to lack of marriage license is an improper remedy and cannot substitute for a Petition for declaration of absolute nullity of void marriage under A.M. No. 02-11-10-SC.

The OSG underscored that courts do not order the cancellation of marriage contracts even if they find the marriage void ab initio. The Family Court typically orders the Local Civil Registry to register their decision on the marriage certificate. Thus, if the appropriate Family Court finds merit in a petition, it will render a decision which the Local Civil Registry will annotate in the marriage contract.[19]

In their Reply,[20] petitioners contended that there is no necessity of a judicial decree to declare the marriage without marriage license void ab initio before they can validly file a petition for cancellation of the entry in the Civil Register of their marriage contract entered into without marriage license under Rule 108 of the Rules of Court.[21]

On November 7, 2025, considering that respondent Our Lady of Lourdes Church failed to file its comment within the period specified by this Court in its March 14, 2025 Notice, this Court issued a Resolution[22] requiring respondent Our Lady of Lourdes Church to show cause why it should not be held liable in contempt of court.

On December 11, 2025, respondent Our Lady of Lourdes Church filed its Compliance and Comment[23] stating that their parish office personnel, not being well-versed in law, did not inform the parish priest or the rector regarding this Court's Resolution. He failed to realize the nature and importance of this Court's Resolution requiring them to file their Comment on this Court's February 24, 2025 Resolution. Respondent Our Lady of Lourdes Church confirms that Spouses Ferreros celebrated their wedding at Our Lady of Lourdes Church on

October 3, 1995 with a marriage license.

Issue

The issue is whether the CA erred in dismissing the Petition for Certiorari of Ramon C. Ferreros and Dulce T. Ferreros and mandamus under Rule 65 of the Rules of Court.

This Court's Ruling

Under Rule 45 of the Rules of Court, this Court is generally limited to the review of errors of law committed by the CA. The findings of fact of the RTC, when affirmed by the CA, are binding upon this Court, unless the same are not supported by the evidence on record. In the case at bar, there is no ground to apply this exception. Clearly, this Court will not assess all over again the evidence adduced by the parties particularly whereas in this case the findings of both the RTC and the CA completely coincide.[24]

Here, petitioners argue that the Petition they filed before the RTC is not for the purpose of remarriage but for the cancellation of the entry in the civil register of Local Civil Registry in Manila because their previous marriage was void for lack of marriage license. We do not agree.

Rule 108, Sections 1 and 2 of the Rules of Court provide:

RULE 108

Cancellation Or Correction Of Entries In The Civil Registry

Section 1. Who may file petition. — Any person interested in any act, event, order or decree concerning the civil status of persons which has been recorded in the civil register, may file a verified petition for the cancellation or correction of any entry relating thereto, with the Court of First Instance of the province where the corresponding civil registry is located.

Sec. 2. Entries subject to cancellation or correction. — Upon good and valid grounds, the following entries in the civil register may be cancelled or corrected: (a) births; (b) marriages; (c) deaths; (d) legal separations; (e) Judgments of annulments of marriage; (f) judgments declaring marriages void from the beginning; (g) legitimations; (h) adoptions; (i) acknowledgments of natural children; (g) naturalization; (k) election, loss or recovery of citizenship; (l) civil interdiction; (m) judicial determination of filiation; (n) voluntary emancipation of a minor; and (o) changes of name.

The said Rule may be used only to correct clerical, spelling, typographical, and other innocuous errors in the Civil Registry. In *Republic v. Benemerito*,^[25] this Court defined a clerical error as follows:

A clerical error is one which is visible to the eyes or obvious to the understanding; an error made by a clerk or a transcriber; a mistake in copying or writing, or a harmless change such as a correction of name that is clearly misspelled or of a misstatement of the occupation of the parent. On the other hand, substantial or contentious alterations may be allowed only in adversarial proceedings, in which all interested parties are impleaded and due process is properly observed.^[26] (Citations omitted)

Moreso, in *Republic v. Olaybar*,^[27] this Court held that a trial court has no jurisdiction to nullify marriages in a special proceeding for cancellation or correction of entry under Rule 108 of the Rules of Court:

To be sure, a petition for correction or cancellation of an entry in the civil registry cannot substitute for an action to invalidate a marriage. A direct action is necessary to prevent circumvention of the substantive and procedural safeguards of marriage under the Family Code, A.M. No. 02-11-10-SC and other related laws. Among these safeguards are the requirement of proving the limited grounds for the dissolution of marriage, support pendente lite of the spouses and children, the liquidation, partition and distribution of the properties of the spouses[,] and the investigation of the public prosecutor to determine collusion. A direct action for declaration of nullity or annulment of marriage is also necessary to prevent circumvention of the jurisdiction of

the Family Courts under the Family Courts Act of 1997 (Republic Act No. 8369), as a petition for cancellation or correction of entries in the civil registry may be filed in the Regional Trial Court where the corresponding civil registry is located. In other words, a Filipino citizen cannot dissolve his marriage by the mere expedient of changing his entry of marriage in the civil registry.[28] (Citation omitted, emphasis supplied)

In a similar vein, the main cause of action of petitioners in their Petition[29] filed before the RTC is to seek the declaration of their previous marriage as void ab initio. Petitioners stated that the cancellation of the entry in the civil register or the Local Civil Registry of Manila of their marriage contract will remove the irregularities as to the validity of their marriage.[30] This action is not governed by Rule 108 of the Rules of Court but by A.M. No. 02-11-10-SC.[31] Notably, Rule 108 of the Rules of Court does not extend to cancellation of documents like the marriage contract which has the effect of declaring the marriage null and void.

Section 5(d) of Republic Act No. 8369[32] provides:

Section 5. Jurisdiction of Family Courts. — The Family Courts shall have exclusive original jurisdiction to hear and decide the following cases:

....

d)

Complaints for annulment of marriage, declaration of nullity of marriage and those relating to marital status and property relations of husband and wife or those living together under different status and agreements, and petitions for dissolution of conjugal partnership of gains[.]

In the case at bar, petitioners are seeking for the cancellation of their marriage contract because it is void ab initio due to the absence of a marriage license, and not merely to cancel a specific entry in the marriage contract. Thus, the issue of whether petitioners' marriage should be declared void ab initio is within the exclusive and original jurisdiction of the Family Courts to hear and decide.

Notably, the RTC dismissed the Petition without prejudice. Here, there was no trial on the merits as the case was dismissed due to lack of jurisdiction and petitioners could not have appealed the order of dismissal as the same was a dismissal without prejudice. Rule 41, Section 1(h), of the Rules of Court states that no appeal may be taken from an order dismissing an action without prejudice. Indeed, there is no residual jurisdiction to speak of where no appeal has even been filed.

Jurisprudence has distinguished a dismissal with prejudice from a dismissal without prejudice. The former disallows and bars the re-filing of the complaint; whereas, the same cannot be said of a dismissal without prejudice.[33] Thus, the case can be re-filed, tried, and resolved in the appropriate proceeding.

From the foregoing discussion, the RTC properly dismissed the Petition because the allegations and reliefs prayed for by petitioners fall within the exclusive and original jurisdiction of the Family Court. Nevertheless, the dismissal was made without prejudice. Hence, petitioners can re-file the same in an appropriate proceeding before the Family Court.

ACCORDINGLY, the Petition is DENIED. The Decision dated June 27, 2024 and Resolution dated October 21, 2024 of the Court of Appeals in CA-G.R. SP No. 176229 are AFFIRMED. Branch 50, Regional Trial Court, Manila has no jurisdiction to try and hear the Petition for Cancellation of Entry in the Civil Registry under Rule 108 of the Rules of Court filed by Ramon C. Ferreros and Dulce T. Ferreros. This is without prejudice to the filing of Ramon C. Ferreros and Dulce T. Ferreros of the appropriate action before the proper court.

SO ORDERED.

Leonen, SaJ. (Chairperson), Lazaro-Javier, Kho, Jr., and Villanueva, JJ., concur.

[1] Rollo, pp. 8-20.

[2] Id. at 21-29. The June 27, 2024 Decision in CA-G.R. SP No. 176229 was penned by Associate Justice Jose Lorenzo R. Dela Rosa and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Emily R. Aliño-Geluz of the Tenth Division, Manila.

[3] Id. at 31-33. The October 21, 2024 Resolution in CA-G.R. SP No. 176219 was penned by Associate Justice Jose Lorenzo R. Dela Rosa and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Emily R. Aliño-Geluz of the Former Tenth Division, Manila.

[4] Id. at 56. The September 29, 2022 Order in Spec. Proc. No. R-MNL-22-07319-SP was penned by Judge Bibiano G. Colasito of Branch 50, Regional Trial Court, Manila.

[5] Id. at 50-54.

[6] Id. at 22.

[7] Id. at 37.

[8] Id. at 22.

[9] Id. at 50-54.

[10] Id. at 56.

[11] RULES OF COURT, Rule 108, sec. 1 states:

Section 1. Who may file petition. — Any person interested in any act, event, order or decree concerning the civil status of persons which has been recorded in the civil register, may file a verified petition for the cancellation or correction of any entry relating thereto, with the Court of First Instance of the province where the corresponding civil registry is located.

[12] RULES OF COURT, Rule 108, sec. 3 states:

Sec. 3. Parties. — When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.

[13] Rollo, pp. 77-86.

[14] Id. at 23.

[15] Id. at 67-86.

[16] Id. at 28.

[17] Id. at 31-33.

[18] Id. at 111-119.

[19] Id. at 117.

[20] Id. at 124-129.

[21] Id. at 126.

[22] Id. at 135-136.

[23] Compliance and Comment, pp. 1-7. This comment is covered by e-Court PH.

[24] *Gatan v. Vinarao*, 820 Phil. 257, 273-274 (2017) [Per J. Leonardo De Castro, First Division].

[25] 469 Phil. 508 (2004) [Per J. Vitug, Third Division].

[26] Id. at 513.

[27] 726 Phil. 378 (2014) [Per J. Peralta, Third Division].

[28] Id. at 387-388.

[29] *Rollo*, pp. 50-54.

[30] Id. at 52.

[31] *Re: Proposed Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages* (2003).

[32] *Family Courts Act of 1997*.

[33] *Strongworld Construction Corp., v. Judge Perello*, 528 Phil. 1080, 1093 (2006) [Per J. Chico-Nazario, First Division].

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.