

**LIM LA AND ABDONA VILLANUEVA, PLAINTIFFS AND APPELLEES,
VS. GABINO QUINTERO, DEFENDANT AND APPELLANT.***G. R. No. 9063. September 18, 1915*

Ponente: JOHNSON, J.

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This was an action to annul the marriage between Maria de la Paz Villanueva and the defendant, Gabino Quintero. The action was commenced on the 17th of August, 1912, in the Court of First Instance of the city of Manila. There is no dispute about the facts upon which the action is based. The defendant admitted that the facts stated in the complaint were true, but contended that they were not sufficient to justify the annulment of the marriage. The important facts in question, as found in the complaint, are as follows:

"(I) That the plaintiffs are the mother and father respectively of Maria de la Paz Villanueva, otherwise called Paz Adolfo; that the said Paz Villanueva is a minor of 14 years of age, or less than 18 years of age. (II) That Maria de la Paz Villanueva was married to Gabino Quintero under the name of Paz Adolfo on the 12th of August, 1912, in the Evangelical National Church of Manila, P. I., by Marcelino Briosos, without either the consent or knowledge of either or both of the plaintiffs, the parents of the said Maria Paz Villanueva: This is evidenced by said certificate which is duly attached to this complaint and which sets forth her name, age, and the consent of her parents as the law requires. (III) For these reasons the plaintiff or plaintiffs pray the court to decree that the marriage must be annulled and that the court grant such other remedies as it may deem just and equitable"

After hearing the evidence, the Honorable A. S. Crossfield, judge, rendered a judgment in which he annulled the marriage between the said Maria de la Paz Villanueva (alias Paz Adolfo) and the said Gabino Quintero, with costs against the defendant. From that judgment the defendant appealed to this court. This appellant was permitted to litigate as a "pobre."

The decision of the lower court was based upon the fact that the marriage of Maria de la Paz Villanueva (alias Paz Adolfo) with Gabino Quintero was void because the parents had not given their consent. Maria de la Paz Villanueva (alias Paz Adolfo) was fourteen years of age at the time of her marriage. Her parents swore positively that they had not given their consent to her marriage.

The present is riot the first case which has been brought to this court, in which the parties have attempted to nullify a marriage because of the failure of the consent of the parents. In the case of *Aguilar vs. Lazaro* (4 Phil. Rep., 735) the action was brought to secure a declaration of the nullity of the marriage, upon the ground that the parents had not given their consent. Upon a consideration of the question, this court said: "The marriage of a man over fourteen years of age to a woman over twelve years of age is valid by the terms of General Orders No. 68, and can not be declared a nullity because the consent of the parents was not obtained."

The case of *Lerma vs. Mamaril* (9 Phil. Rep., 118) is very similar to the present case. In that case the court again refused to annul a marriage which had taken place without the consent of the parents. In the case of *United States vs. Lomongsod* (21 Phil. Rep., 474) we again reiterated the doctrine announced in the cases of *Aguilar vs. Lazaro*,

and Lerma vs. Mamaril. We find no reason, in the argument of the appellee, for modifying the doctrine announced in the foregoing decisions. Basing our conclusions upon the foregoing decisions, the judgment of the lower court must be revoked, and it is hereby ordered and decreed that a judgment be entered revoking the judgment of the lower court, and without any finding as to costs, it is so ordered.

Arellano, C. J., Torres, Carlson, Trent, and Araullo, JJ., concur.

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