

## THIRD DIVISION

[ G.R. No. 112597, April 02, 1996 ]

**VIRGINIA A. LEONOR, PETITIONER, VS. COURT OF APPEALS,  
HON. ROLINDO D. BELDIA, JR., AS PRESIDING JUDGE OF THE  
REGIONAL TRIAL COURT OF SAN CARLOS CITY, BRANCH 57, AND  
MAURICIO D. LEONOR, JR., RESPONDENTS.**

### DECISION

#### **PANGANIBAN, J.:**

Is a judgment voiding a marriage and rendered by the regional trial court under Rule 108 of the Rules of Court valid and proper? May its validity be challenged by the wife in a petition for *certiorari* against the husband who abandoned her and who is now living abroad with a foreign woman?

These are the two main issues that were posed before this Court in this petition for review seeking a partial reversal of the Decision<sup>[1]</sup> of the Court of Appeals<sup>[2]</sup> promulgated September 30, 1993 in CA-G.R. SP No. 30606 and its Resolution<sup>[3]</sup> promulgated November 11, 1993, which denied petitioner's motion for partial reconsideration of the Decision.

#### **The Facts**

Petitioner Virginia A. Leonor was married to private respondent Mauricio D. Leonor, Jr., in San Carlos City on March 13, 1960. Out of the union, three children, Mauricio III, Ned and Don, were born. The spouses were separated for a substantial part of their married life for, while Mauricio resided in Switzerland studying and working, Virginia stayed in the Philippines working as a nurse in Laguna. Mauricio became unfaithful and lived with a certain Lynda Pond abroad. This induced petitioner to institute a civil action in Geneva, Switzerland for separation and alimony. Private respondent counter-sued for divorce.

On February 14, 1991, the lower Cantonal Civil Court of Switzerland pronounced the divorce of the spouses Leonor but reserved the liquidation of the matrimonial partnership. The said Swiss Court denied alimony to petitioner. In a letter to the lower Cantonal Civil Court dated March 1, 1991, Mauricio, for the first time, raised the issue of the alleged non-existence of the marriage between him and Virginia. Meanwhile, Virginia learned that the solemnizing officer in the Philippines, Justice of the Peace Mabini Katalbas, failed to send a copy of their marriage contract to the Civil Registrar of San Carlos City for registration. Hence, on July 11, 1991, Virginia applied for the late registration of her marriage. The Civil Registrar, finding said application in order, granted the same.

On appeal to the higher Cantonal Civil Court, Mauricio asked for the cancellation of his marriage in the Philippines. On January 17, 1992, the higher Cantonal Civil Court

granted petitioner alimony, prompting Mauricio to elevate the matter on appeal to the Federal Court of Switzerland, In its decision dated July 9, 1992, the Federal Court affirmed the decision of the higher Cantonal Civil Court.<sup>[4]</sup>

On May 22, 1992, Mauricio, represented by his brother Teodoro Leonor, filed a petition for the cancellation of the late registration of marriage in the civil registry of San Carlos City with the Regional Trial Court, Branch 59, San Carlos City (Special Proceeding No. RTC- 144). Given as grounds for the cancellation were the tardiness of the registration and the nullity of his marriage with Virginia "due to the non-observance of the legal requirements for a valid marriage." Mauricio's petition was filed pursuant to Rule 108 of the Rules of Court.

After several hearings and on December 14, 1992, the trial court rendered judgment<sup>[5]</sup> declaring said marriage null and void for being sham and fictitious. The dispositive portion of said decision reads:

"AND IN THE LIGHT OF THE FOREGOING, this Court finds and orders that the registration of the marriage contract between Mauricio Leonor, Jr. and Virginia Amor dated March 13, 1960 must be canceled in (sic) the Books of the Local Civil Registry of San Carlos City for being a null and void marriage not in accordance with a (sic) New Civil Code under Articles 52, 53 and 55 now presently amended by the Family Code of the Philippines, Executive Order No. 209 as amended by Executive Order No. 227, without pronouncement as to cost."

Virginia received notice of the decision on January 4, 1993, and on January 15, 1993, she filed her notice of appeal.

On February 24, 1993, the trial court, on motion of Mauricio's counsel, issued an order<sup>[6]</sup> dismissing Virginia's appeal on the ground that she had failed to file a record on appeal within thirty days and had thus failed to perfect her appeal. It was the erroneous holding of the trial court that in special proceedings, a record on appeal was an indispensable requisite under Rule 19, Section 6 of the Interim Rules and Guidelines in relation to Rule 109 of the Rules of Court. Such failure, according to respondent Judge, caused the decision to become executory.

On April 1, 1993, Virginia filed a petition for certiorari, prohibition and mandamus with the Court of Appeals (CA-G.R. SP NO. 30606) and sought the nullification of both the decision dated December 14, 1992 and the order dated February 24, 1993 of the trial court for having been issued in excess of jurisdiction and/or with grave abuse of discretion.

The Court of Appeals dismissed the petition insofar as it sought the reversal of the decision of the trial court, saying that the remedy for said purpose was an appeal, not a special civil action.

The appellate court, however, granted the petition insofar as it sought the nullification of the Order dated February 24, 1993 dismissing the appeal. Said the appellate court:

"Even so, this petition is an appropriate remedy against the dismissal of the petitioner's appeal, which dismissal we sense to be erroneous and issued in excess of jurisdiction.

xxx

xxx

xxx

"WHEREFORE, judgment is hereby rendered setting aside the questioned order of respondent judge dated February 24, 1993, with instructions to the latter to give due course to petitioner's appeal in the subject special proceeding. Costs against private respondents."

Dissatisfied with the above Decision, petitioner filed a motion for partial reconsideration asking the Court of Appeals to annul the decision of the trial court. The Court of Appeals denied the motion, stating that the central issue in the special civil action was only the validity of the trial court's order denying petitioner's right to appeal and that said issue was resolved in petitioner's favor. Further, it said that the correctness or validity of the trial court's decision should properly be resolved in the appeal.

Hence, the present recourse.

### **Issues Raised by the Parties**

The petition assailed the respondent Court's Decision and Order mentioned in the second paragraph of this Decision for alleged --

1. "Procedural Errors x x x in not finding x x x (a) that the lower court gravely abused its discretion" in recognizing the action as one for declaration of "nullity of marriage" instead of a "special proceeding for cancellation of (an) entry" in the civil registry and (b) in not finding that the "lower court had no jurisdiction (over) the issue of nullity"; and
2. "Substantive errors x x x in not finding x x x (a) that the lower court gravely erred in declaring the marriage null and void x x x and (b) x x x in disregarding the presumptions in favor of the rights of children and to the administration of the conjugal property x x x and the validity of marriage x x x."

In her Memorandum, petitioner elucidated and spiritedly argued the above grounds.

In fine, the foregoing issues could be restated as follows:

1. *Did the respondent Court err in holding that petitioner should have appealed from the trial court's decision instead of filing a petition for certiorari?*
2. *Did the respondent Court err in refusing to decide upon the merits of*

*the case, that is, to declare whether or not the judgment of the trial court is null and void? Should the Supreme Court now resolve the merits of the case, i.e., decide the issue of nullity of the assailed decision of the trial court?*

### **The Court's Ruling**

Since these issues are intimately intertwined, we shall discuss them together.

At the outset, it must be stressed that the Court of Appeals acted within its authority in simply ordering the trial court to give due course to petitioner's appeal without going into the merits of the case.

In *Municipality of Binan, Laguna vs. Court of Appeals*,<sup>[7]</sup> we held:

"Respondent Court of Appeals has no jurisdiction in a certiorari proceeding involving an incident in a case to rule on the merits of the main case itself which was not on appeal before it. x x x."

In other words, the Court of Appeals has already done its duty by declaring that the lower court gravely abused its discretion or acted without jurisdiction in refusing to give due course to petitioner's appeal. Hence, it ordered said court to allow the appeal. Once appeal is perfected, the merits of the case, i.e. the validity/nullity of the trial court's decision, would then be resolved by said Court.

Understandably, the Court of Appeals has limited itself to ruling upon the procedural question lodged before it. It cannot be seriously faulted - as petitioner vehemently did - for opting to navigate within the narrow banks of the placid waters of certiorari. For in doing so, it was strictly following established legal doctrines and precedents.

Upon the other hand, the Supreme Court is not just a toothless promoter of procedural niceties which are understood and appreciated only by lawyers and jurists. It cannot shrink from its quintessential role as the fountain of speedy, adequate and substantial justice. If the Court, as the head and guardian of the judicial branch, must continuously merit the force of public trust and confidence - which ultimately is the real source of its sovereign power, possessing neither the purse nor the sword - and if it must decisively discharge its sacred duty as the last sanctuary of the oppressed and the weak, it must, in appropriate cases like the one before us, pro-actively provide weary litigants with immediate legal and equitable relief, free from the delays and legalistic contortions that oftentimes result from applying purely formal and procedural approaches to judicial dispensations.

Pursuant to the foregoing principle and considering the peculiar circumstances of the present case which are patent on the basis of the admitted facts, as well as the undisputed copies of the pleadings presented by the parties, and especially the verified copy of the trial court's decision which loudly speaks for itself, the Court therefore resolved to make an exception to the normal procedures and to delve

deeper into the substantive issue of the validity/nullity of the trial court's proceedings and judgment. Happily, both parties had expressed a desire to have this case resolved soonest. Upon the other hand, remanding the case back to the trial court for the perfection of the appeal and requiring the parties to re-litigate in the Court of Appeals with the use of probably the same documents and arguments ventilated in the voluminous pleadings filed here would just unnecessarily clog the courts' dockets; besides, in all likelihood the parties would eventually come before this Court anyway.

Also, it must be observed that Virginia actually filed a proper Notice of Appeal which the trial court disallowed. Hence, she had no choice but to bring her petition for certiorari in the respondent Court. To constrain her to go back to said Court, this time by ordinary appeal, would be tantamount to punishing her and delaying her cause for faults not attributable to her, but rather to the manifest error of the respondent trial judge.

So, too, as will be shown shortly, the trial court's decision is really a nullity for utter want of jurisdiction. Hence, it could be challenged at any time.

It is not disputed that the original petition<sup>[8]</sup> in the trial court was for "cancellation of entry in the civil registry" of the "late registration of the marriage" between Leonor and Mauricio, "in consonance with Section 3, Rule 108 of the Rules of Court." Ground alleged for the nullity and cancellation of the marriage was "non-observance of the legal requirements for a valid marriage."

Later, on August 22, 1992, an amended petition<sup>[9]</sup> was filed adding essentially the following allegations; (a) that there was no marriage contract, (b) that the marriage was a "sham x x x to cover-up the (alleged) shame of Virginia Amor who was then pregnant," (c) that Virginia allegedly assured Mauricio that they "need not live together x x x and Mauricio need not give any support," (d) that the couple always had "trouble (and) quarrel," and (e) that Mauricio had been "transferring residence to avoid Virginia until he went abroad for good." The answer<sup>[10]</sup> of the Civil Registrar and the opposition<sup>[11]</sup> of Virginia, among others, disputed the propriety of the collateral attack against the marriage, under said Rule.

The decision<sup>[12]</sup> of the trial court is, painfully, a sophomoric and pathetic portrayal of Virginia as allegedly an "unbecoming x x x unmarried woman (who) wormed her to a (sic) heart of the matriarch of the Leonor Family x x x to summon the son Mauricio to come" to her rescue and as a scheming nurse who lured a "struggling young teacher x x x to this unwelcomed (sic) love affair." These matters, needless to say, border on the incredible, as they were brought up some thirty (30) years after the marriage was celebrated in 1960 and only after Virginia discovered her husband's infidelity. The said decision's crude attempt at literary sophistication is matched only by its jarring syntax and grammatical incongruities.<sup>[13]</sup> Insofar as this Court can figure out from the convoluted language of the decision, the trial court (a) declared the marriage null and void and (b) ordered the local civil registrar of San Carlos City to cancel its entry in the local civil registry, the sum total of which, coincidentally (and most conveniently), would enable Mauricio to show to the Swiss courts that he was never married and thus, to convince said courts to reverse their order granting alimony to his abandoned wife. Such blatant abuse and misuse of court proceedings cannot be countenanced by this Court.