

THIRD DIVISION

[G.R. No. 247576, March 15, 2021]

ROSARIO D. ADO-AN-MORIMOTO, PETITIONER, VS. YOSHIO MORIMOTO AND THE REPUBLIC OF THE PHILIPPINES RESPONDENTS.

DECISION

LEONEN, J.:

A simulated marriage used as a front for illicitly obtaining benefits is totally inexistent, as the parties to it have no genuine intent to enter into marital relations. Courts must recognize such a marriage as void. To insist on its validity is to enable a greater affront to the institution of marriage than the perceived dangerous tendency of readily declaring it null.

This Court resolves a Petition for Review on Certiorari^[1] under Rule 45 of the 1997 Rules of Civil Procedure praying that the assailed Court of Appeals Decision^[2] and Resolution^[3] be reversed and set aside, and that judgment be rendered declaring petitioner Rosario D. Ado-an-Morimoto's (Rosario) registered marriage to respondent Yoshio Morimoto (Yoshio) be declared null and void.

The assailed Court of Appeals Decision denied^[4] Rosario's appeal from the January 7, 2016 Regional Trial Court Decision,^[5] which denied her Petition for Declaration of Nullity of Marriage. Subsequently, the assailed Court of Appeals Resolution denied Rosario's Motion for Reconsideration.^[6]

Rosario recalls that sometime before December 2007, a friend introduced her to Yoshio as one with whom she can simulate marriage as a way to facilitate her acquisition of a Japanese visa.^[7] She acceded. Thus, on December 5, 2007, she and Yoshio met at the Manila City Hall. There, they signed a blank marriage certificate, but were assured by the solemnizing officer that the certificate will never be registered or recorded in the Civil Registry. It was the last time she saw Yoshio.^[8]

Sometime later, Rosario went to the Philippine Statistics Authority to secure a Certificate of No Marriage. To her surprise, she found out that a Certificate of Marriage, registered in the City of San Juan, indicates that she married Yoshio on December 5, 2007, in a ceremony officiated by a certain Reverend Roberto Espiritu. It also appears that the marriage was predicated on Marriage License No. 6120159, issued by the Office of the Civil Registry of San Juan.^[9]

On October 5, 2009, Rosario filed a Petition for Declaration of Nullity of Marriage before the Quezon City Regional Trial Court. She maintained that the marriage attested to by the marriage certificate she discovered never actually happened and

was never backed by a marriage license.^[10]

On September 21, 2011, prior to trial, the Assistant City Prosecutor issued a Report stating that there is no collusion between Rosario and Yoshio to obtain a favorable ruling from the Regional Trial Court.^[11]

During trial, Rosario presented the following documents as evidence: (1) the Certificate of Marriage attesting to her supposed marriage to Yoshio;^[12] (2) a June 17, 2008 Certification issued by the Office of the Civil Registrar, National Statistics Office, to the effect that "said office mistakenly [stated] that a marriage was solemnized between [Rosario and Yoshio];"^[13] and (3) a June 4, 2009 Certificate issued by the Office of the Civil Registrar, San Juan City, which states that "no record of Marriage License No. 6120159 was issued the parties[.]"^[14] She also presented the testimony of Mary Ann C. Chico, Registration Officer III of the Office of the Civil Registrar, San Juan City, who authenticated the June 4, 2009 Certificate issued by the office.^[15]

On January 7, 2016, the Regional Trial Court issued a Decision^[16] denying Rosario's Petition.

Following the denial of her Motion for Reconsideration,^[17] Rosario filed an appeal before the Court of Appeals.

In its assailed October 10, 2018 Decision,^[18] the Court of Appeals denied Rosario's appeal. In its assailed April 25, 2019 Resolution,^[19] the Court of Appeals denied Rosario's Motion for Reconsideration.

Hence, Rosario filed the present Petition.^[20] She maintains that the marriage attested to by the marriage certificate she discovered never actually happened, and that it was never backed by a marriage license.

For this Court's resolution is the issue of whether or not the registered marriage between petitioner Rosario D. Ado-an-Morimoto and respondent Yoshio Morimoto should be declared null and void.

This Court finds the supposed marriage between petitioner and respondent Yoshio to have been simulated and utterly lacking in essential and formal requisites. It is void *ab initio*. Thus, it was error for the Court of Appeals and the Regional Trial Court to rule against the Petition for Declaration of Nullity of Marriage.

I

The Family Code provides for the essential and formal requisites of marriage. It further stipulates that marriages lacking any essential or formal requisite are void *ab initio* (with the exception of marriages "solemnized by any person not legally authorized to perform marriages [where] either or both parties believ[ed] in good faith that the solemnizing officer had the legal authority to do so"^[21]), that marriages attended by a defective essential requisite are voidable, and that marriages attended by an irregularity as to formal requisites are valid, subject to

the potential criminal, civil, or administrative liability of those responsible for the irregularity:

ARTICLE 2. No marriage shall be valid, unless these essential requisites are present:

- (1) Legal capacity of the contracting parties who must be a male and a female; and
- (2) Consent freely given in the presence of the solemnizing officer.

ARTICLE 3. The formal requisites of marriage are:

- (1) Authority of the solemnizing officer;
- (2) A valid marriage license except in the cases provided for in Chapter 2 of this Title; and
- (3) A marriage ceremony which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age.

ARTICLE 4. The absence of any of the essential or formal requisites shall render the marriage void *ab initio*, except as stated in Article 35 (2).

A defect in any of the essential requisites shall render the marriage voidable as provided in Article 45.

An irregularity in the formal requisites shall not affect the validity of the marriage but the party or parties responsible for the irregularity shall be civilly, criminally and administratively liable.^[22]

II

As a special contract,^[23] consent is, by definition, indispensable to marriage. Accordingly, the Family Code stipulates the second essential requisite of marriage to be "[c]onsent freely given in the presence of the solemnizing officer."^[24]

It is vital to distinguish the authentic, underlying consent of the parties from the external manifestation of such consent during a marriage ceremony. Jurisprudence therefore recognizes that, when there is no *bona fide* intention of becoming a spouse to another, a marriage is void for want of consent even when marriage ceremonies have been conducted and, there, the parties declared their intent to enter into married life.

In *People v. Santiago*,^[25] defendant-appellant Felipe Santiago (Santiago) raped his niece, Felicita Masilang (Masilang), and married her in a wedding ceremony solemnized by a church minister. This Court considered the marriage "void for lack of essential consent"^[26] on the part of either party. Explaining that Santiago had no *bona fide* intention of taking Masilang as his wife, this Court noted that "the marriage ceremony was a mere ruse by which [Santiago] hoped to escape from the criminal consequences of his act."^[27] It added that "the ceremony cannot be considered binding on [Masilang] because of duress."^[28] Moreover, this Court noted

that the "manner in which [Santiago] dealt with [Masilang] after the marriage, as well as before,"^[29] belied intent to marry and cohabit.

This case is worse than *Santiago*, as there is not even a marriage ceremony to speak of.

Petitioner categorically declared that her marriage with respondent Yoshio was totally simulated, made for the sole purpose of their ostensible marital relations being used as an artifice to bolster her chances of obtaining a Japanese visa. One might be tempted to dismiss this as a self-serving allegation, made only to obtain a declaration of nullity of marriage. However, to the contrary, this Court finds petitioner's declarations of having participated in a duplicitous design to be worthy of even greater credence, as an admission against interest.

BP Oil and Chemicals International Philippines, Inc. v. Total Distribution and Logistics Systems, Inc.^[30] discussed the admissibility of and evidentiary weight attached to admissions against interest:

Admissions against interest are those made by a party to a litigation or by one in privity with or identified in legal interest with such party, and are admissible whether or not the declarant is available as a witness. An admission against interest is the best evidence that affords the greatest certainty of the facts in dispute, based on the presumption that no man would declare anything against himself unless such declaration is true. It is fair to presume that the declaration corresponds with the truth, and it is his fault if it does not.^[31] (Citations omitted)

Petitioner's declarations run counter to her interest. Her admission of simulating marriage by signing a blank marriage certificate when no marriage ceremony actually took place, and when she and respondent Yoshio had absolutely no intent to marry, endangered her with the possibility of being held liable for falsification.

Indeed, among the incidents in *Go-Bangayan v. Bangayan, Jr.*,^[32] was how respondent Benjamin Bangayan, Jr.'s (Benjamin) estranged partner, petitioner Sally Go-Bangayan (Sally), initiated criminal actions against Benjamin for bigamy and falsification. These charges were premised on how she, and Benjamin, who had previously been married to Azucena Alegre, "signed a purported marriage contract" with an assurance "that the marriage contract would not be registered."^[33] The simulation of marriage was conceded to have been for the sole purpose of appeasing her father, who was against their relationship.^[34]

Similarly, in *Quinsay v. Avellaneda*,^[35] respondent Jay C. Avellaneda (Avellaneda), who served as a utility worker at a Regional Trial Court,^[36] was shown to have simulated a marriage to facilitate his illicit availing of benefits. Specifically, to enable the processing of a PhilHealth claim, he used a faked marriage contract "to one Veronica Gloria[,]" which showed that it was solemnized by a Judge Adelaida G. Mendoza of [Regional Trial Court]-San Fernando City on January 28, 1999."^[37] As proof that no such marriage happened, it was noted that:

No Judge by the name of Adelaida G. Mendoza has ever been assigned/appointed in the Regional Trial Court of San Fernando,

Pampanga, hence, no marriage could have been solemnized by one such Judge...; a verification of ... collection/filing fee books and official receipts issued for the month of January 1999 reveal [that] no marriage fee was paid under date of January 28, 1999 for the solemnization of the marriage between Jay Avellaneda and Veronica Gloria; also, a verification from the Local Civil Registrar of the City of San Fernando (P) disclosed that their office has no record of marriage between Jay Avellaneda and Veronica Gloria[.]^[38]

Ruling on Avellaneda's liability, this Court noted that "[u]ndoubtedly, [Avellaneda] committed dishonesty and falsification of an official document, classified as grave offenses under the Uniform Rules on Administrative Cases in the Civil Service."^[39] Commensurate administrative penalties should then have been meted on Avellaneda, except that his specific liability *vis-a-vis* that Complaint had been rendered moot by his prior dismissal from the service through a September 29, 2004 Resolution. The latter had also already meted on him the accessory penalties of forfeiture of benefits and disqualification from holding public office.^[40]

Equally notable is *Pomperada v. Jochico*.^[41] This involved an aspiring lawyer who was shown to have cajoled the complainant into signing a marriage contract, and ultimately faking a marriage, as follows:

Respondent had complainant sign a prepared marriage contract and when complainant inquired whether it was necessary for them to appear before the officiating judge, respondent informed her that it was not necessary because the judge knew personally both complainant and respondent, and respondent assured complainant that he would just take care of the signing of the marriage contract by Judge Pelino Garcia of the City Court of Bacolod; later respondent gave complainant a copy of the marriage contract which appeared to have been signed already by Judge Garcia; a verification, however, revealed that the marriage between complainant and respondent was not registered in the Local Civil Registrar's Office and in a further confrontation with Judge Pelino Garcia the latter denied having signed the marriage contract ... and denied as his own the signature which purports to be the signature of Judge Pelino Garcia in the marriage contract[.]^[42]

Respondent Benjamin P. Jochico (Jochico) would later claim that the marriage arose merely out of "a game concocted during the celebration of complainant's birthday... to enliven the complainant's birthday party."^[43] This Court was unimpressed with Jochico's defense, and found that it only further incriminated him as having "fail[ed] to meet the standard of moral fitness for membership in the legal profession... [for he] had made a mockery of marriage, a basic social institution, which public policy cherishes and protects[.]"^[44] Ultimately, this Court barred Jochico from taking his oath as a member of the Bar and from signing the Roll of Attorneys. This was in addition to this Court's instruction for the "fil[ing] with the City Fiscal of Bacolod City the appropriate complaints for Falsification of Public Document and Perjury."^[45]

These references to *Go-Bangayan*, *Quinsay*, and *Pomperada* are not meant to make conclusions on petitioner's ultimate liability. Nevertheless, *Go-Bangayan*, *Quinsay*, and *Pomperada* starkly illustrate the jeopardy that petitioner was courting by