

## SECOND DIVISION

[ G.R.. No. 214529, July 12, 2017 ]

**JERRYSUS L. TILAR, PETITIONER, V. REPUBLIC OF THE  
PHILIPPINES, RESPONDENTS.**

### D E C I S I O N

**PERALTA, J.:**

Before us is a direct recourse from the Decision<sup>[1]</sup> dated June 3, 2014 and the Order<sup>[2]</sup> dated August 19, 2014, both issued by the Regional Trial Court, Branch 14, Baybay City, (RTC) in Special Proceeding (SP) No. B-10-11-39 dismissing the petition for declaration of nullity of marriage on the ground of lack of jurisdiction over the subject matter, and denying reconsideration thereof, respectively.

The factual antecedents are as follows:

On November 4, 2010, petitioner filed with the RTC a petition<sup>[3]</sup> for declaration of nullity of marriage on the ground of private respondent's (respondent) psychological incapacity based on Article 36 of the Family Code. He alleged that he and respondent were married on June 29, 1996 in a Catholic Church in Poro, Poro Camotes, Cebu with Rev. Fr. Vicente Igot as the solemnizing officer; that a son was born of their marriage; that their marriage went well in the first few months but respondent later became an extremely jealous, violent person which resulted to frequent quarrels and petitioner being threatened and physically harmed; that she is a happy-go-lucky and extravagant type of person and a gambler; that they eventually separated in 2002; and, that respondent is now living with another man in Cebu City. Petitioner consulted a clinical psychologist and respondent was said to be suffering from "aggressive personality disorder as well as histrionic personality disorder" which made her psychologically incapacitated to comply with her essential marital obligations.

Respondent failed to file her Answer despite being served with summons. The RTC then required the Public Prosecutor to conduct an investigation whether collusion existed. In his Manifestation and Compliance, the Public Prosecutor certified as to the absence of collusion between the parties.<sup>[4]</sup> Trial, thereafter, ensued with petitioner and his witness testifying.

On June 3, 2014, the RTC issued its assailed Decision, the dispositive portion of which reads as follows:

WHEREFORE, PREMISES CONSIDERED, this case is ORDERED  
DISMISSED for lack of jurisdiction over the subject matter.<sup>[5]</sup>

In so ruling, the RTC ratiocinated in this wise:

x x x the lingering issue that confronts this Court, whether it can validly [pass] upon the validity of church marriage in the light of the separation of the Church and the State as enunciated in Section 6 of Art. (sic) of the 1987 Constitution. Withal, marriage is a sacrament according to the teaching of the Catholic Church. Being a sacrament, the same is purely religious. Declaration of nullity, which is commonly called an annulment in the Catholic Church, is a judgment rendered by an ecclesiastical tribunal determining that the sacrament of marriage was invalidly contracted. The procedure is governed by the Church's Canon Law not by the civil law observed by the State in nullity cases involving civil marriages. Ergo, the principle of separation of Church and State finds application in this case. x x x

x x x x

Clearly, the State cannot encroach into the domain of the Church, thus, resolving the validity of the church marriage is outside the province of its authority. Although the Family Code did not categorize the marriage subject of the petition for nullity or annulment, the Constitution as the fundamental law of the State laid down the principle of separation, ergo, it is beyond cavil that nullity of a church marriage cannot be taken out of the church jurisdiction. The court being an entity of the State is bereft of any jurisdiction to take cognizance of the case.

As the second issue hinges on the affirmative resolution on the jurisdiction of this Court, the same becomes moot due to the non-affirmance of jurisdiction over the subject matter of the case.<sup>[6]</sup>

Petitioner filed his motion for reconsideration, which the RTC denied in an Order dated August 19, 2014.

In denying the motion for reconsideration, the RTC said:

Marriages solemnized and celebrated by the Church are [*per se*] governed by its Canon Law. Although the Family Code provides for some regulations, the same does not follow that the State is authorized to inquire to its validity, The Constitution is supreme to the Family Code. Under the doctrine of constitutional supremacy, the Constitution is written in all laws, acts and transactions, hence, the same must be upheld.<sup>[7]</sup>

Petitioner filed the instant petition for review on the sole ground that:

The Regional Trial Court erred in dismissing the case on the ground that the validity of church marriage is outside of the province of its authority.<sup>[8]</sup>

Petitioner contends that the RTC had rendered judgment principally on the ground that the validity of church marriage is outside the province of its authority, however, it is the civil law, particularly the Family Code, which principally governs the marriage of the contracting parties.

The Solicitor General filed a Manifestation in Lieu of Comment on the petition for review arguing that the courts have jurisdiction to rule on the validity of marriage

pursuant to the provision of the Family Code, and that the RTC has exclusive jurisdiction over cases involving contracts of marriage and marital relations.

We find merit in this petition.

Section 2 of Article XV of the Constitution provides:

Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

Our Constitution clearly gives value to the sanctity of marriage. Marriage in this jurisdiction is not only a civil contract, but it is a new relation, an institution the maintenance of which the public is deeply interested.<sup>[9]</sup> Thus, the State is mandated to protect marriage, being the foundation of the family, which in turn is the foundation of the nation.<sup>[10]</sup> The State has surrounded marriage with safeguards to maintain its purity, continuity and permanence. The security and stability of the State are largely dependent upon it. It is the interest of each and every member of the community to prevent the bringing about of a condition that would shake its foundation and ultimately lead to its destruction.<sup>[11]</sup>

Our law on marriage, particularly the Family Code, restates the constitutional provision to protect the inviolability of marriage and the family relations. In one of the whereas clauses of the Family Code, it is stated:

Whereas, there is a need to implement policies embodied in the New Constitution that strengthen marriage and the family as a basic social institution and ensure equality between men and women.

Accordingly, Article 1 of the Family Code pertinently provides:

Art. 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code.

As marriage is a special contract, their terms and conditions are not merely subject to the stipulations of the contracting parties but are governed by law. The Family Code provides for the essential<sup>[12]</sup> as well as formal<sup>[13]</sup> requisites for the validity of marriage. 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 not affect the validity of the marriage but the party or parties responsible for the irregularity shall be civilly, criminally and administratively liable.<sup>[14]</sup> No prescribed form or religious rite for the solemnization of the marriage is required. It shall be necessary, however, for the contracting parties to appear personally before the solemnizing officer and declare in the presence of not less than two witnesses of legal age that they take each other as husband and wife. This declaration shall be contained in the marriage certificate which shall be signed by the contracting parties and their witnesses and attested by the solemnizing officer. A marriage license shall be issued by the local civil registrar of the city or municipality where either contracting party habitually resides, except in marriages where no