

SECOND DIVISION

[G. R. No. 183622, February 08, 2012]

**MEROPE ENRIQUEZ VDA. DE CATALAN, PETITIONER, VS.
LOUELLA A. CATALAN-LEE, RESPONDENT.**

R E S O L U T I O N

SERENO, J.:

Before us is a Petition for Review assailing the Court of Appeals (CA) Decision^[1] and Resolution^[2] regarding the issuance of letters of administration of the intestate estate of Orlando B. Catalan.

The facts are as follows:

Orlando B. Catalan was a naturalized American citizen. After allegedly obtaining a divorce in the United States from his first wife, Felicitas Amor, he contracted a second marriage with petitioner herein.

On 18 November 2004, Orlando died intestate in the Philippines.

Thereafter, on 28 February 2005, petitioner filed with the Regional Trial Court (RTC) of Dagupan City a Petition for the issuance of letters of administration for her appointment as administratrix of the intestate estate of Orlando. The case was docketed as Special Proceedings (Spec. Proc.) No. 228.

On 3 March 2005, while Spec. Proc. No. 228 was pending, respondent Louella A. Catalan-Lee, one of the children of Orlando from his first marriage, filed a similar petition with the RTC docketed as Spec. Proc. No. 232.

The two cases were subsequently consolidated.

Petitioner prayed for the dismissal of Spec. Proc. No. 232 on the ground of *litis pendentia*, considering that Spec. Proc. No. 228 covering the same estate was already pending.

On the other hand, respondent alleged that petitioner was not considered an interested person qualified to file a petition for the issuance of letters of administration of the estate of Orlando. In support of her contention, respondent alleged that a criminal case for bigamy was filed against petitioner before Branch 54 of the RTC of Alaminos, Pangasinan, and docketed as Crim. Case No. 2699-A.

Apparently, Felicitas Amor filed a Complaint for bigamy, alleging that petitioner contracted a second marriage to Orlando despite having been married to one Eusebio Bristol on 12 December 1959.

On 6 August 1998, the RTC had acquitted petitioner of bigamy.^[3] The trial court ruled that since the deceased was a divorced American citizen, and since that divorce was not recognized under Philippine jurisdiction, the marriage between him and petitioner was not valid.

Furthermore, it took note of the action for declaration of nullity then pending action with the trial court in Dagupan City filed by Felicitas Amor against the deceased and petitioner. It considered the pending action to be a prejudicial question in determining the guilt of petitioner for the crime of bigamy.

Finally, the trial court found that, in the first place, petitioner had never been married to Eusebio Bristol.

On 26 June 2006, Branch 70 of the RTC of Burgos, Pangasinan dismissed the Petition for the issuance of letters of administration filed by petitioner and granted that of private respondent. Contrary to its findings in Crim. Case No. 2699-A, the RTC held that the marriage between petitioner and Eusebio Bristol was valid and subsisting when she married Orlando. Without expounding, it reasoned further that her acquittal in the previous bigamy case was fatal to her cause. Thus, the trial court held that petitioner was not an interested party who may file a petition for the issuance of letters of administration.^[4]

After the subsequent denial of her Motion for Reconsideration, petitioner elevated the matter to the Court of Appeals (CA) via her Petition for Certiorari, alleging grave abuse of discretion on the part of the RTC in dismissing her Petition for the issuance of letters of administration.

Petitioner reiterated before the CA that the Petition filed by respondent should have been dismissed on the ground of *litis pendentia*. She also insisted that, while a petition for letters of administration may have been filed by an "uninterested person," the defect was cured by the appearance of a real party-in-interest. Thus, she insisted that, to determine who has a better right to administer the decedent's properties, the RTC should have first required the parties to present their evidence before it ruled on the matter.

On 18 October 2007, the CA promulgated the assailed Decision. First, it held that petitioner undertook the wrong remedy. She should have instead filed a petition for review rather than a petition for certiorari. Nevertheless, since the Petition for Certiorari was filed within the fifteen-day reglementary period for filing a petition for review under Sec. 4 of Rule 43, the CA allowed the Petition and continued to decide on the merits of the case. Thus, it ruled in this wise:

As to the issue of *litis pendentia*, we find it not applicable in the case. For *litis pendentia* to be a ground for the dismissal of an action, there must be: (a) identity of the parties or at least such as to represent the same interest in both actions; (b) identity of rights asserted and relief prayed for, the relief being founded on the same acts, and (c) the identity in the two cases should be such that the judgment which may be rendered in one would, regardless of which party is successful, amount to *res judicata* in the other. A petition for letters of administration is a special proceeding. A special proceeding is an application or proceeding to

establish the status or right of a party, or a particular fact. And, in contrast to an ordinary civil action, a special proceeding involves no defendant or respondent. The only party in this kind of proceeding is the petitioner of the applicant. Considering its nature, a subsequent petition for letters of administration can hardly be barred by a similar pending petition involving the estate of the same decedent unless both petitions are filed by the same person. In the case at bar, the petitioner was not a party to the petition filed by the private respondent, in the same manner that the latter was not made a party to the petition filed by the former. The first element of *litis pendentia* is wanting. The contention of the petitioner must perforce fail.

Moreover, to yield to the contention of the petitioner would render nugatory the provision of the Rules requiring a petitioner for letters of administration to be an "interested party," inasmuch as any person, for that matter, regardless of whether he has valid interest in the estate sought to be administered, could be appointed as administrator for as long as he files his petition ahead of any other person, in derogation of the rights of those specifically mentioned in the order of preference in the appointment of administrator under Rule 78, Section 6 of the Revised Rules of Court, which provides:

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The petitioner, armed with a marriage certificate, filed her petition for letters of administration. As a spouse, the petitioner would have been preferred to administer the estate of Orlando B. Catalan. However, a marriage certificate, like any other public document, is only *prima facie* evidence of the facts stated therein. **The fact that the petitioner had been charged with bigamy and was acquitted has not been disputed by the petitioner.** Bigamy is an illegal marriage committed by contracting a second or subsequent marriage before the first marriage has been dissolved or before the absent spouse has been declared presumptively dead by a judgment rendered in a proper proceedings. **The deduction of the trial court that the acquittal of the petitioner in the said case negates the validity of her subsequent marriage with Orlando B. Catalan has not been disproved by her. There was not even an attempt from the petitioner to deny the findings of the trial court.** There is therefore no basis for us to make a contrary finding. Thus, not being an interested party and a stranger to the estate of Orlando B. Catalan, the dismissal of her petition for letters of administration by the trial court is in place.

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WHEREFORE, premises considered, the petition is **DISMISSED** for lack of merit. No pronouncement as to costs.

SO ORDERED.^[5] (Emphasis supplied)

Petitioner moved for a reconsideration of this Decision.^[6] She alleged that the

reasoning of the CA was illogical in stating, on the one hand, that she was acquitted of bigamy, while, on the other hand, still holding that her marriage with Orlando was invalid. She insists that with her acquittal of the crime of bigamy, the marriage enjoys the presumption of validity.

On 20 June 2008, the CA denied her motion.

Hence, this Petition.

At the outset, it seems that the RTC in the special proceedings failed to appreciate the finding of the RTC in Crim. Case No. 2699-A that petitioner was never married to Eusebio Bristol. Thus, the trial court concluded that, because petitioner was acquitted of bigamy, it follows that the first marriage with Bristol still existed and was valid. By failing to take note of the findings of fact on the nonexistence of the marriage between petitioner and Bristol, both the RTC and CA held that petitioner was not an interested party in the estate of Orlando.

Second, it is imperative to note that at the time the bigamy case in Crim. Case No. 2699-A was dismissed, we had already ruled that under the principles of comity, our jurisdiction recognizes a valid divorce obtained by a spouse of foreign nationality. This doctrine was established as early as 1985 in *Van Dorn v. Romillo, Jr.*^[7] wherein we said:

It is true that owing to the nationality principle embodied in Article 15 of the Civil Code, only Philippine nationals are covered by the policy against absolute divorces[,] the same being considered contrary to our concept of public policy and morality. **However, aliens may obtain divorces abroad, which may be recognized in the Philippines, provided they are valid according to their national law. In this case, the divorce in Nevada released private respondent from the marriage from the standards of American law, under which divorce dissolves the marriage.** xxx

We reiterated this principle in *Llorente v. Court of Appeals*,^[8] to wit:

In *Van Dorn v. Romillo, Jr.* we held that owing to the nationality principle embodied in Article 15 of the Civil Code, only Philippine nationals are covered by the policy against absolute divorces, the same being considered contrary to our concept of public policy and morality. In the same case, **the Court ruled that aliens may obtain divorces abroad, provided they are valid according to their national law.**

Citing this landmark case, the Court held in *Quita v. Court of Appeals*, that once proven that respondent was no longer a Filipino citizen when he obtained the divorce from petitioner, the ruling in *Van Dorn* would become applicable and petitioner could "very well lose her right to inherit" from him.

In *Pilapil v. Ibay-Somera*, we recognized the divorce obtained by the