

SECOND DIVISION

[G.R. No. 193902, June 01, 2011]

**ATTY. MARIETTA D. ZAMORANOS, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES AND SAMSON R. PACASUM, SR.,
RESPONDENTS.**

[G.R. NO. 193908]

**ATTY. MARIETTA D. ZAMORANOS, PETITIONER, VS. SAMSON R.
PACASUM, SR., RESPONDENT.**

[G.R. NO. 194075]

**SAMSON R. PACASUM, SR., PETITIONER, VS. ATTY. MARIETTA D.
ZAMORANOS, RESPONDENT.**

D E C I S I O N

NACHURA, J.:

These are three (3) consolidated petitions for review on *certiorari* under Rule 45 of the Rules of Court, assailing the Decision^[1] dated July 30, 2010 of the Court of Appeals (CA) in CA-G.R. SP No. 03525-MIN, dismissing the petition for *certiorari* filed by petitioner Atty. Marietta D. Zamoranos (Zamoranos) in G.R. No. 193902, thus, affirming the Order^[2] of the Regional Trial Court (RTC), Branch 6, Lanao del Norte, in Criminal Case No. 06-12305 for Bigamy filed by petitioner Samson R. Pacasum, Sr. in G.R. No. 194075.

Before anything else, we disentangle the facts.

On May 3, 1982, Zamoranos wed Jesus de Guzman, a Muslim convert, in Islamic rites. Prior thereto, Zamoranos was a Roman Catholic who had converted to Islam on April 28, 1982. Subsequently, on July 30, 1982, the two wed again, this time, in civil rites before Judge Perfecto Laguio (Laguio) of the RTC, Quezon City.

A little after a year, on December 18, 1983, Zamoranos and De Guzman obtained a divorce by *talaq*. The dissolution of their marriage was confirmed by the Shari'a Circuit District Court, 1st Circuit, 3rd District, Isabela, Basilan, which issued a Decree of Divorce on June 18, 1992, as follows:

DECREE OF DIVORCE

This is a case for divorce filed by the herein complainant Marietta (Mariam) D. Zamoranos de Guzman against her husband, the herein respondent, on the ground that the wife, herein complainant, was

previously given by her husband the authority to exercise Talaq, as provided for and, in accordance with Presidential Decree No. 1083, otherwise known as the Code of Muslim Personal Laws of the Philippines.

When this case was called for hearing[,] both parties appeared and herein respondent, Jesus (Mohamad) de Guzman[,] interposes no objection to confirm their divorce, which they have freely entered into on December 18, 1983.

This Court, after evaluating the testimonies of the herein parties is fully convinced that both the complainant and the respondent have been duly converted to the faith of Islam prior to their Muslim wedding and finding that there is no more possibility of reconciliation by and between them, hereby issues this decree of divorce.

WHEREFORE, premises considered and pursuant to the provisions of the Code of Muslim Personal Laws of the Philippines, this petition is hereby granted. Consequently, the marriage between Marietta (Mariam) D. Zamoranos de Guzman and Jesus (Mohamad) de Guzman is hereby confirmed dissolved.

Issued this 18th day of June, 1992, at Isabel, Basilan Province, Philippines.

(signed)
HON. KAUDRI L. JAINUL
Presiding Judge^[3]

Now it came to pass that Zamoranos married anew on December 20, 1989. As she had previously done in her first nuptial to De Guzman, Zamoranos wed Samson Pacasum, Sr. (Pacasum), her subordinate at the Bureau of Customs where she worked, under Islamic rites in Balo-i, Lanao del Norte. Thereafter, on December 28, 1992, in order to strengthen the ties of their marriage, Zamoranos and Pacasum renewed their marriage vows in a civil ceremony before Judge Valerio Salazar of the RTC, Iligan City. However, unlike in Zamoranos' first marriage to De Guzman, the union between her and Pacasum was blessed with progeny, namely: Samson, Sr., Sam Jean, and Sam Joon.

Despite their three children, the relationship between Zamoranos and Pacasum turned sour and, in 1998, the two were *de facto* separated. The volatile relationship of Zamoranos and Pacasum escalated into a bitter battle for custody of their minor children. Eventually, on October 18, 1999, Zamoranos and Pacasum arrived at a compromise agreement which vested primary custody of the children in the former, with the latter retaining visitatorial rights thereto.

As it turned out, the agreement rankled on Pacasum. He filed a flurry of cases against Zamoranos, to wit:

1. Petition for Annulment of Marriage filed on March 31, 2003 before the RTC, Branch 2, Iligan City, docketed as Civil Case No. 6249. Subsequently, on May 31, 2004, Pacasum amended the petition into one for Declaration of a Void Marriage,

alleging, among other things, that: (a) Zamoranos, at the time of her marriage to Pacasum, was already previously married to De Guzman on July 30, 1982; (b) Zamoranos' first marriage, solemnized before the RTC, Quezon City, presided over by Judge Laguio, subsisted at the time of the celebration of Zamoranos and Pacasum's marriage; (c) Zamoranos and Pacasum's marriage was bigamous and void *ab initio*; and (d) thus, Zamoranos, as the guilty spouse, should forfeit: (i) custody of her minor children to their father, who should have sole and exclusive custody; (ii) her share in the community property in favor of the children; and (iii) her inheritance from Pacasum by testate or intestate succession.

2. Criminal complaint for Bigamy under Article 349 of the Revised Penal Code (RPC), filed on October 25, 2004.

3. Separate administrative cases for Zamoranos' dismissal from service and disbarment before the Civil Service Commission (CSC), the Integrated Bar of the Philippines, and the Bureau of Finance Revenue Integrity Protection Service, respectively. Parenthetically, the administrative cases were dismissed in due course. However, as of the date of the assailed CA Decision, Pacasum's appeal from the CSC's dismissal of the administrative case was still pending resolution.

Quite ironically, soon after amending his petition in Civil Case No. 6249, Pacasum contracted a second marriage with Catherine Ang Dignos on July 18, 2004.^[4]

Meanwhile, on the criminal litigation front, the Office of the City Prosecutor, through Prosecutor Leonor Quiñones, issued a resolution dated February 2, 2005, finding *prima facie* evidence to hold Zamoranos liable for Bigamy.^[5] Consequently, on February 22, 2006, an Information for Bigamy was filed against Zamoranos before the RTC, Branch 6, Iligan City, docketed as Criminal Case No. 06-12305.^[6]

Zamoranos filed a motion for reconsideration of the City Prosecutor's February 2, 2005 resolution. As a result, the proceedings before the RTC, Branch 6, Iligan City, were temporarily suspended. On April 29, 2005, the City Prosecutor of Ozamis City, the acting City Prosecutor of Iligan City at the time, issued a resolution granting Zamoranos' motion for reconsideration and dismissing the charge of Bigamy against Zamoranos.^[7]

Not unexpectedly, Pacasum moved for reconsideration of the April 29, 2005 resolution of the City Prosecutor, which was denied in a resolution dated August 15, 2005.^[8] Posthaste, Pacasum filed a Petition for Review before the Office of the Secretary of Justice, assailing the dismissal of his criminal complaint for Bigamy against Zamoranos.^[9]

In yet another turn of events, the Secretary of Justice, on February 7, 2006, issued a resolution granting Pacasum's Petition for Review and reversed the February 2, 2005 and April 29, 2005 resolutions of the City Prosecutor.^[10] Zamoranos immediately filed an Omnibus Motion and Supplement to the Urgent Omnibus Motion: (1) for Reconsideration; (2) to Hold in Abeyance Filing of the Instant Case; and (3) to Hold in Abeyance or Quash Warrant of Arrest, respectively dated February 20, 2006 and February 24, 2006, before the Secretary of Justice.^[11] Unfortunately for Zamoranos, her twin motions were denied by the Secretary of

Justice in a resolution dated May 17, 2006.^[12]

Zamoranos' second motion for reconsideration, as with her previous motions, was likewise denied.

On the other civil litigation front on the Declaration of a Void Marriage, docketed as Civil Case No. 6249, the RTC, Branch 2, Iligan City, rendered a decision in favor of Zamoranos, dismissing the petition of Pacasum for lack of jurisdiction. The RTC, Branch 2, Iligan City, found that Zamoranos and De Guzman are Muslims, and were such at the time of their marriage, whose marital relationship was governed by Presidential Decree (P.D.) No. 1083, otherwise known as the Code of Muslim Personal Laws of the Philippines:

From the foregoing uncontroverted facts, the Court finds that the allegation of [Pacasum] to the effect that his marriage with [Zamoranos] on December 28, 1992 is a bigamous marriage due to the alleged subsisting previous marriage between [Zamoranos] and Jesus de Guzman is misplaced. The previous marriage between Jesus de Guzman and [Zamoranos] has long been terminated [and] has gone with the wind. The fact that divorce by *Talaq* was entered into by [Zamoranos] and her first husband in accordance with PD 1083, x x x their marriage is dissolved and consequently thereof, [Zamoranos] and Jesus de Guzman can re-marry. Moreover, the second marriage entered into by [Zamoranos] and her first husband Jesus de Guzman under the Family Code on July 30, 1982 is merely ceremonial, being unnecessary, it does not modify/alter or change the validity of the first marriage entered into by them under PD 1083.

Likewise, in the case of [Pacasum] and [Zamoranos], their second marriage on December 28, 1992 under the Family Code does not in any way modify, alter or change the validity of the first marriage on December 20, 1989 entered into by [Pacasum] and [Zamoranos] under PD 1083, as amended. In fact, according to Ghazali, one of the renowned Muslim author and jurist in Islamic Law and Jurisprudence and concurred in by retired Justice Ra[s]ul of the Court of Appeals and also a Professor on Islamic Law and Jurisprudence, in the case of combined marriage[s], the first marriage is to be considered valid and effective as between the parties while the second marriage is merely ceremonial, being a surplusage and unnecessary. Therefore, the divorce by *Talaq* dissolved the marriage between [Zamoranos] and her first husband[,de Guzman,] being governed by PD 1083, x x x.

Article 13, Chapter I, Title II of the Code of Muslim Personal Laws, provides x x x:

"Application

The provisions of this title shall apply to marriage and divorce wherein both parties are Muslims[,], or wherein only the male party is a Muslim and the marriage is solemnized in

accordance with Muslim law or this Code in any part of the Philippines."

Accordingly, matters relating to the marriages and divorce of [Zamoranos] and her first husband, Jesus de Guzman[,] shall be governed by the Muslim Code and divorce proceedings shall be properly within the exclusive original jurisdiction of the Shari'a Circuit Court.

Art. 155, Chapter 2, Title II, Book 4 of the Muslim code, provides x x x:

"Jurisdiction - The Shari'a Circuit Courts shall have exclusive original jurisdiction over:

x x x x

2. All civil actions and proceedings between parties who are Muslims or have been married in accordance with Article 13 involving disputes relating to:

a) Marriage;

b) Divorce recognized under this Code;

x x x x"

The above provision of law clearly shows no concurrent jurisdiction with any civil courts or other courts of law. And any divorce proceeding undertaken before the Shari'[a] Court is valid, recognized, binding and sufficient divorce proceedings.

Moreover, the instant case is one of the several cases filed by [Pacasum] against [Zamoranos] such as complaints for disbarment, for immorality, for bigamy and misconduct before the Integrated Bar of the Philippines (IBP) and in the Civil Service Commission which were all similar or [based on] the same set of facts. A pure and simple harassment.

In the light of the foregoing findings, the Court is of the considered view and so hold that this Court has no jurisdiction to hear and decide the above-entitled case for annulment of marriage entered into under PD 1083, x x x. It is the Shari'a Circuit Court that has the exclusive original jurisdiction.

WHEREFORE, premises considered, the affirmative defenses which are in the nature of motion to dismiss is hereby granted.

The above-entitled case is hereby dismissed for lack of jurisdiction.

SO ORDERED.^[13]