

## FIRST DIVISION

[ G.R. NO. 132955, October 27, 2006 ]

**ORLANDO VILLANUEVA, PETITIONER, VS. HON. COURT OF APPEALS AND LILIA CANALITA-VILLANUEVA, RESPONDENTS.**

### *DECISION*

**YNARES-SANTIAGO, J.:**

This petition for review under Rule 45 of the Rules of Court assails the January 26, 1998 Decision<sup>[1]</sup> of the Court of Appeals in CA-G.R. CV No. 51832, affirming with modification the Decision<sup>[2]</sup> dated January 12, 1996 of the Regional Trial Court of Valenzuela, Metro Manila, Branch 172 in Civil Case No. 3997-V-92 (a) dismissing petitioner's petition for the annulment of his marriage to private respondent and (b) ordering him to pay moral and exemplary damages, attorney's fees and costs. Also assailed is the March 5, 1998 Resolution<sup>[3]</sup> denying petitioner's motion for reconsideration.

The antecedent facts are as follows:

Petitioner Orlando Villanueva and private respondent Lilia Canalita-Villanueva got married on April 13, 1988 in Puerto Princesa, Palawan. On November 17, 1992, Orlando filed with the trial court a petition for annulment of his marriage alleging that threats of violence and duress forced him into marrying Lilia, who was already pregnant; that he did not get her pregnant prior to the marriage; that he never cohabited with her after the marriage; and that he later learned that private respondent's child died during delivery on August 29, 1988.<sup>[4]</sup>

In her answer with compulsory counterclaim,<sup>[5]</sup> Lilia prayed for the dismissal of the petition, arguing that petitioner freely and voluntarily married her; that petitioner stayed with her in Palawan for almost a month after their marriage; that petitioner wrote letters to her after he returned to Manila, during which private respondent visited him personally; and that petitioner knew about the progress of her pregnancy, which ended in their son being born prematurely. Private respondent also prayed for the payment of moral and exemplary damages, attorney's fees and costs.

On January 12, 1996, the trial court rendered judgment the dispositive portion of which states:

WHEREFORE, judgment is hereby rendered as follows:

1. Dismissing the above-entitled case; and
2. Ordering the plaintiff to pay the defendant moral damages in the amount of P100,000.00, exemplary damages in the amount of

P50,000.00, and attorney's fees in the amount of P20,000.00, plus the costs of suit

SO ORDERED.<sup>[6]</sup>

The Court of Appeals affirmed the trial court's dismissal of the petition and the award of attorney's fees and costs, but reduced the award of moral and exemplary damages to P50,000.00 and P25,000.00, respectively. The Court of Appeals denied petitioner's motion for reconsideration, hence, the instant petition for review based on the following assigned errors:

I. THE RESPONDENT COURT OF APPEALS COMMITTED A GRAVE ABUSE OF DISCRETION IN NOT GRANTING THE ANNULMENT OF MARRIAGE THE CONSENT OF THE PETITIONER HAVING BEEN OBTAINED BY FRAUD, INTIMIDATION AND UNDUE AND IMPROPER PRESSURE AND INFLUENCE PLUS THE FACT THAT THERE WAS NO COHABITATION WHATSOEVER BETWEEN PETITIONER AND PRIVATE RESPONDENT.

II. THE RESPONDENT COURT OF APPEALS COMMITTED GROSS ERROR IN AWARDING MORAL AND EXEMPLARY DAMAGES AS WELL AS ATTORNEY'S FEES, SAID AWARDS NOT BEING THOSE ALLOWED BY LAW.

<sup>[7]</sup>

The issues for resolution are (a) whether the subject marriage may be annulled on the ground of vitiated consent; and (b) whether petitioner should be liable for moral and exemplary damages as well as attorney's fees and costs.

The petition is partly granted.

Factual findings of the Court of Appeals, especially if they coincide with those of the trial court, as in the instant case, are generally binding on this Court.<sup>[8]</sup> We affirm the findings of the Court of Appeals that petitioner freely and voluntarily married private respondent and that no threats or intimidation, duress or violence compelled him to do so, thus -

To begin with, We are at once disturbed by the circumstance that despite the alleged coerced consent which supposedly characterized his marriage with Lilia on April 13, 1988, it was only on November 17, 1992 or after a span of not less than four (4) years and eight (8) months when Orlando took serious step to have the same marriage annulled. Unexplained, the prolonged inaction evidently finds basis in Lilia's allegation that this annulment suit was filed by Orlando solely in the hope that a favorable judgment thereon would bolster his defense, if not altogether bring about his acquittal in the criminal case for bigamy which was then already pending against him. Unfortunately, however, let alone the fact that the criminal case was admittedly decided ahead with a judgment of conviction against Orlando x x x even the very outcome of the present case disappointed his expectation. At this late, with his appeal in the bigamy case still pending with this Court x x x Orlando must be hoping against hope that with a decree of annulment ensuing from this Court, he may yet secure an acquittal in the same bigamy charge. Viewed in this perspective, the instant appeal is, therefore, understandable.

But even in terms of merit, the recourse must have to fall.

Appellant anchored his prayer for the annulment of his marriage on the ground that he did not freely consent to be married to the appellee. He cited several incidents that created on his mind a reasonable and well-grounded fear of an imminent and grave danger to his life and safety, to wit: the harassing phone calls from the appellee and strangers as well as the unwanted visits by three men at the premises of the University of the East after his classes thereat, and the threatening presence of a certain Ka Celso, a supposed member of the New People's Army whom appellant claimed to have been hired by appellee and who accompanied him in going to her home province of Palawan to marry her.

The Court is not convinced that appellant's apprehension of danger to his person is so overwhelming as to deprive him of the will to enter voluntarily to a contract of marriage. It is not disputed that at the time he was allegedly being harassed, appellant worked as a security guard in a bank. Given his employment at that time, it is reasonable to assume that appellant knew the rudiments of self-defense, or, at the very least, the proper way to keep himself out of harm's way. For sure, it is even doubtful if threats were indeed made to bear upon appellant, what with the fact that he never sought the assistance of the security personnel of his school nor the police regarding the activities of those who were threatening him. And neither did he inform the judge about his predicament prior to solemnizing their marriage.

Appellant also invoked fraud to annul his marriage, as he was made to believe by appellee that the latter was pregnant with his child when they were married. Appellant's excuse that he could not have impregnated the appellee because he did not have an erection during their tryst is flimsy at best, and an outright lie at worst. The complaint is bereft of any reference to his inability to copulate with the appellee. His counsel also conceded before the lower court that his client had a sexual relationship with the appellee x x x. He also narrated x x x that sometime in January 1988, he and the appellee went to a hotel where "*the sexual act was consummated, with the defendant on top*" x x x.

Instead of providing proofs that he was tricked into marrying his wife, appellant resorted to undermining the credibility of the latter by citing her testimony that her child was born, and died, on August 29, 1989, a year off from August 29, 1988, the date of fetal death as appearing in the registry of deaths of the Office of the Civil Registrar of Puerto Princesa City x x x.

To Our mind, appellant cannot make capital of the lapse because it is inconsequential, as there is no controversy regarding the date of death of appellee's fetus. Nevertheless, during the continuation of the cross-examination of the appellee, she declared that her child was prematurely born on August 29, 1988, matching the date in the certification of the Civil Registrar x x x. The Court is not prepared to disbelieve the appellee and throw overboard her entire testimony simply on account of her confusion as to the exact date of the death of the fetus, especially when