

FIRST DIVISION

[A.M. No. MTJ-02-1390 (formerly IPI No. 01-1049-MTJ), April 11, 2002]

MERCEDITA MATA ARAÑES, PETITIONER, VS. JUDGE SALVADOR M. OCCIANO, RESPONDENT.

DECISION

PUNO, J.:

Petitioner Mercedita Mata Arañes charges respondent judge with Gross Ignorance of the Law *via* a sworn Letter-Complaint dated 23 May 2001. Respondent is the Presiding Judge of the Municipal Trial Court of Balatan, Camarines Sur. Petitioner alleges that on 17 February 2000, respondent judge solemnized her marriage to her late groom Dominador B. Orobia without the requisite marriage license and at Nabua, Camarines Sur which is outside his territorial jurisdiction.

They lived together as husband and wife on the strength of this marriage until her husband passed away. However, since the marriage was a nullity, petitioner's right to inherit the "vast properties" left by Orobia was not recognized. She was likewise deprived of receiving the pensions of Orobia, a retired Commodore of the Philippine Navy.

Petitioner prays that sanctions be imposed against respondent judge for his illegal acts and unethical misrepresentations which allegedly caused her so much hardships, embarrassment and sufferings.

On 28 May 2001, the case was referred by the Office of the Chief Justice to then Acting Court Administrator Zenaida N. Elepaño for appropriate action. On 8 June 2001, the Office of the Court Administrator required respondent judge to comment.

In his Comment dated 5 July 2001, respondent judge averred that he was requested by a certain Juan Arroyo on 15 February 2000 to solemnize the marriage of the parties on 17 February 2000. Having been assured that all the documents to the marriage were complete, he agreed to solemnize the marriage in his sala at the Municipal Trial Court of Balatan, Camarines Sur. However, on 17 February 2000, Arroyo informed him that Orobia had a difficulty walking and could not stand the rigors of travelling to Balatan which is located almost 25 kilometers from his residence in Nabua. Arroyo then requested if respondent judge could solemnize the marriage in Nabua, to which request he acceded.

Respondent judge further avers that before he started the ceremony, he carefully examined the documents submitted to him by petitioner. When he discovered that the parties did not possess the requisite marriage license, he refused to solemnize the marriage and suggested its resetting to another date. However, due to the earnest pleas of the parties, the influx of visitors, and the delivery of provisions for

the occasion, he proceeded to solemnize the marriage out of human compassion. He also feared that if he reset the wedding, it might aggravate the physical condition of Orobias who just suffered from a stroke. After the solemnization, he reiterated the necessity for the marriage license and admonished the parties that their failure to give it would render the marriage void. Petitioner and Orobias assured respondent judge that they would give the license to him in the afternoon of that same day. When they failed to comply, respondent judge followed it up with Arroyo but the latter only gave him the same reassurance that the marriage license would be delivered to his sala at the Municipal Trial Court of Balatan, Camarines Sur.

Respondent judge vigorously denies that he told the contracting parties that their marriage is valid despite the absence of a marriage license. He attributes the hardships and embarrassment suffered by the petitioner as due to her own fault and negligence.

On 12 September 2001, petitioner filed her Affidavit of Desistance dated 28 August 2001 with the Office of the Court Administrator. She attested that respondent judge initially refused to solemnize her marriage due to the want of a duly issued marriage license and that it was because of her prodding and reassurances that he eventually solemnized the same. She confessed that she filed this administrative case out of rage. However, after reading the Comment filed by respondent judge, she realized her own shortcomings and is now bothered by her conscience.

Reviewing the records of the case, it appears that petitioner and Orobias filed their Application for Marriage License on 5 January 2000. It was stamped in this Application that the marriage license shall be issued on 17 January 2000. However, neither petitioner nor Orobias claimed it.

It also appears that the Office of the Civil Registrar General issued a Certification that it has no record of such marriage that allegedly took place on 17 February 2000. Likewise, the Office of the Local Civil Registrar of Nabua, Camarines Sur issued another Certification dated 7 May 2001 that it cannot issue a true copy of the Marriage Contract of the parties since it has no record of their marriage.

On 8 May 2001, petitioner sought the assistance of respondent judge so the latter could communicate with the Office of the Local Civil Registrar of Nabua, Camarines Sur for the issuance of her marriage license. Respondent judge wrote the Local Civil Registrar of Nabua, Camarines Sur. In a letter dated 9 May 2001, a Clerk of said office, Grace T. Escobal, informed respondent judge that their office cannot issue the marriage license due to the failure of Orobias to submit the Death Certificate of his previous spouse.

The Office of the Court Administrator, in its Report and Recommendation dated 15 November 2000, found the respondent judge guilty of solemnizing a marriage without a duly issued marriage license and for doing so outside his territorial jurisdiction. A fine of P5,000.00 was recommended to be imposed on respondent judge.

We agree.

Under the Judiciary Reorganization Act of 1980, or B.P.129, the authority of the regional trial court judges and judges of inferior courts to solemnize marriages is