

SPECIAL SECOND DIVISION

[CA-G.R. CV No. 97115, May 08, 2014]

ANTONIO R. CATAJOY, PETITIONER-APPELLEE, VS. TERESITA ODITA-CATAJOY, RESPONDENT, REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

DECISION

GAERLAN, S.H., J.:

Challenged before this Court is a Decision^[1] dated 03 March 2010 promulgated by the Regional Trial Court of Tarlac City Branch 63 in Civil Case No. 10113 for Declaration of Nullity of Marriage initiated by herein appellee Antonio R. Catajoy, the dispositive portion of which reads:

"WHEREFORE, for lack of marriage ceremony pursuant to Article 3(3) of the Family Code of the Philippine in relation to Article 4 of the same code, the marriage of Antonio R. Catajoy and Teresita Odita allegedly celebrated on December 18, 1989 in the City Hall of Manila under Registry No. 89-31084 is declared null and void.

The City Civil Registry of Manila and the Civil Registrar General (National Statistics Office) is directed to cause cancellation of the said marriage under Registry No. 89-31084 to effect the decision.

Furnish copies of this decision to the City Civil Registrars of Manila and Tarlac City, the Civil Registrar General, complainant and his counsel.

SO ORDERED."

FACTS OF THE CASE

Petitioner Antono R. Catajoy (Antonio) and respondent Teresita Odita-Catajoy (Teresita) met in a boarding house where they were introduced by a common friend.^[2] They became acquaintances.^[3]

Petitioner alleged that Teresita admired him so much that it reached a point wherein she fabricated stories about their alleged mutual understanding.^[4] Teresita even told their friends that they were already married and soon to have a family of their own.^[5] Because of these deeds and lies, Antonio became uncomfortable with Teresita and started to avoid her.^[6] No true and serious relationship between petitioner and respondent blossomed.^[7]

Petitioner further alleged that he and respondent never lived together as husband and wife. They did not have a child of their own and also never acquired any real property.^[8]

In light of the Petition^[9] filed by Antonio, he alleged that there was no marriage ceremony that took place on the said date and place as stated in the Marriage Contract^[10] presented before the trial court. He also claimed that he did not personally appear before the named solemnizing officer.^[11] He never declared and consented to the said marriage before the said solemnizing officer.^[12]

Further, he stated in his petition that the signature in the Marriage Contract alleged to be his was forged and that it was not him who placed the same.^[13]

During his testimony, Antonio stated that on 4 August 1987 he went with his employer to work in Singapore originally for one (1) month only but he allegedly stayed there until 31 October 1991.^[14] He stated further that when he went back to the Philippines, he planned to marry his live-in partner, however, he discovered that there was a registered marriage celebrated on 18 December 1989 in Manila City between him and Teresita.^[15] He tried to locate her but to no avail. ^[16]

Petitioner in fostering his claims averred that the existence of the marriage contract was made possible upon the manipulations of the respondent.^[17] He also theorized that another person could have misrepresented himself as the petitioner or that the contract was personally supplied by the respondent and subsequently registered without necessarily following the essential and formal requisites of a valid marriage only to suit respondent's selfish and evil desire to his damage and prejudice.^[18] Moreover, he stated that he with all honesty and good faith was not aware of the existence of the said marriage.^[19]

Thereafter, the assailed Decision was promulgated by the same Family Court on 03 March 2010. Herein appellant filed a Motion for Reconsideration^[20] of the said Decision on 13 May 2010 which was later denied in an Order^[21] dated 3 November 2010 for lack of merit.

Hence, this appeal.

ISSUE^[22]

THE TRIAL COURT ERRED IN DECLARING THE MARRIAGE BETWEEN THE PARTIES NULL AND VOID DESPITE PETITIONER-APPELLEE'S FAILURE TO PROVE BY PREPONDERANT EVIDENCE THAT HE WAS NOT PRESENT AT THE TIME OF THE CELEBRATION OF HIS MARRIAGE TO RESPONDENT-APPELLEE.

THIS COURT'S RULING

The Office of the Solicitor General (OSG) in this appeal claimed that the Family Court erred in declaring the marriage between Antonio and Teresita null and void for lack of marriage ceremony pursuant to Article 3(3) of the Family Code. The court ruled that Antonio failed to prove by clear and convincing evidence that he was not present during the celebration of the alleged marriage to Teresita.

This Court concurs with the argument of the OSG that the burden to prove the inexistence or invalidity of the marriage contract, or at least prove the irregularity of its recording in the civil registry through clear and convincing evidence lies to the petitioner.^[23]