

THIRD DIVISION

[G.R. No. 214593, July 17, 2019]

**DANA S. SANTOS, PETITIONER, V. LEODEGARIO R. SANTOS,
RESPONDENT.**

DECISION

A. REYES, JR., J.:

This is a petition for review on *certiorari*^[1] under Rule 45 of the Revised Rules of Court, dated November 24, 2014, assailing two Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 115420, respectively dated April 15, 2014,^[2] which denied petitioner Dana S. Santos' (Dana) Motion to Open and/or Reinstate Petition; and September 26, 2014,^[3] which denied Dana's Motion for Reconsideration and/or to Submit Petition for Decision (with Plea to Preserve Marital Union). The case arose from a petition for relief from judgment against the Decision^[4] dated June 24, 2009 of the Regional Trial Court (RTC) of Antipolo City, Branch 72, in Civil Case No. 03-6954 declaring the marriage between Dana and respondent Leodegario S. Santos (Leodegario) null and void on the ground of psychological incapacity under Article 36 of Executive Order No. 209, otherwise known as the Family Code of the Philippines.

The Facts

Dana and Leodegario first met each other in 1982, in a wake, through a common friend. Their relationship developed into a romance. Soon, the couple began living together. Their cohabitation produced two children. As their business ventures prospered, Dana and Leodegario married each other on December 3, 1987, before a Catholic priest. Two more children were born to the couple after the marriage. However, their relationship started to deteriorate as time passed by. Heated arguments and suspicions of infidelity marred their marriage so much, so that in 2001, Dana and Leodegario filed a joint petition for the dissolution of their conjugal partnership, which was granted.^[5]

The final straw came on September 11, 2003, when Leodegario filed a petition for declaration of absolute nullity of marriage with the RTC, docketed as Civil Case No. 03-6954, alleging psychological incapacity on the part of Dana. The case was assigned to Branch 72 of the aforesaid court. On April 2, 2004, Dana filed her Answer, alleging that Leodegario filed the petition in order to marry his paramour, with whom he had a son.^[6]

The case proceeded to trial on the merits. The Public Prosecutor found no evidence of collusion between Dana and Leodegario. Both parties appeared in the pre-trial conference and marked their documentary exhibits. Leodegario presented as witnesses a clinical psychologist, a former employee of the couple's joint business, and himself. However, when it was Dana's turn to present evidence, her counsel failed to appear despite notice. On February 26, 2009, the trial court issued an

Order declaring Dana to have waived her right to present evidence and ordering Leodegario to submit his memorandum, after which the case would be deemed submitted for decision.^[7]

On June 24, 2009, the trial court rendered its Decision.^[8] It declared the marriage between Dana and Leodegario null and void on the ground of psychological incapacity. The court held that Dana was afflicted with grave, incurable, and juridically antecedent Histrionic Personality Disorder. Dana received a copy of the decision on August 26, 2009.

Dana filed a Notice of Appeal on September 4, 2009; but she withdrew her appeal and instead filed a Petition for Relief from Judgment with the RTC, dated October 19, 2009, alleging that extrinsic fraud and mistake prevented her from presenting her case at the trial. Leodegario filed a comment on the petition.

In an Order^[9] dated February 17, 2010, the trial court denied Dana's petition, ruling that there was no sufficient allegation of fraud or mistake in the petition.

Dana filed a motion for reconsideration, which the trial court denied in an Order^[10] dated April 22, 2010. Aggrieved, she filed a petition for *certiorari* with the CA,^[11] ascribing grave abuse of discretion on the part of the trial court when it denied her petition for relief and allowed the Decision dated June 24, 2009 to stand despite her inability to present her evidence. After a further exchange of pleadings, the appellate court, in a Resolution^[12] dated February 7, 2011, referred Dana's petition to the Philippine Mediation Center.

On June 6, 2011, under the auspices of the appellate court mediator, Dana and Leodegario entered into a compromise agreement,^[13] where they agreed to transfer the titles to their conjugal real properties in the name of their four common children. On June 16, 2011, Dana moved for the archival of the case. On July 19, 2011, the CA issued a Resolution^[14] declaring the case closed and terminated by virtue of the compromise agreement and ordering the issuance of entry of judgment.

On July 3, 2012, Dana filed a Manifestation^[15] alleging that Leodegario was not complying with the compromise agreement. She reiterated this allegation in her Motion to Reopen and/or Reinstate the Petition^[16] which she filed on August 14, 2012. Ordered by the appellate court to comment on the Motion to Reopen, Leodegario countered that he has complied with the essential obligations under the compromise agreement. He, subsequently, filed a Manifestation showing such compliance, attaching the copies of the transfer certificates of title with the required annotations thereon, deeds of sale in favor of their common children, and the new transfer certificates of title in the names of their common children.^[17]

Resolution dated April 15, 2014

On April 15, 2014, the Former 15th Division of the CA rendered the first assailed Resolution^[18] denying Dana's Motion to Reopen, thusly:

WHEREFORE, the motion to open and/or reinstate the petition is hereby DENIED for lack of merit. Respondent's manifestation showing compliance with the compromise agreement is hereby NOTED.

SO ORDERED.^[19]

The appellate court noted Leodegario's Manifestation showing his compliance with the terms of the compromise agreement; on the other hand, it found that Dana did not make any allegation or showing of her compliance with the terms of the compromise agreement. It then concluded that the motion was unmeritorious since Dana, as a party to the compromise agreement herself, should also prove her faithful compliance therewith.

Undaunted, Dana filed a Motion for Reconsideration and/or to Submit Petition for Decision (with Plea to Preserve Marital Union),^[20] asserting that the compromise agreement was never intended to settle the issue of the validity and subsistence of her marriage to Leodegario.

Resolution dated September 26, 2014

On September 26, 2014, the Former 15th Division of the CA rendered the second assailed Resolution^[21] denying Dana's Motion for Reconsideration and/or to Submit Petition for Decision, disposing, thus:

WHEREFORE, the Motion for Reconsideration and/or to Submit Petition for Decision is **DENIED** for lack of merit.

SO ORDERED.^[22]

The appellate court found the Motion for Reconsideration and/or to Submit Petition for Decision unmeritorious. It held that the marital ties between Dana and Leodegario had been severed by the trial court's decision of June 24, 2009; hence, the compromise agreement did not involve the validity of their marriage but only their property relations. Furthermore, the appellate court found that Dana, in her Motion to Archive Case, had conceded her intention to have the case dismissed upon compliance with the stipulations of the Compromise Agreement.^[23]

Aggrieved, Dana filed the present petition for review on *certiorari* before this Court on November 24, 2014. The Office of the Solicitor General (OSG) and Leodegario filed their respective Comments on the petition.

The Issues

Dana raises the following issues for resolution by this Court:

- 1) Whether or not the assailed resolutions of the CA, which terminated her case by reason of the compromise agreement, were erroneous for being contrary to the State's legal mandate to defend the sanctity of marriage;
- 2) Whether or not the assailed resolutions of the CA, which in effect upheld the order of the trial court dismissing her petition for relief, violated her right to due process; and
- 3) Whether or not the CA erred in ruling that the trial court's decision declaring the marriage void had attained finality despite the filing of the petition for relief from judgment.^[24]

Dana argues that she never intended to compromise the issue of the validity of her marriage, as this cannot be the subject of compromise under Article 2035 of the New Civil Code. She further asserts that under Article 2041 of the New Civil Code, as applied in *Miguel v. Montanez*,^[25] she is entitled to simply consider the compromise agreement as rescinded, since Leodegario committed a breach of the agreement. Dana also claims that the termination of the case on the basis of the compromise agreement violated her right to due process, since she was unable to present her side of the controversy. Lastly, she contends that the appellate court erred in ruling that the trial court decision declaring the marriage void had become final, claiming that her petition for relief amounted to a motion for new trial, the filing of which is one of the requirements for filing an appeal under A.M. No. 02-11-10-SC.^[26]

The *defensor vinculi*, in his Comment, asserts that Dana's failure to file a motion for reconsideration or an appeal paved the way for the trial court judgment to attain finality. Due to Dana's failure to file an appeal in accordance with Section 20 of A.M. No. 02-11-10-SC, the OSG now contends, as the appellate court similarly concluded, that the trial court decision had attained finality.

Ruling of the Court

The petition has no merit.

The core issue in this petition is the propriety of setting aside the judgment upon compromise rendered by the court *a quo*. Dana maintains that the judgment should be vacated because of Leodegario's alleged breach of their compromise; and because she did not intend to compromise the issue of the validity of her marriage. To bolster her stand, she invokes Sections 1 and 2, Article XV of the Constitution and urges the State to uphold, or at least try to uphold, her marriage. Leodegario, on the other hand, asserts the binding force of the trial court's decision and the judgment on compromise, claiming that the courts *a quo* acted according to law and jurisprudence in rendering the assailed judgments.

It must be borne in mind that Civil Case No. 03-6954 is a proceeding for the declaration of nullity of the marriage between Dana and Leodegario on the ground of psychological incapacity. The applicable substantive laws are, therefore, the Family Code and the New Civil Code, while the governing procedural law is A.M. No. 02-11-10-SC, with the Rules of Court applying suppletorily.^[27]

In the case at bar, the CA^[28] and the OSG^[29] both concluded that the trial court decision had attained finality after Dana's inability to file an appeal therefrom. The two resolutions of the appellate court presuppose that the judgment on the validity of Dana and Leodegario's marriage had attained finality. Dana, on the other hand, asserts that it had not.

The Court agrees with the conclusion of the CA and the *defensor vinculi* regarding the finality of the RTC decision; however, we do not agree with their assertions as to the effect of the decision on the subsequent proceedings *a quo*.

There is indeed no showing in the record that Dana moved for reconsideration or new trial from the RTC decision. She, nevertheless, filed an appeal. However, probably cognizant of the proscription in Section 20^[30] of A.M. No. 02-11-10-SC, which makes the filing of a motion for reconsideration or a motion for new trial a

precondition for filing an appeal, she withdrew her appeal and filed a petition for relief from judgment.

There is no provision in A.M. No. 02-11-10-SC prohibiting resort to a petition for relief from judgment in a marriage nullity case. Furthermore, the said Rule sanctions the suppletory application of the Rules of Court^[31] to cases within its ambit. It cannot, therefore, be said that Dana availed of an inappropriate remedy to question the decision of the trial court. Indeed, the trial court admitted Dana's petition for relief, heard the parties on the issues thereon, and rendered an order denying the petition. Dana then properly and seasonably assailed the order of denial via *certiorari* to the CA. It is, therefore, clear that the proceedings in Civil Case No. 03-6954 continued even after the trial court had rendered judgment and even after the lapse of the 15-day period for appealing the decision.

Nevertheless, considering the nature and office of a petition for relief, which is to set aside a *final* judgment,^[32] the Court cannot agree with Dana's assertion that the decision of the RTC in Civil Case No. 03-6954 had not attained finality. In fact, the decision has already been annotated in their marriage contract.^[33] This finding, however, does not detract from the fact that the proceedings in Civil Case No. 03-6954 *continued* even after the trial court had rendered judgment, precisely because Dana filed a petition for relief from that judgment. From the denial of her petition, she sought recourse to the appellate court. The appellate court, in dismissing the case upon the parties' compromise on their conjugal properties, invoked the finality of the RTC decision as a bar to the litigation of the other issues raised by Dana's petition. This conclusion is untenable.

In *Samia v. Medina*,^[34] which involved the application of the statutory ascendant of Rule 38 in the old Code of Civil Procedure, the Court held:

There is a great deal of similarity between an order granting a motion for a new trial based upon "accident or surprise which ordinary prudence could not have guarded against" under section 145 of the Code of Civil Procedure, and an order granting a motion for a new trial based upon "mistake, inadvertence, surprise, or excusable neglect," under section 113 of the Code of Civil Procedure, as both set aside the judgment, order, or proceeding complained of; both call for a new trial, and in both the injured party may question the order granting the motion for the new trial upon appeal from the new judgment rendered upon the merits of the case. The only fundamental difference lies in this, that while the judgment, order, or proceeding coming under section 145 of the Code of Civil Procedure is not final, that coming under section 113 is final. But this does not alter the nature or effect of the order granting the new trial, for **this order does not put an end to the litigation in the sense that the party injured thereby has no other remedy short of appeal; he may question the propriety of the new trial on appeal from an adverse judgment rendered after such trial.**^[35] (Emphasis and underscoring Ours)

In *Servicewide Specialists, Inc. v. Sheriff of Manila*,^[36] decided prior to the enactment of the 1997 Rules of Civil Procedure, the Court held: