

## TENTH DIVISION

[ CA-G.R. SP No. 130889, November 27, 2014 ]

**ERLINDA S. PADILLO, PETITIONER, VS. NUMERIANO VICTOR L. PADILLO, HONORABLE JOSE L. BAUTISTA, PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 107, RESPONDENTS.**

### D E C I S I O N

**LANTION, J.A.C., J.:**

#### THE CASE

This *Petition for Certiorari*<sup>[1]</sup> under Rule 65 of the Rules of Court seeks to annul and set aside the *Order*<sup>[2]</sup> dated 12 March 2013 of the Regional Trial Court of Quezon City, Branch 107 (***court a quo***), in *Civil Case No. Q-02-46706*, the dispositive portion of which reads:

**WHEREFORE**, the Motion for Reconsideration filed by the respondent's<sup>[3]</sup> counsel is denied.

**SO ORDERED.**

#### THE FACTS (As culled from the Records)

On 21 May 1988, Petitioner Erlinda S. Padillo (***Erlinda***) and Private Respondent Numeriano Victor L. Padillo (***Numeriano***) entered into a contract of marriage in San Jose, Camarines Sur.

On 26 April 2002, Numeriano filed a *Petition/Complaint*<sup>[4]</sup> to declare his marriage with Erlinda as null and void on the ground of lack of marriage license.

On 8 June 2012, the court *a quo* granted Numeriano's *Petition/Complaint*, declaring his marriage with Erlinda void *ab initio*. The dispositive portion of the *Decision* reads:

"WHEREFORE the petition/complaint is granted and judgment is rendered as follows:

1. Declaring the marriage between the petitioner, NUMERIANO VICTOR L. PADILLO JR. and respondent, ERLINDA P. SAPO, which was celebrated on May 21, 1998 in San Jose, Camarines Sur, void ab initio pursuant to Article 3 (2) and Article 4 of the Family Code;

On 30 October 2012, or within fifteen days after receiving a copy of the above *Decision*, Erlinda filed a *Notice of Appeal*, but the same was not given due course **for her failure to file a motion for reconsideration as a precondition to her appeal** pursuant to Section 20<sup>[5]</sup> of AM 02-11-10-SC<sup>[6]</sup>.

On 23 November 2012, Erlinda filed a *Motion for Reconsideration* of the Order<sup>[7]</sup> denying her appeal, arguing that AM 02-11-10-SC does not apply in the instant case considering that: 1) the *Petition* for declaration of nullity of marriage filed by Numeriano was instituted prior to the effectivity of AM 02-11-10-SC; and 2) the subject marriage was celebrated on 21 May 1988, prior to the effectivity of the Family Code on 3 August 1988. Hence, Erlinda prayed that her appeal be given due course.

On 12 March 2013, the court *a quo*, issued the assailed *Order* denying Erlinda's *Motion for Reconsideration*. Hence, this *Petition*.

## ISSUE

### I

THE DENIAL OF THE NOTICE OF APPEAL FOR FAILURE OF ERLINDA S. PADILLO TO COMPLY WITH A.M. NO. 02-11-10-SC AMOUNTS TO GRAVE ABUSE OF DISCRETION.

### II

THE NOTICE OF APPEAL SHOULD BE GRANTED.

### III

THE DENIAL OF THE MOTION FOR RECONSIDERATION IS WHIMSICAL [AND] CAPRICIOUS.

## THIS COURT'S RULING

Erlinda imputes grave abuse of discretion on the part of the court *a quo* in not giving due course to her appeal for her failure to comply with Section 20<sup>[8]</sup> of AM 02-11-10-SC. She contends that AM 02-11-10-SC does not apply in the instant case considering that: 1) the *Petition* for declaration of nullity of marriage filed by Numeriano was instituted prior to the effectivity of AM 02-11-10-SC; and 2) her marriage with Numeriano was celebrated on 21 May 1988, prior to the effectivity of the Family Code on 3 August 1988.

The Petition is meritorious.

The Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages provided under A.M. No. 02-11-10-SC is explicit in its scope. Section 1 of the said Rule reads:

Section 1. Scope. – **This Rule shall govern petitions for declaration of absolute nullity of void marriages** and annulment of voidable marriages **under the Family Code of the Philippines.** (Emphasis Ours)

x x x

A plain reading of A.M. No. 02-11-10-SC leaves no room for any doubt. **The same covers only those marriages entered into during the effectivity of the Family Code which took effect on August 3, 1988.**

Also, the Supreme Court, in the case of *Carlos v. Sandoval*<sup>[9]</sup> enumerated the kind of actions<sup>[10]</sup> which are beyond the ambit of A.M. No. 02-11-10-SC:

"x x x the following actions for declaration of absolute nullity of a marriage are excepted from A.M. No. 02-11-10-SC, to wit:

1. Those filed vis-à-vis **marriages celebrated during the effectivity of the Civil Code** (before the effectivity of the family Code); **and**

2. Those commenced before March 15, 2003, the effectivity date of A.M. No. 02-11-10-SC.

x x x"

Here, the marriage between Erlinda and Numeriano was contracted on **21 May 1988**, or almost three (3) months before the effectivity of the Family Code. Under the *plain-meaning rule* or the latin maxim *verba legis*, a provision that is clear, plain and free from ambiguity must be given its literal meaning and applied without attempted interpretation.<sup>[11]</sup> It is clear that Section 1 of A.M. No. 02-11-10-SC *extends only to those marriages entered into during the effectivity of the Family Code* (beginning **August 3, 1988**), and thus applying its literal meaning, Erlinda and Numeriano's marriage is beyond the coverage of A.M. No. 02-11-10-SC.

Moreover, A.M. No. 02-11-10-SC, being a procedural rule, is to be applied prospectively. In other words, the said rule is **confined only to actions or proceedings commenced after it took effect on March 15, 2003.**<sup>[12]</sup>

In this case, Numeriano filed his *Petition* for declaration of nullity of marriage on **26 April 2002**, eleven (11) months **prior** to the effectivity of AM 02-11-10-SC. Clearly, the said rule does not govern the present *Petition*, as said *Petition* was filed before