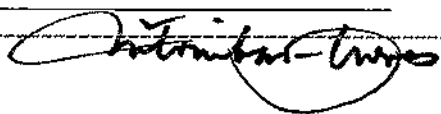


EN BANC

G.R. No. 259520 – MARIA LINA P. QUIRIT-FIGARIDO, Petitioner, v. EDWIN L. FIGARIDO, Respondent.

Promulgated:

November 5, 2024

x----------x

SEPARATE CONCURRING OPINION

SINGH, J.:

I agree with the ruling in the *ponencia* that Maria Lina P. Quirit-Figarido (**Maria Lina**) lacks legal capacity to file a petition for the declaration of nullity of her marriage to respondent Edwin L. Figarido (**Edwin**). The conclusion stems from the fact that Maria Lina and Edwin knowingly contracted a bigamous marriage. Hence, Maria Lina is neither an “aggrieved” or “injured” spouse, nor is she an innocent spouse.

This ruling is anchored primarily on A.M. No. 02-11-10-SC, or the “Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages,” as well as the cases of *Juliano-Llave v. Republic*¹ (*Juliano-Llave*) and *Fujiki vs. Marinay* (*Fujiki*),² which purport to clarify the application of A.M. No. 02-11-10-SC.

For reference, Section 2(a) of A.M. No. 02-11-10-SC provides:

SECTION 2. Petition for declaration of absolute nullity of void marriages. –

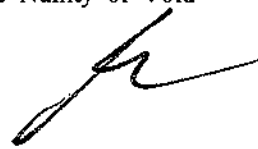
(a) Who may file. – A petition for declaration of absolute nullity of void marriage may be filed solely by *the husband or the wife*. []³ (Emphasis supplied)

On the other hand, *Fujiki* states:

¹ *Juliano-Llave v. Republic*, 662 Phil 203 (2011) [Per J. Del Castillo, First Division].

² *Fujiki v. Marinay*, 712 Phil 524, 550–551 (2013) [Per J. Carpio, Second Division].

³ Administrative Matter No. 02-11-10-SC (2003), Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.



Section 2 (a) of A.M. No. 02-11-10-SC does not preclude a spouse of a subsisting marriage to question the validity of a subsequent marriage on the ground of bigamy. On the contrary, when Section 2 (a) states that "[a] petition for declaration of absolute nullity of void marriage may be filed *solely by the husband or the wife*" — it refers to the husband or the wife of the subsisting marriage. Under Article 35 (4) of the Family Code, bigamous marriages are void from the beginning. Thus, the parties in a bigamous marriage are neither the husband nor the wife under the law. The husband or the wife of the prior subsisting marriage is the one who has the personality to file a petition for declaration of absolute nullity of void marriage under Section 2 (a) of A.M. No. 02-11-10-SC.⁴ (Emphasis in the original.)

To further anchor its ruling, the *ponencia* refers to the Rationale for the Rules on Annulment of Voidable Marriages and Declaration of Absolute Nullity of Void Marriages, Legal Separation and Provisional Orders (**Rationale for the Rules**), which states that an action for the declaration of nullity of a void marriage may be filed solely by the "aggrieved or injured spouse."

Given that the Rationale for the Rules is the only explicit basis cited for appending the restrictive terms of "aggrieved" and "injured" to the spouse that possesses legal standing and again, which terms do not appear in the actual text of Section 2(a) of A.M. No. 02-11-10-SC, it is worth reviewing the cases that discuss its application.

*Pertinent line of cases citing the
Rationale for the Rules*

The case of *Enrico v. Heirs of Spouses Medinaceli (Enrico)*⁵ provides a quotation from the pertinent portion of the Rationale for the Rules:

There is no ambiguity in the Rule. *Absolute sententil expositore non indiget*. When the language of the law is clear, no explanation of it is required. Section 2 (a) of A.M. No. 02-11-10-SC, makes it the sole right of the husband or the wife to file a petition for declaration of absolute nullity of void marriage.

The Rationale of the Rules on Annulment of Voidable Marriages and Declaration of Absolute Nullity of Void Marriages, Legal Separation and Provisional Orders explicates on Section 2 (a) in the following manner, *viz*:

1. *Only an aggrieved or injured spouse may file petitions for annulment of voidable marriages and declaration of absolute nullity of void marriages. Such petitions cannot be filed by the compulsory or intestate heirs*

⁴ *Fujiki v. Marinay*, 712 Phil 524, 550–551 (2013) [Per J. Carpio, Second Division].

⁵ *Enrico v. Heirs of Spouses Medinaceli*, 560 Phil 673 (2007) [Per J. Chico-Nazario, Third Division].

of the spouses or by the State. [Section 2; Section 3, paragraph a]

Only an aggrieved or injured spouse may file a petition for annulment of voidable marriages or declaration of absolute nullity of void marriages. Such petition cannot be filed by compulsory or intestate heirs of the spouses or by the State. The Committee is of the belief that they do not have a legal right to file the petition. Compulsory or intestate heirs have only inchoate rights prior to the death of their predecessor, and hence can only question the validity of the marriage of the spouses upon the death of a spouse in a proceeding for the settlement of the estate of the deceased spouse filed in the regular courts. On the other hand, the concern of the State is to preserve marriage and not to seek its dissolution.⁶ (Emphasis supplied.)

The case of *Enrico* cited the Rationale for the Rules in a situation where the heirs of the first marriage assailed the subsequent marriage of Eulogio (who was deceased at the time of the case) and Lolita, for allegedly having been entered into without a marriage license, which would render it void.

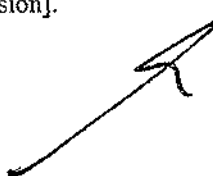
There, the Court held that A.M. No. 02-11-10-SC applied, as the marriage between Eulogio and Lolita had been celebrated under the Family Code. It must be emphasized that the Rationale for the Rules was relevant in *Enrico* as it specifically provided that the compulsory or intestate heirs may not file a petition for declaration for nullity of marriage. Thus, the heirs were precluded from filing an action for declaration of nullity of marriage, as clearly explained in the Rationale for the Rules. In any case, as pointed out in *Enrico*, the Rule alone is sufficient, it being clear and unambiguous that only “the husband or the wife” may file the petition.

Enrico, and the same passage from the Rationale for the Rules, were then cited in *Juliano-Llave*.⁷ In *Juliano-Llave*, the wife of former Senator Tamano, Zorayda, filed a complaint for declaration of nullity of the marriage between Tamano and Estrellita on the ground that it was bigamous. One of the contentions of Estrellita was that Zorayda had no legal standing because “only the husband or the wife in a void marriage can file a petition for declaration of nullity of marriage.”⁸ The Court referred to and quoted the same passage from the Rationale for the Rules (citing *Enrico*) as support for the following statements:

⁶ *Id.* at 682–683.

⁷ *Juliano-Llave v. Republic*, 662 Phil 203 (2011) [Per J. Del Castillo, First Division].

⁸ *Id.* at 222.



Estrellita claims that only the husband or the wife in a void marriage can file a petition for declaration of nullity of marriage. However, this interpretation does not apply if the reason behind the petition is bigamy.

In explaining why under A.M. No. 02-11-10-SC only the spouses may file the petition to the exclusion of compulsory or intestate heirs, we said:

The Rationale of the Rules on Annulment of Voidable Marriages and Declaration of Absolute Nullity of Void Marriages, Legal Separation and Provisional Orders explicates on Section 2(a) in the following manner, viz.:


(1) Only an aggrieved or injured spouse may file petitions for annulment of voidable marriages and declaration of absolute nullity of void marriages. Such petitions cannot be filed by the compulsory or intestate heirs of the spouses or by the State. [Section 2; Section 3, paragraph a]

Only an aggrieved or injured spouse may file a petition for annulment of voidable marriages or declaration of absolute nullity of void marriages. Such petition cannot be filed by compulsory or intestate heirs of the spouses or by the State. The Committee is of the belief that they do not have a legal right to file the petition. Compulsory or intestate heirs have only inchoate rights prior to the death of their predecessor, and hence can only question the validity of the marriage of the spouses upon the death of a spouse in a proceeding for the settlement of the estate of the deceased spouse filed in the regular courts. On the other hand, the concern of the State is to preserve marriage and not to seek its dissolution.

Note that the Rationale makes it clear that Section 2 (a) of A.M. No. 02-11-10-SC refers to the "aggrieved or injured spouse." If Estrellita's interpretation is employed, the prior spouse is unjustly precluded from filing an action. Surely, this is not what the Rule contemplated.

The subsequent spouse may only be expected to take action if he or she had only discovered during the connubial period that the marriage was bigamous, and especially if the conjugal bliss had already vanished. Should parties in a subsequent marriage benefit from the bigamous marriage, it would not be expected that they would file an action to declare the marriage void and thus, in such circumstance, the "injured spouse" who should be given a legal remedy is the one in a subsisting previous marriage. The latter is clearly the aggrieved party as the bigamous marriage not only threatens the financial and the property ownership aspect of the prior marriage but most of all, it causes an emotional burden to the prior spouse. The subsequent marriage will always be a reminder of the infidelity of the spouse and the disregard of the prior marriage which sanctity is protected by the Constitution.⁹ (Emphasis supplied)

⁹ *Id.* at 222-224.



Subsequently, *Fujiki* cites *Juliano-Llave*:

The Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages (A.M. No. 02-11-10-SC) does not apply in a petition to recognize a foreign judgment relating to the status of a marriage where one of the parties is a citizen of a foreign country. Moreover, in Juliano-Llave v. Republic, this Court held that the rule in A.M. No. 02-11-10-SC that only the husband or wife can file a declaration of nullity or annulment of marriage "does not apply if the reason behind the petition is bigamy."

....

When the right of the spouse to protect his marriage is violated, the spouse is clearly an injured party and is therefore interested in the judgment of the suit. *Juliano-Llave* ruled that the prior spouse "is clearly the aggrieved party as the bigamous marriage not only threatens the financial and the property ownership aspect of the prior marriage but most of all, it causes an emotional burden to the prior spouse." Being a real party in interest, the prior spouse is entitled to sue in order to declare a bigamous marriage void. For this purpose, he can petition a court to recognize a foreign judgment nullifying the bigamous marriage and judicially declare as a fact that such judgment is effective in the Philippines. Once established, there should be no more impediment to cancel the entry of the bigamous marriage in the civil registry.¹⁰ (Emphasis supplied.)

It should be noted, at this point, that the pronouncements of *Fujiki* on this issue clearly constitute *obiter dicta*. *Fujiki* categorically states that "[t]he Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages (A.M. No. 02-11-10-SC) does not apply in a petition to recognize a foreign judgment relating to the status of a marriage where one of the parties is a citizen of a foreign country."¹¹ The situation just described is precisely the very situation that was before the Court in *Fujiki*.

Regardless of the characterization of the statements in *Fujiki* as *obiter*, the statements in *Juliano-Llave* are admittedly on point with the current case.

Reexamining the ponencia's legal basis

It cannot be overemphasized that the actual text of Section 2(a) of A.M. No. 02-11-10-SC does not include the terms "aggrieved" or "injured." These restrictive terms appear only in the Rationale for the Rules. It was only in *Juliano-Llave* that the Court expounded on the terms "aggrieved" and "injured," and held that the interpretation that "only the husband or the wife in a void marriage can file a petition for declaration of nullity of marriage"

¹⁰ *Fujiki v. Marinay*, 712 Phil 524, 543–544, 551–552 (2013) [Per J. Carpio, Second Division].

¹¹ *Id.* at 544.



does not apply if the ground is bigamy. As for *Fujiki*, as stated earlier, it should be considered *obiter dicta* as regards the pertinent issue despite its attempts to bolster and in fact further restrict the rule enunciated in *Juliano-Llave*.

Not only is the text of Section 2(a) of A.M. No. 02-11-10-SC already clear on its face, referring to a husband or a wife, but the Rationale for the Rules purports to add the restrictive terms of “aggrieved” or “injured” without defining the same. As such, the ruling in *Juliano-Llave* was forced to carve out a jurisprudential exception in cases of bigamy based on its own interpretation.

It is submitted, therefore, that the more reasonable and equitable interpretation is that in cases where a marriage is sought to be declared void on the grounds of bigamy, legal standing to file the petition for declaration of nullity of marriage includes the *innocent* spouse in the bigamous marriage *and* the spouse in the prior and subsisting marriage. Such a rule would preserve the spirit of *Juliano-Llave*’s reasoning, without precluding, perhaps unfairly, an innocent spouse in a bigamous marriage from seeking to correct their civil status. This interpretation is also consistent with the ruling in *Juliano-Llave*. To recall, while that case granted standing to the prior spouse, it did not rule that the spouses of the bigamous marriage lacked standing to file a petition for declaration of nullity of marriage, not least because such a ruling would be *obiter*.

Further, the statement in *Fujiki* that attempts to rule explicitly that “the parties in a bigamous marriage are neither the husband nor the wife under the law,” which can be viewed as an even more restrictive interpretation than that propounded in *Juliano-Llave*, is, without certainty, devoid of precedential value.

It is true, of course, that Article 40 of the Family Code provides that “[t]he absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis solely of a final judgment declaring such previous marriage void.” It is not clear, however, that there was a legislative intent to, in cases of bigamy, restrict standing to seek such final judgment to the aggrieved spouse of the valid prior marriage only, and to the exclusion of the innocent spouse in the bigamous marriage, in the manner that Section 2(a) of A.M. No. 02-11-10-SC does (as seemingly explained by the Rationale for the Rules, and, in turn, as clarified by *Juliano-Llave* and doubled down on by *Fujiki*).

Concededly, the facts of the present case state that Maria Lina knew that her marital status with Ho Kar Wai posed an obstacle to her relationship



with Edwin.¹² Hence, Maria Lina is not an innocent spouse and is ineligible to file the petition for declaration of nullity of marriage. As Edwin is also a guilty spouse, and Ho Kar Wai has already divorced Maria Lina, there exists no spouse with legal capacity to file the petition. The Petition was, therefore, correctly denied.

The place of policy, and the need for clarity, in the rules of procedure

I submit, therefore, that A.M. No. 02-11-10-SC should be amended to better reflect and crystallize the rule that the *ponencia* seeks to lay down categorically. Precisely, I respectfully propose that the aggrieved or injured spouse of the prior subsisting marriage or the innocent spouse in a bigamous marriage may file the petition for declaration of nullity of marriage. This would appear to be a more elegant solution to address why Section 2(a) of A.M. No. 02-11-10-SC so clearly reads one way, but the Rationale for the Rules, as laboriously clarified by jurisprudence, requires that it be read differently in cases of bigamy.

For, as stated in *Enrico*, “[w]hen the language of the law is clear, no explanation of it is required.”¹³ As procedural rules are explicitly within the Court’s domain, it would be a service to the public to render the language of the rule clear, so that no explanation, by way of carving out labored jurisprudential exceptions, is required.

For the consideration of the *ponente* and the *Banc*

All things considered, I vote to **DENY** the Petition.


MARIA FILOMENA D. SINGH
Associate Justice

¹² *Id.* at 2.

¹³ *Enrico v. Heirs of Spouses Medinaceli*, 560 Phil 673 (2007) [Per J. Chico-Nazario, Third Division].