

Disturbing Family Law Jurisprudence: A Critical Observation

Melencio Sta. Maria

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Family Law is a legal field that has been given significant focus both by the Supreme Court and Congress in recent years. However, there are also cases that have been significant, not because they introduced earth-shaking and trailblazing decisions that positively illumine family issues, but because they created jurisprudence that, for the most part, unsettle a legal mind's sense of legal coherence and equanimity.

Navarro v. Domagtoy: Erroneous Categorization of Infirmary

- In holding the validity of a marriage, the Court erroneously categorized the non-jurisdiction of a judge as a mere irregularity in the formal requisites of marriage.

Nicdao-Cariño v. Cariño: Muddling of Void Marriages

- The Court blurred the distinction between the subsequent void marriage under Article 40 and bigamy under Article 41 of the Family Code. It ruled that, for as long as there is a violation of Article 40, the subsequent marriage will also be bigamous.

Briones v. Miguel: Incoherent Status of Illegitimate Children

- The Supreme Court made a sweeping ruling with respect to the mother's parental authority over an illegitimate child, without taking into consideration the other provisions, particularly the exercise of parental authority by both parents under Article 211.

Tenebro v. Court of Appeals: Overturning Good Jurisprudence

- It has long been well-entrenched that there can be no bigamy if the second marriage is void for reasons other than the fact that it is bigamous, such as the absence of a formal requisite. In this case however, the second marriage was judicially declared void because of psychological incapacity of one of the parties.

Republic v. Bermudez-Lorino and Republic v. Court of Appeals:
Confusion on Remedies

- These two cases created confusion as to the proper mode of appeal to be taken in summary proceedings on presumptive death.

In the Matter of the Adoption of Stephanie Nathy Astorga Garcia:
Inaccurate Opinion

- The Court, in an obiter, made a statement regarding the adopted's right of intestacy from her natural mother. It is clear from the New Domestic Adoption Law that the natural parent's right to inherit can only be done through testate not intestate succession.

Republic v. Orbecido: Inadequate Rationalization

- The Court, citing jurisprudence, ruled that a divorce decree validly obtained by the alien spouse is valid in the Philippines and consequently, capacitated the spouse to remarry. However, in arriving at this decision, the Court did not take the case it cited in its proper context.

Sy v. Court of Appeals and Mallion v. Alcantara: Form over Substance

- The Supreme Court denied these petitions for nullity of marriage based on procedural matters (raising an issue for the first time on appeal and splitting of causes of action, respectively). Marriage creates status and confers rights. The Supreme Court should have disregarded technicalities and should have allowed the suits.

If decisions in Family Law will continue to be confusing and, sad to say, unsound, this will definitely have a negative repercussion in society. Family conflicts now abound in the Philippines. In a large measure, the survival of society depends also on how judges and lawyers handle the problems of the basic units of the nation, namely the families that compose it.