



Republic of the Philippines
Supreme Court
 Manila
 EN BANC

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE

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MARIA LINA P. QUIRIT- FIGARIDO, G.R. No. 259520

Petitioner, Present:

GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,*
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 GAERLAN,**
 ROSARIO,
 LOPEZ, J.,
 DIMAAMPAO,
 MARQUEZ,
 KHO, JR., and
 SINGH, JJ.

- versus -

Promulgated:

EDWIN L. FIGARIDO,

Respondent.

November 5, 2024

X ----- [Signature] ----- X

DECISION

ROSARIO, J.:

Before the Court is a Petition for Review on *Certiorari*¹ filed under Rule 45 of the Rules of Court by petitioner Maria Lina P. Quirit-Figarido (Maria Lina) against respondent Edwin L. Figarido (Edwin), seeking to

* On official business.

** On official leave.

¹ *Rollo*, pp. 10-24.

reverse the Decision² and the Resolution³ promulgated by the Court of Appeals (CA); to declare the marriage between Maria Lina and Edwin as void *ab initio* for being bigamous; and to declare that Maria Lina has the right to remarry.

Antecedents

According to Maria Lina, she was married to Ho Kar Wai, a Chinese national, on December 13, 1989 in Tsim Sha Tsui in Hong Kong, and also on August 23, 1994 before Judge Roberto L. Makalintal of the Metropolitan Trial Court of Parañaque City, Branch 77.⁴

In June 2000, Maria Lina met Edwin while she was working as a bank teller at Equitable Bank in Central Hong Kong. Edwin, who was a regular client of the bank, was an expatriate working as Engineer Manager in The Cable Assembly in Dongguan, China. They became friends and sometime in 2002, Edwin started courting Maria Lina. At first, Maria Lina did not entertain Edwin because she still had problems with her marital status. Despite knowledge of the situation, Edwin promised Maria Lina that he was willing to wait until she settled her marital problems.⁵

By reason of Edwin's good intentions toward Maria Lina, she started to have an affair with him although she was still lawfully married to Ho Kar Wai. Eventually, Maria Lina resigned from her work in Hong Kong and returned to the Philippines because she got pregnant by Edwin.⁶

On February 22, 2003, Maria Lina and Edwin married. This marriage was officiated by Reverend Christopher Navarro Lumibao at the House of the Groem in Narcissus Street, Roxas District, Quezon City. They were blessed with two children: namely, Edward Lemuel Q. Figarido (Edward Lemuel), who was born on September 3, 2004, and Edward Lindon Q. Figarido (Edward Lindon), who was born on January 25, 2007.⁷

On November 28, 2007, Ho Kar Wai obtained a Certificate of Making Decree Nisi Absolute (Divorce Decree) from the District Court of Hong Kong Special Administrative Region, dissolving his marriage with Maria Lina. Thus, Maria Lina filed a Petition for Recognition/Enforcement of Foreign Judgment before the Regional Trial Court (RTC) of Parañaque City, Branch

² *Id.* at 26–42. The June 21, 2021 Decision in CA-G.R. CV No. 114777 was penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Maria Elisa Sempio Diy and Carlito B. Calpatura.

³ *Id.* at 44–45. The November 16, 2021 Resolution in CA-G.R. CV No. 114777 was penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Maria Elisa Sempio Diy and Carlito B. Calpatura.

⁴ *Id.* at 27.

⁵ *Id.*

⁶ *Id.* at 27–28.

⁷ *Id.* at 28.

260 (RTC Branch 260). Said petition was subsequently granted by the RTC in a Decision dated February 5, 2009.⁸

Sometime in 2014, Maria Lina and Edwin separated. Their children remained in the custody of Maria Lina in the Philippines while Edwin, who was working overseas, provided them with support.⁹

On March 6, 2017, Maria Lina filed before the RTC of Parañaque City, Branch 10, which was constituted as a family court, a petition for declaration of nullity of marriage, docketed as Civil Case No. 2017-41, for the reason that the same was “bigamous,” pursuant to Article 35(4) of the Family Code. She prayed that her marriage with Edwin be declared void *ab initio* for being bigamous and that she be declared to have the legal capacity to remarry.¹⁰

Per the Sheriff’s Report dated June 6, 2017, Edwin was served with summons at his last known address, but the same remained “unserved” because the latter was working in Singapore. Hence, upon Maria Lina’s motion, service of summons upon Edwin was effected by publication.¹¹

The Office of the Solicitor General (OSG), as counsel for the Republic of the Philippines (Republic), entered its appearance and deputized the Office of the City Prosecutor (OCP) of Parañaque City to appear on its behalf.¹²

In an Order dated February 28, 2018, the family court directed the OCP to conduct an investigation to determine if there was collusion between the parties. On May 3, 2018, the OCP manifested that despite notice sent to the parties for purposes of investigation, neither of them appeared.¹³

On February 4, 2019, a pre-trial conference was held, wherein the parties entered into a stipulation of facts. Maria Lina proposed to stipulate that she had a first marriage with Ho Kar Wai on December 13, 1989; that she performed another marriage with Ho Kar Wai on August 23, 1994 in the Philippines; that she married her second husband Edwin on February 22, 2003 at Quezon City, Philippines despite the existence of her first marriage with Ho Kar Wai; that she has two children with Edwin, namely, Edward Lemuel and Edward Lindon; that RTC Branch 260 rendered a Decision dated February 5, 2009 recognizing the divorce acquired by Ho Kar Wai in Hongkong; and that Maria Lina and Edwin did not obtain any substantial properties during the marriage.¹⁴

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 28–29.

¹¹ *Id.* at 29.

¹² *Id.*

¹³ *Id.* at 29–30.

¹⁴ *Id.* at 30.

All of Maria Lina's proposed stipulations, except the last one, were admitted by Edwin. Meanwhile, the latter proposed to stipulate that during the subsistence of Maria Lina's previous marriage with Ho Kar Wai in 1994, Maria Lina and Edwin married again on February 22, 2003, prior to the issuance of the Decision from the RTC Branch 260 declaring her first marriage annulled. This fact was admitted by Maria Lina.¹⁵

Maria Lina also caused the marking in evidence of the Report of Marriage between her and Ho Kar Wai dated December 13, 1989; Certificate of Marriage between her and Ho Kar Wai dated August 23, 1994; Certificate of Marriage between her and Edwin dated February 22, 2003; Birth Certificate of Edward Lemuel; Birth Certificate of Edward Lindon; Certificate of Finality with Entry of Judgment issued by RTC Branch 260; Decision dated February 5, 2009 rendered by RTC Branch 260; and Certification issued by the City Civil Register of Parañaque City dated May 21, 2009.¹⁶

Trial ensued. Maria Lina presented herself as the lone witness. She submitted her judicial affidavit and was subjected to cross-examination by the public prosecutor and to clarificatory questions by the family court. Despite service of summons by publication, Edwin did not appear in court at all. In light of the manifestation that the public prosecutor did not intend to present any evidence, the case was submitted for decision.¹⁷

Ruling of the RTC

On August 30, 2019, the family court rendered a Decision denying Maria Lina's petition for declaration of nullity of marriage. The dispositive portion of the family court Decision reads:

WHEREFORE, the foregoing duly considered, the court finds no reason to grant the Petition for Declaration of Nullity of Marriage based on Art. 35 paragraph 4 of the Family code. Thus, the petition is DENIED.

SO ORDERED.¹⁸ (Emphasis in the original)

Aggrieved, Maria Lina moved for reconsideration of the Decision dated August 30, 2019, but the same was denied by the family court in an Order¹⁹ dated December 6, 2019.

Undaunted, Maria Lina filed an appeal before the CA to challenge the Decision and Order of the family court, raising the issues of whether the family court is correct in applying the case of *Lasanas vs. People*²⁰ given the factual milieu of this case; whether Maria Lina is entitled to an equity

¹⁵ *Id.*

¹⁶ *Id.* at 31.

¹⁷ *Id.*

¹⁸ *Id.* at 53.

¹⁹ *Id.* at 32.

²⁰ 736 Phil. 735, 745 (2014) [Per J. Bersamin, First Division].

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judgment rendering her marriage to Edwin null and void for being bigamous; and whether she has the capacity to re-marry.²¹

The Republic, through the OSG, filed its oppositor-appellee's brief, maintaining that the family court did not err in denying the petition for declaration of nullity of marriage because Maria Lina, being the party guilty of contracting a bigamous marriage, had no personality to file the said petition, as only the injured or aggrieved party may file the petition for declaration of nullity of marriage.²²

On the other hand, Edwin did not file any brief.²³

Ruling of the CA

In the assailed Decision dated June 21, 2021, the CA denied Maria Lina's appeal and affirmed the Decision and Order issued by the family court. The dispositive portion of the CA Decision reads:

WHEREFORE, the appealed Decision dated August 30, 2019 and Order dated December 6, 2019 of the trial court are **AFFIRMED**.

SO ORDERED. (Emphasis in the original)²⁴

Hence, this petition. In entreating this Court to rule in her favor, Maria Lina raises the following issues:

First, whether Maria Lina has the personality to file before the family court the petition for declaration of nullity of her marriage with Edwin; and

Second, whether Maria Lina can remarry if the Supreme Court declares her marriage with Edwin void *ab initio* for being bigamous.

In a Resolution dated March 28, 2023, the Court required Edwin and the OSG to file their respective comments.

Complying with the Court's directive, the OSG filed its comment,²⁵ maintaining that Maria Lina has no personality to file the case, considering that she was not the spouse aggrieved or injured by the bigamous marriage.

Meanwhile, no comment has been filed by Edwin to this date.

²¹ *Rollo*, p. 32.

²² *Id.*

²³ *Id.*

²⁴ *Id.* at 41-42.

²⁵ *Id.* at 85-100.

Our Ruling

We deny the petition.

Only the aggrieved or injured innocent spouse of either marriage may petition to declare the nullity of the subsequent marriage. Inasmuch as Maria Lina is not the aggrieved or injured spouse in her prior marriage, she lacks the legal capacity to petition the declaration of nullity of her subsequent marriage.

In her petition, Maria Lina avers that without Ho Kar Wai who has the right to file for the nullification of the bigamous marriage, she is the only real party-in-interest left who may file the action to correct and make legal such unlawful act, inasmuch as Edwin cannot file for the nullification of their marriage because he is not the injured spouse of the prior subsisting marriage.

Maria Lina's claim is devoid of legal basis.

Under Article 35(4) of the Family Code, bigamous and polygamous marriages shall be considered void *ab initio*, as follows:

Art. 35. The following marriages shall be void from the beginning:

.....

- (4) Those bigamous or polygamous marriages not falling under Article 41;

Relative thereto, the Supreme Court promulgated A.M. No. 02-11-10-SC, or the "Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages," Section 2(a) of which provides that only the spouses may petition the declaration of nullity of a void marriage. Thus:

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.

Further elucidating on Section 2(a) of A.M. No. 02-11-10-SC, the Rationale of the Rules on Annulment of Voidable Marriages and Declaration of Absolute Nullity of Void Marriages, Legal Separation and Provisional Orders²⁶ (Rationale) was issued. It states that an action for the declaration of nullity of a void marriage may be filed solely by the aggrieved or injured spouse, to wit:

²⁶ 8 Court Systems J. No. 2, 72 (June 2003).

- (1) Only an aggrieved or injured spouse may file petitions for annulment of voidable marriages and declaration of absolute nullity of void marriages . . .

We had an opportunity to apply the foregoing provision of A.M. No. 02-11-10-SC, in relation to its Rationale, in *Juliano-Llave v. Republic of the Philippines*.²⁷ In the said case, the first wife filed a complaint for the declaration of nullity of marriage between the deceased husband and the second wife on the grounds of bigamy. The second wife challenged the legal standing of the first wife to question the validity of the subsequent marriage, contending that only the bigamous spouses may assail their own void marriage under A.M. No. 02-11-10-SC. In resolving such issue in favor of the first wife and finding that she has legal personality to file the petition, the Supreme Court highlighted the provision of the Rationale which categorically states that “[o]nly an aggrieved or injured spouse may file petitions for annulment of voidable marriages and declaration of absolute nullity of void marriages.”²⁸ The Court ratiocinated as follows:

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 [second wife] 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.*²⁹ (Emphasis supplied)

Subsequently, in *Fujiki v. Marinay*,³⁰ the Court clarified that the husband and the wife contemplated under Section 2(a) of A.M. No. 02-11-10-SC pertain to the spouses of the prior subsisting marriage because the parties in a bigamous marriage are neither the husband nor the wife in the eyes of the law. In *Fujiki*, the first husband, a Japanese, obtained a judgment from a family court in Japan which declared the marriage between the wife, a Filipina, and the second husband, also Japanese, void on the ground of bigamy. Thereafter, the first husband filed before a Philippine RTC a petition for judicial recognition of the judgment of the Japanese family court, and for declaration of the bigamous marriage as void *ab initio*. The court held that the

²⁷ 662 Phil. 203 (2011) [Per J. Del Castillo, First Division].

²⁸ *Id.* at 223.

²⁹ *Id.* at 223–224.

³⁰ 712 Phil. 524, 550-551 (2013) [Per J. Carpio, Second Division].

first husband had personality to file the said petition, because the judgment concerned his civil status. We accordingly explained that:

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.*

....

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 . . .*³¹ (Citations omitted; emphasis in the original; italics supplied)

In the present case, it is undisputed that Maria Lina and Ho Kar Wai, a Chinese, were married in 1989 in Hong Kong and 1994 in Parañaque City. While Maria Lina was still lawfully married to Ho Kar Wai, she married Edwin in 2003 in Quezon City. It was only in 2007, or four years after Maria Lina’s nuptial with Edwin, that Ho Kar Wai obtained the divorce decree from the district court of Hong Kong. It was even later, particularly in 2009, that RTC Branch 260 rendered the decision that recognized such divorce decree in the Philippines.

Evidently, Maria Lina is guilty of contracting a bigamous marriage because she was wedded to Edwin while her marriage with Ho Kar Wai was still subsisting. Consequently, she cannot be deemed an aggrieved or injured innocent spouse of either marriage and therefore lacks the personality to petition the nullification of her subsequent marriage.

In her petition, Maria Lina contends that *Juliano-Llave* is inapplicable to her case because it involved a compulsory heir who was neither the husband nor the wife. She likewise insists that the evils sought to be prevented by the lawmakers, as cited in the aforementioned case, are not present in this case because: (1) her prior marriage was already dissolved by the divorce obtained by Ho Kar Wai; (2) there is no longer an injured party as Ho Kar Wai already terminated their marriage through the divorce decree; (3) there were no

³¹ *Id.* at 550–552.

properties between her and Ho Kar Wai; (4) there is no longer a previous marriage to be protected by the Constitution; and (5) there is no criminal, civil, or administrative case that she wants to avoid.³²

As a corollary, Maria Lina submits that in view of Article 35(4) of the Family Code, which expressly provides that bigamous marriages shall be void from the beginning, We have no other recourse but to declare her marriage to Edwin as void. She asserts that the refusal to nullify such marriage has the effect of legalizing the same, which is contrary to law. She concludes that should the Court grant her petition, no one will be hurt since neither the previous husband nor the State will be prejudiced if the subsequent bigamous marriage is nullified.³³

Maria Lina's arguments fail to convince us.

At the outset, We note that in *Juliano-Llave*, the first wife was, in fact, one of the complainants who petitioned the declaration of nullity of the subsequent marriage. It is therefore beyond cavil that the pronouncement in the said case is relevant here.

Moreover, even if We grant, for the sake of argument, that the emotional burden to the prior spouse and the threat to the financial aspect of the prior marriage are no longer present in this case due to the divorce obtained by Ho Kar Wai, this does not have the effect of transforming Maria Lina into the aggrieved spouse and vesting her with the personality to file the petition for the declaration of nullity of her bigamous marriage to Edwin. On the contrary, it could be argued that Maria Lina benefited from the second illicit matrimony, as may be inferred from her having two children with Edwin, and from the duration of their relations after wedlock. To underscore, the bigamous marriage was contracted in 2003, and Maria Lina filed the petition for declaration of its nullity only in 2017, or after 14 years.

Maria Lina anchors her arguments on the erroneous presumption that the State is burdened with the obligation to declare bigamous marriages as null and void. Perforce, she holds the misplaced conviction that on account of the divorce secured by Ho Kar Wai, who stood as the injured party in the prior subsisting marriage as contemplated by the applicable law and rules, she effectively became entitled to petition the declaration of nullity of her marriage to Edwin.

Unfortunately for Maria Lina, as may be logically deduced from the mere existence and the categorical provisions of the pertinent rules and prevailing jurisprudence, the State does not have an absolute responsibility to dissolve bigamous marriages irrespective of the circumstances of the case and the acts and omissions of the parties involved. The intention behind the

³² *Rollo*, pp. 15–16.

³³ *Id.* at 18–19.

relevant rules and applicable jurisprudence is to preserve marriage, not to provide the guilty spouses in a bigamous marriage a convenient means to dissolve their illegitimate union.

Granting, *arguendo*, that a marriage is indeed void *ab initio* for being bigamous, the same still has to be judicially declared void in order that the parties-in-interest may avail of the right to remarry. In this regard, it is worth noting that such legal capacity to remarry is the only benefit solely ensuing from the rectification of civil status through a declaration of nullity of marriage. For all other legal intents and purposes, a bigamous marriage is void and its absolute nullity may be invoked by any concerned person. This has already been settled by the Court in the following wise:

*. . . for purposes other than remarriage, no judicial action is necessary to declare a marriage an absolute nullity. For other purposes, such as but not limited to the determination of heirship, legitimacy or illegitimacy of a child, settlement of estate, dissolution of property regime, or a criminal case for that matter, the court may pass upon the validity of marriage even after the death of the parties thereto, and even in a suit not directly instituted to question the validity of said marriage, so long as it is essential to the determination of the case. . .*³⁴ (Emphasis supplied)

Simply put, under Article 40 of the Family Code, the marital *vinculum* of a previous marriage that is void *ab initio* subsists only for purposes of remarriage.³⁵ Given this legal milieu, it becomes apparent that the ultimate objective for Maria Lina's petition for the declaration of nullity of her bigamous marriage is to attain the capacity to remarry. Lamentably for Maria Lina, under the current rules and jurisprudence, there exists no legal recourse for her to redress her inability to remarry, which she inflicted on herself to begin with.

To reiterate, A.M. No. 02-11-10-SC, together with the Rationale and the case law on this matter, govern cases involving void and voidable marriages, including the right of persons to file the petition for declaration of nullity of void marriages on the ground of bigamy. It is unequivocal from these pronouncements that there is neither legal nor factual basis to hold that the absence of persons capacitated to file the said petition, or their disqualification because of supervening events, automatically confers unto other concerned parties the right to bring forth the action to assail the bigamous marriage.

In this case, Ho Kar Wai was the injured spouse in the prior subsisting marriage. As such, he had the right to file a petition for the declaration of nullity of the marriage between Maria Lina and Edwin. However, after Ho Kar Wai secured the divorce decree from Hong Kong, his marital relations with Maria Lina legally ceased. As there was no longer a prior subsisting

³⁴ *Cariño v. Cariño*, 403 Phil. 861, 868 [Per J. Ynares-Santiago, First Division].

³⁵ J. Carpio, Concurring Opinion in *Abunado v. People*, 470 Phil. 420, 433 (2004) [Per J. Ynares-Santiago, First Division].

marriage to speak of, Ho Kar Wai lost his status as the aggrieved spouse in the subsisting marriage. As a result, he can no longer file the subject petition. However, consistent with the foregoing discourse, even after Ho Kar Wai was divested of his standing as the injured spouse in a subsisting marriage, and the appurtenant legal personality to petition the declaration of nullity of the subsequent marriage between Maria Lina and Edwin, the same did not render Maria Lina eligible to file the said petition. The divorce decree secured by Ho Kar Wai in no way resulted in the assignment of the right to petition the declaration of the bigamous marriage to Maria Lina.

At this juncture, it must be emphasized that in the declaration of nullity of a void marriage, the underlying purpose is the protection of the legitimate institution of marriage. In fact, the Rationale explicitly declares that the concern of the State is to preserve marriage and not seek its dissolution. In contrast, it is apparent here that the purpose of Maria Lina in seeking the declaration of nullity of her marriage to Edwin is not to recognize her previous marriage to Ho Kar Wai but to acquire the right to remarry.

Although Maria Lina hit the nail on the head when she noted that there is no longer a legitimate marriage to protect because of the divorce decree obtained by Ho Kar Wai, she failed to realize that in the absence of such legal union as an object of protection, there exists no compelling reason for the State to dissolve her illegitimate marriage with Edwin.

It must be recapitulated that based on the rules and jurisprudence, the aggrieved or injured innocent spouse of either marriage has the sole right to file the petition for the declaration of nullity of the bigamous marriage. Proceeding therefrom, it is implicit that such petition cannot be filed by the erring spouse. Otherwise, it will give rise to a ridiculous situation wherein the party who contracted the illicit subsequent marriage is permitted to invoke the bigamous nature thereof in support of the petition to nullify the same. This results in a legal absurdity, as the offending spouse is essentially empowered to dissolve the marriage at will. In the latter case, instead of being treated as a transgression warranting redress, bigamy will be treated by the erring spouse as a matter of convenience.

Asserting that there is no other person who may legally file the subject petition, insofar as the aggrieved spouse, Ho Kar Wai, was already granted a divorce decree, and the husband in the subsequent marriage, Edwin, was aware of the bigamous nature thereof, Maria Lina implores Us to exercise our equity jurisdiction to remedy her inability to remarry.

The Court is constrained to reject Maria Lina's pleas, in accordance with Our ruling in *Alcantara v. Alcantara*.³⁶ In that case, the husband filed against his wife a petition to declare their marriage void, alleging that they contracted their nuptials without securing the required license and that they

³⁶ 558 Phil. 192 (2007) [Per J. Chico-Nazario, Third Division].

dealt with a fixer who arranged everything for them. In holding in favor of the validity of the marriage, We, in pertinent part, declined to exercise Our equity jurisdiction to extricate the erring husband from a void marriage that he himself willfully contracted. Thus:

Under the principle that he who comes to court must come with clean hands, petitioner [husband] cannot pretend that he was not responsible or a party to the marriage celebration which he now insists took place without the requisite marriage license. Petitioner admitted that the civil marriage took place because he "initiated it." Petitioner is an educated person. He is a mechanical engineer by profession. He knowingly and voluntarily went to the Manila City Hall and likewise, knowingly and voluntarily, went through a marriage ceremony. He cannot benefit from his action and be allowed to extricate himself from the marriage bond at his mere say-so when the situation is no longer palatable to his taste or suited to his lifestyle. We cannot countenance such effrontery. His attempt to make a mockery of the institution of marriage betrays [sic] his bad faith.³⁷ (Citations omitted; emphasis supplied)

As a final note, We address the unfounded and haphazard conjectures of Maria Lina.

First, with respect to her belief that the denial of her petition has the general effect of legalizing bigamous marriages, We hold that this is definitely not the import of this Decision. The denial of Maria Lina's petition is not a refusal to declare her bigamous marriage void, but rather a repudiation of Maria Lina's legal personality to file the said petition. Certainly, this is not tantamount to legalizing bigamous marriages, considering that erring and offending parties may still be held civilly and criminally liable for bigamy. In addition, it should be restated that other legal incidents related to the nullity of the marriage, such as the determination of heirship; legitimacy or illegitimacy of a child; settlement of estate; and dissolution of property regime,³⁸ among others, may still proceed independently and in the absence of a declaration as to the invalidity of the bigamous union.

Second, as regards Maria Lina's claim that no one will get hurt, We find the same bereft of merit. On the contrary, yielding to her position, and allowing the offending spouse to file a petition for the declaration of nullity of the bigamous marriage, even when the latter intentionally caused such illegitimacy and benefited from its convenience for a considerable length of time, as in the present case, will inevitably bastardize the institution of marriage to the prejudice of the State.

³⁷ *Id.* at 206.

³⁸ *Cariño v. Cariño*, 403 Phil. 861 (2001) [Per J. Ynares-Santiago, First Division].

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED**.
The Decision dated June 21, 2021 and the Resolution dated November 16, 2021 of the Court of Appeals, in CA-G.R. CV No. 114777, are **AFFIRMED**.

SO ORDERED.

[Signature]
RICARDO R. ROSARIO
Associate Justice

WE CONCUR:

See concurring opinion
[Signature]
ALEXANDER G. GESMUNDO
Chief Justice

*I dissent.
I join the dissent of justices
Julen and Zalameda*

[Signature]
MARVIC M.V.F. LEONEN
Associate Justice

See Concurring Opinion
[Signature]
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

*I join Dissenting Opinion
of Justice Javier.*

[Signature]
RAMON PAUL L. HERNANDO
Associate Justice

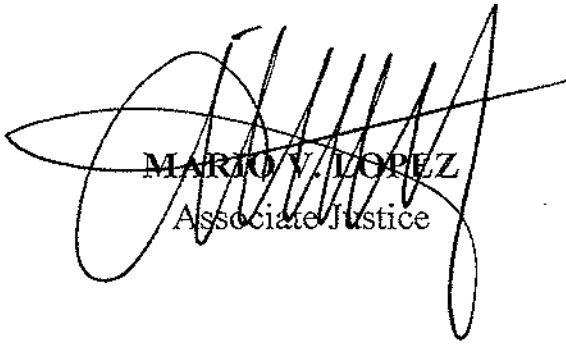
As. see Dissent

[Signature]
AMY C. LAZARO-JAVIER
Associate Justice

[Signature]
HENRI JEAN PAUL B. INTING
Associate Justice

*Please see
Dissenting Opinion*
[Signature]
RODIL V. ZALAMEDA
Associate Justice

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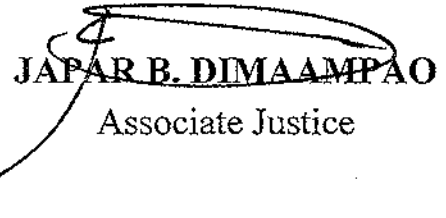


MARIO V. LOPEZ
Associate Justice

ON OFFICIAL LEAVE
SAMUEL H. GAERLAN
Associate Justice




JHOSEP V. LOPEZ
Associate Justice



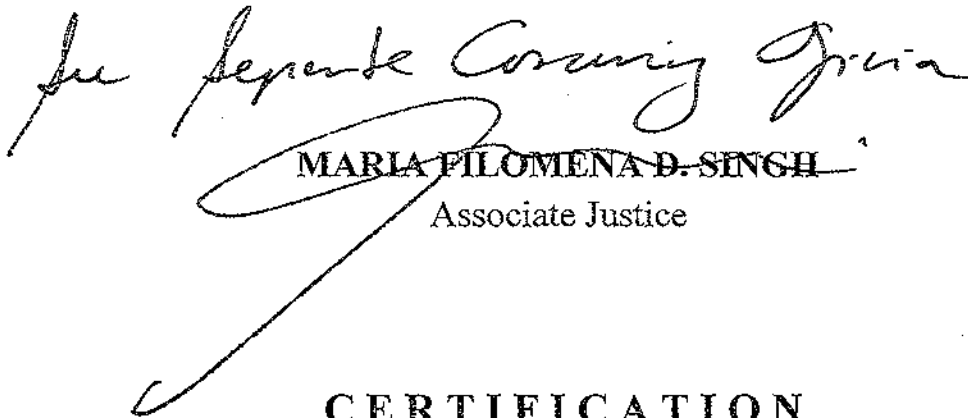
JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



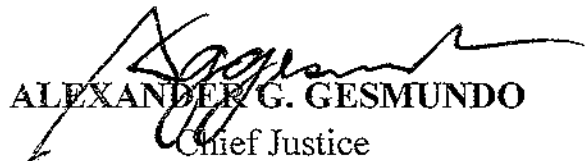
ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court.



ALEXANDER G. GESMUNDO
Chief Justice