

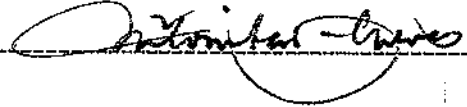
EN BANC

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

Promulgated:

November 5, 2024

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CONCURRING OPINION

GESMUNDO, C.J.:

This case stems from a petition for declaration of nullity of marriage filed by Maria Lina P. Quirit-Figarido (Maria Lina) against her spouse, Edwin L. Figarido (Edwin), on the ground that their marriage is bigamous.¹

Maria Lina entered into her first marriage with Ho Kar Wai, a Chinese national, in Hong Kong in 1989. In 1994, they remarried in the Philippines. Subsequently, however, Maria Lina and Ho Kar Wai became separated in fact. Sometime in 2000, Maria Lina met Edwin, and the latter courted her. In 2003, despite her subsisting marriage with Ho Kar Wai, Maria Lina entered into a second marriage with Edwin. In 2007, Ho Kar Wai obtained a Divorce Decree against Maria Lina in Hong Kong, absolving their marriage. In 2009, the Regional Trial Court (RTC) granted Maria Lina's petition for recognition/enforcement of foreign judgment, officially recognizing her divorce from Ho Kar Wai.²

Sometime in 2014, Maria Lina and Edwin separated. In 2017, Maria Lina filed a petition for declaration of nullity of marriage against Edwin. The RTC denied this petition in its August 30, 2019 Decision. The Court of Appeals likewise denied Maria Lina's appeal in its June 21, 2021 Decision. Hence, Maria Lina filed the instant Petition for Review on *Certiorari* before this Court.³

The *ponencia* denies the Petition. It cites the Rationale of the Rules on Annulment of Voidable Marriages and Declaration of Absolute Nullity of

¹ *Ponencia*, p. 2.

² *Id.* at 2-3.

³ *Id.* at 3-5.



Void Marriages, Legal Separation and Provisional Orders, which states that only the aggrieved or injured spouse may file petitions for annulment of voidable marriages and declaration of absolute nullity of void marriages. In this case, Maria Lina is not the injured spouse because she was the one who entered into the subsequent marriage knowing fully well that she had an existing marriage with Ho Kar Wai. Further, the *ponencia* declares that the State does not have a mandatory obligation to dissolve bigamous marriages.⁴

I concur in the *ponencia*. I believe that the Court should not lend aid to Maria Lina in her attempt to remarry, after she knowingly and willingly brought about and reaped the fruits of her bigamous act.

There is no question that the marriage between Maria Lina and Edwin is void for being bigamous. The issue before the Court in the instant case is not with regard to the characterization of the marriage between Maria Lina and Edwin, but with regard to the interpretation of the rules as to who should be allowed to petition for court relief. In ruling on this issue, it is my humble view that the Court should be guided by the principle that the rules of procedure should not be interpreted or applied in a way that would benefit wrongdoers or that would be contrary to public policy.

With this in mind, it is my position that Section 2(a) of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages (A.M. No. 02-11-10-SC), which provides that “[a] petition for declaration of absolute nullity of void marriage may be filed solely by the husband or the wife,” should be read so as to exclude from its coverage those husbands or wives who are guilty of knowingly and willingly entering bigamous marriages. In other words, persons who commit bigamy, and who later come to court to seek relief from their own bigamous marriages, should not be entertained.

Such a position is consistent with the Court’s ruling in *Juliano-Llave v. Republic*.⁵ In that case, the Court ruled that, in a bigamous marriage, the aggrieved or injured spouse with the personality to file a petition for declaration of nullity of marriage is the spouse in the subsisting previous marriage.⁶ It was explained that:

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*

⁴ *Id.* at 6, 8–9.

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

⁶ *Id.* at 223.

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.⁷ (Emphasis supplied)

My position is, furthermore, founded on the basic principle that one who seeks equity and justice must come to court with clean hands, and on the age-old maxim *ex dolo malo non oritur actio* – no man can be allowed to found a claim upon his own wrongdoing.⁸ Thus, a litigant may be denied relief by a court of equity on the ground that his conduct has been inequitable, unfair and dishonest, or fraudulent, or deceitful as to the controversy in issue.⁹

In *Acabal v. Acabal*,¹⁰ the Court, in denying affirmative relief to one of the parties who did not come to court with clean hands, had occasion to explain the rationale behind the *pari delicto* doctrine.¹¹ I believe the Court's reasoning in that case is just as fitting in the instant case. The Court said in *Acabal*:

The principle of *pari delicto* is grounded on two premises: first, that courts should not lend their good offices to mediating disputes among wrongdoers; and second, that *denying judicial relief to an admitted wrongdoer is an effective means of deterring illegality*. This doctrine of ancient vintage is not a principle of justice but one of policy as articulated in 1775 by Lord Mansfield in *Holman v. Johnson*:

The objection, that a contract is immoral or illegal as between the plaintiff and defendant, sounds at all times very ill in the mouth of the defendant. It is not for his sake, however, that the objection is ever allowed; but it is founded in general principles of policy, which the defendant has the advantage of, contrary to the real justice, as between him and the plaintiff, by accident, if I may so say. *The principle of public policy is this; ex dolo malo non oritur actio. No court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act. If, from the plaintiff's own stating or otherwise, the cause of action appears to arise ex turpi causa, or the transgression of a positive law of this*

⁷ *Id.* at 223–224.

⁸ *Spouses Serrano v. Court of Appeals*, 463 Phil. 77, 93 (2003) [Per J. Callejo, Sr., Second Division]; *Titong v. Court of Appeals*, 350 Phil. 544, 556 (1998) [Per J. Romero, Third Division].

⁹ *Knights of Rizal v. DMCI Homes, Inc.*, 809 Phil. 453, 540 (2017) [Per J. Carpio, *En Banc*].

¹⁰ 494 Phil. 528 (2005) [Per J. Carpio Morales, Third Division].

¹¹ *Id.* at 547.

country, there the court says he has no right to be assisted. It is upon that ground the court goes; not for the sake of the defendant, but because they will not lend their aid to such a plaintiff. So if the plaintiff and the defendant were to change sides, and the defendant was to bring his action against the plaintiff, the latter would then have the advantage of it; for where both are equally in fault *potior est conditio defendentis*.¹² (Emphasis supplied, citation omitted)

In the instant case, Maria Lina is guilty of contracting a subsequent bigamous marriage with Edwin while her earlier marriage with Ho Kar Wai was still subsisting. In fact, she not only admits to entering a marriage prohibited by law, but openly invokes the illegal nature of the same to obtain permission to remarry. Underhanded tactics such as this should not be tolerated by the Court.

Bigamy is a crime punishable by law.¹³ To give Maria Lina what she wants in the instant case would be to grant her an easy and convenient way out of a relationship she knowingly entered in mockery of the law. In effect, the Court would be rewarding her for committing a crime. Beyond the instant case, such a decision might have the repercussion of encouraging bigamy for those couples who desire the semblance of a marriage, but without its full commitment. I therefore agree with the esteemed *ponente* and Justice Caguioa's concurring opinion that the foremost consideration of the Court in the instant case should be the protection of the legitimate institution of marriage, and that to grant Maria Lina's Petition would be to reward her for a wrongdoing and "make a mockery of the institution of marriage."¹⁴

On this point, it may be useful to mention other instances where the Court applied equity principles and denied relief to parties in cases where the issues related to marriage or family laws. These cases illustrate that, in marriage or family law cases as much as in other cases, the Court will not hesitate to deny relief to petitioners who are guilty of inequity or bad faith, or who come to court with unclean hands.

In *Villanueva v. Dativas de Villanueva*,¹⁵ the husband left his wife and children without means of support, despite a court judgment ordering him to support his family. When the judgment became final, a writ of execution was issued and some of the husband's properties were seized and sold by the

¹² *Id.* at 548-549.

¹³ REVISED PENAL CODE, art. 349.

¹⁴ *Ponencia*, pp. 11-12; J. Caguioa, Concurring Opinion, p. 5.

¹⁵ 59 Phil. 664 (1934) [Per J. Hull].

sheriff.¹⁶ The wife bought in the properties during the sale.¹⁷ The husband asked the trial court to have the deeds of sale annulled, on the ground that a married woman cannot purchase at a sale without the consent of her husband.¹⁸ The Court, in denying relief to the husband, held:

Annulment of a deed given by a sheriff is an equitable action, and he that comes into a court of equity must do so with clean hands. Certainly appellant in this case has no grounds to appeal to a court of equity in a suit in which his wife is concerned. He has violated his marital obligations and yet seeks to exercise the power which the law gives to the husband for the protection of the conjugal partnership, not for the protection of the partnership, not for the protection of the home, but to leave his wife and minor children in absolute want.

Appellant overlooks the fact that the law authorized the wife to secure the judgment against him. She has the same rights to a writ of execution and to follow through thereon as any party litigant. If it is necessary for her protection to bid in the property at a sheriff's sale, the husband has no power whatsoever to defeat her rights by a claim of being the head and manager of the conjugal partnership. In fact in many instances it might well be that the purchase by the wife would be to the benefit of the conjugal partnership rather than that the property should be bought in by an outsider for an inadequate sum.¹⁹ (Emphasis supplied)

In *Honrado v. Court of Appeals*,²⁰ the petitioner's family home was sold at public auction. After the sale became final and petitioner failed to redeem the property, petitioner filed a motion to declare properties exempt from execution under Article 155 of the Family Code.²¹ The Court denied relief to the petitioner, noting that he did not object to the levy and sale of his family home, vacated the property after the sale, and remained silent and failed to seek court relief until long after the sale became final.²² While it is true that the family home is constituted on a house and lot from the time it is occupied as a family residence and is exempt from execution or forced sale under the Family Code, the Court held that petitioner's failure to set up the claim of exemption prior to the public auction estopped him from claiming the same.²³

In *Heirs of Manzano v. Kinsonic Philippines, Inc.*,²⁴ the petitioners sold and accepted partial payments for property belonging to the conjugal partnership of their parents, before the conjugal partnership was liquidated.

¹⁶ *Id.* at 665.

¹⁷ *Id.*

¹⁸ *Id.* at 665-666.

¹⁹ *Id.* at 666.

²⁰ 512 Phil 657 (2005) [Per J. Callejo, Sr., Second Division].

²¹ *Id.* at 660.

²² *Id.* at 665.

²³ *Id.* at 666.

²⁴ G.R. No. 214087, February 27, 2023 [Per J. Gaerlan, Third Division].

They later tried to assail the validity of the contract to sell.²⁵ While the Family Code provides that dispositions of conjugal partnership property done without the prerequisite liquidation of assets is void, the Court noted that, among other things, the petitioners actually profited from the sale of the property and did not raise the issue of the nullity of the contract during trial.²⁶ Thus, the Court again denied relief to the petitioners on the ground that their estoppel and unclean hands barred their right to relief from the Court.²⁷

In *Alcantara v. Alcantara*,²⁸ the parties were married using a sham marriage license. When the husband filed a petition for annulment of marriage, the Court held that the defect in the marriage license was a mere irregularity that did not affect the validity of the marriage.²⁹ Furthermore, the Court noted that the husband initiated the marriage and knowingly and voluntarily went through the marriage ceremony.³⁰ Applying the doctrine of unclean hands, the Court held that the husband “cannot benefit from his action and be allowed to extricate himself from the marriage bond.”³¹

Finally, the instant case must be distinguished from the recent case of *Clavecilla v. Clavecilla*³² where the Court held that the principle of unclean hands will not bar a psychologically incapacitated spouse from initiating a proceeding to annul a marriage. In that case, the Court emphasized that:

*This is because there is no party at fault in case of annulment of marriage based on psychological incapacity. Culpability cannot be imputed on the part of the spouse said to be psychologically incapacitated since it is not deliberate or intentional on his or her part to possess such personality trait. By reason of psychological incapacity, it cannot be said that bad faith had motivated the afflicted spouse to enter into a marriage or to even seek for a declaration of its nullity. It must be emphasized that the unclean hands doctrine only avails in cases of inequity, which does not exist in a marriage sought to be annulled on the basis of psychological incapacity of a spouse to comprehend and discharge the concomitant marital obligations.*³³
(Emphasis supplied)

In stark contrast to the petitioner in *Clavecilla*, Maria Lina is clearly at fault for entering into a bigamous marriage, and the principle of unclean hands should apply. Again, Maria Lina voluntarily entered into the marriage with Edwin, knowing fully well that at the time of their marriage in 2003, she was

²⁵ *Id.* at 2. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

²⁶ *Id.* at 12–13.

²⁷ *Id.* at 13.

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

²⁹ *Id.* at 207.

³⁰ *Id.* at 206.

³¹ *Id.*


³² G.R. No. 228127, March 6, 2023 [Per C.J. Gesmundo, First Division].

³³ *Id.* at 14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

still lawfully wed to Ho Kar Wai. Indeed, she perceptively entered into a bigamous marriage, and therefore does not have the required clean hands to set aside the same. The spouses who knowingly enter into a bigamous marriage, being *in pari delicto*, should have no action against each other, and the law shall leave them where it finds them.³⁴

To conclude, for reasons of equity and public policy, persons who are guilty of bigamy should be refused standing when they file petitions for declaration of nullity of their own bigamous marriages. Maria Lina, being the party at fault, cannot invoke this Court's aid in her attempt to extricate herself from her bigamous marriage with Edwin. Thus, Maria Lina's Petition for Review on *Certiorari* should be denied.

ACCORDINGLY, I CONCUR in the *ponencia* and vote to **DENY** the Petition.


ALEXANDER G. GESMUNDO
Chief Justice

³⁴ See *Ranara, Jr. v. De los Angeles, Jr.*, 792 Phil. 571, 578 (2016) [Per J. Reyes, Third Division].

