

A TALE OF TWO WIVES
(Part 1)

Consistent with the reputation of policemen, SPO4 Santiago, during his lifetime, contracted two (2) marriages and with both women having Susan as their first name. He married Susan 1 sometime on June 20, 1969 and bore two (2) children out of their marriage; and Susan 2 on November 10, 1992 (Note: the Family Code was already effective). He had no children with Susan 2.

SPO4 Santiago died on November 23, 1992 under the care of Susan 2 who spent for his medical and burial expenses. Susan 2 claimed that she was unaware of the existence of the first marriage and come to know of same only during SPO4 Santiago's wake. Both Susan 1 and Susan 2 filed separate claims for monetary benefits and financial assistance pertaining to the deceased from various government agencies. Susan 1 was able to collect some P146,000.00 from the NAPOLCOM, MBI, PAG-IBIG and other government offices while Susan 2 received only P21,000.00 from GSIS and SSS.

Susan 2 subsequently filed suit to recover one-half (1/2) of the P146, 000.00 which Susan 1 received from PAG-IBIG, NAPOLCOM and other government offices. Susan 1 failed to file Answer and was subsequently declared in default. Plaintiff Susan 2 admitted that her marriage to the deceased took place during the subsistence of, and without first obtaining a judicial declaration of nullity of, the marriage between Susan 1 and the deceased. She contended that the marriage of the deceased to Susan 1 was void *ab initio* because the same was solemnized without the requisite marriage license. She submitted in evidence the marriage certificate of the deceased which bore no marriage license number and a certification of the local civil registrar of San Juan, Metro Manila that his office had no record of the marriage license of Sps. SPO4 Santiago and Susan 1.

The RTC ruled in favor of Susan 2 and ordered Susan 1 to pay Susan 2 the amount of P73,000.00 or fifty (50%) percent of the death benefits which Susan 1 was able to recover. Susan 1 appealed the RTC decision to the Court of Appeals which sustained the trial court's decision in toto. Susan 1 further elevated her appeal to the Supreme Court.

The Supreme Court found that Susan 2 had sufficiently established that the marriage of SPO4-Santiago to Susan 1 was void by reason of the absence of a valid marriage license. It ruled that the Certification of the local Civil Registrar of San Juan, Metro Manila as to the absence of any record of such marriage license is adequate to prove the non-issuance of a marriage license. And since the marriage was not one of those instances which exempted the requirement of a marriage license, then said marriage was necessarily void.

However, in a rather comic twist, the Supreme Court also found the second marriage to be likewise void.

“It does not follow from the foregoing disquisition, however, that since the marriage of petitioner and the deceased is declared void *ab initio*, the “death benefits” under scrutiny would now be awarded to respondent Susan 2. To reiterate, under Article 40 of the Family Code, for purposes of remarriage, there must first be a prior judicial declaration of the nullity of a previous marriage, though void, before a party can enter into a second marriage, otherwise, the second marriage would also be void.

Accordingly, the declaration in the instant case of nullity of the previous marriage of the deceased and petitioner Susan 1 does not validate the second marriage of the deceased with respondent Susan 2. The fact remains that their marriage was solemnized without first obtaining a judicial decree declaring the marriage of petitioner Susan 1 and the deceased void. Hence, the marriage of respondent Susan 2 and the deceased is likewise, void *ab initio*. ”

(Susan Nicdao Cariño vs. Susan Yee Cariño, Supreme Court, G.R. No. 132529, February 2, 2001)