Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

AMELIA GARCIA-QUIAZON, JENNETH QUIAZON and MARIA JENNIFER QUIAZON, Petitioners,	**G.R. No. 189121**
	Present:
- versus -	CARPIO, *J.*, Chairperson, BRION, DEL CASTILLO, PEREZ, and PERLAS-BERNABE, *JJ.*
MA. LOURDES BELEN, for and in behalf of MARIA LOURDES ELISE QUIAZON, Respondent.	Promulgated: JUL 31 2013

DECISION

PEREZ, *J.*:

This is a Petition for Review on *Certiorari* filed pursuant to Rule 45 of the Revised Rules of Court, primarily assailing the 28 November 2008 Decision rendered by the Ninth Division of the Court of Appeals in CA-G.R. CV No. 88589,[1] the decretal portion of which states:

> **WHEREFORE**, premises considered, the appeal is hereby **DENIED**. The assailed Decision dated March 11, 2005, and the Order dated March 24, 2006 of the Regional Trial Court, Branch 275, Las Piñas City are **AFFIRMED *in toto*.**[2]

[1] Penned by Associate Justice Ramon R. Garcia with Associate Justices Josefina Guevara-Salonga and Magdangal M. De Leon, concurring. CA *rollo*, pp. 94-106.
[2] Id. at 105.

The Facts

This case started as a Petition for Letters of Administration of the Estate of Eliseo Quiazon (Eliseo), filed by herein respondents who are Eliseo's common-law wife and daughter. The petition was opposed by herein petitioners Amelia Garcia-Quaizon (Amelia) to whom Eliseo was married. Amelia was joined by her children, Jenneth Quiazon (Jenneth) and Maria Jennifer Quiazon (Jennifer).

Eliseo died intestate on 12 December 1992.

On 12 September 1994, Maria Lourdes Elise Quiazon (Elise), represented by her mother, Ma. Lourdes Belen (Lourdes), filed a Petition for Letters of Administration before the Regional Trial Court (RTC) of Las Piñas City.[3] In her Petition docketed as SP Proc. No. M-3957, Elise claims that she is the natural child of Eliseo having been conceived and born at the time when her parents were both capacitated to marry each other. Insisting on the legal capacity of Eliseo and Lourdes to marry, Elise impugned the validity of Eliseo's marriage to Amelia by claiming that it was bigamous for having been contracted during the subsistence of the latter's marriage with one Filipito Sandico (Filipito). To prove her filiation to the decedent, Elise, among others, attached to the Petition for Letters of Administration her Certificate of Live Birth[4] signed by Eliseo as her father. In the same petition, it was alleged that Eliseo left real properties worth ₱2,040,000.00 and personal properties worth ₱2,100,000.00. In order to preserve the estate of Eliseo and to prevent the dissipation of its value, Elise sought her appointment as *administratrix* of her late father's estate.

Claiming that the venue of the petition was improperly laid, Amelia, together with her children, Jenneth and Jennifer, opposed the issuance of the letters of administration by filing an Opposition/Motion to Dismiss.[5] The petitioners asserted that as shown by his Death Certificate,[6] Eliseo was a resident of Capas, Tarlac and not of Las Piñas City, at the time of his death. Pursuant to Section 1, Rule 73 of the Revised Rules of Court,[7] the petition

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3 Special Proceeding No. M-3957. Records, Vol. I, pp. 1-9.

4 Id. at 10.

5 Id. at 40-44.

6 Id. at 11.

7 **Sec. 1.** ***Where estate of deceased persons settled.*** – If the decedent is an inhabitant of the Philippines at the time of his death, whether a citizen or an alien, his will shall be proved, or letters of administration granted, and his estate settled, in the Court of First Instance [now Regional Trial Court] in the province in which he resides at the time of his death**,** and if he is an inhabitant of a foreign country, the Court of First Instance [now Regional Trial Court] of any province in which he had estate. The court first taking cognizance of the settlement of the estate of a decedent, shall

for settlement of decedent's estate should have been filed in Capas, Tarlac and not in Las Piñas City. In addition to their claim of improper venue, the petitioners averred that there are no factual and legal bases for Elise to be appointed *administratix* of Eliseo's estate.

In a Decision[8] dated 11 March 2005, the RTC directed the issuance of Letters of Administration to Elise upon posting the necessary bond. The lower court ruled that the venue of the petition was properly laid in Las Piñas City, thereby discrediting the position taken by the petitioners that Eliseo's last residence was in Capas, Tarlac, as hearsay. The dispositive of the RTC decision reads:

> Having attained legal age at this time and there being no showing of any disqualification or incompetence to serve as administrator, let letters of administration over the estate of the decedent Eliseo Quiazon, therefore, be issued to petitioner, Ma. Lourdes Elise Quiazon, after the approval by this Court of a bond in the amount of ₱100,000.00 to be posted by her.[9]

On appeal, the decision of the trial court was affirmed *in toto* in the 28 November 2008 Decision[10] rendered by the Court of Appeals in CA-G.R. CV No. 88589. In validating the findings of the RTC, the Court of Appeals held that Elise was able to prove that Eliseo and Lourdes lived together as husband and wife by establishing a common residence at No. 26 Everlasting Road, Phase 5, Pilar Village, Las Piñas City, from 1975 up to the time of Eliseo's death in 1992. For purposes of fixing the venue of the settlement of Eliseo's estate, the Court of Appeals upheld the conclusion reached by the RTC that the decedent was a resident of Las Piñas City. The petitioners' Motion for Reconsideration was denied by the Court of Appeals in its Resolution[11] dated 7 August 2009.

The Issues

The petitioners now urge Us to reverse the assailed Court of Appeals Decision and Resolution on the following grounds:

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exercise jurisdiction to the exclusion of all other courts. The jurisdiction assumed by a court, so far as it depends on the place of residence of the decedent, or of the location of his estate, shall not be contested in a suit or proceeding, except in an appeal from that court, in the original case, or when the want of jurisdiction appears on the record.

8 Penned by Judge Bonifacio Sanz Maceda. CA *rollo*, pp. 33-38.

9 Id. at 38.

10 Id. at 94-106.

11 Id. at 118-119.

I. THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THAT ELISEO QUIAZON WAS A RESIDENT OF LAS PIÑAS AND THEREFORE[,] THE PETITION FOR LETTERS OF ADMINISTRATION WAS PROPERLY FILED WITH THE [RTC] OF LAS PIÑAS[;]

II. THE COURT OF APPEALS GRAVELY ERRED IN DECLARING THAT AMELIA GARCIA-QUIAZON WAS NOT LEGALLY MARRIED TO ELISEO QUIAZON DUE TO PRE-EXISTING MARRIAGE[;] [AND]

III. THE COURT OF APPEALS OVERLOOKED THE FACT THAT ELISE QUIAZON HAS NOT SHOWN ANY INTEREST IN THE PETITION FOR LETTERS OF ADMINISTRATION[.][12]

The Court's Ruling

We find the petition bereft of merit.

Under Section 1, Rule 73 of the Rules of Court, the petition for letters of administration of the estate of a decedent should be filed in the RTC of the province where the decedent resides at the time of his death:

> **Sec. 1.** ***Where estate of deceased persons settled.*** – If the decedent is an inhabitant of the Philippines at the time of his death, whether a citizen or an alien, his will shall be proved, or letters of administration granted, and his estate settled, in the Court of First Instance **[now Regional Trial Court] in the province in which he resides at the time of his death,** and if he is an inhabitant of a foreign country, the Court of First Instance [now Regional Trial Court] of any province in which he had estate. The court first taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts. The jurisdiction assumed by a court, so far as it depends on the place of residence of the decedent, or of the location of his estate, shall not be contested in a suit or proceeding, except in an appeal from that court, in the original case, or when the want of jurisdiction appears on the record. (Emphasis supplied).

The term "resides" connotes *ex vi termini* "actual residence" as distinguished from "legal residence or domicile." This term "resides," like the terms "residing" and "residence," is elastic and should be interpreted in the light of the object or purpose of the statute *or rule* in which it is employed. In the application of venue statutes and rules – Section 1, Rule 73 of the Revised Rules of Court is of such nature – residence *rather than*

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[12] *Rollo*, pp. 32-33.

domicile is the significant factor.[13] Even where the statute uses the word "domicile" still it is construed as meaning residence and not domicile in the technical sense.[14] **Some cases make a distinction between the terms "residence" and "domicile" but as generally used in statutes fixing venue, the terms are synonymous, and convey the same meaning as the term "inhabitant."**[15] **In other words, "resides" should be viewed or understood in its popular sense, meaning, the personal, actual or physical habitation of a person, actual residence or place of abode**.[16] It signifies physical presence in a place and actual stay thereat.[17] Venue for ordinary civil actions and that for special proceedings have one and the same meaning.[18] **As thus defined, "residence," in the context of venue provisions, means nothing more than a person's actual residence or place of abode, provided he resides therein with continuity and consistency**.[19]

Viewed in light of the foregoing principles, the Court of Appeals cannot be faulted for affirming the ruling of the RTC that the venue for the settlement of the estate of Eliseo was properly laid in Las Piñas City. It is evident from the records that during his lifetime, Eliseo resided at No. 26 Everlasting Road, Phase 5, Pilar Village, Las Piñas City. For this reason, the venue for the settlement of his estate may be laid in the said city.

In opposing the issuance of letters of administration, the petitioners harp on the entry in Eliseo's Death Certificate that he is a resident of Capas, Tarlac where they insist his estate should be settled. While the recitals in death certificates can be considered proofs of a decedent's residence at the time of his death, the contents thereof, however, is not binding on the courts. Both the RTC and the Court of Appeals found that Eliseo had been living with Lourdes, deporting themselves as husband and wife, from 1972 up to the time of his death in 1995. This finding is consistent with the fact that in 1985, Eliseo filed an action for judicial partition of properties against Amelia before the RTC of Quezon City, Branch 106, on the ground that their marriage is *void* for being bigamous.[20] That Eliseo went to the extent of taking his marital feud with Amelia before the courts of law renders untenable petitioners' position that Eliseo spent the final days of his life in Tarlac with Amelia and her children. It disproves rather than supports

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13 *Garcia Fule v. Court of Appeals*, G.R. Nos. L-40502 and L-42670, 29 November 1976, 74 SCRA 189, 199.
14 Id.
15 Id.
16 Id.
17 Id.
18 *Jao v. Court of Appeals*, 432 Phil. 160, 170 (2002).
19 Id.
20 *Quiazon v. Garcia*, Civil Case No. Q-43712. Records, Vol. II, pp. 234-240.

petitioners' submission that the lower courts' findings arose from an erroneous appreciation of the evidence on record. Factual findings of the trial court, when affirmed by the appellate court, must be held to be conclusive and binding upon this Court.[21]

Likewise unmeritorious is petitioners' contention that the Court of Appeals erred in declaring Amelia's marriage to Eliseo as void *ab initio*. In a void marriage, it was though no marriage has taken place, thus, it cannot be the source of rights. Any interested party may attack the marriage directly or collaterally. A void marriage can be questioned even beyond the lifetime of the parties to the marriage.[22] It must be pointed out that at the time of the celebration of the marriage of Eliseo and Amelia, the law in effect was the Civil Code, and not the Family Code, making the ruling in *Niñal v. Bayadog*[23] applicable four-square to the case at hand. In *Niñal*, the Court, in no uncertain terms, allowed therein petitioners to file a petition for the declaration of nullity of their father's marriage to therein respondent after the death of their father, by contradistinguishing void from voidable marriages, to wit:

> [C]onsequently, void marriages can be questioned even after the death of either party but voidable marriages can be assailed only during the lifetime of the parties and not after death of either, in which case the parties and their offspring will be left as if the marriage had been perfectly valid. That is why the action or defense for nullity is imprescriptible, unlike voidable marriages where the action prescribes. Only the parties to a voidable marriage can assail it but any proper interested party may attack a void marriage.[24]

It was emphasized in *Niñal* that in a void marriage, no marriage has taken place and it cannot be the source of rights, such that any interested party may attack the marriage directly or collaterally without prescription, which may be filed even beyond the lifetime of the parties to the marriage.[25]

Relevant to the foregoing, there is no doubt that Elise, whose successional rights would be prejudiced by her father's marriage to Amelia,

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21 *Golden (Iloilo) Delta Sales Corporation v. Pre-Stress International Corporation*, G.R. No. 176768, 12 January 2009, 576 SCRA 23, 35; *Seaoil Petroleum Corporation v. Autocorp Group*, G.R. No. 164326, 17 October 2008, 569 SCRA 387, 394; *Ejercito v. M.R. Vargas Construction*, G.R. No. 172595, 10 April 2008, 551 SCRA 97, 106.

22 *Juliano-Llave v. Republic*, G.R. No. 169766, 30 March 2011, 646 SCRA 637, 656-657 citing *Niñal v. Bayadog*, 384 Phil. 661, 673 (2000).

23 Id.

24 Id. at 673.

25 Id.

may impugn the existence of such marriage even after the death of her father. The said marriage may be questioned directly by filing an action attacking the validity thereof, or collaterally by raising it as an issue in a proceeding for the settlement of the estate of the deceased spouse, such as in the case at bar. Ineluctably, Elise, as a compulsory heir,[26] has a cause of action for the declaration of the absolute nullity of the void marriage of Eliseo and Amelia, and the death of either party to the said marriage does not extinguish such cause of action.

Having established the right of Elise to impugn Eliseo's marriage to Amelia, we now proceed to determine whether or not the decedent's marriage to Amelia is void for being bigamous.

Contrary to the position taken by the petitioners, the existence of a previous marriage between Amelia and Filipito was sufficiently established by no less than the Certificate of Marriage issued by the Diocese of Tarlac and signed by the officiating priest of the Parish of San Nicolas de Tolentino in Capas, Tarlac. The said marriage certificate is a competent evidence of marriage and the certification from the National Archive that no information relative to the said marriage exists does not diminish the probative value of the entries therein. We take judicial notice of the fact that the first marriage was celebrated more than 50 years ago, thus, the possibility that a record of marriage can no longer be found in the National Archive, given the interval of time, is not completely remote. Consequently, in the absence of any showing that such marriage had been dissolved at the time Amelia and Eliseo's marriage was solemnized, the inescapable conclusion is that the latter marriage is bigamous and, therefore, void *ab initio.*[27]

Neither are we inclined to lend credence to the petitioners' contention that Elise has not shown any interest in the Petition for Letters of Administration.

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[26] New Civil Code. **Art. 961.** In default of the testamentary heirs, the law vests the inheritance, in accordance with the rules hereinafter set forth, in the legitimate and illegitimate relatives of the deceased, in the surviving spouse, and in the State.

New Civil Code. **Art. 988.** In the absence of legitimate descendants or ascendants, the illegitimate children shall succeed to the entire estate of the deceased.

[27] Old Civil Code. **Art. 83.** Any marriage subsequently contracted by any person during the lifetime of the first spouse of such person with any person other than such first spouse shall be illegal and void from its performance, unless:

(1) The first marriage was annulled or dissolved; or

(2) The first spouse had been absent for seven consecutive years at the time of the second marriage without the spouse present having news of the absentee being alive, or if the absentee, though he has been absent for less than seven years, is generally considered as dead and believed to be so by the spouse present at the time of contracting such subsequent marriage, or if the absentee is presumed dead according to Articles 390 and 391. The marriage so contracted shall be valid in any of the three cases until declared null and void by a competent court.

Section 6, Rule 78 of the Revised Rules of Court lays down the preferred persons who are entitled to the issuance of letters of administration, thus:

> **Sec. 6. When and to whom letters of administration granted**. — If no executor is named in the will, or the executor or executors are incompetent, refuse the trust, or fail to give bond, or a person dies intestate, administration shall be granted:
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> (a) To the surviving husband or wife, as the case may be, or next of kin, or both, in the discretion of the court, or to such person as such surviving husband or wife, or next of kin, requests to have appointed, if competent and willing to serve;
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> (b) If such surviving husband or wife, as the case may be, or next of kin, or the person selected by them, be incompetent or unwilling, or if the husband or widow, or next of kin, neglects for thirty (30) days after the death of the person to apply for administration or to request that administration be granted to some other person, it may be granted to one or more of the principal creditors, if competent and willing to serve;
>
> (c) If there is no such creditor competent and willing to serve, it may be granted to such other person as the court may select.

Upon the other hand, Section 2 of Rule 79 provides that a petition for Letters of Administration must be filed by an interested person, thus:

> **Sec. 2. Contents of petition for letters of administration**. — A petition for letters of administration must be filed by an interested person and must show, so far as known to the petitioner:
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> (a) The jurisdictional facts;
> (b) The names, ages, and residences of the heirs, and the names and residences of the creditors, of the decedent;
> (c) The probable value and character of the property of the estate;
> (d) The name of the person for whom letters of administration are prayed.
>
> But no defect in the petition shall render void the issuance of letters of administration.

An "interested party," in estate proceedings, is one who would be benefited in the estate, such as an heir, or one who has a claim against the estate, such as a creditor. Also, in estate proceedings, the phrase "next of

kin" refers to those whose relationship with the decedent is such that they are entitled to share in the estate as distributees.[28]

In the instant case, Elise, as a compulsory heir who stands to be benefited by the distribution of Eliseo's estate, is deemed to be an interested party. With the overwhelming evidence on record produced by Elise to prove her filiation to Eliseo, the petitioners' pounding on her lack of interest in the administration of the decedent's estate, is just a desperate attempt to sway this Court to reverse the findings of the Court of Appeals. Certainly, the right of Elise to be appointed *administratix* of the estate of Eliseo is on good grounds. It is founded on her right as a compulsory heir, who, under the law, is entitled to her legitime after the debts of the estate are satisfied.[29] Having a vested right in the distribution of Eliseo's estate as one of his natural children, Elise can rightfully be considered as an interested party within the purview of the law.

WHEREFORE, premises considered, the petition is **DENIED** for lack of merit. Accordingly, the Court of Appeals assailed 28 November 2008 Decision and 7 August 2009 Resolution, are **AFFIRMED *in toto.***

SO ORDERED.

JOSE PORTUGAL PEREZ
Associate Justice

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28 *Solinap v. Locsin, Jr.*, 423 Phil. 192, 199 (2001).

29 New Civil Code. **Art. 961.** In default of the testamentary heirs, the law vests the inheritance, in accordance with the rules hereinafter set forth, in the legitimate and illegitimate relatives of the deceased, in the surviving spouse, and in the State.

New Civil Code. **Art. 988.** In the absence of legitimate descendants or ascendants, the illegitimate children shall succeed to the entire estate of the deceased.

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice