



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

YASUO IWASAWA,
Petitioner,

G.R. No. 204169

Present:

SERENO, *C.J.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

- versus -

FELISA CUSTODIO GANGAN¹
(a.k.a FELISA GANGAN
ARAMBULO, and FELISA
GANGAN IWASAWA) and the
LOCAL CIVIL REGISTRAR OF
PASAY CITY,

Promulgated:

SEP 11 2013

Respondents.

X-----X

DECISION

VILLARAMA, JR, J.:

Before us is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the September 4, 2012 Decision² and October 16, 2012 Order³ of the Regional Trial Court (RTC), Branch 43, of Manila in Civil Case No. 11-126203. The RTC denied the petition for declaration of nullity of the marriage of petitioner Yasuo Iwasawa with private respondent Felisa Custodio Gangan due to insufficient evidence.

The antecedents follow:

Petitioner, a Japanese national, met private respondent sometime in 2002 in one of his visits to the Philippines. Private respondent introduced

¹ Also spelled as "Gaňgan" in some parts of the records.

² *Rollo*, pp. 38-40. Penned by Presiding Judge Roy G. Gironella.

³ *Id.* at 41-42.

herself as “single” and “has never married before.” Since then, the two became close to each other. Later that year, petitioner came back to the Philippines and married private respondent on November 28, 2002 in Pasay City. After the wedding, the couple resided in Japan.⁴

In July 2009, petitioner noticed his wife become depressed. Suspecting that something might have happened in the Philippines, he confronted his wife about it. To his shock, private respondent confessed to him that she received news that her previous husband passed away.⁵

Petitioner sought to confirm the truth of his wife’s confession and discovered that indeed, she was married to one Raymond Maglonzo Arambulo and that their marriage took place on June 20, 1994.⁶ This prompted petitioner to file a petition⁷ for the declaration of his marriage to private respondent as null and void on the ground that their marriage is a bigamous one, based on Article 35(4) in relation to Article 41 of the Family Code of the Philippines.

During trial, aside from his testimony, petitioner also offered the following pieces of documentary evidence issued by the National Statistics Office (NSO):

- (1) Certificate of Marriage⁸ between petitioner and private respondent marked as Exhibit “A” to prove the fact of marriage between the parties on November 28, 2002;
- (2) Certificate of Marriage⁹ between private respondent and Raymond Maglonzo Arambulo marked as Exhibit “B” to prove the fact of marriage between the parties on June 20, 1994;
- (3) Certificate of Death¹⁰ of Raymond Maglonzo Arambulo marked as Exhibits “C” and “C-1” to prove the fact of the latter’s death on July 14, 2009; and
- (4) Certification¹¹ from the NSO to the effect that there are two entries of marriage recorded by the office pertaining to private respondent marked as Exhibit “D” to prove that private respondent in fact contracted two marriages, the first one was to a Raymond Maglonzo Arambulo on June 20, 1994, and second, to petitioner on November 28, 2002.

⁴ Id. at 44.

⁵ Id. at 45.

⁶ Id.

⁷ Id. at 43-47-A.

⁸ Id. at 58.

⁹ Id. at 59.

¹⁰ Id. at 60-61.

¹¹ Id. at 62.

The prosecutor appearing on behalf of the Office of the Solicitor General (OSG) admitted the authenticity and due execution of the above documentary exhibits during pre-trial.¹²

On September 4, 2012, the RTC rendered the assailed decision. It ruled that there was insufficient evidence to prove private respondent's prior existing valid marriage to another man. It held that while petitioner offered the certificate of marriage of private respondent to Arambulo, it was only petitioner who testified about said marriage. The RTC ruled that petitioner's testimony is unreliable because he has no personal knowledge of private respondent's prior marriage nor of Arambulo's death which makes him a complete stranger to the marriage certificate between private respondent and Arambulo and the latter's death certificate. It further ruled that petitioner's testimony about the NSO certification is likewise unreliable since he is a stranger to the preparation of said document.

Petitioner filed a motion for reconsideration, but the same was denied by the RTC in an Order dated October 16, 2012.

Hence this petition raising the sole legal issue of whether the testimony of the NSO records custodian certifying the authenticity and due execution of the public documents issued by said office was necessary before they could be accorded evidentiary weight.

Petitioner argues that the documentary evidence he presented are public documents which are considered self-authenticating and thus it was unnecessary to call the NSO Records Custodian as witness. He cites Article 410 of the Civil Code which provides that books making up the civil register and all documents relating thereto shall be considered public documents and shall be *prima facie* evidence of the facts stated therein. Moreover, the trial prosecutor himself also admitted the authenticity of said documents.

The OSG, in its Comment,¹³ submits that the findings of the RTC are not in accord with law and established jurisprudence. It contends that both Republic Act No. 3753, otherwise known as the Law on Registry of Civil Status, and the Civil Code elaborated on the character of documents arising from records and entries made by the civil registrar and categorically declared them as public documents. Being public documents, said documents are admissible in evidence even without further proof of their due execution and genuineness and consequently, there was no need for the court to require petitioner to present the records custodian or officer from the NSO to testify on them. The OSG further contends that public documents have probative value since they are *prima facie* evidence of the facts stated therein as provided in the above-quoted provision of the Civil Code. Thus, the OSG submits that the public documents presented by petitioner, considered together, completely establish the facts in issue.

¹² Id. at 52.

¹³ Id. at 101-111.

In her letter¹⁴ dated March 19, 2013 to this Court, private respondent indicated that she is not against her husband's petition to have their marriage declared null and void. She likewise admitted therein that she contracted marriage with Arambulo on June 20, 1994 and contracted a second marriage with petitioner on November 28, 2002. She further admitted that it was due to poverty and joblessness that she married petitioner without telling the latter that she was previously married. Private respondent also confirmed that it was when she found out that Arambulo passed away on July 14, 2009 that she had the guts to confess to petitioner about her previous marriage. Thereafter, she and petitioner have separated.

We grant the petition.

There is no question that the documentary evidence submitted by petitioner are all public documents. As provided in the Civil Code:

ART. 410. The books making up the civil register and all documents relating thereto shall be considered public documents and shall be *prima facie* evidence of the facts therein contained.

As public documents, they are admissible in evidence even without further proof of their due execution and genuineness.¹⁵ Thus, the RTC erred when it disregarded said documents on the sole ground that the petitioner did not present the records custodian of the NSO who issued them to testify on their authenticity and due execution since proof of authenticity and due execution was not anymore necessary. Moreover, not only are said documents admissible, they deserve to be given evidentiary weight because they constitute *prima facie* evidence of the facts stated therein. And in the instant case, the facts stated therein remain unrebutted since neither the private respondent nor the public prosecutor presented evidence to the contrary.

This Court has consistently held that a judicial declaration of nullity is required before a valid subsequent marriage can be contracted; or else, what transpires is a bigamous marriage,¹⁶ which is void from the beginning as provided in Article 35(4) of the Family Code of the Philippines. And this is what transpired in the instant case.

As correctly pointed out by the OSG, the documentary exhibits taken together concretely establish the nullity of the marriage of petitioner to private respondent on the ground that their marriage is bigamous. The

¹⁴ Id. at 99.

¹⁵ *Salas v. Sta. Mesa Market Corporation*, 554 Phil. 343, 348 (2007). See also RULES OF COURT, Rule 132, Secs. 23, 24, 25, 27 and 30.

¹⁶ *Teves v. People*, G.R. No. 188775, August 24, 2011, 656 SCRA 307, 313-314, citing *Re: Complaint of Mrs. Corazon S. Salvador against Spouses Noel and Amelia Serafico*, A.M. No. 2008-20-SC, March 15, 2010, 615 SCRA 186, 198-199, further citing *Morigo v. People*, 466 Phil. 1013, 1024 (2004); *Domingo v. Court of Appeals*, G.R. No. 104818, September 17, 1993, 226 SCRA 572; *Terre v. Terre*, A.C. No. 2349, July 3, 1992, 211 SCRA 6; *Wiegel v. Sempio-Diy*, No. L-53703, August 19, 1986, 143 SCRA 499; *Vda. De Consuegra v. Government Service Insurance System*, No. L-28093, January 30, 1971, 37 SCRA 315; *Gomez v. Lipana*, No. L-23214, June 30, 1970, 33 SCRA 615.


exhibits directly prove the following facts: (1) that private respondent married Arambulo on June 20, 1994 in the City of Manila; (2) that private respondent contracted a second marriage this time with petitioner on November 28, 2002 in Pasay City; (3) that there was no judicial declaration of nullity of the marriage of private respondent with Arambulo at the time she married petitioner; (3) that Arambulo died on July 14, 2009 and that it was only on said date that private respondent's marriage with Arambulo was deemed to have been dissolved; and (4) that the second marriage of private respondent to petitioner is bigamous, hence null and void, since the first marriage was still valid and subsisting when the second marriage was contracted.

WHEREFORE, the petition for review on certiorari is **GRANTED**. The September 4, 2012 Decision and October 16, 2012 Order of the Regional Trial Court of Manila, Branch 43, in Civil Case No. 11-126203 are hereby **SET ASIDE**. The marriage of petitioner Yasuo Iwasawa and private respondent Felisa Custodio Gangan is declared **NULL and VOID**.

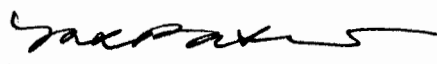
The Local Civil Registrar of Pasay City and the National Statistics Office are hereby **ORDERED** to make proper entries into the records of the abovementioned parties in accordance with this Decision.


No pronouncement as to costs.

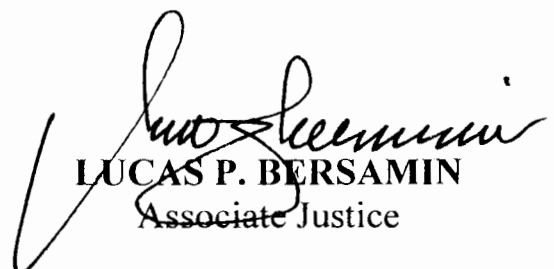
SO ORDERED.



MARTIN S. VILLARAMA, JR.
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

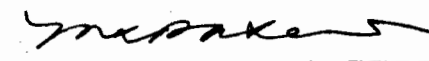

LUCAS P. BERSAMIN
Associate Justice



BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 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 the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice