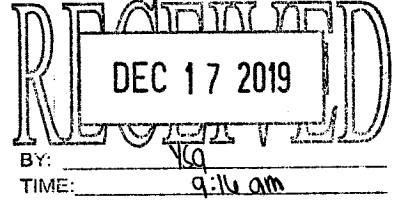




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



SPECIAL SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **16 October 2019** which reads as follows:

"G.R. No. 202069 — REPUBLIC OF THE PHILIPPINES, petitioner, versus ALVIN C. DIMARUCOT and NAILYN TAÑEDO-DIMARUCOT, respondents.

x-----x

Before the Court is the *Motion for Reconsideration*¹ dated May 4, 2018 filed by respondent Alvin C. Dimarucot (Alvin).

It may be recalled that Alvin filed with the Regional Trial Court of Guimba, Nueva Ecija, Branch 33 (RTC) a Petition for Declaration of Absolute Nullity of Marriage² (RTC Petition) docketed as Civil Case No. 1527-G, seeking to declare his marriage with respondent Nailyn Tañedo-Dimarucot (Nailyn) null and void on the ground of the latter's psychological incapacity to fulfill the essential obligations of marriage.

After due proceedings, the RTC, through Judge Ismael P. Casabar rendered a Decision³ granting the RTC Petition.

On July 27, 2010, petitioner Republic of the Philippines (Republic), through the Office of the Solicitor General (OSG) sought reconsideration⁴ of the RTC Decision, arguing that Alvin failed to prove the juridical antecedence, gravity and incurability of Nailyn's alleged psychological incapacity. The OSG's motion was denied.⁵ The Republic thereafter filed a Notice of Appeal⁶ on September 1, 2010 which the RTC likewise denied on procedural grounds.⁷

The Republic questioned the RTC's orders through a petition for *certiorari*⁸ filed before the CA ascribing grave abuse of discretion on the part of the RTC. This petition, in turn, was denied by the CA in its Decision⁹ dated July 29, 2011 (Assailed Decision). The Republic subsequently filed a motion for reconsideration, which the CA also denied its Resolution¹⁰ dated May 24, 2012 (Assailed Resolution).

¹ Rollo, pp. 339-341.

² Id. at 124-131.

³ Id. at 136-139.

⁴ Id. at 140-148.

⁵ See Order dated August 13, 2010; id. at 151.

⁶ Rollo, pp. 152-153.

⁷ See Order dated September 13, 2010; id. at 154.

⁸ Rollo, pp. 155-182.

⁹ Id. at 95-107. Penned by Associate Justice Vicente S.E. Veloso, with Associate Justices Francisco P. Acosta and Angelita A. Gacutan concurring.

¹⁰ Id. at 110-114.

1/17/20

Undaunted, the Republic filed the present *Petition*.

On March 7, 2018, the Court issued a Decision¹¹ granting the *Petition*. The dispositive portion of said Decision reads, in part:

WHEREFORE, premises considered, the *Petition for Review on Certiorari* is **GRANTED**. The [Assailed Decision] and [Assailed Resolution] in CA-G.R. SP No 116572 are hereby **REVERSED AND SET ASIDE**. The [RTC] is **DIRECTED** to give due course to the Republic's Notice of Appeal dated September 1, 2010 and to elevate the case records to the [CA] for review.¹²

In the present *Motion for Reconsideration*, Alvin prays for the termination of the proceedings on the ground of mootness, in view of Nailyn's death, thus:

x x x Respondent is seeking for a reconsideration of the Honorable Court's Decision on the ground that the *Petition* filed by the Republic is already moot and academic by reason of the death of [Nailyn] which extinguished the subject marriage by operation of law. To prove [Nailyn's] death, attached hereto is her Death Certificate issued by the Philippine Statistics Authority x x x[.]

x x x By reason of the death of [Nailyn], the marriage between her and [Alvin] has been extinguished, thus, the present action as well as the action for declaration of nullity of marriage instituted by [Alvin] before the trial court is already moot and academic.

WHEREFORE, [Alvin] respectfully prays unto the Honorable Court to reconsider and set aside its Decision dated [March 7, 2018] and to issue another one dismissing the *Petition for Review on Certiorari* filed by the Republic and terminating the proceedings in Civil Case No. 1527-G before the [RTC] for being moot and academic.¹³

The Court directed the Republic to file its comment on Alvin's *Motion for Reconsideration* within ten (10) days from notice.¹⁴

After seeking an extension of time to comply with the Court's directive, the Republic filed its Comment¹⁵ on October 8, 2018. Therein, the Republic expressed no objection to the termination of the present case, "subject to the submission of the authenticated copy of the death certificate and confirmation of [Nailyn's death by her] counsel on record, Atty. Christopher Basilio" (Atty. Basilio).¹⁶

¹¹ Id. at 325-336.

¹² Id. at 335.

¹³ Id. at 339.

¹⁴ See Resolution dated July 2, 2018; *rollo*, p. 346.

¹⁵ *Rollo*, pp. 365-370.

¹⁶ Id. at 365.

The present case is governed by A.M. No. 02-11-10-SC, or the *Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages* (the Rules). Section 24 of the Rules states, in part:

SEC. 24. *Effect of death of a party; duty of the Family Court or Appellate Court.* – (a) In case a party dies at any stage of the proceedings before the entry of judgment, the court shall order the case closed and terminated, without prejudice to the settlement of the estate in proper proceedings in the regular courts.

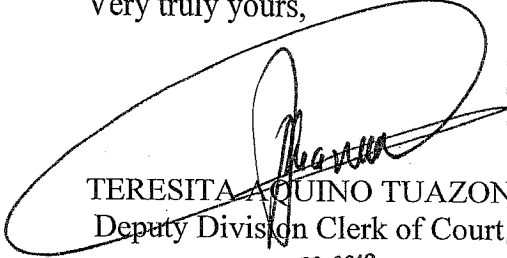
The Court notes that Alvin's *Motion for Reconsideration* had been accompanied by an authenticated copy of Nailyn's Certificate of Death¹⁷ issued by the National Statistician and Civil Registrar General of the Philippine Statistics Authority, Ms. Lisa Grace S. Bersales. The Certificate of Death confirms that Nailyn died of a gunshot wound to the chest on December 31, 2016. In this light, the Court finds further confirmation of such fact by Atty. Basilio unnecessary.

Thus, in accordance with Section 24 of A.M. No. 02-11-10-SC, the present Petition for Review on *Certiorari* is **DISMISSED**. The Petition for Declaration of Absolute Nullity docketed as Civil Case No. 1527-G pending before the Regional Trial Court of Guimba, Nueva Ecija, Branch 33 is declared **CLOSED and TERMINATED** in view of respondent Nailyn Tañedo-Dimarucot's death, without prejudice to the settlement of the latter's estate in a separate proceeding.

Let entry of judgment be issued immediately.

SO ORDERED. *Perlas-Bernabe, J., on official business.*"

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court, *Unit 12/10*

10 DEC 2019

¹⁷ Id. at 342-343.

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

ATTY. HOMER ELFORD M. GARONG (reg)
Counsel for Respondent Alvin C. Dimarucot
Unit 617, Theresa Tower Condominium
101 P. Tuazon, Cubao
1109 Quezon City

ATTY. CHRISTOPHER A. BASILIO (reg)
Counsel for Respondent Nailyn Tañedo-Dimarucot
Suites 1 & 3, Japitana Building
Champaca Street, San Vicente
2300 Tarlac City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 33
Guimba, Nueva Ecija
(Civil Case No. 1527-G)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 116572

Please notify the Court of any change in your address.
GR202069. 10/16/2019(13)URES/ssc 1/14/10