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SO ORDERED.

Davide, Jr., C.J., (Chairman), Kapunan, and *Ynares-Santiago, JJ.,* concur.

FIRST DIVISION

[A.M. No. MTJ-02-1390. April 11, 2002]
(Formerly IPI No. 01-1049-MTJ)

MERCEDITA MATA ARAÑES, *petitioner, vs.* **JUDGE SALVADOR M. OCCIANO,** *respondent.*

SYNOPSIS

Petitioner charged respondent judge with gross ignorance of the law. Petitioner alleged that the respondent judge of the Municipal Trial Court of Balatan, Camarines Sur, solemnized her marriage to her late groom Dominador B. Orobia without the requisite marriage license and at the place outside of his jurisdiction. The Office of the Court Administrator, in its report and recommendation, found the respondent judge guilty of the charges made. He was recommended to be fined in the amount of ₱5,000.00.

According to the Supreme Court, the territorial jurisdiction of respondent judge was limited to Balatan, Camarines Sur. His act of solemnizing the marriage of petitioner and Orobia in Nabua, Camarines Sur was contrary to law and should subject him to administrative liability. His act may not amount to gross ignorance of the law for he allegedly solemnized the marriage out of human compassion but nonetheless, he cannot avoid liability for violating the law on marriage. Respondent should also be faulted for solemnizing marriage without the requisite marriage license. The respondent judge was fined by the Supreme Court in the amount of ₱5,000.00, with stern warning

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that a repetition of the same or similar offense in the future will be dealt with more severely.

SYLLABUS

1. **REMEDIAL LAW; JUDICIARY REORGANIZATION ACT OF 1980; JUDGES, AS SOLEMNIZING OFFICERS; CONFINED TO THEIR TERRITORIAL JURISDICTION; VIOLATION IN CASE AT BAR.** — Under the Judiciary Reorganization Act of 1980, or B.P.129, the authority of the regional trial court judges and judges of inferior courts to solemnize marriages is confined to their territorial jurisdiction as defined by the Supreme Court. In the case at bar, the territorial jurisdiction of respondent judge is limited to the municipality of Balatan, Camarines Sur. His act of solemnizing the marriage of petitioner and Orobia in Nabua, Camarines Sur therefore is contrary to law and subjects him to administrative liability. His act may not amount to gross ignorance of the law for he allegedly solemnized the marriage out of human compassion but nonetheless, he cannot avoid liability for violating the law on marriage.

2. **CIVIL LAW; MARRIAGE; VALIDITY; MARRIAGE WHICH PRECEDED THE ISSUANCE OF THE MARRIAGE LICENSE IS VOID; RATIONALE.** — In *People vs. Lara*, we held that a marriage which preceded the issuance of the marriage license is void, and that the subsequent issuance of such license cannot render valid or even add an iota of validity to the marriage. Except in cases provided by law, it is the marriage license that gives the solemnizing officer the authority to solemnize a marriage. Respondent judge did not possess such authority when he solemnized the marriage of petitioner. In this respect, respondent judge acted in gross ignorance of the law.

3. **JUDICIAL ETHICS; JUDGES; WITHDRAWAL OF COMPLAINT CANNOT EXONERATE THEM FROM DISCIPLINARY ACTION; CASE AT BAR.** — Respondent judge cannot be exculpated despite the Affidavit of Desistance filed by petitioner. This Court has consistently held in a catena of cases that the withdrawal of the complaint does not necessarily have the legal effect of exonerating respondent from disciplinary action. Otherwise, the prompt and fair administration of justice, as well as the discipline of court

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personnel, would be undermined. Disciplinary actions of this nature do not involve purely private or personal matters. They can not be made to depend upon the will of every complainant who may, for one reason or another, condone a detestable act. We cannot be bound by the unilateral act of a complainant in a matter which involves the Court's constitutional power to discipline judges. Otherwise, that power may be put to naught, undermine the trust character of a public office and impair the integrity and dignity of this Court as a disciplining authority.

D E C I S I O N

PUNO, *J.*:

Petitioner Mercedita Mata Arañes charges respondent judge with Gross Ignorance of the Law *via* a sworn Letter-Complaint dated 23 May 2001. Respondent is the Presiding Judge of the Municipal Trial Court of Balatan, Camarines Sur. Petitioner alleges that on 17 February 2000, respondent judge solemnized her marriage to her late groom Dominador B. Orobia without the requisite marriage license and at Nabua, Camarines Sur which is outside his territorial jurisdiction.

They lived together as husband and wife on the strength of this marriage until her husband passed away. However, since the marriage was a nullity, petitioner's right to inherit the "vast properties" left by Orobia was not recognized. She was likewise deprived of receiving the pensions of Orobia, a retired Commodore of the Philippine Navy.

Petitioner prays that sanctions be imposed against respondent judge for his illegal acts and unethical misrepresentations which allegedly caused her so much hardships, embarrassment and sufferings.

On 28 May 2001, the case was referred by the Office of the Chief Justice to then Acting Court Administrator Zenaida N. Elepaño for appropriate action. On 8 June 2001, the Office of the Court Administrator required respondent judge to comment.

In his Comment dated 5 July 2001, respondent judge averred that he was requested by a certain Juan Arroyo on 15 February 2000 to solemnize the marriage of the parties on 17 February

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2000. Having been assured that all the documents to the marriage were complete, he agreed to solemnize the marriage in his *sala* at the Municipal Trial Court of Balatan, Camarines Sur. However, on 17 February 2000, Arroyo informed him that Orobia had a difficulty walking and could not stand the rigors of travelling to Balatan which is located almost 25 kilometers from his residence in Nabua. Arroyo then requested if respondent judge could solemnize the marriage in Nabua, to which request he acceded.

Respondent judge further avers that before he started the ceremony, he carefully examined the documents submitted to him by petitioner. When he discovered that the parties did not possess the requisite marriage license, he refused to solemnize the marriage and suggested its resetting to another date. However, due to the earnest pleas of the parties, the influx of visitors, and the delivery of provisions for the occasion, he proceeded to solemnize the marriage out of human compassion. He also feared that if he reset the wedding, it might aggravate the physical condition of Orobia who just suffered from a stroke. After the solemnization, he reiterated the necessity for the marriage license and admonished the parties that their failure to give it would render the marriage void. Petitioner and Orobia assured respondent judge that they would give the license to him in the afternoon of that same day. When they failed to comply, respondent judge followed it up with Arroyo but the latter only gave him the same reassurance that the marriage license would be delivered to his *sala* at the Municipal Trial Court of Balatan, Camarines Sur.

Respondent judge vigorously denies that he told the contracting parties that their marriage is valid despite the absence of a marriage license. He attributes the hardships and embarrassment suffered by the petitioner as due to her own fault and negligence.

On 12 September 2001, petitioner filed her Affidavit of Desistance dated 28 August 2001 with the Office of the Court Administrator. She attested that respondent judge initially refused to solemnize her marriage due to the want of a duly issued marriage license and that it was because of her prodding and reassurances that he eventually solemnized the same. She

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confessed that she filed this administrative case out of rage. However, after reading the Comment filed by respondent judge, she realized her own shortcomings and is now bothered by her conscience.

Reviewing the records of the case, it appears that petitioner and Orobia filed their Application for Marriage License on 5 January 2000. It was stamped in this Application that the marriage license shall be issued on 17 January 2000. However, neither petitioner nor Orobia claimed it.

It also appears that the Office of the Civil Registrar General issued a Certification that it has no record of such marriage that allegedly took place on 17 February 2000. Likewise, the Office of the Local Civil Registrar of Nabua, Camarines Sur issued another Certification dated 7 May 2001 that it cannot issue a true copy of the Marriage Contract of the parties since it has no record of their marriage.

On 8 May 2001, petitioner sought the assistance of respondent judge so the latter could communicate with the Office of the Local Civil Registrar of Nabua, Camarines Sur for the issuance of her marriage license. Respondent judge wrote the Local Civil Registrar of Nabua, Camarines Sur. In a letter dated 9 May 2001, a Clerk of said office, Grace T. Escobal, informed respondent judge that their office cannot issue the marriage license due to the failure of Orobia to submit the Death Certificate of his previous spouse.

The Office of the Court Administrator, in its Report and Recommendation dated 15 November 2000, found the respondent judge guilty of solemnizing a marriage without a duly issued marriage license and for doing so outside his territorial jurisdiction. A fine of ₱5,000.00 was recommended to be imposed on respondent judge.

We agree.

Under the Judiciary Reorganization Act of 1980, or B.P.129, the authority of the regional trial court judges and judges of inferior courts to solemnize marriages is confined to their territorial jurisdiction as defined by the Supreme Court.

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The case at bar is not without precedent. In *Navarro vs. Domagtoy*,[1] respondent judge held office and had jurisdiction in the Municipal Circuit Trial Court of Sta. Monica-Burgos, Surigao del Norte. However, he solemnized a wedding at his residence in the municipality of Dapa, Surigao del Norte which did not fall within the jurisdictional area of the municipalities of Sta. Monica and Burgos. We held that:

"A priest who is commissioned and allowed by his local ordinance to marry the faithful is authorized to do so only within the area or diocese or place allowed by his Bishop. An appellate court Justice or a Justice of this Court has jurisdiction over the entire Philippines to solemnize marriages, regardless of the venue, as long as the requisites of the law are complied with. *However, judges who are appointed to specific jurisdictions, may officiate in weddings only within said areas and not beyond. Where a judge solemnizes a marriage outside his court's jurisdiction, there is a resultant irregularity in the formal requisite laid down in Article 3, which while it may not affect the validity of the marriage, may subject the officiating official to administrative liability.*"[2] (*Italics supplied.*)

In said case, we suspended respondent judge for six (6) months on the ground that his act of solemnizing a marriage outside his jurisdiction constitutes gross ignorance of the law. We further held that:

"The judiciary should be composed of persons who, if not experts, are at least, proficient in the law they are sworn to apply, more than the ordinary laymen. They should be skilled and competent in understanding and applying the law. It is imperative that they be conversant with basic legal principles like the ones involved in the instant case. x x x While magistrates may at times make mistakes in judgment, for which they are not penalized, the respondent judge exhibited ignorance of elementary provisions of law, in an area which has greatly prejudiced the status of married persons."[3]

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[1] 259 SCRA 129 (1996).

[2] *Id.*, pp. 135-136.

[3] *Id.*, p. 136.

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In the case at bar, the territorial jurisdiction of respondent judge is limited to the municipality of Balatan, Camarines Sur. His act of solemnizing the marriage of petitioner and Orobia in Nabua, Camarines Sur therefore is contrary to law and subjects him to administrative liability. His act may not amount to gross ignorance of the law for he allegedly solemnized the marriage out of human compassion but nonetheless, he cannot avoid liability for violating the law on marriage.

Respondent judge should also be faulted for solemnizing a marriage without the requisite marriage license. In *People vs. Lara*,[4] we held that a marriage which preceded the issuance of the marriage license is void, and that the subsequent issuance of such license cannot render valid or even add an iota of validity to the marriage. Except in cases provided by law, it is the marriage license that gives the solemnizing officer the authority to solemnize a marriage. Respondent judge did not possess such authority when he solemnized the marriage of petitioner. In this respect, respondent judge acted in gross ignorance of the law.

Respondent judge cannot be exculpated despite the Affidavit of Desistance filed by petitioner. This Court has consistently held in a catena of cases that the withdrawal of the complaint does not necessarily have the legal effect of exonerating respondent from disciplinary action. Otherwise, the prompt and fair administration of justice, as well as the discipline of court personnel, would be undermined.[5] Disciplinary actions of this nature do not involve purely private or personal matters. They can not be made to depend upon the will of every complainant who may, for one reason or another, condone a detestable act. We cannot be bound by the unilateral act of a complainant in a matter which involves the Court's constitutional power to discipline judges. Otherwise, that power may be put to naught, undermine the trust character of a public office and impair the integrity and dignity of this Court as a disciplining authority.[6]

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[4] C.A. O.G. 4079.

[5] *Farrales vs.* Camarista, 327 SCRA 84 (2000).

[6] *Sandoval vs. Manalo*, 260 SCRA 611 (1996).

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WHEREFORE, respondent Judge Salvador M. Occiano, Presiding Judge of the Municipal Trial Court of Balatan, Camarines Sur, is fined ₱5,000.00 pesos with a *STERN WARNING* that a repetition of the same or similar offense in the future will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Kapunan, and *Ynares-Santiago, JJ.,* concur.

THIRD DIVISION

[A.M. No. MTJ-02-1411. April 11, 2002]
(Formerly OCA IPI No. 96-208-MTJ)

JOCELYN T. BRIONES, *complainant, vs.* **JUDGE FRANCISCO A. ANTE, JR.,** *respondent.*

SYNOPSIS

Jocelyn T. Briones, a clerk in the Municipal Trial Court of Sto. Domingo, Ilocos Sur, filed a letter-complaint with the Office of the Court Administrator charging Francisco A. Ante, Jr., judge of the said court, with grave misconduct, acts unbecoming of a judge, oppression, and abuse of authority. Complainant claimed that Judge Ante shouted at her and threw a monobloc chair at her hitting her on the forehead and right arm. In addition, she filed another complaint against respondent judge for sexual harassment. The administrative complaints were consolidated and assigned to Executive Judge Alipio V. Flores. Judge Flores absolved the respondent from the charge of sexual harassment charge finding the remarks uttered by the respondent, which was the basis of the complaint, was actually made as a joke. However, with regard to the other