



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 4, 2020**, which reads as follows:*

**“G.R. No. 229952 (Republic of the Philippines, Petitioner, v. Court of Appeals, Maria Corazon Cañamaque-Todhunter, Respondents).** – Before this Court is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court assailing the Resolutions dated 19 October 2016<sup>2</sup> and 08 February 2017<sup>3</sup> (assailed Resolutions) of the Court of Appeals (CA) in CA-G.R. CV No. 106663. The assailed Resolutions denied the motion for extension of time to file brief by petitioner Republic of the Philippines, and dismissed its appeal.

**Antecedents**

The instant case stemmed from a petition filed by Maria Corazon Cañamaque-Todhunter (Corazon) against Mark Anthony Todhunter (Mark) for the declaration of nullity of their marriage under Article 36 of the Family Code.<sup>4</sup>

In her petition, Corazon alleged that she met Mark in Hong Kong sometime in 2001, while she was working as a caretaker. They started a relationship and she eventually bore him a child.<sup>5</sup>

On 28 December 2007, she married Mark in a civil wedding ceremony. A year later, she conceived their second child. Afterwards, they

<sup>1</sup> *Rollo*, pp. 10-36.

<sup>2</sup> *Id.* at 40-44; penned by Associate Justice Marlene Gonzales-Sison, and concurred in by Associate Justices Ramon A. Cruz and Henri Jean Paul B. Inting (now a Member of this Court), Seventeenth (17<sup>th</sup>) Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 45-49.

<sup>4</sup> *Id.* at 13.

<sup>5</sup> *Id.* at 12.

decided to work and have the child born in Thailand.<sup>6</sup>

In 2009, Corazon and Mark separated.<sup>7</sup>

In a Decision dated 28 September 2015, the Regional Trial Court (RTC) declared the marriage of Corazon and Mark void *ab initio* on the ground of Mark's psychological incapacity. The court also granted custody of their children to Corazon.<sup>8</sup>

On 27 October 2015, petitioner Republic of the Philippines, through the Office of the Solicitor General (OSG), filed a motion for reconsideration based on two (2) grounds: 1) "the psychiatrist failed to substantiate the findings of Mark's alleged psychological incapacity"; and 2) "the State was denied due process in the judicial proceedings" because it never received any copy of the pleadings and papers of the case aside from the complaint and the Decision.<sup>9</sup>

The RTC denied petitioner's motion for reconsideration and ruled that the psychiatrist's findings were sufficient to warrant the declaration of nullity of Corazon and Mark's marriage.<sup>10</sup>

Petitioner filed a notice of appeal on 16 February 2016.<sup>11</sup>

On 29 September 2016, petitioner filed with the CA a motion for extension of time to file brief, requesting that it be allowed additional time of ninety (90) days to file its brief from the deadline of 02 October 2016, or until 02 January 2017. It cited heavy workload as a ground for its request for extension.<sup>12</sup>

### **Ruling of the CA**

On 19 October 2016, the CA denied the motion for extension of time and dismissed the appeal. It found that although the petitioner timely filed for extension, its reason of "heavy workload" was not sufficient to grant additional time to file the required brief.<sup>13</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 13.

<sup>8</sup> *Id.* at 14.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 15.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 40-44.

On 18 November 2016, petitioner filed a motion for reconsideration of the appellate court's dismissal of the appeal and for the admission of the oppositor-appellant's brief.<sup>14</sup>

On 21 February 2017, the CA denied petitioner's motion for reconsideration.<sup>15</sup>

Hence, this petition.

### Issues

Petitioner raises the following grounds<sup>16</sup> in support of its petition:

#### I

[THE] PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DENYING THE MOTION FOR EXTENSION OF TIME TO FILE BRIEF FOR OPPOSITOR-APPELLANT

#### II

THE BRIEF FOR OPPOSITOR-APPELLANT SHOULD HAVE BEEN ADMITTED BY [THE] PUBLIC RESPONDENT IN THE INTEREST OF SUBSTANTIAL JUSTICE

Petitioner argues that the CA should have granted its motion for extension based on A.M. No. 99-2-03-SC, entitled, "In Re: Extension of Time to file Comment or Appellee's Brief by the Office of the Solicitor General." Likewise, petitioner contends that there are good and sufficient causes for the filing of the motion for extension. It alleges that it only received the complete records of the case from the Judicial Records Division (JDR) of the CA on 13 October 2016, or after the deadline on 02 October 2016.<sup>17</sup> Furthermore, contrary to the CA's statement that it only takes a day to request for case records, the processing of requests for civil case records is longer.<sup>18</sup> The handling solicitor was also constrained to seek for extension of the filing of the appellant's brief due to her workload.<sup>19</sup> Lastly, the petitioner argues that the CA's dismissal of its appeal deprived it of the opportunity to protect the sanctity of Corazon and Mark's marriage.<sup>20</sup>

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<sup>14</sup> *Id.* at 50-67.

<sup>15</sup> *Id.* at 45-49.

<sup>16</sup> *Id.* at 16-17.

<sup>17</sup> *Id.* at 20.

<sup>18</sup> *Id.* at 21.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 31.

Meanwhile, in her Comment,<sup>21</sup> Corazon contends that the CA correctly exercised its discretion when it dismissed the appeal since “heavy workload” is not a sufficient cause to extend the period for filing the appellant's brief. She also argues that even if the procedural rules should be relaxed in favor of the petitioner, its appeal does not have merit.<sup>22</sup> Finally, she claims that the interests of justice is better served if the nullity of her marriage to Mark is affirmed. She emphasizes that she would be greatly disadvantaged should the RTC Decision be reversed considering that Mark is already married and living with another woman.<sup>23</sup>

### Ruling of the Court

The petition is meritorious.

Proceeding from the premise that appeal is a statutory right, it is equally settled that a party seeking to appeal an adverse action of a court must strictly follow the statutory requirements.<sup>24</sup> Procedural rules setting the period for perfecting an appeal or filing an appellate petition are generally inviolable.<sup>25</sup> The requirements for perfecting an appeal within the reglementary period specified in the law must be strictly followed as they are considered indispensable interdictions against needless delays.<sup>26</sup>

In the same vein, it is equally true that “heavy workload” is normally considered by this Court as insufficient cause to allow extensions of time to file pleadings.<sup>27</sup>

However, this Court has long recognized that the OSG is burdened with numerous tasks in defending the legal affairs of the government.<sup>28</sup> Accordingly, the Court has always viewed with liberality motions for extensions of time filed by the OSG, except in cases of gross negligence or blatant disregard of the rules.

In *National Power Corporation v. Court of Appeals*,<sup>29</sup> where the Court reversed the CA's denial of the OSG's motion for extension of time to

<sup>21</sup> *Id.* at 110-129.

<sup>22</sup> *Id.* at 119.

<sup>23</sup> *Id.* at 120, 127.

<sup>24</sup> See *Lefebvre v. A Brown Co., Inc.*, 818 Phil. 1046-1061 (2017); G.R. No. 224973, 27 September 2017, 841 SCRA 217.

<sup>25</sup> *Philippine National Bank v. Commissioner of Internal Revenue*, 678 Phil. 660-678 (2011); G.R. No. 172458, 14 December 2011, 662 SCRA 424.

<sup>26</sup> *Rivera-Avante v. Rivera*, G.R. No. 224137, 03 April 2019.

<sup>27</sup> *Adtel, Inc. v. Valdez*, 816 Phil. 110-120 (2017); G.R. No. 189942, 09 August 2017, 836 SCRA 57; *Heirs of Gayares v. Pacific Asia Overseas Shipping Corp.*, 691 Phil. 46-57 (2012); G.R. No. 178477, 16 July 2012, 676 SCRA 450.

<sup>28</sup> See *Home Development Mutual Fund Pag-Ibig Fund v. Sagun*, G.R. Nos. 205698, 205780, 208744, 209424, 209446, 209489, 209852, 210095, 210143, 228452, 228730 & 230680, 31 July 2018.

<sup>29</sup> 467 Phil. 889-903 (2004); G.R. No. 137034, 23 February 2004, 423 SCRA 406.

file memoranda, this Court invoked A.M. No. 99-2-03-SC, which allows courts to grant the OSG extensions in filing comments or briefs, *viz*:

IN RE: EXTENSION OF TIME TO FILE COMMENT OR APPELLEE'S BRIEF BY THE OFFICE OF THE SOLICITOR GENERAL.

The Court notes that in cases involving the State, the Office of the Solicitor General too often asks for several extensions of time to file Comment or Appellee's Brief. While the Court appreciates the heavy workload of the Office of the Solicitor General, nonetheless, the practice of praying for too many extensions of time to plead does not promote the objective of speedy justice.

Accordingly, on its first motion for extension of time to file Comment or Appellee's' Brief, the Office of the Solicitor General shall forthwith be given an extension of sixty (60) days and ninety (90) days, respectively with a warning that no further extension shall be granted, unless compelling reason warrants a further extension, which shall in no case exceed twenty (20) days. In cases of extreme urgency, however, the period to plead that may be granted to the OSG can be shortened.

This resolution shall take effect on 15 March 1999 and shall be published in two (2) newspapers of general circulation in the Philippines.

Let copies of this resolution be furnished the Office of the Solicitor General and the Integrated Bar of the Philippines.

In this case, this Court notes that the motion for extension was filed before the lapse of the reglementary period. It was only the first time that the OSG sought for extension of time to file its brief. Further, the period of extension it requested was reasonable. Thus, this Court opines that it was more prudent and consistent with the principles of justice for the CA to have granted the OSG a leeway to prepare the appellant's brief.

Likewise, this Court finds the explanation for the delay given by the handling solicitor candid and justifiable.<sup>30</sup> There is nothing in the records which would indicate that the OSG's motion to extend the filing of the appellant's brief was meant to delay the proceedings. Neither can We agree that Corazon's rights would be prejudiced if the OSG's appeal is reinstated. After all, the declaration of nullity of her marriage with Mark is not yet final. Hence, the appeal should be allowed to proceed.

The fact that A.M. No. 99-2-03-SC did not explicitly include extensions for appellants' briefs does not detract from this Court's finding. The dismissal of the appeal without granting the OSG an initial extension is disproportionate to the failure of the OSG to file its appellant's brief on time. The OSG, as counsel of the State, should be given opportunity to ventilate its arguments against the trial court's judgment declaring Corazon's marriage

<sup>30</sup> *Supra* at note 28.

to Mark null and void. The State has a legitimate interest in the merits of the case since it is mandated to protect marriage, being the foundation of the family, which in turn is the foundation of the nation.<sup>31</sup> Our Constitution and family laws are built on the policy that views marriage not merely as a contract but a social institution.<sup>32</sup> Thus, the State should have been given the opportunity to present controverting evidence before the judgment was rendered.<sup>33</sup>

It must be remembered that the State precisely appealed the trial court's decision because it was deprived of due process, not having been furnished Corazon's pleadings. Truly, only the active participation of the Public Prosecutor or the OSG will ensure that the interest of the State is represented and protected in proceedings for annulment and declaration of nullity of marriages by preventing collusion between the parties, or the fabrication or suppression of evidence.<sup>34</sup> Hence, remand to the CA of the case is proper.

**WHEREFORE**, the petition is hereby **GRANTED**. The Resolutions dated 19 October 2016 and 08 February 2017 of the Court of Appeals in CA-G.R. CV No. 106663 are **REVERSED** and **SET ASIDE**. Petitioner's appeal is **REINSTATED** and the instant case **REMANDED** to the Court of Appeals for further proceedings.

**SO ORDERED.”**

Very truly yours,

*MisPDCBatt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

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10/5/20

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<sup>31</sup> 813 Phil. 734-745 (2017); *Tilar v. Tilar*, G.R. No. 214529, 12 July 2017, 831 SCRA 116.

<sup>32</sup> *Azcueta v. Republic*, 606 Phil. 177-199 (2009); G.R. No. 180668, 26 May 2009, 588 SCRA 196.

<sup>33</sup> *Republic v. Cuison-Melgar*, 520 Phil. 702-721 (2006); G.R. No. 139676, 31 March 2006, 486 SCRA 177.

<sup>34</sup> *Id.*

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 30, San Fernando City, La Union

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