



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 March 2021** which reads as follows:*

**“G.R. No. 254581 (*Armando G. Castro v. People of the Philippines*)**  
— The Court **NOTES** the compliance and manifestation dated 29 January 2021 of counsel for petitioner relative to the Resolution dated 11 January 2021, submitting the affidavit of service of the motion for extension of time to file petition and the verified declaration of the electronic filing of the said motion.

The petition must fail.

The elements of bigamy are: (1) the offender has been legally married; (2) the marriage has not been legally dissolved or, in case his or her spouse is absent, the absent spouse could not yet be presumed dead according to the Civil Code; (3) that he contracts a second or subsequent marriage; and (4) the second or subsequent marriage has all the essential requisites for validity.<sup>1</sup>

Petitioner claims that the prosecution failed to prove these elements since his marriage with Anita Castro y Mamaclay (Anita) was no longer subsisting per Decision dated December 14, 2016 in Civil Case No. 15-886-CV declaring their marriage void. Hence, the element that the offender must be legally married is wanting.

Petitioner is mistaken.

Under Article 40 of the Family Code, the absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis solely of a final judgment declaring such previous marriage void. Otherwise stated, a

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<sup>1</sup> *Capili v. People*, 713 Phil. 256, 262 (2013).

judicial declaration of nullity is required before a valid subsequent marriage can be contracted; or else, what transpires is a bigamous marriage, reprehensible and immoral.<sup>2</sup>

Here, petitioner contracted two (2) subsequent marriages after Anita: first with Escolastica Versoza in 1990, and second, with Estelita Dagdag (Estelita) in 2007. Obviously, when these marriages were solemnized, petitioner did not have a judicial decree of nullity of his previous marriage which he only secured in 2016, or more than a decade after his subsequent marriages were celebrated.

Clearly, petitioner's civil action to declare as void his marriage with Anita was a mere afterthought in order to evade his prosecution for bigamy.

Petitioner, too, may not rely on his religion to exculpate him from criminal liability. For one, not one of petitioner's marriage contracts bears the information that he is a Muslim. For another, as found by the trial court, in securing a marriage license for his marriage with Estelita, he declared that he was single. This amplifies his deliberate intent to contract bigamous marriages.<sup>3</sup>

Petitioner's deceptive scheme by converting to Islam in 2007 is obviously an attempt to hide what is basically a bigamous marriage in his vain effort to escape criminal prosecution.<sup>4</sup>

As for Anita's alleged lack of standing as real party-in-interest, we recall that the crime was committed by petitioner not when he got married to Estelita, but when he married Lino Orjalo on March 4, 1970, albeit his marriage with Lydia Sison Ramos whom he married on January 19, 1959 was still subsisting.<sup>5</sup>

In bigamy, both the first and subsequent spouses may be the offended parties depending on the circumstances. It is immaterial, therefore, that petitioner was the third spouse. What is material is the existence of all the elements of the crime of bigamy and that the offended party did not know that her husband was already married to another person at the time they were married.<sup>6</sup>

Petitioner next pleads that the period for filing a case for bigamy had already prescribed.

As correctly held by the courts below, for bigamy, the fifteen (15) year prescriptive period provided under Article 92<sup>7</sup> of the RPC commences only at

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<sup>2</sup> *Lasanas v. People* citing *Teves v. People*, 736 Phil. 734, 745 (2014).

<sup>3</sup> *Rollo*, p. 33.

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

<sup>5</sup> *Id.* at 34.

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

<sup>7</sup> Art. 92. *When and how penalties prescribe.* — The penalties imposed by final sentence prescribe as follows:  
1. Death and reclusion perpetua, in twenty years;

the time of discovery of the commission of the offense and not from the date of registration of the subsequent marriage.<sup>8</sup> Here, Anita discovered petitioner's bigamous marriage with Estelita on February 24, 2014. Clearly, when she filed the present criminal action against them on August 4, 2014 or barely a year from her discovery of the offense, the same was well within the fifteen (15) year reglementary period.

All told, the Court of Appeals did not err in affirming petitioner's conviction for bigamy.

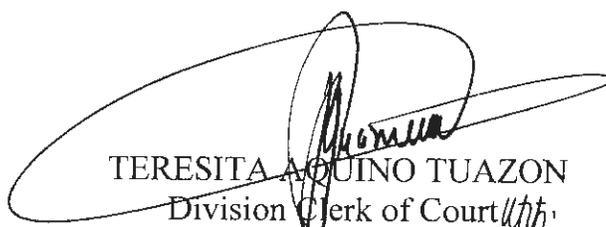
Article 349 carries the penalty of *prision mayor for bigamy*.<sup>9</sup> The imposable penalty here corresponds to the medium term of *prision mayor*, there being no aggravating or mitigating circumstance. Applying the indeterminate sentence law, petitioner was correctly sentenced to two (2) years, four (4) months and one (1) day of *prision correccional*, as minimum to eight (8) years and one (1) day of *prision mayor*, as maximum.

**WHEREFORE**, the petition is **DENIED**. The Court of Appeals' Decision dated December 9, 2020<sup>10</sup> in CA-G.R. CR No. 43052 is **AFFIRMED**.

Petitioner **Armando G. Castro** is found **GUILTY** of **BIGAMY** and sentenced to an indeterminate penalty of two (2) years, four (4) months and one (1) day of *prision correccional*, as minimum to eight (8) years and one (1) day of *prision mayor*, as maximum.

**SO ORDERED."**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
27 MAY 2021 5/27

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2. Other afflictive penalties, in fifteen years;
  3. Correctional penalties, in ten years; with the exception of the penalty of *arresto mayor*, which prescribes in five years;
  4. Light penalties, in one year.

<sup>8</sup> *Rollo*, p. 45.

<sup>9</sup> *Vitangcol v. People*, 778 Phil. 326 (2016).

<sup>10</sup> Penned by Associate Justice Germano Francisco D. Legaspi and concurred in by Associate Justices Franchito N. Diamante and Walter S. Ong; *rollo*, pp. 38-46.

Resolution

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G.R. No. 254581  
March 01, 2021

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 109  
Pasay City  
(Crim. Case No. R-PSY-14-08896-CR)

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*Please notify the Court of any change in your address.*  
GR254581. 03/01/2021A(5)URES *1/1/21*