

6 Phil. 78

[G.R. No. 2233. April 10, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. AMBROSIO MINA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

The accused was tried and convicted upon the following information:

“The undersigned accuses Ambrosio Mina of the offense of celebrating a marriage prohibited by law, defined and penalized in article 479 of the Penal Code, committed as follows: That the said Ambrosio Mina, on or about the 3d day of August, 1904, in the town of Karvacan, Province of Ilocos Sur, Philippine Islands, being an ecclesiastical authority with the right to celebrate marriages, did celebrate the marriage of Aleja Supnet with Ignacio Santo, notwithstanding that he knew that the said marriage was prohibited by law because of the existence of a former legal marriage between the said Aleja Supnet and one Domingo Javier, which prior marriage had never been dissolved,” Article 479 of the Penal Code prescribes that “the ecclesiastical or civil authority who celebrates a marriage prohibited by law, or in any case where there exists an indispensable impediment, will be punished with the penalty of suspension in its medium and maximum grade and a fine of 625 to 6,250 pesetas;” and section 5 of General Orders, No. 68, issued from the office of the United States Military Governor of the Philippine Islands, Manila, P. I., December 18, 1899, provides that “marriage may be solemnized by either a judge of any court inferior to the Supreme Court, justice of the peace, or priest or minister of the gospel of any denomination.”

There is no evidence whatever of record in this case to show that the accused, at the time of the alleged offense, was in fact a priest or minister of the gospel of any denomination, which fact constituted an essential allegation of the information because the offense defined and penalized in article 479 can only be committed by an ecclesiastical or civil authority authorized to celebrate marriages.

The presumption of innocence which throws its mantle about the accused at every stage of the proceeding imposes upon the prosecution the duty of proving beyond a reasonable doubt every essential allegation of the information, and, therefore, the accused should be, and is hereby, acquitted of the offense with which he was charged. The judgment and sentence of the trial court are reversed, with the costs of both instances *de officio*, and the bond for the appearance of the accused is hereby canceled. Let judgment be entered forthwith and the case remanded to the court from whence it came for proper action. So ordered.

Torres, Mapa, Johnson, and Willard, JJ., concur.

ARELLANO, C. J.:

I concur with the results since it has not been proved that the accused is “an ecclesiastical or civil authority authorized to celebrate marriages’ upon which the complaint was based.
