

Title: Luisito G. Pulido vs. People of the Philippines

Facts:

The case involves Luisito G. Pulido (Pulido), who was charged and convicted of Bigamy under the laws of the Philippines. The charge arose from Pulido's two separate marriages; first, to Nora S. Arcon (Arcon) on September 5, 1983, in a civil ceremony, and second, to Rowena U. Baleda (Baleda) on July 31, 1995, solemnized by Reverend Conrado P. Ramos. Pulido's marriage to Arcon produced a child born in 1984. In 2007, Pulido stopped returning home, admitted to his affair with Baleda, and was found to have married her under the pretense of being single, as declared in their marriage certificate. Arcon, upon discovering the subsequent marriage, filed a charge of Bigamy against Pulido and Baleda on December 4, 2007. Pulido claimed both marriages were null and void--the first due to the alleged absence of a valid marriage license, while the second lacked an actual marriage ceremony.

Issues:

1. Does Article 40 of the Family Code apply to Pulido's case, considering that his marriages were solemnized before and during the effectivity of the Family Code, respectively?
2. Can a judicial declaration of nullity of a prior marriage under Article 40 of the Family Code be invoked as a defense in Bigamy cases?
3. Is a judicial declaration of nullity acquired after the second marriage a valid defense in Bigamy cases?

Court's Decision:

The Supreme Court held that Pulido cannot be held criminally liable for Bigamy as the first marriage lacked a valid marriage license, hence, it was void ab initio, and a prior judicial declaration of nullity is not necessary to use such a defense in Bigamy cases. The Court stated that Article 40 of the Family Code, which requires a judicial declaration of nullity for remarriage purposes, does not apply retroactively to affect the accused's right to use the defense of a void marriage in a criminal prosecution for Bigamy. Ultimately, the Court acquitted Pulido and overturned the decisions of the lower courts.

Doctrine:

1. A void ab initio marriage is a valid defense in the prosecution for Bigamy even without a judicial declaration of absolute nullity.
2. Article 40 of the Family Code applies retroactively insofar as it does not prejudice or impair vested or acquired rights, specifically, only for the purpose of remarriage.

Historical Background:

Article 40 of the Family Code was enacted to ensure individuals could not judge for themselves the nullity of their marriages and that only a competent court could make such determination, especially in the context of entering a subsequent marriage. Since Bigamy involves the protections of the inviolable social institution of marriage, it was deemed that a preliminary judicial declaration of nullity of a previous marriage was required before one could remarry. This case revisited previous judicial interpretations of Bigamy in light of the Family Code's provisions, thus reflecting a historical shift in the Court's understanding of the application of the Family Code to the crime of Bigamy.