

Title: Francis D. Malaki and Jacqueline Mae A. Salanatin-Malaki vs. People of the Philippines: A Case of Bigamy and Convert's Liability

Facts: Francis D. Malaki, Sr. and Jacqueline Mae A. Salanatin were accused of bigamy because Francis contracted a second marriage with Jacqueline while his first marriage with Nerrian Maningo-Malaki was still in effect. Francis and Nerrian were married in March 1988 under the rites of the Iglesia ni Cristo, and begot two children before Francis eventually abandoned the family in 2005. Following his departure, Francis converted to Islam and subsequently married Jacqueline, also in 2005. During the trial, the defense was that they could not be criminally liable for bigamy because they were both Muslims at the time of the second marriage.

Issues:

1. Whether the conversion to Islam of a person married under civil law exempts them from criminal liability for subsequently contracting another marriage.
2. Whether the subsequent marriage of a convert to Islam is valid without the compliance of the formal requisites under the Code of Muslim Personal Laws of the Philippines.

Court's Decision:

1. The Supreme Court rejected the contention that conversion to Islam exempts Francis from criminal liability for bigamy. It held that the Muslim Code (Presidential Decree No. 1083) does not apply to Francis' first marriage with Nerrian, which remains governed by the Civil Code (now the Family Code), and the Revised Penal Code's provisions on bigamy.
2. The Supreme Court also found that both Francis and Jacqueline failed to comply with the substantive and procedural requirements for a valid subsequent marriage under the Muslim Code. This noncompliance and the failure to notify the proper Sharia court and obtain acquiescence from the first wife reaffirmed their guilt of bigamy.

Doctrine:

- A party to a civil marriage who converts to Islam and contracts another marriage, despite the first marriage's subsistence, is guilty of bigamy, as are the parties involved in the subsequent marriage.
- The Muslim Code does not exculpate individuals from criminal liability for bigamy if the conditions set for subsequent marriages under Islamic law are not fulfilled.

Historical Background:

The enactment of Presidential Decree No. 1083, otherwise known as the Code of Muslim

Personal Laws of the Philippines (Muslim Code), recognized and codified the personal laws of Muslims in the country, allowing for legal institutions that accommodate Islamic law alongside the general laws of the country such as the Civil Code and the Revised Penal Code. It came into effect as an affirmation of the government's commitment to cultural diversity and the recognition of the rights of indigenous cultural communities and religious minorities in the Philippines. This case presents a collision between the Muslim Code's accommodation for subsequent marriages in certain conditions and the general law's prohibition of bigamy under the Revised Penal Code, manifesting the complexities that arise in a legal system where multiple sets of laws addressing similar matters co-exist.