

**\*\*Title:\*\*** Rolando Landicho vs. Hon. Lorenzo Relova and People of the Philippines: A Disquisition on Bigamy and Prejudicial Questions

**\*\*Facts:\*\***

The case involves Rolando Landicho, who was charged with bigamy on February 27, 1963, in the Court of First Instance of Batangas, Branch I, under Judge Lorenzo Relova. The charge alleged that Landicho, already married to Elvira Makatangay, unlawfully contracted a second marriage with Fe Lourdes Pasia. On March 15, 1963, Fe Lourdes Pasia initiated a civil suit seeking to annul her marriage with Landicho on grounds of coercion and its bigamous nature. Subsequently, Landicho filed a third-party complaint against Elvira Makatangay on June 15, 1963, seeking annulment of their marriage on similar grounds of coercion.

Landicho moved to suspend the criminal bigamy case pending the outcome of the annulment cases, arguing they posed a prejudicial question. Judge Relova denied this motion on November 19, 1963, and also denied a motion for reconsideration on March 2, 1964. Landicho then petitioned the Supreme Court for certiorari and prohibition with a preliminary injunction, which was initially issued but later resolved with this decision.

**\*\*Issues:\*\***

The core legal issue deliberated upon was whether the pending civil suits for annulment of marriage constituted a prejudicial question that warranted suspension of the bigamy case against Landicho.

**\*\*Court's Decision:\*\***

The Supreme Court, sustaining Judge Relova's decision, denied the petition for certiorari. It held that the existence of the civil suits did not pose a prejudicial question to the bigamy charge. The Court emphasized that parties cannot unilaterally deem their marriages null and void without judicial declaration. Until such declaration is made by a competent court, the validity of the first marriage stands. It further articulated that contracting a second marriage without this judicial declaration involves a clear risk of being charged with bigamy, as in the present case.

**\*\*Doctrine:\*\***

This case reaffirms the doctrine that a prejudicial question involves an issue in a civil case which must be decided before a criminal case can proceed. However, not all civil cases related to the matters of a criminal case pose a prejudicial question. Specifically, actions to

annul marriages in the context of bigamy charges do not automatically suspend criminal proceedings unless the civil case's outcome can determinatively affect the criminal case's outcome.

**\*\*Class Notes:\*\***

- Prejudicial Question: Defined and requires that the issue must first be resolved in a civil action before the criminal action can proceed, but not applicable in all cases, particularly where the civil case outcome does not necessarily determine the criminal case's result.
- Bigamy: The act of contracting a second marriage while the first is still subsisting and valid unless annulled by competent courts.
- Annulment vs. Bigamy Defense: A pending annulment case does not provide an automatic defense against a charge of bigamy, as the validity of the first marriage stands until judicially annulled.
- Judicial Declaration of Marriage Nullity: Emphasized as necessary before contracting a subsequent marriage; mere belief or initiation of annulment proceedings by the involved parties does not suffice to invalidate a marriage.

**\*\*Historical Background:\*\***

This decision fits within a broader jurisprudential context of the Philippine legal system's treatment of marriage and its dissolution, underscoring the sanctity of marital bonds and judicial caution against self-serving unilateral declarations of nullity. It resonates with the Philippine judiciary's protective stance on marriage, requiring judicial intervention for any determination of marriage nullity and ensuring that legal procedures are meticulously followed to prevent abuses such as bigamy.