

**\*\*Title:\*\*** Lucio Morigo y Cacho vs. People of the Philippines, G.R. No. 138087

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

Lucio Morigo and Lucia Barrete were boardmates from 1974-1978 in Tagbilaran City. After losing contact post-1978, they reconnected in 1984 through mail and eventually became sweethearts. Lucia returned to the Philippines in 1986 but moved to Canada in 1990, maintaining communication with Lucio. They married on August 30, 1990, at the Iglesia de Filipina Nacional in Bohol. Lucia soon returned to Canada, filing for divorce in Ontario, which was granted on January 17, 1992, and effective February 17, 1992.

Lucio married Maria Jececha Lumbago in Tagbilaran, Bohol, on October 4, 1992. He subsequently filed a judicial declaration of nullity of his first marriage on September 21, 1993, claiming no valid ceremony took place. The City Prosecutor charged him with bigamy on October 19, 1993. Lucio's motion to suspend arraignment was initially granted but later denied. He pleaded not guilty, and trial ensued.

On August 5, 1996, the RTC of Bohol convicted Lucio of bigamy. He appealed, but the Court of Appeals affirmed the RTC's decision on October 21, 1999. Lucio's motion for reconsideration was denied on September 25, 2000.

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

1. Whether the first marriage's invalidity declaration can be applied retrospectively, thus negating bigamy.
2. Whether Lucio's reliance on the Canadian divorce decree constituted good faith and a lack of criminal intent necessary to invalidate a conviction for bigamy.
3. Whether all the elements of bigamy were present given the facts of the case.

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

The Supreme Court resolved the case by focusing on the essential element of being legally married in committing bigamy. The Court found that since there was no valid marriage ceremony performed between Lucio and Lucia, their marriage was void ab initio. Thus, Lucio was never legally married at the time he contracted the second marriage with Maria Jececha.

1. **\*\*First Issue:\*\*** The Court held that for a charge of bigamy, the first marriage must be legally binding. Since the first marriage was declared void ab initio (no solemnizing officer

present), Lucio was not legally married to Lucia at any point. The ruling declares that the relationship never constituted a valid marriage from the start, hence there was no impediment to the second marriage.

2. **Second Issue:** The validity of Lucio's good faith defense became moot as the Court determined that the first essential element of bigamy (a valid first marriage) was not present. The fact that he acted in reliance on a Canadian divorce decree and filed for nullity of the first marriage suggests his belief in the invalidity of his first marriage, but the key point was the original marriage's void status.

3. **Third Issue:** The Court concluded that all elements of bigamy were not present. Specifically, the lack of a valid first marriage nullified the second element required for bigamy. This rendered all arguments about criminal intent and good faith academic since the basic premise of being legally married was absent.

**Doctrine:**

1. **Retroactivity of Nullity:** If a marriage is declared void ab initio, it is considered null from the start. There is no legal marriage to speak of, negating the possibility of bigamy.

2. **Elements of Bigamy:** All elements, including a valid first marriage, must be present for a conviction of bigamy. In the absence of any element, such as a valid first marriage, there can be no conviction.

**Class Notes:**

- **Elements of Bigamy:**

1. Offender is legally married.
2. First marriage has not been legally dissolved.
3. Contracts a subsequent marriage.
4. Subsequent marriage would be valid but for the first marriage.

**Key Statutes:**

- **Article 349 of the Revised Penal Code:** Establishes the penalty for bigamy.
- **Article 3 & 4 of the Family Code:** Formal requisites of marriage and consequences for absence thereof.
- **Retroactivity Principle:** Marriages declared void ab initio are considered never to have existed in legal terms from the start (Family Code Articles 3 and 4).

- **Public Policy & Foreign Judgments (Civil Code Articles 15 & 17):** Ensures that foreign judgments on personal status like marriages and divorces adhere to Philippine public policy.

**Historical Background:**

The case reflects the strict adherence of Philippine law to marriage solemnities and the country's non-recognition of foreign judgments that conflict with public policy. During the period, ensuring marriages adhered to legal formalities was stringent, emphasizing the non-void compliance of civil and canonical laws ruling marriage. The case underscores the legal landscape's reflection on personal status and its regulatory adherence even amid global mobility and changing residency statuses.