

Case Title:

James Walter P. Capili vs. People of the Philippines and Shirley Tismo-Capili, G.R. No. 183805

Facts:

1. **First Marriage:** On September 3, 1999, James Walter P. Capili married Karla Y. Medina-Capili.
2. **Second Marriage:** On December 8, 1999, James married Shirley G. Tismo while the first marriage was still subsisting.
3. **Bigamy Charge:** On June 28, 2004, Capili was charged with bigamy at the RTC of Pasig City.
4. **Motion to Suspend Proceedings:** Capili filed this motion citing a pending civil case for the declaration of nullity of the second marriage filed by Karla Y. Medina-Capili in RTC Antipolo.
5. **Initial Court Decision:** The RTC of Pasig City reset the arraignment, awaiting the decision of RTC Antipolo.
6. **RTC Antipolo Decision:** RTC Antipolo declared the second marriage void due to its bigamous nature.
7. **Motion to Dismiss:** Capili moved to dismiss the bigamy case based on the RTC Antipolo's ruling.
8. **RTC Pasig's Order (July 7, 2006):** Granted Capili's motion and dismissed the bigamy case citing the second marriage was declared void.
9. **Appeal to the CA:** Shirley G. Tismo appealed the dismissal to the Court of Appeals.
10. **CA Decision (February 1, 2008):** The CA reversed the RTC Pasig's order, reinstating the bigamy case.
11. **Motion for Reconsideration:** Capili's motion for reconsideration was denied on July 24, 2008.
12. **Petition for Review:** Capili filed a petition for review with the Supreme Court under Rule 45.

Issues:

1. **Whether the declaration of nullity of the second marriage can exculpate Capili from the charge of bigamy.**
2. **Whether the CA erred in reversing the RTC Pasig decision based on the RTC Antipolo's declaration of nullity of the second marriage.**
3. **Applicability of the Tenebro v. Court of Appeals case to the instant case.**
4. **Illegality of Shirley G. Tismo using the surname "Capili" post-declaration of the nullity**

of marriage.**

Court's Decision:

****1. Whether the declaration of nullity of the second marriage can exculpate Capili from the charge of bigamy:****

- ****Court's Ruling:**** The declaration of nullity of Capili's second marriage does not exempt him from the bigamy charge. The crime of bigamy is consummated once a second marriage is contracted during the subsistence of a first marriage, regardless of subsequent annulment.

****2. Whether the CA erred in reversing the RTC Pasig decision based on the RTC Antipolo's declaration of nullity of the second marriage:****

- ****Court's Ruling:**** The CA correctly reversed the RTC Pasig decision. The finality of the nullity declaration of the second marriage does not negate the fact that the second marriage was entered into while the first marriage was still valid.

****3. Applicability of the Tenebro v. Court of Appeals case to the instant case:****

- ****Court's Ruling:**** The principles in Tenebro apply, emphasizing that prosecution for bigamy is valid even if the second marriage is later declared null. The offense is committed once all elements of bigamy are present.

****4. Illegality of Shirley G. Tismo using the surname "Capili" post-declaration of the nullity of marriage:****

- ****Court's Ruling:**** This issue, while mentioned, does not alter Capili's criminal liability under the bigamy charge.

Doctrine:

1. ****Bigamy Completion:**** The crime of bigamy is consummated when a second or subsequent marriage occurs without prior dissolution of the first marriage (Article 349, Revised Penal Code).

2. ****Judicial Declaration Requirement:**** Marriages, even void or voidable, are considered valid until judicially declared otherwise.

3. ****Prejudicial Question Not Applicable:**** The outcome of a civil annulment does not affect the criminal case for bigamy.

Class Notes:

- **Elements of Bigamy:**

1. A valid first marriage.
2. No legal dissolution of the first marriage.
3. Contracting a second/subsequent marriage during the first marriage's subsistence.
4. Essential requisites for the validity of the second marriage.

- **Statutory Provisions:**

- Article 349, Revised Penal Code (Bigamy): Defines the crime of bigamy.

- **Judicial Interpretation:** Subsequent nullity declarations do not absolve the crime of bigamy; pre-prosecution annulments do not define guilt or innocence.

Historical Background:

This case came at a time when Filipino jurisprudence was solidifying interpretations of family law amidst complex marital disputes. It reflects judiciary emphasis on the sanctity and procedural primacy of marriage laws, and the enduring nature of criminal liability unaffected by subsequent civil judgments ensuing from complaints brought by estranged spouses.