

**Title:** People of the Philippines v. Federico Bustamante

**Facts:**

- First Marriage:** Federico Bustamante married Maria Perez on August 9, 1954, before the Justice of the Peace of Binalonan, Pangasinan.
- Second Marriage:** On September 16, 1955, Bustamante contracted a second marriage with Demetria Tibayan, solemnized by Vice-Mayor Francisco B. Nato of Mapandan, Pangasinan.
- Subsisting First Marriage:** At the time of the second marriage, Bustamante's first marriage with Maria Perez was still subsisting.
- Cohabitation and Subsequent Separation:** Bustamante lived with Demetria and her parents for about a month before returning to Calasiao, Pangasinan, to live with his first wife, Maria Perez.
- Discovery and Accusation:** During her search for Bustamante, Demetria discovered his prior marriage from Binalonan authorities, leading to the bigamy charge.
- Trial and Conviction:** Bustamante did not testify during the trial and was convicted by the Court of First Instance of Pangasinan.

**Procedural Posture:**

- Lower Court Proceedings:** The conviction was based on evidence that the second marriage occurred while the first marriage was undissolved.
- Appeal:** Bustamante appealed to the Supreme Court on points of law, particularly challenging the authority of Francisco Nato to solemnize his second marriage.

**Issues:**

- Whether Francisco Nato had the authority to solemnize the second marriage while acting as mayor.
- Whether the lower court erred in admitting evidence regarding the solemnization of the second marriage despite incorrect averments in the information.

**Court's Decision:**

- Authority to Solemnize Marriage:**
  - Contention:** Bustamante argued that Nato, as "acting mayor," did not have the authority to solemnize marriages under Article 56 of the Civil Code.
  - Court's Analysis:** The Supreme Court found this contention untenable, noting that regardless of whether Nato was an "Acting Mayor" or "acting as mayor," he still discharged all duties and wielded the powers of the office. Thus, Nato had the authority to solemnize

the marriage.

## 2. **Admission of Evidence:**

- **Contention:** Bustamante argued that the lower court erred in admitting evidence indicating that Nato, not the Justice of the Peace, performed the second marriage as initially alleged in the information.
- **Court's Analysis:** The Court held that the incorrect averment was unsubstantial and immaterial as it need not be specifically alleged who performed the marriage ceremony. The information sufficiently apprised the defendant of the crime charged by stating the time and place of the second wedding. Hence, there was no reversible error.

## **Doctrine:**

- The authority to perform duties temporarily vested in an official (such as an acting mayor), includes the power to solemnize marriages.
- Errors in the identity of the official who solemnized the marriage do not constitute reversible errors if the crime and its essential elements are adequately described in the information.

## **Class Notes:**

- **Bigamy (Article 349, Revised Penal Code):** Consists of contracting a second marriage while the first marriage is still subsisting.
- **Authority to Solemnize Marriage (Article 56, Civil Code):**
  - Mayors, among others, are authorized.
  - Acting mayors have equivalent authority as mayors.
- **Procedural Requirements:**
  - Indeterminate Sentence Law: The court must impose an indeterminate penalty.
  - Material Averments: Precise identity of the marriage officiant is not essential if the crime's elements are clear.

## **Historical Background:**

This case highlights the interpretation of statutory powers and procedural nuances in the mid-20th century Philippines. It discusses the role and authority of municipal officials and reinforces the court's approach to technical errors in criminal indictments. The decision exemplifies the legal principles guiding matrimonial law and criminal procedure in the context of Philippine jurisprudence in the 1950s.