

Title:

Noel A. Lasanas vs. People of the Philippines, G.R. No. 736 Phil. 734 (2017)

Facts:

- **February 16, 1968:** Noel Lasanas and Socorro Patingo were married by Judge Carlos B. Salazar without a marriage license or an affidavit of cohabitation.
- **August 27, 1980:** They reaffirmed their marriage vows in a religious ceremony by Fr. Rodolfo Tamayo, again without a marriage license or affidavit of cohabitation.
- **1982:** Lasanas and Patingo separated due to irreconcilable differences.
- **December 27, 1993:** Lasanas married Josefa Eslaban in a ceremony conducted by Fr. Ramon Sequito. The marriage certificate listed Lasanas as single.
- **July 26, 1996:** Lasanas filed for annulment of his marriage to Patingo, alleging deceit and incompatibilities. The RTC dismissed the complaint on November 24, 1998, declaring the marriage valid.
- **October 20, 1998:** Patingo filed bigamy charges against Lasanas. The RTC indicted Lasanas for bigamy under Criminal Case No. 49808. Lasanas was convicted and sentenced to an indeterminate penalty of two years and four months to eight years and one day of imprisonment.
- **2000 - 2002:** Lasanas appealed his conviction to the Court of Appeals (CA) based on contentions around the legality of the first marriage. The CA affirmed the RTC ruling in August 2002.

Issues:

1. **Whether the absence of a marriage license and affidavit of cohabitation in Lasanas's first marriage to Patingo affects the applicability of bigamy charges under Article 349 of the Revised Penal Code.**
2. **Whether Lasanas's belief in the non-necessity of judicial declaration of nullity for the first marriage can exculpate him from the bigamy charge.**
3. **Validity of Lasanas's subsequent marriage to Josefa Eslaban in the context of pending nullity of his first marriage.**

Court's Decision:

- **First Issue:** The Supreme Court ruled that prior to contracting a second marriage, a judicial declaration of nullity for the first marriage was necessary. By failing to secure this declaration, Lasanas's first marriage with Patingo remained valid and subsisting, fulfilling the elements of bigamy.
- **Second Issue:** The Court held that Lasanas's defense of good faith and belief in the

non-necessity of a judicial declaration were insufficient to absolve him from criminal liability. It reiterated that under Article 40 of the Family Code, parties cannot assume the nullity of their marriage and must secure a judicial declaration.

- **Third Issue:** The subsequent marriage to Eslaban was considered null and void; however, this does not absolve the crime of bigamy, as the offense occurs at the moment a second marriage is contracted without the necessary judicial declaration of the first marriage's nullity.

Doctrine:

1. **Bigamy under Article 349 of the Revised Penal Code:** Occurs when a person marries another during the subsistence of a first marriage, without legal dissolution or nullity declaration.
2. **Article 40 of the Family Code:** A judicial declaration of nullity is required for the legality of a subsequent marriage; parties cannot assume the nullity of a previous marriage.
3. **Teves v. People:** Reinforces that the nullity of a marriage must be judicially declared for remarriage purposes to prevent legal consequences of bigamy and protect all parties involved.

Class Notes:

- **Elements of Bigamy (Article 349, Revised Penal Code):**

1. Offender is legally married.
2. Marriage has not been legally dissolved.
3. Offender contracts a second/subsequent marriage.
4. Second/subsequent marriage has the essential requisites for validity.

- **Requirement of Judicial Declaration (Article 40, Family Code):** Mandatory for parties to legally remarry.

- **Good Faith Defense:** Good faith belief in the invalidity of the previous marriage is insufficient to absolve the liability for bigamy.

Historical Background:

This case emphasizes the legal and procedural evolution towards strict adherence to formal declarations regarding marriage validity in the Philippines. Historically, conflicting jurisprudence allowed for assumptions of invalidity, which led to legislative clarifications under the Family Code about the necessity of judicial declarations to avoid defenses based on subjective interpretations of marriage status. This case illustrates the reinforcement of adherence to formal legal processes to maintain judicial and public order.