

Title: *Bumatay v. Bumatay*, G.R. No. 809 Phil. 302 (2019)

Facts:

Lolita Bumatay married Amado Rosete on January 30, 1968, in Malasiqui, Pangasinan. Years later, despite believing herself still bound by this marriage, Lolita married Jose Bumatay on November 6, 2003. Jona Bumatay, Jose's foster daughter, filed a complaint for bigamy against Lolita on August 17, 2004, alleging that Lolita's marriage to Jose occurred while her first marriage was still valid.

Lolita contended in her defense that she was informed by her children that Amado had filed for the nullity of their marriage and that he had died. However, an Information for Bigamy was filed on November 8, 2004, by Prosecutor Bernardo S. Valdez with the Regional Trial Court of San Carlos City (RTC-San Carlos), Pangasinan. Before her arraignment, Lolita petitioned the Regional Trial Court of Dagupan City (RTC-Dagupan City) for a declaration of nullity of her marriage with Amado. On September 20, 2005, RTC-Dagupan City annulled the marriage, finding that no actual marriage ceremony between Lolita and Amado transpired, as it was Lolita's sister who married him.

Subsequently, Lolita moved to quash the bigamy charge, arguing the first marriage was void ab initio. The RTC-San Carlos, in its Order dated March 20, 2006, quashed the charge, concluding that no first marriage existed legally.

Jona appealed this decision to the Court of Appeals (CA), which affirmed the RFC-San Carlos ruling on August 28, 2009. Jona's motion for reconsideration was denied on February 4, 2010, leading to Jona's petition for review on certiorari to the Supreme Court.

Issues:

1. Whether the Court of Appeals erred in upholding the RTC-San Carlos' Order granting Lolita's motion to quash the Information for bigamy on the grounds that her first marriage was void ab initio.
2. Whether Jona Bumatay had the legal standing to question the dismissal of the criminal case.

Court's Decision:

1. The Supreme Court held that Jona Bumatay, the petitioner, lacked the legal personality to appeal the dismissal of the criminal case as only the Office of the Solicitor General (OSG) can represent the state in criminal proceedings before the Supreme Court.
2. The court emphasized that criminal actions must be prosecuted under the direction and

control of a public prosecutor and appeals of criminal cases before the Supreme Court require representation by the OSG.

The Court thus denied the petition and affirmed the CA's decision, stating that Jona had no standing to question the dismissal of Lolita's bigamy case.

#### Doctrine:

1. **Legal Personality in Criminal Cases**: Under Rule 110, Section 5 of the Revised Rules of Criminal Procedure and Section 35(1), Chapter 12, Title III, Book IV of the 1987 Administrative Code, private individuals do not have the legal personality to prosecute criminal actions on appeal—this power is vested solely in the Office of the Solicitor General.
2. **Effect of Declaration of Nullity**: Declarations of nullity of marriage retroact to the date of the first marriage, nullifying any legal existence of the marriage. Consequently, if a marriage is declared void ab initio, it legally ceases to exist, and any subsequent marriage cannot be considered bigamy.

#### Class Notes:

- **Bigamy (Article 349, Revised Penal Code)**: Elements of the crime are: (a) the offender has been legally married; (b) the marriage has not been legally dissolved, or in case of an absentee spouse, it is presumed under the law to be valid; (c) the offender contracts a second or subsequent marriage; and (d) the second or subsequent marriage has all the legal requisites for a valid marriage.
- **Real Party in Interest**: As per Rule 3, Section 2 of the Rules of Civil Procedure, a real party in interest is one who stands to be benefited or injured by the judgment in the suit.
- **Representation in Criminal Cases**: Section 35(1), Chapter 12, Title III, Book IV of the 1987 Administrative Code reiterates the exclusive role of the OSG in representing the government in criminal cases on appeal.

#### Historical Background:

This case reflects a broader issue in Philippine jurisprudence regarding who has the standing to prosecute and appeal in criminal cases. It reiterates the doctrine that only the Office of the Solicitor General can represent the state in appealing criminal cases, ensuring that prosecutions are approached from an impartial perspective upholding public interest. Historically, this ensures the streamlining of criminal procedures and maintains the separation of powers within the legal process.