

MERARDO L. ZAPANTA, PETITIONER VS. THE HON. AGUSTIN P. MONTESA, ET AL., RESPONDENTS.

G.R. No. L-14534. February 28, 1962

Ponente: DIZON, J.

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DIZON, J.:

PETITION for prohibition. Petitioner was charged with the crime of bigamy in the Court of First Instance of Bulacan. Before his arraignment, he filed in the Court of First Instance of Pampanga a civil action against the complainant, for the annulment of their marriage on the ground of duress, force and intimidation. Thereafter, he filed a motion in the criminal case to suspend the proceedings therein, pending the determination of the issue involved in the civil case. Respondent Judge denied his motion and ordered his arraignment. After entering a plea of not guilty, petitioner filed the present action for prohibition to enjoin the respondent from proceeding with the said criminal case. Held: In *People vs. Aragon*, 94 Phil., 357; this Court held that if the defendant in a case for bigamy claims that the first marriage is void and the right to decide such validity is vested in another court, the civil action for annulment must first be decided before the action for bigamy can proceed. There is no reason not to apply the same when the contention of the accused is that the second marriage is void on the ground that he entered into it because of duress, force and intimidation.

Writ of prohibition granted. Dizon, J., ponente.

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