

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. PROCESO S. ARAGON, DEFENDANT AND APPELLANT.

G. R. No. L-10016. February 28, 1957

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b84db0c9603d/>

LABRADOR, J.:

Appeal from a judgment of the Court of First Instance of Cebu finding appellant guilty of bigamy. The facts are not disputed and, as found by the trial court, are as follows:

"On September 28, 1925, the accused, under the name of Proceso Rosima, contracted marriage with a certain Maria Gorrea in the Philippine Independent Church in Cebu (Exhibits "" and "1-A"). While his marriage with Maria. Gorrea was subsisting, the accused, under the name of Proceso Aragon, contracted a canonical marriage with Maria Faicol on August 27, 1934, in the Santa Teresita Church in Iloilo City.

"The sponsors of the accused and Maria Faicol were Eulogio Giroy, who was then an employee of the Office of the Municipal Treasurer of Iloilo, and a certain Emilia Tomesa, a clerk in the said office (Exhibit "A", and testimonies of Eulogio Giroy and complainant Maria Faicol). After the said marriage, the accused and Maria Faicol established residence in Iloilo. As the accused was then a traveling salesman, he commuted between Iloilo where he maintained Maria Faicol, and Cebu where he maintained his first wife, Maria Gorrea. Maria Gorrea died in Cebu City on August 5, 1939 (Exhibit "2"). After Maria Gorrea's death, and seeing that the coast was clear in Cebu, the accused brought Maria Faicol to Cebu City in 1940, where she worked, as a teacher-nurse.

"It would seem' that the accused and Maria Faicol did not live a happy marital life in Cebu, for it appears that in 1949 and 1960, Maria Faicol suffered injuries to her eyes because of physical maltreatment in the hands of the accused. On January 22, 1953, the accused sent Maria Faicol to Iloilo; allegedly for the purpose of undergoing treatment of her eyesight. During her absence, the accused contracted & third marriage with a certain Jesusa C. Maglasang on October 3, 1953, in Sibonga, Cebu. (See Exhibits "C", "D", "E" and "F").

"The accused admitted having contracted marriage with Jesusa C. Maglasang in Sibonga, Cebu, on October 3, 1953. Although the accused made an attempt to deny his previous marriage with Maria Faicol, the Court, however, believes that the attempt is. futile for the fact of the said second marriage was fully established not only by the certificate of the said marriage, but also by the testimony of Maria Faicol and of Eulogio Giroy, one of the sponsors of the wedding, and the identification of the accused made by Maria Faicol. (See Exhibits "A" and "B"; t.s.n. pp. 32-33, 40, 41, hearing of April 27, 1954)."

The Court of First Instance of Cebu held that even in the absence of an express provision in Act No. 3613 authorizing the filing of an action for judicial declaration of nullity of a marriage void ab initio, defendant could not legally contract marriage with Jesusa C. Maglasang without the dissolution of his marriage to Maria Faicol, either by the death of the latter or by the judicial declaration of the nullity of such marriage, at the instance of the latter. Authorities given for this ruling are 5 Viada, 5th edition, 651; 35 American Jurisprudence, Marriage, Sec. 46, p. 212; Bickford vs. Bickford, 74 N. H. 466, 69 A. 579.

Appellant in this Court relies on the case of *People vs. Mendoza*, (95 Phil., 845; 50 Off. Gaz., [10] 4767). In this case the majority of this Court declared;

"The statutory provision (section 29 of the Marriage Law or Act No. 3613) plainly makes a subsequent marriage contracted by any person during the lifetime of his first spouse illegal and void from its performance) and, no judicial decree is necessary to establish its invalidity, as distinguished from mere annulable marriages. There is here no pretense that appellant's second marriage "with Olga Lema was contracted in the belief that the first spouse, Joyita de Asis, had been absent for seven consecutive years or generally considered as dead, so as to render said marriage valid until declared null and void by a subsequent court."

We are aware of the very weighty reasons expressed by Justice Alex Reyes in his dissent in the case above-quoted. But these weighty reasons notwithstanding, the very fundamental principle of strict construction of penal laws in favor of the accused, which principle we may not ignore, seems to justify our stand in the above-cited case of *People vs. Mendoza*. Our Revised Penal Code is of recent enactment and had the rule enunciated in Spain and in America requiring judicial declaration of nullity of ab initio void marriages been within the contemplation of the legislature, an express provision to that effect would or should have been inserted in the law. In its absence, we are bound by said rule of strict interpretation already adverted to.

It is to be noted that the action was instituted upon complaint of the second wife, whose marriage with the appellant was not renewed after the death of the first wife and before the third marriage was entered into. Hence, the last marriage was a valid one and appellant's prosecution for contracting this marriage can not prosper.

For the foregoing considerations, the judgment appealed from is hereby reversed and the defendant-appellant acquitted, with costs de oficio, without prejudice to his prosecution for having contracted the second bigamous marriage. So ordered.

Pwras, C. J., Bengzon, Bautista Angelo, Reyes, J. B. L. t Endencia, and Felix, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.