

**VIRGINIA B. PRADO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES
AND THE HON. RAFAEL SISON, PRESIDING JUDGE OF THE COURT OF
FIRST INSTANCE OF MANILA, BRANCH XXVII, RESPONDENTS.**

G.R. No. L-37652. December 26, 1984

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f01b974ac7f7/>

MELENCIO-HERRERA, J.:

Whether or not a pending civil suit for annulment of marriage constitutes a prejudicial question in a Bigamy Case is the issue involved in this Petition for Certiorari & Prohibition.

On August 5, 1971, an Information was filed with the then Court of First Instance of Manila, Branch XXVII, docketed as Criminal Case No. 5877 (the Bigamy Case) charging petitioner Virginia B. Prado with the crime of Bigamy, committed as follows:

"That on or about the 17th day of October 1969, in Saigon, South Vietnam, at the Philippine Embassy which is an extension of Philippine Sovereignty and therefore within the jurisdiction of this Honorable Court, the said accused, having been previously legally united in wedlock with one Arturo R. Espiritu without said marriage having been legally dissolved, did then and there willfully, unlawfully and feloniously contract a subsequent and second marriage with one Julio Manalansang.

Contrary to law." [1]

Petitioner moved to dismiss the case on the ground that Philippine Courts have no jurisdiction over the marriage solemnized in Saigon, as it is outside Philippine territory and the case does not fall under any of the exceptions enumerated in Article 2 of the Revised Penal Code, which allow enforcement of criminal laws outside the Philippine Archipelago. [2] Opposition based on the principle of extraterritoriality was filed by the prosecution. Dismissal was denied by the Trial Court, which Order was assailed by petitioner in a Petition for Certiorari and Prohibition filed with this Court in G.R. No. L-36344. [3] We resolved to dismiss the same "for being premature, an appeal by way of review on certiorari in due course being the proper remedy". [4]

On July 21, 1973, petitioner filed with the Court of First Instance of Rizal, an action for annulment of her Saigon marriage (Civil Case No. C-2894) contending that her consent thereto was obtained by means of force and intimidation, and that she never freely cohabited with her second husband, Julio Manalansang. The case was subsequently transferred to the Juvenile and Domestic Relations Court, Caloocan City, docketed as Family Case No. 029.

On July 23, 1973, a "Motion to Suspend Trial by Reason of the Existence of Prejudicial Question" was filed by petitioner in the Bigamy Case. The prosecution opposed the same maintaining that it was merely a device resorted to by petitioner to delay the disposition of said criminal case.

Respondent Court denied suspension of trial. Petitioner moved for reconsideration reiterating her argument that a prejudicial question exists, which must first be resolved as the same would be determinative of her guilt or

innocence. Reconsideration was denied on September 19, 1973, the Trial Court ruling that the Motion to Suspend was only a scheme to unduly delay the hearing of the case. Thus, this Petition for Certiorari and Prohibition seeking the annulment of said Order.

On November 16, 1973, respondent Court, *motu proprio*, suspended the proceedings in the Bigamy Case upon being informed of the pendency of the present Petition before this Court.[5]

For a civil action to be considered prejudicial to a criminal case as to cause the suspension of the criminal proceedings until the final resolution of the civil, the following requisites must be present: (1) the civil case involves facts intimately related to those upon which the criminal prosecution would be based; (2) in the resolution of the issue or issues raised in the civil action, the guilt or innocence of the accused would necessarily be determined; and (3) jurisdiction to try said question must be lodged in another tribunal.[6]

The foregoing requisites being present in the case at bar, the suspensive effect of a prejudicial question comes into play. The Solicitor General's opposition to the suspension of trial in the Bigamy Case on the allegations that the civil action for annulment was belatedly filed after petitioner had faced trial in the Bigamy Case and only to stave off prosecution; that the grounds for annulment of her second marriage are bereft of factual basis and truth in that petitioner would not have waited for two (2) years from the filing of the bigamy charge, or for almost four (4) years from the celebration of the second marriage, before filing the annulment case, if she had valid grounds to annul the same; that she had freely cohabited with Julio Manalansang for about six (6) months after their marriage; and that even her mother was present during the marriage ceremony, are all defenses which may be raised in the Annulment Case, and which must still be proved. Should petitioner be able to establish that her consent to the second marriage was, indeed, obtained by means of force and intimidation, her act of entering into marriage with Julio Manalansang would be involuntary, and there can be no conviction for the crime of Bigamy.

And while it may be, as contended by the Solicitor General, that the mere filing of an Annulment Case does not automatically give rise to a prejudicial question as to bar trial of a Bigamy Case, considering the gravity of the charge, petitioner cannot be deprived of her right to prove her grounds for annulment, which could well be determinative of her guilt or innocence. The State is not thereby deprived from proceeding with the criminal case in the event that the Court decrees against petitioner in the Annulment Case.

WHEREFORE, the assailed order of September 19, 1973 is hereby set aside. As the proceedings in Criminal Case No. 5877 had already been suspended, the same shall be resumed, by the proper Regional Trial Court upon the final determination of Family Case No. 09 of the former Juvenile and Domestic Relations Court, Caloocan City, if the same has not yet been terminated, and if the Decision in the latter case should so warrant.

SO ORDERED.

Plana and De La Fuente, JJ., concur.

Teehankee, J., (Chairman), in the result.

Relova and Gutierrez, Jr., J., took no part.

[1] Rollo, p. 7.

[2] "Art. 2. Application of its provisions. – Except as provided in the treaties and laws of preferential application, the provisions of this Code shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction, against those who:

1. Should commit an offense while on a Philippine ship or airship.
2. Should forge or counterfeit any coin or currency note of the Philippine Islands or obligations and securities issued by the Government of the Philippine Islands.
3. Should be liable for acts connected with the introduction into these Islands of the obligations and securities mentioned in the preceding number.
4. While being public officers or employees, should commit an offense in the exercise of their functions; or
5. Should commit any of the crimes against national security and the law of nations, defined in Title One of Book Two of this Code."

[3] Rollo, pp. 59-63.

[4] Ibid., p. 77.

[5] Ibid., p. 97.

[6] Vol. IV, Rules of Court by Martin, pp.168-169; Benitez vs. Concepcion, Jr., 2 SCRA 178 (1961); Mendiola vs. Macadaeg, 1 SCRA 593 (1961); People vs. Aragon, 94 Phil. 357 (1954).

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.