

**SALUSTIANO LERMA Y MARTINEZ, PLAINTIFF AND APPELLANT, VS.
FELISA MAMARIL, DEFENDANT AND APPELLEE.**

G.R. No. 3761. October 24, 1907

Ponente: TRACEY, J.

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TRACEY, J.:

The plaintiff brought this action to annul his marriage ceremony with the defendant, on the ground that he contracted it when under age and without the consent of his mother, then living. He was at that time, in the month of October, 1900, 16 years old. Shortly after the ceremony he was prosecuted at the instance of his mother for illegal marriage, and being found guilty served a term of three months and ten days of arresto mayor.

The question on the merits as to the validity of the marriage is controlled by a decision of this court in the case of Aguilar vs. Lazaro (4 Phil. Rep., 735), in which it was held that the marriage of a man over 14 years of age to a woman over 12 was valid by the terms of General Orders, No. 68, and could not be declared a nullity because the consent of the parents was not obtained. The point is not affected by Act No. 1451, passed shortly before the commencement of this action, which merely changes the age of consent.

The court below, denying the plaintiff relief, awarded the defendant the sum of P50 per month from the commencement of the action for her support. Under the circumstances of the separation proved in this case, and in view of the property inherited by the husband, we think this award was proper, within the provisions of title 6 of the Civil Code, and more particularly of articles 142, 143, 144, and 148.

The judgment of the court below is affirmed with the costs of this instance. So ordered.

Arellano, C. J., Torres,, Johnson, and Willard, JJ., concur.

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