



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 15, 2022** which reads as follows:*

“G.R. No. 258866 (*Chessini J. Manalansan v. People of the Philippines*). — Chessini J. Manalansan (petitioner), assailed her conviction for the crime of *Bigamy* under Article 349 of the Revised Penal Code (RPC) on the grounds that she lacked intent to commit the crime and that the prosecution failed to prove that her second marriage would have been valid if it were not for the subsistence of the first marriage.

The rationale for prosecuting an individual who contracted a second or subsequent marriage before the former marriage has been legally dissolved, or before the absent spouse has been declared presumptively dead, is to preserve and ensure the juridical tie of marriage established by law.

The elements of bigamy are:

- (a) that the offender has been legally married;
- (b) that the first marriage has not been legally dissolved, or in case his or her spouse is absent, the absent spouse could not yet be presumed dead according to the Civil Code;
- (c) that he or she contracts a second or subsequent marriage; and
- (d) that the second or subsequent marriage has all the essential requisites for validity. It is vital in the prosecution for bigamy that the alleged second marriage, having all the essential requirements, would be valid were it not for the subsistence of the first marriage.¹ (Citations omitted)

¹ *Pulido v. People*, G.R. No. 220149, July 27, 2021, < <https://sc.judiciary.gov.ph/22857/>>.

Here, all the elements of bigamy are present. Respondent established that petitioner was legally married to Kazunaki Takaki (Kazunaki)² on October 16, 1995, as evidenced by a Certification from the National Statistics Office.³ Also, petitioner admitted that she neither secured a judicial declaration of nullity of her marriage with Kazunaki, nor was Kazunaki declared presumptively dead. Thereafter, petitioner contracted a second marriage with Takuya Murakami (Takuya) on December 4, 1997. Lastly, petitioner's marriage with Takuya has all the essential requisites for its validity were it not for the existence of her first marriage.⁴

Petitioner invoked good faith as a defense and claimed that she has no intent to commit bigamy due to her honest belief that her first marriage did not exist. Allegedly, Kazunaki immediately left her for Japan, and their marriage was not consummated. Petitioner also claimed that the Japanese embassy gave her the impression that her marriage with Kazunaki was not legally binding in Japan, since their marriage contract does not bear Kazunaki's seal.⁵ Yet, these claims remain unsubstantiated. On this point, we reiterate that the issue on whether petitioner acted in good faith when she contracted her second marriage with Takuya is a pure question of fact which is not proper in a petition under Rule 45 of the Rules of Court. The Court is not a trier of facts, thus, it will not recalibrate or weigh anew the factual findings of the trial court, especially when the same carry the full concurrence of the CA.⁶ In any event, petitioner's failure to secure a judicial declaration in her favor militates against her supposed good faith. Indeed, a "judicial declaration x x x constitutes proof that the petitioner acted in good faith, and would negate criminal intent on [her] part when [she] married the private complainant and, as a consequence, [she] could not be held guilty of bigamy in such case. The petitioner, however, failed to discharge this burden."⁷ Lastly, petitioner's argument that respondent failed to prove that her marriage with Takuya was valid (if not for her first marriage) is untenable. Takuya testified as to the circumstances surrounding his marriage with the petitioner. Takuya narrated that his marriage with petitioner was solemnized in Caloocan City on December 4, 1997. Respondent submitted as evidence the Marriage Contract with Registry No. 97-16207. The RTC found no infirmity on the face of the document, and petitioner did not assail its validity.⁸

Under Article 349 of the RPC, the prescribed penalty for the crime of bigamy is *prision mayor*. Applying the Indeterminate Sentence Law, the CA and the RTC correctly imposed the indeterminate penalty of four (4) years and two (2) months of *prision correccional* as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum. Nonetheless, in keeping with the

² Referred to as "Kazunari" Takaki in the Regional Trial Court's (RTC's) Decision dated November 15, 2018, *rollo*, p. 53.

³ As mentioned in the Decision of the Court of Appeals (CA), dated January 6, 2021, *id.* at 33.

⁴ *Rollo* pp. 53-54.

⁵ *Id.* at 33.

⁶ See *Valencia v. Classique Vinyl Products Corporation*, 804 Phil. 492, 504 (2017).

⁷ *Bagaporo v. People*, G.R. No. 211829, January 30, 2019, 891 SCRA 516, 525-526. See also *Manuel v. People*, 512 Phil. 818, 831-844 (2005).

⁸ *Rollo* p. 52.

principle of restorative justice in our criminal justice system, the Court deems it proper to impose the minimum of the applicable indeterminate penalty of six (6) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum.⁹

ACCORDINGLY, the petition is **DENIED**. The Court of Appeals' Decision¹⁰ dated January 6, 2021 and Resolution¹¹ dated December 15, 2021 in CA-G.R. CR No. 42622 are **AFFIRMED** with **MODIFICATION** in that petitioner CHESSINI J. MANALANSAN is found guilty of Bigamy and is hereby sentenced to suffer the indeterminate penalty of six (6) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum.

The Court resolves to:

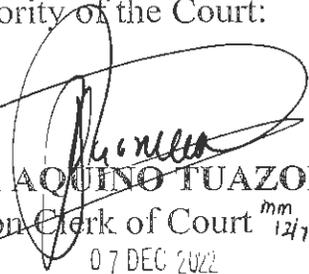
1. GRANT the motion of petitioner for extension of thirty (30) days from the expiration of the reglementary period within which to file a Petition for Review on *Certiorari*;

2. NOTE the Manifestation and compliance (re: payment of sheriff's trust fund fee) dated March 3, 2022 of counsel for petitioner, stating that the sheriff trust fund [STF] was paid simultaneously with the filing of the petition; and

3. NOTE the payment dated March 3, 2022 of counsel for petitioner in the amount of ₱1,000.00 for STF under O.R. No. 0300566.

SO ORDERED." (Lazaro-Javier., J., *On Official Leave*).

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court ^{mm} 12/1
07 DEC 2022

⁹ *Mumauag v. People*, G.R. No. 255819 (Notice), July 14, 2021, <<https://sc.judiciary.gov.ph/20789/>>.

¹⁰ *Rollo*, pp. 32–37. Penned by Associate Justice Germano Francisco D. Legaspi with the concurrence of Associate Justices Franchito N. Diamante and Alfredo D. Ampuan.

¹¹ *Id.* at 39–40.

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HON. PRESIDING JUDGE. (reg)
Regional Trial Court, Branch 125
Caloocan City
(Crim. Case No. C-68658(03))

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Supreme Court, Manila

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*with copy of CA Decision dated January 6, 2021
Please notify the Court of any change in your address.
GR258866. 06/15/2022(12)URES *Yint*