



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

ROMMEL GENIO y SANTOS, **G.R. No. 261666**
 Petitioner,

Present:

CAGUIOA, J., *Chairperson*,
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH, JJ.

- versus -

PEOPLE OF THE PHILIPPINES, Promulgated:
 Respondent.

January 24, 2024

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D E C I S I O N

INTING, J.:

The constitutional right of the accused to be presumed innocent is not an empty platitude so quickly abrogated by a legal presumption seeking to establish guilt. An evidentiary presumption may be utilized by the State and appreciated by the courts as long as it does not result in the abatement of the prosecution's burden of proving guilt and each element of the crime charged with evidence beyond reasonable doubt.

The Case

Before the Court is a Petition for Review¹ on *certiorari* (Petition) under Rule 45 of the Rules of Court seeking a reversal of the Decision²

¹ *Rollo*, pp. 9–23.

² *Id.* at 25–37. Penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Bonifacio S. Pascua.

dated July 16, 2021, and Resolution³ dated June 7, 2022, both issued by the Court of Appeals (CA) in CA-G.R. CR No. 44190. The CA affirmed the Judgment⁴ dated April 26, 2019, and Order⁵ dated September 11, 2019, both rendered by Branch 33, Regional Trial Court (RTC), Guimba, Nueva Ecija, in Criminal Case No. 4355-G wherein the RTC convicted petitioner Rommel Genio y Santos (Rommel) of the crime of Bigamy, defined and penalized under Article 349⁶ of Act No. 3815 or the “Revised Penal Code” (RPC).

Version of the Prosecution

In the Information⁷ dated June 21, 2016 filed with the RTC and docketed as Criminal Case No. 4355-G, Rommel was charged with the crime of Bigamy under Article 349 of the RPC, as follows:

That sometime on September 7, 2013 in Guimba, Nueva Ecija, Philippines and within the jurisdiction of this Honorable Court, the said accused, being legally married to MAGDALENA ESLER GENIO on May 20, 2006 at Canatuan [sic] City and without having said marriage legally dissolved pursuant to law, did then and there willfully, unlawfully and feloniously contract a second or subsequent marriage to one Maricar Santos Galapon, to the damage and prejudice of said Magdalena Esler Genio.

Contrary to law.⁸

Upon arraignment, Rommel entered a plea of “Not Guilty.”⁹

Pre-Trial was thereafter conducted, where the defense stipulated on the existence and authenticity of the Marriage Certificate¹⁰ between Rommel and Maricar Santos Galapon (Maricar).¹¹

³ *Id.* at 55–56.

⁴ *Id.* at 63–66. Penned by Presiding Judge Frazierwin V. Viterbo.

⁵ *Id.* at 70.

⁶ Article 349 of the Revised Penal Code provides:

Art. 349. Bigamy. — The penalty of *prisión mayor* shall be imposed upon any person who shall contract a second or subsequent marriage before the former marriage has been legally dissolved, or before the absent spouse has been declared presumptively dead by means of a judgment rendered in the proper proceedings.

⁷ *Rollo*, pp. 61–62.

⁸ *Id.* at 61.

⁹ *Id.* at 63.

¹⁰ *Id.* at 78–79.

¹¹ *Id.* at 27. It should be noted that in the RTC Judgment (*id.* at 63) and CA Decision (*id.* at 26), it is stated that the parties stipulated only on the identity of Rommel as the accused identified in the Information. However, in the same Decision, the CA explained that after the prosecution formally offered its evidence, Rommel was granted leave to file his Demurrer to Evidence. The Demurrer was primarily based on the alleged insufficiency of the prosecution’s evidence because the Marriage Certificate of Maricar and Rommel was not duly identified by the custodian. However, in denying the Demurrer, the RTC explained that the existence and authenticity of the Marriage

Trial on the merits followed.¹²

The prosecution presented the private complainant, Magdalena Esler Genio (Magdalena), as its witness.¹³ Magdalena averred that she and Rommel were married on May 20, 2006, before the Mayor of Cabanatuan City, Nueva Ecija, and that they had three children, two of whom are alive.¹⁴ She narrated that she had been living separately from Rommel since 2013 because he had been with another woman.¹⁵ However, their marriage was still subsisting and was never dissolved.¹⁶

Later, Magdalena heard of rumors that Rommel contracted a second marriage with another woman.¹⁷ She sought to verify this information by accessing Facebook, where she saw several photos of Rommel appearing to be a groom in a wedding with another woman, who turned out to be Maricar.¹⁸ Through her cousin, Magdalena subsequently discovered that Rommel was residing at a house located in Guimba, Nueva Ecija.¹⁹ When Magdalena visited the place, she saw Rommel sleeping inside the house with Maricar, who appeared to be pregnant.²⁰

In addition, Magdalena secured from the Civil Registry of Cabanatuan City a copy of the Birth Certificate of the child of Rommel and Maricar.²¹ She also obtained from the Philippine Statistics Authority (PSA) a certified true copy of the Marriage Certificate²² between Rommel and Maricar.²³ In the Marriage Certificate bearing the signatures of Rommel and Maricar, it was stated that the two were married on September 7, 2013, before the Mayor of Guimba, Nueva Ecija, at his office and in the presence of three witnesses.²⁴

Certificate was “admitted during the pre-trial stage,” which meant that it did not have to be identified by the custodian to be admissible in evidence. Significantly, the present Petition did not raise any error as to the CA’s finding on the existence and authenticity of the Marriage Certificate between Maricar and Rommel. Thus, this finding will no longer be disturbed by the Court.

¹² *Id.*

¹³ *Id.* at 64.

¹⁴ *Id.* at 72 and 64.

¹⁵ *Id.* at 64.

¹⁶ *Id.* at 27.

¹⁷ *Id.* at 64.

¹⁸ *Id.* at 26–27, 64, and 78–79.

¹⁹ *Id.* at 64.

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at 78–79.

²³ *Id.* at 26–27.

²⁴ *Id.* at 78–79.

Magdalena then communicated with Rommel and asked him if he contracted a second marriage with Maricar, but Rommel denied it.²⁵ On cross-examination, Magdalena admitted that she was not present during the celebration of the marriage between Rommel and Maricar.²⁶

No other witness was presented by the prosecution.²⁷ Upon termination of Magdalena's testimony, the prosecution proceeded with its Formal Offer of Evidence, wherein it offered in evidence the following: (1) the Complaint-Affidavit²⁸ of Magdalena; (2) the Marriage Certificate²⁹ between Magdalena and Rommel, as proof of the first marriage; (3) the Birth Certificates of the children of Magdalena and Rommel, also to prove the first marriage;³⁰ (4) a copy of the Birth Certificate of the child of Rommel and Maricar, to prove the second marriage;³¹ and (5) the certified true copy of the Marriage Certificate³² between Maricar and Rommel issued by the PSA, to prove the second marriage and the solemnities observed therefor,³³ all of which were admitted in evidence by the RTC.³⁴

Version of the Defense

Rommel did not deny his previous marriage to Magdalena (first marriage).³⁵ He also did not deny the authenticity of his signatures appearing on the Marriage Certificate issued for his first marriage, and the Marriage Certificate issued for his subsequent marriage to Maricar (second marriage).³⁶

However, the defense argued that Rommel's second marriage was void *ab initio* because it was never solemnized by the Municipal Mayor of Guimba, Nueva Ecija, and there was no wedding ceremony to celebrate the marriage.³⁷ Hence, Rommel may not be convicted of Bigamy because of the absence of the fourth element of the crime,³⁸ *i.e.*, that the second

²⁵ *Id.* at 27.

²⁶ *Id.* at 64.

²⁷ *Id.* at 63.

²⁸ *Id.* at 72-73.

²⁹ *Id.* at 74.

³⁰ *Id.* at 75-77.

³¹ *Id.* at 27 and 64.

³² *Id.* at 78-79.

³³ *Id.* at 25-27 and 63-65.

³⁴ *Id.* 26-27 and 63.

³⁵ *Id.* at 30.

³⁶ *Id.* at 34.

³⁷ *Id.*

³⁸ The elements of Bigamy are: (1) that the offender has been legally married; (2) 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; (3) that he or she contracts a second or subsequent marriage; and (4) that the second or subsequent marriage has all the essential

marriage has all the essential requisites for its validity were it not for the existence of the first marriage.

In support of its position, the defense presented its witnesses, namely, (1) Maricar; (2) Myra Galapon (Myra), who is Maricar's sister; and (3) Gloria Floria y Galapon (Gloria).³⁹

Maricar testified that she was married to Rommel on September 7, 2013, in a "marriage ceremony" that "was done simply" at her residence in San Roque, Guimba, Nueva Ecija, and not through a church wedding.⁴⁰ However, it was not the Municipal Mayor of Guimba, Nueva Ecija, who officiated the wedding but a certain Engineer Rolando Occasion (Engr. Occasion), the Civil Registrar of the same municipality.⁴¹ During the said occasion, the solemnizing officer asked Rommel and Maricar if they accepted each other as husband and wife and thereafter made them sign the marriage contract.⁴² According to Maricar, when they inquired about the Municipal Mayor, they were told that he will sign the Marriage Certificate if he arrives.⁴³

Maricar further explained that she was already pregnant with Rommel's child even before they got married on September 7, 2013, and that she was prompted by her mother to marry Rommel given her pregnancy.⁴⁴ She also stated that she was not aware of Rommel's first marriage to Magdalena.⁴⁵

Myra, Maricar's sister, testified that (1) she attended the ceremony for Maricar and Rommel's marriage held at their residence in Guimba, Nueva Ecija; (2) she did not see the Municipal Mayor in attendance, but she saw her relatives and an employee from the Municipal Hall of Guimba, who prepared the Marriage Certificate to be signed by Rommel and Maricar; (3) there was no exchange of vows and wedding rings between Rommel and Maricar; and (4) she saw the two sign the Marriage Certificate.⁴⁶

requisites for validity. [*Malaki v. People*, G.R. No. 221075, November 15, 2021; *Pulido v. People*, G.R. No. 220149, July 27, 2021].

³⁹ *Rollo*, pp. 27-28 and 63-65.

⁴⁰ *Id.* at 28.

⁴¹ *Id.* at 64.

⁴² *Id.* at 28 and 64.

⁴³ *Id.*

⁴⁴ *Id.* at 64.

⁴⁵ *Id.*

⁴⁶ *Id.* at 28 and 65.

Gloria, the defense's last witness, substantially reiterated Myra's testimony.⁴⁷

The defense offered in evidence the *Sinumpaang Kontra-Salaysay* of Maricar and the Marriage Certificate of Rommel and Maricar. Thereafter, it rested its case.⁴⁸ Both parties agreed to submit the case for decision without need for rebuttal evidence.⁴⁹

The Ruling of the RTC

Subsequently, the RTC rendered its Judgment⁵⁰ dated April 26, 2019, convicting Rommel of Bigamy upon the finding that all the elements thereof have been duly proven by the prosecution beyond reasonable doubt. The RTC explained that the testimonies of the defense witnesses cannot prevail over the prosecution's documentary evidence, which consisted of public records, including the Marriage Certificate between Rommel and Maricar issued by the PSA. The *fallo* of the RTC Judgment reads:

WHEREFORE from the foregoing, accused Rommel Genio y Santos is found GUILTY for committing the crime of Bigamy. He is 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. There is no award of civil damages.

SO ORDERED.⁵¹ (Emphasis omitted)

Rommel sought a reconsideration⁵² of the RTC's Judgment, but the RTC denied it in its Order⁵³ dated September 11, 2019.

The Ruling of the CA

Aggrieved, Rommel appealed⁵⁴ the RTC's rulings to the CA, emphasizing that the fourth element of Bigamy, *i.e.*, that the second or subsequent marriage between him and Maricar has all the essential

⁴⁷ *Id.*

⁴⁸ *Id.* at 63-64.

⁴⁹ *Id.* at 64.

⁵⁰ *Id.* at 63-66.

⁵¹ *Id.* at 66.

⁵² *Id.* at 67-69.

⁵³ *Id.* at 70.

⁵⁴ *Id.* at 25.

requisites for validity, was not duly proven by the prosecution.⁵⁵

In its Decision⁵⁶ dated July 16, 2021, the CA denied Rommel's appeal for lack of merit and affirmed the RTC's Judgment and Order. In so ruling, the CA emphasized that proof of the second marriage between Rommel and Maricar consisted of the Marriage Certificate issued by the PSA, a public document that is considered *prima facie* evidence of its contents under Article 410⁵⁷ of the Civil Code; as such, the Marriage Certificate is presumed to be correct and regular, which may only be overcome with *clear and convincing evidence* to the contrary. The CA affirmed the RTC's finding that the defense evidence did not meet the quantum of proof required for Rommel to overturn the foregoing presumption. The CA particularly emphasized that the RTC aptly received Maricar and Myra's testimonies with caution because Maricar herself was a party to the bigamous second marriage, while Myra was Maricar's sister.⁵⁸

In addition, the CA did not lend credence to Rommel's argument that no marriage ceremony was held to celebrate his marriage to Maricar. Citing Article 6⁵⁹ of the Family Code, the CA explained that there is no prescribed form for a marriage ceremony, it being sufficient that the prospective husband and wife appear before the solemnizing officer and declare each other as husband and wife in the presence of at least two witnesses of legal age. According to the CA, Maricar herself confirmed that a marriage ceremony was conducted, albeit a simple one at her home, and that she and Rommel exchanged vows before the solemnizing officer in the presence of at least two witnesses.⁶⁰

The CA further explained that, even assuming without conceding that the Marriage Certificate was inaccurate, Rommel is not allowed to

⁵⁵ *Id.* at 29–30.

⁵⁶ *Id.* at 25–37.

⁵⁷ Article 410 of the Civil Code provides:

ARTICLE 410. The books making up the civil register and all documents relating thereto shall be considered public documents and shall be *prima facie* evidence of the facts therein contained.

⁵⁸ *Rollo*, pp. 32–33.

⁵⁹ Article 6 of the Family Code provides:

ARTICLE 6. No prescribed form or religious rite for the solemnization of the marriage is required. It shall be necessary, however, for the contracting parties to appear personally before the solemnizing officer and declare in the presence of not less than two witnesses of legal age that they take each other as husband and wife. This declaration shall be contained in the marriage certificate which shall be signed by the contracting parties and their witnesses and attested by the solemnizing officer.

In case of a marriage in *articulo mortis*, when the party at the point of death is unable to sign the marriage certificate, it shall be sufficient for one of the witnesses to the marriage to write the name of said party, which fact shall be attested by the solemnizing officer.

⁶⁰ *Rollo*, p. 33.

escape criminal liability for Bigamy because he himself signed the document and caused its misrepresentation,⁶¹ following the Court's ruling in *Santiago v. People*.⁶²

Accordingly, the CA affirmed the RTC's finding of guilt against Rommel, viz.:

WHEREFORE, premises considered, the appeal is DISMISSED, and the Judgment dated April 26, 2019 as well as the Order dated September 11, 2019 of the Regional Trial Court, Third Judicial Region, Branch 33, Guimba, Nueva Ecija, in Criminal Case No. 4355-G, are AFFIRMED.

SO ORDERED.⁶⁴ (Emphasis omitted)

Rommel sought a reversal of the CA Decision through his Motion for Reconsideration,⁶⁵ but the CA denied it in its Resolution⁶⁶ dated June 7, 2022.

Thus, the present Petition.

Petitioner's Arguments

In his Petition,⁶⁷ Rommel insists that his acquittal is warranted because his second marriage to Maricar lacked several of the essential and formal requisites of a valid marriage under Article 3⁶⁸ of the Family Code. Particularly, Rommel argues that his marriage to Maricar was not officiated by a person who is duly authorized to solemnize marriages, considering that the Municipal Mayor of Guimba, Nueva Ecija, never appeared on September 7, 2013, and it was only Engr. Occasion, the Civil Registrar of the same municipality, who "solemnized" the second marriage. Rommel further submits that no marriage ceremony was conducted as he and Maricar never appeared before the Municipal Mayor

⁶¹ *Rollo*, p. 34.

⁶² 764 Phil. 128 (2015).

⁶⁴ *Id.* at 35.

⁶⁵ *Id.* at 38-43.

⁶⁶ *Id.* at 55-56.

⁶⁷ *Id.* at 9-23.

⁶⁸ Article 3 of the Family Code provides:

ARTICLE 3. The formal requisites of marriage are:

(1) Authority of the solemnizing officer;

(2) A valid marriage license except in the cases provided for in Chapter 2 of this Title; and

(3) A marriage ceremony which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age.

at his office to exchange vows and take each other as husband and wife.

Rommel asserts that the prosecution's evidence is entirely based on the presumption that the Marriage Certificate for his marriage to Maricar is *prima facie* evidence of its contents. According to Rommel, the presumption is only rebuttable and was sufficiently overcome by the testimonies of the defense witnesses; thus, his conviction for Bigamy has no leg to stand on, warranting his acquittal.⁶⁹

Respondent's Arguments

In its Comment,⁷⁰ the People, through the Office of the Solicitor General (OSG), argues that (1) the Petition must be denied because it improperly raises factual issues, contrary to Section 1,⁷¹ Rule 45 of the Rules of Court; (2) both the RTC and the CA correctly determined that the prosecution sufficiently established that Rommel's second marriage to Maricar had all the essential requisites for validity, considering that the Marriage Certificate evidencing the second marriage is a public document and the presumption of regularity and accuracy in its favor was not overcome by the defense with clear and convincing evidence; and (3) even assuming that the second marriage lacked the essential requisites of the authority of the solemnizing officer and a marriage ceremony, the Court's ruling in *Santiago* dictates that Rommel must not be allowed to evade criminal liability for Bigamy because he signed the Marriage Certificate and caused its misrepresentation on the second marriage's compliance with the formal requisites required by law.⁷²

The Issue

Preliminarily, it must be pointed out that the present Petition does not raise any issue on the sufficiency of the prosecution's evidence to prove the first to third elements of Bigamy against Rommel; instead, the imputation of error against the CA is limited to the fourth element of Bigamy, *i.e.*, that the second or subsequent marriage has all the essential

⁶⁹ *Rollo*, p. 20.

⁷⁰ *Id.* at 100-108.

⁷¹ Section 1, Rule 45 of the Rules of Court provides:

SEC. 1. *Filing of petition with Supreme Court.* -- A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law which must be distinctly set forth. . . .

⁷² *Rollo*, pp. 103-105.

and formal requisites for its validity.⁷³

Thus, the sole issue before the Court is *whether the prosecution was able to discharge its burden of proving beyond reasonable doubt that the second marriage, i.e., that between Rommel and Maricar, has all the essential and formal requisites for its validity, thus warranting Rommel's conviction for the crime of Bigamy.*

The Court's Ruling

The Court grants the Petition in part and modifies the CA Decision and Resolution in that Rommel is not found guilty of Bigamy on the ground of reasonable doubt.

However, the Court finds that Rommel is guilty of violating Article 350⁷⁴ of the RPC for knowingly contracting a marriage with Maricar against the provisions of laws.

The accused in a criminal case for Bigamy may raise the defense that the second marriage is void ab initio.

At the outset, the Court reiterates its ruling in *Pulido v. People*,⁷⁵ that the “accused in bigamy may validly raise [the defense of] a void *ab initio* second or subsequent marriage even without a judicial declaration of nullity.”⁷⁶ Certainly, if the second marriage was void *ab initio* on grounds other than being bigamous, then it is inexistent from the beginning; thus, the element of entering into a second or subsequent marriage would be lacking, warranting the acquittal of the accused for the felony of Bigamy.⁷⁷

⁷³ *Malaki v. People*, *supra* note 38; *Pulido v. People*, *supra* note 38.

⁷⁴ Article 350 of the RPC provides:

ART. 350. *Marriage contracted against provisions of laws.* — The penalty of *prisión correccional* in its medium and maximum periods shall be imposed upon any person who, without being included in the provisions of the next preceding article, shall contract marriage knowing that the requirements of the law have not been complied with or that the marriage is in disregard of a legal impediment.

If either of the contracting parties shall obtain the consent of the other by means of violence, intimidation, or fraud, he shall be punished by the maximum period of the penalty provided in the next preceding paragraph.

⁷⁵ *Supra* note 38.

⁷⁶ *Id.*

⁷⁷ *Id.*

The essential and formal requisites of a valid marriage are enumerated in Articles 2⁷⁸ and 3 of the Family Code, respectively. Among the formal requisites of marriage are the authority of the solemnizing officer and a marriage ceremony, “which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age.”

In connection with the above, Article 4 of the Family Code provides that “[t]he absence of *any* of the essential or formal requisites shall render the marriage void *ab initio*, except as stated in Article 35(2).”⁷⁹ Relevantly, in *Morigo v. People*,⁸⁰ the Court acquitted the accused therein of the crime of Bigamy because his purported first marriage did not, in fact, exist, given that it was *not* celebrated in a marriage ceremony before a duly authorized solemnizing officer, and therein accused and his supposed first wife merely signed a marriage contract by themselves, without any solemnizing officer present.⁸¹

Thus, in support of his acquittal for Bigamy, Rommel validly raised the defense that his second marriage to Maricar is void *ab initio* due to the absence of formal requisites required for its validity—the authority of the solemnizing officer and a marriage ceremony.

The prosecution may use evidentiary presumptions to prove any element of the crime charged.

The proceedings *a quo* readily reveal that the issues in the present case are founded on the prosecution’s use of an evidentiary presumption against Rommel, *i.e.*, that the Marriage Certificate, being a public record, is *prima facie* evidence of its contents, and may therefore serve as proof that the second marriage has all the essential requisites for its validity. Both the RTC and the CA relied on the Marriage Certificate in holding

⁷⁸ Article 2 of the Family Code provides:

ARTICLE 2. No marriage shall be valid, unless these essential requisites are present:

(1) Legal capacity of the contracting parties who must be a male and a female; and
(2) Consent freely given in the presence of the solemnizing officer.

⁷⁹ Article 35(2) of the Family Code states that marriages that are “solemnized by any person not legally authorized to perform marriages” are *void from the beginning*, unless “such marriages were contracted with either or both parties believing in good faith that the solemnizing officer had the legal authority to do so.” A marriage of this kind is therefore void *ab initio*, unless the prosecution shows that the exception applies.

⁸⁰ 466 Phil. 1013 (2004).

⁸¹ *Id.* at 1024.

that the prosecution was able to prove, beyond reasonable doubt, that Rommel committed Bigamy.

The Court disagrees with the RTC and the CA. The prosecution's evidence is insufficient to warrant Rommel's conviction for Bigamy.

Section 6, Rule 131 of the Rules of Court, as amended by A.M. No. 19-08-15-SC,⁸² or the *2019 Amendments to the Revised Rules on Evidence*, embodies the rule that must be observed by the prosecution when it seeks to utilize an evidentiary presumption to establish the guilt of the accused, viz.:

SEC. 6. *Presumption against an accused in criminal cases.* – If a presumed fact that establishes guilt, is an element of the offense charged, or negates a defense, the existence of the basic fact must be proved beyond reasonable doubt and the presumed fact follows from the basic fact beyond reasonable doubt.

In the case at hand, the *basic fact* is the Marriage Certificate between Rommel and Maricar, while the *presumed fact* drawn or inferred therefrom is that the second marriage has all the essential and formal requisites for its validity. Clearly, the prosecution is using an evidentiary presumption to prove an element of the crime charged against Rommel, warranting the application of the foregoing rule of procedure.

Notably, the *2019 Amendments to the Revised Rules on Evidence* took effect on May 1, 2020. Although the rule embodied in Section 6, Rule 131 of the Rules of Court was already effective when the CA rendered its Decision, it was not yet in force when the RTC rendered its judgment against Rommel. Nevertheless, it must be applied *retroactively* to the present case, given that (1) it is a rule of procedure that merely confirms the burden of the prosecution to prove, beyond reasonable doubt, each element of the crime charged and the guilt of the accused;⁸³ (2) there are no vested rights in procedural rules;⁸⁴ and (3) rules of criminal procedure are given retroactive application insofar as they benefit the accused.⁸⁵

To be clear, the foregoing procedural rule merely affirms the

⁸² Approved on October 8, 2019.

⁸³ A rule of procedure that does not create new or remove vested rights, but only operates in furtherance of the remedy or confirmation of rights already existing, may be applied retroactively. Procedural laws may be given retroactive effect to actions pending and undetermined at the time of their passage, inasmuch as there is no vested rights in rules of procedure. [*Republic v. Court of Appeals*, 447 Phil. 385, 393-394 (2003)].

⁸⁴ *Id.*

⁸⁵ *People v. Tumalak*, 448 Phil. 57, 76 (2003).

reasonable doubt standard of evidence in criminal cases and codifies jurisprudential doctrines on the use of evidentiary presumptions against an accused as proof of guilt. Nonetheless, considering that the application of the rule will be explained by the Court *for the first time* in a decision, it is proper to provide a more detailed explanation on the matter.

To begin, the Court must provide context behind Section 6, Rule 131 of the Rules of Court in relation to the nature of evidentiary presumptions and the constitutional rights of an accused.

A presumption is “an inference as to the existence of a fact not actually known, arising from its usual connection with another which is known, or a conjecture based on past experience as to what course human affairs ordinarily take.”⁸⁶ It may either be a presumption *juris*, or of law, which “is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action,”⁸⁷ or a presumption *hominis*, or of fact, which is “a reasonable deduction from the facts proved without an express direction of law to that effect.”⁸⁸ An evidentiary presumption has two components: (1) the *basic fact*; and (2) the *presumed fact*, which is inferred from the basic fact because of their usual connection founded on common experience.⁸⁹

A presumption is an evidentiary tool where the basic fact furnishes a *substitute* for the presumed fact and *relieves* the offeror of the *burden* to produce evidence to prove the fact presumed.⁹⁰ It has the effect of *shifting the burden* to the adverse party to “*go forward*” with evidence, and unless there is counterproof or positive evidence to the contrary, the presumption “controls [the] decision on the presumed fact.”⁹¹

It is immediately discernible from the nature of evidentiary presumptions that they have an inherent “burden shifting” effect that *conflicts* with basic principles of criminal law enshrined in Section 14,⁹²

⁸⁶ *Martin v. Court of Appeals*, 282 Phil. 610, 614 (1992).

⁸⁷ *Mabunga v. People*, 473 Phil. 555, 565 (2004).

⁸⁸ *Martin v. Court of Appeals*, *supra*.

⁸⁹ *Mabunga v. People*, *supra*.

⁹⁰ See *Tan v. JAM Transit, Inc.*, 620 Phil. 658, 680–681 (2009), and *Del Carmen, Jr. v. Bacoy*, 686 Phil. 799, 815 (2012).

⁹¹ *Mabunga v. People*, *supra*.

⁹² Section 14, Article III of the Constitution provides:

SECTION 14. (1) No person shall be held to answer for a criminal offense without due process of law.

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the

Article III of the 1987 Constitution — that an accused is presumed innocent and is therefore under no obligation to present even a single piece of exculpatory evidence in his or her favor if the prosecution failed to discharge its burden to prove his or her guilt beyond reasonable doubt.⁹³ Otherwise said, with an evidentiary presumption, the State may be relieved of the burden to prove an element of the crime charged with evidence beyond reasonable doubt, and is allowed to shift the burden to the accused to go forward with evidence and rebut the presumption. Indisputably, this tends to “water down the requirement of proof [of guilt] beyond reasonable doubt.”⁹⁴

Given the conflict between a procedural tool and the right of the accused to be presumed innocent, the Court has consistently maintained a cautious stance when the prosecution uses evidentiary presumptions to prove guilt or an element of the crime charged.⁹⁵ In fact, on several occasions, the Court has declared that a mere procedural rule on evidentiary presumptions cannot defeat the constitutional right of the accused to be presumed innocent.⁹⁶

Nonetheless, the Court is equally cognizant of the State’s legitimate interest in prosecuting crimes and securing the conviction of those who violate penal laws, so that public order is preserved.⁹⁷ Hence, in *Bañares v. Court of Appeals*,⁹⁸ the Court ruled that there is *no constitutional objection* to a law providing that the presumption of innocence may be overcome by a contrary presumption when (1) it is founded on the “experience of human conduct,” or has “a rational connection between the facts proved and the ultimate fact presumed so that the inference of the one from proof of the others is not unreasonable and arbitrary because of lack of connection between the two in common experience;” and (2) the presumption is only *prima facie* and may still be *rebutted* by the accused.

Pertinently, “*prima facie* evidence” is defined as follows:

Evidence good and sufficient on its face. Such evidence as, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party’s claim or defense, and

production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

⁹³ *Cantos v. Court of Appeals*, 304 Phil. 538, 547 (1994); *People v. Ordiz*, 862 Phil. 614, 624 (2019).

⁹⁴ *People v. Pangan*, 795 Phil. 779, 791 (2016).

⁹⁵ *Id.*; *Mabunga v. People*, *supra* note 87.

⁹⁶ *People v. Ordiz*, *supra* at 635–636; *People v. Diputado*, 813 Phil. 160, 176–177 (2017); *People v. Cayas*, 789 Phil. 70, 85 (2016).

⁹⁷ *Nicomedes and Corliss v. Chief of Constabulary*, 110 Phil. 52, 56 (1960); *Familio v. RTC, Branch 51, City of Manila*, 656 Phil. 453, 461 (2011).

⁹⁸ 271 Phil. 886 (1991).

which if not rebutted or contradicted, will remain sufficient. Evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence.⁹⁹ (Emphasis and citation omitted)

In holding that the prosecution may utilize evidentiary presumptions against the accused, the Court recognized situations when it may be difficult for the State to establish an element of the crime charged because, by its nature, it is the accused who has control of the better means of proof of the fact alleged or the “subject matter of averment is one which lies peculiarly within the control or knowledge of the accused.”¹⁰⁰ However, the mere fact that the accused has better control of the evidence cannot relieve the State of the burden of persuasion; thus, in such a case, the prosecution may be required to establish only a *prima facie* case from the best evidence obtainable, and thereafter shift the burden to the accused to go forward with evidence to rebut the presumption.¹⁰¹

When an evidentiary presumption is being used as proof of guilt or an element of a crime, the reasonable doubt standard of evidence in criminal cases must be observed.

Irrefragably, when it comes to the State’s use of evidentiary presumptions in criminal cases, special considerations must be given to the constitutional rights of the accused to due process and to be presumed innocent.¹⁰² The Court has factored in this circumstance in several cases¹⁰³ that are further discussed below, wherein it limited and qualified the prosecution’s use of evidentiary presumptions to establish guilt or prove an element of the crime charged.

Section 6, Rule 131 of the Rules of Court expresses these limitations and emphasizes that the prosecution must never shift the burden of proof to the accused.¹⁰⁴ Specifically, the rule provides that the prosecution is allowed to use an evidentiary presumption to negate a defense or prove an element of the crime charged only if the following conditions are met: (1) the basic fact is proven by the prosecution beyond reasonable doubt; and (2) the presumed fact follows from the basic fact beyond reasonable doubt.

⁹⁹ *Wa-acon v. People*, 539 Phil. 485, 494 (2006).

¹⁰⁰ *People v. Tiozon*, 275 Phil. 407, 429 (1991), citing *People v. Pajenado*, 142 Phil. 702 (1970).

¹⁰¹ *Id.*

¹⁰² *Mabunga v. People*, *supra* note 87.

¹⁰³ See *Bañares v. Court of Appeals*, *supra* note 98; *Mabunga v. People*, *supra* note 87.

¹⁰⁴ *People v. Ordiz*, *supra* note 93, at 635.

The Court is guided by these standards in its detailed analysis of the sufficiency of the prosecution's evidence in the case at bench to prove, beyond reasonable doubt, that Rommel is guilty of Bigamy.

The existence and authenticity of the Marriage Certificate as a public record was proven by the prosecution beyond reasonable doubt.

Section 6, Rule 131 of the Rules of Court dictates that before any inference or presumption may be made, the first task of the court is to determine whether the basic fact, from which the inference is to be drawn, has been duly proven by the prosecution with evidence beyond reasonable doubt. The prosecution's failure to discharge this burden precludes the application of the evidentiary presumption sought to be utilized by the State against the accused.

In the present case, the Court finds that the *basic fact, i.e.,* the Marriage Certificate between Rommel and Maricar, from which the *presumed facts* on the essential requisites of the second marriage are to be inferred from, has been established beyond reasonable doubt.

In the first place, the *existence and authenticity* of the Marriage Certificate between Rommel and Maricar was *admitted* by the defense at the pre-trial stage.¹⁰⁵ Even more, the Marriage Certificate was a common exhibit, having been offered in evidence by both the prosecution and defense.¹⁰⁶ Given the judicial admission of the Marriage Certificate,¹⁰⁷ the prosecution no longer needs to present evidence on this matter.

Indeed, to determine whether the prosecution has discharged the burden of proof, the Court may consider all the means sanctioned by the Rules of Court in ascertaining matters in judicial proceedings, such as judicial admissions, matters of judicial notice, stipulations made during the pre-trial and trial, as well as other admissions and presumptions.¹⁰⁸

¹⁰⁵ *Rollo*, p. 26.

¹⁰⁶ *Id.* at 63-64.

¹⁰⁷ Section 4, Rule 129 of the Rules of Court states:

SEC. 4. Judicial admissions. — An admission, oral or written, made by the party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that the imputed admission was not, in fact, made.

¹⁰⁸ *See Sy v. People*, G.R. No. 243617, May 5, 2021, citing *Republic v. Sandiganbayan (2nd Division)*, 830 Phil. 423, 454 (2018).

Rommel's judicial admission on the existence and authenticity of the Marriage Certificate may therefore be taken against him.

Nonetheless, it must be clarified that Rommel's admission on the authenticity and existence of the Marriage Certificate only means that there is no longer any issue that the document exists, that it was signed by Rommel voluntarily, that the copy on record is the same document that was signed by Rommel, and that the document is what it purports to be, *i.e.*, a correct copy of the original in the custody of the PSA.¹⁰⁹ The admission *does not extend* to the truth of the contents of the Marriage Certificate, especially those which were specifically denied by Rommel.¹¹⁰ Hence, despite his admission, Rommel is not precluded from arguing that the contents of the Marriage Certificate on the solemnities observed for the second marriage are inaccurate.

In any case, even without Rommel's judicial admission on the Marriage Certificate's existence and authenticity, it is a matter of record that the document admitted in evidence for the prosecution is a certified copy from the PSA,¹¹¹ the government authority tasked to enforce and administer Act No. 3753¹¹² (Civil Registry Law).¹¹³ Under Sections 24 and 25,¹¹⁴ Rule 132 of the Rules of Court, proof of a public record, such as the Marriage Certificate, may consist of a copy attested by the custodian,

¹⁰⁹ See *Republic v. Court of Appeals*, 357 Phil. 174 (1998); *Benguet Exploration, Inc. v. Court of Appeals*, 404 Phil. 270, 287 (2001); *Simon v. Canlas*, 521 Phil. 558, 574 (2006); *Go Tong Electrical Supply Co., Inc. v. BPI Family Savings Bank, Inc.*, 762 Phil. 89, 99 (2015).

¹¹⁰ *Id.* See also *Fernandez v. Del Rosario*, 57 Phil. 501 (1932). These cases dictate that the admission of the genuineness and due execution of a document simply means that the party whose signature it bears admits that he voluntarily signed the document and that any formalities required by law are waived by him. It means nothing more than that the instrument is not spurious, counterfeit, or of different import on its face from the one executed. The admission of genuineness and due execution does not preclude a party from arguing against it by evidence of fraud, mistake, compromise, payment, statute of limitations, estoppel and want of consideration. It does not bar a party from raising the defense on a mistake or imperfection in the writing of the contract, or that it does not express the true agreement of the parties, or that the agreement is invalid, that it is fictitious and simulated, or that there is an intrinsic ambiguity in the writing.

¹¹¹ See Section 6(e). Republic Act No. 10625, which provides that among the functions of the PSA is to "[c]arry out, enforce and administer civil registration functions in the country as provided for in Act No. 3753, otherwise known as the Civil Registry Law[.]"

¹¹² Entitled "An Act to Establish a Civil Registrar," approved on November 26, 1930.

¹¹³ Under Sections 1 and 7 of the Civil Registry Law, marriage contracts must be recorded in the civil register.

¹¹⁴ Sections 24 and 25, Rule 132 of the Rules of Court relevantly read:

SEC. 24. *Proof of official record.* —The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his or her deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody.

SEC. 25. *What attestation of copy must state.* —Whenever a copy of a document or record is attested for the purpose of evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he or she be the clerk of a court having a seal, under the seal of such court.

stating that the document is a correct copy of the original in its custody. Thus, the certified copy from the PSA is sufficient proof of the Marriage Certificate.

The Marriage Certificate, being a public record entered into the civil register, is prima facie evidence of the facts therein stated.

Considering that the existence and authenticity of the Marriage Certificate was proven beyond reasonable doubt, then it was correct for the RTC and the CA to hold that the Marriage Certificate is *prima facie* evidence of its contents, as allowed by Section 6, Rule 131 of the Rules of Court.

In the present case, the Civil Registry Law, the Civil Code, and the Rules on Evidence are determinative of the evidentiary presumption in favor of the Marriage Certificate. Particularly, Sections 1¹¹⁵ and 7¹¹⁶ of the Civil Registry Law¹¹⁷ state that marriages are among those transactions or events which must be recorded in the civil register. In turn, public records appearing in the civil register, including the Marriage Certificate in the case at hand, are *prima facie* evidence of the facts therein stated, as provided in the following: (1) Section 13¹¹⁸ of the Civil Registry Law; (2) Article 410 of the Civil Code; (3) Section 46,¹¹⁹ Rule 130 of the Rules of Court; and (4) Section 23,¹²⁰ Rule 132 of the Rules of Court. Under these

¹¹⁵ Section 1 of Act No. 3753 provides:

SEC. 1. *Civil Register.* — A civil register is established for recording the civil status of persons, in which shall be entered: (a) births; (b) deaths; (c) **marriages**; (d) annulments of marriages; (e) divorces; (f) legitimations; (g) adoptions; (h) acknowledgment of natural children; (i) naturalization; and (j) changes of name. (Emphasis supplied)

¹¹⁶ Section 7 of Act No. 3753 provides:

SEC. 7. *Registration of marriages.* — All civil officers and priests or ministers authorized to solemnize marriages shall send a copy of each marriage contract solemnized by them to the local civil registrar within the time limit specified in the existing Marriage Law.

¹¹⁷ Otherwise known as the “Law on Registry of Civil Status.”

¹¹⁸ Section 13 of Act No. 3753 provides:

SEC. 13. *Documents registered are public documents.* — The books making up the civil register and all documents relating thereto shall be considered public documents and be *prima facie* evidence of the truth of the facts therein contained. They shall be open to the public during office hours and shall be kept in a suitable safe which shall be furnished to the local civil registrar at the expense of the general fund of the municipality concerned. The local registrar shall not under any circumstances permit any document entrusted to his care to be removed from his office, except by order of a court, in which case the proper receipt shall be taken. The local civil registrar may issue certified copies of any document filed, upon payment of the proper fees required in this Act.

¹¹⁹ Section 46, Rule 130 of the Rules of Court provides:

SEC. 46. *Entries in official records.* — Entries in official records made in the performance of his or her duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are *prima facie* evidence of the facts therein stated.

¹²⁰ Section 23, Rule 132 of the Rules of Court provides:

provisions of laws and rules of procedure, the entries found in public records are *presumed correct* unless the party who contests their accuracy produce positive evidence establishing otherwise.¹²¹

The trustworthiness of public documents and the probative value given to the entries made therein are founded on (1) the sense of official duty in the preparation of the statement made; (2) the penalty which is usually affixed to a breach of that duty; (3) the routine and disinterested origin of most such statements; and (4) the publicity of record which makes more likely the prior exposure of such errors as might have occurred.¹²² They flow from the presumption¹²³ that the public officer concerned regularly performed his or her duty authorized by law to prepare such documents or record entries in public records.¹²⁴

With the foregoing, it has been held that a marriage certificate, as a public record, is *primary evidence* of a marital union,¹²⁵ and *the best evidence of its contents*.¹²⁶

Accordingly, the Marriage Certificate between Rommel and Maricar, being a public record and a certified copy from the PSA, is *prima facie* evidence of the facts stated therein; as such, it stands as *rebuttable* proof that the second marriage was solemnized on September 7, 2013~~2014~~ by the Municipal Mayor of Guimba, Nueva Ecija, at his office, in the presence of at least two witnesses, and that before him, Rommel and Maricar declared that they were taking each other as husband and wife.

Given the prima facie evidence against Rommel, the burden of going forward with evidence was shifted to him. However, the burden shifted does not extend to proof of innocence, but only requires Rommel to produce substantial evidence and a

SEC. 23. *Public documents as evidence.* — Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

¹²¹ *Lagao v. People*, G.R. No. 217721, September 15, 2021.

¹²² *Herce, Jr. v. Municipality of Cabuyao Laguna*, 511 Phil. 420, 431 (2005).

¹²³ See Section 3(m), Rule 131 of the Rules of Court.

¹²⁴ *People v. Banzales*, 390 Phil. 1189, 1202 (2000); *Philam Life Insurance Company v. Court of Appeals*, 398 Phil. 559, 567–568 (2000), *Lasquite v. Victory Hills, Inc.*, 608 Phil. 418, 431–433 (2009).

¹²⁵ *Vda. de Avenido v. Avenido*, 725 Phil. 224, 233 (2014), citing *Añonuevo v. Inestate Estate of Rodolfo G. Jalandoni*, 651 Phil. 137, 147 (2010).

¹²⁶ *Tenebro v. Court of Appeals*, 467 Phil. 723, 740 (2004); *Ferancullo v. Atty. Ferancullo, Jr.*, 538 Phil. 501, 512 (2006).

reasonable explanation to rebut the presumption.

Based on Section 6, Rule 131 of the Rules of Court, once the prosecution has proven the basic fact, *i.e.*, the Marriage Certificate, with evidence beyond reasonable doubt, the basic fact stands as *prima facie* evidence of the *presumed facts, i.e.*, that the second marriage has all the essential and formal requisites for its validity.

It therefore follows that the burden of “going forward” with evidence was shifted to Rommel. The nature of the burden that was shifted to the accused is where the controversy lies in the case at hand.

The RTC and CA required Rommel to produce *clear and convincing* evidence to rebut the presumed regularity and accuracy of the Marriage Certificate. This is plain error. In criminal proceedings and in accordance with Section 6, Rule 131 of the Rules of Court, *substantial evidence* is sufficient for Rommel to rebut the presumption against him.

Indeed, the Court has repeatedly held that while an evidentiary presumption “imposes on a party against whom it is directed the burden of going forward with evidence to rebut such presumption, the burden of producing evidence of guilt *does not extend to the burden of proving the accused’s innocence of the crime* as the burden of persuasion does not shift and remains throughout the trial upon the prosecution.”¹²⁷ It is only the burden of *going forward with evidence* that is shifted to the accused, who must adduce proof to meet the presumption.¹²⁸ Once the accused provides evidence that sufficiently contravenes the presumption against him or her, the burden of evidence *shifts back* to the prosecution.¹²⁹

Undeniably, the accused is constitutionally presumed to be innocent and therefore cannot bear the burden of proving his or her innocence. Hence, under Section 6, Rule 131 of the Rules of Court, the presumed facts must follow from the basic fact *beyond reasonable doubt*. The rule must be related to Section 2,¹³⁰ Rule 133 of the Rules of Court, where

¹²⁷ *People v. Pangan*, 795 Phil. 779, 792 (2016), citing *Mabunga v. People*, *supra* note 87, at 569–570.

¹²⁸ *Bautista v. Judge Sarmiento*, 223 Phil. 181, 185–186 (1985).

¹²⁹ *Id.*

¹³⁰ Section 2, Rule 133 of the Rules of Court provides:

SEC. 2. Proof beyond reasonable doubt. — In a criminal case, the accused is entitled to an acquittal, unless his or her guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces

proof beyond reasonable doubt that is necessary for conviction is defined as “moral certainty,” *to the effect that when there is even an iota of doubt if the presumed fact follows from the basic fact, then the inference should not be made, and the presumption must be deemed rebutted.*¹³¹

The rule is illustrated in *United States v. Catimbang*,¹³² where the Court held that in rebutting an evidentiary presumption, the accused is only expected to provide *any reasonable explanation* that is inconsistent with the inference of guilt against him or her:

The inference of guilt is one of fact and rests upon the common experience of men. But the experience of men has taught them that an apparently guilty possession may be explained so as to rebut such an inference and an accused person may therefore put witnesses on the stand or go on the witness stand himself to explain his possession, and *any reasonable explanation* of his possession, *inconsistent with his guilty connection with the commission of the crime*, will rebut the inference as to his guilt which the prosecution seeks to have drawn from his guilty possession of the stolen goods.¹³³ (Italics supplied)

When the accused has provided a reasonable explanation that is *not rendered implausible by independent evidence* inconsistent thereto, which is then *unrefuted* by the prosecution, the presumption must be considered overthrown.¹³⁴ Any evasion, false statement, or attempt at concealment on the part of the accused may be taken into consideration in assessing whether the evidence is sufficient to rebut the presumption.¹³⁵

Significantly, the Court in *Catimbang* substantially relied on American case law, which is equally persuasive to the case at bar, considering that the Philippine Constitution was heavily modeled from the United States (US) Constitution,¹³⁶ while Section 6, Rule 131 of the Rules of Court is alike Rule 303¹³⁷ of the 1999 US Uniform Rules of Evidence.

conviction in an unprejudiced mind.

¹³¹ *People v. San Jose*, 812 Phil. 42, 51 (2017); *Mamulat v. People*, 766 Phil. 724, 735–736 (2015).

¹³² 35 Phil. 367 (1916).

¹³³ *Id.* at 371–372.

¹³⁴ *People v. Geron*, 346 Phil. 14, 25 (1997).

¹³⁵ *People v. Burton*, 335 Phil. 1003, 1024–1025 (1997).

¹³⁶ American jurisprudence has particular persuasiveness in the sphere of constitutional law, especially with regard to the Due Process Clause and the presumption of innocence, given that they are derived from the Fifth and Fourteenth Amendment of the US Constitution. [*Saunar v. Exec. Sec. Ermita*, 822 Phil. 536, 543 (2017); *Peralta v. Philippine Postal Corporation*, 844 Phil. 603 (2018)]. Further, American jurisprudence may be resorted to because there are only a few cases available locally on the application of Section 6, Rule 131 of the Rules of Court. [*Ejercito v. Commission on Elections*, 748 Phil. 205 (2014)].

¹³⁷ Rule 303 of the 1999 US Uniform Rules of Evidence states:

(a) Scope. Except as otherwise provided by statute, or judicial decision, this rule governs presumptions against an accused in criminal cases, recognized at common law or created by statute, including statutory provisions that certain facts are prima facie evidence of other facts or of guilt.

In this regard, the procedure to be observed in the US on evidentiary presumptions against the accused is similar to Section 6,¹³⁸ Rule 131 of the Rules of Court and *Bañares*, where “[a]n inference of a necessary element of a crime from proof of another fact does not violate a defendant’s constitutional rights if (1) the underlying fact is proved beyond a reasonable doubt, (2) the ultimate element of the crime is rationally related to the underlying fact, and (3) the burden remains on the prosecution to satisfy the finder of fact on the whole record as to every element of the crime charged beyond a reasonable doubt.”¹³⁹

The prevailing precept in the US also echoes *Catimbang*, *i.e.*, when a presumption is *prima facie* evidence of guilt, the presumption stands “unless explained by the circumstances or accounted for *in some way consistent with innocence*.”¹⁴⁰ In evaluating the explanation from the accused, the court may consider false statements by the accused, “in explanation or defense, made or procured to be made, as in themselves tending to show guilt.”¹⁴¹

The quantum of proof required from the accused to rebut a presumption was further explained in *Mullaney v. Wilbur*,¹⁴² where the US Supreme Court avoided a penal statute on murder, which provided that the accused is presumed to have acted with intent to kill, unless it is *negated* by the accused with a *preponderance of evidence*. The US Supreme Court explained that in criminal cases, “*use of the reasonable doubt standard is indispensable*” and should not be diluted by a lower standard of proof. It determined that requiring the accused to present a preponderance of

(b) Submission to jury. The court may not direct the jury to find a presumed fact against an accused. If a presumed fact establishes guilt, is an element of the offense, or negates a defense, *the court may submit the question of guilt or of the existence of the presumed fact to the jury, but only if a reasonable juror on the evidence as a whole, including the evidence of the basic fact, could find guilt or the presumed fact beyond a reasonable doubt.* If the presumed fact has a lesser effect, the question of its existence may be submitted to the jury if the basic fact is supported by substantial evidence or is otherwise established, unless the court determines that a reasonable juror could not find on the evidence as a whole the existence of the presumed fact. (c) Instructing jury. At the time the existence of a presumed fact against the accused is submitted to the jury, the court shall instruct the jury that it may regard the basic fact as sufficient evidence of the presumed fact but is not required to do so. *In addition, if a presumed fact establishes guilt, is an element of the offense, or negates a defense, the court shall instruct the jury that its existence, on all the evidence, must be proved beyond a reasonable doubt.* (Italics supplied)

¹³⁸ See Rule 305 of the 1999 Uniform Rules of Procedure.

¹³⁹ *Dejoinville v. Commonwealth*, 408 N.E.2d 1653, 381 Mass. 246 (1980).

¹⁴⁰ *Wilson v. United States*, 362 U.S. 613 (1960).

¹⁴¹ *Id.*

¹⁴² 421 U.S. 684 (1975). Notably, *Mullaney* was further qualified by the US Supreme Court in *Patterson v. New York*, 432 U.S. 197 (1977), where it was held that “the Due Process Clause requires the prosecution to prove beyond a reasonable doubt all of the elements included in the definition of the offense of which the defendant is charged,” but “[p]roof of the nonexistence of all affirmative defenses has never been constitutionally required.”

evidence, instead of just “*some evidence*,” to rebut the presumed intent would result in a situation where the State is impermissibly allowed to “affirmatively shift the burden” to the accused to prove his innocence and diminish the State’s burden to prove the accused’s guilt with evidence beyond reasonable doubt.

Mullaney therefore clarified that an evidentiary presumption establishing guilt simply places upon the accused the burden of “going forward” with evidence by presenting “*some evidence* of a defense” to contradict the presumed fact, so that the presumption totally dissipates, and the presumed fact continues to be a *fact in issue* that must be proven by the prosecution.¹⁴³ Thus, the State cannot rely on an evidentiary presumption to prove a fact necessary for conviction, “when *substantial evidence* bearing on the issue is introduced [by the accused], from whatever source that evidence may come,” to rebut the presumption, and when “by reason of the claimed justification[,] a *reasonable doubt* exists as to [the accused’s] guilt.”¹⁴⁴

As a necessary consequence of the constitutional right of the accused to be presumed innocent, only “*some evidence*,”¹⁴⁵ or the *least demanding* quantum of proof, is required for the accused to rebut an evidentiary presumption that is being used by the prosecution to establish guilt or prove an element of the crime charged. Relevantly, in the hierarchy of evidentiary values,¹⁴⁶ the least demanding standard is **substantial evidence**,¹⁴⁷ which is “more than a mere *scintilla*,” but “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,”¹⁴⁸ “even if other minds, equally reasonable, might conceivably opine otherwise.”¹⁴⁹ Otherwise stated, an evidentiary presumption under Section 6, Rule 131 of the Rules of Court may be sufficiently rebutted by the accused with substantial evidence that contradicts the presumed fact.

¹⁴³ See *Evans v. State*, 28 Md. App. 640, 722-23 (Md. Ct. Spec. App. 1975) and *State v. Evans*, 278 Md. 197, 208 (Md. 1976).

¹⁴⁴ See *Evans v. State*, *supra* at 729 (Md. Ct. Spec. App. 1975), where the *Mullaney* ruling was applied.

¹⁴⁵ *Cantos v. Court of Appeals*, *supra* note 93, at 547-548.

¹⁴⁶ In the hierarchy of evidentiary values, at the highest level is proof beyond reasonable doubt, followed by clear and convincing evidence, preponderance of evidence, and substantial evidence, in that order. Thus, in the hierarchy of evidence, substantial evidence is the least demanding. [*Philippine Long Distance Telephone Co. v. Domingo*, G.R. No. 197402, June 30, 2021].

¹⁴⁷ *Evans v. State*, *supra* at 729-30 (Md. Ct. Spec. App. 1975) and *Philippine Long Distance Telephone Co. v. Domingo*, *supra* note 145.

¹⁴⁸ *Ormoc Sugar Co., Inc. v. OWFLU*, 110 Phil. 627, 629 (1961).

¹⁴⁹ *Philippine Long Distance Telephone Co. v. Domingo*, *supra* note 146, citing *JR Hauling Services v. Solamo*, 886 Phil. 842, 859 (2020).

Rommel presented substantial evidence that is sufficient to rebut the presumed regularity and correctness of the Marriage Certificate.

With the foregoing standards, the Court concludes that the CA committed manifest error when it required Rommel to produce *clear and convincing* evidence, instead of *substantial* evidence, to rebut the presumed regularity and correctness of the Marriage Certificate. The requirement of clear and convincing evidence is certainly applicable to civil cases, where the ultimate burden of persuasion may shift back and forth between plaintiff and defendant during trial.¹⁵⁰ However, it cannot be extended to criminal proceedings, where it is the State that *always* bears the burden of proving guilt and each element of the crime charged beyond reasonable doubt, and where the accused is presumed innocent.

Indeed, Rommel's situation is worse than the accused in *Mullaney*. If the accused in *Mullaney* cannot be required to rebut an evidentiary presumption establishing his guilt with a *preponderance of evidence*, with more reason that the Court cannot insist on the rebuttal of the presumed regularity and correctness of the Marriage Certificate only with *clear and convincing* evidence, a standard that is even *higher*¹⁵¹ than a preponderance of evidence. A contrary ruling would shift the burden of proving his innocence to Rommel and relieve the State of its duty of persuasion, in violation of Rommel's constitutional right to be presumed innocent of the crime charged.

Moreover, contrary to the CA's conclusions, the Court finds that Rommel's evidence was substantial and sufficient to overturn the presumption in favor of the Marriage Certificate.

Verily, Rommel offered the testimonies of Maricar, Myra, and Gloria, who uniformly testified that the Municipal Mayor of Guimba, Nueva Ecija *never appeared* on September 7, 2013, to solemnize the marriage between Rommel and Maricar, and that the two did not take each other as husband and wife before a duly authorized solemnizing officer.

Significantly, it has been held that no other witness is more competent to testify on the fact of marriage, including the solemnities observed therefor, than the parties to the marriage contract themselves—

¹⁵⁰ *Riguer v. Atty. Mateo*, §11 Phil. 538, 547 (2017).

¹⁵¹ See *Philippine Long Distance Telephone Co. v. Domingo*, *supra* note 146.

the husband and wife.¹⁵² A witness who was present during the marriage ceremony is likewise competent to testify on the same subject matter.¹⁵³ Given that Maricar is the counter-party to Rommel's second marriage, while Myra and Gloria were both present when the two were married on September 7, 2013, then they are competent to testify on what actually transpired on the day of that marriage. Their testimonies are sufficient to produce reasonable doubt if the Marriage Certificate may stand as proof that the solemnities required for marriages were, in fact, observed by Rommel and Maricar.

In totally disregarding the testimony of Maricar, Myra, and Gloria, the CA only made a passing comment that their testimonies must be received with caution because Maricar was a party to the alleged bigamous marriage, while Myra is her sister,¹⁵⁴ implying that their statements cannot be considered because Maricar shares culpability for her marriage to Rommel, and that she and her relatives would necessarily want to exonerate Rommel by extension. The CA's finding has no basis in law or evidence.

It is settled that in Bigamy, the first and second spouses may be the offended parties depending on the circumstances.¹⁵⁵ It is not always the case that the second spouse is aware of the first marriage, for it is just as likely that the second spouse was duped into believing that the accused is single and was not previously married.¹⁵⁶ In such a situation, the second spouse is a victim and an offended party just as much as the first spouse, and may even be entitled to moral damages from the accused when he or she is found guilty of Bigamy.¹⁵⁷

Here, Maricar positively testified that she was *not aware* of Rommel's first marriage to Magdalena.¹⁵⁸ It was therefore incorrect for the CA to surmise that she is not trustworthy for being a party to the second marriage. Taking Maricar's testimony at face value and absent any evidence to the contrary, her testimony must be given evidentiary weight. Indeed, if Maricar is also a victim, she would necessarily want to obtain justice for the wrong that she has suffered.¹⁵⁹ For the same reason, the

¹⁵² See *United States v. Memoracion and Uri*, 34 Phil. 633, 635-636 (1915).

¹⁵³ *Id.* at 636.

¹⁵⁴ *Rollo*, p. 33.

¹⁵⁵ *Garcia v. CA*, 334 Phil. 621, 632 (1997).

¹⁵⁶ *Mercado v. Ongpin*, 886 Phil. 822, 836-837 (2020), citing *Manuel v. People*, 512 Phil. 818, 848 (2005).

¹⁵⁷ *Id.*

¹⁵⁸ *Rollo*, p. 64.

¹⁵⁹ *People v. Atienza*, 383 Phil. 707, 716 (2000).

testimonies of Myra and Gloria have probative value because the relatives of a victim are “concerned with obtaining justice”¹⁶⁰ by “having the felon brought to justice and meted [out] the proper penalty.”¹⁶¹

All doubts on the sufficiency of the accused's evidence to rebut an evidentiary presumption must be resolved in favor of the accused.

To reiterate, when courts assess the sufficiency of the evidence presented by the accused to rebut an evidentiary presumption, they must be guided by Section 6, Rule 131 in relation to Section 2, Rule 133 of the Rules of Court, which requires the presumed fact to follow from the basic fact *beyond reasonable doubt*, so that when there is even an *iota of doubt* if the presumed fact may be inferred from the basic fact, the inference must be deemed improper and the presumption taken as rebutted.¹⁶² This is consistent with the Court's previous holding that an evidentiary presumption may support a judgment of conviction only if the evidence as a whole – taking together the inculpatory presumption *and* any *reasonable explanation* from the accused — is sufficient to establish the guilt of the accused with *moral certitude*.¹⁶³

In other words, to determine whether the evidence presented by the accused is sufficient to rebut the *prima facie* evidence against him or her, the standard to be applied by the courts under Section 6, Rule 131 of the Rules of Court is “reasonable doubt,” as explained below:

Absolute certainty of guilt is not demanded by law to convict a person of a criminal charge. The doubt to the benefit of which an accused is entitled in a criminal trial is a *reasonable doubt*, not a whimsical or fanciful doubt based on imagined but *wholly improbable possibilities and unsupported by evidence*. Reasonable doubt is that engendered by an investigation of the whole proof and inability, after such investigation, to let the mind rest easy upon the certainty of guilt.¹⁶⁴ (Italics supplied)

In the case at hand, the CA suspected the credibility of the defense witnesses because of their supposed bias in favor of Rommel, but even assuming *arguendo* that this was true, the standard imposed by Section 6, Rule 131 of the Rules of Court, behooves courts to apply the strictest

¹⁶⁰ *People v. Banhaon*, 476 Phil. 7, 36–37 (2004).

¹⁶¹ *Id.*

¹⁶² *People v. Baccay*, 437 Phil. 466, 480 (2002).

¹⁶³ *United States v. Catimbang*, *supra* note 132; *Mahunga v. People*, *supra* note 87; *People v. Geron*, *supra* note 134.

¹⁶⁴ *People v. Ballesteros*, 349 Phil. 366, 376 (1993).

standard of *reasonable doubt* in favor of the accused.

In the Court's assessment, the testimonies of Maricar, Myra, and Gloria are sufficient to produce reasonable doubt, such that the presumed regularity and accuracy of the Marriage Certificate is deemed rebutted.¹⁶⁵ Surely, even if they are not disinterested witnesses, the fact remains that they took the witness stand; hence, their credibility was tested, not just through the requirement of an oath and pain of perjury, but also through cross-examination.¹⁶⁶ Thus, it may be reasonably expected that their statements have at least a ring of truth to them,¹⁶⁷ and cannot be wholly ignored by the Court, especially considering that the prosecution did not present any evidence to refute their testimonies.

In fine, the testimonies of the defense witnesses produce reasonable doubt because based on their *unrefuted* testimonies, it is not wholly improbable that the solemnities required for marriages were not observed by Rommel and Maricar, notwithstanding the entries in the Marriage Certificate.

The prosecution failed to discharge the burden to prove, beyond reasonable doubt, all the elements of Bigamy against Rommel.

Because the presumption in favor of the Marriage Certificate has been rebutted, its contents cannot be presumed to be true, especially those matters which were denied by the defense witnesses. Following *Mullaney*, the rebuttal of the presumption has the effect of generating an issue on the presumed facts. That is, the Marriage Certificate is no longer a substitute to the requirement for the prosecution to prove the existence of the essential and formal requisites of the second marriage; instead, the latter continues to be a *triable fact in issue*, and *the burden shifts back to the prosecution* to prove it with evidence beyond reasonable doubt.

This raises the question of whether the prosecution was able to discharge the burden of proving, beyond reasonable doubt, that the second marriage between Rommel and Maricar has all the essential and formal requisites for its validity.

¹⁶⁵ See *Philam Life Insurance Company v. Court of Appeals*, *supra* note 124.

¹⁶⁶ A person who takes the witness stand must provide his or her testimony under oath, thus deterring lying by the threat of perjury. Further, the witness is subjected to cross-examination, a valuable instrument in exposing falsehood and bringing out the truth." [*Go v. People*, 691 Phil. 440, 454 (2012)].

¹⁶⁷ *Naranjo v. Biomedica Health Care, Inc.*, 695 Phil. 551, 571-572 (2012); *Tolentino v. Mendoza*, 483 Phil. 546, 553-555 (2004).

The Court rules in the negative and finds the evidence insufficient to support Rommel's conviction for Bigamy.

The Court stresses prosecution's evidence consisted only of Magdalena's Complaint-Affidavit and her testimony, the Marriage Certificate for the first marriage, the birth certificates of Rommel's children with Magdalena, the birth certificate of Rommel and Maricar's child, and the Marriage Certificate for the marriage between Rommel and Maricar. The Marriage Certificate for the first marriage and the birth certificates are obviously *irrelevant* to the essential requisites of the second marriage, as they would not contain any statement related thereto. Meanwhile, Magdalena testified that she was not present during the marriage of Rommel and Maricar on September 7, 2013; hence, she is not competent to testify on the same.

Clearly, to prove the fourth element of Bigamy, the prosecution hinged its case *solely* on the Marriage Certificate between Rommel and Maricar, and the rule that it is *prima facie* evidence of its contents. As discussed earlier, the presumption in favor of the Marriage Certificate has been overthrown; thus, its contents are no longer presumed to be correct.

It bears pointing out that when the presumption of regularity and accuracy in favor of a public document is rebutted, it is reduced to the status of a private document; hence, it should be authenticated in accordance with Section 20,¹⁶⁸ Rule 132 of the Rules of Court before it may be admitted in evidence and before any probative value may be ascribed to it.¹⁶⁹ Fortunately for the prosecution, the authenticity and existence of the Marriage Certificate was *admitted* by the defense and is even a common exhibit.¹⁷⁰ Thus, the Marriage Certificate may still be considered as *some* evidence for the prosecution, but the solemnities observed for the second marriage cannot be inferred from it pursuant to Section 6, Rule 131 of the Rules of Court.

¹⁶⁸ Section 20, Rule 132 of the Rules of Court provides:

SEC. 20. *Proof of private documents.* — Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved by any of the following means:

(a) By anyone who saw the document executed or written;
(b) By evidence of the genuineness of the signature or handwriting of the maker; or
(c) By other evidence showing its due execution and authenticity.

Any other private document need only be identified as that which it is claimed to be.

¹⁶⁹ *Serrano v. Spouses Guzman*, G.R. No. 204887, March 3, 2021; *Dadis v. Spouses De Guzman*, 810 Phil. 749, 759-760 (2017).

¹⁷⁰ *Rollo*, p. 26.

The foregoing situation left the prosecution with only the Marriage Certificate, a private document, as its *sole* evidence to prove the fourth element of Bigamy against Rommel. Pertinently, the State opted *not* to present additional evidence on rebuttal.¹⁷¹ When the prosecution's evidence is measured against the testimonies of Maricar, Myra, and Gloria, it is undeniable that the State did not muster enough evidence to prove that the second marriage has all the essential and formal requisites for its validity.¹⁷²

The inescapable conclusion is that the State failed to overcome the burden to prove, *beyond reasonable doubt*, each element of Bigamy against Rommel. Perforce, a finding of guilt against Rommel for the crime of Bigamy is unwarranted.

Estoppel is a principle of equity that cannot be applied against the positive provisions of the Family Code on the essential and formal requisites of a valid marriage.

Citing *Santiago*, the OSG argues that the contents of the Marriage Certificate must be taken as true because Rommel caused its misrepresentation and is therefore estopped from denying them. It asserts that lending credence to Rommel's defense would encourage those who intend to commit Bigamy to deliberately cause a defect in the marriage and subsequently evade any conviction for the felony.

The OSG's arguments are unavailing.

Estoppel¹⁷³ is a principle of equity that may only be applied in the absence of, and never against, positive law.¹⁷⁴ Relevantly, Articles 2 and 3 of the Family Code unequivocally provide the essential requisites for a valid marriage. Thus, the Court cannot apply estoppel and supplant the clear requirements of the Family Code, notwithstanding any alleged

¹⁷¹ *Id.* at 64.

¹⁷² The law sets the minimum requirements constituting a marriage ceremony: *first*, there should be the personal appearance of the contracting parties before a solemnizing officer; and *second*, their declaration in the presence of not less than two witnesses that they take each other as husband and wife. [*Ronulo v. People*, 738 Phil. 206, 215 (2014)].

¹⁷³ See Articles 1431 and 1432 of the Civil Code, which state:
Article 1431. Through estoppel an admission or representation is rendered conclusive upon the person making it, and cannot be denied or disproved as against the person relying thereon.
Article 1432. The principles of estoppel are hereby adopted insofar as they are not in conflict with the provisions of this Code, the Code of Commerce, the Rules of Court and special laws.

¹⁷⁴ *Republic v. Dayot*, 573 Phil. 553, 575 (2008).

misrepresentation on the part of Rommel.

In addition, pursuant to *Putido*,¹⁷⁵ the Court cannot simply disregard the effects of a void *ab initio* marriage and penalize the accused for Bigamy despite the absence of the essential requisites for the second marriage “on the mere speculation that this interpretation may be subject to abuse by those parties who deliberately and consciously enter into multiple marriages knowing them to be void and thereafter, evade prosecution on the pretext of a void *ab initio* marriage.”¹⁷⁶ A contrary ruling would disregard an elementary principle of criminal law: conviction is warranted only if each element of the crime charged has been established beyond reasonable doubt.

Santiago is also not squarely applicable to the present case. In *Santiago*, both parties to the second marriage were charged with Bigamy. In defense, the accused argued that the second marriage is void *ab initio* for lack of a marriage license. In sustaining the conviction of the accused therein, the Court made a finding that the two accused lied to the solemnizing officer that under Article 34¹⁷⁷ of the Family Code, they may be married despite the absence of a marriage license allegedly because they had been cohabiting as husband and wife for at least five years. Given the situation, the Court affirmed their conviction because the accused wanted to profit from their own misdeeds by claiming that the second marriage was void *ab initio for want of a marriage license*, when it was precisely because of their own misrepresentation that their marriage was allowed without a marriage license.

Clearly, the second marriage in *Santiago* ostensibly had *all* the essential requisites for its validity in relation to Article 34 of the Family Code. Thus, the conviction for Bigamy of the accused therein was warranted.

In contrast to *Santiago*, the second marriage in the case at bar is alleged to be void *ab initio* due to the absence of a duly authorized solemnizing officer and marriage ceremony. Unlike in a marriage license,

¹⁷⁵ *Putido v. People*, *supra* note 38.

¹⁷⁶ *Id.*

¹⁷⁷ Article 34 of the Family Code provides:

ARTICLE 34. No license shall be necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without any legal impediment to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The solemnizing officer shall also state under oath that he ascertained the qualifications of the contracting parties are found no legal impediment to the marriage.

the Family Code does not provide for a situation where a marriage ceremony¹⁷⁸ may be dispensed with without rendering the marriage void *ab initio*.¹⁷⁹ Meanwhile, as to the absence of the authority of the solemnizing officer, the general rule is that the marriage is void *ab initio*, unless the good faith exception in Article 35(2) of the Family Code applies, which has not been shown to exist in the case at bar.

Accordingly, notwithstanding Rommel's alleged participation in the misrepresentation of facts in the Marriage Certificate, his conviction for Bigamy remains unjustified for failure of the prosecution to prove, beyond reasonable doubt, all the elements of the felony.

Rommel is guilty of violating Article 350 of the RPC.

Notwithstanding the conclusion that Rommel cannot be convicted of Bigamy, the Court nevertheless finds him guilty of violating Article 350 of the RPC.

In accordance with the variance doctrine under Sections 4 and 5,¹⁸⁰ Rule 120 of the Rules of Court, the accused may be convicted of a crime based on the prosecution's evidence that is different from the crime charged, if the crime proved is included in the crime charged. The crime charged necessarily includes the crime proved if some of the essential elements of the crime charged, as alleged in the complaint or information, constitute the crime proved.

Here, the act penalized in Article 350 of the RPC is subsumed or included in the crime charged, which is Bigamy as defined in Article 349

¹⁷⁸ Under Articles 3 and 6 of the Family Code, the minimum requirements for a valid marriage ceremony are: (1) there should be personal appearance of the contracting parties before a solemnizing officer; and (2) their declaration in the presence of not less than two witnesses that they take each other as husband and wife. [*Ronulo v. People*, *supra* note 172].

¹⁷⁹ See *Enriquez v. Enriquez*, 8 Phil. 565, 567-568 (1907), where it was held that for there to be a valid marriage, it was necessary to prove that a marriage ceremony in which a duly authorized solemnizing officer, then an ecclesiastical functionary, intervened to officiate or solemnize the marriage.

¹⁸⁰ Sections 4 and 5 of Rule 120 of the Rules of Court provide:

SEC. 4. *Judgment in case of variance between allegation and proof.* — When there is variance between the offense charge in the complaint or information and that proved, and the offense as charged is included in or necessarily includes the offense proved, the accused shall be convicted of the offense proved which is included in the offense charged, or of the offense charged which is included in the offense proved.

SEC. 5. *When an offense includes or is included in another.* — An offense charged necessarily includes the offense proved when some of the essential elements or ingredients of the former, as alleged in the complaint or information, constitute the latter. And an offense charged is necessarily included in the offense proved, when the essential ingredients of the former constitute or form part of those constituting the latter.

of the same Code. This may be gleaned from their respective definitions under the law, *viz.*:

ART. 349. *Bigamy*. --- The penalty of *prision mayor* shall be imposed upon any person who shall contract a second or subsequent marriage before the former marriage has been legally dissolved, or before the absent spouse has been declared presumptively dead by means of a judgment rendered in the proper proceedings.

ART. 350. *Marriage Contracted Against Provisions of Laws*. --- The penalty of *prisión correccional* in its medium and maximum periods shall be imposed upon any person who, without being included in the provisions of the next preceding article, shall contract marriage knowing that the requirements of the law have not been complied with *or that the marriage is in disregard of a legal impediment*.

If either of the contracting parties shall obtain the consent of the other by means of violence, intimidation or fraud, he shall be punished by the maximum period of the penalty provided in the next preceding paragraph. (Italics supplied)

The following are the elements of Bigamy: (1) that the offender has been legally married; (2) 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; (3) that he or she contracts a second or subsequent marriage; and (4) that the second or subsequent marriage has all the essential requisites for validity.¹⁸¹

Meanwhile, the following are the elements of the felony of *knowingly contracting a marriage against provisions of law*, as punished under Article 350 of the RPC: (1) the accused contracts a marriage; (2) in contracting the marriage, the accused *knows* that the *requirements of law* for the marriage have not been complied with, or he or she knows that the marriage is *in disregard of a legal impediment*; and (3) the accused is not among the persons who are included in Article 349 of the RPC and punishable thereunder.¹⁸²

Undoubtedly, Bigamy under Article 349 of the RPC includes the felony of knowingly contracting a marriage against the provisions of laws under Article 350 of the same Code. Thus, in *Go-Bangayan v. Bangayan, Jr.*,¹⁸³ the Court affirmed the lower court's finding that when an essential element for the validity of the second marriage is lacking and is therefore

¹⁸¹ *Maiaki v. People*, *supra* note 38; *Pulido v. People*, *supra* note 38.

¹⁸² *See Perfecto v. Judge Esidera*, 764 Phil. 384, (2015).

¹⁸³ *Go-Bangayan v. Bangayan, Jr.*, 713 Phil. 502, 517-518 (2013), citing *People v. De Lara*, CA, 51 O.G., 4079.

void *ab initio*, apart from the legal impediment arising from the first marriage, the law violated is not Article 349, but Article 350 of the RPC.

A similar conclusion was reached by the Court in *Pulido*.¹⁸⁴

In connection with the above, the Information against Rommel states that he, “being legally married” to Magdalena on May 20, 2006, “without having said marriage legally dissolved pursuant to law, did then and there willfully, unlawfully and feloniously contract a second or subsequent marriage to [Maricar], to the damage and prejudice of [Magdalena].” Although the word, “knowingly” does not appear in the Information, the term, “willfully” conveys the same meaning as “knowingly”, because the “word 'willfully' carries the idea, when used in connection with an act forbidden by law, that the act must be done knowingly or intentionally.”¹⁸⁵

Accordingly, the Court concludes that the Information is sufficiently worded for the crime charged against Rommel to include the felony under Article 350 of the RPC. Hence, the Information satisfies the constitutional requirement for Rommel to be informed of the nature and cause of the accusations against him,¹⁸⁶ including his violation of Article 350 of the RPC.

As to the prosecution’s evidence, the Court finds it sufficient to prove, beyond reasonable doubt, that Rommel violated Article 350 of the RPC.

First, Rommel contracted a second marriage with Maricar, which was not denied by Rommel. Indeed, his defense as to the charge of Bigamy is the lack of authority of the solemnizing officer and the absence of a marriage ceremony, not that he never contracted a marriage with Maricar.

That Rommel contracted a second marriage is proven by the Marriage Certificate between Maricar and Rommel, the authenticity and existence of which was admitted by the defense.

¹⁸⁴ In *Pulido*, *supra* note 38, the Court held that an accused who contracts a void *ab initio* marriage may escape liability for Bigamy but may be found guilty of violating Article 350 of the RPC.

¹⁸⁵ *United States v. Bull*, 15 Phil. 7, 18–19 (1910).

¹⁸⁶ See Section 14, Article III of the 1987 Constitution. The constitutional right of the accused is satisfied if, from the wording of the Information, a person of ordinary intelligence would understand the nature and cause of the accusation against him or her, and may therefore prepare an adequate defense against it. [*Enrile v. People*, 766 Phil. 75, 106 (2015)].

To clarify, the Marriage Certificate, though considered as a private document and is no longer taken as *prima facie* evidence of its contents, may still serve as evidence for the prosecution, and the Court is permitted to draw inferences of facts therefrom, as allowed by Section 4,¹⁸⁷ Rule 133 of the Rules of Court. Indeed, nothing in Section 6, Rule 131 of the Rules of Court precludes the courts' determination of the existence or non-existence of facts in issue by drawing reasonable factual inferences from the entire evidence on record and all the circumstances bearing on the crime charged.¹⁸⁸ Neither does the rule dispense with the power of the courts to evaluate the credibility of witnesses and the probative weight of their testimonies to establish a fact.¹⁸⁹

Instead, what Section 6, Rule 131 of the Rules of Court prohibits is the use of evidentiary presumptions "only when they operate, ultimately, to relieve the State of its burden of persuasion in a criminal case, *i.e.*, its burden of proving beyond a reasonable doubt all the facts necessary to constitute the offense when the issue of their existence becomes an issue in the case."¹⁹⁰

Significantly, the Court has recognized that the act of signing a Marriage Certificate serves as evidence of contracting a marriage.¹⁹¹ Thus, the Marriage Certificate still serves as evidence for the prosecution to establish that Rommel voluntarily signed the Marriage Certificate and made it appear that he was taking Maricar as his wife. It is not amiss to

¹⁸⁷ Section 4, Rule 133 of the Rules of Court states:

Section 4. Circumstantial evidence, when sufficient. — Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

Inferences cannot be based on other inferences.

¹⁸⁸ See *Dejoinville v. Commonwealth*, *supra* note 139, where the Massachusetts court allowed the jury to infer malice based on the presumption that every person intends the natural or probable consequence of his or her voluntary acts, and *Commonwealth v. McInerney*, 380 Mass. 59, 401 N.E.2d 821 (1980), where the Massachusetts court allowed a jury instruction stating that malice may be inferred from the intentional use of a deadly weapon.

See also *State v. Evans*, *supra* note 143, at 207 (Md. 1976), which clarifies that, "nothing in *Mullaney* per se precludes the use of traditional presumptions or logical inferences arising from established facts; what *Mullaney* precludes is the use of such presumptions or inferences only when they operate, ultimately, to relieve the State of its burden of persuasion in a criminal case."

¹⁸⁵ See *Commonwealth v. Medina*, 380 Mass. 565, 404 N.E.2d 1228 (1980), and *Commonwealth v. Dunphy*, 377 Mass. 453, 456 (Mass. 1979), where the testimonies of police officers concerning the crime charged were found credible, having obtained personal knowledge thereof in the course of the performance of their official duties.

¹⁹⁰ *State v. Evans*, *supra* note 143.

¹⁹¹ *De Loria v. Felix*, 104 Phil. 1, 4-5 (1958).

point out that Rommel never denied that he signed the Marriage Certificate, which states that he and Maricar, “of their own free will and accord,”¹⁹² took “each other as husband and wife.”¹⁹³

In addition, the second marriage was proven by the testimony of Maricar, who narrated that on September 7, 2013, the Civil Registrar appeared to officiate her wedding with Rommel, and that he was present when she and Rommel signed their Marriage Certificate. Myra likewise testified that she saw Rommel sign the Marriage Certificate.

Second, the marriage between Rommel and Maricar is contrary to law. Indeed, under Article 41¹⁹⁴ of the Family Code, Rommel cannot contract a second marriage with Maricar on September 7, 2013, because he has a prior marriage with Magdalena that was celebrated on May 20, 2006. The prosecution proved the legal impediment through Magdalena’s testimony, the Marriage Certificate for Rommel and Magdalena’s marriage bearing his signature, and the birth certificates of their children. Significantly, Rommel never denied his first marriage to Magdalena.

Further, Rommel contracted the second marriage with Maricar, knowing that his first marriage to Magdalena is a legal impediment, the first marriage was never dissolved, and the requirements of Article 40¹⁹⁵ of the Family Code have not been complied with. Rommel’s knowledge of his first marriage as a legal impediment is again proven by the Marriage Certificate, where Rommel indicated that his civil status was “[s]ingle.”¹⁹⁶ Certainly, Rommel would not have indicated that he was “single” in the Marriage Certificate if he did not know that his first marriage was a legal impediment to the second marriage.¹⁹⁷ Pertinently, Rommel did not deny this entry in the Marriage Certificate.

¹⁹² *Rollo*, p. 78.

¹⁹³ *Id.*

¹⁹⁴ Article 41 of the Family Code provides:

ARTICLE. 41. A marriage contracted by any person during subsistence of a previous marriage shall be null and void, unless before the celebration of the subsequent marriage, the prior spouse had been absent for four consecutive years and the spouse present has a well-founded belief that the absent spouse was already dead. In case of disappearance where there is danger of death under the circumstances set forth in the provisions of Article 391 of the Civil Code, an absence of only two years shall be sufficient.

¹⁹⁵ Article 40 of the Family Code provides:

Article 40. The absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis solely of a final judgment declaring such previous marriage void.

¹⁹⁶ *Rollo*, p. 78.

¹⁹⁷ *See United States v. Arceo*, 11 Phil. 530, 533–537 (1908), where it was held that the act of concealing his true status as a married man by indicating that his civil status was, “single,” in the marriage certificate, and making the second spouse believe that he was unmarried, constituted evidence of criminal intent to commit Bigamy.

Likewise, Magdalena testified that when she communicated with Rommel and asked him if he did marry Maricar, Rommel denied the second marriage.¹⁹⁸ Rommel's denial of the second marriage indicates his awareness that his first marriage to Magdalena is a legal impediment to the subsequent marriage with Maricar.

Maricar's testimony may also be taken as evidence of Rommel's knowledge that his first marriage is a legal impediment to his marriage to Maricar. Specifically, Maricar testified that she did not know that Rommel was previously married to Magdalena.¹⁹⁹ This supports the conclusion that Rommel concealed from Maricar his first marriage, which implies that he knows that his first marriage is a legal impediment to his second marriage to Maricar.²⁰⁰

In addition, the Marriage Certificate states that Marriage License No. 0015822 was issued to Rommel and Maricar on September 6, 2013, a day before their marriage. Under Article 11²⁰¹ of the Family Code, an applicant for a marriage license must file a sworn application indicating his or her civil status, among others. Rommel would not have secured a marriage license if he did not indicate in the sworn application for a marriage license that he was single.

Moreover, Magdalena testified that her marriage to Rommel was not dissolved.²⁰² As explained by the Court in *Pulido*, even assuming that Rommel's first marriage to Magdalena was void, Article 40 of the Family Code dictates that "*a final judgment declaring it void for purposes of remarriage is required.*" Evidently, Rommel contracted the second marriage to Maricar without complying with the requirements of Article 40 of the Family Code.

In any event, over and above the foregoing pieces of evidence, Article 3 of the Civil Code clearly states that "[i]gnorance of the law

¹⁹⁸ *Rollo*, p. 27.

¹⁹⁹ *Id.* at 64.

²⁰⁰ *United States v. Arcozo*, *supra* note 197.

²⁰¹ Article 11 of the Family Code provides:

ARTICLE 11. Where a marriage license is required, each of the contracting parties shall file separately a sworn application for such license with the proper local civil registrar which shall specify the following:

(4) Civil status;

(5) if previously married, how, when and where the previous marriage was dissolved or annulled[.]

²⁰² *Rollo*, pp. 26-27.

excuses no one from compliance therewith.” The accused is presumed to know the law, including the provisions of the Family Code on legal impediments to marriage, the essential and formal requisites for its validity, and the requirement of a prior judgment declaring the first marriage void for the purpose of remarriage.²⁰³ This presumption stands against Rommel, absent any sufficient evidence to the contrary.

Third, as discussed above, Rommel is not among the persons who are included in Article 349 of the RPC and punishable thereunder due to the absence of all the essential and formal requisites of his second marriage to Maricar.

It must be emphasized that Articles 349 and 350 of the RPC are crimes against the civil status of persons,²⁰⁴ which were enacted “to support the sanctity of the marriage relation and the welfare of society.”²⁰⁵ They criminalize the act of making an “unlawful contract and the abuse of the formality which the law has enjoined as requisite to the creation of the marital relation,” because of its “outrage upon public decency, its violation of the public economy, as well as its tendency to cheat one into a surrender of the person under the appearance of right.”²⁰⁶ Simply, the law acknowledges that while a second marriage may be void *ab initio* due to the existence of a legal impediment or absence of any of the essential requisites for a valid marriage, it may still produce legal consequences in that the parties thereto may incur criminal liabilities for either Article 349 or Article 350 of the RPC.²⁰⁷

Thus, by signing the Marriage Certificate and going through a sham marriage with Maricar on September 7, 2013, *knowing* that he was previously married to Magdalena and that the first marriage was never dissolved or declared void *ab initio* pursuant to Article 40 of the Family Code for the purpose of remarriage, Rommel violated Article 350 of the RPC.²⁰⁸

As to the penalty to be imposed, Article 350 of the RPC prescribes the penalty of *prision correccional* in its medium and maximum periods.

²⁰³ *Marbella-Bobis v. Bobis*, 391 Phil. 648, 655–656 (2000); *Diego v. Castillo*, 479 Phil. 705, 710–711 (2004), citing *People v. Bitdu*, 58 Phil. 817 (1933).

²⁰⁴ *People v. Nepomuceno, Jr.*, 159-A Phil. 771, 775–776 (1975).

²⁰⁵ *United States v. Ali*, 557 F.3d 715, 720 (6th Cir. 2009).

²⁰⁶ *Id.* at 724, citing *Allen v. State*, 17 Ga.App. 431, 87 S.E. 681 (1916).

²⁰⁷ See *Tenebro v. Court of Appeals*, *supra* note 126, at 741–742.

²⁰⁸ *State v. Fitzgerald*, 240 Kan. 187, 189–90 (Kan. 1986); *Stevens v. State*, 243 S.W.2d 162, 163 (Tex. Crim. App. 1951)

Taking into consideration the Indeterminate Sentence Law, and there being no mitigating or aggravating circumstance, Rommel is sentenced to suffer the indeterminate penalty of six (6) months of *arresto mayor*, as minimum, to three (3) years, six (6) months, and twenty-one (21) days of *prision correccional*, as maximum, subject to deductions for the period of time when Rommel was under preventive detention.²⁰⁹

There being no finding of damages in favor of Magdalena by the RTC, the Court likewise makes no finding of damages in her favor.²¹⁰

*A Summary of the Application of Section 6,
Rule 131 of the Rules of Court*

In closing, the Court finds it proper to summarize the applicable rules whenever the State utilizes an evidentiary presumption in seeking to establish guilt by negating a defense or proving an element of the crime charged.

As to the existence of the basic fact, Section 6, Rule 131 of the Rules of Court dictates that before any inference or presumption may be made, the basic fact from which the inference is to be drawn must be proven by the prosecution with evidence beyond reasonable doubt. To determine whether the prosecution has discharged its burden of proof, the Court may consider all the means sanctioned by the Rules of Court in ascertaining matters in judicial proceedings, such as judicial admissions, matters of judicial notice, stipulations made during the pre-trial and trial, as well as other admissions and presumptions.²¹¹

As to the nature of the inference to be made from the basic fact in criminal proceedings, *Bañares*²¹² provides that there must be a rational connection, rooted in common experience, between the basic fact proved and the fact inferred or presumed, so that the inference or presumption is not unreasonable, arbitrary, and nothing more than “a natural inference” from the fact proved. In addition, the presumption cannot be conclusive, and should create no more than a *prima facie* evidence of guilt, such that it may still be *rebutted* by the accused.

²⁰⁹ *People v. Mercado*, 216 Phil. 469, 474 (1954).

²¹⁰ See by analogy *Munuel v. People*, *supra* note 156, and *Mercado v. Ongpin*, *supra* note 156.

²¹¹ See *Sy v. People*, *supra* note 108.

²¹² *Bañares v. Court of Appeals*, *supra* note 98.

As to the extent of the burden shifted to the accused by an evidentiary presumption, the burden of the accused to “go forward” with proof does not extend to the burden of proving his or her innocence.²¹³ Instead, the accused need only refute the presumed fact and rebut the evidentiary presumption that the prosecution seeks to utilize against him or her.

*As to the quantum of proof that is sufficient for the accused to rebut an evidentiary presumption, Mullaney²¹⁴ and Catimbang²¹⁵ decree that an evidentiary presumption under Section 6, Rule 131 of the Rules of Court simply places upon the accused the burden of going forward with the evidence by presenting *substantial evidence* of a defense contradicting the presumed fact, so that the presumption totally dissipates, and the presumed fact continues to be a fact in issue that must be proven by the prosecution beyond reasonable doubt.*

*As to the standard that must be applied to determine if the accused was able to sufficiently rebut an evidentiary presumption, Section 6, Rule 131 of the Rules of Court must be applied, which states that that the presumed fact must follow from the basic fact *beyond reasonable doubt*. Hence, if there is even an *iota of doubt* if the presumed fact follows from the basic fact, the inference must not be made from the basic fact, and the presumption must be deemed overthrown. The effect is to shift the burden back to the prosecution to prove the presumed fact with evidence beyond reasonable doubt.*

Any evasion, false statement, or attempt at concealment on the part of the accused may be regarded as proof of guilt and considered in assessing whether the accused’s evidence is sufficient to rebut the presumption.²¹⁶

Finally, Section 6, Rule 131 of the Rules of Court does not prohibit courts from drawing reasonable inferences of facts from the entire evidence on record and all the circumstances bearing on the crime charged; on the contrary, this is permitted under Section 4, Rule 133 of the same Rules.²¹⁷ Section 6, Rule 131 of the Rules of Court also does not divest

²¹³ *United States v. Catimbang*, *supra* note 132; *Macbunga v. People*, *supra* note 87; *People v. Geron*, *supra* note 134.

²¹⁴ *Mullaney v. Wilbur*, 421 U.S. 684 (1975). See also *Patterson v. New York*, 432 U.S. 197 (1977).

²¹⁵ *United States v. Catimbang*, *supra* note 132.

²¹⁶ *People v. Burton*, *supra* note 135, and *Wilson v. United States*, *supra* note 140.

²¹⁷ See *Dejoinville v. Commonwealth*, *supra* note 139, *Commonwealth v. McInerney*, *supra* note 188, and *State v. Evans*, *supra* note 143.

the courts of their power to evaluate the credibility of witnesses and the probative weight of their testimonies to establish a fact.²¹⁸ Instead, what the rule prohibits is the use of evidentiary presumptions that operate in a way that relieves the State of its burden of persuasion in a criminal case, *i.e.*, to establish guilt and prove each element of the crime charged with evidence beyond reasonable doubt.²¹⁹


WHEREFORE, the Petition is **GRANTED IN PART**. The Decision dated July 16, 2021, and the Resolution dated June 7, 2022, of the Court of Appeals in CA-G.R. CR No. 44190, finding petitioner Rommel Genio y Santos guilty of the crime of Bigamy under Article 349 of the Revised Penal Code are **SET ASIDE** on the ground of reasonable doubt.

The Court hereby finds petitioner Rommel Genio y Santos **GUILTY** beyond reasonable doubt of *knowingly contracting a marriage against provisions of laws*, as defined and penalized under Article 350 of the Revised Penal Code, and sentences him to suffer the indeterminate penalty of six (6) months of *arresto mayor*, as minimum, to three (3) years, six (6) months, and twenty-one (21) days of *prision correccional*, as maximum.

The period of preventive detention of petitioner Rommel Genio y Santos shall be deducted from his sentence.

No pronouncement as to civil damages.

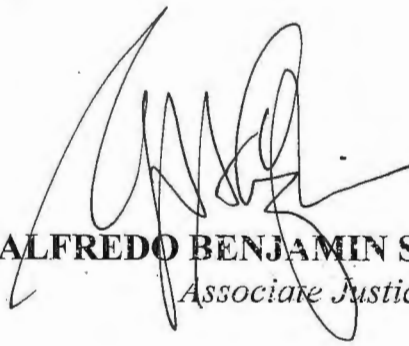
SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice


²¹⁸ See *Commonwealth v. Medina*, *supra* note 189, and *Commonwealth v. Dunphy*, *supra* note 189.

²¹⁹ *State v. Evans*, *supra* note 142.

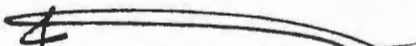
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



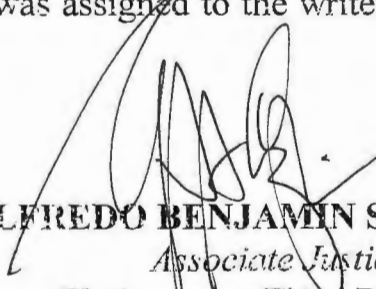
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

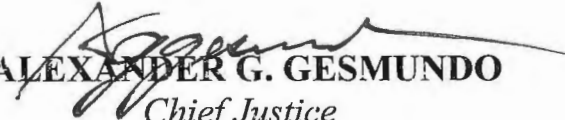


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division



CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

