



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

ARIEL CADAYDAY SINGGIT*
AND GENIVIEVE MAYONDO
BUT-AY,

Petitioners,

G.R. No. 264179

Present:

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

- versus -

PEOPLE OF THE PHILIPPINES,
 Respondent.

Promulgated:
February 27, 2023

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DECISION

GAERLAN, J.:

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, as amended, assailing the Decision² dated May 18, 2021 and the Resolution³ dated June 21, 2022 of the Court of Appeals (CA) in CA-G.R. SP No. 13876.

The CA stamped its imprimatur on the Decision⁴ dated May 20, 2019 and the Order⁵ dated July 8, 2019 of Branch 65, Regional Trial Court (RTC) of Talisay City, Cebu in Criminal Case No. TCA-2017-54 which, in turn, affirmed

* Also spelled as “Sinngit” and “Singit” in some parts of the *rollo*.

¹ *Rollo*, pp. 7-32.

² Id. at 45-58. Penned by Associate Justice Roberto P. Quiroz with Associate Justices Marilyn B. Lagura-Yap and Bautista G. Corpin, Jr. concurring.

³ Id. at 37-38. Penned by Associate Justice Marilyn B. Lagura-Yap with Associate Justices Bautista G. Corpin, Jr. and Rogelio G. Largo concurring.

⁴ Id. at 175-180. Rendered by Presiding Judge Glenda C. Go.

⁵ Id. at 163-164.

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the December 5, 2017 Decision⁶ issued by Branch 1 of the Municipal Trial Court in Cities (MTCC) of Talisay City, Cebu in Criminal Case No. 14394 convicting petitioners Ariel Cadayday Singgit (Ariel) and Genivieve Mayondo But-ay (Genivieve) of the crime of concubinage.

Antecedents

Ariel and Genivieve were both indicted by virtue of an Information dated November 19, 2013, the accusatory portion of which reading as follows:

That sometime in the year 2010 and for sometime prior and subsequent thereto, in the City of Talisay, Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, **ARIEL CADAYDAY SINGGIT**, being then previously united in lawful marriage with one **CONSANTA RUBIO SINGGIT**, did then and there, willfully, unlawfully and feloniously cohabit and lived together with his co-accused **GENIVIEVE [MAYONDO] BUT-AY**, a woman who is not his wife, living with her as husband and wife in a private dwelling, begetting out of such cohabitation, a child named Jael Rhian Singgit, the co-accused Genivieve [Mayondo] But-ay knowing fully well that accused Ariel Cadayday Singgit is very much married man.

CONTRARY TO LAW.⁷

Upon arraignment, Ariel and Genivieve pleaded not guilty. Thus, trial ensued.

Version of the Prosecution

The evidence for the prosecution were summarized by the CA as follows:

Consanita R. Singgit (private complainant) testified that she and petitioner Ariel Cadayday Singgit (Ariel) are legally married and have five (5) children. In April 2008, she caught her husband having a mistress. Because she had a heart problem, she left their conjugal home at Sitio Fatima, Lagtang, Talisay City and moved to her parents' house in Negros. By then, her husband had sexual relations with many women. In 2008, she saw her husband holding hands with his mistress and discovered text messages on her husband's mobile phone from a girl who, according to her daughter, kept calling her husband. In 2010, her husband brought his mistress whom she later identified as petitioner Genivieve But-ay (Genivieve) to their conjugal

⁶ Id. at 204-217. Rendered by Judge Mario V. Manayon.

⁷ Id. at 218. The Information was prepared by Prosecutor I Jenelyn V. Forrosuelo, Reviewed by Assistant City Prosecutor Benjo Luther A. Macion and, ultimately, approved by City Prosecutor Marshall L. Rubia.

dwelling and the two lived there. Her husband and Genivieve eventually had a child, who she saw on a Facebook page of petitioner Genivieve. Consequently, in January 2011, private complainant went back to their conjugal house together with a friend named Gemma and a barangay *tanod*, and there she saw her husband naked in a room with his mistress (Genivieve) standing beside him. Private complainant demanded her husband to leave their house because she and their children will occupy it, but her husband refused. In February 2011, private complainant, together with her same friend Gemma and a barangay *tanod*, again went to their conjugal home in Talisay. By that time, the mistress (Genivieve) was no longer there. Meanwhile, Ariel pushed private complainant while she was standing at the door. Subsequently, on August 13, 2013, private complainant had Genivieve summoned to the Barangay Hall. During their meeting, Genivieve admitted her illicit affair with Ariel in the presence of the Barangay Captain.

Gemma Samlero (Gemma) testified that she had known petitioner Ariel and private complainant for about eleven (11) years since her house is about 100 meters from the house of the married couple, and private complainant was her supplier of peanuts for a long time. In September 2010, she and private complainant agreed to go to the latter's conjugal house. However, on their agreed date, private complainant did not arrive. So Gemma decided to go to private complainant and Ariel's house on her own. When she arrived, she saw Ariel and a woman, who she later learned was named Genivieve, washing the plates and cooking. Gemma asked a neighbor who is the woman with Ariel, and the neighbor replied that the said woman is the new wife of Ariel. On another date, Gemma together with private complainant went back to the house where Ariel was living. There, she saw Genivieve sitting on the bed while private complainant was arguing with her husband.

Sandra Bacalso (Sandra) testified that she had known private complainant and her husband for ten (10) years since they were neighbors at Lagtang, Talisay City. Sandra also used to deliver sweetened peanuts for the couple and did their laundry at their house. She narrated that she came to know about Genivieve in 2009, when she was introduced by Ariel as his new wife. In fact, she would always see Genivieve come out from Ariel's house. Sandra contended that from the year 2009, private complainant was no longer living with her husband since she (private complainant) went to Negros. She only saw private complainant again in 2011. Occasionally, though, private complainant would call her to ask if the two petitioners were at the house, which she answers in the affirmative. In February 2011, private complainant went back to Talisay and asked Sandra to accompany her to seek assistance from the barangay *tanods*, however Sandra refused. She suddenly saw private complainant pass by with the barangay *tanods* on their way to where Ariel was living. Then, she heard loud voices coming from her neighbor's house.⁸

Version of the Defense

Ariel and Genivieve's countermanding evidence were likewise synthesized by the CA in the following manner:

⁸ Id. at 46-48.



Petitioner Ariel testified that private complainant is his wife whom he had five (5) children. In 2007, he and private complainant were living in Lagtang, Talisay, Cebu. At that time, two (2) of their children were studying in a private school. He professed that he suggested to his wife that when their three (3) younger children would reach school age, they should be sent to a public school since a private school would be too expensive, but his wife did not agree. In December 2007, his mother-in-law went to their house in Lagtang to fetch their entire family to spend Christmas in Dumaguete. In January the following year, he and his two daughters went back to their house in Talisay, Cebu as the two had to go to school and he had to go back to work in the Bible Baptist Church. In April 2008, private complainant came to fetch their two daughters. His wife also went to his place of work to ask for the keys and the registration papers of his motorcycle. When he came home, he noticed that the lights of their house were broken, his guitar was destroyed, and his shoes and his clothes scattered. He called his wife but he could no longer contact her. He then went to Dumaguete where his wife is staying to try and talk to her. He asked his wife why she destroyed all his things and he was told that she is separating him as he had no money. After a week, petitioner Ariel again tried to talk to his wife, but since she would no longer talk to him, he decided to go back to Cebu. Since then, he still frequently visits his family in Dumaguete and one day learned that they transferred to an apartment. When he went to the apartment, he was told by his wife to leave because they did not need him anymore. He tried to approach her, but his wife grabbed a knife and threatened to stab him if he would not leave. The next time he went to Dumaguete, he went straight to their children's school where he would meet them. However, when he went back to the school the security guard already refused to let him in. Petitioner went to his mother-in-law and was told to just give his wife time. That was the last time he attempted to visit his family since he learned that his wife and children transferred to Ozamis. Meanwhile, in Cebu, petitioner stayed at the Bible Baptist Church and just visits his and his wife's former house in Lagtang, Talisay, which was occupied by another couple named Eboy and Nilda. One time in 2011, while he and spouses Eboy and Nilda were eating at their house in Lagtang Talisay, his wife, accompanied by Gemma and barangay tanods, arrived. His wife threw at him a part of an apple she was eating, and told him to leave the place because she will use it. He told his wife he will only leave the house if their children will not permit him to live there. After a month, his wife came back with a barangay tanod and invited him to the Barangay Hall. There, he was told to leave their house because his wife and children will be using it. As a consequence, he looked and found another place to stay.

Petitioner Ariel further narrated that after his wife separated him in 2008, he felt alone and lonely. So in 2010, he decided to ask his niece to introduce him to a text mate. In turn, he was given petitioner Genivieve's number who was 19 years old at that time. After exchanging messages, he met Genivieve and from their first meeting they formed a relationship. He did not tell Genivieve that he was married. One day, he brought Genivieve to a motel and promised to marry her. Five (5) months after, they learned that Genivieve became pregnant. Because of the pregnancy, Ariel told his lover to go to her home in Tanjay City, Dumaguete, while he remained in Cebu. However, when Genivieve was about to give birth, she called and told him she wanted him to be with her when she gives birth. So Ariel told Genivieve to come back to Cebu. As soon as Genivieve arrived in Cebu, they went to Lianga, Mindanao where Genivieve's elder brother was residing. Ariel

explained that he wanted Genivieve to give birth in Mindanao because he was afraid she would know he was married. He and Genivieve stayed in Mindanao for about four (4) months, then they transferred to Negros where Genivieve's parents were residing. He was told by Genivieve's parents that he should marry their daughter. In turn, he told them that he would go back to Cebu to save some money. It was only when he came back to Cebu and was summoned by his wife to the Barangay Hall that Genivieve learned that he was a [sic] married to private complainant.

For her part, petitioner Genivieve narrated that one day she suddenly received a call from someone named Rey. At that time she was 19 years old when Rey courted her and they became lovers. One day, Rey invited her to a date and brought her to a motel. She protested at first, but she eventually lost her virginity to him. Their tryst was repeated several times in motels until she got pregnant. She told Rey about her pregnancy and he promised to marry her. Meanwhile, she returned to her hometown in Tanjay City, Negros where her parents told her to bring the father of her unborn child. Subsequently, she contacted Rey and asked him to meet her parents in Negros, and Rey promised that he would. However, a neighbor recognized Rey from a photo and informed her that Rey's true name is Ariel. When she confronted Rey about it, he admitted that his true name is indeed Ariel. When she confronted Rey about it, he admitted that his true name is indeed Ariel. After a few months, Ariel called her to tell her to go to Cebu. But when she arrived in Cebu, Ariel immediately brought her to Mindanao, where she ended up delivering their child. Three (3) weeks after giving birth, Ariel brought her to her parents' home in Negros. There, Ariel promised her parents he would marry her the following year. However, Ariel left for Cebu, and from that time he stopped communicating with her and never provided financial support. Suddenly, she was just told that she was being summoned to appear before the barangay. When she arrived, she was shocked when one Consanita Singgit told her that she was the wife of Ariel.⁹

The MTCC Ruling

The MTCC found Ariel and Genivieve guilty as charged. It ruled that the prosecution was able to establish beyond reasonable doubt all the elements of the crime of concubinage; that Ariel and Genivieve openly cohabited as husband and wife, with the former formally introducing the latter as his new wife to their neighbors; and that there was enough evidence to show that Genivieve was completely aware that Ariel is a married man when they cohabited together under one roof.

The dispositive portion of the MTCC's Decision reads as follows:

WHEREFORE, this court finds both accused guilty of the crime of Concubinage. Accused Ariel Singgit, the husband is sentenced to suffer the penalty of imprisonment from Six (6) months and one (1) day as minimum

⁹ Id. at 48-50.

to Four (4) years and two (2) months as maximum. Accused Genivieve Butay, the concubine shall suffer the penalty of *destierro*.

Cost is adjudged against the accused.

SO ORDERED.¹⁰

Aggrieved, Ariel and Genivieve interposed an appeal¹¹ to the RTC. They asserted, *inter alia*, that the use of the term “private dwelling” in the Information, instead of “conjugal dwelling,” is insufficient to charge them of the crime of concubinage. They posit that since a “private dwelling” is not part of the definition of concubinage under the Revised Penal Code (RPC), they could not be found guilty therefor.

The RTC Ruling

The RTC rejected Ariel and Genivieve’s supplication in its Decision¹² dated May 20, 2019. It ruled that notwithstanding the use of the term “private dwelling” instead of “conjugal dwelling” in the Information does not negate the crime of concubinage because “the word dwelling refers to abode, home, house, shelter, habitation, residence or living quarters, thus conjugal dwelling, or any other place, by logic and reason, is necessarily included in private dwelling.”¹³

Thus:

WHEREFORE, foregoing premises considered, the instant appeal is hereby dismissed. The Decision dated December 5, 2017 of the Municipal Trial Court in Cities, Branch 1, Talisay City, Cebu is hereby **affirmed**.

SO ORDERED.¹⁴

The Motion for Reconsideration¹⁵ filed by Ariel and Genivieve was denied by the RTC in its Order¹⁶ dated July 8, 2019.

Undaunted, Ariel and Genivieve filed with the CA a Petition for Review¹⁷ under Rule 42 of the Rules of Court, as amended, reiterating the arguments that they raised before the RTC.

¹⁰ Id. at 217.

¹¹ Id. at 181-203.

¹² Id. at 175-180.

¹³ Id. at 180.

¹⁴ Id.

¹⁵ Id. at 165-174.

¹⁶ Id. at 163-164.

¹⁷ Id. at 134-162.

The CA Ruling

In the herein assailed Decision¹⁸ dated May 18, 2021, the CA rebuffed Ariel and Genivieve's protestations. It held that the use of the term "private dwelling" in the Information is inconsequential because the same is deemed included in the third way of committing the crime of concubinage, *i.e.*, "by cohabiting with such woman in any other place."¹⁹

In addition, the CA ruled that, indeed, the prosecution was able to prove that Ariel and Genivieve cohabited with each other as husband and wife. It even pointed out that Genivieve herself admitted that she and Ariel lived together in Mindanao for months while awaiting the birth of their love child.

Ultimately, the CA decreed:

WHEREFORE, the *Petition* is **DENIED**. The assailed *Decision* dated May 20, 2019, of the Regional Trial Court, 7th Judicial Region, Branch 65, Talisay City, Cebu, in Crim. Case No. TCA-2017-54, is hereby **AFFIRMED**.

SO ORDERED.²⁰

Ariel and Genivieve filed a Motion for Reconsideration²¹ but the same was denied by the CA in the herein assailed Resolution²² dated June 21, 2022.

Hence, the present recourse.

Issue

Whether or not the CA erred in affirming the conviction of Ariel and Genivieve for the crime of concubinage

Ruling of the Court

At the outset, the Court notes that the petition does not contain any proof that Genivieve authorized Ariel or his counsel on record to file the same on her behalf. While Genevieve's signature appears in the Verification and

¹⁸ Id. at 45-58.

¹⁹ Id. at 53.

²⁰ Id. at 57-58.

²¹ Id. at 102-107.

²² Id. at 37-38.



Certification Against Forum Shopping²³ accompanying their Petition for Review with the CA, the Verification and Certification Against Forum Shopping²⁴ in the instant petition only contains Ariel's signature.²⁵ Nevertheless, the Court is guided by Section 11(a),²⁶ Rule 122 of the Rules of Court which provides that a favorable judgment shall benefit the co-accused who did not appeal. Unfortunately, that is not the case here.

We find the petition bereft of merit.

An Information is an accusation in writing charging a person with an offense, subscribed by the prosecutor and filed with the court.²⁷ It is deemed sufficient if the acts or omissions complained of are alleged in a way that enables a person of common understanding to know what offense is intended to be charged, allows them to prepare their defense, and equips the court to render proper judgment.²⁸

In *People v. Dimaano*,²⁹ the Court elucidated the following guidelines on what constitutes a sufficient Information:

For complaint or information to be sufficient, it must state the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate time of the commission of the offense, and the place wherein the offense was committed. What is controlling is not the title of the complaint, nor the designation of the offense charged or the particular law or part thereof allegedly violated, these being mere conclusions of law made by the prosecutor, but the description of the crime charged and the particular facts therein recited. The acts or omissions complained of must be alleged in such form as is sufficient to enable a person of common understanding to know what offense is intended to be charged, and enable the court to pronounce proper judgment. No information for a crime will be sufficient if it does not accurately and clearly allege the elements of the crime charged. Every element of the offense must be stated in the information. What facts and circumstances are necessary to be included therein must be determined by reference to the definitions and essentials of the specified crimes. The requirement of alleging the elements of a crime in the information is to inform the accused of the nature of the accusation against him so as to enable him to suitably prepare his defense. The presumption is that the accused has no

²³ Id. at 161.

²⁴ Id. at 32.

²⁵ Id.

²⁶ Section 11. *Effect of appeal by any of several accused.* —

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

²⁷ RULES OF COURT, Rule 110, Section 2.

²⁸ *Jalandoni v. Office of the Ombudsman*, G.R. No. 211751, May 10, 2021.

²⁹ 506 Phil. 630 (2005).

independent knowledge of the facts that constitute the offense.³⁰ (Citations omitted)

In *People v. Manalili*,³¹ We stressed:

The hornbook doctrine in our jurisdiction is that an accused cannot be convicted of an offense, unless it is *clearly* charged in the complaint or information. Constitutionally, he has a right to be informed of the nature and cause of the accusation against him. To convict him of an offense other than that charged in the complaint or information would be violative of this constitutional right. Indeed, the accused cannot be convicted of a crime, even if duly proven, unless it is alleged or necessarily included in the information filed against him.³² (Citations omitted)

Finally, in *Enrile v. People*,³³ the Court added:

A concomitant component of this stage of the proceedings is that the Information should provide the accused with fair notice of the accusations made against him, so that he will be able to make an intelligent plea and prepare a defense. Moreover, the Information must provide some means of ensuring that the crime for which the accused is brought to trial is in fact one for which he was charged, rather than some alternative crime seized upon by the prosecution in light of subsequently discovered evidence. Likewise, it must indicate just what crime or crimes an accused is being tried for, in order to avoid subsequent attempts to retry him for the same crime or crimes. In other words, the Information must permit the accused to prepare his defense, ensure that he is prosecuted only on the basis of facts presented, enable him to plead jeopardy against a later prosecution, and inform the court of the facts alleged so that it can determine the sufficiency of the charge.

Oftentimes, this is achieved when the Information alleges the material elements of the crime charged. If the Information fails to comply with this basic standard, it would be quashed on the ground that it fails to charge an offense. x x x³⁴ (Citations omitted)

Here, Ariel and Genivieve were charged with the crime of concubinage, the gravamen of which is the assault to the marital vow taken by the married party, as well as the attack on the family caused by the infidelity of the spouse.³⁵ It is defined and penalized under Article 334 of the RPC, *viz.*:

ARTICLE 334. *Concubinage*. — Any husband who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under

³⁰ Id. at 649-650.

³¹ 355 Phil. 652 (1998).

³² Id. at 684.

³³ 766 Phil. 75 (2015).

³⁴ Id. at 104-105.

³⁵ Arthur L. Abundiente, *The Revised Penal Code Annotated, Book II* (2021), p. 728.

scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place, shall be punished by *prisión correccional* in its minimum and medium periods.

The concubine shall suffer the penalty of *destierro*.

Prescinding from the foregoing, the elements of concubinage are:

1. That the man must be married;
2. That he committed any of the following:
 - i. Keeping mistress in a conjugal abode;
 - ii. Having sexual intercourse under scandalous circumstances with a woman who is not his wife;
 - iii. Cohabiting with her in any other place.
3. That as regards the woman, she must know him to be married.³⁶

The Court finds that the Information sufficiently established all the elements of concubinage, and that the same were proven by the prosecution. It states that Ariel is a married man who is cohabiting with his mistress in a private dwelling which, in this case, falls under the third manner of committed concubinage, *i.e.*, by cohabiting with his paramour in any other place.

The use of the term “private dwelling” in the Information, instead of “conjugal dwelling,” is of no moment because nothing therein limits the indictment to the first mode of concubinage. At this juncture, We quote with affirmation the following ratiocination of the CA:

In this case, petitioners argue that the *Information* alleged that they cohabited in a “private” dwelling and not a “conjugal” dwelling, hence, there can be no crime of concubinage. However, petitioners’ protestations are misplaced. To the mind of this Court, even if the word used in the *Information* is “private” dwelling, petitioners’ guilt under the third way of committing the crime of concubinage, *i.e.* “by cohabiting with such woman in any other place,” has been sufficiently proven by the prosecution. Simply put, the term private or conjugal dwelling is immaterial, in the same way that the presence of scandalous circumstance is irrelevant, if the crime was committed through the third way provided under the above-cited article, which is cohabitation “in any other place.”

It has been held that the term “cohabit” means to dwell together, in the manner of husband and wife, for some period of time, as distinguished

³⁶ Freddie M. Nojara, *Criminal Law Concepts and Jurisprudence* (2019), p. 787.

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from occasional, transient interviews for unlawful intercourse. And, whether an association, for illicit intercourse, has been such as to constitute an unlawful assumption of the conjugal relation, is, in every case a question of fact, and the extent of such association as to constitute a cohabitation within the meaning of the law, is a matter of the court's appreciation. The case of *People v. Ocampo* elucidated further, viz:

In the instant case, petitioner's conduct with his coaccused was not confined to isolated interviews for unlawful intercourse. He and his coaccused dwelt together as husband and wife in the same house in Naga, Camarines Sur, where they were seen attending shows and dances; again, in Tiwi, Albay, they dwelt together as husband and wife in the same house for seven days and nights where they slept together and alone in one room. We are of the opinion and so hold that such association is sufficient to constitute a cohabitation within the meaning of the law even disregarding proofs of actual sexual intercourse.³⁷

In any event, what is clear is that on the strength of the testimonies of the witnesses for the prosecution, as well as Genivieve's own admission, the crime of concubinage was proven beyond reasonable doubt in this case.

Sandra, one of the neighbors of Ariel and Consanita, categorically stated that Ariel introduced Genivieve to her as his new wife. Genivieve herself declared in open court that Ariel would go to her whenever he had time off from work. As correctly explained by the MTCC:

Viewed from these admissions even a skeptic could easily be convinced that accused Ariel Singgit and Genivieve But-ay live[d] together in one house while they were both in Agusan. Ariel brought Genivieve to Agusan to deliver their child obviously because he believed that in Agusan they were safe; out of the prying eyes of people who knew that he is married to the private complainant. And, it was important for him to show to Genivieve that he cares for her. His elder brother was cooperative and complicit. So, there was no reason at all why they would avoid living together in the same house. This fact was effectively admitted by accused Genivieve But-ay when she said that when Ariel was off from work or was not working he goes home to her. Under these circumstances, nobody would believe that accused did not cohabit in one house as husband and wife during the time that they both stayed in Agusan.³⁸

The Court finds no compelling reason to depart from the findings of the MTCC, as affirmed by the RTC and the CA. When the factual findings of the trial court are confirmed by the CA, said facts are final and conclusive on this

³⁷ *Rollo*, pp. 53-54; see *People v. Ocampo*, 72 Phil. 268, 270 (1941).

³⁸ *Id.* at 216.

Court, unless the same are not supported by the evidence on record,³⁹ which is not the case here.

The penalty for the crime of concubinage, as far as the offending spouse is concerned, is *prisión correccional* in its minimum and medium periods, or from six (6) months and one (1) day to four (4) years and two (2) months. As for the concubine, the penalty is *destierro*.


Under the circumstances, the proper penalty was imposed against Genivieve. However, the Court modifies Ariel's penalty.

Applying the Indeterminate Sentence Law, the maximum indeterminate term shall be taken from the maximum of the imposable penalty which, as stated above, is *prisión correccional* in its minimum and medium periods. The minimum indeterminate term shall be taken from the penalty next lower in degree, which is *arresto mayor* in its medium to maximum periods, or from two (2) months and one (1) day to six (6) months. The Court imposes this penalty against Ariel.

WHEREFORE, the petition is **DENIED** for lack of merit. The Decision dated May 18, 2021 and the Resolution dated June 21, 2022 of the Court of Appeals in CA-G.R. SP No. 13876 are hereby **AFFIRMED with MODIFICATION**. Petitioners **Ariel Cadayday Singgit** and **Genivieve Mayondo But-ay** are both found **GUILTY** beyond reasonable doubt of the crime of concubinage.

Petitioner **Ariel Cadayday Singgit** is sentenced to suffer the penalty of *arresto mayor* or imprisonment for two (2) months and one (1) day, as minimum, to six (6) months, as maximum. On the other hand, petitioner **Genivieve But-ay** shall suffer the penalty of *destierro*.

SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

³⁹ *Bank of the Philippine Islands v. Leobrera*, 461 Phil. 461, 469 (2003).

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



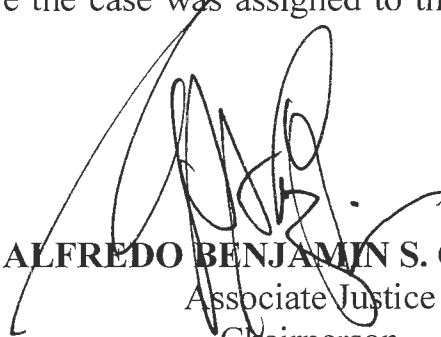
JAPAR B. DIMAAMPAO
Associate Justice



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

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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

J