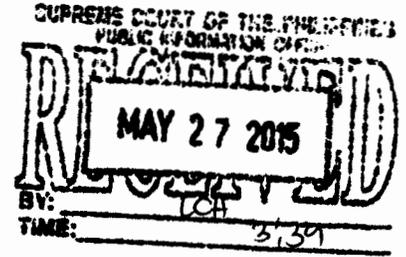ιρ

Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **April 20, 2015** *which reads as follows:*

"**G.R. No. 214018 (Melchor Aspa Sayson and Celia Bayking Leonor v. People of the Philippines).** - The undated compliance with the Resolution dated October 8, 2014 by Atty. Samuel SM Lezama, counsel for petitioners, stating therein his contact details is **NOTED** and **ACCEPTED**; and the petitioners' verified declaration with a CD containing the petition for review on certiorari and submitting the thereto attached copy of the Decision dated January 12, 2010 of the Regional Trial Court, Branch 58, San Carlos City, Negros Occidental, in compliance with the Resolution dated October 8, 2014 is **NOTED**.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the May 21, 2013 Decision[1] and July 31, 2014 Resolution[2] of the Court of Appeals (CA) in CA-G.R. CEB-CR No. 01528 for failure of Melchor Aspa Sayson and Celia Bayking Leonor (petitioners) to show any reversible error on the part of the CA in affirming their conviction as principal and accomplice, respectively, for the crime of Bigamy, defined and penalized under Article 349 of the Revised Penal Code (RPC), as amended.

Article 13 (2) of Presidential Decree No. (PD) 1083[3] states that "[i]n case of a marriage between a Muslim and a non-Muslim, solemnized not in accordance with Muslim law or this Code, the [Family Code of the Philippines, or Executive Order No. 209, in lieu of the Civil Code of the

- over - two (2) pages ......
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[1] *Rollo*, pp. 22-34. Penned by Associate Justice Maria Elisa Sempio Diy with Associate Justices Edgardo L. Delos Santos and Pamela Ann Abella Maxino, concurring.
[2] Id. at 35-38. Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Edgardo L. Delos Santos and Ramon Paul L. Hernando, concurring.
[3] Otherwise known as the "Code of Muslim Personal Laws of the Philippines," effective February 4, 1997.

Philippines], shall apply." As such, a Muslim man who shall knowingly contract a subsequent marriage without complying with the conditions set forth under PD 1083, as in this case, cannot claim exemption from liability for the crime of Bigamy.[4] Therefore, the fact that Melchor was a Muslim at the time of his marriage to Celia is inconsequential, and considering that all the elements[5] of the crime of Bigamy have been sufficiently established, petitioners' conviction must be upheld.

However, the Court modifies the penalty imposed to Melchor. Thus, he is sentenced to an indeterminate penalty of four (4) years and two (2) months of *prision correccional* in its medium, as minimum, and eight (8) years and one (1) day of *prision mayor* in its medium, as maximum. The rest of the Decision stands.

SO ORDERED."

Very truly yours,
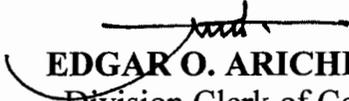
EDGAR O. ARICHETA
Division Clerk of Court
$\bar{\mathcal{O}}$ **324-A**

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Court of Appeals
6000 Cebu City
(CA-G.R. CEB CR No. 01528)

The Solicitor General (x)
Makati City

Judgment Division (x)
Supreme Court

The Hon. Presiding Judge
Regional Trial Court, Br. 58
San Carlos City 6127 Negros Occidental
(Crim. Case No. RTC-2849)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
    No. 12-7-1-SC)

SR

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[4]   See *Nollara, Jr. v.* People, G.R. No. 191425, September 7, 2011, 657 SCRA 330, 345-346; Article 180 of PD 1083 states:
        ART. 180. *Law applicable.* The provisions of the Revised Penal Code relative to the crime of bigamy shall not apply to a person married in accordance with the provisions of this Code or, before its effectivity, under Muslim law.
[5]   Elements of Bigamy: (1) that the offender has been legally married; (2) that the marriage has not been legally dissolved; (3) that he contracts a second or subsequent marriage; and (4) that the second marriage has all the essential requisites for validity.