



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ERWIN BONBON y TIA,
Petitioner,

G.R. No. 272844

Present:

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

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

FEB 24 2025
MISOCB-H

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DECISION

GAERLAN, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, as amended, assailing the Decision² dated September 8, 2023 and the Resolution³ dated January 19, 2024 of the Court of Appeals (CA), Cagayan de Oro City, in CA-G.R. CR No. 02312-MIN.

The challenged issuances dismissed the appeal and affirmed the Decision⁴ dated June 27, 2022 of Branch 11, Regional Trial Court (RTC) of Manolo Fortich, Bukidnon, convicting petitioner Erwin Bonbon y Tia and his co-accused Elizabeth Brua Bonbon of the crime of Bigamy as defined and penalized under Article 349 of the Revised Penal Code.

¹ *Rollo*, pp. 27–42.

² *Id.* at 12–24. Penned by Associate Justice Evalyn M. Arellano-Morales and concurred in by Associate Justices Anisah B. Amanodin-Umpa and John Z. Lee of the Twenty-Second Division, Court of Appeals, Manila.

³ *Id.* at 9–11.

⁴ *Id.* at 9. Rendered by Presiding Judge Jeanne Marie A. Abarrientos.

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Erwin and Elizabeth were indicted by virtue of an Information dated November 9, 2021, the accusatory portion of which reads:

That on or about the 1st of February 1999 at [the] Municipality of Baungon, province of Bukidnon, Philippines, within the jurisdiction of this Honorable Court, accused ERWIN BONBON y TIA, being legally married to one GEMMA CUNADA, and said marriage not been nullified, nor the latter been judicially declared presumptively dead, did then and there willfully, unlawfully and feloniously contract another marriage with co-accused ELIZABETH BRUA, when the latter did such fully aware the former to be married, to the damage of his wife GEMMA CUNADA.

CONTRARY to and in violation of Article 349 of the Revised Penal Code.⁵

Erwin and Elizabeth were arraigned on January 18, 2022. Assisted by counsel, they both entered a plea of “not guilty”.⁶

The facts established by the prosecution was summarized by the CA as follows:

Cecile Bonbon Waga (Cecile) attested that she and her sister Alice Bonbon-Ong (Alice) filed the Complaint for Bigamy against their younger brother, accused-appellant Erwin, and accused Elizabeth. She averred that sometime in the year 2020, when they obtained a Certification from the Philippine Statistics Office (PSA) as one of the requirements for processing the Government Service Insurance System (GSIS) benefits of their mother, they discovered that Erwin’s marriage with Elizabeth was already his third marriage. Erwin’s legal wife was Gemma Cunada (Gemma), who he married on 3 January 1988 in Cagayan de Oro City. While his marriage with Gemma was still subsisting, he contracted a second marriage with Rizalina on 18 June 1994, and a third marriage with Elizabeth on 1 February 1999. They have evidence showing that Elizabeth willingly participated in her bigamous marriage with Erwin with prior knowledge of the latter’s previous marriage; but they were bereft of evidence as to whether Rizalina willingly participated in her bigamous marriage with Erwin.

Cecile further attested that Elizabeth knew that Erwin was married to Gemma but married him anyway. Before Erwin and Elizabeth got married on 1 February 1999, their late mother Necitas Tia Bonbon (Necitas) refused to give her blessings when Elizabeth and her family went to their mother, who told them that Erwin was already married. Sometime in the year 1998 or a year before Erwin and Elizabeth got married, she heard that Elizabeth was looking for her. When they met in Divisoria, Cagayan de Oro, Elizabeth and her late sister Marites asked her if Erwin was married. She told both of them that Erwin was already married to Gemma and they have a child. They never knew that Erwin and Elizabeth got married; and none of them attended their wedding. Elizabeth just moved in later to Erwin’s house at their compound at

⁵ *Id.* at 13.

⁶ *Id.*

Nazareth, Cagayan de Oro City. Their late mother was very distressed that Erwin and Elizabeth were living together since she believed that she was a mistress.

Alice Bonbon-Ong corroborated Cecile's testimonies particularly as to the bigamous marriage contracted by Erwin and Elizabeth.

Atty. Chemene Nacua (Atty. Nacua), Investigation Agent at the National Bureau of Investigation (NBI), testified that she received a request to conduct an investigation dated 16 April 2021, in relation to the Complaint for Bigamy filed by Alice and Cecile with the NBI. Consequent thereto, their Office issued a subpoena duces tecum on 27 April 2021 to the Philippine Statistics Office (PSA) for the latter to furnish them with copies of the marriage certificates of Erwin Bonbon with Gemma Cunada, Rizalina Marcos and Elizabeth Brua. The NBI issued the said subpoena because of the PSA's policy that their office would not grant the marriage certificates to a private person, but only to law enforcement offices. Acting on the NBI's subpoena, the PSA gave three (3) copies of Erwin's marriage certificates with the three (3) different women. During cross-examination, Atty. Nacua testified that both Erwin and Elizabeth did not appear in the NBI Office despite the subpoena issued to them; but they only answered the allegations against them through a letter dated 18 May 2021, denying the allegations against them. Gemma and Rizalina, likewise, did not appear in their Office.⁷

Erwin and Elizabeth testified in their own defense. Their testimony tends to prove that:

For his defense, accused-appellant Erwin Tia Bonbon denied his sisters' accusation that he had committed the crime of Bigamy for marrying Elizabeth, despite being married to Gemma. He countered that he never intended to marry Elizabeth as it was his mother and his siblings who prodded and incited him to marry his girlfriend (Elizabeth), with whom he already had children. According to them, they might lose his children with Elizabeth, considering that she was hesitant to live with him at the Bonbon Compound at Nazareth, Cagayan de Oro City. Erwin did not tell Elizabeth that he was already married to Gemma because his mother and his siblings told him not to. When he informed his family that he impregnated Elizabeth sometime in 1995, his family told him to conceal the fact of his previous marriage. His mother and his family then decided to go to Medina, Misamis Oriental, where Elizabeth and her family lived. His mother and sister Cecile, with her husband June Waga, assured Elizabeth's parents that they would not run from his responsibilities and they were willing to arrange a marriage with her as soon as possible. They went on with their separate lives; and Elizabeth delivered their eldest child, Mae Ann, on 1 July 1996. When Elizabeth gave birth to their second child, James Brian Bonbon, on 31 March 1998, his mother felt worried that Elizabeth may discover his real status and leave, bringing his children. Thus, his mother instructed him to tell Elizabeth to live with him at the Bonbon Compound at Nazareth, Cagayan de Oro City. Since her sister Alice was the head nurse at the Northern Mindanao Provincial Hospital, she facilitated the preparation and filing of his children's birth certificates. His

⁷ *Id.* at 48–49.

mother told them to just have a “secret” civil marriage after Elizabeth told them that she was not comfortable living with him in the compound since she was not legally married to him. At first, Elizabeth was hesitant since his family promised a church wedding; but eventually, she agreed.

Erwin further averred that his siblings knew and were aware of their arrangement. In fact, they were the ones who suggested to arrange a wedding in one of Bukidnon’s Municipality, so that nobody would know. Their wedding took place before the Municipal Mayor of Baungon, Bukidnon. It was his mother who facilitated the required documents, considering that she worked in the Department of Interior and Local Government (DILG), Region X. Both his and Elizabeth’s family did not attend the wedding, as the latter felt betrayed and insulted on them having a “secret” civil marriage. Elizabeth lived with him at the Bonbon compound in Nazareth, Cagayan de Oro City. After several years, Elizabeth discovered that he was a married person. Sometime in the year 2012, Elizabeth confronted him about a National Statistics Office (NSO) certificate regarding his previous marriages. He told her that it was his mother and his family’s plan that they get married because they did not want to lose her grandchildren.

During cross-examination and the Court’s clarificatory questioning, Erwin testified that on the day of his alleged marriage with Elizabeth on 1 February 1999, he was only told by his mother to go to the mayor’s office in Libona, Bukidnon, together with Elizabeth, to have a “secret” wedding. Upon arriving thereat, Municipal Mayor Aurelio Lago was not around; and the secretary merely handed them a blank marriage contract and asked them to sign it. The witnesses to their marriage were also instructed to sign the blank marriage contract; and no ceremony took place.

For her part, Elizabeth countered that the accusation against her by her sisters-in-law Cecile and Alice was baseless and malicious and that they only filed the case for Bigamy to get even with their brother. At the time of their marriage, she had no knowledge that Erwin was previously married twice. She agreed to have a “secret” wedding with Erwin because it was upon the instruction of his mother. While she was hesitant at first because she promised them a church wedding, she eventually agreed because they already had two (2) children, and a civil wedding would be practical.

Prior to her marriage with Erwin, the latter, together with his mother and sister Cecile, went to her residence in Medina, Misamis Oriental, to formally ask her hand in marriage. After years of living with Erwin in the Bonbon compound, she observed that Erwin was a spoiled son, was irresponsible, a weakling, could not decide on his own, and would always seek the advice of his mother. Later, she observed that one share to the compound was given by her mother to a certain John Michael Bonbon, who, she discovered, was Erwin’s son from another woman.

When she inquired from the PSA sometime in the year 2012 regarding the civil status of Erwin, she, then, found out that he was already married twice, first with Gemma Cunada and second with Rizalina Marcos. She confronted Erwin about it and he told her that he impregnated a woman before whose father was an officer of the Army, and their families decided to marry them; but the woman eventually found another man and left him. From then on, he no longer lived with Erwin and just demanded from him to give

or provide her and their children with a basic shelter. Erwin agreed for them to use his share in the compound; and he then only visited his children from time to time. Elizabeth felt betrayed and disappointed with Erwin's mother and his siblings for concealing the real status of their brother. Had she known that Erwin was already married twice, she would not have married him. She further averred that the only reason she knew why Cecile and Alice filed the present case was because they wanted them to leave and vacate the compound.⁸

On June 27, 2022, the RTC rendered its Judgment the dispositive portion of which reads:

Wherefore, premises above considered, Judgment is hereby rendered finding accused Erwin Tia Bonbon and Elizabeth Brua, also known as Elizabeth Brua Bonbon, "GUILTY" beyond reasonable doubt of the crime of Bigamy.

Guilty as principal to the crime of Bigamy, and there being neither aggravating nor mitigating circumstances attendant to the commission of the said offense, accused Erwin Tia Bonbon is hereby sentenced to suffer the indeterminate penalty of imprisonment of four (4) years and Two (2) months of prision correccional medium, as the minimum, to eight (8) years and one (1) day of prision mayor medium as the maximum.

Being held guilty as accomplice to the crime as charged, in the absence of any mitigating and aggravating circumstances, and applying the Indeterminate Sentence Law, accused Elizabeth Brua, also known as Elizabeth Brua Bonbon, is sentenced to suffer the penalty of imprisonment of six (6) months of arresto mayor maximum, as the minimum, to four (4) years and two (2) months of prision correccional medium as the maximum.

Both accused shall serve their sentence at the Davao Prison Penal Farm, B.E. Dujali, Davao del Norte.

Let Order of Commitment (Mittimus) be issued.

SO ORDERED.⁹ (Emphasis in the original)

The RTC held that the presence of all the elements of Bigamy were undisputed. On the fourth element, the RTC refused to believe Erwin's allegation that he and Elizabeth merely signed a blank marriage contract without any marriage ceremony. Instead, it upheld the presumption of regularity accorded upon the marriage certificate as a public document.¹⁰

⁸ *Id.* at 49–51.

⁹ *Id.* at 18.

¹⁰ *Id.* at 18–19.

Only Erwin appealed to the CA. The CA affirmed the factual and legal conclusions of the RTC in its Decision¹¹ dated September 8, 2023.

Anent the fourth element relating to the validity of marriage, the CA further elaborated that even assuming that Erwin and Elizabeth's marriage is void, the liability for Bigamy still exists. Jurisprudence settled that so long as the first marriage was still subsisting when the second marriage was celebrated, the accused may still be charged with Bigamy.¹²

His motion for reconsideration having been similarly denied by the CA in its Resolution¹³ dated January 19, 2024, Erwin instituted the instant petition for review on *certiorari*.

The petition is ***not meritorious***.

It is settled that the Supreme Court is not a trier of facts. It is not its function to examine, review, or re-evaluate the evidence all over again. The issue of whether the prosecution's evidence proved the guilt of the accused beyond reasonable doubt is a question of fact.¹⁴

Factual findings of the trial court carry great weight and respect due to the unique opportunity afforded them to observe the witnesses when placed on the stand. This rule carries a more stringent application when the factual findings are sustained by the CA, as in the instant case.¹⁵ The Court sees no reason to deviate from this rule, particularly as it finds that the guilt of Erwin was established beyond reasonable doubt.

Preliminarily, the Court notes that prescription does not bar the instant action. While the bigamous marriage was celebrated in 1999, it was discovered only by the private complainants in 2020 and filed the instant case in 2022. Apart from Erwin's allegation, he failed to prove that the private complainants were aware of the bigamous marriage prior to 2020.¹⁶

As held in the case of *Sermonia v. Court of Appeals*,¹⁷ the rule on constructive notice cannot apply in the crime of Bigamy notwithstanding that its application may be more favorable to the accused. Hence, the prescriptive

¹¹ *Id.* at 12–24.

¹² *Id.* at 22.

¹³ *Id.* at 9–11.

¹⁴ *CICL XXX v. People*, 899 Phil. 467 (2021) [Per C.J. Peralta, First Division].

¹⁵ *Id.* at 471.

¹⁶ Articles 90–91, Revised Penal Code; *Sermonia v. Court of Appeals*, 303 Phil. 165, 169 (1994) [Per J. Bellosillo, First Division].

¹⁷ *Id.*

period for the offense should be counted not from the registration of the bigamous marriage but from the discovery thereof. This is because in Bigamy, the second marriage is generally held in secret which renders the discovery thereof difficult. The application of constructive notice would then render the prosecution of the violators of the crime almost impossible.¹⁸

In this case, the bigamous marriage was held in Bukidnon, away from Erwin and his first wife's residence in Misamis Oriental. Erwin alleged and Elizabeth corroborated that together with the former, his mother, and private complainant Cecile went to her house to ask her to go to her residence in Medina, Misamis Oriental, to formally ask her hand in marriage. This however does not translate to actual knowledge of the marriage ceremony. As even Erwin and Elizabeth admitted that none of their family members were present during their civil marriage ceremony. Even if we are to accept that Cecile was aware of the marriage, no similar allegation was made as to the other private complainant, Alice. At most, the defense merely alleged that Alice had a hand in the preparation and filing of the birth certificate of Erwin's children. No specific allegation was made as to how she was privy to the information that Erwin married Elizabeth.

In here, as the prosecution proved the elements of the offense beyond reasonable doubt, the burden of proof shifted to Erwin to substantiate his defense of actual knowledge on the part of the private complainants which renders the prosecution of the crime barred by prescription.¹⁹

The crime charged is Bigamy, a public crime;²⁰ defined and penalized under Art. 349 of the Revised Penal Code. Conviction of the crime requires that the prosecution must prove the existence of the following elements: (a) that the offender has been legally married; (b) that the first marriage has not been legally dissolved, or in case his or her spouse is absent, the absent spouse could not yet be presumed dead according to the Civil Code; (c) that he or she contracts a second or subsequent marriage; and (d) that the second or subsequent marriage has all the essential requisites for validity.²¹

The presence of the first three elements are undisputed; they are supported by the records and admitted by Erwin himself. The prosecution established that Erwin validly married Gemma Cunada on January 3, 1988. Thereafter, Erwin contracted marriages with two other women—Rizalina Marcos in 1994 and Elizabeth in 1999, without having his first marriage with Gemma legally dissolved.²²

¹⁸ *Id.* at 171.

¹⁹ *Cf. People v. Ganguso*, 591 Phil. 508, 521–522 (2008) [Per J. Velasco, Jr., Second Division].

²⁰ *Minoru Fujiki v. Marinay, et al.*, 712 Phil. 524, 551 (2013) [Per J. Carpio, Second Division].

²¹ *Pulido v. People*, 908 Phil. 573, 581 (2021) [Per J. Hernando, *En Banc*].

²² *Rollo*, pp. 20–21.

Anent the fourth element, the Court agrees with the conclusion reached by the RTC and the CA that Erwin's subsequent marriage to Elizabeth has all the requisite elements for validity. Erwin failed to establish his defense that the second marriage is void *ab initio* due to the absence of a marriage ceremony. Strikingly, other than Erwin's bare allegation, he failed to offer other evidence to support his allegation; there was no corroboration even from his co-accused Elizabeth. On this score, the Court quotes with approval the CA's disquisition:

Anent the fourth element, the prosecution also established that Erwin's third marriage with Elizabeth has all the essential requisites for validity. [Erwin's] assertion that his marriage with Elizabeth was a sham and was never voluntary or intentional on their part, could not be countenanced by this Court. The Certificate of Marriage dated February 1999, signed by both Erwin and Elizabeth, clearly indicates that they appeared before Municipal Mayor Rogelio S. Lago (solemnizing officer) on their own free will take each other as husband and wife, in the presence of the witnesses named in the marriage certificate. The solemnizing officer also certified that the parties had complied with the requisite marriage license, bearing number 2552837, issued 29 January 1999.

Under Section 44, Rule 130 of the Rules of Court, said Certificate of Marriage, being in the nature of a public document, is presumed to be prima facie correct or evidence of the facts stated therein . . .

More so, if there was, indeed, any truth that Erwin and Elizabeth's marriage was invalid because there was no actual ceremony of marriage that took place between them, Erwin should have presented any of the witnesses who appeared on their 1 February 1999 marriage to substantiate his claim. At the very least, this Court could only infer that Erwin's defense of an invalid marriage with Elizabeth was merely a way to escape his liability for Bigamy.²³

While the rule now stands that a void subsequent marriage is a valid defense in a criminal prosecution for Bigamy even without a judicial declaration of nullity,²⁴ nonetheless, the accused still cannot rely on mere allegations, but must present testimonial or documentary evidence to support the same. This is particularly true when the validity of the marriage alleged to be void is supported by public documents which have in their favor the presumption of regularity. The use of an evidentiary presumption in this case is sufficient to establish Erwin's guilt beyond reasonable doubt as the existence and authenticity of the public documents were admitted by the defense. Erwin having failed to rebut the presumption of regularity and accuracy of the marriage certificate and the marriage license, the facts stated therein prove the validity of his marital union with Elizabeth.²⁵

²³ *Id.* at 21–22.

²⁴ *Pulido v. People*, 908 Phil. 573 (2021) [Per J. Hernando, *En Banc*].

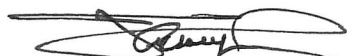
²⁵ *Santos v. People*, G.R. No. 261666, January 24, 2024 [Per J. Inting, Third Division].

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The penalty imposed by the RTC and the CA being proper, the same is also affirmed.

ACCORDINGLY, the instant Petition for Review on *Certiorari* is **DENIED**. The Decision dated September 8, 2023 and the Resolution dated January 19, 2024 of the Court of Appeals, Cagayan de Oro City, in CA-G.R. CR No. 02312-MIN are hereby **AFFIRMED**.

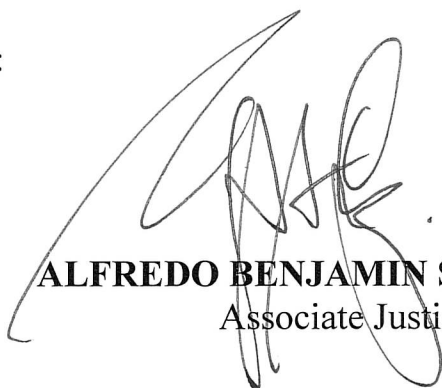
SO ORDERED.



SAMUEL H. GAERLAN

Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA

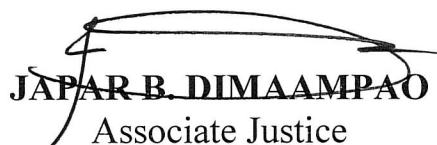
Associate Justice

*See Separate
Concurring Opinion*



HENRI JEAN PAUL B. INTING

Associate Justice



JAPAR B. DIMAAMPAO

Associate Justice

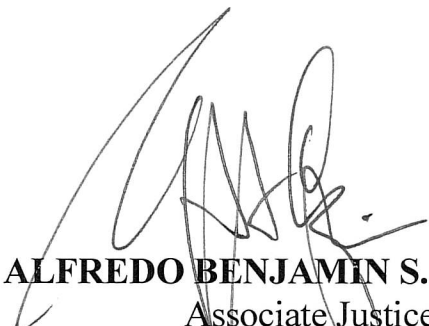


MARIA FILOMENA D. SINGH

Associate Justice

A T T E S T A T I O N

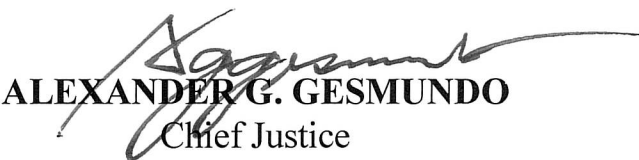
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 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