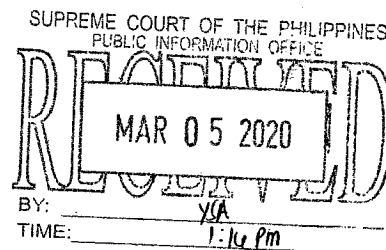




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **22 January 2020** which reads as follows:

“G.R. No. 249683 (Socorro U. Hernandez v. People of the Philippines and Jaime L. Balansay). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the December 20, 2018 Decision² and the October 8, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 38763 for failure of petitioner Socorro U. Hernandez (petitioner) to sufficiently show that the CA committed any reversible error in finding her guilty beyond reasonable doubt of the crime of Bigamy.

The Court further **NOTES** the *erratum* dated October 29, 2019 by petitioner’s counsel, stating that in the urgent motion for additional time to file petition for review on *certiorari*, he mistakenly averred that he has until December 22, 2019 within which to file the said petition when the correct deadline should have been on November 6, 2019 as he received a copy of the October 8, 2019 Resolution denying petitioner’s motion for reconsideration on October 22, 2019.

As correctly ruled by the CA, the prosecution was able to establish all the elements⁴ of the crime charged, as it was shown that at the time of the civil wedding between petitioner and private respondent Jaime L. Balansay on March 25, 1997, the former’s first marriage to Romulo Santiago Arsenio was still valid and subsisting, and that the same was only annulled on January 7, 1999.⁵ Records reveal that the prosecution was able to successfully disprove the certified true

¹ Rollo, pp. 23-71.

² Id. at 32-38. Penned by Associate Justice Ramon M. Bato, Jr. with Associate Justices Ramon A. Cruz and Ronaldo Roberto B. Martin, concurring.

³ Id. at 127-129.

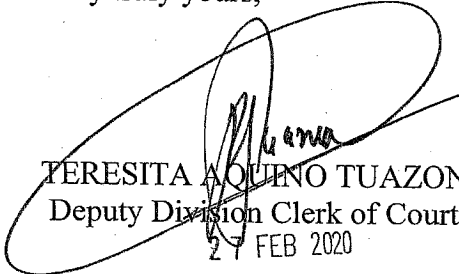
⁴ The elements of the crime of bigamy are the following: (a) the offender has been legally married; (b) the marriage has not been legally dissolved or, in case his or her spouse is absent, the absent spouse could not yet be presumed dead according to the Civil Code; (c) that he contracts a second or subsequent marriage; and (d) the second or subsequent marriage has all the essential requisites for validity. The felony is consummated on the celebration of the second marriage or subsequent marriage. It is essential in the prosecution for bigamy that the alleged second marriage, having all the essential requirements, would be valid were it not for the subsistence of the first marriage. (*Montañez v. Cipriano*, 697 Phil. 586, 596 [2012].)

⁵ See rollo, p. 88.

copies of the October 17, 1977 Decision⁶ and the certifications⁷ issued by Atty. Jerome Victor, Branch Clerk of Court of the Regional Trial Court of Pasig City, purportedly showing that petitioner's first marriage was annulled on October 17, 1977.⁸ Settled is the rule that while it is true that the entries in public documents or records enjoy the presumption that official duty has been regularly performed and that its issuance was done in the regular conduct of official business, said presumption may be rebutted by affirmative evidence of irregularity or failure to perform a duty,⁹ which the prosecution was able to discharge in this case. Moreover, factual findings of the trial court, when adopted and confirmed by the CA, are binding and conclusive on this Court and will not be reviewed on appeal, save for certain exceptions,¹⁰ none of which obtain in this case.

SO ORDERED. (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utth* 2/26
27 FEB 2020

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Supreme Court, Manila

Please notify the Court of any change in your address.
GR249683. 1/22/2020(144)URES

⁶ Id. at 337-338. Penned by Judge Francisco C. Castro, Jr.
⁷ Not attached to the rollo.

⁸ See rollo, pp. 87-88.

⁹ *Alcantara v. Alcantara*, 558 Phil. 192, 203-204 (2007).

¹⁰ See *Insular Investment and Trust Corporation v. Capital One Equities Corporation*, 686 Phil. 819, 830-831 (2012).