



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

NORBERTO A. VITANGCOL,
Petitioner,

G.R. No. 207406

Present:

-versus-

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
MENDOZA, and
LEONEN, JJ.

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:
13 JAN 2016

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DECISION

LEONEN, J.:

Persons intending to contract a second marriage must first secure a judicial declaration of nullity of their first marriage. If they proceed with the second marriage without the judicial declaration, they are guilty of bigamy regardless of evidence of the nullity of the first marriage.

This resolves a Petition for Review on Certiorari¹ assailing the Court of Appeals Decision² dated July 18, 2012 and Resolution³ dated June 3,

¹ Rollo, pp. 9–26.
² Id. at 29–37. The Decision was penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Magdangal M. de Leon (Chair) and Myra V. Garcia-Fernandez of the Eleventh Division.
³ Id. at 46–47. The Resolution was penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Magdangal M. de Leon (Chair) and Myra V. Garcia-Fernandez of the Eleventh Division.

2013. The Court of Appeals affirmed with modification the Decision⁴ of Branch 25 of the Regional Trial Court of Manila convicting petitioner Norberto Abella Vitangcol (Norberto) of bigamy punished under Article 349 of the Revised Penal Code.⁵ Norberto was sentenced to suffer the indeterminate penalty of two (2) years and four (4) months of *prision correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum.⁶

In the Information dated April 29, 2008, the Office of the City Prosecutor of Manila charged Norberto with bigamy.⁷ The accusatory portion of the Information reads:

That on or about December 4, 1994, in the City of Manila, Philippines, the said accused, being then legally married to GINA M. GAERLAN, and without such marriage having been legally dissolved, did then and there willfully, unlawfully and feloniously contract a second or subsequent marriage with ALICE G. EDUARDO-VITANGCOL which second marriage has all the legal requisites for its validity with the said accused NORBERTO ABELLA VITANGCOL knowing fully well prior to and at the time of the celebration of the second marriage he was already married to the said GINA M. GAERLAN.

Contrary to law.⁸

Norberto was arraigned, pleading not guilty to the charge. Trial then ensued.⁹

According to the prosecution, on December 4, 1994, Norberto married Alice G. Eduardo (Alice) at the Manila Cathedral in Intramuros. Born into their union were three (3) children.¹⁰

After some time, Alice “began hearing rumors that [her husband] was previously married to another woman[.]”¹¹ She eventually discovered that Norberto was previously married to a certain Gina M. Gaerlan (Gina) on July 17, 1987, as evidenced by a marriage contract registered with the National Statistics Office. Alice subsequently filed a criminal Complaint for bigamy against Norberto.¹²

⁴ Id. at 48–58. The Decision dated September 1, 2010 was penned by Presiding Judge Aida Rangel-Roque.

⁵ Id. at 58.

⁶ Id. at 36–37, Court of Appeals Decision.

⁷ Id. at 29–30, Court of Appeals Decision, and 48, Regional Trial Court Decision.

⁸ Id. at 48, Regional Trial Court Decision.

⁹ Id. at 30, Court of Appeals Decision, and 48, Regional Trial Court Decision.

¹⁰ Id. at 30, Court of Appeals Decision.

¹¹ Id.

¹² Id.

On the other hand, Norberto alleged that he and Alice became romantically involved sometime in 1987.¹³ “After much prodding by their friends and relatives, [he and Alice] decided to get married in 1994.”¹⁴

Before finalizing their marriage plans, however, Norberto revealed to Alice that he had a “fake marriage”¹⁵ with his college girlfriend, a certain Gina Gaerlan.¹⁶ Nevertheless, despite Norberto’s revelation, Alice convinced him that they proceed with the wedding. Thus, Norberto and Alice were married on December 4, 1994 and, thereafter, had three children.¹⁷

Sometime in 2007, Norberto heard rumors from their household workers that Alice was having an affair with a married man. He was able to confirm the affair after hearing Alice in a phone conversation with her paramour.¹⁸

Norberto then sought advice from his business lawyer who later on convinced Alice to end the affair. The lawyer also warned Alice of the possible criminal liability she may incur if she continued seeing her paramour.¹⁹

Allegedly in retaliation to the threat of criminal action against her, Alice filed the criminal Complaint for bigamy against Norberto.²⁰

Finding that Norberto contracted a second marriage with Alice despite his subsisting valid marriage with Gina, Branch 25 of the Regional Trial Court of Manila convicted Norberto of bigamy. The dispositive portion of the Decision dated September 1, 2010 reads:

WHEREFORE, in view of the foregoing, the Court hereby finds accused Norberto Abella Vitangcol GUILTY beyond reasonable doubt of the crime of BIGAMY defined and penalized under Article 349 of the Revised Penal Code. Accused is hereby sentenced to suffer the penalty of six (6) years and one (1) day of *prision mayor* as minimum imprisonment to twelve (12) years of *prision mayor* as maximum imprisonment.

SO ORDERED.²¹

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 53, Regional Trial Court Decision.

¹⁶ Id.

¹⁷ Id. at 30–31, Court of Appeals Decision.

¹⁸ Id. at 31.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 58, Regional Trial Court Decision.

On appeal, the Court of Appeals sustained the guilty verdict against Norberto but modified the penalty imposed in accordance with the Indeterminate Sentence Law. The dispositive portion of the Court of Appeals Decision dated July 18, 2012 reads:

WHEREFORE, premises considered, the assailed Decision of the Regional Trial Court (RTC) of Manila, Branch 25, dated September 1, 2010 is hereby **AFFIRMED with MODIFICATION** of the penalty to which appellant is previously sentenced. Accordingly, he is now meted to suffer an indeterminate penalty of two (2) years and four (4) months of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum.

SO ORDERED.²²

Norberto filed a Motion for Reconsideration,²³ which the Court of Appeals denied in the Resolution dated June 3, 2013.²⁴

Norberto filed a Petition for Review on Certiorari before this court. The People of the Philippines, through the Office of the Solicitor General, filed a Comment²⁵ to which Norberto filed a Reply.²⁶

Norberto argues that the first element of bigamy is absent in this case.²⁷ He presents as evidence a Certification²⁸ from the Office of the Civil Registrar of Imus, Cavite, which states that the Office has no record of the marriage license allegedly issued in his favor and his first wife, Gina. He argues that with no proof of existence of an essential requisite of marriage—the marriage license—the prosecution fails to establish the legality of his first marriage.²⁹

In addition, Norberto claims that the legal dissolution of the first marriage is not an element of the crime of bigamy. According to Norberto, nothing in Article 349 of the Revised Penal Code that punishes bigamy mentions that requirement.³⁰ Stating that “[a]ny reasonable doubt must be resolved in favor of the accused[.]”³¹ Norberto prays for his acquittal.³²

The prosecution counters that it has proven the existence of

²² Id. at 36–37, Court of Appeals Decision.

²³ Id. at 38–44.

²⁴ Id. at 47, Court of Appeals Resolution.

²⁵ Id. at 168–179.

²⁶ Id. at 195–205.

²⁷ Id. at 19–24, Petition.

²⁸ Id. at 119. The Certification was dated March 19, 2008.

²⁹ Id. at 19–24, Petition.

³⁰ Id.

³¹ Id. at 24.

³² Id.

Norberto's prior valid marriage with Gina as evidenced by the marriage contract they had executed. The prosecution likewise proved that the first marriage of Norberto with Gina was not legally dissolved; that while his first marriage was subsisting, Norberto contracted a second marriage with Alice; and that the second marriage would have been valid had it not been for the existence of the first. Norberto, therefore, should be convicted of bigamy.³³

The issue for our resolution is whether the Certification from the Office of the Civil Registrar that it has no record of the marriage license issued to petitioner Norberto A. Vitangcol and his first wife Gina proves the nullity of petitioner's first marriage and exculpates him from the bigamy charge.

The Certification from the Office of the Civil Registrar that it has no record of the marriage license is suspect. Assuming that it is true, it does not categorically prove that there was no marriage license. Furthermore, marriages are not dissolved through mere certifications by the civil registrar. For more than seven (7) years before his second marriage, petitioner did nothing to have his alleged spurious first marriage declared a nullity. Even when this case was pending, he did not present any decision from any trial court nullifying his first marriage.

I

Bigamy is punished under Article 349 of the Revised Penal Code:

ARTICLE 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.

For an accused to be convicted of this crime, the prosecution must prove all of the following elements:

[first,] that the offender has been legally married;

[second,] 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;

[third,] that he contracts a second or subsequent marriage; and

³³ Id. at 170–177, Comment.

[lastly,] that the second or subsequent marriage has all the essential requisites for validity.³⁴

The prosecution allegedly fails to prove the validity of his first marriage with Gina because the civil registrar of the municipality where they were married had no record of the marriage license allegedly issued in their favor.

Contrary to petitioner's claim, all the elements of bigamy are present in this case. Petitioner was still legally married to Gina when he married Alice. Thus, the trial court correctly convicted him of the crime charged.

Based on the marriage contract presented in evidence, petitioner's first marriage was solemnized on July 17, 1987. This was before the Family Code of the Philippines became effective on August 3, 1988.³⁵ Consequently, provisions of the Civil Code of the Philippines³⁶ govern the validity of his first marriage.

Article 53 of the Civil Code enumerates the requisites of marriage, the absence of any of which renders the marriage void from the beginning:³⁷

Article 53. No marriage shall be solemnized unless all these requisites are complied with:

- (1) Legal capacity of the contracting parties;
- (2) Their consent, freely given;
- (3) Authority of the person performing the marriage;
and
- (4) A marriage license, except in a marriage of exceptional character.

The fourth requisite—the marriage license—is issued by the local civil registrar of the municipality where either contracting party habitually

³⁴ *Tenebro v. Court of Appeals*, 467 Phil. 723, 738 (2004) [Per J. Ynares-Santiago, En Banc].

³⁵ Memo. Circ. No. 85 (1988).

³⁶ Rep. Act No. 386 (1949).

³⁷ CIVIL CODE, art. 80 provides:

Article 80. The following marriages shall be void from the beginning:

- (1) Those contracted under the ages of sixteen and fourteen years by the male and female respectively, even with the consent of the parents;
- (2) Those solemnized by any person not legally authorized to perform marriages;
- (3) Those solemnized without a marriage license, save marriages of exceptional character;
- (4) Bigamous or polygamous marriages not falling under article 83, number 2;
- (5) Incestuous marriages mentioned in article 81;
- (6) Those where one or both contracting parties have been found guilty of the killing of the spouse of either of them;
- (7) Those between stepbrothers and stepsisters and other marriages specified in article 82.

resides.³⁸ The marriage license represents the state’s “involvement and participation in every marriage, in the maintenance of which the general public is interested.”³⁹

To prove that a marriage was solemnized without a marriage license, “the law requires that the absence of such marriage license must be apparent on the marriage contract, or at the very least, supported by a certification from the local civil registrar that no such marriage license was issued to the parties.”⁴⁰

Petitioner presents a Certification from the Office of the Civil Registrar of Imus, Cavite, which states:

[A]fter a diligent search on the files of Registry Book on Application for Marriage License and License Issuance available in this office, no record could be found on the alleged issuance of this office of Marriage License No. 8683519 in favor of MR. NORBERTO A. VITANGCOL and MS. GINA M. GAERLAN dated July 17, 1987.⁴¹

This Certification does not prove that petitioner’s first marriage was solemnized without a marriage license. It does not categorically state that Marriage License No. 8683519 does not exist.⁴²

Moreover, petitioner admitted the authenticity of his signature appearing on the marriage contract between him and his first wife, Gina.⁴³ The marriage contract between petitioner and Gina is a positive piece of evidence as to the existence of petitioner’s first marriage.⁴⁴ This “should be given greater credence than documents testifying merely as to [the] absence of any record of the marriage[.]”⁴⁵

*Republic v. Court of Appeals and Castro*⁴⁶ was originally an action for the declaration of nullity of a marriage.⁴⁷ As part of its evidence, the plaintiff presented a certification that states that the marriage license “cannot

³⁸ CIVIL CODE, art. 58 provides:

Article 58. Save marriages of an exceptional character authorized in Chapter 2 of this Title, but not those under article 75, no marriage shall be solemnized without a license first being issued by the local civil registrar of the municipality where either contracting party habitually resides.

³⁹ *Alcantara v. Alcantara*, 558 Phil. 192, 202 (2007) [Per J. Chico-Nazario, Third Division].

⁴⁰ *Id.* at 203–204.

⁴¹ *Rollo*, p. 119.

⁴² *See Sevilla v. Cardenas*, 529 Phil. 419, 429 (2006) [Per J. Chico-Nazario, First Division].

⁴³ *Rollo*, p. 48, Regional Trial Court Decision.

⁴⁴ *See Tenebro v. Court of Appeals*, 467 Phil. 723, 740 (2004) [Per J. Ynares-Santiago, En Banc].

⁴⁵ *Id.*

⁴⁶ G.R. No. 103047, September 2, 1994, 236 SCRA 257 [Per J. Puno, Second Division].

⁴⁷ *Id.* at 258.

be located as said license . . . does not appear from [the local civil registrar's] records."⁴⁸

This court held that “[t]he certification . . . enjoys probative value, [the local civil registrar] being the officer charged under the law to keep a record of all data relative to the issuance of a marriage license.”⁴⁹ This court further said that “[u]naccompanied by any circumstance of suspicion and pursuant to Section 29, Rule 132 of the Rules of Court, a certificate of ‘due search and inability to find’ sufficiently proved that [the local civil registrar] did not issue [a] marriage license . . . to the contracting parties.”⁵⁰

The circumstances in *Castro* and in this case are different. *Castro* involved a civil case for declaration of nullity of marriage that does not involve the possible loss of liberty. The certification in *Castro* was unaccompanied by any circumstance of suspicion, there being no prosecution for bigamy involved. On the other hand, the present case involves a criminal prosecution for bigamy. To our mind, this is a circumstance of suspicion, the Certification having been issued to Norberto for him to evade conviction for bigamy.

The appreciation of the probative value of the certification cannot be divorced from the purpose of its presentation, the cause of action in the case, and the context of the presentation of the certification in relation to the other evidence presented in the case. We are not prepared to establish a doctrine that a certification that a marriage license cannot be found may substitute for a definite statement that no such license existed or was issued. Definitely, the Office of the Civil Registrar of Imus, Cavite should be fully aware of the repercussions of those words. That the license now cannot be found is not basis per se to say that it could not have been issued.

A different view would undermine the stability of our legal order insofar as marriages are concerned. Marriage licenses may be conveniently lost due to negligence or consideration. The motivation to do this becomes greatest when the benefit is to evade prosecution.

⁴⁸ Id. at 259.

⁴⁹ Id. at 262.

⁵⁰ Id. RULES OF COURT, Rule 132, sec. 29 is renumbered to Rule 132, sec. 28.

RULES OF COURT, Rule 132, sec. 28 provides:

Rule 132. Presentation of Evidence

. . . .

B. Authentication and Proof of Documents

SECTION 28. Proof of lack of record. — A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry.

This case is likewise different from *Nicdao Cariño v. Yee Cariño*.⁵¹ In *Cariño*, the marriage contract between Santiago Cariño and his first wife, Susan Nicdao, bore no marriage license number.⁵² In addition, the local civil registrar certified that it has no record of any marriage license issued to Santiago Cariño and Susan Nicdao.⁵³ This court declared Santiago Cariño's first marriage void for having been solemnized without a marriage license.⁵⁴

In this case, there is a marriage contract indicating the presence of a marriage license number freely and voluntarily signed and attested to by the parties to the marriage as well as by their solemnizing officer. The first marriage was celebrated on July 17, 1987. The second marriage was entered into on December 4, 1994. Within a span of seven (7) years, four (4) months, and 17 (seventeen) days, petitioner did not procure a judicial declaration of the nullity of his first marriage. Even while the bigamy case was pending, no decision declaring the first marriage as spurious was presented. In other words, petitioner's belief that there was no marriage license is rendered untrue by his own actuations.

This factual context makes the use and issuance of the Certification from the Office of the Civil Registrar suspect. The prosecution has to prove that despite the existence of a valid first marriage, petitioner nevertheless contracted a second or subsequent marriage. The admission of a marriage contract with proof of its authenticity and due execution suffices to discharge the burden of proving beyond reasonable doubt that a prior marriage exists. The burden of evidence will, thus, pass on to the defense. Mere presentation of a certification from the civil registrar that the marriage license cannot be found is not enough to discharge the burden of proving that no such marriage license was issued.

The parties clearly identified Marriage License No. 8683519 in the marriage contract.⁵⁵ There is no evidence to show that the number series of that license is spurious or is not likely to have been issued from its source. There is no proof as to whether the licenses issued before or after the document in question still exists in the custody of the civil registrar. There is no evidence that relates to the procedures for safekeeping of these vital documents. This would have shown whether there was unfettered access to the originals of the license and, therefore, would have contributed to the proper judicial conclusion of what the manifestation by the civil registrar implies.

⁵¹ 403 Phil. 861 (2001) [Per J. Ynares-Santiago, First Division].

⁵² Id. at 869.

⁵³ Id.

⁵⁴ Id. at 870.

⁵⁵ *Rollo*, p. 52, Regional Trial Court Decision.

This court cannot grant the presumption of good faith and regularity in the performance of official functions to the civil registrar for the purposes sought by petitioner. In other words, the presumption of regularity in the performance of official functions is too remotely detached to the conclusion that there is no marriage license.

At best, the presumption of regularity in the performance of the civil registrar's function without the context just discussed can lead to the conclusion that he in good faith could not find the marriage license in his office. This presumption does not mean that the marriage license did not exist. Nor does it mean that the marriage license was issued.

However, even the conclusion of good faith is difficult to accept. There was a marriage contract duly executed by petitioner and his first spouse as well as by the solemnizing officer. The marriage contract is in the custody of the civil registrar. The presumption of regularity in the performance of official functions by a public officer should likewise be applicable to infer a conclusion that the marriage license mentioned in that contract exists.

Conviction in a charge of bigamy will result to a legitimate imposition of a penalty amounting to a deprivation of liberty. It is not a far-fetched conclusion—although this is not always the case—that a well-connected accused will use all means, fair or foul, to achieve an acquittal. Many criminal cases can turn on documentary evidence the issuance of which is within the discretion of a government employee. The temptations for the employee to issue a document, which may be accurate but which he knows the accused will be able to use for a different purpose, can easily be created by an accused. Much of the bases of this conclusion will depend on how the trial court judge evaluates the demeanor of the witnesses. We can defer to that discretion as much as to make our own judgment based on evidence conclusively admitted and weighed by the trial court. Using both, we have no reason to disturb the conclusions of the trial court.

II

Assuming without conceding that petitioner's first marriage was solemnized without a marriage license, petitioner remains liable for bigamy. Petitioner's first marriage was not *judicially declared* void. Nor was his first wife Gina judicially declared presumptively dead under the Civil Code.⁵⁶ The second element of the crime of bigamy is, therefore, present in this case.

⁵⁶ CIVIL CODE, art. 83 provides:

Article 83. Any marriage subsequently contracted by any person during the lifetime of the first spouse of such person with any person other than such first spouse shall be illegal and void from its performance, unless:

(1) The first marriage was annulled or dissolved; or

As early as 1968, this court held in *Landicho v. Relova, et al.*⁵⁷ that

parties to a marriage should not be permitted to judge for themselves its nullity, only competent courts having such authority. Prior to such declaration of nullity, the validity of the first marriage is beyond question. A party who contracts a second marriage then assumes the risk of being prosecuted for bigamy.⁵⁸

The commission that drafted the Family Code considered the *Landicho* ruling in wording Article 40 of the Family Code:⁵⁹

Art. 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.

Should the requirement of judicial declaration of nullity be removed as an element of the crime of bigamy, Article 349 of Revised Penal Code becomes useless. “[A]ll that an adventurous bigamist has to do is to . . . contract a subsequent marriage and escape a bigamy charge by simply claiming that the first marriage is void and that the subsequent marriage is equally void for lack of a prior judicial declaration of nullity of the first.”⁶⁰ Further, “[a] party may even enter into a marriage aware of the absence of a requisite—usually the marriage license—and thereafter contract a subsequent marriage without obtaining a judicial declaration of nullity of the first on the assumption that the first marriage is void.”⁶¹

For these reasons, the *Landicho* ruling remains good law. It need not be revisited by this court En Banc as petitioner insists.⁶²

The third element of bigamy is likewise present in this case. Petitioner admitted that he subsequently married Alice G. Eduardo on December 4, 1994.⁶³ As for the last element of bigamy, that the subsequent marriage has all the essential requisites for validity, it is presumed. The crime of bigamy was consummated when petitioner subsequently married

(2) The first spouse had been absent for seven consecutive years at the time of the second marriage without the spouse present having news of the absentee being alive, or if the absentee, though he has been absent for less than seven years, is generally considered as dead and believed to be so by the spouse present at the time of contracting such subsequent marriage, or if the absentee is presumed dead according to articles 390 and 391. The marriage so contracted shall be valid in any of the three cases until declared null and void by a competent court.

⁵⁷ 130 Phil. 745 (1968) [Per J. Fernando, En Banc].

⁵⁸ Id. at 750.

⁵⁹ See *Marbella-Bobis v. Bobis*, 391 Phil. 648, 654 (2000) [Per J. Ynares-Santiago, First Division].

⁶⁰ *Marbella-Bobis v. Bobis*, 391 Phil. 648, 654 (2000) [Per J. Ynares-Santiago, First Division].

⁶¹ Id.

⁶² *Rollo*, pp. 209–216, Motion to Refer the Case to the Honorable Supreme Court *En Banc*.

⁶³ Id. at 48, Regional Trial Court’s Decision.

Alice without his first marriage to Gina having been judicially declared void.⁶⁴

With all the elements of bigamy present in this case, petitioner was correctly convicted of the crime charged.

III

Under the Indeterminate Sentence Law, the maximum term of the penalty that may be imposed on petitioner is that which, in view of the attending circumstances, could be properly imposed under the Revised Penal Code. On the other hand, the minimum term of the penalty shall be within the range of the penalty next lower to that prescribed by the Revised Penal Code for the offense. The court then has the discretion to impose a minimum penalty within the range of the penalty next lower to the prescribed penalty. As for the maximum penalty, the attending circumstances are considered.⁶⁵

The imposable penalty for bigamy is *prision mayor*.⁶⁶ The penalty next lower to that is *prision correccional*. *Prision correccional* ranges from six (6) months and one (1) day to six (6) years;⁶⁷ hence, the minimum penalty can be any period within this range.

As for the maximum penalty, it should be within the range of *prision mayor* in its medium period, there being no mitigating or aggravating circumstances. *Prision mayor* in its medium period ranges from eight (8) years and one (1) day to 10 years.

Petitioner was sentenced to suffer the indeterminate penalty of two (2) years and four (4) months of *prision correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum. The ranges of the minimum and maximum penalties are within the ranges as previously computed. The indeterminate penalty imposed was proper.

Nevertheless, “[k]eeping in mind the basic purpose of the Indeterminate Sentence Law ‘to uplift and redeem valuable human material, and prevent unnecessary and excessive deprivation of personal liberty and economic usefulness[,]’”⁶⁸ we lower the minimum of the indeterminate penalty to six (6) months and one (1) day of *prision correccional*. Petitioner is, thus, sentenced to suffer the indeterminate penalty of six (6) months and

⁶⁴ See *Jarillo v. People*, 617 Phil. 45, 53 (2009) [Per J. Peralta, Third Division].

⁶⁵ Act No. 4103, sec. 1, as amended by Act No. 4225.

⁶⁶ REV. PEN. CODE, Art. 349.

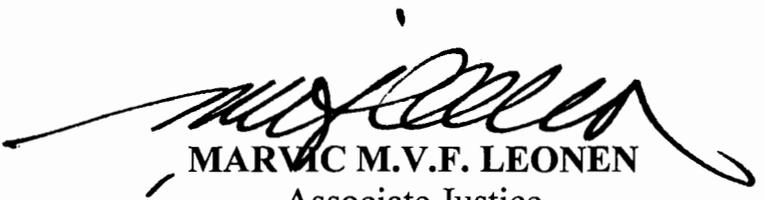
⁶⁷ REV. PEN. CODE, Art. 27.

⁶⁸ *People v. Ducosin*, 59 Phil. 109, 117 (1933) [Per J. Butte, En Banc].

one (1) day of *prision correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum.

WHEREFORE, the Petition for Review on Certiorari is **DENIED**. The Court of Appeals Decision dated July 18, 2012 and Resolution dated June 3, 2013 in CA-G.R. CR No. 33936 are **AFFIRMED with MODIFICATION**. Petitioner Norberto A. Vitangcol 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.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ARTURO D. BRION
Associate Justice



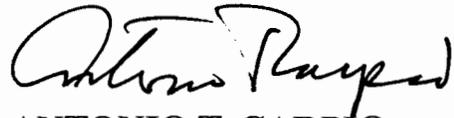
MARIANO C. DEL CASTILLO
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice

ATTESTATION

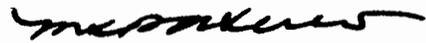
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**ANTONIO T. CARPIO**

Associate Justice
Chairperson, Second 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.

**MARIA LOURDES P. A. SERENO**

Chief Justice