

## SECOND DIVISION

[ G.R. No. 182438, July 02, 2014 ]

**RENE RONULO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES,  
RESPONDENT.**

### D E C I S I O N

**BRION, J.:**

Before the Court is a petition for review on *certiorari*<sup>[1]</sup> filed by petitioner Fr. Rene Ronulo challenging the April 3, 2008 decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CR. No. 31028 which affirmed the decision of the Regional Trial Court, (RTC) Branch 18, Batac, Ilocos Norte.

#### The Factual Antecedents

The presented evidence showed that<sup>[3]</sup> Joey Umadac and Claire Bingayen were scheduled to marry each other on March 29, 2003 at the Sta. Rosa Catholic Parish Church of San Nicolas, Ilocos Norte. However, on the day of the wedding, the supposed officiating priest, Fr. Mario Ragaza, refused to solemnize the marriage upon learning that the couple failed to secure a marriage license. As a recourse, Joey, who was then dressed in *barong tagalog*, and Claire, clad in a wedding gown, together with their parents, sponsors and guests, proceeded to the Independent Church of Filipino Christians, also known as the Aglipayan Church. They requested the petitioner, an Aglipayan priest, to perform a ceremony to which the latter agreed despite having been informed by the couple that they had no marriage certificate.

The petitioner prepared his choir and scheduled a mass for the couple on the same date. He conducted the ceremony in the presence of the groom, the bride, their parents, the principal and secondary sponsors and the rest of their invited guests.<sup>[4]</sup>

An information for violation of Article 352 of the Revised Penal Code (RPC), as amended, was filed against the petitioner before the Municipal Trial Court (MTC) of Batac, Ilocos Norte for allegedly performing an illegal marriage ceremony.<sup>[5]</sup>

The petitioner entered the plea of "not guilty" to the crime charged on arraignment.

The prosecution's witnesses, Joseph and Mary Anne Yere, testified on the incidents of the ceremony. Joseph was the veil sponsor while Mary Anne was the cord sponsor in the wedding. Mary Anne testified that she saw the bride walk down the aisle. She also saw the couple exchange their wedding rings, kiss each other, and sign a document.<sup>[6]</sup> She heard the petitioner instructing the principal sponsors to sign the marriage contract. Thereafter, they went to the reception, had lunch and took pictures. She saw the petitioner there. She also identified the wedding invitation given to her by Joey.<sup>[7]</sup>

Florida Umadac, the mother of Joey, testified that she heard the couple declare during the ceremony that they take each other as husband and wife. [8] Days after the wedding, she went to the municipal local civil registrar of San Nicolas, Ilocos Norte with Atty. Mariano R. Nalupta Jr. where she was given a certificate that no marriage license was issued to the couple. [9]

The petitioner, while admitting that he conducted a ceremony, denied that his act of blessing the couple was tantamount to a solemnization of the marriage as contemplated by law. [10]

### **The MTC Judgment**

The MTC found the petitioner guilty of violation of Article 352 of the RPC, as amended, and imposed on him a P200.00 fine pursuant to Section 44 of Act No. 3613. It held that the petitioner's act of giving a blessing constitutes a marriage ceremony as he made an official church recognition of the cohabitation of the couple as husband and wife. [11] It further ruled that in performing a marriage ceremony without the couple's marriage license, the petitioner violated Article 352 of the RPC which imposes the penalty provided under Act No. 3613 or the Marriage Law. The MTC applied Section 44 of the Marriage Law which pertinently states that a violation of any of its provisions that is not specifically penalized or of the regulations to be promulgated, shall be punished by a fine of not more than two hundred pesos or by imprisonment of not more than one month, or both, in the discretion of the court.

The RPC is a law subsequent to the Marriage Law, and provides the penalty for violation of the latter law. Applying these laws, the MTC imposed the penalty of a fine in the amount of P200.00. [12]

### **The RTC Ruling**

The RTC affirmed the findings of the MTC and added that the circumstances surrounding the act of the petitioner in "blessing" the couple unmistakably show that a marriage ceremony had transpired. It further ruled that the positive declarations of the prosecution witnesses deserve more credence than the petitioner's negative statements. [13] The RTC, however, ruled that the basis of the fine should be Section 39, instead of Section 44, of the Marriage Law.

### **The CA Decision**

On appeal, the CA affirmed the RTC's ruling. The CA observed that although there is no prescribed form or religious rite for the solemnization of marriage, the law provides minimum standards in determining whether a marriage ceremony has been conducted, viz.: (1) the contracting parties must appear personally before the solemnizing officer; and (2) they should declare that they take each other as husband and wife in the presence of at least two witnesses of legal age. [14] According to the CA, the prosecution duly proved these requirements. It added that the presence of a marriage certificate is not a requirement in a marriage ceremony. [15]

The CA additionally ruled that the petitioner's criminal liability under Article 352 of the RPC, as amended, is not dependent on whether Joey or Claire were charged or found guilty under Article 350 of the same Code.<sup>[16]</sup>

The CA agreed with the MTC that the legal basis for the imposition of the fine is Section 44 of the Marriage Law since it covers violation of regulations to be promulgated by the proper authorities such as the RPC.

### **The Petition**

The petitioner argues that the CA erred on the following grounds:

*First*, Article 352 of the RPC, as amended, is vague and does not define what constitutes "an illegal marriage ceremony." Assuming that a marriage ceremony principally constitutes those enunciated in Article 55 of the Civil Code and Article 6 of the Family Code, these provisions require the verbal declaration that the couple take each other as husband and wife, and a marriage certificate containing the declaration in writing which is duly signed by the contracting parties and attested to by the solemnizing officer.<sup>[17]</sup> The petitioner likewise maintains that the prosecution failed to prove that the contracting parties personally declared that they take each other as husband and wife.<sup>[18]</sup>

*Second*, under the principle of separation of church and State, the State cannot interfere in ecclesiastical affairs such as the administration of matrimony. Therefore, the State cannot convert the "blessing" into a "marriage ceremony."<sup>[19]</sup>

*Third*, the petitioner had no criminal intent as he conducted the "blessing" in good faith for purposes of giving moral guidance to the couple.<sup>[20]</sup>

*Fourth*, the non-filing of a criminal case against the couple in violating Article 350 of the RPC, as amended, should preclude the filing of the present case against him.<sup>[21]</sup>

*Finally*, Article 352 of the RPC, as amended, does not provide for a penalty. The present case is not covered by Section 44 of the Marriage Law as the petitioner was not found violating its provisions nor a regulation promulgated thereafter. <sup>[22]</sup>

### **THE COURT'S RULING:**

We find the petition unmeritorious.

***The elements of the crime punishable under Article 352 of the RPC, as amended, were proven by the prosecution***

Article 352 of the RPC, as amended, penalizes an authorized solemnizing officer who shall perform or authorize any illegal marriage ceremony. The elements of this crime are as follows: (1) authority of the solemnizing officer; and (2) his performance of an illegal marriage ceremony.

In the present case, **the petitioner admitted that he has authority to solemnize a marriage**. Hence, the only issue to be resolved is whether the alleged “blessing” by the petitioner is tantamount to the performance of an “illegal marriage ceremony” which is punishable under Article 352 of the RPC, as amended.

While Article 352 of the RPC, as amended, does not specifically define a “marriage ceremony” and what constitutes its “illegal” performance, Articles 3(3) and 6 of the Family Code are clear on these matters. These provisions were taken from Article 55<sup>[23]</sup> of the New Civil Code which, in turn, was copied from Section 3<sup>[24]</sup> of the Marriage Law with no substantial amendments.

Article 6<sup>[25]</sup> of the Family Code provides that “[n]o prescribed form or religious rite for the solemnization of the marriage is required. It shall be necessary, however, for the contracting parties **to appear personally before the solemnizing officer and declare in the presence of not less than two witnesses of legal age that they take each other as husband and wife.**”<sup>[26]</sup>

Pertinently, Article 3(3)<sup>[27]</sup> mirrors Article 6 of the Family Code and particularly defines a marriage ceremony as that which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age.

Even prior to the date of the enactment of Article 352 of the RPC, as amended, the rule was clear that no prescribed form of religious rite for the solemnization of the marriage is required. However, as correctly found by the CA, the law sets the minimum requirements constituting a marriage ceremony: *first*, there should be the personal appearance of the contracting parties before a solemnizing officer; and *second*, their declaration in the presence of not less than two witnesses that they take each other as husband and wife.

As to the first requirement, the petitioner admitted that the parties appeared before him and this fact was testified to by witnesses. On the second requirement, we find that, contrary to the petitioner’s allegation, the prosecution has proven, through the testimony of Florida, that the contracting parties personally declared that they take each other as husband and wife.

The petitioner’s allegation that the court asked insinuating and leading questions to Florida fails to persuade us. A judge may examine or cross-examine a witness. He may propound clarificatory questions to test the credibility of the witness and to extract the truth. He may seek to draw out relevant and material testimony though that testimony may tend to support or rebut the position taken by one or the other party. It cannot be taken against him if the clarificatory questions he propounds happen to reveal certain truths that tend to destroy the theory of one party.<sup>[28]</sup>

At any rate, if the defense found the line of questioning of the judge objectionable, its failure to timely register this bars it from belatedly invoking any irregularity.

In addition, the testimonies of Joseph and Mary Anne, and even the petitioner’s admission regarding the circumstances of the ceremony, support Florida’s testimony that there had indeed been the declaration by the couple that they take each other