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SECOND DIVISION

[G.R. No. L-46306. February 27, 1979]

PEOPLE OF THE PHILIPPINES, *petitioner*, *vs.* **HON. MARIANO C. CASTAÑEDA, JR., as Judge of the Court of First Instance of Pampanga, Branch III, and BENJAMIN F. MANALOTO**, *respondents*.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; WITNESSES; MARITAL DISQUALIFICATION; RULE AND EXCEPTION.** — A criminal case for Falsification of Public Document filed against the husband—who allegedly forged the signature of his wife in a deed of sale, thereby making it appear that the latter gave her marital consent to the sale of a house and lot belonging to their conjugal partnership when in fact and in truth she did not — may be considered as a criminal case for a crime committed by a husband against his wife, and, therefore, an exception to the rule on marital disqualification.

2. **ID.; ID.; ID.; WHEN CONSIDERED A BREACH OF MARITAL CONFIDENCE.** — In a criminal case of Falsification of Public Documents filed by the wife against the husband who allegedly forged the wife's signature to make it appear that she gave her consent to the deed of sale, it is the husband's breach of his wife's confidence which give rise to the offense charged, for if the sale had been made with the consent of the wife, no crime could have been charged against the husband. This is the same breach of trust which prompted the wife to make the necessary complaint with the office of the Provincial Fiscal which, accordingly, filed the aforesaid criminal case in the Court of First Instance. To rule, therefore, that such criminal case is not one for a crime committed by one spouse against the other in to advance a conclusion which completely disregards the factual antecedents of the case.

3. **ID.; ID.; ID.; ID.; WHEN NOT APPLICABLE** — Where the victim of the crime and the person who stands to be directly prejudices by the falsification is not a third person but the wife herself the exception to the marital disqualification rule applies for it is undeniable that the criminal act complained of had the effect of directly and vitally impairing the conjugal relation. This is apparent not only in the act of the wife in personally lodging

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her complaint with the Office of the Provincial Fiscal, but also in her insistent efforts in connection with the instant petition, which seeks to set aside the order disqualifying her from testifying her husband. Taken collectively, the actuations of the witness-wife underscore the fact that the marital and domestic relations between her and the accused-husband have become so strained that there is no more harmony to be preserved nor peace and tranquility which may be disturbed. Thus, where the identity of interests disappears that identity is nonexistent. In such a situation, the security and confidences of private life which situation, the law aims at protecting will be nothing but ideals which, through their absence, merely leave a void in the unhappy home. Thus, there is no reason to apply the marital disqualification rule.

4. ID.; ID.; ID.; ID.; PUBLIC POLICY DEMANDS THAT THE WIFE SHOULD NOT BE DISQUALIFIED TO TESTIFY AGAINST THE HUSBAND FOR BREACH OF MARITAL PRIVILEGE. — Overriding considerations of public policy demand that the wife should not be disqualified from testifying against her husband in a case of falsification of public document constituted by the husband against his wife for to espouse the contrary view would spawn the dangerous precedent of a husband committing us many falsifications against his wife as he could conjure, seeking shelter in the anti-marital privilege as a license to injure and prejudice in secret — all with unabashed and complete immunity.

APPEARANCES OF COUNSEL

Fiscal Regidor Y. Aglipay and Special Counsel Vicente Macalino for petitioner.

Moises Sevilla Ocampo for private petitioner.

Cicero J. Punzalan for respondent.

D E C I S I O N

SANTOS, *J.*:

On the basis of the complaint[1] of his wife, Victoria M. Manaloto, herein private respondent Benjamin Manaloto was charged before

[1] See Annexes "A", "B", and "B-1" of the Petition (*Rollo*, pp. 11-15).

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the Court of First Instance of Pampanga, presided by respondent Judge, Hon. Mariano C. Castañeda, Jr., with the crime of Falsification of Public Document committed, according to the Information, as follows:

"That on or about the 19th day of May, 1975, in the Municipality of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused BENJAMIN F. MANALOTO, with deliberate intent to commit falsification, did then and there wilfully, unlawfully and feloniously counterfeit, imitate and forge the signature of his spouse Victoria M. Manaloto in a deed of sale executed by said accused wherein he sold a house and lot belonging to the conjugal partnership of said spouse in favor of Ponciano Lacsamana under Doc. No. 1957, Page No. 72, Book No. LVII, Series of 1975, notarized by Notary Public Abraham Pa. Gorospe, thereby making it appear that his spouse Victoria M. Manaloto gave her marital consent to said sale when in fact and in truth she did not."[2]

At the trial, the prosecution called the complainant-wife to the witness stand but the defense moved to disqualify her as a witness, invoking Sec. 20, Rule 130 of the Revised Rules of Court which provides:

SEC. 20. *Disqualification by reason of interest or relationship.* — The following persons cannot testify as to matters in which they are interested, directly or indirectly, as herein enumerated:

x x x x x x x x x

(b) A husband can not be examined for or against his wife without her consent; nor a wife for or against her husband without his consent, except in a civil case by one against the other, or in a criminal case for a crime committed by one against the other.

The prosecution opposed said motion to disqualify on the ground that the case falls under the exception to the rule, contending that it is a "criminal case for a crime committed by one against the other." Notwithstanding such opposition, respondent Judge

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[2] Annex "C" of the Petition (*Rollo*, pp. 16-17).

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granted the motion, disqualifying Victoria Manaloto from testifying for or against her husband, in an order dated March 31, 1977. A motion for reconsideration was filed but was denied by respondent Judge in an order dated May 19, 1977.

Hence, this petition for *certiorari* filed by the Office of the Provincial Fiscal, on behalf of the People of the Philippines, seeking to set aside the aforesaid orders of the respondent Judge and praying that a preliminary injunction or a temporary restraining order be issued by this Court enjoining said Judge from further proceeding with the trial of aforesaid Criminal Case No. 1011.

On June 20, 1977, this Court resolved — (a) to issue a temporary restraining order, and (b) to require the Solicitor General to appear as counsel for the petitioner.[3] The Office of the Solicitor General filed its Notice of Appearance on June 27, 1977,[4] and its Memorandum in support of the Petition on August 30, 1977.[5] The respondents filed their Memorandum on September 5, 1977.[6] Whereupon, the case was considered submitted for decision.[7]

From the foregoing factual and procedural antecedents emerges the sole issue determinative of the instant petition, to wit: Whether or not the criminal case for Falsification of Public Document filed against herein private respondent Benjamin F. Manaloto — who allegedly forged the signature of his wife, Victoria M. Manaloto, in a deed of sale, thereby making it appear that the latter gave her marital consent to the sale of a house and lot belonging to their conjugal partnership when in fact and in truth she did not — may be considered as a criminal case for a crime committed by a husband against his wife, and, therefore, an exception to the rule on marital disqualification.

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[3] *Rollo*, p. 39.

[4] *Ibid.*, p. 44.

[5] *Ibid.*, p. 76.

[6] *Ibid.*, p. 87.

[7] *Ibid.*, p. 99.

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We sustain petitioner's stand that the case is an exception to the marital disqualification rule, as a criminal case for a crime committed by the accused-husband against the witness-wife.

1. The act complained of as constituting the crime of Falsification of Public Document is the forgery by the accused of his wife's signature in a deed of sale, thereby making it appear therein that said wife consented to the sale of a house and lot belonging to their conjugal partnership when in fact and in truth she did not. It must be noted that had the sale of the said house and lot, and the signing of the wife's name by her husband in the deed of sale, been made with the consent of the wife, no crime could have been charged against said husband. Clearly, therefore, it is the husband's breach of his wife's confidence which gave rise to the offense charged. And it is this same breach of trust which prompted the wife to make the necessary complaint with the Office of the Provincial Fiscal which, accordingly, filed the aforesaid criminal case with the Court of First Instance of Pampanga. To rule, therefore, that such criminal case is not one for a crime committed by one spouse against the other is to advance a conclusion which completely disregards the factual antecedents of the instant case.

2. This is not the first time that the issue of whether a specific offense may be classified as a crime committed by one spouse against the other is presented to this Court for resolution. Thus, in the case of *Ordoño v. Daquigan*,[8] this Court, through Mr. Justice Ramon C. Aquino, set up the criterion to be followed in resolving the issue, stating that:

> We think that the correct rule, which may be adopted in this jurisdiction, is that laid down in *Cargill vs. State*, 35 ALR, 133, 220, Pac. 64, 25 Okl. 314, wherein the court said
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> "The rule that the injury must amount to a physical wrong upon the person is too narrow; and the rule that any offense

[8] G.R. No. L-39012, January 31, 1975, 62 SCRA 270, at 273.

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remotely or indirectly affecting domestic harmony comes within the exception is too broad. The better rule is that WHEN AN OFFENSE DIRECTLY ATTACKS, OR DIRECTLY AND VITALLY IMPAIRS, THE CONJUGAL RELATION, IT COMES WITHIN THE EXCEPTION to the statute that one shall not be a witness against the other except in a criminal prosecution for a crime committed (by) one against the other.'"

Applying the foregoing criterion in said case of *Ordoño v. Daquigan*, this Court held that the rape committed by the husband of the witness-wife against their daughter was a crime committed by the husband against his wife. Although the victim of the crime committed by the accused in that case was not his wife but their daughter, this Court, nevertheless, applied the exception for the reason that said criminal act "positively undermine(d) the connubial relationship."[9]

With more reason must the exception apply to the instant case where the victim of the crime and the person who stands to be directly prejudiced by the falsification is not a third person but the wife herself. And it is undeniable that the criminal act complained of had the effect of directly and vitally impairing the conjugal relation. This is apparent not only in the act of the wife in personally lodging her complaint with the Office of the Provincial Fiscal but also in her insistent efforts[10] in connection with the instant petition, which seeks to set aside the order disqualifying her from testifying against her husband. Taken collectively, the actuations of the witness-wife underscore the fact that the marital and domestic relations between her and the accused-husband have become so strained that there is no

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[9] *Id.*, p. 274.

[10] Victoria Manaloto, through her counsel, assisted the Provincial Fiscal of Pampanga in filing the instant petition for *certiorari* (*rollo*, pp. 9-10). Furthermore, she filed on Aug. 22, 1977 a memorandum in support of the petition (*rollo*, pp. 68-74), and, on Dec. 28, 1977, a pleading entitled "Chronologically — Effected Observations and Circumstances in Support of or to Butress Memorandum for Private Petitioner Victoria M. Manaloto, dated August 18, 1977 "informing this Court that the trouble in her marital relation with her husband, the herein private respondent, is "beyond repair." (*rollo*, pp. 105-108).

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more harmony to be preserved nor peace and tranquility which may be disturbed. In such a case, as We have occasion to point out in previous decisions, "identity of interests disappears and the consequent danger of perjury based on that identity is nonexistent. Likewise, in such a situation, the security and confidences of private life which the law aims at protecting will be nothing but ideals which, through their absence, merely leave a void in the unhappy home."[11] Thus, there is no reason to apply the marital disqualification rule.

3. Finally, overriding considerations of public policy demand that the wife should not be disqualified from testifying against her husband in the instant case. For, as aptly observed by the Solicitor General, "(t)o espouse the contrary view would spawn the dangerous precedent of a husband committing as many falsifications against his wife as he could conjure, seeking shelter in the anti-marital privilege as a license to injure and prejudice her in secret — all with unabashed and complete impunity."

IN VIEW OF ALL THE FOREGOING, the order of the lower court dated March 31, 1977, disqualifying Victoria Manaloto from testifying for or against her husband, Benjamin Manaloto, in Criminal Case No. 1011, as well as the order dated May 19, 1977, denying the motion for reconsideration are hereby SET ASIDE. The temporary restraining order issued by this Court is hereby lifted and the respondent Judge is hereby ordered to proceed with the trial of the case, allowing Victoria Manaloto to testify against her husband.

SO ORDERED.

Fernando (Chairman), Barredo, Antonio, Aquino, and *Concepcion Jr., JJ.*, concur.

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[11] *People vs. Francisco*, 78 Phil. 694, 704 (cited in *Ordoño vs. Daquigan, supra*).