

Bigamy and Annulment of Marriage

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[bigamous marriage](#)[Dissolution of Marriage](#)

It is well known that a bigamous marriage is null and void under Philippine law.

If one of the parties to a marriage was already or still married at the time of the second marriage, then that second marriage is null and void.

Below, I discuss bigamy in terms of the court case and why a second marriage is considered bigamous even if the first married was invalidly contracted.

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Understanding Bigamous Marriage

A bigamous marriage occurs when an individual enters into a marriage with someone while still legally married to another person.

In the Philippines, such a marriage is regarded as null and void.

This indicates that if you are already married and attempt to wed again without legally annulling your first marriage, you may encounter both civil and criminal repercussions.

What are the Legal Consequences of Bigamy?

Participating in a bigamous marriage can result in serious legal consequences.

- **Criminal Charges:** Individuals who enter into a second marriage while still married can be subjected to prosecution for bigamy under the Revised Penal Code.

- Civil Nullity: The second marriage is automatically rendered null by law. This means that any rights or claims resulting from this union hold no legal validity.

While the second marriage is null and void, the parties must still go through annulment to legally end the marriage and have that reflected in the PSA.

Filing a case to end the marriage is very important, because the assumption will be that the PSA records are accurate, and this can cause issues with [conjugal property](#), legitimacy and inheritance.

A second marriage is bigamous

Aside from the civil nullity of the marriage, anyone who contracts a second or subsequent marriage before the previous marriage is legally dissolved — or before the absent spouse has been declared presumptively dead by a court — is criminally liable for bigamy.

Sometimes people will argue that they could not have committed bigamy because, anyway, their previous marriage was invalid.

They may say that — because the earlier marriage was only a paper marriage or without a marriage license or that because some material fact in the marriage certificate was falsified — the previous marriage did not really exist and so they can remarry without being liable for bigamy and without the second marriage being invalid.

That is wrong. The Family Code and the Revised Penal Code together are clear that it is only through a court decision that a previous marriage can be declared invalid or null and void for purposes of remarriage.

A private person cannot just take it upon himself to decide that his previous marriage was without effect, was null and void. If he wishes to remarry, he has to file and win a case in court to have the first marriage declared null and void.

The case for nullity of marriage must be filed with the Family Court of the province or city where you or your spouse resided at least six months prior. The courts are quite strict about this residency requirement so that failing to file the case at the proper venue would result in the dismissal of the case.

What is the process like?

In preparing for the case, there are basic steps you can take.

First among them is gathering the evidence that will be needed.

These include obtaining an Advisory on Marriages from the Philippine Statistics Authority. (This is the equivalent for married persons of the Certificate of No Marriage of single persons.)

You should, of course, obtain a certified copy of the marriage certificates of the people involved from the PSA and the civil registrars.

Other evidence, such as photographs, letters, and related documents proving the identities and relationships of the spouses should also be gathered.

All these will need to be presented in court together with witnesses to testify to them and the circumstances of the marriages.

If the court rules favorably, its decision will declare the nullity of the marriage. The spouses will be officially unmarried and, by law, will have never been married.

Their conjugal property will be divided between them, and matters such as custody of the children will have been resolved in the same decision.

If the court rules for the nullity of the marriage and the decision becomes final, this will have to be registered in the Philippine civil registry system. The registration of the final court decree is itself a requirement for the validity of the subsequent marriage.

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Steps to Annul a Bigamous Marriage

If you find yourself in a bigamous marriage situation, adhere to the following steps:

1. Gather Evidence:

Compile all relevant documents, including marriage certificates and residency proof. A lawyer will most likely also request an Advisory on Marriages for the bigamous spouse. An Advisory on marriages will list the person's multiple marriages and is good proof in a

case. If the person used multiple names, then a document linking both those identities would be needed.

2.File for Nullity:

Submit a petition and Affidavits through a lawyer for a declaration of nullity at the Family Court where you or your spouse resides while ensuring compliance with residency prerequisites.

3.Collusion Investigation:

Complete the Collusion Investigation at the prosecutor's office. This process ensures that there is no collusion between spouses and must be completed before the trial proper.

4.Court Proceedings:

Participate in court hearings where evidence will be presented, and witnesses may be required to provide testimony concerning your case. This will take several months.

5.Decision and Finality

If the judge is satisfied that the marriage was contracted when a marriage was already existing, then a successful Decision will be released, which must first become final before it can be registered.

6.Final Registration:

If your petition is successful, make sure the court's ruling is recorded with the Philippine civil registry.

The process can take about 3 years, from filing to Decision.

The reason is because Philippine courts are often crowded so hearings often take place months apart.

Additionally, the court may require additional information or have legal requirements around service that take time to complete.

Frequently Asked Questions

1.What if one spouse was unaware of the other marriage?

Lack of awareness regarding a prior marriage does not absolve an individual from facing legal consequences; both parties can still be charged with bigamy.

2.Can I remarry immediately after filing for annulment?

No. You must wait until the court officially declares your previous marriage null and void

and this successful Decision must also be recorded in the PSA before you can enter into a new marriage.

3. What are my rights if I am married to someone who is already married?

Your rights may be significantly limited, as your marriage is deemed invalid under Philippine law, and things such as conjugal property and inheritance rights.

4. What are the effects on my children if I was married to someone who was already married?

Your children will be illegitimate and thus will not inherit from the bigamous spouse.

5. What evidence is needed for an annulment based on bigamy?

Proof that there was an existing marriage at the time of marriage is needed, so an Advisory on marriages for the bigamous spouse listing the marriages would be a good place to start.