

Perhaps the Juan Luna case and his trial for killing his wife and mother-in-law in France should be an argument why civil divorce should be legalized in the Philippines. Because at that time, civil divorce was not allowed in Spain and its Philippine colony. And to date, there is still no divorce in the Philippines. How many Juan-Luna-like killings of spouses have happened in the Philippines because there is no legal way out of a bad marriage, especially when the victim is suspected of committing adultery?

In his column in the *Philippine Daily Inquirer* on June 4, 2004, entitled, "Convicted and fined," Ambeth R Ocampo wrote: "The only item I disagree with in the present 'Arts of Asia' issue on the Philippines is a small but important part of the Juan Luna story that remains confused to this day. The editorial states: 'In 1892, in a jealous rage, after wounding his brother-in-law, Juan Luna accidentally shot and killed mother-in-law- and wife.' In the article by Ramon Villegas, we read:

"Luna discovered what appeared to be proof of his wife's infidelity. In a rage, in September 22nd, 1892, Luna fired at and wounded his brother-in-law Felix. He shot at a closed bedroom door, behind which his mother-in-law and his wife were huddled, killing them. He was charged with murder... But Luna was acquitted by the French court after a day's session, on February 7th, 1893, on grounds of temporary insanity and the 'unwritten law' which permitted a husband to kill an adulterous wife . . . Luna was only made to pay the court the sum of forty francs for documentary stamps.'

"Such is the story that makes the rounds these days that is so far from the historical documentation that has been dug up in recent years. I don't know where the above story originated, but the version of the prosecution and the police report state that Luna entered the bathroom that the women had forgotten to lock, or maybe he managed to enter from another door, and he shot both in the head at close range, killing his mother-in-law on the spot. His wife died in a hospital a few days later."

In an online discussion that we belonged to, Ms. Ana de Guia posted:

"I read Ambeth Ocampo's article asserting Philippine hero Juan Luna's conviction by a French court in 1892 for the murder of his wife. Mr. Ocampo's assertion on the outcome is technically not quite correct so I took the liberty of pointing this out to him because he believes that this historical part of Juan Luna's life should be re-evaluated and subsequently re-written."

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The Case of Juan Luna Is an Argument for Legalizing Divorce in RP - MabuhayRadio

Written by Bobby Reyes

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I remember my days at both the San Beda College and the Ateneo de Manila College of Law where I took up law (but never finished it). As a law student, I always said that infidelity, adultery, etc., should never be a valid defense in killing or injuring the guilty party – even in caught in the act (in flagrante delicto). Because the punishment never fits the crime. A spouse who gets jilted has the option of just walking away and getting a new more-faithful partner. Please note my use of the word "partner" because unfortunately there is no civil (legal) divorce in the Philippines.

An innocent spouse (whose wife commits adultery or whose husband commits concubinage, as the Philippine Revised Penal Code so distinguishes marital infidelity as crimes) does not have the option to sue to terminate the marriage. He/she often finds a new love but cannot marry her (or him) and have a new life. The present Philippine laws on persons and family relations mandate the continuance of that marriage even if spouses have separated (often because of infidelity on the part of one or worse of both of them), have taken new domestic partners and even procreated additional children. Philippine laws do not realize that "***it is better to come from a broken home rather than live in one***," as then

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editor, Ramon F. R. Medina wrote so eloquently in his column, The Grab Bag.

In fact there had been cases wherein some spouses with a criminal mind used this supposed defense of "in flagrante delicto" in order to eliminate the wife (or husband), so as to marry validly another person. Legalizing divorce in the Philippines will (and should) probably reduce or eliminate these orchestrated "crimes of passion."

I discussed actually this sticky no-divorce situation in my political novel, "*One Day in the Life of a Filipino Sonovabitch*

" which needs to be reprinted possibly under a new title, A FILIPINO SOB STORY. (Some Overseas Filipinos and Filipinos hated the original title.) By the way, I also used and quoted in the said novel Mr. Medina's adage.

This is actually the reason I never care to write about Juan Luna, although I respect much his brother, Antonio, the military genius, who was assassinated in Cabanatuan City on the supposed orders of then President Emilio Aguinaldo. But then the topic of the Luna Brothers can fill up two or more columns in the History Section of this website. # # #

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