

Case study on annulment

Business



April 25, 1969 which marriage is valid and still existing; (c) She came to know of the prior marriage only sometime in 1983 when Marine sued them for bigamy; (d) Since 1979, she has been working in Saudi Arabia and is only able to stay in the Philippines when she would avail of the one-month annual vacation leave granted by her employer; (e) Roberto has been unemployed and completely dependent upon her for support and subsistence; (f) Her personal properties amounting to IPPP, OHO.

O are under the possession of Roberto, who disposed some of the said properties without her knowledge and consent; (g) While on her vacation, she discovered that he was cohabiting with another woman. Petitioner filed a Motion to Dismiss on the ground that the declaration of their marriage, which is void ab initio, is superfluous and unnecessary. He further suggested that private respondent should have filed an ordinary civil action for the recovery of the properties alleged to have been acquired by their union. ROTC and CA dismissed the petitioner's motion for lack of merit.

ISSUES: 1) Whether or not a petition for judicial declaration of a void marriage is accessory. If in the affirmative, whether the same should be filed only for purpose of remarriage.

2) Whether or not the petition entitled "Declaration of Nullity of Marriage and Separation of Property" is the proper remedy of private respondent to recover certain real and personal properties allegedly belonging to her exclusively. HELD: 1) Yes. The nullification of a marriage for the purpose of contracting another cannot be accomplished merely on the basis of the perception of both parties or of one that their union is defective.

Were this so, this Inviolable social Institution would be reduced to a mockery and would rest on a very shaky foundation. On the other hand, the clause “ on the basis solely of a final Judgment declaring such marriage void” In Article 40 of the Code denotes that such final Judgment declaring the previous marriage void Is not only for purpose of remarriage. 2) Yes.

The prayer for declaration of absolute nullity of marriage may be raised together with the other Incident of their marriage such as the separation of their properties.

The Family Code as clearly provided the effects of the declaration of nullity of marriage, one of which Is the separation of property according to the regime of property relations governing them. Hence, SC denied the Instant petition. Sac’s decision Is affirmed. Case study on annulment By Biographically that the declaration of their marriage, which is void ABA monition, is superfluous and ISSUES: 1) Whether or not a petition for Judicial declaration of a void marriage is necessary.

If in the affirmative, whether the same should be filed only for purpose of ND Separation of Property” is the proper remedy of private respondent to recover their union is defective. Were this so, this inviolable social institution would be the clause “ on the basis solely of a final Judgment declaring such marriage void” in marriage void is not only for purpose of remarriage. 2) Yes. The prayer for incident of their marriage such as the separation of their properties. The Family Code is the separation of property according to the regime of property relations governing them. Hence, SC denied the instant petition.

Sac's decision is affirmed.