

REPUBLIC OF THE PHILIPPINES  
FOURTH JUDICIAL REGION  
REGIONAL TRIAL COURT  
BRANCH 112  
BACOR CITY, CAVITE

**LUCHIE MENCIA-CALINGO,**  
Petitioner

-versus-

**CIVIL CASE NO. BCV-2018-122**  
For: Declaration of Nullity of Marriage

**PAOLO NERA CALINGO,**  
Respondent.

x ----- x

**TO: PAOLO NERA CALINGO**  
Blk. 4, Lot 25, Kristina Home, San Antonio,  
San Pedro, Laguna

**SUMMONS  
(BY PUBLICATION)**

**COMES NOW** petitioner, through the undersigned counsel, and unto this Honorable Court, most respectfully states;

1. That petitioner is of legal age, married, Filipino, and a resident of Blk. 23 Lot 3 and 5, Dita St., Phase 3, Central, Camella Springville, Molino 111, Bacoor City, Cavite; while respondent is, likewise, of legal age, married, and with residence address at Blk. 4, Lot 25, Kristina Home, San Antonio, San Pedro, Laguna, where he may be served with summons and other processes of this court;

2. That petitioner and respondent were married on May 30, 2009 in Las Pinas City, as evidenced by their Certificate of Marriage, a copy of which is hereto attached as Annex "A";

3. That as a result of their cohabitation, they begot one child, Nathan Leon, 11 years old. Copy of the child's Certificate of Live Birth is hereto attached as Annex "B";

4. That the time of the celebration of their marriage, both parties were psychologically incapacitated to comply with the essential obligations of marriage, and such incapacity became more evident and manifest only after its solemnization, as shown by circumstances which are enumerated below;

5. That petitioner and respondent met sometime in the year 2006. His brother was her best friend in her place of work, the APAC costumer services, a call center. Respondent would sometimes fetch her sister from their place of work. Petitioner, on the other hand, often hang out in her best friend's house where respondent was also residing;

6. That because of their frequent togetherness, they became close friends, and before they knew it, even without the benefit of courtship, they become sweethearts and lovers;

7. That at the start, their relationship was ok. They got along well. The problem was that respondent was jobless. He had no permanent job and only relied on his buy-and-sell of cars business, which, however, was not making well. In addition to that, he was into drugs. Petitioner tried to advise and convince him to stop using drugs, to no avail. And this became the cause of their frequent quarrels and misunderstandings;

8. That after six months, however, she became pregnant. She made him choose between being a father or go through with his vices, but the respondent angrily told her that his vices are none of her business;

9. That because petitioner loved the respondent so much, and she did not want her child to grow up without a father, she agreed to respondent's suggestion that they live together as husband and wife. She, however, refused to get married, and respondent, as well, did not want to get married;

10. That they, then, had a live-in relationship for two (2) years. Their relationship, however, has turned for the worse as respondent continued his vices, and he refused to look for a permanent job so that he could financially support his family;

11. That sometime in the year 2009, respondent applied for work as a seaman. Petitioner felt happy about his decision, and was hoping that respondent had finally reformed and became mature enough to face his responsibilities as the

father of the family;

12. That his application to work as seaman was accepted and when he learned that he was due to leave the country in June, 2009, he proposed marriage to her;

13. That petitioner was elated at his offer and, although at the back of her mind she still had doubts about getting married to him, she accepted the proposal of the respondent. They, thus, tied the knot in Las Pinas City on May 30, 2009;

14. That respondent, then, worked as seaman for five (5) years. His worked contract required him to be out of the country for 7-8 months, after which, he came home for a one-month vacation.

15. That their relationship was okay, except for some minor disagreements. Petitioner, however, noticed a big change in him. He became vain in his personal appearance, and often went to the gym. This made the petitioner happy as she saw it as a sign that he had gotten over his vices;

16. That, however, petitioner also noticed that respondent had been keeping things from him. She tried to investigate, and she discovered that the respondent had not stopped taking drugs and had been texting and calling a woman whom she was not able to discover who;

17. That when petitioner confronted the respondent about her discovery, the latter became very angry and accused her of meddling in his affairs. They had a big quarrel and petitioner already wanted to leave him but the thought of giving her son a broken family stopped her from leaving;

18. That after incident, their relationship turned sour. They had frequent quarrels, and even in the presence of their child, he would shout at her and hit her. Worse, he continued taking drugs even in the presence of their child;

19. That still, petitioner continued living with him and just suffered in silence for the sake of their child;

20. That on January 24, 2014, respondent left again to work as a seaman. He was supposed to come home in October, 2014, but to petitioner's surprise, respondent did not come home;

21. That petitioner asked her in-laws about the whereabouts of the respondent, and only then she learn that, indeed, he came home to the country but went direct to his parents' house;

22. That petitioner went to her in-laws' house to fetch the respondent but to her consternation, respondent did not want to go home with her anymore. He even refused to talk to her and to explain to her his decision. Despite all her pleas, respondent refused to talk to her;

23. That petitioner was, then, at a loss as to what she had to do, so she talked to her in-laws and asked them what happened. From her in-laws, she learned that respondent had confided to them that he had made a decision not to return in petitioner anymore. When she asked them the reason, her in-laws said, they did not know;

24. That several times, petitioner tried to talk to the respondent to no avail;

25. That, frustrated, hurt and devastated, petitioner stopped trying to talk to the respondent;

26. That somehow, however, she was still hoping that respondent would someday call her and reconcile with her. Months passed and she never heard from the respondent.

27. That although she was terribly hurt by what happened to her married life, she tried to move on and forget the past;

28. That the above narration of facts show that the parties' psychological incapacity, which was already existing before the solemnization of their marriage, appear to be incurable; and

29. That under the circumstances, the declaration of nullity of the marriage between herein petitioner and respondent is proper under Act. 36 in conjunction with Art. 45 of the Family Code of the Philippines.

**PREMISES CONSIDERED**, it is most respectfully prayed of this Honorable Court that the marriage between petitioner and respondent solemnized on May 30, 2009 in Las Pinas City be **ANNULLED**.

Other reliefs and remedies, which are just and equitable, are likewise, prayed for.

Imus, Cavite June 1, 2018.

**GALVEZ LAW OFFICE**

No. 15, Rosemary St., Parkplace Village  
Anabu 1-D, Imus City, Cavite

By:

**ZENAIDA LUBRICA GALVEZ**

Counsel for the Petitioner  
IBP O.R. No. 1063520 IBP-Cavite, 08-18-17  
PTR No. 0892631, Imus, Cavite, 1-29-18  
Roll No. 26734  
MCLE Compliance No. 0001273

**WHEREAS** as per Return of Service of Summons dated 11 December 2018, the summons, petition and its annexes were returned **DULY SERVED**.

**WHEREAS**, upon motion of the petitioner, through counsel, the Court issued an Order dated March 18, 2022 to serve the summons to the respondent by publication once a week for three consecutive weekd in a newspaper of general circulation in the Philippines.

**NOW, THEREFORE**, you are hereby required to file with the Branch Clerk of Court, Regional Trial Court, Branch 112, City of Bacoor, within 30 days after notice, your Answer to the petition, otherwise, the petitioner will take judgement againts you and demand from the Court the relief applied for in the petition.

**WITNESS THE HONORABLE AMALIA S. GUMAPOS-RICABLANCA**, Assisting Judge of this Court, this 12th day of April 2022 at the City of Bacoor.

**CHARISSA ELAINE B. LAZARO**  
Clerk of Court V

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