

Republic of the Philippines
Fourth Judicial Region
FAMILY COURT
BRANCH 4
Imus City, Cavite
fc1imu0004@judiciary.gov.ph
Tel. No. (046) 418-1948

ALFREDO L. MONTEAGUDO,
Petitioner,

Civil Case No. 7559-24
For: Declaration of Nullity of
-versus- Marriage under Art. 2 and
Art. 36 of the Family Code

JULIETA “MARIEJU” MONTEAGUDO,
Respondent.

X -----X

ORDER

Acting on the petitioner’s Motion for Leave of Court to Serve Summons by Publication, dated July 16, 2025, the Court **GRANTS** the same on the following grounds:

1. Based on the petitioner’s Compliance with Manifestation (Return to Summons) dated 03 June 2025, the respondent was not served with Summons, due to the insufficiency of the given address: and
2. Section 16, Rule 14 of the Revised Rules of Courts, as amended, and Section 6 of A.M. No. 02-11-10-SC provide for such service of summons by publication.

WHEREFORE, the Branch Clerk of Court is directed to issue the corresponding summons in this case. Let this Order, the summons, together with the Petition, be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the Philippines, as may be chosen by raffle. The respondent is given a period of thirty (30) days from the last issue of publication within which to register her answer to the Petition.

SO ORDERED.
Imus City, Cavite, July 29, 2025.

(Sgd)
ADELIZA H. MAGNO-GINGOYON
Presiding Judge

Copy Furnished:

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PETITION FOR DECLARATION
OF NULLITY OF MARRIAGE

Petitioner, **ALFREDO L. MONTEAGUDO**, through the undersigned counsel, and unto this Honorable Court most respectfully states:

I. PETITIONER PROPER

1. Petitioner **ALFREDO L. MONTEAGUDO** is of legal age, Filipino, married, and with a residence address in the Philippines at Lot 1, Block 3, Villa Amparo Subdivision, Bayan Luma IV, Imus City, Cavite. To prove Petitioner’s residency, a copy of his Barangay Certificate of Residency is hereto attached as Annex “A”. The lease Contract, Tax Identification Number ID as supporting documents to prove Petitioner’s residency are also attached as Annexes “B” and “C” respectively.
2. Respondent **JULIETA “MARIEJU” MONTEAGUDO**¹ is of legal age, married, Filipino, with residence address at No. 88, Bagong Barrio, Caloocan City, where she may be served with summons and other processes of this Honorable Court.
3. Petitioner and Respondent are husband and wife, having been married in a civil wedding held May 3, 1983 as evidenced by their Certificate of Marriage, a copy of which is attached hereto as Annex “D” and made an integral part hereof.
4. Their union was blessed with 1 child, **JENNIFER MONTEAGUDO**. A copy of the Certificate of Live Birth is attached hereto as Annex “E”

Five days after wedding, Petitioner went abroad in 1983. The Petitioner and the Respondent never lived together as husband and wife. They communicated for a year through letters while the Petitioner was working abroad;

¹ Hereinafter referred to as “Respondent” for brevity.

6. They separated five days after their marriage and never lived together as husband and wife.
7. As will be shown hereunder, prior to, during, and subsequent to the celebration of their marriage, Petitioner and Respondent are both psychologically incapacitated to comprehend and assume the essential obligations of marriage. Hence, this petition for the nullity of their marriage.

FACTS OF THE CASE

8. Petitioner is the eldest among six (6) children of Salome and Santiago Monteagudo, both deceased. His father died from hypertension, and his mother, a chronic smoker, died from complications related to asthma and tuberculosis.
9. Petitioner was raised in a financially unstable household in a rural setting, where his family relied on subsistence farming, primarily planting corn and tobacco. These endeavors were sufficient to meet the family’s basic needs, including the educational aspiration of the children.
10. From a young age, the Petitioner was burdened with responsibilities far beyond his years. As the eldest child, he was expected to assist his parents in the labor-intensive tasks of planting and harvesting crops, which disrupted his education. His schooling was frequently interrupted by his father’s insistence that he skip classes to help on the farm.
11. In 1983, the Petitioner secured employment as a security guard with the Tierra Company in Makati, Rizal. During his period, Respondent Juliet “Marieju” Monteagudo worked as domestic helper in a nearby subdivision.
12. The Petitioner and Respondent were introduced by mutual acquaintances – other domestic helpers and security guards working within the subdivision. The Respondent would frequently pass by the Petitioner’s post, greeting him in the process.
13. Over time, a casual friendship developed between the Petitioner and Respondent, eventually leading to the Petitioner jokingly expressing a desire to court the Respondent. The Respondent agreed, and they soon began dating. Within a month, their relationship progressed into that of a boyfriend and girlfriend.
14. Due to their work schedules, they only saw each other when leaving the subdivision.
15. While boyfriend-girlfriend, it did not take long for Petitioner to take the initiative, and his sexual advances were readily reciprocated by Respondent. Their first instance of sexual intercourse took place at the Respondent’s workplace. The Petitioner would visit the Respondent at the house of the latter’s boss. Sometimes, the Respondent would visit the Petitioner at a relative’s house in JP Rizal, where they engaged in a premarital relationship
16. The frequency of their intimate encounters eventually led to the Respondent’s pregnancy. The news of this pregnancy came as a shock to the Petitioner, who was unprepared for the responsibility of fatherhood. At the time, the Petitioner was not serious about his relationship with the Respondent, as he was involved with other women.
17. In the eight month of Respondent’s pregnancy, the Petitioner’s sister, Victoria Monteagudo Verona, who was working as a domestic helper for a wealthy employer in Gamu, Isabela, informed the Petitioner of a job opportunity abroad as a waiter. The position was offered by a company contracted to provide services in Diego Garcia, California, USA.
18. The Petitioner applied for and successfully secured the position. Before leaving the country, the Petitioner accompanied the Respondent back to her family’s home in Talisay, Negros Occidental, where she was to stay and give birth to their child while he was abroad.
19. Upon their arrival in Talisay, the Respondent’s parents arranged for the couple’s marriage. The Petitioner felt compelled to comply, as the Respondent’s father had threatened his life if he refused to marry the Respondent.
20. The marriage ceremony, which took place at 3 May 1983, was organized hastily. Respondent’s parents enlisted individuals to act as guardians for the Petitioner, facilitating the civil wedding officiated by the Municipal Trial Judge.
21. The Petitioner felt trapped and fearful for his life, with no alternatives or options available to him in the situation. Consequently, he reluctantly agreed to the marriage.
22. The Petitioner’s family, including his parents and siblings, were unaware of the wedding that took place in Talisay. The petitioner did not inform them of the marriage, given the circumstances surrounding it.
23. Five days after the wedding, the Petitioner returned to Manila to prepare for his departure abroad. He left the Philippines later that same year.
24. The Respondent gave birth to their daughter, Jennifer, on June 4, 1983. For the following year, the Petitioner and Respondent maintained communication through letters while the Petitioner was abroad and the Respondent remained in Talisay with their child.
25. In 1984, the Petitioner returned to the Philippines for a brief vacation but chose not to visit the Respondent and their child in Negros. Instead, he went directly to his parent’s home in Gamu, Isabela, as he longed to see them after several years of absence.
26. The Petitioner spent two weeks in Gamu before returning to Manila and then to Olongapo to finalize paperwork for his return abroad. His vacation was brief, and he did not attempt to reconnect with the Respondent or their child.
27. The Respondent, upon hearing the Petitioner’s vacation in 1984, travelled to Olongapo in an attempt to find him. During this time, she left

- their daughter in the care of her parents in Talisay.
28. While in Olongapo, the Respondent applied for a job and met a man named Noli Baje Opanda, a native of Samar, with whom she began an extramarital affair.
 29. The Respondent’s relationship with Mr. Opanda progressed rapidly. By October 1985, the Respondent was pregnant with Mr. Opanda’s child whom sha gave birth in July 1986.
 30. The Petitioner eventually learned of the Respondent’s affair and the birth of her child with Mr. Opanda. This revelation devastated the Petitioner, who had hope to reconcile with the Respondent upon his return to the Philippines.
 31. The Respondent and Mr. Opanda continued their relationship and eventually married on 18 December 1994, further solidifying the Respondent’s departure from her marriage with the Petitioner. A copy of the Certificate on Advisory of Marriage issued by the Office of the Civil Registrar is attached herewith as Annex “F”.
 32. The Petitioner was left emotionally distraught, realizing that he had no wife to return to, as the Respondent had effectively abandoned their marriage for another man. The Petitioner immersed himself in his work to cope with the situation.
 33. The Petitioner’s decision to cease communication with the Respondent was largely influenced by her infidelity and the birth of her child with other man.
 34. Petitioner and Respondent remained separated from 1983 until present, with no attempts at reconciliation proving successful.
 35. All efforts for reconciliation of the parties have been exhausted but proved futile and to no avail. The Petitioner now desires to be freed from a loveless marriage and live life liberated from the bonds of his failed marriage.

CAUSE OF ACTION

No Consent

36. Art. 2 of the Family Code² provides that no marriage shall be valid unless the essential requisites, which includes consent freely given in the presence of the solemnizing officer, are present. Art. 2 of the Family Code further provides that the absence of any of the essential or formal requisites shall render the marriage void a initio. The, Art. 15³ of the Family Code states that any contracting party between the age of twenty-one and twenty-five shall be obliged to ask their parents or guardian for advice upon the intended marriage.
37. In the case of *Ado-An-Morimoto vs Morimoto*⁴, the Supreme Court explained that:

“As a special contract, consent is, by definition, indispensable to marriage. Accordingly, the Family Code stipulates the second essential requisite of marriage to be “consent freely in the presence of the solemnizing officer.”

It is vital to distinguish the authentic, underlying consent of the parties from the external manifestation of such consent during a marriage ceremony. Jurisprudence therefore recognizes that, when there is no bona fide intention of becoming a spouse to another, a marriage is void for want of consent even when marriage ceremonies have been conducted and, there, the parties declared their intent to enter into married life.”

38. The ruling highlights the difference between mere outward compliance with the formalities of marriage and the true, voluntary intent to enter into a marital union. In the present case, the Petitioner’s so-called consent was nothing more than a superficial compliance, forced upon him by the Respondent’s family under the circumstances of duress.
39. Furthermore, in the case of *Republic of the Philippines vs Albios*⁵, the Supreme Court defined a consent freely given. To wit:

“Under said Article 2, for consent to be valid, it must be (1) freely given and (2) made in the presence of solemnizing officer. A “freely given” consent requires that the contracting parties willingly and deliberately enter into the marriage. Consent must be real in the sense that it is not vitiated nor rendered defective by any of the vices of consent under Articles 45 and 46 of the family Code, such as fraud, force, intimidation, and undue influence. Consent must also be conscious or intelligent, in that the parties must be capable of intelligently understanding the nature of, and both the beneficial or unfavorable consequences of their act. Their understanding should not be affected by insanity, intoxication, drugs, or hypnotism.”

40. It is underscored that the consent must be more than a mere formality; it must be deliberate, informed, and voluntary act. The Petitioner, in this case was deprived of the opportunity to exercise such informed and voluntary act.

² Art. 2 of the Family Code of the Philippines
³ Art. 15 of the family Code of the Philippines
⁴ G.R. No. 247576, March 15, 2021
⁵ G.R. No. 198780, October 16, 2013

41. The circumstances surrounding the marriage of the Petitioner and Respondent make it evident that no genuine consent was given. The Petitioner, at the time of the marriage, was subjected to severe pressure, intimidation, and emotional manipulation by the Respondent’s family. The marriage was a classic “shotgun wedding”, where the petitioner was coerced into marriage under the threat of harm. This environment of coercion and fear is the antithesis of the “freely given” consent required by law. The Petitioner’s agreement to the marriage was not a product of his free will but rather a desperate attempt to avoid immediate harm.
42. Furthermore, the Petitioner’s consent was neither conscious nor intelligent. The Petitioner, at a young and impressionable age, was thrust into a life-altering decision without adequate time to contemplate the consequences. He was denied the change to seek counsel from

his parents, who were entirely unaware of marriage plans. The marriage was orchestrated swiftly and without the Petitioner's genuine understanding or approval. This lack of time for reflection and advice directly contravenes the spirit of Article 15 of the Family Code, which emphasizes the need for parental guidance in such significant decision.

43. To provide further context, the relationship between the parties had only just begun when the Respondent's parents discover her pregnancy. This discovery led to the immediate and coercive arrangement of the marriage, without any consideration for the petitioner's feelings, readiness, or willingness to enter into such a union. The marriage was not the result of mutual love and respect but a hastily arranged solution to avoid societal embarrassment and family pressure. The Petitioner's involvement was not voluntary; it was compelled by external forces beyond his control.

44. The lack of genuine consent is further demonstrated by the subsequent breakdown of the marriage. The union was short-live and marked by unhappiness and dysfunction. The Respondent abandoned the Petitioner for a man shortly after the marriage, highlighting the absence of any true marital bond or commitment from the beginning. The coercive circumstances under which the marriage was entered into a foreshadowed its inevitable collapse.

45. In light of the foregoing, it is abundantly clear that the marriage between the Petitioner and Respondent is void ab initio due to the absence of the essential requisite of consent. The argument that cohabitation cured the lack of consent is untenable. The brief cohabitation period was not a product of the Petitioner's free will but was marred by ongoing fear and intimidation from the Respondent's family. The threats to the Petitioner's life and well-being persisted, preventing any possibility of a genuine, consensual marriage.

Nullity of the Marriage Based on Psychological Incapacity as the Main Cause of Action

46. Petitioner and Respondent sought the counselling of Ms. Nedy L. Tayag M.A., RPsy ("Ms. Tayag"), psychologist, and undertook relevant tests and clinical interviews to determine their individual psychological condition with respect to their ability to assume the essential obligations of the marriage.

47. After careful analysis of Ms. Tayag, she concluded based on the findings⁶ that the marriage of the parties failed due to the personality disorder of both parties that renders them incapable of fulfilling their marital duties and obligations.

48. Clinical psychologist, Ms. Nedy L. Tayag, on a clinical viewpoint, found that the Petitioner is suffering from a particular type of personality disorder known as NARCISSISTIC PERSONALITY DISORDER while the Respondent is conflicted with NARCICCISTIC PERSONALITY DISORDER and HISTRIONIC PERSONALITY DISORDER. Ms. Tayag strongly believes that the Petitioner and Respondent's psychological incapacity led to the eventual demise of their marriage.

The Petitioner's psychological incapacity is characterized by:

i. Petitioner's current intellectual endowment is leveled along the plane average, reflecting his capacity to face and handle easy-to-moderate mental challenges corresponding to his age group.

ii. His cognitive abilities in planning, visual-motor dexterity, abstraction, keenness to detail, and logical thinking are along the standard. Meanwhile, his judgment, while on a fair scale, is prone to exhibit fluctuating performances.

iii. It was revealed in Petitioner's Projective data that he has a positive disposition; yet, afraid of failure or making mistakes. He is a person who constantly strives for a sense of safety and stability.

iv. Due to his excessive anxiousness and strong inclination to be negative.

⁶ See Annex "G", Psychological Assessment conducted by Ms. Nedy L. Tayag

v. Behind his confident demeanor is an individual with poor self-esteem and a lack of adequate appreciation of his real capacity.

vi. Petitioner's low self-esteem influenced his belief that he needed to be highly productive to recognize his worth as a person.

vii. Petitioner's capacity for stress is so low that in facing difficulties, he attempts to compensate by doing something that he feels is beneficial for his ego just not to feel his emotions.

viii. Socially, the Petitioner seeks relationships that will provide him nurturance and protection. Due to his fragile ego, he is most likely to conform to social situations to avoid the feeling of shame when he does something that is not in favor of his group.

ix. Petitioner wants intimacy to have feeling of something to hold on to. He seeks connection to have something to grasp onto.

x. Petitioner likes talking and will always ensure that thoughts and sentiments are strongly communicated, particularly those that are his own.

Respondent's psychological incapacity is characterized by:

i. Respondent is self-centered. She is uncomfortable when she is not the center of attention. She displays exhibitionist behavior while constantly seeking for reassurance or approval. She is also excessively sensitive to criticism or disapproval. Respondent shows inappropriately seductive appearance or behavior of a sexual nature.

ii. Opinions of Respondent are easily influenced by other people, but she had difficult to back up with details. She also has the tendency to believe that relationships are more intimate than they actually are. She has high degree of suggestibility, that is, easily influenced by others or circumstances.

iii. Respondent rapidly shifts emotional states that appear shallow to others. She exhibits excessive dramatics with exaggerated displays of emotion. Respondent blames personal failure or disappointments on others.

49. Ms. Tayag traces Petitioner's personal disorder back to the initial phases of his development when he was still in the crucial years of laying the foundation of his person where he was exposed to enduring conditions that left a lasting impact on him. As a result, the Petitioner ended up developing an inferior self-image, which the petitioner later on tried to overcompensate, leading to his complex personality structure.

50. His personality disorder may have been proliferated by emotionally injuring childhood experiences catered by an immediate environment where he thought it was not safe to express frustration or anger, much less develop one's own initiative towards personal choices, to wit:

i. Petitioner's view of himself and everyone else has been greatly influenced by the restrictive kind of environment that he had been immersed into as a child and the decidedly dysfunctional manner by which the dynamics of his parents' relationship have been displayed in front of him.

ii. Petitioner's parents, had taken upon themselves to map out everything under the premise of doing what they thought was best along the way, it had essentially denied the validity of Petitioner's own thoughts and feelings, so much so that petitioner had developed troubled making up his mind on anything without his parents or anyone else telling him what to do.

iii. At best, the image he was presented to emulate was the authoritarian attitude that his own father had demonstrated to the family that only encouraged more confusion and later, resentment in him knowing that he was far too uncertain to even come close to the understanding what his parents really expected from him.

iv. His father's faulty actions and his mother's overbearing methods hardly helped at all in Petitioner's process of developing self-confidence as he clearly felt awkwardly side lined by all the covering up that both parents engaged in while flaunting their respective authorities over someone who simply had no idea why he had to suffer the ignominy of being almost afterthought.

v. Growing up, Petitioner felt deeply neglected and considered himself insignificant despite the fact that both his parents were practically behind the most part, since both have only concerned themselves with imposing their own will upon petitioner without bothering to consider what it was the he had wanted to do or achieve.

vi. Such suppressive existence contributed highly to his disdain towards authoritative or dominant figures, particularly those he perceived to be pushing him towards situations he never would have wanted to be involved in the first place, as what his wife had been consistently doing to him for years.

vii. With nobody else to turn to who would have addressed his own insecurities, Petitioner has likewise failed to develop a better sense of both his actual strengths and weaknesses, and traversed through adulthood without really knowing what he wanted or what it was that could provide him some sense of satisfaction or accomplishment, specifically in his intimate relationships.

51. Ms. Tayag traces the root causes of Respondent's personal disorder from having grown up in a dysfunctional family set-up, to wit:

i. Having grown up with family a faulty father figure and the subsequent preoccupation of her mother with covering up for both her father's excesses as well as her personal problems, rather than taking time to attend to respondent's emotional requirements have in turn bred in her the impression that she was rejected emotionally.

ii. Basically, Respondent spent her childhood and early teens without having to discover her own identity as the path she was presented with was littered with personal doubts and insecurities. Seeing her father's faulty ways and watching her mother struggling helplessly to put up a front of normalcy had clearly shaken her sense of security, no matter how everyone around her tried to inject into her the notion of being special.

iii. The incongruence of what her parents say and their actual actions brought respondents so much instability and whatever little sense of personal security that she had growing up were also threatened seriously by the obvious fragility of her status and the seemingly difficult compromises that she had to go through in the face of competition later on.

iv. She always seem to want to feel needed but could not seem to display enough effort to compensate for her felt vulnerabilities, hence her pathetically loose temperament and very poor impulse control whenever she feels challenged.

v. Having grown up with the impression of being unwanted, respondent has thus learned to shield herself from such humiliating experiences by constant denial and through projection of an image of aggressiveness.

vi. She has become a person who, beneath an assertive and receptive façade, is one who harbors deep seated anxieties of being unacceptable and getting taken for granted. The enduring bitterness that respondent have done to live with early on have continued to cloud her judgment and have driven her to commit certain excesses later in life that only add up to her personal troubles.

vii. Upon reaching adulthood, Respondent's insatiable quest for attention and recognition continue to be at the forefront of her motives which however did not translate well in her roles as a legally married wife, and most of all, as family woman.

viii. In a sense, she never really grew out of her developed childhood aggression and instead, she even evolved into even more effective aggressive behaviors in adulthood, using her manipulative tactics to serve her self-engrossed agendas which to her own view, makes her feel good, or in some means, complete her flawed self-concept that she had long be trying to cover up.

52. Petitioner's psychological disorder manifest in the following situations:

I. Petitioner requires excessive admiration.

a. Petitioner entered multiple relationships to feel good about himself and cover up his fragile self-esteem. When the Petitioner was still working as a security guard for the Tierra Company in Rizal, Makati, he

met "Marieju" who was then working as a helper in a nearby subdivision. They only ran into each other when leaving the subdivision because of their job schedules. Although he was dating Juliet ("Marieju"), Alfredo had other girlfriends.

b. *"Pinsan ko po gwupo. Pero bago niya nakilala si Juliet, may mga girlfriend siya na pinagsabay-sabay niya. Hindi alam ng mga babae. – JOHN ADAP, cousin of the petitioner.*

c. *Petitioner lost contact with the respondent when he was still in USA. Upon returning, he learned that the respondent had an affair and had a child with another man she met in Olongapo. His fragile masculine ego could not accept the fact that what he used to do with other women that he had relationship before will be done to him by his wife. To bolster his fragile self-esteem, the petitioner also finds another woman to replace the respondent.*

d. *"Sa aking pagkakatanda, nagkaroon ng kasintahan si Kuya Fred bago ito nag-ibang bansa. Nagtrabaho siya sa ibang bansa at wala na kaming narinig na kahit ano mula sa kaniyang kasintahan hanggang sa bumalik ito sa Pilipinas." ZALDY ADAP, cousin of the petitioner*

e. *"Noon tinanong ko ang aking ama, sinabi niyang kinasama ng aking Tito si Marieju noon siya ay nagtatrabaho sa Maynila bilang isang security guard. Kwentong pa niya, nawalan sila ng contact noong mag-ibang bansa na ang aking unty. Hindi na rin sila nakapag-usap kahit pa bumalik na ang aking uncle sa Pilipinas. – FREDDIE MONTEAGUDO JR., nephew of the petitioner.*

II. Petitioner lacks empathy. He is unwilling to recognize or identify with the feelings and needs of others.

a. *Petitioner abandoned the respondent and their child and ceased providing financial support for them.*

b. *...ang tagapag niyang hindi magpakita at hindi nagsuporta..."- Respondent's account*

c. *"Lumaki ang aming anak, pinag-aral namin. Mas malaki ang gastos ng nanay ko doon sa anak ko. Noong high school, nanay ko na ang nagpaaral. "-Respondent's account*

d. *"Habang lumalaki ang anak ko, lalo siyang ninanais mnakita ng tatay niya. Binubully na siya sa school. Hindi naman nakita. Noon nauso ang social media, hinanap talaga ng anak ko kaya maraming kaibigan ang anak kong Monteagudo, pero hindi naman kilala ang tatay niya. "-Respondent's account.*

e. *"Hanggang nakakita s FB ng pinsan niya noong 2017. Anak ng kapatid ng tatay niya sa Taguig. Ayun nag-set sila at nagkita sila, at nagkita na rin kami ng tatay niY'a. Baligtad nga, kami ang naghanap hindi sya. -Respondent's account.*

f. *Sa tanda ko minsan lang nagbigay ngpera yan. Nangako hindi naman tinutupad ng ama. "-Respondent's account.*

g. *"Wala akong magawa kung iyon ang gusto niya ang magpa-annul, pero paano naman ang mga taon na hindi niya sinuportahan ang anak niya. Sana naman alalahanin niya yun." – Repondent's account.*

53. Petitioner's DEPENDENT PERSONALITY DISORDER and Respondent's HISTRIONIC PERSONALITY DISORDER are around to be existing even before their marriage, and they are grave, permanent, and incurable. Ms. Tayag stated in her Psychological Evaluation Report that:

*"The psychological incapacity of both petitioner and respondent is characterized by juridical antecedence as it **already existed long before they entered marriage**. It is like **pervasive and already deeply engrained in their respective systems** that expecting any changes from either party in favor of reconciliation as well as normal cohabitation as husband and wife is deemed to be an extremely remote possibility."*

54. Based on her findings, Ms. Tayag highly recommends the declaration of the parties' marriage null and void on the ground of psychological incapacity:

"With both already getting accustomed towards leading separate lives with hardly any consideration as to what the other might decide to pursue moving forward, the possibility of meaningful union that is based on love, mutual respect and trust is already considered a remote possibility, if not a foregone conclusion. In the context or herein facts and findings, the declaration of nullity of petitioner's marriage to respondent is hereby firmly recommended."

55. The foregoing facts clearly established that both the Petitioner and Respondent failed to comply with the essential marital obligations. It must be further underscored that Petitioner failed to comply with Article 68 of the Family Code, to wit:

"Article 68. The husband and wife are *obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support.*"

56. Both the Petitioner and Respondent infringed on their marital vows and obligations as laid down in Article 68 of the Family Code. Their actions and behavior clearly demonstrate their lack of proper stance as married couple.

57. In this case of Dela Cruz-Lanuza v. Lanuza, Jr. and the Republic of the Philippines⁷, the Honorable Court ruled that:

"Unjustified absence from the marital home for decades may be considered as part of the totality of evidenced that a person is psychologically incapacitated to comply with the essential obligations of marriage."

58. The Court reasoned that prolonged abandonment, without justifiable cause and occurring over a substantial duration, could signify a severe

defect in the individual's essential makeup, rendering them unable to comply with the essential obligations of marriage under Article 36 of the Family Code. In this context, physical separation is not simply a failure of cohabitation but a manifestation of psychological condition that prevents the individual from appreciating or fulfilling marital duties such mutual respect, fidelity, and support.

59. Applying this precedent, both the Petitioner and the Respondent demonstrated a pattern of abandonment and neglect throughout their marriage. This prolonged absence and lack of mutual support highlight each party's incapacity to meet even the most basic obligations of marital life. The Petitioner's disregard for financial support and emotional involvement in the life of his child further demonstrates a profound lack of empathy and commitment – traits incompatible with the responsibilities inherent in marriage. Similarly, the Respondent's actions, including her erratic behavior and need for attention reveal an incapacity for the sustained, balanced relationship required of marital partners.

G.R. No. 242362, April 17, 2024

60. In view of the Petitioner and Respondent's failure to comply with the essential marital obligations, their marriage should be declared void according to Article 36 of the Family Code, which states:

“Article 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.”

61. Marriage is an inviolable social institution sanctified by religion and its nature governed by law. The marriage of Petitioner and Respondent should be declared void ab initio because both parties never really had the heart, will, and mind for marriage and its attendant obligations. Marital vows are not empty and hollow promises of affection and love but a lifetime commitment between a man and a woman. Marriage does not merely speak of the present state that one's heart but embraces the past and must patiently endure the future. The facts of the present case clearly show that Petitioner did not take into consideration the attendant obligation of marriage.

62. Thus, there was no marriage that look place on May 3, 1983, which is, at best, on an empty ritual or a hollow ceremony. Their wedding therefore a farce, as Petitioner and Respondent were psychologically incapacitated to comply with the essential obligations of marriage. In full fairness to the parties, therefore, they should be freed from the bonds tying them.

63. The “seeds” or manifestations of the Petitioner and the Respondent's psychological incapacity to comply with the essential marital obligations manifested only sometime after the celebration of their marriage.

64. Therefore, the marriage of the Petitioner and Respondent must be dissolved in the best interest of the State. In the case of Azcueta vs. Republic⁸, the Supreme Court quotes the ruling cited in the case of Te vs. Yu-Te.

“In dissolving marital bonds on account of either party's psychological incapacity, the Court is not demolishing the foundation of families, but is actually protecting the sanctity of marriage, because it refuses to allow a person afflicted with a psychological disorder, who cannot comply with or assume the essential marital obligations, from remaining in that sacred bond. Let it be noted that in Article 36, there is no marriage to speak of in the first place, as the same is void from the very beginning. To indulge in imagery, the declaration of nullity under Art 36 will simply provide a decent burial to a stillborn marriage. (Emphasis and underscoring supplied)

(G.R. No. 180668, May 26, 2009)

65. Succinctly put, the marriage between Petitioner and Respondent should be declared void ab initio because Petitioner and Respondent never really had the heart, will, and mind, for marriage and its attendant obligations as outlined in the Family Code. The manifestations of their psychological incapacity to comply with the essential marital obligations were already present even prior to the celebration of their marriage and just became more evident after its celebration.

66. There are no existing properties belonging too the absolute community of property that can be disposed of in accordance with law.

67. Petitioner and Respondent did not incur any conjugal debts.

68. All efforts for reconciliation of the parties have been exhausted but proved futile and to not avail.

69. In view of the foregoing, Petitioner respectfully requests this Honorable Court to declare his marriage to Respondent as null and void due to psychological incapacity of both parties to comply with the essential marital obligations.

III. PROPOSED DOCUMENTARY EXHIBITS TO BE MARKED

Exhibits	Description
Exh. A	Barangay Certificate of Alfredo L Monteagudo ⁹
Exh. B	Lease Contract of Alfredo L. Monteagudo ¹⁰
Exh. C	Tax Identification Number ID of Alfredo L. Monteagudo ¹¹

Exh. D	Certificate of Marriage of Alfredo L. Monteagudo and Julieta Monteagudo ¹²
Exh. E	Certificate of Live Birth of Jennifer Monteagudo ¹³
Exh. F	Certificate of Advisory of Marriage issued by the Office of the Civil Registrar ¹⁴
Exh. G	Curriculum Vitae of Ms. Nedy L. Tayag ¹⁵
Exh. H	Psychological Report by Ms. Nedy L. Tayag ¹⁶
Exh. I	Judicial Affidavit of Alfredo L. Monteagudo ¹⁷
Exh. J	Judicial Affidavit of Nedy L. Tayag ¹⁸
Exh. K	Judicial Affidavit of Zaldy M. Adap ¹⁹

9 Attached herewith as “Annex “A”.

10 Attached herewith as “Annex “B”.

11 Attached herewith as “Annex “C”.

12 Attached herewith as “Annex “D”.

13 Attached herewith as “Annex “E”.

14 Attached herewith as “Annex “F”.

15 Attached herewith as “Annex “G”.

16 Attached herewith as “Annex “H”.

17 Attached herewith as “Annex “I”.

18 Attached herewith as “Annex “J”.

19 Attached herewith as “Annex “K”.

Exh. L	Judicial Affidavit of John M. Adap ²⁰
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Petitioner, Alfredo L. Monteagudo, reserves the right to mark additional documentary evidence in the course of the Pre-Trial and Trial.

III. WITNESSES TO BE PRESENTED

1. Alfredo L. Monteagudo – testimony of witness is being offered to prove that Petitioner and Respondent have psychological incapacity which incapacitate them from complying with the essential marital obligations.

2. Dra. Nedy L. Tayag – testimony of expert witness is being offered to prove that Petitioner and Respondent have psychological incapacity which incapacitate them from complying with the essential marital obligations and that the root cause, juridical antecedent, gravity and incurability of the said parties' psychological disorder, its manifestation on the parties and its effects on the parties' performance of their marital obligations.

3. Zaldy M. Adap – testimony of the witness is being offered to prove that Petitioner and Respondent have psychological incapacity which incapacitate them from complying with the essential marital obligations

4. John M. Adap – testimony of witness is being offered to prove that Petitioner and Respondent have psychological incapacity which incapacitate them from complying with the essential marital obligations.

Petitioner Alredo L. Monteagudo reserves the right to present other witnesses on his behalf.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Court that after due hearing, a judgment be rendered declaring the marriage of the parties contracted May 3, 1983 **NULL AND VOID** from the beginning based on Article 2 and Article 36 of the Family Code and all its legal consequences.

Other means of relief, just and equitable under the premises, are likewise prayed for.

MOST RESPECTFULLY SUBMITTED.

Municipality of Tanza, for Imus City, Cavite 29 October 2024.

Attached herewith as “Annex “L”.

STA ANA AND ASSOCIATES LAW OFFICES
Counsel for Petitioner
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Barangay Biga Tanza, Cavite
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By:
(Sgd)
GREY KRISTOFF F. ARANAS
PTR No. 7143471/01-03-2024/Tanza, Cavite
IBP No. 331049112-20-2023/Batangas
Roll of Attorneys No. 80309
MCLE Compliance (Admitted to the Philippine Bar 2022)
2F Elisa Bldg. Tanza-Trece Road, Landmass Park,

Barangay Biga Tanza, Cavite
0927-122-5778

VERIFICATION AND CERTIFICATION
OF NON-FORUM SHOPPING

I, **ALFREDO L. MONTEAGUDO**, of legal age, Filipino, with residence address at Lot 1, Block 3, Villa Amparo Subdivision, Bayan Luma IV, Imus City, Cavite, after having duly sworn in accordance with law, hereby depose and state that:

1. I am the Petitioner in the above-captioned case to which this verification and Certification of Non-Forum Shopping is attached;

2. I have caused the preparation and filling of the foregoing Petition for Declaration of Nullity of Marriage under Art. 36 of the Family Code with this Honorable Court;

3. I have read and understood the contents of the Petition and I attest that the allegations therein are true and correct of my own personal knowledge and/or based on authentic records; this Petition is not being filed to harass, cause unnecessary delay, or needless increase the cost of litigation; and the factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;

4. I have not commenced any other action or proceeding involving the same issues in Honorable Court, the Court of Appeals, or any other court, tribunal or quasi-judicial agency;

5. To the best of my knowledge, no such action or proceeding is pending in the Honorable Court, the Court of Appeals, or different divisions thereof, any other court, or tribunal or quasi-judicial agency;

6. Should it come to my knowledge that a similar action or proceeding has been filed or in pending before the Honorable Court, the Court of Appeals, the different divisions thereof, or any other court, tribunal or quasi-judicial agency, I hereby undertake to notify this Honorable Court taking cognizance of the above-entitled case of such fact within five (5) calendar days from receipt of such knowledge.

(Sgd)
ALFREDO L. MONTEAGUDO
Affiant

SUBSCRIBED AND SWORN to before me this 04 day of November, 2024 at Municipality of Tanza, Cavite, Affiant exhibited to me his Identification Card with no. 142-216-595-000 bearing his photograph and signature to prove his identity.

NOTARY PUBLIC

(Sgd)
ATTY. MARC LESTER H. STA. ANA
Appointment No. 020-22 (2023-2024)
Notary Public for Tanza, Cavite
Cities of General Trias and Trece Martires
Until December 31, 2024
2F Elisa Bldg., Tanza, Trece Road, Landmass Park
Brgy. Biga, Tanza, Cavite
PTR No. 7143472/01-03-2024/Cavite
IBP No. 382990/12-31-2023/Cavite
Roll of Attorneys No. 73928
MCLE Exempt Pursuant to G.B.O. No. I, s.2008

Doc. No. : 390;
Page No. : 79;
Book No. : XXX;
Series of 2024

SUMMONS

NOW THEREFORE, respondent **JULIETA “MARIEJU” MONTEAGUDO** is hereby summoned pursuant to Section 6 of A.M. No. 02-11-10-SC, and required to file with Branch 4, Family Court, Imus City, Cavite his answer to the Petition within thirty (30) days from the date of last publications of this Summons furnishing a copy thereof upon petitioner's counsel, **STA. ANA AND ASSOCIATES LAW OFFICES, UNIT 2F Elisa Bldg. Tanza-Trece Road Landmass Park, Barangay Biga Tanza, Cavite.**

No motion to dismiss the Petition shall be allowed except on the ground of lack of jurisdiction over the subject or over the parties, provided however, that any other ground that might warrant a dismissal of the case may be raised as an affirmative defense in an Answer (Sec. 7, A.M. No. 02-11-10-SC). If you fail to file an answer, the Court shall not declare you in default and shall order the public prosecutor to investigate whether collusion exists between the parties (Sec. 8, A.M. No. 02-11-10-SC).

WITNESS THE **HON. ADELIZA H. MAGNO-GINGOYON**, Presiding Judge of this Court, this 20th day of August 2025, in Imus City, Cavite.

(Sgd)
ATTY. DENN REED B. TUVERA, JR.
Branch Clerk of Court

Publication: HANEP September 22 and 29, 2025