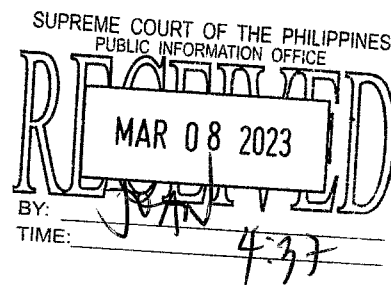




Republic of the Philippines
Supreme Court
Manila



EN BANC

NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **JANUARY 24, 2023**, which reads as follows:*

“**A.M. No. 02-11-10-SC** (Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages) and **A.M. No. 02-11-11-SC** (Re: Rule on Legal Separation).— Acting on the Letter dated October 1, 2022 of Associate Justice Amy C. Lazaro-Javier, Chairperson, Committee on Family Courts and Juvenile Concerns, the Court Resolves to **APPROVE** the

- I. 2023 Amended Guidelines to Validate Compliance with the Jurisdictional Requirements in Petitions for Declaration of Absolute Nullity of Marriage and Annulment of Voidable Marriage or Petitions for Legal Separation; and
- II. 2023 Amendments to Section 4 of A.M. No. 02-11-10-SC (Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages) and Section 2(c) of A.M. No. 02-11-11-SC (Rule on Legal Separation),

as follows:

I.

2023 AMENDED GUIDELINES TO VALIDATE COMPLIANCE WITH THE JURISDICTIONAL REQUIREMENTS IN PETITIONS FOR DECLARATION OF ABSOLUTE NULLITY OF MARRIAGE AND ANNULMENT OF VOIDABLE MARRIAGE OR PETITIONS FOR LEGAL SEPARATION

The Guidelines to Validate Compliance with the Jurisdictional Requirements in Petitions for Declaration of Absolute Nullity of Marriage and Annulment of Voidable Marriage or Petitions for Legal Separation is amended as follows:

(a) Contents and form of the petition. With reference to the requirements of Section 5 of A.M. No. 02-11-10-SC and Section 2(b) of A.M. No. 02-11-11-SC, petitioner shall state the complete address of the parties in the petition (*i.e.*, house number, street, *purok*/village/subdivision, *barangay*, zone, town, city, and province):

(1) For this purpose, the petitioner shall attach the following:

(a) sworn certification of residency (with house location sketch) issued by the *barangay*;

(b) sworn statement of counsel of record **stating that:**

(i) after a reasonable inquiry, he or she has verified the authenticity of the petitioner's proof of *barangay* residency as mentioned in the preceding paragraph 1(a) showing that the petitioner had been residing in the *barangay* for at least six (6) months prior to the filing of the petition **except when the petitioner is residing abroad, or has left the habitual residence which he or she has established with the respondent spouse for just cause, such as violence against his or her person or their children, drug addiction or other criminal activity, alcoholism, infidelity, and failure to provide support, provided the petitioner cites such reason/s in the verification attached to the petition and details the same in the petition; and**

(ii) he or she has sufficiently explained to the petitioner the rationale for the residency requirement for purposes of venue and the consequences of non-compliance therewith.

(c) any but not limited to the following supporting documents:

(i) Utility bills in the name of the petitioner for at least six (6) months prior to the filing of the petition;

(ii) Government-issued I.D. or Company I.D., bearing the photograph and address of the petitioner and issued at least six (6) months prior to the filing of the petition;

(iii) Notarized lease contract, if available, and/or receipts for rental payments (bearing the address of the petitioner) for at least six (6) months prior to the filing of the petition; and

(iv) Transfer Certificate of Title, or Tax Declaration, or Deed of Sale and the like, in the name of the petitioner where he/she resides.

If the petition is filed without **assistance of counsel but** a counsel subsequently **enters his or her appearance for the petitioner**, said counsel shall submit, together with the formal entry of appearance, **the sworn statement required under the preceding paragraph 1(b).**

(2) if, for just cause, such as violence against his or her person or their children, drug addiction or other criminal activity, alcoholism, infidelity, and failure to provide support, the petitioner spouse has left the habitual residence which he or she has established with the respondent spouse, the petitioner spouse shall also be exempt from submitting the documents enumerated under paragraphs 1(a), (b), and (c), provided he or she cites such reason/s in the verification attached to the petition and details the same in the petition.

(3) If both parties to the petition are residing abroad for employment, business, education, or any other purpose, the following documents shall be attached to the petition, in lieu of those enumerated in the preceding paragraphs 1(a), (b), and (c):

(a) a sworn certification from the appropriate Philippine Consulate that petitioner is temporarily residing abroad for employment, business, education, or any other purpose;

(b) any sufficient proof of the habitual place of residence of any of the parties or the place where they last resided as husband and wife: and

Done

(c) a sworn statement of counsel of record stating that, he or she has sufficiently explained to the petitioner the rationale for the residency requirement for purposes of venue and the consequences of non-compliance therewith.

(b) Collusion investigation. In cases where the public prosecutor is directed to investigate whether collusion exists between the parties, the court shall additionally order the public prosecutor to include in the collusion investigation report a determination of the party's residence.

(c) Dismissal of the petition for alleging a false address **or falsely claiming the exemption from the residency requirement.** At any stage of the proceedings where it appears that the address alleged in the verified petition is false or where it appears from the registry return/s that either party is unknown at the given address, **or that the reason/s cited in the verification for exemption is/are proven false,** the court shall, after notice and hearing, dismiss the petition and require the counsel of record to show cause why no appropriate sanctions should be imposed on him/her for submitting a false affidavit of verification.

(d) **Dismissal of the petition, without prejudice, for failure to prove residency.** Failure of the petitioner to comply with the residency requirement shall be a ground for the immediate dismissal of the petition, without prejudice to the refile of the petition in the proper venue.

(e) **Dismissal due to non-service of summons, not actual residence.** If the petition is filed at the respondent's place of residence and summons could not be served for the reason that the respondent is not actually residing at the given address, the petition shall be dismissed.

(f) Sanctions. Officials, parties or representatives who submit a false certification or document shall be held liable for indirect contempt, without prejudice to criminal and/or administrative liabilities.

These guidelines shall be applied prospectively.

[amendments in bold]

II.

2023 AMENDMENTS TO SECTION 4 OF A.M. No. 02-11-10-SC (RULE ON DECLARATION OF ABSOLUTE NULLITY OF VOID MARRIAGES AND ANNULMENT

File

**OF VOIDABLE MARRIAGES) AND SECTION 2(C) OF
A.M. No. 02-11-11-SC (RULE ON LEGAL SEPARATION)**

Section 4 of A.M. No. 02-11-10-SC (Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages) is further amended as follows:

Section 4. *Venue.* – The petition shall be filed in the Family Court of the province or city where the petitioner or the respondent has been residing for at least six **(6)** months prior to the date of filing or in the case of a non-resident respondent, where he may be found in the Philippines, at the election of the petitioner.

If both the petitioner and the respondent are residing abroad for employment, business, education or any other purpose, the petition shall be filed in the Family Court:

- (a) in the habitual residence of either party, at the election of the petitioner; or
- (b) in the place where the petitioner and respondent last resided as husband and wife in the Philippines.

If only the petitioner is residing abroad, the venue should be the place of residence of the respondent in the Philippines.

[amendments in bold]

and Section 2(c) of A.M. No. 02-11-11-SC (Rule on Legal Separation) is further amended as follows:

Section 2. *Petition*

XXX

(c) *Venue.* – The petition shall be filed in the Family Court of the province or city where the petitioner or the respondent has been residing for at least six **(6)** months prior to the date of filing or in the case of a non-resident respondent, where he may be found in the Philippines, at the election of the petitioner.

If both the petitioner and the respondent are residing abroad for employment, business, education or any other purpose, the petition shall be filed in the Family Court:

- (i) in the habitual residence of either party, at the election of the petitioner; or

Done

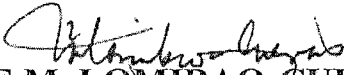
(ii) in the place where the petitioner and respondent last resided as husband and wife in the Philippines.

If only the petitioner is residing abroad, the venue should be the place of residence of the respondent in the Philippines.

[amendments in bold]

The foregoing amendments shall take effect immediately.” Rosario, J., on official leave. (5)

By authority of the Court:


MARIFE M. LOMIBAO-CUEVAS
Clerk of Court h.10.20

HON. AMY C. LAZARO-JAVIER (x)
Associate Justice and Chairperson
Committee on Family Courts and Juvenile Concerns
Supreme Court

PUBLIC INFORMATION OFFICE (x)
Supreme Court

A.M. Nos. 02-11-10-SC & 02-11-11-SC
sarah 012423 (URes5) 030823

Court Administrator

*HON. RAUL B. VILLANUEVA (x)

Deputy Court Administrators

HON. JENNY LIND R. ALDECOA-DELORINO (x)

HON. LEO T. MADRAZO (x)

Assistant Court Administrators

HON. LILIAN BARRIBAL-CO (x)

HON. MARIA REGINA ADORACION

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*For circularization

