

Republic of the Philippines
REGIONAL TRIAL COURT
7th Judicial Region
Branch 55
Mandaue City, Cebu
rtc1mnd055@judiciary.gov.ph

PRESIE MACAN-BONTILAO,
Petitioner,

-versus-

Civil Case No. MAN 7135
For: Declaration of
Nullity of Marriage

DANTE BONTILAO,
Respondent.

X-----/

DECISION

This Court resolves the **Petition for Declaration of Nullity of Marriage** filed by petitioner Presie Macan-Bontilao against respondent Dante Bontilao on 2 September 2013 on the ground of the latter's psychological incapacity to comply with her essential marital obligations in accordance with Article 36 of the Family Code.

The Office of the Solicitor General (OSG) formally entered its appearance on 29 January 2014.¹ It authorized the Office of the Provincial Prosecutor of Cebu to represent the OSG in this case.

Summons was personally served upon the respondent on 9 January 2014 at his home address at Agos-Dako Lapu-Lapu City.²

Respondent filed his Answer on 23 January 2014.

Pre-trial conference was conducted on 17 February 2015. The state was represented by Assistant Provincial Prosecutor Marvin Dela Peña while Atty. Bernardito Malabago appeared for the petitioner. The following were stipulated by the parties:³

¹ Received by the Court on 24 February 2014

² See Sheriff's Return of Summons filed on 28 January 2014

³ See Pre-trial Order dated 17 February 2015

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WARREN NIRO U. OPONE
Clerk of Court V
RTC Branch 55 Mandaue City

WHEREFORE, in view of the foregoing and for being meritorious, the petition is hereby GRANTED. Judgment is hereby rendered:

1. DECLARING the respondent DANTE BONTILAO psychologically incapacitated to perform and comply with his essential marital obligations;
2. DECLARING the marriage between petitioner PRESIE MACAN-BONTILAO and respondent DANTE BONTILAO celebrated on April 10, 2002 at Regional Trial Court, Branch 54, Hall of Justice Building, Lapu-lapu City, null and void ab initio;
3. DIRECTING the Local Civil Registrar of Lapu-lapu City to enter in the Marriage Register, this Decision of annulment; and
4. DIRECTING the Clerk of this Court to furnish the Local Civil Registrar of Lapu-lapu City a copy of this Decision for compliance.

There being no common properties acquired by the parties, no pronouncement is made relative thereto.

The child of the parties, Deronica Presie Marie Macan Bontilao shall remain legitimate. Both parties shall have joint custody of the child.

The petitioner shall revert to the use of her maiden name.

Accordingly, pursuant to the provisions of A.M. No. 02-11-10-SC, the Branch Clerk of Court is hereby directed to enter this Decision upon its finality in the Book of Entry of Judgment and to issue the corresponding Entry of Judgment. Thereupon, the Office of the Local Civil Registrar of Lapu-lapu City is mandated to cause the registration of the said Entry of Judgment in the respective Book of Marriages.

Furnish a copy of this Decision to the Office of the Solicitor General, Office of the Provincial Prosecutor of Cebu, the Local Civil Registrar of Lapu-lapu City, who, in turn, shall endorse a copy of the same to the Philippine Statistics Authority (PSA) of

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WARREN M. V. PONE

