



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MA. AILEEN D. MONCAYO,
Petitioner,

G.R. No. 255881

Present:

-versus-

LEONEN, J., *Chairperson*,
LAZARO-JAVIER,
LOPEZ, J.,
KHO, JR., and
VILLANUEVA, JJ.

REPUBLIC OF THE PHILIPPINES
AND EDWIN P. MONCAYO,
Respondents.

Promulgated:

JUL 28 2025

X-----X

DECISION

LEONEN, J.:

The trial court has the discretion to deny the prayer to dismiss a petition to declare a marriage void if the petitioner still served a copy of the petition to the Office of the Solicitor General and the Office of the City Prosecutor, despite the lapse of the required period under Section 5(4) of A.M. No. 02-11-10-SC or the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

This Court resolves a Petition for Review on *Certiorari*,¹ which assails the Decision² and Resolution³ of the Court of Appeals. This case originated

¹ Rollo, pp. 11–23.

² *Id.* at 25–40. The Decision in CA- G.R. SP No. 161506 dated July 17, 2020 was penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Elihu A. Ybanez (Chairperson) and Ruben Reynaldo G. Roxas of the Special Thirteenth Division of the Court of Appeals, Manila.

³ *Id.* at 42–45. The Resolution in CA- G.R.-SP No 161506 dated February 8, 2021 was penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Elihu A. Ybanez (Chairperson) and Ruben Reynaldo G. Roxas of the Former Special Thirteenth Division of the Court of Appeals, Manila.

from a petition to declare as null the marriage between Edwin Moncayo (Edwin) and Ma. Aileen Moncayo (Aileen). The Regional Trial Court denied Aileen's prayer to dismiss the petition, and the Court of Appeals ruled that the trial court did not gravely abuse its discretion.

On December 11, 1997, Edwin and Aileen had a civil wedding before Rev. Franco G.C. Espiritu, who attested that the couple showed him their supposed Marriage License No. 2889833 issued on the same date at Imus, Cavite.⁴

The couple had a church wedding a year after or on October 17, 1998. Marriage License No. 2889833 was reflected in their marriage contract.⁵

On June 4, 2018, Edwin filed a petition to declare their marriage null before the Regional Trial Court,⁶ claiming that his marriage with Aileen is void for having been solemnized without a marriage license—a requirement under Article 35(3) of the Family Code. He alleged that Marriage License No. 2889833 does not exist and was not presented before the solemnizing officers of their marriage rites.⁷

To prove his claim, Edwin attached a Certification⁸ from the City Civil Registrar Office of Imus, Cavite, stating that the couple neither applied for a marriage license nor were their names reflected in the records of application. Edwin added that their marriage was not among those exempted from the requirement of marriage license under Chapter 2, Title 1 of the Family Code.⁹

On August 24, 2018, Aileen filed her Answer with Special Affirmative Defenses,¹⁰ praying for the outright dismissal of Edwin's petition. She asserted that Edwin failed to serve a copy of his petition to the Office of the Solicitor General (OSG) and the Office of the City Prosecutor (OCP) within five days from filing. Aileen maintained that this is a requirement under Section 5 of A.M. No. 02-11-10-SC:

SECTION 5. *Contents and Form of Petition.* —

. . . .

- (4) It shall be filed in six copies. The petitioner *shall* serve a copy of the petition on the Office of the Solicitor General and the Office of the City or Provincial Prosecutor, within five days from the date of its filing and submit to the court proof of such service within the same period.

⁴ *Id.* at 73, 26.

⁵ *Id.* at 74, 26.

⁶ *Id.* at 68–72. The Petition filed before the Regional Trial Court docketed as Civil Case No. R-MNL-18-05030. *See also rollo*, p. 26.

⁷ *Id.* at 26.

⁸ *Id.* at 77. The Certification dated August 22, 2017.

⁹ *Id.* at 69–70; 26.

¹⁰ *Id.* at 78–89.

Failure to comply with any of the preceding requirements *may* be ground for immediate dismissal of the petition.¹¹ (Emphasis supplied)

Further, Aileen argued that Edwin's petition failed to state a cause of action because the attached Certification from the City Civil Registrar merely stated that the parties have "*no record of application for marriage license*" from August to December 1997. Aileen, however, stressed that this does not imply that their marriage license was nonexistent. Moreover, this Certification did not overturn the presumption of regularity established by their Marriage Certificate. Aileen also insisted that Edwin is estopped from assailing the validity of their marriage since he was the one who wanted to marry her. She said the only reason why Edwin filed the petition was because of his illicit affair.¹²

Later, Edwin filed a Manifestation with Apology (Re: Compliance with A.M. No. 02-11-10-SC)¹³ before the trial court, stating that he already served copies of the petition to the OSG¹⁴ and OCP¹⁵ on September 10, 2018.¹⁶

On September 18, 2018, the OSG entered its appearance on behalf of the Republic of the Philippines and deputized the OCP to appear on its behalf.¹⁷

Two days after, Edwin filed his Reply to Aileen's Answer.¹⁸

On November 21, 2018, the Regional Trial Court denied Aileen's prayer for dismissal. It explained that the word "*may*" in the Rules showed that furnishing copies of the Petition to the OSG and OCP is merely directory. Besides, despite the delay, Edwin substantially complied with the Rules when it served copies of the petition to the OSG and OCP before the court can rule upon it.¹⁹ The trial court also found the allegations in Edwin's Petition sufficient to support his cause of action.²⁰

¹¹ *Id.* at 79–80; 27.

¹² *Id.* at 81–82.

¹³ *Id.* at 94–95. The Manifestation is dated September 14, 2018, but it is stamped with the date October 4, 2018.

¹⁴ *Id.* at 96.

¹⁵ *Id.* at 97.

¹⁶ *Id.* at 27.

¹⁷ *Id.*

¹⁸ *Id.* at 90–95; 27.

¹⁹ *Id.* at 60.

²⁰ *Id.* at 60–65. The assailed Order in R-MNL-18-05030-CV dated November 21, 2018 was rendered by Presiding Judge Jacqueline S. Martin-Balictar of RTC Branch 9, Manila. *See also rollo*, pp. 27–28.

On March 12, 2019, the Regional Trial Court denied²¹ Aileen's motion for reconsideration,²² prompting her to file a Petition for Certiorari²³ before the Court of Appeals.²⁴

However, the Court of Appeals denied²⁵ Aileen's Petition on July 17, 2020, noting that under Section 5(4) of A.M. No. 02-11-10-SC, Edwin is required to furnish the OSG and OCP copies of the petition within five days from the date of filing and failure to do so *may* be a ground for the outright dismissal of the petition. While the service of the copies to the OSG and OCP is mandatory because of the word "*shall*," the Court of Appeals explained that the immediate dismissal is nevertheless directory because of the term "*may*" in the second paragraph. Accordingly, there was no grave abuse of discretion when the trial court denied Aileen's prayer for dismissal.²⁶

The Court of Appeals also found the allegations in Edwin's petition adequate "to make out a cause of action for the declaration of nullity of their marriage under Article 35(3) of the Family Code[.]"²⁷ It explained that in determining whether the petition failed to state a cause of action, the court only needs to "focus on the sufficiency, not the veracity of the material allegations."²⁸ The dispositive portion of the Court of Appeals' Decision reads:

In view of the foregoing, this Court finds that petitioner failed to discharge her burden of proving that the court *a quo* committed grave abuse of discretion in issuing the assailed *Order* denying the prayer in her *Answer with Special Affirmative Defenses* for the dismissal of the *Petition* below for non-compliance with Section 5 (4) of A.M. 02-11-10-SC and failure to state cause of action. Hence, petitioner's recourse to *certiorari* is unwarranted.

WHEREFORE, the instant *Petition for Certiorari* is **DENIED** for lack of merit.²⁹

On February 8, 2021, the Court of Appeals denied³⁰ Aileen's Motion for Reconsideration for lack of merit.

Hence, petitioner Ma. Aileen D. Moncayo filed a Petition for Review on *Certiorari*³¹ before this Court, raising the following arguments:

²¹ *Id.* at 66. The Omnibus Order in Civil Case No. R-MNL-18-05030-CV dated March 12, 2019 was rendered by Presiding Judge Jacqueline S. Martin-Balictar of RTC Branch 9, Manila.

²² *Id.* at 62–65; 98–103.

²³ *Id.* at 46–59.

²⁴ *Id.* at 29.

²⁵ *Id.* at 25–40.

²⁶ *Id.* at 34.

²⁷ *Id.* at 39.

²⁸ *Id.* at 38.

²⁹ *Id.* at 39.

³⁰ *Id.* at 42–45.

³¹ *Id.* at 11–23.



First, respondent Edwin's Petition failed to state a cause of action and should have been dismissed by the trial court "for being insufficient in substance."³² Petitioner argues that respondent's Petition, including the attached supporting documents, should be considered in its totality in determining if it sufficiently states a cause of action. Thus, she maintains that its totality proves that their marriage license exists. Petitioner also points that the solemnizing officers attested that the relevant marriage license was exhibited before them in their two marriage certificates. She insists that their names not appearing in the book of application for licenses does not mean the marriage license does not exist.³³

Second, petitioner argues that respondent's petition should have been dismissed outright for violating A.M. No. 02-11-10-SC. Pursuant to the mandatory nature of service of copies to the OSG and OCP, coupled with the Constitutional mandate to preserve marriage, petitioner maintains that the "sound judicial discretion is to dismiss the case for non-compliance thereof." This is despite the use of the word "may" in the provision.³⁴ Besides, according to petitioner, the three months delay in the service aggravates the violation.³⁵

Respondent filed a Comment to the Petition for Review on *Certiorari*. *First*, he points that petitioner failed to comply with the procedural requirements under Section 4(b) of Rule 45 of the Rules of Court.³⁶ The Petition did not indicate the date when petitioner filed her Motion for Reconsideration³⁷ or attach a clearly legible duplicate original or a certified true copy of the assailed Decision and Resolution.³⁸ Respondent maintains that failing to comply with these two requirements is sufficient ground to dismiss the petition.³⁹

Second, respondent argues that the Petition failed to raise issues of substance and value warranting this Court's consideration.⁴⁰ In any case, he insists that the Court of Appeals correctly ruled on the issues raised when it stated that his allegations sufficiently state a cause of action to declare the nullity of their marriage under Article 35(3) of the Family Code,⁴¹ and he has sufficiently complied with the requirement under A.M. 02-11-10 SC.⁴² Thus, the Court of Appeals' ruling is in accordance with law and jurisprudence, and did not "depart from the usual and accepted course of judicial proceedings." Finally, respondent points that the proceedings before the Regional Trial

³² *Id.* at 14.

³³ *Id.* at 16.

³⁴ *Id.* at 17.

³⁵ *Id.*

³⁶ *Id.* at 130.

³⁷ *Id.* at 131.

³⁸ *Id.* at 132.

³⁹ *Id.*

⁴⁰ *Id.* at 133.

⁴¹ *Id.* at 134.

⁴² *Id.* at 136.



Court are already at the trial stage and has progressed from these issues.⁴³ He claims that petitioner's active participation in the trial is an implied admission of the existence of a cause of action.⁴⁴

The Republic of the Philippines, through the OSG, also filed its Comment to the Petition,⁴⁵ arguing that petitioner failed to raise a novel legal question appropriate for the Court's adjudication.⁴⁶ It added that the Court of Appeals committed no reversible error in dismissing petitioner's petition.⁴⁷

The Republic points out that this Court has already ruled on how to sufficiently allege a cause of action in an initiatory pleading in several instances.⁴⁸ It also notes that petitioner did not cite any peculiar consideration that would call for applying an exception to the rule or for overturning the current doctrine on what constitutes a sufficiently-stated cause of action.⁴⁹

The Republic contends that an initiatory pleading need not prove the facts constituting the cause of action because proof is meant for the trial.⁵⁰ A sufficiently-alleged cause of action is reliant only on the statements in the petition.⁵¹ The veracity of the allegations need not yet be proven. The test is whether a valid judgment may be rendered on the allegations, assuming them to be true. Here, respondent's petition clearly stated that their marriage license does not exist. This assertion is sufficient to state a cause of action for declaring their marriage null under Article 35(3) of the Family Code.⁵² Whether the parties had a marriage license is evidentiary in nature and is better threshed out during trial.⁵³

As to Section 5(4) of A.M. No. 02-11-10-SC, the Republic argues that the word "may" connotes that the trial court's dismissal is merely discretionary, not mandatory, regardless of the lapse of time between the filing of the Petition and the service of its copy to the OSG and OCP.⁵⁴ While the service of the copy is mandatory, the dismissal of the petition in case of failure to comply is merely permissive.⁵⁵ In any case, this is also not a new matter requiring this Court's judicial review under Rule 45.⁵⁶ It further points that the trial court acted within its discretion when it considered the belated compliance acceptable, especially since it was served before the trial court

⁴³ *Id.* at 138.

⁴⁴ *Id.*

⁴⁵ *Id.* at 172-190.

⁴⁶ *Id.* at 176.

⁴⁷ *Id.* at 183.

⁴⁸ *Id.* at 180.

⁴⁹ *Id.* at 182.

⁵⁰ *Id.* at 180.

⁵¹ *Id.* at 181.

⁵² *Id.* at 182.

⁵³ *Id.* at 186.

⁵⁴ *Id.* at 182.

⁵⁵ *Id.* at 189.

⁵⁶ *Id.* at 183.

could act on the Petition.⁵⁷

The issue in this case is whether the Court of Appeals erred in ruling that the trial court did not gravely abuse its discretion when it did not dismiss respondent's Petition for Declaration of Nullity of Marriage. Subsumed in the resolution of this issue are the following:

First, whether belated compliance with Section 5(4) of A.M. No. 02-11-10-SC warrants an outright dismissal of respondent's Petition for Declaration of Nullity of Marriage.

Second, whether respondent's Petition for Declaration of Nullity of Marriage should have been dismissed for failure to state a cause of action.

We affirm the ruling of the Court of Appeals.

I

The Regional Trial Court acted within its discretion when it did not dismiss respondent's Petition for Declaration of Nullity of Marriage. Section 5 (4) of A.M. No. 02-11-10-SC⁵⁸ reads:

SECTION 5. *Contents and Form of Petition.* —

(4) It shall be filed in six copies. The petitioner *shall* serve a copy of the petition on the Office of the Solicitor General and the Office of the City or Provincial Prosecutor, within five days from the date of its filing and submit to the court proof of such service within the same period.

*Failure to comply with any of the preceding requirements may be a ground for immediate dismissal of the petition.*⁵⁹ (Emphasis supplied)

Petitioner maintains that respondent's belated compliance of more than three months and only after she filed a Motion to Dismiss aggravated the delay. Petitioner adds that the service of copies to the OSG and OCP cannot be simply undermined as it is a shield against abuses in marriage. Thus, they should be notified of petitions of this kind "at the earliest possible time."⁶⁰

The use of the word "shall" in the provision indicates that serving a copy of the petition to the OSG and the OCP within five days from the filing of the petition is mandatory. The word "shall" in the requirement means it is

⁵⁷ *Id.* at 187, 190.

⁵⁸ A.M. No. 02-11-10-SC, March 4, 2003, Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

⁵⁹ *Id.*

⁶⁰ *Id.* at 13; 17-18.

imperative. However, the use of the word "may" in relation to the petition's dismissal in case of failure to comply, means that the "shall" is meant to be interpreted to be consistent with the use of discretion.⁶¹

In Diokno v. Rehabilitation Finance Corp.:⁶²

It is true that in its ordinary signification the word "shall" is imperative.

In common or ordinary parlance, and in its ordinary signification, the term "shall" is a word of command, and one which has always or which must be given a compulsory meaning; as denoting obligation. It has a peremptory meaning, and it is generally imperative or mandatory. It has the invariable significance of operating to impose a duty which may be enforced, particularly if public policy is in favor of this meaning or when addressed to public officials, or where a public interest is involved, or where the public or persons have rights which ought to be exercised or enforced, unless a contrary intent appears.

The presumption is that the word "shall" in a statute is used in an imperative, and not in a directory, sense. If a different interpretation is sought, it must rest upon something in the character of the legislation or in the context which will justify a different meaning.

However, the rule is not absolute; it may be construed as "may", when so required by the context or by the intention of the statute.

In its ordinary signification, "shall" is imperative, and not permissive, though it may have the latter meaning when required by the context.

"Must" or "shall" in a statute is not always imperative, but may be consistent with an exercise of discretion.

The word "shall" is generally regarded as imperative, but in some contexts it is given a permissive meaning, the intended meaning being determined by what is intended by the statute.

The word "shall" is to be construed as merely permissive, where no public benefit or private right requires it to be given an imperative meaning.

Presumption is that word "shall," in ordinance, is mandatory; but, where it is necessary to give effect to legislative intent, the word will be construed as "may."

The word "shall" does not necessarily indicate a mandatory behest.

⁶¹ *Diokno v. Rehabilitation Finance Corp.*, G.R. No. L-4712, July 11, 1952, 91 Phil 608 (1952) [Per J. Labrador, *En Banc*].

⁶² *Id.*

Words like "may," "must," "shall," etc., are constantly used in statutes without intending that they shall be taken literally, and in their construction the object evidently designed to be reached limits and controls the literal import of the terms and phrases employed.

In this jurisdiction the tendency has been to interpret the word "shall" as the context or a reasonable construction of the statute in which it is used demands or requires. (Emphasis supplied, citations omitted)

Further, "it is settled doctrine in statutory construction that the word 'may' denotes discretion and cannot be construed as having mandatory effect."⁶³

Here, it is uncontested that respondent served copies of the petition to the OSG and OCP, albeit belatedly. If we assume that the mandate was not complied with because the copies were not timely served within five days from the filing of the petition, the immediate dismissal of the petition is still only optional because the provision uses the word "may" when referring to it as a ground for dismissal. Thus, the trial court has the discretion on whether it shall outrightly dismiss the petition based on the failure to comply with the requirements.

Moreover, it cannot be said that the Regional Trial Court acted beyond its discretion in denying petitioner's prayer to dismiss respondent's Petition for Declaration of Nullity of Marriage.

II

We further find that respondent's Petition for Declaration of Nullity of Marriage sufficiently states a cause of action.

A cause of action arises when by an act or omission, a party violates the right of another.⁶⁴ The party whose right is violated may file a complaint, in which they must cite their cause of action. In so doing, their pleading must "contain in a methodical and logical form, a plain, concise and direct statement of the *ultimate facts*" and the evidence they are relying on for their claim." Section 1 of A.M. No. 19-10-20-SC states:

SECTION 1. *In general.* — Every pleading shall contain in a methodical and logical form, a plain, concise and direct statement of the ultimate facts, including the evidence on which the party pleading relies for his or her claim or defense, as the case may be.

⁶³ *Bayan Muna v. Romulo*, 656 Phil. 246, 289 (2011) [Per J. Velasco, *En Banc*]. (Citations omitted)

⁶⁴ *Magellan Aerospace Corp. v. Philippine Air Force*, 781 Phil. 788 (2016) [Per. J. Mendoza, Second Division]. See also *Roa v. Spouses Sy*, G.R. No. 221586, September 14, 2021 [Per J. Lazaro-Javier, First Division].



If a cause of action or defense relied on is based on law, the pertinent provisions thereof and their applicability to him or her shall be clearly and concisely stated.⁶⁵

“Ultimate facts refer to the principal, determinative, constitutive facts upon the existence of which the cause of action rests.”⁶⁶ However, the ultimate facts do not refer to “details of probative matter or particulars of evidence which establish the material elements.”⁶⁷

*Roa v. Spouses Sy*⁶⁸ enumerated the elements of a sufficiently stated cause of action:

A complaint states a cause of action if it sufficiently avers the existence of the three (3) essential elements of a cause of action, namely: (a) a right in favor of the plaintiff by whatever means and under whatever law it arises or is created; (b) an obligation on the part of the named defendant to respect or not to violate such right; and (c) an act or omission on the part of the named defendant violative of the right of the plaintiff or constituting a breach of the obligation of defendant to the plaintiff for which the latter may maintain an action for recovery of damages.⁶⁹

Thus, the complaint must only show on its face that: (i) the complainant has a legal right; (ii) the other party has an obligation to respect that right; and (iii) by an act or omission, the latter did not respect the right.⁷⁰

Failing to sufficiently state a cause of action is an affirmative defense that may be raised in the other party’s answer.⁷¹

RULE VIII

SECTION 12. *Affirmative Defenses.* — (a) A defendant shall raise his or her affirmative defenses in his or her answer, which shall be limited to the reasons set forth under Section 5 (b), Rule 6, and the following grounds:

....

⁶⁵ A.M. No. 19-10-20-SC, October 15, 2019, Proposed Amendments to the 1997 Rules of Civil Procedure.

⁶⁶ *Barcelona v. Court of Appeals*, 458 Phil. 626, 635 (2003) [Per J. Carpio, First Division].

⁶⁷ *Id.* (Citations omitted)

⁶⁸ *Roa v. Spouses Sy*, G.R. No. 221586, September 14, 2021 [Per J. Lazaro-Javier, First Division].

⁶⁹ *Id.*

⁷⁰ *Magellan Aerospace Corp. v. Philippine Air Force*, 781 Phil 788 (2016) [Per. J. Mendoza, Second Division].

⁷¹ A.M. No. 19-10-20-SC, October 15, 2019, Proposed Amendments to the 1997 Rules of Civil Procedure. Prior to the amendment of the 1997 Rules of Civil Procedure, failing to state a cause of action was even a ground to file a motion to dismiss the case. See: Section 1 (g), Rule 16 of the 1997 Rules of Procedure under the Rules of Court. See also *Magellan Aerospace Corp. v. Philippine Air Force*, 781 Phil. 788 (2016) [Per. J. Mendoza, Second Division].

4. That the pleading asserting the claim states no cause of action;
and

(b) Failure to raise the affirmative defenses at the earliest opportunity shall constitute a waiver thereof.

(c) The court shall *motu proprio* resolve the above affirmative defenses within thirty (30) calendar days from the filing of the answer.

In *Hongkong and Shanghai Banking Corp. Ltd. v. Catalan*,⁷² the test in determining whether a cause of action was sufficiently stated is if the court may render a valid judgment on the alleged facts, assuming them to be true:

The elementary test for failure to state a cause of action is whether the complaint alleges facts which if true would justify the relief demanded. Stated otherwise, may the court render a valid judgment upon the facts alleged therein? The inquiry is into the sufficiency, not the veracity of the material allegations. If the allegations in the complaint furnish sufficient basis on which it can be maintained, it should not be dismissed regardless of the defense that may be presented by the defendants.⁷³ (Citations omitted)

At this stage, the trial court is not yet deciding whether the petition will prevail or whether the arguments are meritorious, but whether the complainant may offer evidence to support their allegations. In *Magellan Aerospace Corp. v. Philippine Air Force*:⁷⁴

In making such challenge, the defendant's issue is not whether a plaintiff will ultimately prevail, but whether the claimant is entitled to offer evidence to support the claims. It has nothing to do with the merits of the case. "Whether those allegations are true or not is beside the point, for their truth is hypothetically admitted by the motion." The inquiry is then limited only into the sufficiency, not the veracity of the material allegations. Thus, if the allegations in the complaint furnish sufficient basis on which it can be maintained, it should not be dismissed regardless of the defense that may be presented by the defendants. Conversely, the dismissal of the complaint is permitted if the allegations stated therein fail to show that plaintiff is entitled to relief.

Accordingly, the survival of the complaint against a Rule 16 challenge depends upon the sufficiency of the averments made. In determining whether an initiatory pleading sufficiently pleads, the test applied is whether the court can render a valid judgment in accordance with the prayer if the truth of the facts alleged is admitted.⁷⁵ (Citations omitted)

⁷² *Hongkong and Shanghai Banking Corp. Ltd. v. Catalan*, 483 Phil 525 (2004) [Per J. Austria-Martinez, Second Division].

⁷³ *Id.* at 538.

⁷⁴ *Magellan Aerospace Corp. v. Philippine Air Force*, 781 Phil 788 (2016) [Per J. Mendoza, Second Division].

⁷⁵ *Id.*



Here, respondent filed a petition to declare his marriage with petitioner void under Article 35(3) of the Family Code, which states:

Art. 35. The following marriages shall be void from the beginning:

....

(3) *Those solemnized without license*, except those covered the preceding Chapter[.]

Respondent's petition states:

9. Marriage License No. 2889833 allegedly issued on December 11, 1997 at Imus, Cavite in favor of the parties is nonexistent. The parties also did not exhibit such or any marriage license to the solemnizing officers in their civil and church weddings.

10. The City Civil Registrar Office of the City Government of Imus issued a Certification dated August 22, 2017 that the parties never applied for a marriage license with their office, and that their names do not appear in the book of record of applicants for marriage license. A copy of the Certification dated August 22, 2017 is attached as Annex E.

11. The parties were not covered by any of the exemptions from the requirement of a marriage license under Chapter 2, Title 1 of the Family Code of the Philippines (E.O. 209, as amended).⁷⁶

Respondent's petition clearly states the ultimate facts on which he bases his claim. It cites the legal requirement to get married under a valid license and discusses how their marriage failed to comply with that requirement. In filing his petition, respondent need not yet prove the facts he is alleging. The evidence is meant to be presented during trial on the merits. His petition need only show that a cause of action exists so that trial can ensue. Thus, the evidentiary weight of their Marriage Certificates and the Certification issued by the City Civil Registrar of Imus, Cavite, stating that the parties did not apply for a marriage license need not yet be considered by the trial court for purposes of determining whether the petition to declare the marriage null sufficiently states a cause of action.

Therefore, the Court of Appeals did not err in ruling that the Regional Trial Court did not gravely abuse its discretion when it did not dismiss respondent's petition.

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED**. The July 17, 2020 Decision and February 8, 2021 Resolution of the Court of Appeals in CA-G.R. SP No. 161506 are **AFFIRMED**. The Branch 9, Regional Trial Court, Manila shall proceed with resolving the Petition to

⁷⁶ *Rollo*, p. 69. Respondent's Petition for Declaration of Nullity of Marriage.

Declare the Nullity of the Marriage between Edwin P. Moncayo and Ma. Aileen D. Moncayo docketed as Civil Case No. R-MNL-18-05030-CV.

SO ORDERED.



MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:



AMY C. LAZARO-JAVIER
Associate Justice



JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



RAUL B. VILLANUEVA
Associate Justice

ATTESTATION

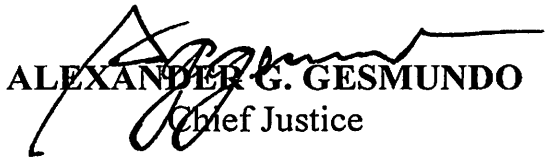
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice