Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES, Petitioner,	**G.R. No. 262653**
	Present:
- versus -	CAGUIOA, *Acting CJ., Chairperson* INTING, GAERLAN, DIMAAMPAO, and SINGH, *JJ.*
BOOTS RODEL AGUIRRE and ALMA T. AGUIRRE, Respondents.	Promulgated: FEB 24 2026 MisfDcB-tt

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DECISION

INTING, *J*.:

Before the Court is a Petition for Review on *Certiorari* [1] under Rule 45 of the Rules of Court assailing the Court of Appeals (CA) Decision[2] and Resolution[3] rendered on July 28, 2021, and July 1, 2022, respectively, in CA-G.R. CV No. 06914, where the CA upheld the ruling of Branch 11, Regional Trial Court (RTC), San Jose, Antique in Civil Case No. 2013-

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[1] *Rollo*, pp. 12–35.

[2] *Id.* at 38–46. Penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Dorothy P. Montejo-Gonzaga and Bautista G. Corpin, Jr. of the Eighteenth Division, Court of Appeals, Manila.

[3] *Id.* at 49–52. Penned by Associate Bautista G. Corpin, Jr. and concurred in by Associate Justices Mercedita G. Dadole-Ygnacio and Eleuterio L. Bathan of the Special Former Eighteenth Division, Court of Appeals, Manila.

03-3852. The RTC declared the marriage between respondents Boots Rodel R. Aguirre (Boots) and Alma T. Aguirre (Alma) (collectively, respondents) void *ab initio* for having been contracted without compliance with the marriage license requirement.

The Antecedents

On May 24, 2006, Boots left for Israel to work and remained there until May 3, 2009, when he returned to the Philippines to marry Alma. To facilitate their marriage without a license, they executed an Affidavit of Cohabitation on May 6, 2009, wherein they attested that they had lived together as husband and wife since December 2003. On May 8, 2009, they were married at St. Joseph Cathedral in San Jose de Buenavista, Antique, officiated by Fr. Victor S. Baguna, who certified that the marriage was solemnized under Article 34[4] of the Family Code, exempting them from the license requirement. After the wedding, Boots and Alma lived together until June 2, 2009, when Boots returned to Israel. They communicated for about two months thereafter but eventually ceased contact.

On March 19, 2013, Boots filed with the RTC a petition for the declaration of nullity of his marriage to Alma for lack of a marriage license. He asserted that the Affidavit of Cohabitation was false since he had been abroad from May 2006 to June 2009.

While summons and copies of the petition were served upon Alma, she did not file an Answer.

Meanwhile, upon a directive from the RTC, the Office of the Provincial Prosecutor of Antique (OPP) made an investigation in the case to ascertain the existence of collusion between the parties. In its report, the OPP confirmed that there was none.

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[4] Art. 34. No license shall be necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without any legal impediment to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The solemnizing officer shall also state under oath that he ascertained the qualifications of the contracting parties are found no legal impediment to the marriage.

Ruling of the RTC

In its Judgment rendered on February 5, 2016, the RTC found that the Affidavit of Cohabitation was false, and the parties did not meet the five-year cohabitation requirement under Article 34 of the Family Code. Citing *Republic v. Dayot*,[5] the RTC held that the falsity in the Affidavit of Cohabitation was not a mere irregularity but rendered it "a mere scrap of paper" without legal effect. It further held that because the marriage between respondents was void *ab initio* under Articles 3(2), 4, and 35(3)[6] of the Family Code for lack of a formal requisite (i.e., a valid marriage license).

Consequently, the RTC granted the petition, declared the marriage null and void, and ordered the cancellation of the Certificate of Marriage (Registry No. 2009-170).

The RTC denied the subsequent motion for reconsideration of the Republic, as represented by the Office of the Solicitor General (OSG). The RTC reiterated that cohabitation under the Family Code requires the respondents to continuously and exclusively live together as husband and wife for at least five years immediately preceding the date of the celebration of their marriage, which was not proven by the Republic. It thus held that the Affidavit of Cohabitation executed by respondents was false and consequently rendered their marriage void for lack of a valid marriage license.

Thereafter, the Republic, through the OSG, appealed the case to the CA.

Ruling of the CA

The appellate court affirmed the RTC ruling.

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5 573 Phil. 553 (2008) [Per J. Chico-Nazario, Third Division].

6 Art. 3. The formal requisites of marriage are:

. . . .

(2) A valid marriage license except in the cases provided for in Chapter 2 of this Title;

. . . .

Art. 4. The absence of any of the essential or formal requisites shall render the marriage void *ab initio*, except as stated in Article 35(2).

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

. . . .

(3) Those solemnized without license, except those covered the preceding Chapter;

The CA held that respondents' marriage was celebrated on May 8, 2009, without a marriage license. It determined that respondents did not qualify for the exemption under Article 34 of the Family Code for lack of proof that they had continuously and exclusively lived together as husband and wife for five years immediately preceding the marriage. It explained that based on the records, Boots left for Israel on May 24, 2006, and returned only on May 3, 2009, making uninterrupted cohabitation impossible.

The CA rejected the Republic's argument that temporary absence did not negate cohabitation, emphasizing that the law requires exclusivity and continuity for the entire five-year period. It also ruled that the Affidavit of Cohabitation executed by the parties was false and could not substitute for a marriage license, citing jurisprudence such as *Dayot* and *De Castro v. Assidao-De Castro,*[7] which characterize such affidavits as mere scraps of paper when based on falsehoods. The CA further dismissed the Republic's claim that Boots was estopped from questioning the affidavit, reiterating that actions for nullity of marriage are imprescriptible. The CA admonished respondents for their fraudulent act and noted that its ruling was without prejudice to any criminal liability arising from the execution of the false affidavit.

The CA denied the Republic's motion for reconsideration as the arguments raised therein merely reiterated points that had already been resolved. The CA stressed that allowing a false affidavit of cohabitation to replace a marriage license would be an abject circumvention of the law, and thus, the marriage of respondents remained void *ab initio*.

Hence, the Republic filed the present Petition.

The Petition

According to the Republic, Boots and Alma truthfully and voluntarily executed an Affidavit of Cohabitation, stating that they had lived together as husband and wife since December 2003, or six years prior to their marriage on May 8, 2009. The Republic contends that Boots' temporary absence while working in Israel from 2006 to 2009 did not

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7 568 Phil. 724 (2008) [Per J. Tinga, Second Division].

render the affidavit false, as cohabitation under the law is characterized by exclusivity and continuity, not necessarily physical presence under one roof at all times. Cohabitation means assuming marital relations and holding themselves out publicly as husband and wife, even if circumstances temporarily separate them. The Republic emphasizes that there was no intent to sever ties during Boots' absence, and in fact, he decided to marry Alma while abroad.

The Republic further asserts that the case of *Dayot* is inapplicable because, unlike in *Dayot* where the affidavit was fabricated and the parties cohabited only briefly before marriage, Boots and Alma had been living together since 2003, making their affidavit truthful.

In addition, the Republic argues that Boots is estopped from claiming that the affidavit was false because he voluntarily executed it, and the solemnizing officer and civil registry relied on it to perform and record the marriage. It contends that allowing Boots to repudiate his own declaration would undermine the sanctity of marriage and open the floodgates to nullification beyond what the Family Code permits. The Republic stresses that marriage is an inviolable social institution protected by the State and severing marital ties on the basis of a repudiated affidavit would erode this foundation.

Finally, the Republic maintains that all requisites under Article 34 of the Family Code were met: the parties had no legal impediment to marry; they executed the required affidavit of cohabitation; and the priest certified compliance with the law. Thus, respondents' marriage should be deemed valid despite the absence of a license, and the RTC and CA rulings should be reversed.

The Comment

In his Comment, Boots maintains that his marriage to Alma does not fall under the exemption provided in Article 34 of the Family Code because he and Alma did not cohabit as husband and wife for five continuous years immediately preceding their marriage. Boots emphasizes that he left for Israel on May 24, 2006, and returned only on May 3, 2009, making uninterrupted cohabitation impossible. He asserts that their failure to secure a marriage license rendered the marriage void *ab initio* under Articles 3, 4, and 35(3) of the Family Code.

Boots insists that the Affidavit of Cohabitation was false, as confirmed by the RTC and the CA. He contends that *Dayot* applies to the present case and should be relied on as basis to hold that the exceptions to the marriage license requirement must be strictly construed. He argues that the falsity in the Affidavit of Cohabitation, which was fabricated to circumvent the law, cannot be treated as a mere irregularity.

Finally, Boots rejects the Republic's claim of estoppel. He asserts that actions for the declaration of nullity of marriage are imprescriptible and may be raised at any time.

Issue

The issue before the Court is whether the CA erred in upholding the RTC's nullification of respondents' marriage upon the finding that the Affidavit of Cohabitation was false and thus cannot be used as basis for the marriage license exemption in Article 34 of the Family Code.

The Ruling of the Court

Article 3(2) of the Family Code categorically states that one of the formal requisites of a marriage is a valid marriage license. Thus, a marriage contracted *sans* a marriage license shall be void, except in exceptional circumstances recognized by law.[8] Article 34 of the Family Code provides an exception to the marriage license requirement, to wit:

> Art. 34. No license shall be necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without any legal impediment to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The solemnizing officer shall also state under oath that he ascertained the qualifications of the contracting parties are found no legal impediment to the marriage.

For the exception in Article 34 of the Family Code to apply, the following requisites must be met: *first*, the man and woman must have been living together as husband and wife for at least five years before the marriage; *second*, the parties must have no legal impediment to marry

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[8] FAMILY CODE, art. 52.

each other; *third,* the fact of absence of legal impediment between the parties must be present at the time of marriage; *fourth,* the parties must execute an affidavit stating that they have lived together for at least five years and are without legal impediment to marry each other; and *fifth,* the solemnizing officer must execute a sworn statement that he or she had ascertained the qualifications of the parties and that he or she had found no legal impediment to their marriage.[9]

The crux of the present controversy revolves around the *first* requisite. For Boots, the period during which he was abroad is excluded from the five-year cohabitation period in Article 34 of the Family Code. On the other hand, the Republic argues that the period during which Boots was abroad for work should be included because his temporary absence does not interrupt the continuity of the cohabitation period.

After a careful review of the case, the Court finds it proper to deny the petition for lack of merit.

Niñal v. Bayadog[10] instructs that Article 34 of the Family Code refers to a five-year period of *common law cohabitation* by the parties as "husband and wife," where the relationship would have been considered a legal marital union had it not been for the absence of a marriage. The five-year cohabitation period is reckoned from the date immediately preceding the celebration of the marriage. It must be *exclusive*, meaning no third party was involved at any time within the five-year period, and *continuous*, meaning the period must be unbroken:

> Working on the assumption that Pepito and Norma have lived together as husband and wife for five years without the benefit of marriage, that *five-year period should be computed on the basis of a cohabitation as "husband and wife" where the only missing factor is the special contract of marriage to validate the union.* In other words, the five-year common-law cohabitation period, which is counted back from the date of celebration of marriage, should be *a period of legal union had it not been for the absence of the marriage*. This 5-year period should be the years immediately before the day of the marriage and it should be a period of cohabitation characterized by *exclusivity* — meaning no third party was involved at any time within the 5 years and *continuity* — that is unbroken. . . . Marriage being a special

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9 *Borja-Manzano v. Sanchez*, 406 Phil. 434 (2001).
10 384 Phil. 661 (2000).

> relationship must be respected as such and its requirements must be strictly observed. The presumption that a man and a woman deporting themselves as husband and wife is based on the approximation of the requirements of the law. The parties should not be afforded any excuse to not comply with every single requirement and later use the same missing element as a pre-conceived escape ground to nullify their marriage. There should be no exemption from securing a marriage license unless the circumstances clearly fall within the ambit of the exception. . . . [11] (Emphasis supplied)

Evidently, Article 34 of the Family Code contemplates common law unions,[12] which are not recognized as valid marriages in the Philippines.[13] To encourage the marriage of persons in common law relationships,[14] the lawmakers found it proper to exempt them from the requirement of a marriage license, so that they are not exposed "to humiliation, shame and embarrassment concomitant with the scandalous cohabitation of persons outside a valid marriage due to the publication of every applicant's name for a marriage license."[15]

Relevantly, in jurisdictions which recognize common law marriages, *continuous* cohabitation is likewise required.[16] *Intermittent cohabitation*, where the parties frequently separated, maintained separate residences, and did not deport themselves to the public as husband and wife, would not result in a common law marriage.[17] Meanwhile, *temporary* absence or physical separation of the parties does *not* interrupt the continuity of the cohabitation, *provided* that the absence or separation was by mutual consent or the arrangement was for the purpose of convenience, health, business, or any other reason, *and* there is no intention on either party to abandon or desert the other.[18]

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11 *Id.* at 669–670.

12 Minutes of the Joint Meeting of the Civil Code and Family Law Committees dated July 12, 1986, p. 12. Then Judge Alicia Sempio-Diy explained that Article 34 of the Family Code covers parties who have lived as common law spouses for at least five years.

13 *Valino v. Adriano*, 733 Phil. 616 (2014) [Per J. Mendoza, *En Banc*].

14 1 ARTURO M. TOLENTINO, COMMENTARIES AND JURISPRUDENCE ON THE CIVIL CODE OF THE PHILIPPINES 244-245 (1st ed., 1974).

15 *Niñal v. Bayadog*, 384 Phil. 661, 668 (2000) [Per J. Ynares-Santiago, First Division].

16 *Coleman v. McDonough*, No. 21-3095, 2022 U.S. App. Vet. Claims, 907 at 18-19 (Vet. App. June 14, 2022); *Conklin by Johnson-Conklin v. Macmillan Oil Co.*, 557 N.W.2d 102, 105 (Iowa Ct. App. 1996).

17 *Chaimberlain v. State Farm Mut. Auto. Ins. Co.*, No. 3:14-167, 2016 U.S. DistLEXIS 62863, at 15-17 (W.D. Pa. May 12, 2016).

18 *Truex v. McDonough*, No. 21-4933, 2022 U.S. App. Vet. Claims 1114, at 5-6 (Vet. App. July 15, 2022).

Thus, in a case where the putative common law husband left the common dwelling only to oversee a property located in a different locality, and where there was no intention to abandon the putative common law wife, the continuity of the cohabitation was deemed uninterrupted.[19] Similarly, brief periods of absence or separation do not break the continuity of the cohabitation if the putative common law husband went away for work in another locality but retained the dwelling with the putative common law wife as his residential address, as the latter demonstrates an intention to return and maintain the cohabitation.[20]

Still, in cases where the temporary absence of one party was not deemed a break or interruption in the cohabitation period, it was first established that the putative spouses did in fact *cohabit* or live together as husband and wife, *and* that they intended to *continue* their relationship despite their physical separation, as demonstrated by the parties' common residence, joint bank account, and shared expenses, among others.[21] To "cohabit" means "to dwell or live together as husband and wife; to live together as husband and wife although not legally married; *to live together in the same house*, claiming to be married; *to live together at bed and board*."[22] The cohabitation must be characterized by *regularity* as distinguished from occasional, transient affairs or encounters.[23]

Here, the subject marriage was celebrated on May 3, 2009; however, the fact of cohabitation by Boots and Alma as husband and wife during the immediately preceding five-year period (i.e., from May 2, 2004 until May 2, 2009) was not sufficiently established by the Republic.

From *2001 to 2004*, prior to his departure to Israel, Boots testified on cross-examination that while he and Alma were dating exclusively before their marriage, they lived separately. At most, the two temporarily resided together in Jaro, Iloilo City at an apartment or boarding house that they rented, but the living arrangement was not exclusive as they shared the same space with their relatives.[24] It also does not appear that they intended to reside in the same place regularly. They were not even

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19 *Hostetter v. Hanson*, No. 76054-8-I, 2017 Wash. App. 2620, at 7—8 (Ct. App. Nov. 20, 2017).

20 *Coleman v. McDonough*, No. 21-3095, 2022 U.S. App. Vet. Claims 907, at 18-19 (Vet. App. June 14, 2022).

21 *Id.*; *See also Fenn v. Lockwood*, No. 33595-6-II, 2006 Wash. App. 2715, at 20–22 (Ct. App. Dec. 12, 2006).

22 *People v. Pitoc*, 43 Phil. 758, 761 (1922) [Per J. Johns, *En Banc*].

23 *See Singgit v. People*, 936 Phil. 1098 (2023) [Per J. Gaerlan, Third Division].

24 *Rollo*, pp. 55–56, Petition for Declaration of Nullity of Marriage.

residents of the place indicated in their Affidavit of Cohabitation as their place of residence:

Q: During those times prior to your going to Israel you have separate lives, you have your own course, she has her own course as an accountancy student. Now, when she was in school and likewise when you were a student of the AMA were you staying under the same roof?
A: In some few months yes but most of my stay during the time when I was still studying, I stayed together with my brother and my cousins, ma'am.

Q: You said that a few months, where is that place that you refer to that you were living under the same roof?
A: Together with Alma Trinidad, we were staying in Jaro, ma'am.

Q: Is that a residence or is that a boarding house?
A: It is a plain boarding house[,] ma'am.

Q: Are you staying…are you sleeping under the same…. inside the same room or you were in a separate room?
A: Together with my brother and my cousins and with the cousins of my girlfriend Alma herself, we stay in the same room.

Q: The same room?
A: Yes[,] ma'am.

Q: Did you conduct yourself as husband and wife without the benefit of marriage then?
A: No[,] ma'am.

Q: What is the truth?
A: *Because at that time, our staying together in the same room was only for a short period of time and for me, I used to go back and forth to Antique because at that time I was serving as President of the Sangguniang Kabataan of Hamtic and I quit school actually, and by the time I went back to school Alma had already graduated from her course.*

Q: Now Mr. witness, from the year 2001 to 2005 prior to your travel to Israel, could you quantify the number of months that you were together living under the same roof?
A: If I were to quantify, I cannot give a specific number but for me I guess would be less than five months that we were actually staying but not together but with the presence of my brother, my cousins who also stay in the same room as her cousins.

Q: You were also staying in the same room together with your sibling, your cousins and her cousins, was there a time that you

lived together as [a] couple without these persons surrounding you?
A: No[,] ma'am.

. . . .

Q: *In that period wherein you were an SK Federation Chairman or President while she was also working as an employee, one of the employees in the Municipality of Hamtic, where did she stay?*
A: *She used to go home to their place in Bugasong ma'am.*

Q: *But you mentioned that from time to time she stayed in your house in Buhang?*
A: *Occasionally[,] ma'am.*

Q: *Could you enlighten this representation how occasionally is that, how many times....in one week how many times did she stay in your house?*
A: *Not in a week but may[be] one or twice in a month[,] ma'am.*

. . . .

Q: Now, you also said that neither of you maintain a residence or domicile in Barangay Egaña, Sibalom, Antique at the time of your marriage or prior to your marriage, is that correct?
A: We were not residing in Egaña, ma'am.

Q: But in your Affidavit of Cohabitation, both of you executed or both of you affirmed that you were residents of Egaña and this facilitated the marriage without securing a marriage license, am I correct?
A: Yes, ma'am.[25]

Admittedly, the testimony of Boots, who has an interest in the case, may be perceived as self-serving. Still, Boots' statements are *admissions*[26] against his interest because the falsity of the Affidavit of Cohabitation could render him liable for Perjury under Article 183[27] of the Revised

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25 TSN, Boots Rodel R. Aguirre, February 26, 2015, pp. 14–17.

26 *See* Rules of Court, Rule 130, Section 27, which states:
Section 27. *Admission of a party.* — The act, declaration or omission of a party as to a relevant fact may be given in evidence against him or her.

27 Prior to the effectivity date of Republic Act No. 11594, Article 183 of the Revised Penal Code reads:
ART. 183. *False testimony in other cases and perjury in solemn affirmation.*— The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person who, knowingly making untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.

Penal Code. Boots' statements may therefore be given probative weight and be relied upon in resolving the present case, for "no man would declare anything against himself unless such declaration was true."[28]

Thus, *from 2005 to 2009*, when Boots went to Israel, stayed there, and only returned to the Philippines a few days prior to the celebration of their marriage, his absence was not merely temporary. He had no intention to return to the Philippines, even on occasion, to live with Alma. There is absolutely no evidence showing that they deported themselves as husband and wife while Boots was abroad, much like their completely separate living arrangement when they were dating.

To be sure, Article 34 of the Family Code is an exception to the general rule that a valid marriage license is required as a formal requisite of marriage. As such, the exception must be strictly construed. That is, the marriage license requirement may be dispensed with only in circumstances that clearly fall within the ambit of Article 34.[29] A false affidavit of cohabitation would thus render the marriage void, as explained in *Diaz-Salgado v. Anson*,[30] citing *Dayot,* viz.:

> "[T]o be considered void on the ground of absence of a marriage license, the law requires that the absence of such marriage license must be apparent on the marriage contract, or at the very least, supported by a certification from the local civil registrar that no such marriage license was issued to the parties." Considering that the absence of the marriage license is apparent on the marriage contract itself, with a false statement therein that the marriage is of an exceptional character, and no proof to the contrary was presented, there is no other plausible conclusion other than that the marriage between Luis and Severina was celebrated without a valid marriage license and is thus, void ab initio.
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> In *Republic of the Philippines v. Dayot*, the Court similarly declared that a marriage solemnized without a marriage license based on a fabricated claim of exceptional character, is void. In lieu of a marriage license, therein parties to the marriage executed a false affidavit of marital cohabitation. In declaring the marriage void, the Court rejected the notion that all the formal and essential requisites of marriage were complied with. The Court held that to permit a false affidavit to take the place of a marriage license is to allow an abject circumvention of the law. It was further explained:

Any person who, in case of a solemn affirmation made in lieu of an oath, shall commit any of the falsehoods mentioned in this and the three preceding articles of this section, shall suffer the respective penalties provided therein.

28 *Sambalilo v. Spouses Llarenas*, 811 Phil. 552, 566 (2017) [Per J. Mendoza, Second Division].

29 *Niñal v. Bayadog,* 384 Phil. 661, 670 (2000) [Per J. Ynares-Santiago, First Division].

30 791 Phil. 481 (2016) [Per J. Reyes, Third Division].

> *We cannot accept the insistence of the Republic that the falsity of the statements in the parties' affidavit will not affect the validity of marriage, since all the essential and formal requisites were complied with. The argument deserves scant merit. Patently, it cannot be denied that the marriage between Jose and Felisa was celebrated without the formal requisite of a marriage license. Neither did Jose and Felisa meet the explicit legal requirement in Article 76, that they should have lived together as husband and wife for at least five years, so as to be excepted from the requirement of a marriage license.*
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> . . . .
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> Similarly, we are not impressed by the ratiocination of the Republic that as a marriage under a license is not invalidated by the fact that the license was wrongfully obtained, so must a marriage not be invalidated by a fabricated statement that the parties have cohabited for at least five years as required by law. The contrast is flagrant. The former is with reference to an irregularity of the marriage license, and not to the absence of one *Here, there is no marriage license at all. Furthermore, the falsity of the allegation in the sworn affidavit relating to the period of Jose and Felisa's cohabitation, which would have qualified their marriage as an exception to the requirement for a marriage license, cannot be a mere irregularity, for it refers to a quintessential fact that the law precisely required to be deposed and attested to by the parties under oath. If the essential matter in the sworn affidavit is a lie, then it is but a mere scrap of paper, without force and effect. Hence, it is as if there was no affidavit at all.*[31](Emphasis supplied, citations omitted)

The present case should be distinguished from *Laguda v. Manguardia*.[32] Petitioner in the latter case, in seeking to nullify the marriage, also relied on the falsity of their affidavit of cohabitation was false, arguing that, in fact, the supposed spouses had not lived together for five years prior to the marriage. In *Laguda*, petitioner gave an inconsistent account of the relevant events leading up to their marriage. Further, there was proof that the putative husband *regularly* returned home and stayed with his wife whenever possible.

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[31] *Id.* at 500–502.

[32] G.R. No. 279718, January 29, 2026 [Per J. Inting, Third Division].

As the records of this case show, there is inadequate evidence proving that Alma and Boots continuously and exclusively cohabited as husband and wife for a period of five years immediately preceding the celebration of their marriage. At most, the two dated exclusively and sojourned in several places. However, the fact that they *intermittently* and *occasionally* stayed in the same place does not amount to cohabitation as husband and wife contemplated by Article 34 of the Family Code. Verily, Boots admitted signing the Affidavit of Cohabitation despite not meeting the statutory conditions. Such falsity renders the affidavit ineffectual; it does not confer exemption from the license requirement. The marriage, founded on this false declaration, is void.

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated July 28, 2021, and the Resolution dated July 1, 2022, of the Court of Appeals in CA-G.R. CV No. 06914 are **AFFIRMED**.

SO ORDERED.

HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

ALFREDO BENJAMIN S. CAGUIOA
Acting Chief Justice

SAMUEL H. GAERLAN
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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.

ALFREDO BENJAMIN S. CAGUIOA
Acting Chief Justice
Per Special Order No. 3266 dated February 20, 2026