

College of Law
University of the Philippines

Persons & Family Relations
Mid-term Examination
First Semester, AY 2009

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I

When Vincenzo and Sophia met in 1998, they already owned businesses of their own. Before getting married, they decided to execute a pre-nuptial agreement and adopt a property regime of complete separation of property. They requested both of their lawyers to assist them and even draw up the terms of support for their future household including house repairs, their children and other expenses like vacations, family holidays and even future pets. They also agreed on the costs of their wedding and reception. It took them 3 months to negotiate but when they finally agreed on the terms, they started planning their wedding and within a year, got married. Although they forgot to sign the document, the couple kept within the terms of their agreement.

1. A year later, Vincenzo met Leona, a sixteen year old intern on a business trip in Italy and decided he wanted out of his marriage. He told Sophia he was leaving her and told her that according to the terms of their pre-nuptial agreement, he need only support their daughter's college education when the time came for her to go. As Sophia's lawyer, what advice will you give her? (15 points)
2. Vincenzo took Leona home with him to the Philippines a day after his marriage to Sophia was declared a nullity in 2000. He executed an affidavit claiming an exemption from the marriage license requirement and alleged they lived together as a couple for 5 years. They were married by Vincenzo's close friend, the Mayor of Manila, in his condominium unit at Serendra, Fort Bonifacio. Is the marriage valid? Explain. (5 points)
3. Before their wedding, Sophia's aunt Lolita decided to give them a huge donation propter nuptias in the amount of 10 million pesos. The court which declared the marriage a nullity split this amount between Sophia and Vincenzo. Did the court rule correctly? Explain. (5 points)

II

Evita and Juan both twenty-year old law students, met at a Youth for Christ rock concert. Both Evita's and Juan's parents were active members of Couples for Christ. They began dating but their parents disapproved. Evita convinced Juan to elope and go to Sagada where she had an uncle who was an Episcopalian minister. Evita convinced her uncle to solemnize their marriage despite the objections of their parents.

1. Is their marriage valid? Explain. (5 points)
2. What if given the same facts, Evita and Juan were already twenty-one at the time of their marriage. Will your answer be the same? Explain. (5 points)

III

Dionisia, a 65 year-old Filipino met Fabio, an 18-year-old Italian actor on a cruise and fell in love. On their way back to the Philippines onboard a PAL flight to Manila, a tropical cyclone came in the path of their plane and the flight became very turbulent. Dionisia began clutching her chest and complained she was having a heart attack. She asked the Captain to join Fabio and herself in marriage. There were no doctors on the flight but a medical dentist was brought to her seat in the first class cabin and he told the Captain that Dionisia's condition looked serious. The Captain agreed to join the couple in marriage and later successfully landed the plane safely at the NAIA.

1. Is the marriage between Dionisia and Fabio valid? Explain. (5 points)
2. Given the same set of facts, suppose that Dionisia, only 4 weeks prior to her whirlwind romance with Fabio, lost her husband of 40 years, leaving behind their 4 children. Will your answer be the same? Explain. (5 points)

IV

Miley, 25 and Jonas, 22, worked at a call center and began dating for a couple of weeks before deciding to live together. Miley had her own apartment so they decided to stay there because Jonas lived with his mother and eight brothers. After five years, Miley became pregnant and before getting married, the couple decided to sign a pre-nuptial agreement. They decided on the conjugal partnership of gains and opened a joint account for their common expenses. After three years, Jonas started dating Taylor, a 19 year-old co-worker, while Miley stayed at home to care for their son, Billy.

1. Suppose that Jonas filed a petition to have their marriage declared void alleging that there was no marriage contract filed before the NSO and presenting proof of this through a certification by the NSO that no marriage contract between the parties existed on record. As Miley's counsel, how would you argue on her behalf? (10 points)
2. Given the same set of facts, suppose that Jonas had a rich aunt who left him a row of apartment buildings before his marriage to Miley and during the pendency of the case between the parties, Jonas lost his job and refused to make support payments to Miley and their son, claiming he had no income left. How would you advise Miley? (5 points)
3. When Taylor found out Jonas was married, she broke up with him. Jonas decided to drop the case he filed, apologized to Miley and asked her to reconcile with him. Miley decided to give it a try for their son's sake but after 2 weeks, changed her mind and left. Jason petitioned the court to order Miley to return to the family home and refused to turn over their son when Miley requested it over the phone. Will the action prosper? Explain. (5 points)

V

Mich and Barry were former Filipino citizens who acquired US citizenship but decided to reacquire their Filipino citizenship under RA 9225. They got married in Las Vegas, inviting their Filipino-American friends and family to an elaborately Filipino themed ceremony and reception. During the marriage, Mich and Barry acquired a home in Palo Alto, California, a condominium in Manhattan and beach front property in Palawan. Eight years later, Mich and Barry, who never had children, decided to part ways as friends. They filed for divorce in California where they both lived and split-up their property. They sold the Palawan property and decided to each keep property for themselves. Mich lived and worked in NY, so she took the condominium and Barry remained in Palo Alto.

1. Is their divorce valid? Explain. (15 points)
2. Barry met Judy Ann, a Filipino who was in the US visiting family for 3 months. He decided to go back to the Philippines with her and wants to get married. He consulted you as his lawyer for the requirements. What advice will you give Barry? (10 points)
3. Suppose that given the same facts, only Mich reacquired her Filipino citizenship. Would the divorce still be valid? Would Barry's marriage to Judy Ann give him Filipino citizenship? (5 points)
4. What if Barry was not a former Filipino but born an American citizen and Judy Ann was a former Chinese national who acquired Filipino citizenship through naturalization after her marriage to Barry. Will Barry be then entitled to the benefit of her naturalization? Explain. (5 points)