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CASE ANALYSIS OF WOMEN ON THE DECLARATION OF THE NULLITY OF MARRIAGE AND THEIR SELF-CONCEPT

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ABSTRACT

This particular study was conducted to investigate the causes as a ground for the nullity of marriage, to define the problems encountered during the case process and to know how people who seek annulment feel into making-up stories or lying about their previous failed marriage.

In order to gather the necessary data, observation and interviews were conducted to the annulled women who have undergone the process of Declaration of Nullity of Marriage.

Through careful treatment of data, the study ended up concluding that psychological incapacity is the only cause in the declaration of the nullity of the participants' marriage. Descriptions of the psychological incapacity based on this research were given and summarized as the husband is a drug addict and liar; the wife was always beaten by the dependent, alcoholic, gambler, and drug dependent husband. Husband who should be the financial provider has no permanent work and the worst and most painful for a mother was when the children were beaten by their father who can be psychologically classified as anti-social with the underlying narcissistic personality traits, pathological lying, and pathological gambler with impulse-control disorder. The problems encountered by battered women when filing for a nullity of marriage is its long process and the large amount of money to be paid for a package deal process to the lawyer.

Annulled women described themselves after their nullity of marriage as being free from pains, they become stronger and persevering. They gained more self-confidence because they are free from emotional burdens, they are working hard for their children and most of all; they now have a "friendly" life. In moving on, they practiced meditation, and exercise thinking aloud on how their case on nullity of marriage would be successful. Social support also played a very important part in letting go as well as no feeling of bitterness which helps them in looking for a positive outlook in life after their annulment. As an upshot of this study and to be able to help the abused women to expedite the process of annulment, a resolution addressing the problem encountered was crafted.

Moreover, based on findings, a realization was drawn like: "psychological incapacity" to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.

Keywords: nullity of marriage, psychological incapacity, self-concept

THE BACKGROUND AND ITS PROBLEM

Introduction

Annulment or Nullity of Marriage is when the marriage is valid from the very beginning but can be annulled on various grounds. This is the term commonly used by Filipino layman but it is not commonly used by Filipino lawyers because it is more difficult to prove and in most cases, the circumstance of the married person does not fall in this category. Article 45 of the Family Code provides the grounds for annulment of marriage. Declaration of nullity on the other hand, states that the marriage is

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void or did not even legally exist in the first place. A Filipino or Filipina can marry again once there is a final judgment from the court that declares the marriage as null and void from the very beginning. The case that will be filed is what we call "petition to declare the marriage as null and void" and commonly called as "petition for nullity of marriage".

Hence, for the purposes of remarriage, a void marriage must be declared and there must be a judicial declaration of absolute nullity of a prior subsisting marriage before contracting that another marriage is null and void. This is due to the absence of one or more of the essential or formal requisites of marriage as stated in Article 2 and 3 of the Family Code. But what is applicable in most cases is Article 36 of the Family Code which states that "A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. "One can file a petition for nullity of marriage due to the psychological incapacity of the other spouse. This psychological incapacity is not necessarily insanity but it means that the other spouse has certain dysfunction, or psychological trait or make up which prevents the person to comply the obligations of marriage. It is so encompassing and maybe, general that it gives lawyers and litigants a leeway on how to prove the case. But there are already various supreme cases that will guide the practicing lawyer and litigants of whether their case will fall in this category.

When a petition sought the declaration of nullity of the marriage based on Article 36 of the Family Code where it was alleged that the respondent was psychologically incapacitated at the time of the celebration of their marriage to comply with the essential obligations of marriage and such incapacity subsists up to the present time sufficiently state a cause of action. A cause of action is an act or omission of the defendant in violation of the legal right of the plaintiff. A complaint states a cause of action when it contains three essential elements: (1) a right in favor of the plaintiff by whatever means and under whatever law it arises; (2) an obligation of the defendant to respect such right; and (3) the act or omission of the defendant violates the right of the plain tiff. A petition should state the ultimate facts on which the petitioners base his claim in accordance with Section 1, Rule 8 of the old Rules of Court. Ultimate facts refer to the principal, determinative, constitutive facts upon the existence of which the cause of action rests. The term does not refer to details of probative matter or particulars of evidence which establish the material elements. Thus in the petition for nullity of marriage, the petition sufficiently states a cause of action when it states the legal right of petitioner, the correlative obligation of the respondent and his act or omission in violation of the legal right of the petitioner.

The Code is silent as to who can file a petition to declare the nullity of a marriage. Voidable and void marriages are not identical. A marriage that is annulable is valid until otherwise declared by the court; whereas a marriage that is void as initio is considered as having never to have taken place and cannot be the source of rights. The first can be generally ratified or confirmed by free cohabitation or prescription while the other can never be ratified.

A voidable marriage cannot be assailed collaterally except in a direct proceeding while a void marriage can be attacked collaterally. Consequently, void marriages can be questioned even after the death of either party but voidable marriages can be assailed only during the lifetime of the parties and not after death of either, in which case the parties and their offspring will be left as if the marriage had been perfectly valid. That is why the action or defense for nullity is imprescriptible, unlike voidable marriages

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where the action prescribes. Only the parties to a voidable marriage can assail it but any proper interested party may attack a void marriage. Void marriages have no legal effects except those declared by law concerning the properties of the alleged spouses, regarding co-ownership or ownership through actual joint contribution, and its effect on the children born to such void marriages as provided in Article 50 in relation to Article 43 and 44 as well as Article 51, 53 and 54 of the Family Code.

On the contrary, the property regime governing voidable marriages is generally conjugal partnership and the children conceived before its annulment is legitimate. Divorce is not available in the Philippines. What if a marriage begins to fall apart? Husband and wife either live together and suffer each other's company or they can split up and move away from one another in which case they still remain married to each other. However, it may be fortunate that the Philippines do not have a divorce law but we have an annulment/nullity of marriage. This does not mean that it can be applied liberally for the court set a guideline before this process can be applied. The most widely used is the psychological incapacity. In a simple case of a married couple drifting apart, it usually starts when the couples become strangers to each other, or with the husband consequently falling out of love and wanting a way out. An unsatisfactory marriage, however, is not a null and void marriage. Mere showing of "irreconcilable differences" and "conflicting personalities" does not wisely constitute psychological incapacity. Article 36 of the Family Code is not to be confused with a divorce law that cuts the marital bond at the time the causes therefore manifests them. It refers to a serious psychological illness afflicting a party even before the celebration of the marriage. It is a malady so grave and so permanent as to deprive one of awareness of the duties and responsibilities of the matrimonial bond one is about to assume. Decision in annulment cases as stipulated in Section 19 of A.M. No. 02-11-10-SC, provides that:(1) If the court renders a decision granting the petition, it shall declare therein that the decree of absolute nullity or decree of annulment shall be issued by the court only after compliance with Article 50 and 51 of the Family Code as implemented under the Rule on Liquidation, Partition and Distribution of Properties.(2) The parties, including the Solicitor General and the public prosecutor, shall be served with copies of the decision personally or by registered mail. If the respondent summoned by publication failed to appear in the action, the dispositive part of the decision shall be published once in a newspaper of general circulation.(3) The decision becomes final upon the expiration of fifteen days from notice to the parties. Entry of judgment shall be made if no motion for reconsideration or new trial, or appeal is filed by any of the parties the public prosecutor, or the Solicitor General,(4) Upon the finality of the decision, the court shall forthwith issue the corresponding decree if the parties have no properties. If the parties have properties, the court shall observe the procedure prescribed in Section 21 of this Rule. The entry of judgment shall be registered in the Civil Registry where the marriage was recorded and in the civil registry where the Family Court 'granting the petition for declaration of absolute nullity or annulment of marriage is located.

The author of this study is a licensed psychologist and psychometrician and a private practitioner who appear in court, testifying in the nullity of marriage as an expert witness using her craft as a psychologist in evaluating the psychological profile of the petitioner.

The result of this study will serve as a basis in analyzing the reasons and knowing the cause of every annulled person in order to determine the problems encountered by married couple. The gathered data in this study will be very useful in determining how the annulment works in every married couple.

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COMMUNITY-BASED COUNSELING APPROACH IN CONFLICT RESOLUTION

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ABSTRACT

Conflict resolution has always been part of the community-based workers responsibilities to the society to have a peaceful life living in the barangay. An ethnographic participatory research method was used in this study. The eighteen community-based workers were the participants of this research. They were the people from whom the researcher acquired the answers to the following purposes: (1) describe the identified cases of conflict (2) identify the process of solution to the cases (3) develop a community-based conflict resolution approach.

Results confirmed that most of the conflicts faced by the adolescents are bullying, aggression and gossip mongering.

Based on the data that were obtained from the participants, process of solution to the cases of conflict is presented in steps. The first is the filing of complaint by the complainant; the second is the scheduling of the hearing of the case. The third is the hearing session of the case and while the hearing is going on establishing rapport is the fourth step. Imparting of advices follows while the final process is on the signing of agreement.

A community-based conflict resolution approach was developed as an output of this study. It is presented in a circular form in which the first step is on exploring stage. The next is the investigating stage, the third step is the analyzing stage, understanding stage follows then the decision-making stage. The arrangement stage is the seventh process and follow-up stage is the last process of the approach.

Keywords: Community-Based Workers, Conflict Resolution, Adolescents, Disputants, Counseling

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