



**CIVIL COURTS
(FAMILY SECTION)**

MADAM JUSTICE

**Onor. Abigail Lofaro LL.D., Dip. Stud. Rel.,
Mag. Jur. (Eur. Law)**

Hearing of the 18th May 2023

Application Number: 7/2023 AL

In the names of:

A B C

-VS-

**Dr Mattia Felice u I-PL Nicholette Aquilina as Curators nominated
by virtue of Court Decree dated 22nd March 2023 to represent the
Absentee D E C**

The Court:

Having seen the sworn application filed by the plaintiff,¹ wherein it stated that:

1. That the parties got married in the Republic of Philippines on the 15th of January of the two thousand and two (2002), as per copy of the

¹ Fol. 1.

marriage certificate which is hereby being exhibited, attached and marked as **Doc. 'A'**.

2. That three children were born from the parties' marriage, namely John F B C, G H B C and I J B C, who are twenty (20), nineteen (19) and fifteen (15) years of age respectively, as per birth certificates marked as **Doc 'B'**, **'C'** and **'D'** and they reside in the Republic of the Philippines.
3. That the parties have been living apart since two thousand and twelve (2012) and the respondent never came to Malta, such that there exists no community of acquests between the parties, and additionally the parties never acquired any assets or contracted any liabilities together.
4. The the applicant came to Malta in two thousand and eighteen (2018) and subsequently established her residence here in December of the year two thousand and twenty-one (2021) as per documents hereby attached and marked as **Doc 'E'** and **Doc 'F'**, such that the applicant satisfies the required conditions in terms of Article 66(N)(1)(b) of Chapter sixteen (16) of the Laws of Malta.
5. That there is no prospect or hope for reconciliation between the parties since besides the fact that they have been separated de facto for ten (10) years, they are also living totally separate and independent lives.
6. That there is no dispute between the parties in connection with any maintenance payments.

7. That the above-mentioned facts satisfy the criteria for the attainment of divorce in terms of article 66B of the Civil Code, Chapter 16 of the Laws of Malta.
8. That the applicant has been authorized to proceed with these judicial proceedings in virtue of a decree granted by this Honorable Court on the 4th January 2023, a copy of which is hereby attached and marked as **Doc. 'G'**.
9. That the applicant is hereby exhibiting her affidavit attached and marked as **Doc 'H'** as well as that of the respondent hereby attached as **Doc. 'I'**.

For these reasons, the applicant is requesting this Honourable Court to:

1. Pronounce the marriage (divorce) between the parties; and
2. Order the Registrar of Courts to, within the timeframe granted by Court, notify the Director of the Public Registrar of the dissolution of the marriage (divorce) between the parties so that it be registered in the Public Registry

And this under such provisions that this Honorable Court deems fit and appropriate.

Having seen the documents which were exhibited;

Having seen parties' affidavit;

Having seen its decree dated 28th March 2023;

Having seen the filed by deputy curators' sworn reply;

Having seen Section 66B of Chapter 16 of the Laws of Malta;

Having seen all the acts;

Having seen all the acts;

Considers:

The Court considers that applicant has successfully satisfied all the legal requisites required by Law for the court to pronounce the divorce between the parties since she has proved that parties have been living apart for the last ten years since February 2012;

Having seen that the applicant also proved that there is no reasonable prospect that they can reconcile and that there is no maintenance due between the parties;

Having also seen parties' affidavits;

Therefore the Court accedes to the request, pronounces the divorce between the parties and orders the Registrar of Courts to inform the Director of the Public Registry within ten days from the date of this judgement of the dissolution of marriage between the parties so that the registration and annotation in the relative civil acts is carried out in the Public Registry in terms of Article 66A(4) of the Civil Code, Chapter 16 of the Laws of Malta.

The Court orders that each party is to bear its own costs.

The Court reduces the term for appeal to four days.