



**CIVIL COURTS  
(FAMILY SECTION)**

**MADAM JUSTICE**

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

**Hearing of the 22nd May 2024**

Application Number:219/2023 AL

*In the names of:*

A B C D

Vs

Dr. Fransina Abela and legal procurator Lindsay Ann Galea as  
nominated by decree of the 27<sup>th</sup> October 2023

**The Court,**

Having seen the joint application which was confirmed on oath by both  
applicant who premised:

1. That the parties got married in the Republic of Philippines on the  
twenty-fourth (24<sup>th</sup>) of February of the two thousand and one (2001),  
as per copy of the marriage certificate which is hereby being exhibited,  
attached and marked as **Doc. 'A'**.

2. That two children were born from the parties' marriage, namely E F and G, who have both attained majority, as per birth certificates marked as **Doc 'B'** and **'C'** and reside in the Republic of the Philippines.
3. That the parties have been living apart since two thousand and eight (2008) 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. That the applicant came to Malta five (5) years ago as per documents hereby attached and marked as **Doc 'D' to '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 many 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, since the applicant herself maintains the parties' children, who reside in the Philippines.
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 tenth (10<sup>th</sup>) August 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'**.

Consequently, the applicant humbly asks this Honorable 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 reply of the deputy curators wherein it was held:

1. By means of a decree on the 1<sup>st</sup> February 2024, the respondent were nominated as deputy curators to represent Dante G. Herrera in the present application;
2. That at this stage the respondents have no knowledge of the facts which instigated this cause and are reserving the right to make the necessary verifications on the facts indicated in the sworn

application and without prejudice to pleas that they may make, reserve unto themselves the right to make further pleas when they are better informed of the facts of this cause.

3. In this regard, as from now they are asking the applicant to furnish them with any information she should have regarding means of communication with the defendant, and this if she has any other information besides that already provided in the application.
4. Saving, should it be the case, to make ulterior responses in fact

Having seen the documents which were exhibited;

Having seen its decree dated 9<sup>th</sup> November 2023;

Having seen the reply of the deputy curators;

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

Having seen applicant's sworn affidavit;

Considers:

The Court considers that applicant has successfully satisfied all the legal requirements so that their marriage be dissolved since she proved that parties have been de facto separated for many years

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

The Court also saw that applicant wishes to revert to her maiden surname "D" and the Court accedes to this request.

Therefore the Court accedes to the request, pronounces divorce between the parties and orders the Registrar of Courts to notify the Director of the Public Registry within ten days from the date of this judgement so that the dissolution of marriage be registered in the Public Registry.

The Court orders that the legal costs with regards to the expenses involved in the appointment of the deputy curators be borne by the applicant and regarding other expenses, each party is to bear its own costs.

The Court reduces the term for appeal to four days.