

CLERK OF COURT
NORTHERN MARIANA ISLANDS
1993

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IN THE SUPERIOR COURT *1993*
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SHONDI MARI ALLAN-AGONCILLO,)	Civil Action No. 93-0765
)	
Petitioner,)	
)	
v.)	<u>DENIAL OF PETITION FOR</u>
)	<u>DIVORCE</u>
ARMANDO C. AGONCILLO,)	
)	
Respondent.)	
_____)	

The Petitioner, Shondi Mari Allan-Agoncillo, seeks a divorce decree pursuant to 8 C.M.C. § 1331 from this Court. This matter came before the Court on September 22, 1993, for trial. The Petitioner was represented by V.K. Sawney, Esq., and the Respondent, Armando C. Agoncillo, was represented by Anthony Long, Esq.

After considering the evidence adduced at trial, the briefs and closing arguments of counsels, the Court hereby enters the following facts and conclusions of law. Any findings of fact equally applicable as a conclusion of law is hereby adopted as such and the converse is also adopted as such.

I. FINDINGS OF FACT

1. Petitioner is a citizen of the United States and a resident of Saipan, Commonwealth of the Northern Mariana Islands.

2. Respondent is a citizen of the Philippines.

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1 temporary purposes, and to which a person returns after a
2 temporary absence."). There must be a "present intention of
3 making it his/her home unless and until something, which is
4 uncertain and unexpected, shall happen to induce the person to
5 adopt some other permanent home. It is a place [to] which the
6 person intends to return and from which he has no present plans to
7 depart." *Id.*

8 3. In an attempt to show that Respondent intended to make
9 Saipan his home, Petitioner emphasizes that Respondent married her
10 and that Respondent has lived here since his arrival on Saipan.
11 This Court rejects Petitioner's argument as simplistic; many
12 couples get married and may live in a particular location while
13 not intending to remain there permanently.

14 4. Based upon the credibility of Respondent's testimony and
15 the following factors, this Court concludes that Respondent does
16 not have the intention to make the Commonwealth his permanent
17 residence:

18 (a) unlike the plaintiff in *Manansala*, the
19 Respondent in the instant case has testified that he
20 does not intend to remain in the Commonwealth;

21 (b) he declares the Philippines, rather than the
22 Commonwealth, as his residence; and

23 (c) he insisted that Petitioner sign his
24 application for a green card so that they could move to
25 Guam for work.

26 5. For these reasons, this divorce action cannot be
27 premised upon the duration of time that Respondent has lived in
28 the Commonwealth because he is a nonresident. Although Petitioner

1 may qualify as a resident of the Commonwealth, she has not lived
2 in the C.N.M.I. for two years.

3 6. Given that neither spouse has "resided in" the
4 Commonwealth for at least two years, Petitioner fails to satisfy
5 the residency requirements of section 1332. This Court,
6 therefore, lacks jurisdiction to grant a divorce decree in the
7 instant case.

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III. CONCLUSION

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The Petitioner's request for a divorce is hereby DENIED.


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So ORDERED this 12 day of October, 1993.

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EDWARD MANIBUSAN, Associate Judge

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