

隱瞞性取向構成詐欺罪

可作為婚姻無效之理由



本報訊：大理院近日針對一起婚姻無效案件作出具里程碑意義之判決，裁定配偶於婚前隱瞞自身性傾向之行為，構成《家庭法》所規範之詐欺要件，得依法訴請宣告婚姻無效。

此項載明於八頁判決書中之裁決，明確援引《家庭法》第45條及第46條相關規定，為類似案件建立重要司法先例。

判決書中明確闡釋：「婚姻係男女雙方依據法律規定，為建立夫妻共同生活及家庭關係而締結之特殊永久契約。」

並進一步強調：「婚姻之有效性，必須建構於雙方當事人自由且充分知情之前提下所為之同意。因此，若婚姻同意係透過詐欺手段取得，該婚姻得依法宣告無效。」

本案起源於2017年一名女性向法院提起之婚姻無效訴訟。原告於訴狀中主張，其婚姻同意係基於重大誤解而作出，倘若婚前知悉被告之真實性傾向，絕不會同意與之締結婚姻關係。根據原告所提之證詞，其與被告婚前維持遠距離戀愛關係期間，被告即表現出異常疏離態度。雙方婚後短暫同居期間，被告持續迴避夫妻親密接觸，並經常無故挑起爭執以製造距離感。

原告具體陳述，婚後兩個月被告即獨自返回海外工作地點，且幾乎斷絕所有聯繫，僅於結婚週年紀念日發送簡短訊息。其後原告於整理被告物品時，發現多本含有半裸及全裸男性模特兒影像之雜誌，經當面對質後，被告坦承自身為同性戀者之事實。原告於身心受創之下返回原生家庭居住，並隨即向法院提起婚姻無效之訴。值得注意的是，本案審理過程中，被告始終未出庭應訊，亦未提交任何書面答辯聲明。

地方法院及上訴法院先前審理時，均以「缺乏足夠證據證明被告確為同性戀者」及「未能證明被告故意隱瞞性傾向以誘使原告結婚」為由，駁回原告之訴。下級法院認為原告證詞屬片面之詞，且未經其他客觀證據佐證，故不足以採信。

然而，大理院全席於本案判決中明確推翻下級法院見解。

判決書詳盡闡明：「必須強調的是，原告所提主張應依『證據優勢原則』予以審酌。當一方所提證據之證明力明顯超越對造時，即應賦予其應有之法律效力。」

判決書進一步指出：「綜合考量本案所有事證，相較於被告對此重大事項所保持之異常沉默態度，原告所提證據已達足夠證明標準。因此，依據《家庭法》第45條第3項關於詐欺要件之規定，併同第46條第4項關於隱瞞同性戀傾向之特別規範，本庭宣告該婚姻關係因詐欺事由而無效。」



7月15日，公造部工人在馬尼拉市仙馬西仁諾街進行下水道井蓋墊高工程。國都區公造署正全面整修這些井蓋以因應雨季來臨。

#789854 Like us on Facebook: facebook.com/SuzukiAutoPh
Visit us at: suzuki.com.ph/auto
ASC REFERENCE S0164P032725S

Life Companion
On and Beyond the Road

Procurement Announcement of One-year legal service

Talugtug Renewables Inc. is now conducting public inquiry and procurement for legal and various special services. It plans to determine suppliers through public inquiry and has issued a procurement announcement. Qualified suppliers are welcome to participate in quotations.

I. Introduction to Talugtug Renewables Inc.

Talugtug Renewables Inc. (hereinafter referred to as the "Company") is a legally registered power operating enterprise in the Philippines. Its main business is the production and operation of the 99.96MW photovoltaic project in Talugtug, the Philippines. The project is currently under construction and is expected to be put into operation on February 28 next year.

II. Inquiry for purchase content

Provide the following legal and various specialized services for a period of one year. The planned contract period is from July 24 2025 to July 24 2026. The specific time is subject to the time of contract signing:

1.Draft, review and/or modify contracts and other legal documents related to the client's daily operations and external business;

2.According to the client's request, analyze and judge the legality and appropriateness of the current rules and regulations such as safety system, position system, salary system, etc. involved in the company's operation and management, and provide analysis and modification opinions on the flaws in the client's current rules and regulations; participate in the drafting, Revise and review rules and regulations; guide relevant departments to clean up existing claims and debts, and provide timely work ideas for the resolution of individual claims and debts;

3. According to the client's request, analyze and judge the legality and appropriateness of the current rules and regulations such as safety system, position system, salary system, etc. involved in the company's operation and management, and provide analysis and modification opinions on the flaws in the client's current rules and regulations; participate in the drafting, Revise and review rules and regulations; guide relevant departments to clean up existing claims and debts, and provide timely work ideas for the resolution of individual claims and debts;

4.Participate in the client's management meetings and business negotiations, and carry out non-litigation legal work such as legal analysis, legal due diligence, project legal feasibility studies, legal risk identification and suggestions according to the client's requirements ;

5. According to the client's request, provide legal analysis and solutions to the disputes that the client faces or may encounter, issue legal opinions, and participate in non-litigation negotiations, consultations and mediation; negotiate and negotiate on the client's economic, civil, and administrative disputes Mediation, providing working ideas, providing legal solutions, and predicting the possible consequences of disputes; providing clients with working ideas and formulating legal solutions for other people's breach of contract, infringement, etc.;

6. In accordance with Philippine laws and regulations, provide legal analysis on the problems encountered by the client during operations in the Philippines; be entrusted by the client to handle corporate establishment, mergers, acquisitions, bankruptcy, real estate business, equity acquisition, equity transfer, and operations related to the client change;

7. Provide legal services including preparing documents for shareholders' and board of directors' meetings, share transfer documents, updating company registration information, amending company articles of association, and preparing notarization of company documents.

8. Provide legal training to the client's managers. Through comprehensive and in-depth analysis of various aspects of the client's project construction and operation activities in the Philippines, relevant Philippine laws and regulations information will be provided to the client regularly or irregularly for the client's employees to learn and understand relevant legal knowledge, and to assist the client in carrying out the work in accordance with the law. Construction and operating activities;

9. If necessary, a dedicated person will be sent to any location in the Philippines designated by the client to provide legal services; according to the client's request, legal support services will be provided to the client. If necessary, the client will need to go to the project location to negotiate with local government agencies, Communicate and coordinate with taxation, police and other departments.

III. Qualification requirements

The service provider should be a legally registered legal service organization in the Philippines, have more than 3 employed lawyers and provide practicing qualification certificates.

Suppliers who have an interest relationship with the purchaser that may affect the fairness of the procurement

are not allowed to participate in the quotation; the person in charge of the unit is the same person or different units with holding or management relationships are not allowed to participate in the quotation at the same time.

IV. Registration and review

1.This bidding adopts the lowest bid method after review (except for lower than cost). Bidding documents that do not meet the review requirements will not be reviewed.

2.After reviewing the response documents of each supplier in accordance with regulations, the purchaser will select the supplier with the following conditions as the supplier for the transaction: 1) The qualification review is qualified; 2) The response document substantially responds to the requirements of the procurement document.

3.The purchaser does not guarantee that the lowest quotation will be completed, nor will it explain the reasons for failure to complete the transaction.

V. Procurement announcement release media and time

Media: "Philippine Business Daily" <https://www.shangbao.com.ph/>

Release time: July 16, 2025 to July 21, 2025.

VI. Inquiry and procurement arrangements

1.Issuance of procurement documents: Please contact the procurement contact person during the announcement period to obtain procurement documents via email or other contact methods.

2.Deadline for receiving response documents and quotations: 17:00 on July 21, 2025.

3.Reception method: The signed and stamped PDF scanned version of the response document and the editable electronic version of the quotation form are sent to the purchaser's dedicated procurement email address pscctb@126.com (the only designated email address). Any other delivery methods are not valid.

VII. Purchaser's contact information

Inquirer: Talugtug Renewables Inc.

Company location: ROOM 402 VERDE ORO COMMONWEALTH AVENUE MATandang BALARA SECOND DISTRICT,QUEZON CITY PHILIPPINES

Contact person: Winston

Tel: 09086854131

Email: wenhu-zhang@outlook.com

Talugtug Renewables Inc.
July 14, 2025