

A Marriage without a Marriage Ceremony is Null and Void

by [Atty. Francesco Britanico](#) | Updated: Jul 11, 2025 | [Blog](#), [Family Law](#), [Annulment & Other Separations](#)

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Understanding Marriage Without a Ceremony

What Defines a Marriage Ceremony?

In the Philippines, a marriage ceremony involves both individuals presenting themselves before a solemnizing officer and expressing their intention to wed in the presence of witnesses.

This ceremony is essential; without it, any claims of marriage are considered invalid.

Is a Wedding Ceremony Essential?

Indeed, a wedding ceremony is not merely a cultural practice but a legal necessity in the Philippines.

The absence of this ceremony implies that no legitimate marriage has occurred.

This legal structure guarantees that both parties marry with complete consent and understanding of the implications.

Common Misunderstandings About Marriages Lacking Ceremonies

A prevalent belief is that merely signing documents is sufficient to constitute a marriage.

However, this is a misunderstanding.

The law clearly states that simply signing papers without the necessary ceremonial components does not result in a lawful marriage.

Consider scenarios where individuals sign a marriage contract without undergoing an official ceremony.

Such situations frequently lead to misunderstandings regarding marital status, particularly if one individual desires to remarry.

It causes confusion if there are subsequent unions later on, leading to issues with [conjugal property](#), inheritance and status.

What happens if you get “married” without a marriage ceremony?

That becomes a problem for the marriage because a marriage ceremony is an indispensable requirement for a valid marriage. A marriage without one is null and void.

There must be an actual marriage ceremony. There is no specific form or religious rite required for the marriage vows, but the law is clear on what the ceremony must include.

What is a marriage ceremony?

The marriage ceremony takes place through the appearance of the man and the woman before the solemnizing officer. They must make a personal declaration that they take each other as husband and wife.

This must be in the presence of not less than two witnesses of legal age.

This requirement is indispensable. The absence of a marriage ceremony will make the marriage null and void. In fact, there will have been no marriage at all.

Mere signing of papers is not enough

The mere signing of a marriage contract by the man and the woman, without the presence of a solemnizing officer, makes the marriage void from the beginning. A mere signing of papers without the marriage ceremony makes it so that no marriage ever took place.

So if you have a situation like this — and it happens too often — where the man and the woman just sign papers without their personally taking each other as husband and wife in front of a solemnizing officer, that is not a valid marriage.

What about marriages by proxy?

A marriage by proxy is one where one of the parties to a marriage is merely represented by a delegate or a friend. There is no personal appearance by the man and the woman before a solemnizing officer in a marriage by proxy.

Because of this, because the law requires a marriage ceremony with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife, a proxy marriage is void under Philippine law.

If the proxy marriage is solemnized in the Philippines, the marriage is void because our Family Code requires the physical presence of both parties.

However, the same Family Code states that marriages solemnized outside the Philippines, if valid in accordance with the laws of the country where they were solemnized, shall also be valid here.

This seems to mean that, if a proxy marriage is lawful and valid in a foreign country, and a Filipino or Filipinos validly married through a proxy marriage in accordance with that country's laws, then this marriage will also be considered valid in the Philippines.

Legal writers say that the marriage by proxy is considered celebrated at the place where the delegate or the proxy appears.

This raises an interesting question which, as far as I know, has not been ruled on by the Supreme Court:

If the place of the marriage by proxy is, for example, in a State in the US like Montana which allows proxy marriage while the Filipino marrying by proxy is actually located in

the Philippines – is such a proxy marriage valid if one or both of the parties was in the Philippines when the marriage took place abroad?

It seems the answer, unless the marriage is struck down for being against public policy, is that the proxy marriage would be valid since the place of its celebration was not actually in the Philippines.

The argument made in favor of its validity is that the interpretation of the Family Code allows it and that public policy leans toward the validity of the marriage which the State upholds as the foundation of the family and society.

The argument against validity would be that proxy marriage, if the parties are actually in the Philippines, circumvents the public policy reasons of our Family Code's marriage ceremony requirements.

Finally, it bears noting that the Philippines has been a signatory to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages since 1963, ratifying it in 1965. Article 1, paragraph (2) of the Convention gives room to allow proxy marriage under certain circumstances. In its Instrument of Ratification of the Convention, the Philippines affirmed that it does not allow proxy marriages within its territory, but did not object to the validity of proxy marriages celebrated abroad. The Philippines has never renounced the Convention.

What do you do if there was no valid marriage ceremony?

You must go to court to get it legally declared null and void.

Whichever the case — whether a proxy marriage or a problem with your marriage ceremony — it is important to remember is that it is not up to you to decide whether your marriage is legally null and void, particularly if you want to remarry.

The law says that:

The absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis solely of a final judgment declaring such previous marriage void.

This means that, even if there was something wrong with your marriage ceremony so that it was invalid, you need to get a court declaration of nullity of that marriage if you want to be clear to remarry. A case needs to be filed in court to get the final judgment.

Without such a court declaration, the second marriage would be bigamous and itself null and void.

Frequently Asked Questions (FAQ)

1. Can I legally wed without a ceremony?

No, under Philippine law, a wedding ceremony is required for a legal marriage.

2. Do I need a marriage license to marry?

Yes, in most cases you will need a marriage license to marry or an Affidavit of Cohabitation as needed.

3. What steps should I take if my marriage lacks validity?

If you find yourself in this predicament, it is important to consult legal counsel and potentially pursue nullity through the court system even if the marriage was null and void so that the end of the marriage is acknowledged and registered in the PSA

4. Are there exceptions to the requirement of a wedding ceremony?

Although there are certain situations in which marriages may occur without licenses, they still necessitate some form of official acknowledgment through a ceremony.

