

Republic of the Philippines
SUPREME COURT
REGIONAL TRIAL COURT
Eight Judicial Region
Branch 11, Calubian, Leyte
rtc2cub11@judiciary.gov.ph
+639563627122

SPOUSES DAVID CHARLES
OLESEN and ILYN OLESEN,
Petitioners,

Civil Case No. CN-324
For: "SUPPORT"

-versus-

MAUREEN G. MULVANEY,
Respondent.

X-----X

**MOTION TO DECLARE RESPONDENT IN DEFAULT FOR
FAILURE TO FILE AN ANSWER**

COMES NOW, the petitioners by the undersigned attorney, and
unto this Honorable Court, most respectfully avers:

1. That as borne out of the records of the above-entitled case, the respondent failed to file an answer despite service of summons through electronic mail as authorized by the Honorable Court, on January 21, 2026, as seen in the portal of the Honorable Court's e-mail address;
2. That Section 3, Rule 9 of the 2019 Amendments of to the 1997 Rules of Civil Procedure provides that:

Section 3; Default, Declaration of. – If the defending party fails to answer within the time allowed therefor, the court shall, upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon, the court shall proceed to render judgment granting the claimant such relief as his or her pleading may warrant, unless the court in its discretion require the claimant to submit evidence.



Such reception of evidence may be delegated to the clerk of court.

xxx xxx xxx
xxx xxx xxx”

3. That it is already more than three (3) months since respondent was served with summons and her failure to plead warrants her declaration of default;

WHEREFORE, petitioners prays that the respondent be declared in default for failure to plead within the time given by the rules of court.

Other relief's that are just and equitable in the premises are also prayed for.

San Isidro, Leyte, Philippines, April 29, 2026.



OCTAVIUS L. LABTIC

Counsel for the Petitioners

Quezon, St., San Isidro, Leyte

Roll No. 44,913

PTR No. 1392004 1/05/26

IBP No. 580302 -12/31/25

Leyte Chapter

MCLE Compliance Cert. No. VIII

0026523 -04/08/25

octaviuslechidolabtic@gmail.com

NOTICE OF HEARING

The Clerk of Court
Regional Trial Court
Branch 11
Eight Judicial Region
Calubian, Leyte

Greetings:

Please submit the foregoing motion to declare respondent in default for failure to file an answer immediately upon receipt hereof without further arguments and presence of counsel.

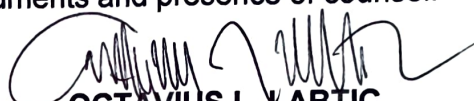


OCTAVIUS L. LABTIC
Counsel for Petitioners

Maureen G. Mulvaney
Respondent
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United States of America (USA)
E-mail Address: MGM@MGM Superstar.com

Greetings:

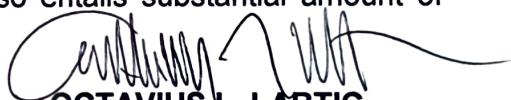
Please take notice that the foregoing motion to declare respondent in default for failure to file an answer in the above-entitled case will be submitted for the approval and consideration of the Honorable Court without further arguments and presence of counsel.



OCTAVIUS L. LABTIC
Counsel for Petitioners

CERTIFICATION/EXPLANATION

I, hereby certify that a copy of this motion to declare respondent in default for failure to file and answer was furnished to respondent Maureen G. Mulvaney through electronic mail in her e-mail address at MGM@MGM SuperStar.com.. Personal service was not resorted to due to distance where in doing so entails substantial amount of expenses.



OCTAVIUS L. LABTIC
Counsel for Petitioners