SECOND DIVISION

[G.R. No. 224015, July 23, 2018]

STEPHEN I. JUEGO-SAKAI, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Amended Decision[1] dated March 3, 2016 of the Court of Appeals (CA) in CA-G.R. CV No. 104253 that set aside its former Decision dated November 25, 2015, which in turn, affirmed the Decision of the Regional Trial Court (RTC), Branch 40, Daet, Camarines Norte, granting petitioner's Petition for Judicial Recognition of Foreign Judgment.

The antecedent facts are as follows:

Petitioner Stephen I. Juego-Sakai and Toshiharu Sakai got married on August 11, 2000 in Japan pursuant to the wedding rites therein. After two (2) years, the parties, by agreement, obtained a divorce decree in said country dissolving their marriage.[2] Thereafter, on April 5, 2013, petitioner filed a Petition for Judicial Recognition of Foreign Judgment before the Regional Trial Court (*RTC*), Branch 40, Camarines Norte. In its Decision dated October 9, 2014, the RTC granted the petition and recognized the divorce between the parties as valid and effective under Philippine Laws.[3] On November 25, 2015, the CA affirmed the decision of the RTC.

In an Amended Decision[4] dated March 3, 2016, however, the CA revisited its findings and recalled and set aside its previous decision. According to the appellate court, the second of the following requisites under Article 26 of the Family Code is missing: (a) there is a valid marriage that has been celebrated between a Filipino citizen and a foreigner; and (b) a divorce is obtained abroad by the alien spouse capacitating him or her to remarry.[5] This is because the divorce herein was consensual in nature, obtained by agreement of the parties, and not by Sakai alone. Thus, since petitioner, a Filipino citizen, also obtained the divorce herein, said divorce cannot be recognized in the Philippines. In addition, the CA ruled that petitioner's failure to present authenticated copies of the Civil Code of Japan was fatal to her cause.[6]

On May 2, 2016, petitioner filed the instant petition invoking the following arguments:

I.

WHETHER OR NOT THE HONORABLE [COURT OF APPEALS] GRAVELY ERRED UNDER LAW WHEN IT HELD THAT THE SECOND REQUISITE FOR THE APPLICATION OF THE SECOND PARAGRAPH OF ARTICLE 26 OF THE FAMILY CODE IS NOT PRESENT BECAUSE THE PETITIONER GAVE CONSENT TO THE DIVORCE OBTAINED BY HER JAPANESE HUSBAND.

II.

WHETHER OR NOT THE HONORABLE [COURT OF APPEALS] GRAVELY ERRED UNDER LAW WHEN IT HELD THAT THERE IS NO SUBSTANTIAL COMPLIANCE WITH REQUIREMENT ON THE SUBMISSION OF AUTHENTICATED COPIES OF [THE] CIVIL CODE OF JAPAN RELATIVE TO DIVORCE AS REQUIRED BY THE RULES.[7]

Petitioner posits that the divorce she obtained with her husband, designated as Divorce by Agreement in Japan, as opposed to Judicial Divorce, is the more practical and common type of divorce in Japan. She insists that it is to her great disadvantage if said divorce is not recognized and instead, Judicial Divorce is required in order for her to avail of the benefit under the second paragraph of Article 26 of the Family Code, since their divorce had already been granted abroad.[8] Moreover, petitioner asserts that the mere fact that she consented to the divorce does not prevent the application of Article 26 for said provision does not state that where the consent of the Filipino spouse was obtained in the divorce, the same no longer finds application. In support of her contentions, petitioner cites the ruling in *Republic of the Philippines v. Orbecido III* wherein the Court held that a Filipino spouse is allowed to remarry in the event that he or she is divorced by a Filipino spouse who had acquired foreign citizenship.[9] As to the issue of evidence presented, petitioner explains that the reason why she was unable to present authenticated copies of the provisions of the Civil Code of Japan relative to divorce is because she was unable to go to Japan due to the fact that she was pregnant. Also, none of her friends could obtain a copy of the same for her. Instead, she went to the library of the Japanese Embassy to photocopy the Civil Code. There, she was issued a document which states that diplomatic missions of Japan overseas do not issue certified true copies of Japanese Law nor process translation certificates of Japanese Law due to the potential problem in the legal interpretation thereof. Thus, petitioner maintains that this constitutes substantial compliance with the Rules on Evidence.[10]

We grant the petition.

The issue before Us has already been resolved in the landmark ruling of *Republic v. Manalo*,[11] the facts of which fall squarely on point with the facts herein. In *Manalo*, respondent Marelyn Manalo, a Filipino, was married to a Japanese national named Yoshino Minoro. She, however, filed a case for divorce before a Japanese Court, which granted the same and consequently issued a divorce decree dissolving their marriage. Thereafter, she sought to have said decree recognized in the Philippines and to have the entry of her marriage to Minoro in the Civil Registry in San Juan, Metro Manila, cancelled, so that said entry shall not become a hindrance if and when she decides to

remarry. The trial court, however, denied Manalo's petition and ruled that Philippine law does not afford Filipinos the right to file for a divorce, whether they are in the country or abroad, if they are married to Filipinos or to foreigners, or if they celebrated their marriage in the Philippines or in another country.

On appeal, however, the Court therein rejected the trial court's view and affirmed, instead, the ruling of the CA. There, the Court held that the fact that it was the Filipino spouse who initiated the proceeding wherein the divorce decree was granted should not affect the application nor remove him from the coverage of Paragraph 2 of Article 26 of the Family Code which states that "where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall likewise have capacity to remarry under Philippine law." We observed that to interpret the word "obtained" to mean that the divorce proceeding must actually be initiated by the alien spouse would depart from the true intent of the legislature and would otherwise yield conclusions inconsistent with the general purpose of Paragraph 2 of Article 26, which is, specifically, to avoid the absurd situation where the Filipino spouse remains married to the alien spouse who, after a foreign divorce decree that is effective in the country where it was rendered, is no longer married to the Filipino spouse. The subject provision, therefore, should not make a distinction for a Filipino who initiated a foreign divorce proceeding is in the same place and in like circumstance as a Filipino who is at the receiving end of an alien initiated proceeding.[12]

Applying the foregoing pronouncement to the case at hand, the Court similarly rules that despite the fact that petitioner participated in the divorce proceedings in Japan, and even if it is assumed that she initiated the same, she must still be allowed to benefit from the exception provided under Paragraph 2 of Article 26. Consequently, since her marriage to Toshiharu Sakai had already been dissolved by virtue of the divorce decree they obtained in Japan, thereby capacitating Toshiharu to remarry, petitioner shall likewise have capacity to remarry under Philippine law.

Nevertheless, as similarly held in Manalo, We cannot yet grant petitioner's Petition for Judicial Recognition of Foreign Judgment for she has yet to comply with certain guidelines before our courts may recognize the subject divorce decree and the effects thereof. Time and again, the Court has held that the starting point in any recognition of a foreign divorce judgment is the acknowledgment that our courts do not take judicial notice of foreign judgments and laws.[13] This means that the foreign judgment and its authenticity must be proven as facts under our rules on evidence, together with the alien's applicable national law to show the effect of the judgment on the alien himself or herself.[14] Since both the foreign divorce decree and the national law of the alien, recognizing his or her capacity to obtain a divorce, purport to be official acts of a sovereign authority, Section 24[15] of Rule 132 of the Rules of Court applies.[16] Thus, what is required is proof, either by (1) official publications or (2) copies attested by the officer having legal custody of the documents. If the copies of official records are not kept in the Philippines, these must be (a) accompanied by a certificate issued by the proper diplomatic or consular officer in the Philippine foreign service stationed in the foreign country in which the record is kept and (b) authenticated by the seal of his office.[17]

In the instant case, the Office of the Solicitor General does not dispute the existence of the divorce decree, rendering the same admissible. What remains to be proven, therefore, is the pertinent Japanese Law on divorce considering that Japanese laws on persons and family relations are not among those matters that Filipino judges are supposed to know by reason of their judicial function.[18]

WHEREFORE, premises considered, the instant petition is **GRANTED**. The assailed Amended Decision dated March 3, 2016 of the Court of Appeals in CA-G.R. CV No. 104253 is **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the court of origin for further proceedings and reception of evidence as to the relevant Japanese law on divorce.

SO ORDERED.

Perlas-Bernabe, Caguioa, and *Reyes, Jr., JJ.*, concur.
Carpio, Senior Associate Justice, (Chairperson), J., I concur in result. See Separate Opinion.

---

[1] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Priscilla J. Baltazar-Padilla and Socorro B. Inting, concurring; *rollo*, pp. 18-21.

[2] *Rollo*, pp. 5 and 33.

[3] *Id.* at 33-34.

[4] *Supra* note 1.

[5] *Rollo*, p. 19.

[6] *Id.* at 20.

[7] *Id.* at 7.

[8] *Id.* at 9.

[9] *Id.* at 10.

[10] *Id.* at 13-14.

[11] G.R. No. 221029, April 24, 2018.

[12] *Id.*

[13] *Corpus v. Sto. Tomas*, 642 Phil. 420, 432 (2010).

[14] *Id.*

[15] Section 24 of the Rules of Court provides:

SECTION 24. *Proof of official record*. - The record of public documents referred to in paragraph (a) of section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in a foreign country, the certificate may be made by a secretary of the embassy or legation, consul-general, consul, vice-consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office.

[16] *Id.*

[17] *Id.*

[18] *Republic v. Manalo, supra* note 11.