FIRST DIVISION

[G.R. No. 227605, December 05, 2019]

IN RE: PETITION FOR JUDICIAL RECOGNITION OF DIVORCE BETWEEN MINURO* TAKAHASHI AND JULIET RENDORA MORAÑA,

JULIET RENDORA MORAÑA, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This petition for review on *certiorari*[1] seeks to reverse the following issuances of the Court of Appeals in CA-G.R. CV No. 103196 entitled *In Re: Petition for Judicial Recognition of Divorce Between Minuro Takahashi and Juliet Rendora Moraña*:

1. Decision[2] dated July 5, 2016 which affirmed the dismissal of petitioner Juliet Rendora Moraña's petition for recognition of foreign divorce decree in Japan; and

2. Resolution[3] dated October 13, 2016 which denied petitioner's motion for reconsideration.

Antecedents

On June 24, 2002, petitioner and Minoru Takahashi got married in San Juan, Metro Manila. Thereafter, they moved to live in Japan where they bore two (2) children, namely: Haruna Takahashi (born on January 5, 2003) and Nanami Takahashi (born on May 8, 2006).[4]

Ten (10) years later, the couple got estranged. Petitioner alleged that her husband failed to perform his marital obligations to her. He refused to give support to their two (2) children, and worse, started cohabiting with another woman. Because of her persistent demand for financial support, her husband suggested they secure a divorce so the Japanese government would give financial assistance to their children and send them to school. Believing it was for the good of their children, petitioner agreed to divorce her husband. Consequently, they jointly applied for divorce before the Office of the Mayor of Fukuyama City, Japan.[5]

On May 22, 2012, the Office of the Mayor of Fukuyama City granted their application for divorce and issued the corresponding Divorce Report.[6]

On October 2, 2012, petitioner filed with the Regional Trial Court-Manila an action for

recognition of the Divorce Report. The case was docketed as Civil Case No. 12-128788 and raffled to Branch 29.

During the proceedings, petitioner offered the following exhibits:

"A"	Petition for Recognition of Foreign Decree of Divorce
"B"	Compliance dated January 5, 2013
"C"	Letter addressed to the Office of the Solicitor General
"D"	Letter to the Public Prosecutor
"E"	OSG's Notice of Appearance and deputation letter
"F"	Order dated January 24, 2013
"G"	Affidavit of Publication
"H"	April 29, 2013 issue of Hataw newspaper
"I"	May 6, 2013 issue of Hataw newspaper
"J"	Marriage Contract
"K"	Printout of the Divorce Law of Japan and its English translation
"L"	Divorce Report dated May 22, 2012 and its English translation
"M"	Certificate of All Matters and its English translation
"N"	Letter Request dated July 9, 2013 addressed to the Japanese Embassy
"O"	Letter Request dated August 4, 2012 addressed to the Japanese Embassy
"P"	Petitioner's Judicial Affidavit
"Q"	Photocopy of petitioner's passport

The Trial Court's Ruling

By Decision[7] dated December 23, 2013, the trial court dismissed the petition for failure to present in evidence the Divorce Decree itself. The trial court held that the Divorce Report and Certificate of All Matters cannot take the place of the Divorce Decree itself which is the best evidence here. Besides, the authenticated Divorce Certificate issued by the Japanese government was not even included in petitioner's formal offer of evidence aside from the fact that it was a mere photocopy and was not properly identified nay authenticated in open court. Too, on cross, it appeared that petitioner herself was the one who secured the Divorce Decree which fact is not allowed under Philippine laws.

By Order[8] dated June 30, 2014, the trial court denied petitioner's motion for reconsideration.[9]

The Court of Appeals' Ruling

On appeal, the Court of Appeals affirmed through its assailed Decision[10] dated July 5, 2016. It emphasized that before a foreign divorce decree can be recognized in the Philippines, the party pleading it must prove the divorce as a fact and demonstrate its conformity with the foreign law allowing it. This was not complied with here. Too, petitioner failed to offer in evidence the foreign Divorce Decree itself which she purportedly obtained in Japan. The Divorce Report and Certificate of All Matters cannot substitute for the Divorce Decree contemplated by the rules. More, petitioner failed to prove the existence of the foreign law allowing the divorce in question.

In any case, a foreign Divorce Decree cannot be recognized under Section 26 of the Family

Code when the same was obtained by the Filipino spouse. Records showed that the Divorce Decree was not obtained by Minoru alone, but by petitioner, as well.

Petitioner's motion for reconsideration[11] was denied under its assailed Resolution dated October 13, 2016.[12]

The Present Appeal

Petitioner now seeks affirmative relief from the Court and prays that the dispositions of the Court of Appeals be reversed and set aside.

Petitioner argues that equity and substantial justice merit the grant of the petition. If Article 26 of the Family Code is not applied in this case, an absurd situation would arise wherein she is still considered married to her husband, while her husband is no longer legally married to her.

She asserts it was not she who voluntarily secured the divorce decree. It was her husband who encouraged her to apply for a divorce decree so that the Japanese government would support and send their children to school. When she testified that she secured the divorce papers, she actually meant it was she who requested copies of the Divorce Report and Certificate of All Matters. She and her husband jointly applied for divorce. She could not have applied for divorce on her own since she is not well versed in the Japanese language and characters.

She further avers that only the Divorce Report and Certificate of All Matters were issued to her by the Japanese government. These documents are equivalent to the Divorce Decree itself. In any case, there is no difference between a "Divorce Decree" and the "Divorce Report" she presented in court. The Divorce Report itself bears the fact that she and her husband obtained a divorce in Japan. More, although the Divorce Report and Certificate of All Matters are mere photocopies, the same were duly authenticated by the Japanese Embassy.

As for the Divorce Certificate, the Court of Appeals said that the same was not properly offered as it was submitted to the court merely *via* a Manifestation. The Court of Appeals, however, failed to consider the fact that the Divorce Certificate was given to her counsel by the Japanese Embassy only after she had presented her evidence and after she had gone back to Japan to care for her children. The belated availability of the Divorce Certificate was, therefore, beyond her control. In any event, the trial court all admitted her evidence sans any objection from the State. Also, neither the public prosecutor nor the Office of the Solicitor General (OSG) challenged the divorce she and her husband obtained in Japan.

The OSG, on the other hand, posits that the arguments raised by petitioner are mere rehash of the arguments which both the trial court and the Court of Appeals had already resolved in full.[13]

Issue

Did the Court of Appeals err in affirming the dismissal of the petition for recognition of the foreign divorce decree?

Ruling

While Philippine law does not allow absolute divorce, Article 26 of the Family Code allows a Filipino married to a foreign national to contract a subsequent marriage if a divorce decree is validly obtained by the alien spouse abroad, thus:

> Article 26. x x x
>
> 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.

Under the second paragraph of Article 26, the law confers jurisdiction on Philippine courts to extend the effect of a foreign divorce decree to a Filipino spouse without undergoing trial to determine the validity of the dissolution of the marriage.[14]

According to Judge Alicia Sempio-Diy, a me1nber of the *Civil Code Revision Committee*, the idea is to avoid the absurd situation of a Filipino as still being married to his or her alien spouse, although the latter is no longer married to the former because he or she had obtained a divorce abroad that is recognized by his or her national law. The aim was to solve the problem of many Filipino women who, under the New Civil Code, are still considered married to their alien husbands even after the latter have already validly divorced them under their (the husbands') national laws and perhaps have already married again.[15]

In ***Corpuz v. Sto. Tomas***[16] and ***Garcia v. Recio***,[17] the Court held that in any case involving recognition of a foreign divorce judgment, both the Divorce Decree and the applicable national law of the alien spouse must be proven as facts under our rules on evidence.

Here, the Court of Appeals affirmed the trial court's decision denying the petition for recognition of foreign decree of divorce on three (3) grounds, *viz*.:

1. A divorce decree obtained by a Filipino abroad cannot be recognized in the Philippines because Philippine law does not allow divorce;

2. The Divorce Decree was not presented and proved in evidence; and

3. The existence of the Japanese law on divorce was not proved.

The Court does not agree.

A foreign decree of divorce may be recognized in the Philippines although it was the Filipino spouse who obtained the same

Republic v. Manalo[18] emphasized that even if it was the Filipino spouse who initiated and obtained the divorce decree, the same may be recognized in the Philippines, *viz*.:

Paragraph 2 of Article 26 speaks of "*a divorce x x x validly obtained abroad by the alien spouse capacitating him or her to remarry*." Based on a clear and plain reading of the provision, **it only requires that there be a divorce validly obtained abroad. The letter of the law does not demand that the alien spouse should be the one who initiated the proceeding wherein the divorce decree was granted. It does not distinguish whether the Filipino spouse is the petitioner or the respondent in the foreign divorce proceeding**. x x x

Assuming, for the sake of argument, that the word "*obtained*" should be interpreted to mean that the divorce proceeding must be actually initiated by the alien spouse, still, **the Court will not follow the letter of the statute when to do so would depart from the true intent of the legislature or would otherwise yield conclusions inconsistent with the general purpose of the act. Laws have ends to achieve, and statutes should be so construed as not to defeat but to carry out such ends and purposes**. As held in *League of Cities of the Phils. et al. v. COMELEC et al.*:

> **The legislative intent is not at all times accurately reflected in the manner in which the resulting law is couched. Thus, applying a *verba legis* or strictly literal interpretation of a statute may render it meaningless and lead to inconvenience, an absu1rd situation or injustice. To obviate this aberration, and bearing in mind the principle that the intent or the spirit of the law is the law itself, resort should be to the rule that the spirit of the law controls its letter.**

To reiterate, the purpose of Paragraph 2 of Article 26 is 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. x x x Whether the Filipino spouse initiated the foreign divorce proceeding or not, a favorable decree dissolving the marriage bond and capacitating his or her alien spouse to remarry will have the same result: the Filipino spouse will effectively be without a husband or wife. A Filipino who initiated a foreign divorce proceeding is in the same place and in like circumstances as a Filipino who is at the receiving end of an alien initiated proceeding. Therefore, the subject provision should not make a distinction. x x x

x x x Moreover, **blind adherence to the nationality principle must be disallowed if it would cause unjust discrimination and oppression to certain classes of individuals whose rights are equally protected by law.** x x x

x x x In this case, We find that Paragraph 2 of Article 26 violates one of the essential requisites of the equal protection clause. Particularly, **the limitation of the provision only to a foreign divorce decree initiated by the alien spouse is unreasonable as it is based on superficial, arbitrary, and whimsical classification**.

x x x **there is no real and substantial difference between a Filipino who initiated a foreign divorce proceedings and a Filipino who obtained a divorce decree**

upon the instance of his or her alien spouse. In the eyes of the Philippine and foreign laws, both are considered as Filipinos who have the same rights and obligations in (an) alien land. The circumstances surrounding them are alike. Were it not for Paragraph 2 of Article 26, both are still married to their foreigner spouses who are no longer their wives/husbands. Hence, **to make a distinction between them based merely on the superficial difference of whether they initiated the divorce proceedings or not is utterly unfair**. Indeed, the treatment gives undue favor to one and unjustly discriminate against the other.

A prohibitive view of Paragraph 2 of Article 26 would do more harm than good. If We disallow a Filipino citizen who initiated and obtained a foreign divorce from the coverage of Paragraph 2 of Article 26 and still require him or her to first avail of the existing "mechanisms" under the Family Code, any subsequent relationship that he or she would enter in the meantime shall be considered as illicit in the eyes of the Philippine law. Worse, any child born out of such "extra-marital" affair has to suffer the stigma of being branded as illegitimate. Surely, these are just but a few of the adverse consequences, not only to the parent but also to the child, if We are to hold a restrictive interpretation of the subject provision. The irony is that the principle of inviolability of marriage under Section 2, Article XV of the Constitution is meant to be tilted in favor of marriage and against unions not formalized by marriage, but without denying State protection and assistance to live-in arrangements or to families formed according to indigenous customs.

This Court should not turn a blind eye to the realities of the present time. x x x **it is recognized that not all marriages are made in heaven and that imperfect humans more often than not create imperfect unions.** x x x it is hypocritical to safeguard the quantity of existing marriages and, at the same time, brush aside the truth that some of them are of rotten quality.

Going back, We hold that marriage, being a mutual and shared commitment between two parties, cannot possibly be productive of any good to the society where one is considered released from the marital bond while the other remains bound to it. x x x

Indeed, **where the interpretation of a statute according to its exact and literal import would lead to mischievous results or contravene the clear purpose of the legislature, it should be construed according to its spirit and reason, disregarding as far as necessary the letter of the law. A statute may, therefore, be extended to cases not within the literal meaning of its terms, so long as they come within its spirit or intent**. (Emphasis supplied)

Racho v. Tanaka[19] further enunciated that the prohibition on Filipinos from participating in divorce proceedings will not be protecting our own nationals. Verily, therefore, even. though it was petitioner herself or jointly with her husband who applied for and obtained the divorce decree in this case, the same may be recognized in our jurisdiction. So must it be.

The next question: Were the Divorce Decree itself and the Japanese law on divorce sufficiently proved in this case?

Divorce Decree

Petitioner identified, presented, and formally offered in evidence the Divorce Report[20] issued by the Office of the Mayor of Fukuyama City. It clearly bears the fact of divorce by agreement of the parties, *viz.*:

	Husband	Wife	
Name	MINORU TAKAHASHI	JULIET MORAÑA TAKAHASHI	
Date of Birth	September 13, 1975	July 26, 1978	
Address (Registered Address)	82-2 Oaza Managura, Ekiya-cho, Fukuyama City	1-13-15-403 Minato Machi, Fukuyama City	
	Name of Householder: Tadashi Takahashi	Name of Householder: Juliet Moraña Takahashi	
Permanent Domicile (For foreigner, write only the Nationality)	82-2 Oaza Managura, Ekiya-cho, Fukuyama City, Hiroshima Prefecture		
	Head of family Minoru Takahashi	Nationality of Wife Republic of the Philippines	
Name of Parents and the Relationship	Father of Husband: Tadashi Takahashi Mother: Tomoe Relationship: Second Son	Father of Wife: Cesar Moraña, Jr. Mother: Zosima Moraña Relationship: Daughter	
Type of divorce:	__x__Divorce by Agreement	____Settlement	____Arranged on
	____Mediation Date:	____Approval of Request	____Date:
	____Arbitration Date:	____Court Decision	____Date:

Both the trial court and the Court of Appeals, nonetheless, declined to consider the Divorce Report as the Divorce Decree itself. According to the trial court, the Divorce Report was "*limited to the report of the divorce granted to the parties*."[21] On the other hand, the Court of Appeals held that the Divorce Report "*cannot be considered as act of an official body or tribunal as would constitute the divorce decree contemplated by the Rules*."[22]

The Court is not persuaded. Records show that the Divorce Report is what the Government of Japan issued to petitioner and her husband when they applied for divorce. There was no "*divorce judgment*" to speak of because the divorce proceeding was not coursed through Japanese courts but through the Office of the Mayor of Fukuyama City in Hiroshima Prefecture,

Japan. In any event, since the Divorce Report was issued by the Office of the Mayor of Fukuyama City, the same is deemed an *act of an official body* in Japan. By whatever name it is called, the Divorce Report is clearly the equivalent of the "Divorce Decree" in Japan, hence, the best evidence of the fact of divorce obtained by petitioner and her former husband.

Notably, the fact of divorce was also supported by the Certificate of All Matters[23] issued by the Japanese government to petitioner's husband Minoru Takahashi, indicating the date of divorce, petitioner's name from whom he got divorced and petitioner's nationality as well, thus:

Divorce	[Date of Divorce] May 22, 2012 [Name of Spouse] Juliet Moraña Takahashi [Nationality of Spouse] Republic of the Philippines

More, petitioner submitted below a duly authenticated copy of the Divorce Certificate[24] issued by the Japanese government.[25] The fact alone that the document was submitted to the trial court without anyone identifying it on the stand or making a formal offer thereof in evidence does not call for dismissal of the petition.

For one, the State did not question the existence of the Divorce Report, Divorce Certificate, and more importantly the fact of divorce between petitioner and her husband. As ***Republic v. Manalo***[26] pronounced, if the opposing party fails to properly object, as in this case, the existence of the divorce report and divorce certificate decree is rendered admissible as a written act of the foreign official body.

For another, petitioner explained that despite repeated prompt requests from the Japanese Embassy, the latter released the Divorce Certificate quite belatedly after petitioner had already terminated her testimony and returned to Japan to care for her children.[27]

Still another, the Divorce Report, Certificate of All Matters, and Divorce Certificate were all authenticated by the Japanese Embassy. These are proofs of official records which are admissible in evidence under Sections 19 and 24, Rule 132 of the Rules on Evidence, to wit:

> Section 19. Classes of Documents. — For the purpose of their presentation (in) evidence, documents are either public or private.
>
> Public documents are:
>
> (a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;
>
> x x x x x x x x x
>
> 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 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.

Finally, the Court has, time and again, held that the court's primary duty is to dispense justice; and procedural rules are designed to secure and not to override substantial justice. On several occasions, the Court relaxed procedural rules to advance substantial justice.[28] More so here because what is involved is a matter affecting the lives of petitioner and her children; the case is meritorious; the belated issuance of the Divorce Certificate was not due to petitioner's fault; and the relaxation of the rules here will not prejudice the State.[29]

True, marriage is an inviolable social institution and must be protected by the State. But in cases like these, there is no more "*institution*" to protect as the supposed institution was already legally broken. *Marriage, being a mutual and shared commitment between two parties, cannot possibly be productive of any good to the society where one is considered released from the marital bond while the other remains bound to it.*[30]

Law on divorce in Japan

This brings us to the next question: was petitioner able to prove the applicable law on divorce in Japan of which her former husband is a national? On this score, ***Republic v. Manalo***[31] ordained:

> Nonetheless, the Japanese law on divorce must still be proved.
>
> > x x x The burden of proof lies with the "party who alleges the existence of a fact or thing necessary in the prosecution or defense of an action." In civil cases, plaintiffs have the burden of proving the material allegations of the complaint when those are denied by the answer; and defendants have the burden of proving the material allegations in their answer when they introduce new matters. x x x
> >
> > It is well-settled in our jurisdiction that our courts cannot take judicial notice of foreign laws. Like any other facts, they must alleged and proved. x x x The power of judicial notice must be exercised with caution, and every reasonable doubt upon the subject should be resolved in the negative.
>
> Since the divorce was raised by Manalo, the burden of proving the pertinent Japanese law validating it, as well as her former husband's capacity to remarry, fall squarely upon her. 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.

Here, what petitioner offered in evidence were mere printouts of pertinent portions of the Japanese law on divorce and its English translation.[32] There was no proof at all that these printouts reflected the existing law on divorce in Japan and its correct English translation. Indeed, our rules require more than a printout from a website to prove a foreign law. In ***Racho***,[33] the Japanese law on divorce was duly proved through a copy of the English Version of the Civil Code of Japan translated under the authorization of the Ministry of Justice and the Code of Translation Committee. At any rate, considering that the fact of divorce was duly proved in this case, the higher interest of substantial justice compels that petitioner be afforded the chance to properly prove the Japanese law on divorce, with the end view that petitioner may be eventually freed from a marriage in which she is the only remaining party. In ***Manalo***,[34] the Court, too, did not dismiss the case, but simply remanded it to the trial court for reception of evidence pertaining to the existence of the Japanese law on divorce.

ACCORDINGLY, the petition is **GRANTED**. The Decision dated July 5, 2016 and Resolution dated October 13, 2016 of the Court of Appeals in CA-G.R. CV No. 103196 are **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Regional Trial Court – Branch 29, Manila for presentation in evidence of the pertinent Japanese law on divorce following the procedure in ***Racho v. Tanaka***.[35] Thereafter, the court shall render a new decision on the merits.

SO ORDERED.

Peralta, C.J., (Chairperson), J. Reyes, Jr., and *Inting, JJ.*, concur.
Caguioa, J., see separate concurring.

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* Sometimes referred to as "Minoru" in some parts of the Rollo.

[1] *Rollo*, pp. 8-25.

[2] Penned by now retired Associate Justice Sesinando E. Villon and concurred in by now Supreme Court Associate Justice Rodil V. Zalameda and Associate Justice Pedro B. Corales, *id.* at 104-112.

[3] *Id.* at 122-123.

[4] *Id.* at 10, 47, and 105.

[5] *Id.* at 10, 43, 47, and 105.

[6] *Id.* at 48, and 105.

[7] Penned by Presiding Judge Roberto P. Quiroz, *id.* at 63-72.

[8] *Id.* at 81-83.

[9] *Id.* at 73-80.

[10] Penned by now retired Associate Justice Sesinando E. Villon and concurred in by now Supreme Court Associate Justice Rodil V. Zalameda and Associate Justice Pedro B. Corales, *id.* at 104-112.

[11] *Id.* at 113-120.

[12] *Id.* at 122-123.

[13] *Id.* at 139-142.

[14] *Doreen Grace Parilla Medina v. Michiyuki Koike*, 791 Phil. 645, 651 (2016).

[15] *Republic of the Philippines v. Marelyn Tanedo Manalo*, G.R. No. 221029, April 24, 2018.

[16] G.R. No. 186571, 642 Phil. 420, 432 (2010).

[17] G.R. No. 138322, 418 Phil. 723, 725 (2001).

[18] Supra note 15.

[19] G.R. No. 199515, June 25, 2018.

[20] *Rollo*, pp. 34-35.

[21] *Id.* at 67

[22] *Id.* at 108.

[23] *Id.* at 39-40.

[24] *Id.* at 51.

[25] *Id.* at 52-53.

[26] Supra note 15.

[27] *Rollo*, p. 101.

[28] See *Dr. Joseph L. Malixi, et al. v. Dr. Glory V. Baltazar*, G.R. No. 208224, November 22,

2017, 846 SCRA 244, 260.

[29] See *Barnes v. Hon. Quijano Padilla*, 482 Phil. 903, 915 (2004).

[30] Supra note 15.

[31] *Id.*

[32] *Rollo*, pp. 32-33.

[33] Supra note 19.

[34] Supra note 15.

[35] Supra note 19.

SEPARATE CONCURRING OPINION

CAGUIOA, *J.*:

I concur in the result.

However, I submit, as I did in the case of *Republic v. Manalo*[1] *(Manalo)*, that Article 26(2) of the Family Code had been crafted to serve as an exception to the nationality principle embodied in Article 15 of the Civil Code. This exception is narrow, and intended *only* to address the unfair situation that results when a foreign national obtains a divorce decree against a Filipino citizen, leaving the latter stuck in a marriage without a spouse.[2]

As I stated in my *Dissenting Opinion* in *Manalo*:

> x x x [R]ather than serving as bases for the blanket recognition of foreign divorce decrees in the Philippines, I believe that the Court's rulings in [*Van Dorn v. Romillo, Jr.*[3]], [*Republic v. Orbecido III*[4]] and [*Dacasin v. Dacasin*[5]] merely clarify the parameters for the application of the nationality principle found in Article 15 of the Civil Code, and the exception thereto found in Article 26(2) [of] the Family Code. These parameters may be summarized as follows:
>
> 1. Owing to the nationality principle, all Filipino citizens are covered by the prohibition against absolute divorce. As a consequence of such prohibition, a divorce decree obtained abroad by a Filipino citizen cannot be enforced in the Philippines. To allow otherwise would be to permit a Filipino citizen to invoke

foreign law to evade an express prohibition under Philippine law.

2. Nevertheless, the effects of a divorce decree obtained by a foreign national may be extended to the Filipino spouse, provided the latter is able to prove (i) the issuance of the divorce decree, and (ii) the personal law of the foreign spouse allowing such divorce. This exception, found under Article 26(2) of the Family Code, respects the binding effect of the divorce decree on the foreign national, and merely recognizes the residual effect of such decree on the Filipino spouse.[6] (Emphasis and underscoring omitted)

Petitioner Juliet Rendora Moraña is a Filipino citizen seeking recognition of the divorce decree issued upon a joint application filed with her Japanese husband Minuro Takahashi, before the Office of the Mayor of Fukuyama City, Japan.

Unlike the divorce decree in question in *Manalo*, the divorce decree in this case had been obtained *not* by the Filipino citizen alone, but *jointly*, by the Filipino and alien spouse. Verily, a divorce decree granted upon a joint application filed by the parties in a mixed marriage is still one "obtained by the alien spouse", *albeit* with the conformity of the latter's Filipino spouse. Thus, the twin requisites for the application of the exception under Article 26(2) are present — there is a valid marriage that has been celebrated between a Filipino citizen and a foreign national; and **a valid divorce is obtained abroad by the alien spouse capacitating him or her to remarry.**[7]

Based on these premises, I vote to GRANT the Petition.

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[1] G.R. No. 221029, April 24, 2018, 862 SCRA 580.

[2] Id. at 638.

[3] 223 Phil. 357 (1985).

[4] 509 Phil. 108 (2005).

[5] 625 Phil. 494 (2010).

[6] *Republic v. Manalo,* supra note 1, at 641.

[7] See *Republic v. Orbecido III*, supra note 4, at 115.

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