

Title:

Recognition of Jointly Obtained Foreign Divorce by Filipino and Alien Spouse: Abel v. Rule

Facts:

Raemark S. Abel, a citizen of the United States of America (USA), and Mindy P. Rule, a Filipino citizen, were married on December 18, 2005, in the City of Los Angeles, California. On November 18, 2008, they jointly filed for the summary dissolution of their marriage before the Los Angeles Superior Court, within five years of their marriage, and waived their rights to appeal and ask for spousal support. They had no children nor communal assets or liabilities. The divorce was granted on July 31, 2009.

After the divorce, Abel reacquired Filipino citizenship, becoming a dual citizen of the Philippines and the USA on December 3, 2008. Rule became a US citizen on September 21, 2012. In January 2017, the California divorce judgment was recorded in the Manila city registry. Abel subsequently filed for judicial recognition of the foreign divorce before a Regional Trial Court (RTC) in Manila.

The RTC found Abel's petition sufficient but later dismissed it based on the objection from the Office of the Solicitor General (OSG), which argued the joint petition for dissolution of marriage was not in compliance with Philippine law, as Rule could not obtain a divorce decree jointly with her foreigner spouse while still a Filipino citizen. The RTC's decision was anchored on the principle that only the alien spouse was allowed to obtain the decree. Abel's motion for reconsideration was denied.

Issues:

The central legal issue was whether a divorce decree jointly obtained abroad by a Filipino and their alien spouse can be judicially recognized in the Philippines. Specifically, this concerned the interpretation of Article 26(2) of the Family Code, which allows for the recognition of a valid foreign divorce obtained by the alien spouse that capacitates them to remarry.

Court's Decision:

The Philippine Supreme Court granted the petition for review on certiorari, reversed the RTC's Orders, and remanded the case back to the RTC for further proceedings. The Supreme Court ruled that it was immaterial which spouse initiated the divorce proceedings abroad. The high court relied on prior rulings, such as *Republic v. Manalo* and *Galapon v. Republic*, supporting the notion that Article 26(2) applies irrespective of the initiating party

in the foreign divorce proceeding. The Court emphasized the equality of women and men before the law and the State's constitutional mandate, including under the Magna Carta of Women, to eliminate discrimination against women in matters relating to marriage and family relations.

Doctrine:

The Supreme Court reinforced the doctrine that in interpreting Article 26(2) of the Family Code, it does not matter who initiated the foreign divorce proceedings. The provision's intent is to prevent a Filipino spouse from being bound by a marriage that the foreign spouse is no longer obligated by virtue of a foreign divorce decree. Hence, a Filipino spouse may have the capacity to remarry under Philippine law once their alien spouse has obtained a valid foreign divorce, even if the divorce was jointly filed.

Historical Background:

This decision reflects the evolving interpretation of family laws in the Philippines over time with progressing societal views on equality and the recognition of divorce. Earlier statutes and societal norms in the Philippines traditionally did not contemplate divorce, especially in connection with Filipino citizens, as the country, heavily influenced by the Catholic Church, has generally maintained a conservative view on marriage dissolution. However, in recent years, there has been a greater acceptance of the legal effects of foreign divorce decrees, especially in the context of mixed marriages involving Filipino citizens and foreign nationals. This case adds to the jurisprudence advancing the legal recognition of the effects of foreign divorce decrees in the Philippines, thereby reflecting the gradual shift in legal perspectives on marriage, capacity to remarry, and gender equality.