

Title: Janevic Orteza Ordaneza vs. Republic of the Philippines (Recognition of Foreign Judgment of Divorce and Change of Civil Status)

Facts: Janevic Orteza Ordaneza, a Filipino citizen, married Masayoshi Imura, a Japanese national, on April 7, 2006, in Pasay City, Philippines. On May 13, 2009, the couple obtained an amicable divorce pursuant to the Civil Code of Japan. The divorce was registered in Karuya-shi, Aichi, Japan on May 15, 2009. Seeking recognition of the divorce and a change of her civil status to “single” in the Philippines, Janevic filed a petition through her brother Ricky in the Regional Trial Court (RTC) of Kidapawan City on December 8, 2016.

During the trial, Ricky, acting as Janevic’s representative, presented relevant documents such as a Special Power of Attorney, marriage certificate, Japanese divorce certification, English translation of the divorce notification, publication certificate, and relevant Japanese laws translated and authenticated.

The RTC granted Janevic’s petition, recognizing the divorce and declaring her capable of remarrying under Philippine law. The decision ordered the adjustment of civil registry records accordingly. The RTC decision was based on existing legal precedents that remedy the anomalous situation where the foreign spouse is free to remarry while the Filipino spouse remains bound to the marriage.

The decision was appealed by the Office of the Solicitor General (OSG) to the Court of Appeals (CA) on grounds that the petition did not comply with the procedural requirements of Rule 108 and failed to establish the Japanese husband’s capacity to remarry under Article 26 of the Family Code.

The CA reversed the RTC’s decision, pointing out procedural lapses in Janevic’s petition related to venue and parties to be impleaded according to Rule 108. They also questioned if the divorce decree complied with the requirements under Article 26 of the Family Code. Janevic’s petition was thus set aside by the CA.

Issues:

1. Whether the petition for judicial recognition of foreign divorce should be treated as a petition for cancellation or correction of entries under Rule 108.
2. Whether Janevic sufficiently established the foreign divorce decree’s compliance with the requirements of Article 26.

Court's Decision:

The Supreme Court held that recognition of a foreign divorce decree should not be treated as a petition for cancellation or correction of entries under Rule 108. The Court highlighted that such recognition could be made in a Rule 108 proceeding coupled with the proper adversarial process.

The Court also found that Janevic adequately established the Japanese law permitting divorce by agreement and implied the Japanese spouse's capacity to remarry. However, the Court reiterated that for a change of civil status in the civil registry, Rule 108's requirements must be strictly observed, which was not the case in Janevic's petition.

The Supreme Court partly granted Janevic's petition by recognizing the foreign divorce decree but declined the reclassification of her civil status in the civil registry, suggesting that proper proceedings under Rule 108 should be observed for this purpose.

Doctrine:

The Supreme Court decision reiterates the principle that the recognition of a foreign divorce decree involving a Filipino spouse can be sought in a special proceeding, distinct from a Rule 108 procedure for cancellation or correction of entries in the civil registry, provided that proper procedures and requirements are followed.

Historical Background:

The historical context focuses on the situation of mixed marriages between Filipino citizens and foreign nationals where the foreign national is recognized to be free to remarry due to a valid divorce abroad, leaving the Filipino spouse legally bound to the marriage. The second paragraph of Article 26 of the Family Code was enacted as a corrective measure to address this anomaly by allowing the Filipino spouse to also have the capacity to remarry under Philippine law. This case presents the application of this legal provision, seeking to achieve equity and consistency with international norms and practices regarding marriage and divorce.