

**\*\*Title:\*\*** Republic of the Philippines v. Jocelyn Asusano Kikuchi

**\*\*Facts:\*\***

Jocelyn Asusano Kikuchi, a Filipino citizen, married Fumio U. Kikuchi, a Japanese national, in 1993. In 2007, they jointly filed for divorce at the City Hall of Sakado City, Saitama Prefecture, Japan. Once the divorce was accepted, Jocelyn, through her attorney-in-fact Edwin E. Asusano, filed a petition before the Regional Trial Court (RTC) of San Pedro City, Laguna, for the judicial recognition of her foreign divorce in the Philippines.

The RTC, finding the petition sufficient in form and substance, set the case for hearing. The Republic of the Philippines entered its appearance through the Office of the Solicitor General (OSG) and authorized the Office of the City Prosecutor (OCP) of San Pedro City to appear on its behalf. The OCP made a reservation that they would be bound only by notices or orders served on them.

During the hearing, documents presented included an Acceptance Certificate from the Mayor of Sakado City, an Authentication by the Vice Consul of the Philippine Embassy in Tokyo, Japan, and an English translation of the Civil Code of Japan. The OCP did not object and stated it would not present contrary evidence.

The RTC granted the petition on the basis that Jocelyn successfully established the fact of divorce and the law of Japan, and was capacitated to remarry under Article 26 of the Family Code of the Philippines. The Republic, displeased with the decision, moved for reconsideration, but was denied.

The case was brought on appeal to the Court of Appeals (CA), which affirmed the RTC's Order. The Republic, still through the OSG, filed a Petition for Review on Certiorari, raising concerns about document authentication and admissibility of certain evidence, specifically arguing that Jocelyn failed to prove the foreign law governing the divorce.

**\*\*Issues:\*\***

1. Did the appellate court err in affirming that Jocelyn established the fact of divorce and the law of Japan?
2. Are the documentary evidence and the testimonial evidence presented by Jocelyn admissible and sufficient to prove the divorce and the foreign law?

**\*\*Court's Decision:\*\***

The Supreme Court granted the Republic's petition. It reversed and set aside the Decision of

the CA and remanded the case to the court of origin for further proceedings and reception of evidence on the Japanese law on divorce.

It held that the Acceptance Certificate issued by the Mayor of Sakado City and the Authentication by the Philippine Embassy were sufficient to establish the fact of divorce. However, the Supreme Court agreed with the Republic that the photocopy of the Civil Code of Japan provided by Jocelyn was insufficient to prove the Japanese law on divorce. The Court cited its prior decisions which determined that the documents must be either published official materials or certified copies to be admissible. Since the document provided by Jocelyn was neither, the Supreme Court concluded the law of Japan on divorce had not been properly established. As such, a remand was appropriate to allow further evidence on the matter.

**\*\*Doctrine:\*\***

For the judicial recognition of a foreign divorce in the Philippines, the party pleading the recognition must convincingly prove both the fact of the divorce decree and its conformity to the foreign laws allowing it. The documents used to prove both must be presented as official publications or certified copies attested by the officer having legal custody thereof.

**\*\*Class Notes:\*\***

- **\*\*Fact of Divorce\*\***: Must be established by a divorce decree or the equivalent document in the foreign spouse's country.
- **\*\*Foreign Law\*\***: Must be proven by official publications or attested copies, not by unofficial or unauthorized translations.
- **\*\*Hearsay Rule\*\***: Objections to hearsay must be made at the time of offer, otherwise, they are deemed waived.
- **\*\*Article 26 of the Family Code\*\***: A foreign divorce between a Filipino and a foreigner may be recognized in the Philippines if validly obtained according to the foreign spouse's national law.
- **\*\*Authentication of Documents\*\***: Documents from a foreign country must be authenticated by the Philippine embassy or consulate or any official designated by the Philippine Government.

**\*\*Historical Background:\*\***

This case exemplifies the evolving jurisprudence on the recognition of foreign divorces in the Philippines and underscores the challenges of applying foreign law in Philippine courts. The decision reflects the meticulous process required to establish foreign law and reveals

the difficulties faced by Filipino citizens who seek legal closure from their marital ties under a legal system that does not acknowledge absolute divorce. It emphasizes the importance of international legal cooperation and the role of embassies in facilitating the recognition of such foreign legal acts.