

Title: Norma A. Del Socorro vs. Ernst Johan Brinkman Van Wilsem

Facts:

Norma A. Del Socorro and Ernst Johan Brinkman Van Wilsem, a Dutch national, married in Holland and had a son named Roderigo. They divorced in 1995 and Norma, along with her son, returned to the Philippines. Ernst later moved to the Philippines, remarried, and established a catering business in Cebu City. He allegedly reneged on his promise of monthly support for their son. Despite demands for support, Ernst refused.

Norma filed a criminal case against Ernst under R.A. No. 9262, Anti-Violence Against Women and Their Children Act, for non-support. After various procedural actions, including issuing and subsequent posting of bail following a Hold Departure Order, the trial court eventually dismissed the case, citing the non-applicability of Philippine law to Ernst, who is a Dutch national.

Norma filed a Motion for Reconsideration, arguing the obligation to support should apply regardless of nationality, citing Article 195 of the Family Code. The court denied the Motion, reiterating that an alien is not subject to Philippine law in regards to providing child support.

Norma elevated the matter to the Supreme Court directly citing novel legal issues on the responsibility of a foreign national to support his child under Philippine law and potential criminal liability for failure to do so under R.A. No. 9262.

Issues:

1. Does a foreign national have an obligation to support his minor child under Philippine law?
2. Can a foreign national be held criminally liable under R.A. No. 9262 for unjustified failure to support his minor child?

Court's Decision:

The Supreme Court granted the petition, reversed the RTC-Cebu orders, and remanded the case for further proceedings. It emphasized that the legal obligation to support exists even if the respondent is a foreign national. Given Ernst's failure to prove the law of the Netherlands, the doctrine of processual presumption applied, assuming Dutch law aligned with Philippine law. The Court also held that the Territoriality Principle in criminal law applies, as the refusal of support occurred in the Philippines, and Ernst is residing in the Philippines. Finally, the Court determined that the crime charged is continuing in nature

and has not prescribed.

Doctrine:

- The doctrine of processual presumption: If the foreign law is not properly pleaded and proved, it is presumed to be the same as Philippine law.
- Territoriality Principle in criminal law: Penal laws are obligatory upon those living in Philippine territory, regardless of nationality.

Class Notes:

- Family rights and duties such as child support are generally governed by the national law of the person involved (Nationality Principle).
- The doctrine of processual presumption applies when a foreign law is not adequately proved.
- The Territoriality Principle allows the Philippine criminal jurisdiction over acts done within its territory.
- Foreign laws must be properly pleaded and proved to be considered by Philippine courts.
- The crime of non-support under R.A. No. 9262 is a continuing offense and does not prescribe until it ceases.

Historical Background:

The implications of international family law, particularly the obligations of foreign nationals for child support, are recurrent issues in a globalized society. This case intersects with the Philippines' history of international relations, migration, and evolving social norms around family responsibilities beyond geographic borders. The case presents a scenario where global legal principles, such as the Nationality Principle, meet local laws aiming to protect familial rights and duties within the Philippine jurisdiction.