

Title: Republic of the Philippines v. Cipriano Orbecido III

Facts:

Cipriano Orbecido III married Lady Myros M. Villanueva on May 24, 1981, in Lam-an, Ozamis City, Philippines. They had two children. In 1986, Orbecido's wife left for the United States with their son, later became a naturalized American citizen, obtained a divorce, and remarried.

Informed about the divorce decree in 2000 by his son, Orbecido filed a petition with the Regional Trial Court (RTC) of Molave, Zamboanga del Sur, seeking authority to remarry, invoking Paragraph 2 of Article 26 of the Family Code. The RTC granted his petition. The Republic, through the Solicitor General, filed for reconsideration but was denied. Consequently, the case was escalated to the Supreme Court on the pure question of law regarding Orbecido's capacity to remarry under Philippine law, given the circumstances.

Issues:

1. Does Paragraph 2 of Article 26 of the Family Code apply to marriages between two Filipino citizens where one later acquires foreign citizenship and obtains a valid divorce abroad?
2. Can a Filipino, divorced by an alien spouse who subsequently remarries, also have the capacity to remarry under Philippine law?

Court's Decision:

The Supreme Court granted the petition by the Republic, setting aside the RTC's decision. However, it acknowledged the necessity to interpret Paragraph 2 of Article 26 of the Family Code to include cases where a Filipino, momentarily married to another Filipino, later becomes a foreign citizen through naturalization and acquires a divorce that allows them to remarry.

The Court emphasized two critical elements for the application of this provision:

1. A valid marriage between a Filipino citizen and another party, later acquiring alien citizenship through naturalization.
2. The acquisition of a valid divorce abroad by the now alien spouse, empowering them to remarry.

The Supreme Court determined that Orbecido's situation falls within these parameters. Nevertheless, it held that there wasn't sufficient evidence presented on record to proclaim conclusively that Orbecido is capacitated to remarry. It noted that allegations alone are insufficient; documentary proof of the naturalization and the divorce decree's effects are indispensable.

Doctrine:

The case established the interpretation that Paragraph 2 of Article 26 of the Family Code applies not only to marriages between Filipino citizens and foreigners at the time of marriage but also to scenarios where both parties were Filipino citizens at the time of the marriage, and one later becomes a naturalized citizen of another country and secures a divorce abroad that capacitates them to remarry.

Class Notes:

- Key Elements:

1. Valid marriage initially between two Filipino citizens.
2. One spouse obtains foreign citizenship through naturalization.
3. The naturalized spouse secures a foreign divorce decree that allows them to remarry.

- Relevant Statutory Provision:

- Paragraph 2 of Article 26, Family Code (as amended by Executive Order No. 227).

- Application:

- The ruling stresses the need for tangible proof of the foreign naturalization and the divorce decree to determine the capacity to remarry under Philippine law.

Historical Background:

The Family Code was enacted to consolidate and codify laws relating to the family. Article 26 underwent amendments shortly after the original enactment of the Family Code to address issues related to the validity of marriages solemnized abroad and the effects of foreign divorces on Filipino citizens. The Supreme Court's interpretation in *Republic v. Orbecido III* marks a significant expansion of the provision's application, addressing the dynamic complexities of marital relations in the context of a globalizing world where citizenship and marital status may evolve independently of each other.