

Title:

****Corpuz v. Sto. Tomas: Judicial Recognition of Foreign Divorce Decrees in the Philippines****

Facts:

The case involves Gerbert R. Corpuz, a former Filipino citizen who became a Canadian citizen through naturalization on November 29, 2000. Gerbert married Daisylyn Tirol Sto. Tomas, a Filipina, in Pasig City on January 18, 2005. After discovering his wife's affair in April 2005, Gerbert returned to Canada and successfully obtained a divorce decree from the Superior Court of Justice in Windsor, Ontario, Canada on December 8, 2005, effective January 8, 2006.

Wishing to remarry in the Philippines, Gerbert attempted to register the foreign divorce decree with the Pasig City Civil Registry Office. However, he was informed that Philippine law still recognizes his marriage to Daisylyn, necessitating judicial recognition of the foreign divorce decree. Gerbert then filed a petition for judicial recognition of foreign divorce with the Regional Trial Court (RTC) of Laoag City, Branch 11. Daisylyn did not oppose the petition and expressed a similar intention but was hindered by financial and personal circumstances.

The RTC, in its decision on October 30, 2008, denied Gerbert's petition, stating that as a naturalized Canadian citizen, he was not the proper party to institute the action under the second paragraph of Article 26 of the Family Code. This provision, according to the RTC—and following the case of *Republic v. Orbecido III*—only benefits the Filipino spouse, allowing him or her to remarry under Philippine law after a valid foreign divorce. Gerbert then appealed to the Supreme Court via a petition for review on certiorari under Rule 45 of the Rules of Court.

Issues:

1. Whether the second paragraph of Article 26 of the Family Code extends the right to petition for judicial recognition of a foreign divorce decree to an alien spouse.
2. Whether the foreign divorce decree, without judicial recognition in the Philippines, can be registered in the Civil Registry.

Court's Decision:

The Supreme Court reversed the RTC's decision and remanded the case for further proceedings. It clarified that the second paragraph of Article 26 of the Family Code does not extend substantive rights to alien spouses; rather, it is intended for the benefit of the

Filipino spouse to remarry. However, the Court also pointed out that a foreign divorce decree has a presumptive effect to vest legal interest in the alien spouse, allowing him to petition for its recognition in the country. The Court iterated the need for judicial recognition of foreign divorces in the Philippines and criticized the premature annotation of the divorce decree on the marriage certificate by the Pasig City Civil Registry Office without judicial order.

Doctrine:

The second paragraph of Article 26 of the Family Code, affording Filipino spouses the capacity to remarry following a valid foreign divorce obtained by the alien spouse, does not extend substantive rights to the alien spouse to petition for judicial recognition of the foreign divorce. However, foreign divorce decrees, properly authenticated and proven according to Philippine rules of evidence, can serve as presumptive evidence of the alien spouse's legal interest to petition for recognition in this jurisdiction.

Class Notes:

- **Article 26 of the Family Code**: Addresses the validity of marriages solemnized abroad and provides for the capacity of a Filipino spouse to remarry when a foreign spouse obtains a valid divorce abroad.
- **Judicial Recognition of Foreign Divorce**: Required for the foreign divorce to be recognized in the Philippines, enabling the Filipino spouse to remarry.
- **Authentication of Foreign Divorce**: Must be proven according to the Philippine rules of evidence along with the applicable national law of the alien.
- **Article 412 of the Civil Code and Rule 108 of the Rules of Court**: Govern the cancellation or correction of entries in the civil registry, requiring judicial order.

Historical Background:

This case demonstrates the intricacies of recognizing foreign divorce decrees in the Philippines, a country that does not generally recognize divorce between Filipino citizens. It reflects the legal challenges arising from marriages between Filipinos and foreign nationals, emphasizing the importance of legislative clarity and judicial intervention in resolving such personal status issues within the context of Philippine law and societal values.