

Title:

****Simundac-Keppel v. Keppel: A Case on Annulment, Property Regime, and the Application of Foreign Laws in the Philippines****

Facts:

The case revolves around Angelita Simundac Keppel, who after moving to Germany in 1972 and marrying Reynaldo Macaraig, fell in love with Georg Keppel. Despite both being married to others, they pursued an affair, leading to separations and eventually marrying each other in 1988 after Angelita obtained a divorce from Reynaldo.

Upon their return to the Philippines, they amassed various properties, but their marriage soured due to Georg's infidelity and abuse, prompting Angelita to leave with their children in 1996 and subsequently sell the family home.

Angelita's petition for annulment on grounds of Georg's psychological incapacity was initially granted by the RTC, allocating all properties to her and granting her custody of their minor child, while requiring mutual support for the child.

However, the CA reversed the RTC's decision, citing the lack of original divorce decree and proof of applicable German laws as bases to declare Angelita's marriage to Reynaldo still valid in the Philippines, thus making her subsequent marriage to Georg illegal in the country, and insufficiency in proving psychological incapacity as defined under Philippine law.

Issues:

The Supreme Court addressed the following:

1. Whether the CA erred in sustaining the validity of the marriage despite claims of psychological incapacity.
2. Whether Angelita, being a German citizen at the time of filing, could seek annulment under Philippine law.
3. How the property regime should be determined given the circumstances and legal capacity of parties as foreign nationals.

Court's Decision:

1. ****Annulment Denial:**** The Court agreed with the CA, emphasizing the Nationality Principle. Since both parties were German citizens at the time, German law, not Philippine

law, applies, making the petition for annulment under Article 36 of the Family Code improper.

2. **Foreign Law:** The Court noted Angelita failed to allege and prove the applicable German law, thus unable to seek relief under Philippine annulment statutes. The misapplication of psychological incapacity and lack of evidence to support such claims under either legal system were highlighted.

3. **Property Regime:** The Court modified the CA's decision by dividing the personal properties equally between the parties. However, it remanded the case to determine issues related to Angelita's re-acquisition of Filipino citizenship affecting land ownership, within legal limits for foreigners.

Doctrine:

Philippine courts do not take judicial notice of foreign laws - these laws must be alleged and proved like any factual claim. Additionally, the Nationality Principle asserts that the personal laws (e.g., those affecting family and marital status) of individuals follow their nationality, irrespective of where they reside.

Class Notes:

- **Nationality Principle:** Laws affecting family, marriage, and personal status follow the nationality of the individuals involved, not the jurisdiction of residence.
- **Proof of Foreign Law:** Foreign laws must be specifically pleaded and proved as factual issues; they are not judicially noticed.
- **Article 36, Family Code:** Psychological incapacity for annulment must be medically or clinically identified, grave, existent at the time of marriage, incurable, and pertinent to essential marital obligations.
- **Property Ownership by Foreigners:** Under Philippine law, foreigners (including naturalized citizens of other countries) face restrictions in owning land, with specific exceptions and limitations.

Historical Background:

This case underscores the complexities involved when Filipinos who acquire foreign citizenship and marry abroad seek legal remedies in the Philippines. It delves into the interplay between Philippine and foreign laws, particularly in matters of family law and

property ownership, reflecting the globalized nature of personal relationships and the necessity for nuanced legal interpretations balancing national principles and international circumstances.