

### Title: Luzviminda Dela Cruz Morisono vs. Ryoji Morisono and Local Civil Registrar of Quezon City

### Facts:

Luzviminda, a Filipino citizen, married Ryoji Morisono, a Japanese national, in Quezon City on December 8, 2009. They lived in Japan for approximately a year and three months, during which their marriage was fraught with constant quarreling, primarily due to Ryoji's infidelity and age difference. Consequently, both Luzviminda and Ryoji filed for a "Divorce by Agreement" in Nagoya City, Japan, which was approved on January 17, 2012, and recorded on July 1, 2012. Luzviminda sought to have this divorce recognized in the Philippines to change her marital status, remove Ryoji's surname from her passport, and remarry. The RTC of Quezon City denied her petition, positing that a foreign divorce decree procured by a Filipino citizen is not binding in the Philippines due to Article 15 of the Civil Code, correlating with Article 26(2) of the Family Code, which predicates divorce recognition on Philippine nationals on the alien spouse obtaining the divorce abroad.

### Issues:

1. Whether or not the RTC correctly denied Luzviminda's petition for recognition of the foreign divorce decree she procured with Ryoji.
2. The application and interpretation of Article 26(2) of the Family Code concerning a foreign divorce initiated by the Filipino spouse in a marriage between a Filipino and a foreigner.

### Court's Decision:

The Supreme Court partly granted Luzviminda's petition, reversing the RTC's decision. It held that pursuant to the recent decision in *Republic v. Manalo*, Article 26(2) of the Family Code does not exclusively apply to foreign divorces initiated by the alien spouse. In mixed marriages, this provision also applies when the Filipino spouse initiates the divorce abroad, provided that the divorce is recognized by the laws of the country where it was obtained. The Court clarified that the objective is to avoid the "absurd situation" where the Filipino spouse remains legally married to the alien spouse, who is no longer married to the Filipino under his or her country's laws. The case was remanded to the RTC to determine whether the divorce was valid under Japanese law and if it should be recognized in the Philippines.

### Doctrine:

The Supreme Court extended the interpretation of Article 26(2) of the Family Code to cover situations where the Filipino spouse initiates a divorce from the foreign spouse abroad. This

is a development from the established principle that only foreign divorces obtained by the alien spouse can be recognized for the Filipino spouse to remarry under Philippine law.

**### Class Notes:**

- Article 26(2) of the Family Code allows a Filipino married to a foreigner to remarry if the foreign spouse validly obtains a divorce abroad that capacitates him or her to do so.
- The case of Republic v. Manalo widened the interpretation to include divorces initiated abroad by the Filipino spouse.
- Key legal principle: Philippine courts are expected to recognize foreign divorces obtained by either spouse in a mixed-nationality marriage, insofar as doing so prevents the anomaly of binding one spouse to a marriage that has been dissolved under the laws of another country.

**### Historical Background:**

This decision represents a pivotal moment in Philippine jurisprudence, softening the staunch resistance to divorce in a predominantly Catholic country that does not legislate divorce for its citizens. By recognizing foreign divorce decrees initiated by Filipino citizens married to foreigners, it acknowledges the complexities of modern transnational relationships and the legal realities faced by mixed-nationality couples.