

Title:

Dacasin v. Del Mundo Dacasin: A Philippine Supreme Court Decision on Post-Foreign Divorce Child Custody Agreement

Facts:

Herald Black Dacasin (petitioner), an American, and Sharon Del Mundo Dacasin (respondent), a Filipino, were married in Manila in April 1994 and had a daughter, Stephanie, born on 21 September 1995. In June 1999, Sharon obtained a divorce from the Circuit Court, 19th Judicial Circuit, Lake County, Illinois, which awarded her sole custody of Stephanie and retained jurisdiction for enforcement purposes. On 28 January 2002, both parties executed a joint custody agreement in Manila, choosing Philippine courts for dispute resolution, which Sharon promised to uphold by seeking a relinquishing order from the Illinois court.

In 2004, Herald sued Sharon in the Regional Trial Court of Makati City, alleging a breach of the joint custody agreement. Sharon sought dismissal for lack of jurisdiction, citing the Illinois court's jurisdiction. The trial court dismissed the case for lack of jurisdiction, upholding the divorce decree under the nationality rule and declared the agreement void under Article 2035 of the Civil Code. Herald's reconsideration based on the void nature of the divorce decree was denied, with the court stating that, as an American, Herald was bound by the Illinois decree.

Issues:

1. Does the Philippine court have jurisdiction to enforce the post-divorce joint custody agreement?
2. Is the joint custody agreement valid under Philippine law?

Court's Decision:

The Supreme Court ruled that the Regional Trial Court had jurisdiction to entertain Herald's suit but could not enforce the void agreement. The court emphasized that actions for specific performance, including seeking enforcement of joint custody agreements, fall under the jurisdiction of Regional Trial Courts. However, it held the agreement void ab initio for contravening Article 213 of the Family Code, as it attempted to establish joint custody for a child under seven contrary to Philippine law. Despite this, given the evolving circumstances, including the child's age (nearly 15), the Court remanded the case back to the trial court to determine custody based on the child's best interest, diverging from the mandatory maternal custody regime for children under seven.

Doctrine:

The Supreme Court reiterated the doctrine that foreign divorce decrees obtained by aliens are recognized in the Philippines, provided they are valid according to their national law. It also highlighted that agreements counter to the provisions of the Family Code, specifically those contravening the mandatory maternal custody for children under seven, are void.

Class Notes:

- **Jurisdiction on Specific Performance**: Regional Trial Courts have exclusive original jurisdiction over civil actions which cannot be evaluated in terms of money, including suits to enforce agreements on child custody.
- **Void Agreements on Custody**: Any agreement on child custody that goes against the provisions of the Philippine Family Code, especially the mandatory maternal custody for children under seven, is void and inexistent from the beginning.
- **Recognition of Foreign Divorce Decrees**: Foreign divorce decrees that are valid according to the national law of the alien spouse are recognized in the Philippines; Filipino citizens are not bound to foreign divorce decrees due to the nationality principle.

Historical Background:

The case illuminates the complexities and challenges of enforcing foreign judgments and agreements in the Philippines, particularly those concerning family rights and duties amid differences in national laws. This decision underscores the Philippine legal system's adherence to the nationality principle in family law matters and its protective stance on child welfare, reflecting a blend of respect for international legal proceedings and domestic public policy.