

****Title: Nullada v. The Hon. Civil Registrar of Manila****

****Facts:****

Marlyn Monton Nullada, a Filipino citizen, and Akira Ito, a Japanese national, were married on July 29, 1997, in Tokyo, Japan. The marriage produced a child, Shin Ito. The couple eventually decided to obtain a divorce by mutual agreement and secured a divorce decree in Japan in 2009. Marlyn filed a petition in 2014 with the RTC of Manila seeking the recognition of the foreign divorce decree and cancellation of their marriage's entry in the Philippine civil registry, under Rule 108 of the Rules of Court, in relation to Article 26 of the Family Code. The RTC denied the petition, leading to Marlyn's petition for review on certiorari with the Supreme Court, asserting the application of Article 26, paragraph 2 of the Family Code, without regard to who initiated the divorce.

****Issues:****

1. Whether Article 26, paragraph 2 of the Family Code applies only when the alien spouse initiates the divorce and not when the divorce is mutually agreed upon by the spouses.
2. Whether the failure to prove the Japanese law on divorce affects the recognition of the foreign divorce decree in the Philippines.

****Court's Decision:****

The Supreme Court granted the petition, reversed the RTC's decision, and remanded the case for further proceedings. The Court clarified that Article 26, paragraph 2 of the Family Code, does not distinguish who among the spouses initiated the divorce abroad. The important factor is that the divorce is validly obtained abroad, capacitating the alien spouse to remarry. Furthermore, the Court acknowledged that while the Japanese law on divorce wasn't properly proved as per existing rules on evidence, similar to prior jurisprudence, remanding the case for further proceedings to prove the foreign law is an appropriate remedy.

****Doctrine:****

The case reiterated the doctrine that Article 26, paragraph 2 of the Family Code is designed to allow a Filipino spouse to remarry when their foreign spouse obtains a valid divorce abroad, capacitating them to remarry, regardless of who initiated the divorce. This serves as an exception to the general rule that Philippine law does not recognize divorce between Filipino citizens.

****Class Notes:****

- The essential principle in civil cases involving recognition of foreign divorce decrees revolves around Article 26, paragraph 2 of the Family Code.
- A divorce decree obtained abroad by either the Filipino or the foreign spouse capacitating either to remarry is recognized in the Philippines, without regard to who initiated the divorce.
- Proof of the foreign law under which the divorce was obtained is essential for recognition in the Philippines, as stipulated in Sections 24 and 25 of Rule 132 of the Revised Rules of Court.

****Historical Background:****

This case reflects the evolving interpretation of the Family Code in relation to the recognition of foreign divorces involving Filipino citizens and their foreign spouses. It underlines the Philippine legal system's adaptation to the realities of international marriages and the ensuing complexities of divorce in a country that does not traditionally recognize divorce among its citizens. Through decisions like *Nullada*, the Supreme Court addresses the legal anomalies faced by Filipinos who were once married to foreigners, providing equitable solutions that recognize the effects of foreign laws and divorce decrees.