

Title:

Marietta Pangilinan Johansen vs. Office of the Civil Registrar General et al.

Facts:

Marietta Pangilinan Johansen, petitioner, and Knul Johansen, a Norwegian national, married in Norway in 2015. The marriage was reported to the Philippine Embassy in Oslo. By 2017, they separated, and subsequently, Knul secured a divorce decree in Norway. In April 2019, Marietta filed a Petition for Recognition of Foreign Judgment of Divorce with the Regional Trial Court (RTC) in Malolos City, Bulacan, seeking to have the divorce decree recognized and the marriage record annotated accordingly. The petition was deemed sufficient in form and substance by the RTC, which ordered publication and notification to relevant parties. Despite no opposition from the State, the RTC dismissed the case in January 2021 due to alleged lack of jurisdiction, pointing out that the case was filed under Rule 108 of the Rules of Court, which stipulates that the venue of such petitions is determined by the location of the civil registry records, suggesting instead that the competent venue would be RTCs in Pasig City or Quezon City. Marietta's motion for reconsideration was denied in April 2021.

Issue:

Whether the RTC erred in deeming venue under Rule 108 of the Rules of Court as jurisdictional, thus dismissing Marietta Johansen's petition for recognition of her foreign divorce decree for lack of jurisdiction.

Court's Decision:

The Supreme Court denied Marietta Johansen's petition, upholding the RTC's decision. It clarified the distinction between the recognition of a foreign divorce decree, which is governed by Rule 39 in relation to the Family Code and Rule 108 for the correction of civil registry entries. The Supreme Court pointed out that the petitioner's objectives necessitated finding under both rules and that compliance with Rule 108's specific jurisdictional and procedural requirements were mandatory. The Court emphasized that venue laid out in Rule 108 is indeed jurisdictional for petitions seeking correction of entries in civil registration, and because Johansen's petition sought not only the recognition of a foreign divorce decree but also the modification of civil status in the local civil registry, she failed to meet the jurisdictional requirement by filing her petition in the wrong venue.

Doctrine:

This case reiterates the distinct legal pathways and requirements for the recognition of foreign divorce decrees and the cancellation or correction of entries in the Philippine civil

registry under Rule 39 and Rule 108 of the Rules of Court, respectively. It underscores that venue in a Rule 108 proceeding is jurisdictional and must comply with where the record is located.

Class Notes:

- Recognition of Foreign Divorce vs. Correction of Civil Registry Entries: Recognition requires proving the foreign judgment as fact under Rule 39, Section 48(b) and Rule 132, Sections 24 and 25, whereas corrections to the civil registry follow Article 412 of the Civil Code alongside Rule 108.
- Venue in Rule 108 Proceedings: Venue, prescribed under Rule 108 for cancellation or correction of registry entries, is jurisdictionally based on the civil registry record's location.
- Joining Causes of Action: Parties seeking both recognition of a foreign divorce and correction of civil registry status must utilize Rule 108 alongside Rule 39, adhering to jurisdictional and procedural mandates for both.

Historical Background:

This case highlights the complex interplay between Philippine law's treatment of foreign divorces involving Filipino citizens and the procedural requirements for annotating such changes in the Philippine civil registry. The decision reaffirms the necessity for clear procedural compliance when Filipino citizens seek local recognition of foreign legal judgments affecting civil status. Such cases reflect the broader challenges faced by mixed-nationality marriages under Philippine law, especially regarding the legal recognition of foreign divorce decrees and their effect on Philippine civil records.