

****Title: Noveras vs. Noveras****

****Facts:****

1. ****Marriage and Residency:****

- David A. Noveras and Leticia T. Noveras were married on December 3, 1988, in Quezon City, Philippines.
- They resided in California, USA, where they eventually acquired American citizenship. They had two children: Jerome (born November 4, 1990) and Jena (born May 2, 1993).

2. ****Property Acquisitions during Marriage:****

- The couple acquired several properties in the Philippines and the USA, including a house and lot in Sampaloc, Manila, agricultural lands in Aurora, and a house and lot in Daly City, California.

3. ****Separation and Legal Proceedings:****

- Due to business reverses, David left the USA and returned to the Philippines in 2001. Leticia authorized him via a Special Power of Attorney (SPA) in December 2002 to sell the Sampaloc property.
- Leticia filed for divorce upon learning about David's extramarital affair, which was granted by the Superior Court of California on June 24, 2005.
- Leticia then filed a petition for Judicial Separation of Conjugal Property in RTC of Baler, Aurora on August 8, 2005, citing abandonment and marital infidelity as grounds.

4. ****Trial Court Proceedings:****

- The RTC Baler ruled in December 2006, dissolving the absolute community of property and awarding net assets in the Philippines to David and properties in the USA to Leticia. The court ordered presumptive legitimes for the two children from the respective properties and support.

5. ****Court of Appeals Proceedings:****

- Leticia appealed, and the Court of Appeals modified the RTC's decision, directing an equal division of Philippine properties between the spouses and ordering both spouses to pay P520,000 to their children from the sale of the Sampaloc property.

****Issues:****

1. ****Recognition of Foreign Divorce Decree:****

- Should the divorce decree issued by California, which awarded Leticia custody and the USA properties, be recognized in the Philippines?

2. ****Subdivision of Properties:****

- Whether the trial court was correct in awarding Philippine properties solely to David while USA properties solely to Leticia.

3. ****Validity of Joint Affidavit:****

- The legal effect of the Joint Affidavit executed by both parties concerning the distribution of properties and David's waiving his property rights.

4. ****Abandonment and Infidelity as Grounds:****

- Whether there was sufficient evidence to prove David's abandonment and infidelity justifying the judicial separation of property.

5. ****Equal Sharing of Community Properties:****

- Determining the equitable and rightful distribution of their absolute community properties in the Philippines.

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

1. ****Jurisdiction and Recognition of Foreign Divorce:****

- The Supreme Court held that Philippine courts do not ordinarily take judicial notice of foreign judgments. The required certifications and pertinent California law on divorce were not sufficiently presented to make the divorce decree valid in the Philippines, hence, the parties are still considered legally married under Philippine law.

2. ****Dissolution of Absolute Community Property:****

- The court recognized an error in trial court's quick move to liquidation without acknowledging the continued validity of the marriage. However, both parties being separated for over one year justifies judicial separation of properties.

3. ****Equal Division of Properties:****

- Court affirmed equal partition of Philippine properties between David and Leticia and reiterated the payment of the children's presumptive legitimes from these.

4. ****Rejection of Financial Claims & Reimbursements:****

- Claims for reimbursement by Leticia were denied due to lack of clear evidence.
- David's expenses from the proceeds, other than P120,000 travel cost, were also not

allowed due to insufficient proof.

5. **Support for Children:**

- Ordered both parents to cater to their children's support and remittance of respective shares from the proceeds of the properties.

Doctrine:

- **Recognition of Foreign Judgments:** Philippine courts do not take judicial notice of foreign judgments and laws; they must be presented and authenticated following specific Philippine procedural rules.
- **Processual presumption:** Absent explicit foreign law, Philippines law presumes foreign law to be identical to its own.
- **Property Relations during marriage:** Without a marriage settlement, properties are presumed absolute community properties and subject to equal division; waiver and renunciation of property rights without mutual legal procedure is usually void.
- **Legal Separation and Abandonment:** A factual abandonment of more than one year with no reconciliation possibility warrants a judicial separation of properties.

Class Notes:

- **Recognition of Foreign Divorce:** Requires compliance with procedural rules for foreign judgments (Rule 132, Rule 39 of Rules of Court).
- **Judicial Separation of Property:** Covered under Articles 134-138 of Family Code; necessitates abandonment or similar substantial ground.
- **Absolute Community Property:** Applies generally unless a prenuptial agreement states otherwise (Article 75, Family Code).
- **Processual Presumption:** A legal assumption in the absence of submitted foreign law copies.

Historical Background:

- Recognition of foreign judgments, particularly regarding marital and property issues, has evolved in Philippine jurisprudence, demanding stringent adherence to procedural rules to ensure equitable and lawful application, ensuring neither party is unfairly disadvantaged by principles potentially unaccepted within domestic law.