

Title: Ramirez Marcaida vs. Deputy Local Civil Registrar of Manila (1969)

Facts:

- Initiation of Adoption:** Before October 21, 1958, proceedings for adoption began before the Court of First Instance of Madrid, Spain by Maria Garnier Garreau, 84 years old, to adopt the petitioner, Josefina Juana de Dios Ramirez Marcaida, 55 years old, a Filipino citizen.
- Court Grant:** On October 21, 1953, the court granted the adoption application and allowed the execution of the corresponding adoption document once the judgment became final, as per Article 177 of the Civil Code of Spain.
- Execution of Escritura de Adopcion:** In compliance, the notarial document of adoption was executed on November 29, 1958, before Notary Public Braulio Velasco Carrasquedo in Madrid. This document declared petitioner as the sole and universal heir of Maria Garnier Garreau.
- Authentication:** On December 10, 1958, the Philippine Vice Consul in Madrid, Emilio S. Martinez, authenticated the adoption document.
- Filing:** The document was filed with the Office of the Local Civil Registrar of Manila on January 15, 1959.
- Refusal to Register:** The Local Civil Registrar refused to register the document, arguing that under Philippine law, adoption requires judicial proceedings and cannot be done via a notarial document.
- Mandamus Petition:** Petitioner filed a mandamus petition in the Court of First Instance of Manila.
- Trial Court's Decision:** The trial court dismissed the petition on February 28, 1964, reaffirming the Civil Registrar's refusal.
- Appeal:** The petitioner appealed to the Philippine Supreme Court.

Issues:

- Whether a foreign adoption (executed in Spain) can be registered in the Civil Register of the Philippines.**
- Whether the applicable Philippine laws (Act 3753 and Article 409 of the Civil Code) preclude the registration of adoptions not obtained through judicial proceedings in the Philippines.**

Court's Decision:

- Interpretation of Act 3753 and Civil Code:** The Supreme Court held that the provisions of Act 3753 and Articles 407 and 408 of the Civil Code mandatorily require the

registration of adoptions in the Civil Register. The peremptory nature of the word “shall” indicates it is a command that includes both domestic and foreign adoptions.

2. **Scope of Article 409 and Section 11:** The Court clarified that the provisions of Article 409 and Section 11 of Act 3753 refer specifically to adoptions within the Philippines, but they do not preclude the registration of adoptions performed abroad. An adoption document from a foreign state, when validly executed and authenticated, qualifies for registration under Philippine law.

3. **International Law Considerations:** The Court noted that the status of adoption created under foreign law must be given effect as long as it does not contravene the public policy or interests of the Philippines. Article 15 of the Civil Code implicitly supports recognizing foreign adoptions, asserting that family rights and personal status laws are binding on Filipino citizens even abroad.

The Supreme Court directed the Local Civil Registrar of Manila to register the escritura de adopcion by Maria Garnier Garreau in favor of petitioner Josefina Juana de Dios Ramirez Marcaida, reversing the trial court’s decision.

Doctrine:

1. **Recognition of Foreign Adoptions:** Foreign adoptions legally executed and authenticated in accordance with the proper foreign law are registrable in the Philippine Civil Register.

2. **Binding Nature of Family Rights:** As per Article 15 of the Civil Code, laws concerning family rights, duties, and personal status apply to Filipino citizens even when living abroad.

Class Notes:

1. **Elements of Adoption Recognition:**

- **Adoption Decree:** A valid adoption decree issued by a foreign court.

- **Authentication:** Proper authentication by appropriate authorities (e.g., Philippine Consulate).

- **Registration Requirement:** Mandatory registration of such civil status documents in the Philippines per Act 3753 and Articles 407-408 of the Civil Code.

2. **Legal Provisions:**

- **Article 407-408, Civil Code:** Mandate the recording of acts related to civil status, including adoptions, in the Civil Register.

- **Article 15, Civil Code:** Laws regarding family rights and personal status are binding on

Filipino citizens even when residing abroad.

****Historical Background:****

This case marked a significant moment in Philippine jurisprudence where the country's adherence to international principles on personal status, including the recognition of foreign adoptions, was definitively clarified. This support for a wider definition of registrable adoptions underscored the judiciary's willingness to adapt to international norms and ensure the rights of Filipino citizens abroad were protected and acknowledged within the domestic legal framework.