

****Title:****

Basa-Egami v. Bersales, et al. (G.R. No. 250304)

****Facts:****

1. ****Marriage and Divorce:****

- On May 18, 1994, Maria Teresa Dino Basa-Egami (Filipina) married Hiroshi Egami (Japanese national).
- They separated in October 2006.
- Hiroshi begot a child with another woman and sought a divorce.
- Initially resistant, Maria eventually agreed to sign the divorce papers.
- On April 03, 2008, a Japanese Divorce Decree was issued, recorded in the Family Register at Nakagawa-ku, Nagoya City.

2. ****Petition for Recognition of Foreign Judgment:****

- Maria filed a Petition for Recognition of Foreign Judgment/Final Order before the Regional Trial Court (RTC) of Quezon City (Civil Case No. R-QZN-14-11882).

3. ****RTC Proceedings:****

- Maria presented:
 1. Certified copy of Notification of Divorce/Report of Divorce.
 2. Family Register of Egami.
 3. Certificate of Acceptance of Divorce.
 4. Excerpts from "The Civil Code of Japan".

4. ****Republic's Argument:****

- The Office of the Solicitor General (OSG) opposed, arguing the mutual divorce did not comply with Article 26(2) of the Family Code of the Philippines.

5. ****RTC Decision:****

- On December 7, 2016, the RTC granted the petition, recognizing the divorce and ordering the dissolution of the marriage.
- The OSG's motion for reconsideration was denied.

6. ****CA Proceedings:****

- The Court of Appeals (CA) reversed the RTC decision on March 25, 2019, dismissing the petition.
- Maria's motion for reconsideration was denied on July 22, 2019.

7. **Supreme Court Petition:**

- Maria filed a Petition for Certiorari under Rule 65, assailing the CA decisions.

Issues:

1. Whether the Supreme Court can entertain the Petition for Certiorari despite procedural missteps.
2. Whether Philippine courts should recognize mutual consent divorces.
3. Whether Maria sufficiently proved the fact of divorce and the national law of her foreigner husband.
4. Whether the Petition for Certiorari is meritorious.

Court's Decision:

1. **Technicalities and Substantial Justice:**

- The Supreme Court can entertain the petition in the interest of substantial justice, despite procedural defects.

2. **Recognition of Mutual Consent Divorce:**

- The Court cited *Republic v. Manalo*, affirming that mutual consent divorces may be recognized if validly obtained.
- Article 26(2) aims to avoid the unjust situation where only one spouse can remarry.

3. **Proving the Fact of Divorce:**

- The Court found the Certificate of Acceptance of Divorce and Family Register sufficiently proved the fact of divorce, following precedents like *Moraña v. Republic* and *Racho v. Tanaka*.

4. **Proving the Foreign Law:**

- Maria's proof of Japanese law (an excerpt from "The Civil Code of Japan") did not meet the attestation requirements as per Sections 24 and 25 of Rule 132 of the Rules of Court.
- Due to lack of proper documentation, the CA's ruling on this issue was sustained.

5. **Remand to RTC:**

- The case was remanded to the RTC for further proceedings to properly submit evidence on the Japanese law on divorce and prove Hiroshi Egami's capacity to remarry.

Doctrine:

- A divorce obtained abroad, including by mutual consent, may be recognized under Philippine law if validly obtained and properly proven.

- Foreign laws and judgments must be alleged and proven with appropriate documentation.
- The interest of substantial justice can allow the Supreme Court to overlook procedural defects.

****Class Notes:****

- ****Key Concepts:**** Article 26(2) of the Family Code, Rule 132 of the Rules of Court, proof of foreign judgment and laws.
- ****Statutory Provisions:****
- ****Family Code, Article 26(2):**** Allows the effect of a foreign divorce decree to capacitate a Filipino spouse to remarry.
- ****Rules of Court, Rule 132, Sections 24-25:**** Attestation requirements for proving foreign documents.
- ****Application:**** The court must ensure the proper documentation and evidence are submitted to recognize foreign divorces, adhering to both procedural and substantive requirements.

****Historical Background:****

The case highlights the continuing struggle in Philippine jurisprudence to balance strict adherence to procedural rules with the overarching demand for substantial justice. The landmark case *Republic v. Manalo* shifted the interpretation of Article 26(2) of the Family Code to be more inclusive of modern realities, recognizing the fairness and necessity of allowing Filipinas in mixed marriages to fully dissolve legal ties and remarry.