

Title: Spouses Joon Hyung Park and Kyung Ah Lee vs. Hon. Rico Sebastian D. Liwanag

Facts:

Spouses Joon Hyung Park and Kyung Ah Lee, American citizens residing in the Philippines, filed a Petition for Adoption with Change of Name for the minor “Mayca Alegado” a.k.a. “Innah Alegado” before the Regional Trial Court (RTC) of Makati City, Branch 136. The Petitioners had been residing in the Philippines since 2007 and 2009, respectively, and have adopted another child domestically. Innah was born on December 13, 2012, in Tuguegarao City, and was referred to the Department of Social Welfare and Development (DSWD) shortly after for having been a victim of trafficking. On January 18, 2014, the DSWD officially bestowed Innah’s care and custody upon the petitioners. The DSWD processed the adoption application and issued an Affidavit of Consent on May 30, 2016.

The RTC, presided over by Judge Rico Sebastian D. Liwanag, directed the transmittal of the petition to the Inter-Country Adoption Board (ICAB) for appropriate action, classifying the adoption as a case of inter-country adoption. Petitioners filed a Motion for Reconsideration, which was denied. They then filed a Manifestation and Second Motion for Reconsideration based on new developments regarding the adoption process, which was also denied for being a prohibited pleading.

The petitioners filed a Petition for Certiorari under Rule 65 with the Court of Appeals (CA), which dismissed the petition for being filed out of time, stating that the 60-day period should have been counted from the denial of the first Motion for Reconsideration. A Motion for Reconsideration filed by the petitioners was also denied by the CA.

Issues:

1. Whether the RTC’s order referring the case to the ICAB was an interlocutory order or a final decision.
2. Whether the petitioners’ adoption petition was properly filed under the Domestic Adoption Act.
3. Whether procedural lapses by the petitioners in the timeline for filing a Petition for Certiorari should be excused in the interest of justice and the welfare of the adoptee.

Court’s Decision:

The Supreme Court granted the petition, reversed the CA’s resolutions, and remanded the case to the RTC for continuation of the adoption proceedings. It held that a relaxation of the rules of procedure was necessary to promote the best interest of the child, Innah. The

Supreme Court found that the referral to the ICAB was inappropriate since the petitioners' case fell under the Domestic Adoption Act due to their residence in the Philippines. The Court emphasized that the welfare of the child is of paramount interest in adoption proceedings.

Doctrine:

1. Adoption statutes should be liberally construed to carry out their beneficent purposes.
2. The interests and welfare of the adopted child are of primary and paramount consideration.
3. In case of doubt in the interpretation or application of laws, it is presumed that the lawmaking body intended right and justice to prevail.

Class Notes:

- Key Elements of Domestic Adoption: Legal age, full civil capacity and legal rights, good moral character, emotional and psychological capability, at least sixteen years older than the adoptee, and the ability to support and care for the child.
- The procedural timeline for filing a petition for certiorari under Rule 65 is 60 days from receipt of the order or resolution being appealed.
- In adoption cases, procedural rules can be relaxed to ensure the welfare and best interest of the child.

Historical Background:

This case reflects the complexities and challenges in the legal adoption process, particularly involving foreign nationals residing in the Philippines. It underscores the judiciary's inclination towards making decisions that prioritize the welfare of children over strict adherence to procedural rules, especially in cases that significantly affect their future.