

IN THE MATTER OF PETITION FOR JUDICIAL RECOGNITION OF FOREIGN ADOPTION JUDGMENT

Ponente: BUESER, J.

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BUESER, J.:

Before Us is an appeal under Rule 41 in relation to Rule 44 of the Rules of Court, assailing the Order[1] dated 28 April 2012 of the Regional Trial Court (RTC) of Bacoor, Cavite, Branch 89 granting the petition for judicial recognition of the foreign adoption judgment of Geoffrey Mallari Garces (“Geoffrey”) and Georgiana Jette Mallari Garces (“Georgiana”), filed by Hideaki Nakada (“Hideaki”) and Estrella Nakada (“Estrella”) in BSP-2012-18.

THE ANTECEDENT FACTS

Petitioner Estrella was previously married to one Romano O. Garces (“Romano”) on 2 July 1994. They begot two (2) children, namely: Geoffrey Mallari Garces and Georgiana Jette Mallari Garces born on 14 September 1994 and 17 March 1997, respectively.

On 10 March 2011 a decision was rendered by RTC of Pasig declaring their marriage null and void, which was duly annotated in the Certificate of Marriage of petitioner Estrella and Romano, and reads as follows:

“PURSUANT TO THE DECISION DATED MARCH 10, 2011 RENDERED BY JUDGE LEILI CRUZ SUAREZ OF THE REGIONAL TRIAL COURT, NATIONAL CAPITAL JUDICIAL REGION, BRANCH 261, PASIG CITY, UNDER JDRC NO. 8346, THE MARRIAGE BETWEEN THE HEREIN PARTIES CELEBRATED ON JULY 2, 1994 IS HEREBY DECLARED AN ABSOLUTE NULLITY.”[2]

Thereafter, on 1 March 2011 petitioner Estrella married petitioner Hideaki as evidenced by a copy of the Report of Marriage[3] issued by the Philippine Embassy in Tokyo, Japan.

On 26 July 2011 petitioners filed the petition for adoption of Geoffrey and Georgiana, who were both minors at that time, in Yokohama Family Court in Japan and the corresponding Judgment[4] granting the petition was issued on 11 July 2011, which reads as follows:

“xxx xxx xxx

“(2) As we recognized in former judgment of permission, this adoption meets to the benefit of the minors and satisfies the legal requirements even now.

Hence, this court passes the judgment over this case as described at THE TEXT OF JUDGMENT because it is reasonable to permit this petition which is filed by the petitioner husband.”

The same was duly authenticated[5] by the Embassy of the Philippines and was duly registered[6] in the Family Registry of Hideaki; that to give effect to the foreign adoption of the children and to reflect the legal relationship of the children with petitioners Hideaki and Estrella, the decree must first be recognized in the Philippines through a court order.

Hence, petitioners Hideaki and Estrella filed on 2 February 2012 with RTC of Bacoor, Cavite, Branch 89 a Petition for the Judicial Recognition of Foreign Adoption Judgment[7] rendered by the Yokohama Family Court.

Then, on 28 April 2012 the court a quo rendered the assailed Order[8] and the dispositive portion of the said Decision is hereunder quoted:

“ACCORDINGLY, the petition for the judicial recognition of the judgment of adoption issued by the Yokohama Family Court, Japan, for the adoption of Geoffrey Mallari Garces and (sic) Georgina Jette Mallari Garces is granted.

The Civil Registrar (sic) Cainta, Rizal is ordered to make the necessary entries in the certificates of live birth of (sic) in conformity with the aforesaid Judgment.

Furnish copies of this Order the Office of the Solicitor General, the Civil Registrar General, the National Statistics Office, the Offices of the Civil Registrars of Cainta, Rizal and Bacoor, Cavite, and Romano Garces at his last known address.

SO ORDERED.”

Hence, this appeal.

ISSUE

Whether or not the recognition of the adoption decree rendered by the Yokohama Family Court in accordance with Japanese law is proper, considering that the adoptees are Filipino citizens whose adoption is governed by Philippine law.

THE RULING OF THE COURT

After a careful and judicious scrutiny of the whole matter with the applicable laws and jurisprudence in the premises, We find the present appeal is bereft of merit.

It is the allegation of the oppositor-appellant in its Brief dated 28 June 2013 that adoption is governed by the national law of the adoptee; that the process of adoption is a matter affecting the status of the adoptee and his/her legal relationship with his/her biological parents or others possessing legal custody; hence, pursuant to the nationality principle embodied in Article 15 of the New Civil Code, any change in the status of the adoptee shall be governed by his/her national law and the proper procedure was for petitioner-appellee Hideaki Nakada to institute adoption proceedings under Republic Act 8552 (R.A. 8552).[9]

We are not persuaded to adopt the theory of herein oppositor-appellant. There is no denial that Geoffrey and Georgiana are Filipino citizens and legitimate children of petitioner-appellee Estrella. However, there is no law prohibiting or precluding petitioner-appellee Hideaki, who is a Japanese citizen, to adopt the above-named persons, being legitimate children of his Filipino wife, in Yokohama Family Court pursuant to their own adoption laws.

Besides, the rights of the State, the adoptees, and other persons interested are fully safeguarded by Article 15 of the New Civil Code which, in terms explicit, provides that “Laws relating to family rights and duties, or to the status, condition and legal capacity of persons are binding upon citizens of the Philippines, even though living abroad.”[10]

Therefore, the mere fact that the adoptees are Filipino citizens shall not bar the petitioner-appellee to file the petition for adoption in Yokohama Family Court instead of instituting adoption proceedings under R.A. 8552.[11]

Furthermore, there is no truth as to the allegation of oppositor-appellant in its Brief that the decision of the court a quo recognizing the adoption of a Filipino in a foreign land is contrary to Philippine personal laws.[12]

As held by the Supreme Court, “Private international law offers no obstacle to recognition of foreign adoption, the principle being that the status of adoption, created by the law of a State having jurisdiction to create it, will be given the same effect to the status of adoption when created by its own law. It is quite obvious then that the status of adoption, once created under the proper foreign law, will be recognized in this country, except where public policy or the interest of its inhabitants forbid its enforcement and demand the substitution of the *lex fori*. Indeed, implicit in Art. 15 of the Civil Code is that the exercise of incidents to foreign adoption remains subject to the local law.”[13] (Underlining Ours)

Anent the issue on the absence of consent of Romano as the biological father of Geoffrey and Georgiana to the adoption, We find the same to be immaterial. After a careful perusal of the records of the case, it can be gleaned therefrom, that petitioner Estrella and Romano were already annulled on 10 March 2011 by virtue of the judgment of the court declaring their marriage null and void.

Thus, it is worthy to stress that marriage of petitioner Estrella with Romano was annulled prior to the adoption of the minors by petitioner Hideaki on 26 July 2011.

Moreover, based on the records of the case, the minors are in the custody of petitioner Estrella and that she had to work in Japan sometime in the year 2000 to financially support her children because Romano abandoned her and their children at their early age and this happened to be the ground for the declaration of nullity of their marriage because Romano was found by the RTC of Pasig to be psychologically incapacitated by abandoning petitioner Estrella and their children.[14]

The main purpose of adoption statutes is the promotion of the welfare of children, bereft of the benefits of the home and care of their real parents. Therefore, as one of the accepted principles in adoption proceedings, adoption laws should be construed in a manner that will sustain rather than defeat said purpose. Accordingly, the modern trend is to encourage adoption[15] and that every reasonable intendment should be sustained to promote the welfare of the child.[16]

As further held by the Supreme Court in *Republic vs. Vergara*,[17] “We are not unmindful of the main purpose of adoption statutes, which is the promotion of the welfare of children. Accordingly, the law should be construed liberally, in a manner that will sustain rather than defeat said purpose. The law must also be applied with compassion, understanding and less severity in view of the fact that it is intended to provide homes, love, care and education for less fortunate children.”

It is, therefore, worthy to stress that adoption statutes, being humane and salutary, hold the interest and welfare of the child to be of paramount consideration and are designed to provide homes, parental care and education for unfortunate, needy or orphaned children and give them the protection of society and family in the person of the adopter as well as to allow childless couples or persons to experience the joys of parenthood and give them legally a child in the person of the adopted for the manifestation of their natural parental instinct.[18] Thus, although as against the interest of the child, adoption proceedings must be strictly in accordance with the statute, there is however a tendency on the part of courts to construe the statute with a reasonable degree of liberality to the end that the assumed relationship and intention of the parties be upheld.[19]

In the case at bench, it is indeed for the best interest and welfare of Geoffrey and Georgiana that the subject foreign adoption judgment be judicially recognized in this jurisdiction and that such be given effect for all intents and purposes subject to Article 15 of the New Civil Code.

In sum, where there is no suggestion in the record that prejudice to the State and adoptee, or any other persons, would ensue from the registration of a foreign adoption, the validity of which is not under attack, the rights of the State and adoptee and other persons interested are fully safeguarded by Art. 15 of the Civil Code which, in terms explicit, provides that “Laws relating to family rights and duties, or to the status, condition and legal capacity of persons are binding upon citizens of the Philippines, even though living abroad.”[20]

WHEREFORE, in view of the foregoing, the Appeal is hereby DENIED. The assailed Order of Regional Trial Court of Bacoor, Cavite, Branch 89 granting the petition for the judicial recognition of the foreign adoption judgment is AFFIRMED.

Accordingly, the Civil Registrar of Cainta, Rizal is ORDERED to make the necessary entries in the certificates of live birth of Geoffrey Mallari Garces and Georgiana Jette Mallari Garces in conformity with the foreign adoption judgment.

SO ORDERED.

Zalameda[*] (Acting Chairperson) and Sempio Diy,[**] JJ., concur.

[*] vice J. Rebecca De Guia-Salvador, as per Office Order No. 184-14-ABR dated May 5, 2014.

[**] vice J. Maria Elisa Sempio Diy, as per Office Order No. 187-14-ABR dated May 6, 2014.

[1] Rollo, p. 35.

[2] Record, p. 58.

[3] Rollo, p. 37.

[4] Record, p. 51.

[5] Id., p. 50.

[6] Id., p. 42.

[7] Id., p. 1.

[8] Rollo, p. 35.

[9] Record, p.27-30.

[10] Ramirez Marcaida vs. Aglubat, G.R. No. L-24006, 25 November 1967.

[11] “An Act Establishing the Rules and Policies on the Domestic Adoption of Filipino Children and for Other Purposes”.

[12] Supra note 2.

[13] Supra note 3.

[14] Record, p.1

[15] Prasnik vs. Republic, G.R. No. L-8639, 23 March 1956.

[16] Santos, et al. vs. Aranzanso , et al., G.R. No. L-23828, 28 February 1966.

[17] G.R. No. 95551, 20 March 1997.

[18] Malkinson vs. Agrava, G.R. L-36309, 26 November 1973.

[19] 2 Corpus Juris Secundum, 375-376.

[20] Supra note 10.

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