

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CLAUDE A. MILLER AND JUMRUS S. MILLER, RESPONDENTS.

G.R. No. 125932. April 21, 1999

Ponente: PARDO, J.

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PARDO, J.:

The Republic of the Philippines, through the Solicitor General, appealed originally to the Court of Appeals from a decision of the Regional Trial Court, Branch 59, Angeles City, granting the petition of respondent spouses to adopt the minor Michael Magno Madayag.

In its decision promulgated on April 17, 1996, the Court of Appeals certified the case to the Supreme Court because the petition raised only questions of law.

By resolution adopted on September 23, 1996, we accepted the appeal. We shall treat the appeal as one via certiorari from a decision of the Regional Trial Court under the Supreme Court Circular 2-90, dated March 9, 1990, on pure questions of law.

The facts are undisputed and may be related as follows:

On July 29, 1988, the spouses Claude A. Miller and Jumrus S. Miller, filed with the Regional Trial Court, Branch 59, Angeles City, a verified petition to adopt the minor Michael Magno Madayag.

The trial court scheduled the petition for hearing on September 9, 1988, at 9:00 in the morning. At the hearing, with the attendance of an assistant city fiscal of Angeles City, in representation of the Solicitor General, respondents adduced evidence showing that:

"Claude A. Miller, 38 years old and Jumrus S. Miller, 40 years of age, both American citizens, are husband and wife, having been married on June 21, 1982.

They were childless and "do not expect to have sibling out of their union on account of a medical problem of the wife."

Claude A. Miller was a member of the United States Air Force, as airman first class, assigned at Clark Air Base since January 26, 1985.

"The family maintains their residence at Don Bonifacio Subdivision, Balibago, Angeles City, since 1985." [1]

"The minor Michael Magno Madayag is the legitimate son of Marcelo S. Madayag, Jr. and Zenaida Magno. Born on July 14, 1987, at San Fernando, La Union, the minor has been in the custody of respondents since the first week of August 1987. Poverty and deep concern for the future of their son prompted the natural parents who have no visible means of livelihood to have their child adopted by respondents. They executed affidavits giving their irrevocable consent to the adoption by respondents."

The Department of Social Welfare and Development, through its Regional Office at San Fernando, Pampanga, recommended approval of the petition on the basis of its evaluation that respondents were morally, emotionally

and financially fit to be adoptive parents and that the adoption would be to the minor's best interest and welfare."[2]

On May 12, 1989, the trial court rendered decision granting the petition for adoption, the dispositive portion of which reads as follows:

"WHEREFORE, finding that petitioners possess all the qualifications and none of the disqualifications for adoption, the instant petition is hereby Granted, and this Court decrees the minor MICHAEL MAGNO MADAYAG freed from all obligation of obedience and support with respect to natural parents and is hereby declared the child of the herein petitioners by adoption. The minor's surname shall be changed from "MADAYAG" to "MILLER", which is the surname of the herein petitioners."[3]

In due time, the Solicitor General, in behalf of the Republic, interposed an appeal to the Court of Appeals. As heretofore stated, the Court of Appeals certified the case to this Court.

The issue raised is whether the court may allow aliens to adopt a Filipino child despite the prohibition under the Family Code,[4] effective on August 3, 1988[5] when the petition for adoption was filed on July 29, 1988, under the provision of the Child and Youth Welfare Code[6] which allowed aliens to adopt.

The issue is not new. This Court has ruled that an alien qualified to adopt under the Child and Youth Welfare Code, which was in force at the time of the filing of the petition, acquired a vested right which could not be affected by the subsequent enactment of a new law disqualifying him.[7] 7

Consequently, the enactment of the Family Code, effective August 3, 1988, will not impair the right of respondents who are aliens to adopt a Filipino child because the right has become vested at the time of filing of the petition for adoption and shall be governed by the law then in force. "A vested right is one whose existence, effectivity and extent does not depend upon events foreign to the will of the holder. The term expresses the concept of present fixed interest which in right reason and natural justice should be protected against arbitrary State action, or an innately just and imperative right which enlightened free society, sensitive to inherent and irrefragable individual rights, cannot deny."[8] "Vested rights include not only legal or equitable title to the enforcement of a demand, but also an exemption from new obligations created after the right has vested."[9]

"As long as the petition for adoption was sufficient in form and substance in accordance with the law in governance at the time it was filed, the court acquires jurisdiction and retains it until it fully disposes of the case. To repeat, the jurisdiction of the court is determined by the statute in force at the time of the commencement of the action. Such jurisdiction of a court, whether in criminal or civil cases, once it attaches cannot be ousted by a subsequent happenings or events, although of a character which would have prevented jurisdiction from attaching in the first instance."[10]

Therefore, an alien who filed a petition for adoption before the effectivity of the Family code, although denied the right to adopt under Art. 184 of said Code, may continue with his petition under the law prevailing before the Family Code.[11]

"Adoption statutes, being humane and salutary, hold the interests and welfare of the child to be of paramount consideration. They 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 childless couples or persons to experience the joy of parenthood and give them legally a child in the person of the adopted for the manifestation of their natural parent instincts. Every reasonable intendment should be sustained to promote and fulfill these noble and compassionate objectives of the law."[12]

WHEREFORE, we hereby AFFIRM the appealed decision of the Regional Trial Court, Branch 59, Angeles City,

in SP. Proc. No. 3562.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Melo, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Court of Appeals Record, Decision, pp. 23-25.

[2] Ibid., on pp. 23-24.

[3] Ibid., on pp. 24-25.

[4] Executive Order No. 209, dated July 6, 1987

[5] Modequillo vs. Brevia, 185 SCRA 766.

[6] Presidential Decree No. 603.

[7] Cf. Republic vs. Court of Appeals, 205 SCRA 356

[8] Ayog vs. Cusi, 118 SCRA 492, 499.

[9] 16A Am. Jur. 2d, Constitutional Law, 651.

[10] Republic of the Philippines vs. Court of Appeals, supra, on p. 363, citing Ramos vs. Central Bank of the Philippines, 41 SCRA 565.

[11] Republic vs. Court of Appeals, supra.

[12] Bobanovic vs. Montes, 142 SCRA 485, 499.

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