

IN THE MATTER OF THE PETITION OF THE MINOR CHARLES JOSEPH BLANCAFLOR WEEKS. UGGI LINDAMAND THERKELSEN AND ERLINDA G. BLANCAFLOR, PETITIONERS AND APPELLANTS, VS. REPUBLIC OF THE ...

G. R. No. 21951. November 27, 1964

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-21951/>

REYES, J.B.L., J.:

This appeal was taken against a decision of the Manila' Juvenile and Domestic Relations Court, in its special proceedings No. D-00007, denying appellants' application for adoption of the minor Charles Joseph Blancaflor Weeks. The factual background of the case is stated in the decision appealed from to be as follows:

"In this adoption proceeding, the petitioners are husband and wife who were married on June 2, 1962, or hardly a year ago. The minor sought to be adopted, born on February 16, 1960, is the natural child of petitioner's wife. His father was Charles Joseph Weeks, who abandoned mother and child after the latter's birth. He is said to have gone back to the United States.

Except for the legal impediment hereinafter to be mentioned,, the facts before the Court may warrant the approval of the, adoption sought herein. Petitioner husband is a Danish subject, who has been granted permanent residence in the Philippines' (Exhs. "D and "E"). A former employee of Scandinavian Airlines System, he is now Manager of M. Y. Travel International; Hongkong Ltd., with a monthly salary of P1,2W)AW, plus allowances. It does not appear that either petitioner has been convicted of a dime involving moral turpitude. On the other hand, the minor bought to be adopted has been living with them ever since the carriage of petitioners. Petitioner husband has treated the minor as his son, and the latter calls him "Daddy". Although the possibility exists that petitioners may yet have their own children, the adoption at this time, before any such children is begotten, may strengthen, rather than disrupt, future domestic relations."

The court a quo denied the adoption sought, saying:

'In Sp. Proc. No. D-00011, adoption of Benigno Lim, this court has had occasion to rule that a Filipino cannot adopt an alien (Chinese) minor about 19 years old. The adoption would not' of Philippine citizenship on the Chinese, but could definitely legalize his stay in this country. It was also stated that conversely, an alien cannot adopt a Filipino unless the adoption would make the Filipino minor a citizen of the alien's country. As petitioner husband in this case is a Danish subject, it has to be held that he cannot legally adopt the minor Charles Joseph Blancaflor Weeks, whose citizenship is of this country, following that of his natural mother."

If we understand the decision correctly, the adoption was denied solely because the same would not result in the loss of the minor's Filipino citizenship and the acquisition by him of the citizenship of his adopter. Unfortunately, the Juvenile and Domestic Relations Court did not expound the reasons for its opinion; but it is clear that, if pursued to its logical consequences, the judgment appealed from would operate to impose a further prerequisite on adoptions by aliens beyond those required by law. As pointed out by the Solicitor General in his brief, the present Civil Code in force (Article 335) only disqualifies from being adopters those aliens that are either (a)

non-resident or (b) who are resident but the Republic of the Philippines has broken diplomatic relations with their government. Outside of these two cases, alienage by itself alone does not disqualify a foreigner from adopting a person under our law. Petitioners admittedly do not fall in either class.

The criterion adopted by the Court a quo would demand as a condition for the approval of the adoption that the process should result in the acquisition, by the person adopted, of the alien citizenship of the adopting parent. This finds no support in the law, for, as observed by this Court in *Clung Leng vs. Galang*, G. R. No. L-11931, promulgated on 27 October 1958, the citizenship of the adopter is a matter political, and not civil, in nature, and the ways in which it should be conferred lay outside the ambit of the Civil Code. It is not within the province of our civil law to determine how or when citizenship in a foreign state is to be acquired. The disapproval of an adoption of an alien child in order to forestall circumvention of our exclusion laws does not warrant denial of the adoption of a Filipino minor by qualified alien adopting parents, since it is not shown that our public policy would be thereby subverted.

In view of the foregoing, the decision appealed from is reversed, and the court a quo is directed to allow the adoption sought. Without costs.

Bengzon, C, J., Bautista Angelo, Concepcion, Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ. concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.