836 Phil. 810

SECOND DIVISION

[G.R. No. 224015, July 23, 2018]

STEPHEN I. JUEGO-SAKAI, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Amended Decision[1] dated March 3, 2016 of the Court of Appeals (CA) in CA-G.R. CV No. 104253 that set aside its former Decision dated November 25, 2015, which in turn, affirmed the Decision of the Regional Trial Court (RTC), Branch 40, Daet, Camarines Norte, granting petitioner's Petition for Judicial Recognition of Foreign Judgment.

The antecedent facts are as follows:

Petitioner Stephen I. Juego-Sakai and Toshiharu Sakai got married on August 11, 2000 in Japan pursuant to the wedding rites therein. After two (2) years, the parties, by agreement, obtained a divorce decree in said country dissolving their marriage.[2] Thereafter, on April 5, 2013, petitioner filed a Petition for Judicial Recognition of Foreign Judgment before the Regional Trial Court (*RTC*), Branch 40, Camarines Norte. In its Decision dated October 9, 2014, the RTC granted the petition and recognized the divorce between the parties as valid and effective under Philippine Laws.[3] On November 25, 2015, the CA affirmed the decision of the RTC.

In an Amended Decision[4] dated March 3, 2016, however, the CA revisited its findings and recalled and set aside its previous decision. According to the appellate court, the second of the following requisites under Article 26 of the Family Code is missing: (a) there is a valid marriage that has been celebrated between a Filipino citizen and a foreigner; and (b) a divorce is obtained abroad by the alien spouse capacitating him or her to remarry.[5] This is because the divorce herein was consensual in nature, obtained by agreement of the parties, and not by Sakai alone. Thus, since petitioner, a Filipino citizen, also obtained the divorce herein, said divorce cannot be recognized in the Philippines. In addition, the CA ruled that petitioner's failure to present authenticated copies of the Civil Code of Japan was fatal to her cause.[6]

On May 2, 2016, petitioner filed the instant petition invoking the following arguments:

I.

WHETHER OR NOT THE HONORABLE [COURT OF APPEALS] GRAVELY

ERRED UNDER LAW WHEN IT HELD THAT THE SECOND REQUISITE FOR THE APPLICATION OF THE SECOND PARAGRAPH OF ARTICLE 26 OF THE FAMILY CODE IS NOT PRESENT BECAUSE THE PETITIONER GAVE CONSENT TO THE DIVORCE OBTAINED BY HER JAPANESE HUSBAND.

II.

WHETHER OR NOT THE HONORABLE [COURT OF APPEALS] GRAVELY ERRED UNDER LAW WHEN IT HELD THAT THERE IS NO SUBSTANTIAL COMPLIANCE WITH REQUIREMENT ON THE SUBMISSION OF AUTHENTICATED COPIES OF [THE] CIVIL CODE OF JAPAN RELATIVE TO DIVORCE AS REQUIRED BY THE RULES.[7]

Petitioner posits that the divorce she obtained with her husband, designated as Divorce by Agreement in Japan, as opposed to Judicial Divorce, is the more practical and common type of divorce in Japan. She insists that it is to her great disadvantage if said divorce is not recognized and instead, Judicial Divorce is required in order for her to avail of the benefit under the second paragraph of Article 26 of the Family Code, since their divorce had already been granted abroad.[8] Moreover, petitioner asserts that the mere fact that she consented to the divorce does not prevent the application of Article 26 for said provision does not state that where the consent of the Filipino spouse was obtained in the divorce, the same no longer finds application. In support of her contentions, petitioner cites the ruling in *Republic of the Philippines v. Orbecido III* wherein the Court held that a Filipino spouse is allowed to remarry in the event that he or she is divorced by a Filipino spouse who had acquired foreign citizenship.[9] As to the issue of evidence presented, petitioner explains that the reason why she was unable to present authenticated copies of the provisions of the Civil Code of Japan relative to divorce is because she was unable to go to Japan due to the fact that she was pregnant. Also, none of her friends could obtain a copy of the same for her. Instead, she went to the library of the Japanese Embassy to photocopy the Civil Code. There, she was issued a document which states that diplomatic missions of Japan overseas do not issue certified true copies of Japanese Law nor process translation certificates of Japanese Law due to the potential problem in the legal interpretation thereof. Thus, petitioner maintains that this constitutes substantial compliance with the Rules on Evidence.[10]

We grant the petition.

The issue before Us has already been resolved in the landmark ruling of *Republic v. Manalo*,[11] the facts of which fall squarely on point with the facts herein. In *Manalo*, respondent Marelyn Manalo, a Filipino, was married to a Japanese national named Yoshino Minoro. She, however, filed a case for divorce before a Japanese Court, which granted the same and consequently issued a divorce decree dissolving their marriage. Thereafter, she sought to have said decree recognized in the Philippines and to have the entry of her marriage to Minoro in the Civil Registry in San Juan, Metro Manila, cancelled, so that said entry shall not become a hindrance if and when she decides to remarry. The trial court, however, denied Manalo's petition and ruled that Philippine law does not afford Filipinos the right to file for a divorce, whether they are in the country or abroad, if they are married to Filipinos or to foreigners, or if they celebrated their marriage in the Philippines or in another country.