



**Republic of the Philippines
Supreme Court
Manila**

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES, **OF THE G.R. No. 247297**

Petitioner,

- versus -

Present:
CAGUIOA, J.,
 Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

**HELEN BAYOG-SAITO, THE
LOCAL CIVIL REGISTRY OF
PASAY CITY and THE
NATIONAL STATISTICS
OFFICE,***

Promulgated:

Respondents.

August 17, 2022

~~Mis-DC-BeH~~

X ----- X

DECISION

INTING, J.:

Before us is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by the Republic of the Philippines (petitioner) seeking to reverse and set aside the Decision² dated February 28, 2018 and the Resolution³ dated April 30, 2019 of the Court of Appeals (CA) in CA-G.R. CV No. 108057. The CA denied petitioner’s appeal and

* Now “Philippine Statistics Authority,” as per Republic Act No. 10625 (Philippine Statistical Act of 2013), approved on September 12, 2013.

¹ *Rollo*, pp. 12-30.

² Id. at 33-38. Penned by Associate Justice Rosmari D. Carandang (now a former Member of the Court) and concurred in by Associate Justices Elihu A. Ybañez and Pedro B. Corales.

³ Id. at 40-41. Penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Elihu A. Ybañez and Gabriel T. Robeniol.

affirmed the Decision⁴ dated March 25, 2015 and the Resolution⁵ dated June 2, 2016 of Branch 65, Regional Trial Court (RTC), Tarlac City in Spec. Proc. No. 5105 which judicially recognized the foreign divorce decree of respondent Helen Bayog-Saito⁶ (Helen) and her Japanese spouse, Toru Saito (Toru); and declared Helen legally capacitated to remarry.⁷

The Antecedents

Helen, a Filipino citizen, and Toru, a Japanese national, were married on August 30, 1999 in Pasay City, Metro Manila.⁸ They did not have any children nor did they have conjugal properties.⁹ Due to differences in culture and nationality, their marriage did not last. After years of living separately, Toru asked Helen to sign the divorce notification papers; Helen acquiesced.¹⁰ Toru submitted the divorce documents to Takashi Yamaguchi (Mayor Takashi), Mayor of Minami-ku, Yokohama City.¹¹ The Notice of Divorce accepted as shown by the authenticated Japanese-language “Certificate of Acceptance of Divorce Notification” and its English translation duly authenticated by the Department of Foreign Affairs (DFA).¹²

After the divorce notification was accepted, the divorce was recorded in the family registry of Toru,¹³ as reflected in the authenticated copy of his Family Register (in Japanese) and the English translation (Certificate Pertaining to all Facts) duly authenticated by the DFA.¹⁴ Thereafter, based on the two (2) documents, Kengo Fukasawa (Vice Consul Kengo), Vice Consul of the Japanese Embassy in the Philippines, issued a Divorce Certificate which was then authenticated by the DFA.¹⁵ The Divorce Certificate¹⁶ reads as follows:

⁴ Records, pp. 130-132. Penned by Judge Ma. Magdalena A. Balderama.

⁵ Id. at 169-172.

⁶ Referred to as “Helen Bayog Saito” in the Petition for Judicial Recognition of Foreign Divorce, the RTC Order, the Judicial Affidavit, the RTC Decision, and the RTC Resolution (see id. at 1-6, 37, 47-51, 130-132, 169-172).

⁷ Id. at 131-132.

⁸ See Exhibit “A”, Certificate of Marriage, id. at 52.

⁹ See Judicial Affidavit of Helen Bayog Saito, id. at 50.

¹⁰ Id. at 48.

¹¹ Id.

¹² Id. at 55-58.

¹³ Id. at 48.

¹⁴ Id. at 59-63.

¹⁵ Id. at 48-49.

¹⁶ See Divorce Certificate dated December 26, 2013, signed by Vice Consul Kengo Fukasawa, id. at 103.

Cert. No. IB13-07817-3

DIVORCE CERTIFICATE

Name : HELEN ASDOLO BAYOG
Date of Birth : DECEMBER 19, 1965
Nationality : FILIPINO
Name of Spouse : TORU SAITO
Date of Marriage : AUGUST 30, 1999
Date of Divorce : OCTOBER 16, 2012

This is to certify that the above statement has been made on the basis of the Official Family Register issued by Head of Minami ku, Yokohama City, Kanagawa Pref., Japan on November 14, 2013. This certificate is issued for the purpose of the process of Notification of Foreign Divorce in the Republic of the Philippines.¹⁷

On June 30, 2014, Helen filed a Petition for judicial recognition of foreign divorce decree¹⁸ with the RTC, docketed as Spec. Proc. No. 5105. She also sought the declaration of severance of the marital bond between her and Toru to give her the legal capacity to remarry in accordance with the right granted to her under Article 26 of the Family Code of the Philippines (Family Code).¹⁹

In an Order²⁰ dated August 19, 2014, the RTC found the petition sufficient in form and substance. During the hearing, Helen submitted and presented the following documents to support her petition: (1) Certificate of Marriage;²¹ (2) Certificate of Acceptance of Divorce Notification (Notification of Divorce) dated October 16, 2012, issued by Mayor Takashi, and duly authenticated by the DFA;²² (3) Duly Authenticated Family Register (Certificate Pertaining to all Facts) of Toru, issued by Mayor Takashi, and duly authenticated by the DFA,

¹⁷ Id.

¹⁸ See “In the Matter of the Petition for Judicial Recognition of Foreign Judgment (Divorce)”, id. at 1-6.

¹⁹ Id. at 2.

²⁰ Id. at 37.

²¹ Id. at 52.

²² See Exhibit “C”, “C-1”, “C-2”, and “C-3”, id. at 55-58.

showing that the parties were divorced on October 16, 2012;²³ (4) Divorce Certificate of Helen and Toru issued by Vice Consul Kengo, and duly authenticated by the DFA;²⁴ and (5) the pertinent provisions of the Civil Code of Japan.²⁵

The Ruling of the RTC

Based on the evidence presented, the RTC in its Decision,²⁶ judicially recognized the divorce decree issued to the parties in Japan and the legal capacity of Helen to remarry in accordance with the provisions of Article 26, second paragraph of the Family Code. The dispositive portion of the decision states:

WHEREFORE, premises considered, the court judicially recognizes the Divorce Decree issued to Toru Saito and Helen Bayog Saito terminating and giving the Petitioner legal capacity to remarry. The City Civil Registrar of Pasay City is ordered to register the Divorce Decree in the record of marriage of Toru Saito and Helen Bayog Saito.

Let [a] copy of this decision be furnished to the City Civil Registrar of Tarlac City, Pasay City[,] the Office of the Solicitor General, the Provincial Prosecutor's Office of Tarlac, the petitioner and her counsel and to the National Statistic[s] Office[,] Quezon City.

SO ORDERED.²⁷

Petitioner, through the Office of the Solicitor General (OSG), filed a Motion for Reconsideration²⁸ from the aforementioned Decision asserting that respondent failed to satisfy the requirements under Article 26 of the Family Code.²⁹ The RTC denied the motion in its Resolution.³⁰ It ratiocinated that the Japanese spouse, as a consequence of the divorce validly obtained abroad, had been capacitated by his national law to remarry, and that “[t]o deny the Filipino spouse the recognition of her divorce from her alien spouse would be to perpetrate a grave injustice.”³¹

²³ See Exhibit “E”, “E-1”, “E-2”, and “E-3”, id. at 60-63.

²⁴ See Exhibit “F”, id. at 64.

²⁵ See Exhibits “G” to “G-8”, id. at 65-73.

²⁶ Id. at 130-132.

²⁷ Id. at 131-132.

²⁸ Id. at 133-144.

²⁹ Id. at 138-142.

³⁰ Id. at 169-172.

³¹ Id. at 171.

Petitioner, through the OSG, interposed an appeal³² to the CA asserting that absolute divorce is against public policy and cannot be recognized in the Philippines.³³ The OSG asserted that Helen, who remains to be a Filipino citizen, cannot jointly seek a divorce decree with her husband even if such is allowed in the country of the latter.³⁴

The Ruling of the CA

In its Decision,³⁵ the CA denied the appeal and affirmed the ruling of the RTC.³⁶ The CA noted that the divorce decree was initiated by Toru and Helen's participation in obtaining the divorce decree was merely to accept the divorce notification by affixing her signature on the documents presented to her.³⁷ It held that if a foreign spouse validly initiates a petition abroad to obtain an absolute divorce from the Filipino spouse and becomes successful in securing an absolute divorce decree, the Philippines recognizes such absolute divorce after it has been proven by evidence. It further found that the Divorce Certificate, the Notification of Divorce, the record of the family register of Toru, and the duly authenticated pertinent laws of Japan, are enough to prove the fact of divorce.³⁸

Thus, the CA saw no reason why the legal effects of the foreign divorce decree should not be applicable to Helen.³⁹

Petitioner sought reconsideration⁴⁰ of the decision, but the CA denied it in its Resolution.⁴¹

Hence, the petition.⁴²

The OSG insists that Helen failed to satisfy the requirements under paragraph 2, Article 26 of the Family Code. It argues that the provisions of the Family Code prohibit absolute divorce and only

³² See Notice of Appeal, *id.* at 175-176.

³³ See Brief for the Oppositor-Appellant, *rollo*, pp. 98-103.

³⁴ *Id.* at 103-106.

³⁵ *Id.* at 33-38.

³⁶ *Id.* at 38.

³⁷ *Id.* at 37.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See Motion for Reconsideration, *id.* at 42-46.

⁴¹ *Id.* at 40-41.

⁴² *Id.* at 12-31.

provide for legal separation or relative divorce; that purportedly, the policy prevents the recognition of absolute divorce decrees involving Filipino citizens, even if these were obtained from jurisdictions that had legalized absolute divorces; that the exception provided in paragraph 2, Article 26 is narrow and intended only to address the unfair situation that results when a foreign national obtains a divorce decree against a Filipino citizen, and thus, leaving the latter stuck in a marriage without a spouse; and that because the foreign divorce decree was obtained jointly by respondent and her foreign spouse, the divorce does not fall within the contemplation of paragraph 2, Article 26 of the Family Code.⁴³

As further explained by the OSG, the divorce decree sought to be recognized was grounded on the mutual agreement of the parties. Because the divorce decree was neither initiated nor obtained solely by respondent's Japanese spouse, it did not comply with the second requirement under paragraph 2, Article 26. Respondent, who remains to be a Filipino citizen, cannot seek jointly with her husband a divorce decree even if such is allowed in the country of the latter. A divorce decree jointly obtained by respondent and her Japanese husband, although valid under Japanese law and capacitating her Japanese spouse to remarry, will not be accorded recognition under Philippine laws for the simple reason that it runs against paragraph 2, Article 26 of the Family Code and Articles 15⁴⁴ and 17⁴⁵ of the New Civil Code.⁴⁶

In her Comment/Opposition,⁴⁷ respondent alleges that she did not initiate the divorce proceedings against her former husband. She asserts that it was her Japanese husband who filed the divorce notification and that she merely accepted the divorce by signing the papers.⁴⁸ She further avers that she did not jointly seek the divorce decree with her husband; granting that she initiated the divorce proceedings, this does not bar her from seeking the judicial recognition of a foreign divorce as provided by Article 26 of the Family Code.⁴⁹

⁴³ Id. at 18-23.

⁴⁴ Article 15 of the Civil Code provides: "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."

⁴⁵ Article 17 of the Civil Code provides: "The forms and solemnities of contracts, wills, and other public instruments shall be governed by the laws of the country in which they are executed."

x x x x

⁴⁶ *Rollo*, pp. 23-26.

⁴⁷ See Comment/Opposition (To the Petition for Review on Certiorari of the Office of the Solicitor General Dated June 26, 2019), id. at 116-127.

⁴⁸ Id. at 118-119.

⁴⁹ Id. at 121-126.

Petitioner filed a Reply⁵⁰ reiterating its position that the divorce proceedings were initiated jointly by respondent and her Japanese spouse; and considering that the divorce decree sought to be recognized in the case is grounded on the mutual agreement of the parties, it should not be recognized in the Philippines even if it is allowed under the laws of Japan.⁵¹

The Issue

Did the CA err in affirming the RTC's decision granting the petition for judicial recognition of the foreign divorce of Helen and Toru and the declaration of Helen's capacity to remarry?

The Court's Ruling

The Court denies the petition.

A foreign decree of divorce may be recognized in the Philippines although the divorce decree was jointly obtained by the spouses abroad.

Divorce is the legal dissolution of a lawful union for a cause arising after the marriage.⁵² There are two types of divorce: (1) absolute divorce or *a vinculo matrimonii*, which terminates the marriage; and (2) limited divorce or *a mensa et thoro*, which suspends it and leaves the bond in full force.⁵³ Under Philippine law, absolute divorce is not allowed. Pursuant to the nationality principle, all Filipino citizens are covered by the prohibition against absolute divorce.⁵⁴ The prohibition against severance of marriages through the mode of divorce is rooted in the constitutional policy aimed at protecting the inviolability of the institution of marriage.⁵⁵

⁵⁰ Id. at 140-147.

⁵¹ Id. at 144-145.

⁵² *Amor-Catalan v. Court of Appeals*, 543 Phil. 568, 575 (2007).

⁵³ Id.

⁵⁴ Article 15 of the Civil Code.

⁵⁵ Section 2, Article XV of the 1987 Philippine Constitution.

While Philippine law does not allow absolute divorce, a divorce obtained abroad by a foreign spouse may nevertheless be recognized in our jurisdiction, provided such decree is valid according to the national law of the foreigner. The pertinent provision, Article 26 of the Family Code states:

Article 26. All marriages solemnized outside the Philippines in accordance with the laws in force in the country where they were solemnized, and valid there as such, shall also be valid in this country, except those prohibited under Article 35 (1), (4), (5) and (6), 36, 37 and 38.

Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained by the alien spouse capacitating him or her to remarry, the Filipino spouse shall likewise have capacity to remarry under Philippine law.
(Emphasis supplied)

*Fujiki v. Marinay*⁵⁶ explains the nature of the second paragraph of Article 26 of the Family Code, thus:

The second paragraph of Article 26 is only a corrective measure to address the anomaly that results from a marriage between a Filipino, whose laws do not allow divorce, and a foreign citizen, whose laws allow divorce. The anomaly consists in the Filipino spouse being tied to the marriage while the foreign spouse is free to marry under the laws of his or her country. The correction is made by extending in the Philippines the effect of the foreign divorce decree, which is already effective in the country where it was rendered.
x x x⁵⁷

The provision gives Philippine courts the authority “to extend the effect of a foreign divorce decree to a Filipino spouse without undergoing trial to determine the validity of the dissolution of the marriage.”⁵⁸ It bestows upon the Filipino spouse “a substantive right to have his or her marriage considered dissolved, granting him or her the capacity to remarry.”⁵⁹

⁵⁶ 712 Phil. 524 (2013).

⁵⁷ Id. at 555.

⁵⁸ *Arreza v. Toyo*, G.R. No. 213198, July 1, 2019, citing *Rep. of the Phils. v. Manalo*, 831 Phil. 33, 49-50 (2018).

⁵⁹ Id.

In the present case, petitioner opposes the recognition of the foreign divorce decree on the ground that it was purportedly obtained by Helen jointly with her Japanese spouse, Toru. Petitioner avers that respondent cannot file and obtain a divorce decree jointly with her foreigner spouse because she is incapacitated to do such act under our national law. According to petitioner, the provision under paragraph 2, Article 26 of the Family Code only applies when the divorce decree was initiated or obtained solely by the foreign spouse. Petitioner submits that because the divorce decree sought to be recognized is grounded on mutual agreement of the parties, the provision under paragraph 2, Article 26 of the Family Code does not apply.⁶⁰

Petitioner's contention is bereft of merit.

In the landmark case of *Republic of the Philippines v. Manalo*⁶¹ (*Manalo*), the Court *en banc* clarified the scope of paragraph 2, Article 26 of the Family Code to even cover instances where the divorce decree is obtained solely by the Filipino spouse.⁶² In subsequent cases, the Court noted that the prohibition against Filipinos participating in divorce proceedings will not protect our own nationals.⁶³ Thus, the Court held that it does not matter if it is the Filipino spouse who acquired the decree of divorce abroad. The Court hereby quotes the pertinent portion of its ruling explaining the application of paragraph 2, Article 26 of the Family Code, thus:

x x x Based on a clear and plain reading of the provision, it only requires that there be a divorce validly obtained abroad. *The letter of the law does not demand that the alien spouse should be the one who initiated the proceeding wherein the divorce decree was granted. It does not distinguish whether the Filipino spouse is the petitioner or the respondent in the foreign divorce proceeding.* The Court is bound by the words of the statute; neither can We put words in the mouths of the lawmakers. "The legislature is presumed to know the meaning of the words, to have used words advisedly, and to have expressed its intent by the use of such words as are found in the statute. x x x

Assuming, for the sake of argument, that the word "*obtained*" should be interpreted to mean that the divorce proceeding must be

⁶⁰ *Rollo*, pp. 23-26.

⁶¹ 831 Phil. 33 (2018).

⁶² *Id.* at 56-64.

⁶³ *Moraña v. Republic*, G.R. No. 227605, December 5, 2019, citing *Racho v. Tanaka*, 834 Phil. 21, 38 (2018).

actually initiated by the alien spouse, still, the Court will not follow the letter of the statute when to do so would depart from the true intent of the legislature or would otherwise yield conclusions inconsistent with the general purpose of the act. x x x

x x x x

To reiterate, the purpose of Paragraph 2 of Article 26 is to avoid the absurd situation where the Filipino spouse remains married to the alien spouse who, after a foreign divorce decree that is effective in the country where it was rendered, is no longer married to the Filipino spouse. The provision is a corrective measure to address an anomaly where the Filipino spouse is tied to the marriage while the foreign spouse is free to marry under the laws of his or her country. Whether the Filipino spouse initiated the foreign divorce proceeding or not, a favorable decree dissolving the marriage bond and capacitating his or her alien spouse to remarry will have the same result: the Filipino spouse will effectively be without a husband or wife. A Filipino who initiated a foreign divorce proceeding is in the same place and in "like circumstances as a Filipino who is at the receiving end of an alien initiated proceeding. Therefore, the subject provision should not make a distinction. In both instance, it is extended as a means to recognize the residual effect of the foreign divorce decree on Filipinos whose marital ties to their alien spouses are severed by operation of the latter's national law. (Emphasis supplied, citations omitted)⁶⁴

Significantly, in the recent case of *Galapon v. Republic*,⁶⁵ (*Galapon*) the Court clarified that pursuant to the majority ruling in *Manalo*, paragraph 2, Article 26 of the Family Code applies to mixed marriages where the divorce decree is: (1) obtained by the foreign spouse; (2) *obtained jointly by the Filipino and foreign spouse*; and (3) obtained solely by the Filipino spouse.⁶⁶

Here, the divorce was initiated by Toru who asked Helen to sign the divorce notification papers; she agreed by affixing her signature on the documents.⁶⁷ In effect, the parties are considered to have obtained divorce by agreement when they mutually agreed to the divorce, which is allowed in Japan. After the acceptance of the divorce notification, the marriage of respondent and Toru has been dissolved as far as the Japanese laws are concerned and Toru is then capacitated to remarry. Pursuant to the Court's ruling in *Manalo* and *Galapon*, even though

⁶⁴ *Rep. of the Phils. v. Manalo*, supra note 61, at 57-59.

⁶⁵ G.R. No. 243722, January 22, 2020.

⁶⁶ Id.

⁶⁷ See Judicial Affidavit of Helen Bayog Saito, records, p. 48.

respondent jointly filed the divorce notification papers with her husband, the divorce decree obtained by the parties may be recognized in our jurisdiction. Hence, the CA was correct in ruling that the legal effects of the foreign divorce decree of the parties may be recognized in our jurisdiction.⁶⁸

In the process of judicial recognition of foreign divorce decree, the rules provide that before a foreign divorce decree can be recognized by the court, the party pleading it must prove the divorce as a fact and demonstrate its conformity to the foreign law allowing it. Specifically, for Philippine courts to recognize a foreign judgment relating to the status of a marriage, a copy of the foreign judgment may be admitted in evidence and proven as a fact under Rule 132, Sections 24 and 25, in relation to Rule 39, Section 48(b) of the Revised Rules of Court.⁶⁹

In the case, the pieces of evidence presented by Helen — which consist of the Divorce Certificate, the Notification of Divorce, the Acceptance thereof, the record of the family register of Toru, all of which are duly authenticated, as well as the duly authenticated pertinent laws of Japan⁷⁰ — are sufficient to prove that in fact, the parties have validly obtained a divorce under the laws of Japan.

In the case of *Racho v. Tanaka*,⁷¹ the Court found that the Japanese law on divorce was duly proven by the presentation of a copy of the English version of the Civil Code of Japan translated under the authorization of the Ministry of Justice and the Code of Translation Committee.⁷² Here, the Court similarly finds that Helen duly proved the pertinent laws of Japan pertaining to divorce through the submission to the trial court of a copy of the English version of the Civil Code of Japan⁷³ translated under the authorization of the Ministry of Justice and the Codes of Translation Committee.⁷⁴

Verily, the fact of the divorce of Helen and Toru, as well as the Japanese law on divorce, had been sufficiently and satisfactorily proven by Helen. Hence, the Court finds that the CA was correct in affirming

⁶⁸ See *rollo*, pp. 36-37.

⁶⁹ *Noveras v. Noveras*, 741 Phil. 670, 683 (2014).

⁷⁰ Records, pp. 55-73.

⁷¹ 834 Phil. 21 (2018).

⁷² *Id.* at 31.

⁷³ Records, pp. 65-73.

⁷⁴ *Id.* at 66.

the RTC's grant of the petition for judicial recognition of foreign divorce decree of respondent and her Japanese husband. More importantly, the dissolution of their marriage under the laws of Japan, has capacitated her former husband, Toru, to remarry, and in fact, he has already remarried.⁷⁵ Hence, the Court finds no reason to deprive Helen of her legal capacity to remarry under our national laws.

WHEREFORE, the instant petition is **DENIED**. The Decision dated February 28, 2018 and Resolution dated April 30, 2019 of the Court of Appeals in CA-G.R. CV No. 108057 are hereby **AFFIRMED**. The foreign divorce decree between Helen Bayog and Toru Saito is hereby judicially recognized pursuant to paragraph 2, Article 26 of the Family Code, and Helen Bayog is hereby declared capacitated to remarry. The Office of the Civil Registrar of Pasay City is hereby ordered to annotate the Divorce Certificate dated October 16, 2012 on the record of marriage of Toru Saito and Helen Bayog.

Let a copy of this Decision be furnished to the Office of the Civil Registrar of Pasay City, Office of the Civil Registrar of Tarlac City, and the Civil Registrar General of the National Statistics Office of Quezon City (now Philippine Statistics Authority).

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice


⁷⁵ See Judicial Affidavit of Helen Bayog Saito, records, p. 49.

WE CONCUR:

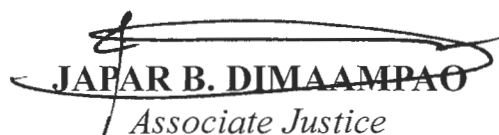
*I concur but
maintain my
position in
Rep. v. Mamedo*



ALFREDO BENJAMIN S. CAGUIOA
Chairperson



SAMUEL H. GAERLAN
Associate Justice



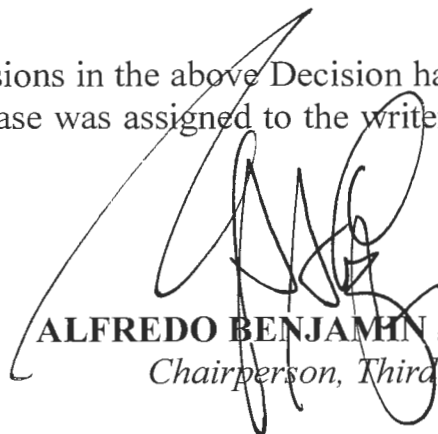
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice