

SC: Divorce abroad valid in PH

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The Philippine government should recognize the nullity of marriage of Filipino citizens who had divorced their foreign spouses abroad, the Supreme Court (SC) ruled on Tuesday.

Voting 10-3 with one abstention, the court en banc tossed out the petition filed by the Office of the Solicitor General (OSG) which challenged the petition of a certain Marelyn Tanedo Manalo, whose marriage with Minoru Yoshino was nullified by a Japanese court on Dec. 6, 2011.

“A foreign divorce secured by a Filipino against a foreign spouse is also considered valid in the Philippines even if it is the Filipino spouse who files for divorce abroad,” the high court said.

Theodore Te, Supreme Court spokesperson, said the justices sustained parts of the decisions they issued on Sept. 18, 2014, and Oct. 12, 2015, which remanded Manalo’s petition to the Dagupan City Regional Trial Court (RTC).

Lower court rebuffed

Manalo had asked the Dagupan RTC to recognize the ruling of the Japanese court which granted her divorce from Yoshino, but the local court dismissed her petition.

This prompted her to bring the case to the Court of Appeals (CA), which voided the decision of the Dagupan RTC in 2014.

The OSG elevated the case to the Supreme Court.

In upholding the CA ruling, the Supreme Court said Article 26 of the Family Code recognized marriages abroad as valid in the Philippines.

In the same way, the Supreme Court said divorce secured abroad was also valid in the Philippines.

The Filipino spouse who obtained divorce abroad was allowed to remarry under Philippine laws, the Supreme Court said.

Aquino EO

The CA ruling had cited Executive Order (EO) No. 227 of the late President Corazon Aquino which amended Article 26 of the Family Code to recognize divorce secured outside the Philippines.

The EO, the CA ruling said, recognized “the reality that divorce is a possibility in marriages between a Filipino and an alien.”

Associate Justices Mariano del Castillo, Estela Perlas-Bernabe and Alfredo Benjamin Caguiao dissented while Associate Justice Francis Jardeleza abstained.