

JUDICIAL DECISIONS

CYNTHIA A. GALAPON, Petitioner, vs. REPUBLIC OF
THE PHILIPPINES, Respondent
[G.R. No. 243722. Jan. 22, 2020.]

CAGUIOA, J:

FACTS

Cynthia, a Filipina, and Park, a South Korean national, secured a divorce decree by mutual agreement in South Korea. Cynthia then filed before the Regional Trial Court a Petition for Judicial Recognition of Foreign Divorce which was granted. The Office of the Solicitor General (“OSG”) opposed the petition arguing that absolute divorce is not allowed in the Philippines and that considering that the divorce was obtained mutually, Cynthia is not qualified to avail of the benefits provided under Article 26 of the Family Code. The Court of Appeals agreed with the OSG and reversed the Regional Trial Court’s decision. It ruled that for Article 26 to apply, the divorce must have been initiated and obtained by the foreigner spouse. Further, owing to the nationality principle under Article 15 of the Civil Code and considering that Cynthia is a Philippine national, she is covered by the policy against absolute divorces.

In granting the petition, the Supreme Court reiterated its decision in the case of *Republic v. Manalo* which broadened the scope of Article 26(2) to include divorce decrees obtained by the Filipino spouse. It discussed that a plain reading of the provision would show that the provision does not require that the alien spouse should be the one who initiated the divorce proceeding, only that there should be a divorce validly obtained abroad.

RULING

The petition is granted.

In the recent case of *Manalo*, the Court *en banc* extended the scope of Article 26 (2) to even cover instances where the divorce decree is obtained solely by the Filipino spouse. The Court's ruling states, in part:

Paragraph 2 of Article 26 speaks of "*a divorce x x x validly obtained abroad by the alien spouse capacitating him or her to remarry.*" 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. *Verba legis non est recedendum*, or from the words of a statute there should be no departure."

Assuming, for the sake of argument, that the word "*obtained*" should be interpreted to mean that the divorce proceeding must be 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. Laws have ends to achieve, and statutes should be so construed as not to defeat but to carry out such ends and purposes. As held in *League of Cities of the Phils., et al. v. COMELEC, et al.*:

The legislative intent is not at all times accurately reflected in the manner in which the resulting law is couched. Thus, applying a *verba legis* or strictly literal interpretation of a statute may render it meaningless and lead to inconvenience, an absurd situation or injustice. To obviate this aberration, and bearing in mind the principle that the intent or the spirit of the law is the law itself, resort should be to the rule that the spirit of the law controls its letter.

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 circumstance as a divorce proceeding is in the same place and in like circumstance 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.**

Pursuant to the majority ruling in *Manalo*, Article 26 (2) applies to mixed marriages where the divorce decree is: (i) obtained by the foreign spouse; (ii) **obtained jointly by the Filipino and foreign spouse jointly by the Filipino and foreign spouse;** and (iii) obtained solely by the Filipino spouse.

WHEREFORE, premises considered, the Petition is **GRANTED**. By virtue of Article 26, paragraph 2 of the Family Code and the Certification of the Cheongju Local Court dated July 16, 2012, petitioner Cynthia A. Galapon is declared capacitated to remarry under Philippine law.

SO ORDERED.

EDNA S. KONDO, Represented by Attorney-In-Fact, LUZVIMINDA S. PINEDA, Petitioner, vs. CIVIL REGISTRAR GENERAL, Respondent
[G.R. No. 223628. Mar. 4, 2020]

LAZARO-JAVIER, J:

FACTS

After nine years of marriage, petitioner Edna S. Kondo, a Filipina, and Katsuhiro Kondo, a Japanese national obtained a divorce decree in Japan. Edna filed a petition for judicial recognition of the divorce decree. The trial court denied