

1. Each Member shall ensure that all seafarers and, to the extent provided for in its national law, their dependents have access to social security protection in accordance with the Code without prejudice however to any more favorable conditions referred to in paragraph 8 of article 19 of the Constitution.
2. Each Member undertakes to take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers.
3. Each Member shall ensure that seafarers who are subject to its social security legislation, and, to the extent provided for in its national law, their dependents, are entitled to benefit from social security protection no less favorable than that enjoyed by shoreworkers.

In spite of the 74th Maritime Session of the ILO, 1988 MOA of the SSS-DOLE, 2010 POEA-SEC, and 2006 MLC, the mandatory coverage of social security to seafarers was not faithfully complied with.

WHEREFORE, the petition is **DENIED**. Section 9-B of Republic Act No. 11199, or the Social Security Act of 2018, insofar as sea-based Overseas Filipino Workers are concerned, is **CONSTITUTIONAL**.

SO ORDERED.

KARL WILLIAM YUTA MAGNO SUZUKI A.K.A. YUTA HAYASHI, Petitioner,
vs. OFFICE OF THE SOLICITOR GENERAL, Respondent
[G.R. No. 212302. Sept. 2, 2020.]

INTING, J:

FACTS

Petitioner Suzuki was born in Manila and born to Sadao Kumai Suzuki, a Japanese national, and Lorie Lopez Magno, a Filipino citizen. Petitioner's parents later divorced and Lorie married another Japanese national, Hikaru Hayashi. Petitioner was adopted by Hayashi based on Japanese law and the same was reflected in Hayashi's Family Register. When the petitioner was twenty-four years old he sought to have his adoption under Japanese law recognized in the Philippines. Hence, he filed a petition for Judicial Recognition of Foreign Adoption

Decree before the Regional Trial Court. The lower court dismissed the petition for being contrary to law and public policy.

The Supreme Court granted the petition and held that applying the nationality principle, Philippine courts can only determine whether to extend the effects of the adoption to petitioner but it cannot determine Hayashi's family rights, status, condition and legal capacity concerning the foreign judgment. Also, it found that the adoption may be validly effected in accordance with the provisions of R.A. 8552 or the Domestic Adoption Act of 1998. Finally, it discussed that foreign judgments are recognized and enforced domestically because such act of recognition is part of what is considered as the "generally accepted principles of international law."

RULING

The petition is meritorious.

The RTC erroneously ruled that a foreign judgment of adoption of a Filipino citizen cannot be judicially recognized based on the view that such recognition would render nugatory the Philippine laws on adoption. It bears to emphasize that there are two parties involved in an adoption process: the adopter and the adoptee. The RTC in this case failed to consider that Hayashi, the adopter, is a Japanese citizen.

Article 15 of the Civil Code states that "*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.*" Owing to this nationality principle, the Philippine laws on adoption are thus binding on petitioner. However, with respect to the case of Hayashi, who is a Japanese citizen, it bears stressing that the Philippine courts are precluded from deciding on his "family rights and duties, or on [his] status, condition and legal capacity" concerning the foreign judgment to which he is a party. Thus, as to the foreign judgment of adoption obtained by Hayashi, if it is proven as a fact, the Philippine courts are limited to the determination of whether to extend its effect to petitioner, the Filipino party.

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Special laws on adoption have been passed by Congress subsequent to the promulgation of the Family Code. In 1995, RA 8043 was enacted to establish the rules governing inter-country adoptions of Filipino children. The Inter-Country

Adoption Board ("ICAB") was created to serve as the central authority in matters relating to inter-country adoptions. Meanwhile, in 1998, RA 8552 was passed to set out the rules and policies on domestic adoption.

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Apparently, the adoption of petitioner by Hayashi may be validly effected in accordance with the provisions of RA 8552. However, the Court disagrees with the RTC's view that adoption decrees involving Filipino citizens obtained abroad cannot be judicially recognized in the Philippines for being contrary to law and public policy.

As emphasized by Associate Justice Edgardo L. Delos Santos (Justice Delos Santos), the availability of RA 8552 as a means to adopt petitioner should not automatically foreclose proceedings to recognize his adoption decree obtained under Japanese law. Justice Delos Santos reminds that the principle behind the recognition and enforcement of a foreign judgment derives its force not only from our Rules of Court but from the fact that such act of recognition is considered part of what is considered as the "generally accepted principles of international law." It is characterized as such because aside from the widespread practice among States accepting in principle the need for such recognition and enforcement, the procedure for recognition and enforcement is embodied in the rules of law, whether statutory or jurisprudential, in various foreign jurisdictions.

As already established, the adoption by an alien of the legitimate child of his/her Filipino spouse is valid and legal based on Article 184 (3) (b) of the Family Code and Section 7 (b) (i), Article III of RA 8552. Thus, contrary to the RTC's sweeping conclusion against foreign adoption decrees, the Court finds that the adoption of petitioner by Hayashi, if proven as a fact, can be judicially recognized in the Philippines. Justice Delos Santos aptly propounds that the rules on domestic adoption should not be pitted against the recognition of a foreign adoption decree; instead, the better course of action is to reconcile them and give effect to their respective purposes.

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It is an established international legal principle that final judgments of foreign courts of competent jurisdiction are reciprocally respected and rendered efficacious subject to certain conditions that vary in different countries. *"In the recognition of foreign judgments, Philippine courts are incompetent to substitute*

their judgment on how a case was decided under foreign law." They are limited to the question of whether to extend the effect of the foreign judgment in the Philippines. Thus, in a foreign judgment relating to the status of adoption involving a citizen of a foreign country, Philippine courts will only decide whether to extend its effect to the Filipino party.

WHEREFORE, the petition is GRANTED.

SO ORDERED.

**ZUNECA PHARMACEUTICAL, et. al., Petitioners, vs. NATRAPHARM, INC.,
Respondent**

[G.R. No. 211850. Sept. 8, 2020.]

CAGUIOA, J.:

FACTS

Respondent Natrapharm filed a complaint against Petitioner Zuneca alleging that Zuneca's "ZYNAPS" is confusingly similar to its registered trademark, "ZYNAPSE," and that the confusion is dangerous because these medical drugs are intended for different types of illnesses. Zuneca countered that it has been selling the medical drug under the mark "ZYNAPS" since 2004, and that it was impossible that Natrapharm was unaware of its existence before the latter had registered the name "ZYNAPSE" because Natrapharm and Zuneca had advertised its products in the same publications and conventions. Finally, Zuneca argued that as the prior user, it is the owner of the mark "ZYNAPS."

The Supreme Court held that Natrapharm is the lawful registrant of the "ZYNAPSE" but petitioners are considered prior users in good faith and may continue to use "ZYNAPS." The Court discussed that the intent of the lawmakers was to adopt a system of acquiring rights over marks wherein the mode of acquiring ownership is registration. In the sponsorship speech of Senator Raul Roco for the IP Code, he discussed that owing to the country's adherence to the Paris Convention for the Protection of Industrial Property, specifically in adopting the Lisbon Act, the Philippines was required to adopt a system of registration of marks based not on use in the Philippines but on foreign registration.