Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MARICEL L. RIVERA, Petitioner,	**G.R. No. 248355**
	Present:
- versus -	GESMUNDO, *C.J., Chairperson,* CAGUIOA, LAZARO-JAVIER, LOPEZ, M.,** and LOPEZ, J., *JJ.*
WOO NAMSUN* and/or OFFICE OF THE CIVIL REGISTRAR GENERAL or LOCAL CIVIL REGISTRAR OF QUEZON CITY, and REPUBLIC OF THE PHILIPPINES, Respondents.	**Promulgated:** NOV 23 2021

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DECISION

LOPEZ, J., *J.*:

Before a foreign divorce decree can be recognized by our courts, the party pleading it must prove the divorce as a fact and demonstrate its conformity to the foreign law allowing it.[1]

This resolves the Petition for Review on *Certiorari*[2] assailing the Decision[3] dated March 8, 2019 and the Resolution[4] dated July 10, 2019 of the Court of Appeals (*CA*) in CA-G.R. CV No. 110186, which reversed and set aside the Decision[5] dated March 1, 2017 of the Regional Trial Court, Branch 99, Quezon City (*RTC*) in Civil Case No. R-QZN-15-08690-CV, duly recognizing the Judgment of Divorce of the parties rendered by the

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* Also referred to as "Woo Nam Sun," in the Certificate of Marriage.

** On wellness leave.

1 *Garcia v. Recio*, 418 Phil. 723, 731 (2001). (Citation omitted)

2 *Rollo*, pp. 10-25.

3 Penned by Associate Justice Stephen C. Cruz, with Associate Justices Pedro B. Corales and Ruben Reynaldo G. Roxas concurring; *id.* at 27-36.

4 *Id.* at 38-39.

5 Penned by Presiding Judge Ma. Rita A. Bascos Sarabia; records, folder 1, pp. 331-344.

Seoul Family Court and capacitated Maricel L. Rivera to contract another marriage.

The Antecedent Facts

The action before this Court arose from a Petition[6] for Judicial Recognition of the Foreign Judgment/Divorce filed by Maricel L. Rivera (*petitioner*) with the RTC on September 23, 2015. An Amended Petition[7] was subsequently filed on November 9, 2015. Petitioner alleged that she entered into a contract of marriage[8] with Woo Namsun (*respondent*), a South Korean national, on April 18, 2007 in Quezon City. In September of the same year, or 5 months after getting married, petitioner and respondent left for South Korea and lived together therein as husband and wife.[9] After just a year into the marriage, their relationship turned sour, with respondent becoming physically and emotionally abusive towards petitioner. Fed up, petitioner decided to return to the Philippines in 2008 and returned to South Korea after one (1) month.

In 2011, petitioner was surprised to discover that respondent had filed for divorce, which was approved by the Seoul Family Court on the same year, on June 14, 2011.[10] On the basis thereof, respondent eventually remarried Kim Seonyeo, a Chinese national, on November 8, 2011.[11]

Seeking to remarry, as petitioner herself was also involved in a relationship with another Korean national with whom she begot a child, she filed the instant petition with the RTC, praying that the foreign judgment of divorce be recognized in the Philippine jurisdiction, thereby giving her the capacity to contract another marriage.

The Ruling of the RTC

On March 1, 2017, the RTC rendered a Decision[12] granting the petition, thus, recognizing the judgment of divorce by the Seoul Family Court, the dispositive portion of which reads:

> **WHEREFORE**, premised on the foregoing, the *Amended Petition* is granted and it is hereby ordered as follows:

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6 *Id.* at 1-4.
7 *Id.* at 22-25.
8 Certificate of Marriage, *id.* at 26.
9 TSN, Maricel L. Rivera, August 1, 2016, p. 8.
10 Judgment, records, folder 1, pp. 6-10.
11 Marriage Relation Certificate, Exhibit "C-3," records, folder 2, p. 17.
12 Records, Folder 1, pp. 331-344.

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1) The *Judgment* of Divorce of Woo Namsum and Maricel L. Rivera rendered by [the] Seoul Family Court on June 14, 2011 is duly recognized; petitioner Maricel L. Rivera is declared as capacitated to contract another marriage.

2) The *Office of the Local Civil Registrar of Quezon City* and the *Registrar General* of the Philippine Statistics Authority shall cancel in their registries the *Certificate of Marriage* of Woo Namsum and Maricel L. Rivera solemnized on April 18, 2007.

3) The City Civil Registrar[,] Maria Josefa Encarnacion A. Ocampo[,] of the *City Civil Registry Office of the City of Manila* who issued the *Certification* dated September 1, 2015 that the *Judgment* of Divorce of *Woo Namsun* and *Rivera Maricel* had been registered in said office, which she issued even without judicial order recognizing the divorce, is hereby informed that such registration is without authority of the law considering that a judicial order recognizing the divorce is a legal requirement for the registration of the judgment of divorce.

SO ORDERED.[13]

In granting the petition, the RTC held that petitioner's evidence to prove the Judgment of Divorce, consisting of an Authentication Certificate[14] issued by the Department of Foreign Affairs, Manila (*DFA*), attaching therewith a Letter of Confirmation[15] issued by the Embassy of the Republic of South Korea, and the Judgment[16] rendered by the Seoul Family Court, conformed to Section 24,[17] Rule 132 of the Rules of Court, which laid down the requirements to prove the authenticity of a foreign judgment. Similarly, the law upon which the judgment was based, the Civil Act of South Korea, was also properly authenticated and proven, by virtue of an Authentication Certificate[18] issued by the Department of Foreign Affairs (*DFA*), a Letter of Confirmation[19] by the Embassy of the Republic of South Korea, and a copy of the law,[20] as confirmed and produced by Counselor and Consul Chin Hyun Yong of the Embassy of the Republic of South Korea.

The RTC declared that the City Civil Registry Office of Manila was without authority in recording the judgment of divorce prior to obtaining a

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13 *Id.* at 343-344.

14 Exhibit "C," records, folder 2, p. 14.

15 Exhibit "C-1," *id.* at 15.

16 Exhibit "B-2-A," *id.* at 6-13.

17 Section 24. *Proof of official record.* – The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in a foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office. (25a)

18 Exhibit "D", records, folder 2, p. 23.

19 Exhibit "D-1", *id.* at 24.

20 Exhibit "D-2", *id.* at 25-243.

judicial order recognizing the same, pursuant to *Corpuz v. Sto. Tomas*,[21] where the Court ruled that "the registration of a foreign divorce decree without the requisite judicial recognition is patently void and cannot produce any legal effect."[22]

The Office of the Solicitor General (*OSG*), on behalf of the Republic of the Philippines, filed a Motion for Reconsideration[23] on March 29, 2017, asserting that the RTC erred in recognizing the foreign divorce of the parties for failure of petitioner to prove the foreign law allowing the foreign divorce in accordance with the Rules. Specifically, petitioner merely submitted a machine copy of the law of South Korea on which such judgment was based; worse, the said copy failed to include a title page, the year of publication, or the publisher of the law. Additionally, it also failed to indicate whether the authenticating officer, Chin Hyun Yong, was authorized to authenticate the genuineness of the law.

In an Order[24] dated September 5, 2017, the RTC denied the OSG's motion, maintaining its March 1, 2017 Decision. It explained that petitioner, being an ordinary Filipino citizen, exerted her best efforts to comply with the requirements of the law. Should the petition fail based on mere technicalities, it is the petitioner who stands to suffer, being bound in marriage to a foreigner who had himself been set free to marry another under his own national law.

The OSG filed a Notice of Appeal[25] dated November 20, 2017 with the Court of Appeals.

The Ruling of the CA

On March 8, 2019, the CA issued the assailed Decision[26] reversing and setting aside the RTC Decision. It disposed, thus:

> **WHEREFORE,** in view of the foregoing premises, the instant appeal is hereby **GRANTED.** The assailed March 01, 2017 Decision of the Regional Trial Court, Branch 99, Quezon City in Civil Case No. R-QZN-15-08690-CV is **REVERSED and SET ASIDE.**
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> Petitioner-appellant's Petition for Recognition of Foreign Judgment of Divorce is hereby **DISMISSED** for lack of merit.

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21 642 Phil. 420 (2010).
22 *Id.* at 436.
23 Records, Folder 1, pp. 345-355.
24 *Id.* at 379-381.
25 *Id.* at 400-401.
26 *Rollo*, pp. 27-36.

> The City Civil Registrar[,] Maria Josefa Encarnacion A. Ocampo[,] of the City Civil Registry office of the City of Manila who issued the Certification dated September 1, 2015 that the Judgment of Divorce of Woo Namsum and Rivera Maricel had been registered in said office, which she issued even without judicial order recognizing the divorce, is hereby directed to cancel the said registration.
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> **SO ORDERED.**[27]

The CA concluded that petitioner failed to sufficiently establish the fact of divorce according to pertinent laws in South Korea. To prove the fact of divorce, petitioner presented and offered as evidence a judgment of divorce by the Seoul Family Court. However, such evidence was clearly not an official publication of the document, but a mere copy; neither was such copy attested to by the legal custodian thereof as required by the Rules. While records show that the document was attested to by Chin Hyun Yong, no sufficient evidence was presented to prove that he is the legal custodian of the Judgment. The CA also reached a similar conclusion as to the evidence presented to prove the Civil Act of South Korea, whose existence was again attested to by Chin Hyun Yong, who, to reiterate, was not the legal custodian thereof from South Korea.

Petitioner's Motion for Reconsideration[28] was denied by the CA in its assailed Resolution[29] dated July 10, 2019.

Hence, the instant petition.

Issues

> WHETHER THE FOREIGN DIVORCE DECREE AND THE NATIONAL LAW OF WOO NAMSUN RECOGNIZING HIS CAPACITY TO OBTAIN DIVORCE WERE PROVEN DURING TRIAL; AND
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> ASSUMING THE FOREIGN DIVORCE DECREE AND THE NATIONAL LAW OF WOO NAMSUN WERE NOT PROVEN, WHETHER THE CASE SHOULD BE REMANDED TO THE TRIAL COURT FOR RECEPTION OF EVIDENCE.[30]

Petitioner argues that Sections 24 and 25, Rule 132 of the Rules of Court is inapplicable to prove the existence of the Judgment of Divorce and the Civil Act of South Korea.

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27 *Id.* at 35-36.
28 CA *rollo*, pp. 105-110.
29 *Rollo*, pp. 38-39.
30 *Id.* at 14.

As to the Civil Act of South Korea, petitioner admits that she did not present any certificate by the Philippine Embassy in Korea or consular officials stationed in South Korea to attest to the probative value of the copy of the law. However, given that the copy of the subject law is available in the Philippines, coupled with the rule that the Court has allowed the reception of other competent evidence to prove the existence of a foreign law, citing *Asiavest Limited v. Court of Appeals,*[31] there appears to be no need to comply with the requirements laid down by the Rules. With regard to the Judgment of Divorce, petitioner also asserts that it has been properly authenticated. By virtue of Article 5(f)[32] of the Vienna Convention of Consular Relations of 1963, which provides that consular functions include acting as notary and civil registrar, Chin Hyun Yong, as consul, may validly attest to the records of marital status and divorces, and authenticate foreign seals and signatures of officials from his country. Lastly, assuming *arguendo* that this Court finds the petition unmeritorious, petitioner prays that the case be referred back to the RTC for reception of additional evidence in the interest substantial justice.

In its Comment[33] dated March 11, 2020, the OSG maintains that there was no reversible error in the assailed Decision and Resolution of the CA. The OSG submits that the Judgment of Divorce and the Civil Act of South Korea proffered by the petitioner were not official publications thereof. Being mere copies, it is incumbent upon the petitioner to comply with the directive of Section 24, Rule 132 of the Rules of Court, which requires that the same be attested to by the legal officer having legal custody of the record, or by his deputy. Here, it is indubitable that petitioner failed in this regard, as Chin Hyun Yong, whose signature appears on the said copies, does not seem to have legal custody of the documents; what can only be proved in the records was that he was a Consul of the Embassy of the Republic of South Korea in the Philippines. Absent such indication, the CA cannot be faulted for finding that he did not have the requisite authority to make the required attestation. Consequently, the petition must necessarily be denied, as petitioner failed to prove her divorce from respondent as a fact. The OSG further disagrees that the case be remanded to the RTC for reception of additional evidence, in view of petitioner's failure to prove the Judgment of Divorce and the Civil Act of South Korea pursuant to evidentiary rules, and to expressly invoke any ground for this Court to review the facts of the instant case.

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31 357 Phil. 536 (1998).

32 Article 5
Consular functions
Consular functions consist in:
x x x x
(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State; x x x.

33 *Rollo*, pp. 48-63.

The Court's Ruling

The petition is partly meritorious.

The evidence to prove the judgment of divorce and the divorce law of South Korea does not conform with the requirements of Sections 24 and 25, Rule 132 of the Rules of Court.

Foremost is the fact that laws in this jurisdiction do not provide for absolute divorce, the same being contrary to our concept of public policy and morality.[34] Resultantly, courts are enjoined from issuing a judgment granting the dissolution of marital bonds through divorce;[35] in fact, a marriage between two Filipinos cannot be dissolved even by a divorce obtained abroad, pursuant to Articles 15[36] and 17[37] of the Civil Code. Such principle, however, does not foreclose the recognition of divorce decrees procured abroad, either by spouses who are both aliens, or by an alien spouse who is married to a Filipino citizen.[38]

Pertinent to the present action is the last instance, which has been entrenched in Article 26 of the Family Code, as amended, which provides:

> 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 Articles 35 (1), (4), (5) and (6), 36, 37 and 38.
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> *Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall have capacity to remarry under Philippine law.*[39]

Inarguably the crux of the provision, the second paragraph was included therein to "avoid the absurd situation where the Filipino spouse remains married to the alien spouse who, after obtaining a divorce, is no longer married to the Filipino spouse."[40] While the Court has already dispelled any confusion in establishing the rule regarding foreign divorce

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34 *Van Dorn v. Romillo, Jr.*, 223 Phil. 357, 362 (1985).

35 *Garcia v. Recio, supra* note 1, at 730.

36 Article 15. 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.

37 Article 17. 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.

38 *Morisono v. Morisono*, 834, Phil. 823, 830 (2018).

39 Emphasis supplied.

40 *Republic of the Philippines v. Orbecido III*, 509 Phil. 108, 114 (2005).

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involving Filipinos, the Filipino spouse who benefits from such a divorce cannot automatically remarry. As cautioned in *Republic v. Cote,*[41] before the divorced Filipino spouse can remarry, he or she must file a petition for judicial recognition of the foreign divorce.

The Court held in *Corpuz v. Sto. Tomas*[42] that the "starting point in any recognition of a foreign divorce judgment is the acknowledgment that our courts do not take judicial notice of foreign judgments and laws." Thus, as early as 1922, in *Adong v. Cheong Seng Gee,*[43] the Court has declared that in establishing a valid foreign marriage, it is of utmost necessity to prove before the courts the existence of the foreign law as a question of fact, and then it is necessary to prove the alleged foreign marriage by convincing evidence. Thus, the presentation solely of the divorce decree, without more, will not suffice; it is indispensable that in order to breathe life into such foreign judgment, its authenticity must be proven as facts as contemplated under the Rules on Evidence, together the alien's applicable national law, to show the effect of the judgment on the alien himself or herself.[44]

As the foreign divorce decree allegedly issued by the Seoul Family Court, as well as the Civil Act of South Korea purports to be official acts of a sovereign authority, they may be established by complying with the requirements of Sections 24 and 25, Rule 132[45] of the Rules of Court, which states:

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41 828 Phil. 168, 177 (2018).

42 *Supra* note 21.

43 43 Phil. 43, 49 (1922).

44 *Republic of the Philippines v. Manalo,* 831 Phil. 33, 75 (2018).

45 Sections 24 and 25 of Rule 132 were amended in 2019 by A.M. No. 18-08-15-SC, which now reads:

Section 24. *Proof of official record.* – The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his or her deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in a foreign country, which is a contracting party to a treaty or convention to which the Philippines is also a party, or considered a public document under such treaty or convention pursuant to paragraph (c) of Section 19 hereof, the certificate or its equivalent shall be in the form prescribed by such treaty or convention subject to reciprocity granted to public documents originating from the Philippines.

For documents originating from a foreign country which is not a contracting party to a treaty or convention referred to in the next preceding sentence, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice-consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his [or her] office.

A document that is accompanied by a certificate or its equivalent may be presented in evidence without further proof, the certificate or its equivalent being *prima facie* evidence of the due execution and genuineness of the document involved. The certificate shall not be required when a treaty or convention between a foreign country and the Philippines has abolished the requirement, or has exempted the document itself from this formality. (24a)

Section 25. *What attestation of copy must state.* – Whenever a copy of a document or record is attested for the purpose of evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he or she be the clerk of a court having a seal, under the seal of such court. (25a) (Underscoring supplied to reflect amendments therein)

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> Section 24. *Proof of official record.* — The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office. (25a)
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> Section 25. *What attestation of copy must state.* — Whenever a copy of a document or record is attested for the purpose of evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court. (26a)

Otherwise stated, to prove the foreign judgment and the law on which it was based, the Section requires proof, either by (1) official publications; or (2) copies attested by the officer having legal custody of the documents. Should the copies of official records be proven to be stored outside of the Philippines, they must be (1) accompanied by a certificate issued by the proper diplomatic or consular officer in the Philippine foreign service stationed in the foreign country in which the record is kept; and (2) authenticated by the seal of his office. If copies are offered into evidence, the attestation: (1) must state that it is a correct copy of the original, or a specific part thereof; and (2) must be under the official seal of the attesting officer, or if he be the clerk of a court having a seal, under such seal of said court.

In *Fujiki v. Marinay,*[46] this Court further enunciated that "a petition to recognize a foreign judgment declaring a marriage void does not require relitigation under a Philippine court of the case as if it were a new petition for declaration of nullity of marriage." It is outside of the province of Philippine courts to conclude what the foreign laws are, under which the foreign judgment was rendered; neither can they substitute their judgment on the status, condition, and legal capacity of the foreign citizen under the jurisdiction of another State. Necessarily, Philippine courts may only recognize such foreign judgment as a fact according to the rules of evidence.

In the instant case, petitioner failed to satisfy the foregoing requirements.

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46 712 Phil. 524, 546 (2013).

To prove the fact of divorce, petitioner presented notarized copies of the said judgment with both English and Korean translations. Attached thereto is a letter of confirmation by the Embassy of the Republic of South Korea in the Philippines, which was signed by Chin Hyun Yong, as counselor and consul, as well as an Authentication Certificate by the DFA.

This Court cannot deny the insufficiency of the evidence presented. While Chin Hyun Yong may be a counselor or consul of South Korea, his capacity as such cannot be construed by this Court to mean that he is an officer having legal custody of the judgment of divorce. In fact, the Authentication Certificate issued by the DFA only certifies that the latter was, at the time of signing, a counselor and consul of the Embassy of the Republic of South Korea. Glaringly, nothing in the submitted documents would even lead this Court to assume that he was indeed the legal custodian of the judgment of divorce as contemplated by the Rules. Woefully, Chin Hyun Yong is, therefore, in no position to attest that the judgment of divorce as found in the records is a genuine and correct copy of the original, or a specific part thereof. Contrary to petitioner's insistence that the records are found in the Philippines, it cannot be denied that the judgment of divorce is found abroad, being an official record of the Seoul Family Court. Being stored outside of the Philippines, the said judgment should have been accompanied by a certificate issued by a Philippine diplomatic or consular officer stationed in South Korea, which must be authenticated by his seal — this, petitioner failed to attach.

On the other hand, to prove the law of South Korea as a fact, petitioner offered in evidence a copy of the Civil Act of South Korea, a letter of confirmation from the Embassy of the Republic of South Korea in the Philippines, and an Authentication Certificate from the DFA.

The law suffers the same fate as the judgment. Aside from being authenticated by Chin Hyun Yong, who to reiterate, is in no position to ensure its existence, there is no implication that the signature appearing thereon is genuine. This Court also hastens to point out that what the petitioner offered in evidence was an English translation of the Civil Act of South Korea without further proof whether such translation truly and accurately reflects the South Korean law on divorce. Surely, an English translation, absent the original law in the Korean language is less than what is needed to persuade Philippine courts of the copy's authenticity. In *Racho v. Tanaka,*[47] this Court affirmed the RTC's admission of the Japanese law as fact *via* the presentation of a copy of the English version of the Civil Code of Japan, the translation of which was done under the authority of the Ministry of Justice and the Code of Translation Committee. No such evidence was offered of the same manner; neither was there any manifestation that the said

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47 834 Phil. 21 (2018).

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English translation was sanctioned by the government of South Korea. Instead, all it mentioned was that the copy had been produced "within the area of consular authority of (or seen at) the Korean Embassy"[48] of Manila. More damning to petitioner's cause was her outright admission of her non-presentation of any certificate by the Philippine Embassy in Korea or consular officials stationed in Korea as required by Section 24, Rule 132 as proof of official records.

It bears to mention that the Court concedes to the principle laid down in *Williamette Iron and Steel Works v. Muzzal,*[49] that the requirements under Sections 24 and 25, Rule 132 do not exclude the reception of other competent evidence to prove the existence of a foreign law. In *Willamette,* the Court considered the testimony under oath of an attorney-at-law of San Francisco, California, who quoted verbatim a portion of the California Civil Code as sufficient evidence to establish the existence of said law. No such evidence exists in the instant case. Instead, the Court is hard-pressed to evaluate the evidence as presented by petitioner, whose dearth cannot be simply brushed aside or disregarded.

In the final analysis, petitioner failed to demonstrate compliance with the Rules, thus, the judgment of divorce and the law from which it draws basis may not be considered as facts before the courts.

The case may be remanded to the court of origin for further proceedings and the reception of additional evidence.

At any rate, the issues on the validity of the judgment of divorce and the existence of the pertinent laws of South Korea are indubitably questions of fact, as it necessitates a reevaluation of the evidence presented before the courts *a quo*. In no uncertain terms, it has been repeatedly held that such questions of fact are clearly beyond the ambit of a petition for review on *certiorari.*[50] In such a petition, the Court may only entertain questions of law, as jurisdiction over factual questions has been devolved to the trial courts as a matter of efficiency and practicality in the administration of justice.[51] After all, this Court, as a trier of law and not of facts, is not duty-bound to analyze and weigh again the evidence considered in the proceedings below.[52] On this score, the petition may already be denied outright for raising such factual issues.

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48 Letter of Confirmation, Exhibit "D-1", records, folder 2, p. 243.
49 61 Phil. 471, 475 (1935).
50 *Yap v. Lagtapon,* 803 Phil. 652, 663 (2017).
51 *Id.* at 660.
52 *Diokno v. Cacdac,* 553 Phil. 405, 428 (2007).

Nevertheless, this Court agrees with petitioner and deems it appropriate to remand the case to the RTC for further proceedings and reception of evidence. Given that petitioner's marital and family life is at stake, this Court finds no reason to withhold exercising liberality. After all, as in the landmark case of *Republic of the Philippines v. Manalo,*[53] the judgment of divorce and the corresponding Korean law was not duly established, the existence of the judgment was not denied, the jurisdiction of the Seoul Family Court was not impeached, nor the validity of the foreign proceedings challenged.

This action to remand is consistent with *Corpuz v. Sto. Tomas,*[54] where the Court, despite having the ability to dismiss the petition for insufficiency of supporting evidence, remanded the case to the RTC in order to serve the interests of Article 26 of the Civil Code, to wit:

> x x x Under this situation, we can, at this point, simply dismiss the petition for insufficiency of supporting evidence, unless we deem it more appropriate to remand the case to the RTC to determine whether the divorce decree is consistent with the Canadian divorce law.
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> **We deem it more appropriate to take this latter course of action, given the Article 26 interests that will be served and the Filipina wife's (Daisylyn's) obvious conformity with the petition. A remand, at the same time, will allow other interested parties to oppose the foreign judgment and overcome a petitioner's presumptive evidence of a right by proving want of jurisdiction, want of notice to a party, collusion, fraud, or clear mistake of law or fact. Needless to state, every precaution must be taken to ensure conformity with our laws before a recognition is made, as the foreign judgment, once recognized, shall have the effect of *res judicata* between the parties, as provided in Section 48, Rule 39 of the Rules of Court.**[55]

Notably, the same conclusion was similarly reached in the cases of *Nullada v. Civil Registrar of Manila*[56] and *Garcia v. Recio,*[57] wherein the Court ordered to remand the case to the court of origin, or the RTC, to resolve the failure of insufficient compliance with the rules on proof, and in the interest of orderly procedure and substantial justice.

It is well to mention this Court's emphatic declaration in *Moraña v. Republic*[58] where this Court was faced with the issue of whether to remand a case for the recognition of a foreign judgment for reception of additional evidence. Ruling in favor of a remand, the Court elucidated, thus:

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53 *Supra* note 44, as cited in *Kondo v. Civil Registrar General,* G.R. No. 223628, March 4, 2020.
54 *Supra* note 21.
55 *Id.* at 433-434. (Emphasis ours; citations omitted)
56 G.R. No. 224548, January 23, 2019.
57 *Supra* note 1.
58 G.R. No. 227605, December 5, 2019.

> Indeed, the Court has time and again granted liberality in cases involving the recognition of foreign decrees to Filipinos in mixed marriages and free them from a marriage in which they are the sole remaining party. In the aforementioned cases, the Court has emphasized that procedural rules are designed to secure and not override substantial justice, especially here where what is involved is a matter affecting lives of families.[59]

From the foregoing, this Court shall not deviate from according the same treatment to petitioner. Necessarily, a liberal application of the rules of procedure is warranted.

WHEREFORE, the petition is **GRANTED**. The Decision dated March 8, 2019 and the Resolution dated July 10, 2019 of the Court of Appeals in CA-G.R. CV No. 110186, are **REVERSED** and **SET ASIDE**. In the interest of orderly procedure and substantial justice, the case is hereby **REMANDED** to the Regional Trial Court, Branch 99, Quezon City, for appropriate action, including the reception of evidence to **DETERMINE** and **RESOLVE** the pertinent factual issues in accordance with this Decision.

SO ORDERED.

JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

On wellness leave
MARIO V. LOPEZ
Associate Justice

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59 *Kondo v. Civil Registrar General, supra* note 52.

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

ALEXANDER G. GESMUNDO
Chief Justice