

**G.R. No. 224015 — STEPHEN I. JUEGO-SAKAI, *petitioner*, versus  
REPUBLIC OF THE PHILIPPINES, *respondent*.**

Promulgated:

23 JUL 2018

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**SEPARATE CONCURRING OPINION**

**CAGUIOA, J.:**

I concur in the result.

At the outset, I disagree with the *ponencia*'s pronouncement that the facts of *Republic v. Manalo*<sup>1</sup> (*Manalo*) fall squarely on point with the facts herein. In *Manalo*, respondent Marelyn Manalo is a Filipino who was married to a Japanese national. She filed a case for divorce before a Japanese court, which granted the same and issued a divorce decree dissolving their marriage. Here, while petitioner is likewise a Filipino who was married to a Japanese national, unlike in *Manalo*, however, it was the parties who jointly obtained a divorce decree *by agreement* before a Japanese court.

I maintain my position in *Manalo* that Article 26(2) of the Family Code was crafted to serve as an exception to the nationality principle embodied in Article 15 of the Civil Code. Such exception is narrow and intended *only* to address the unfair situation that results when a foreign national obtains a divorce decree against a Filipino citizen, leaving the latter stuck in a marriage without a spouse. Consequently, I disagree with the *ponencia*'s pronouncement herein that under Article 26(2), there should be no distinction between a Filipino who initiated a foreign divorce proceeding and a Filipino who is at the receiving end of an alien-initiated proceeding.

Nevertheless, I agree with the *ponencia* in granting the present petition. As stated in my *Dissenting Opinion* in *Manalo*:

x x x [R]ather than serving as bases for the blanket recognition of foreign divorce decrees in the Philippines, I believe that the Court's rulings in [*Van Dorn v. Judge Romillo, Jr.*<sup>2</sup>], [*Republic of the Philippines v. Orbecido III*<sup>3</sup>] and [*Dacasin v. Dacasin*<sup>4</sup>] merely clarify the parameters for the application of the nationality principle found in Article 15 of the Civil Code, and the exception thereto found in Article 26(2) [of] the Family Code. These parameters may be summarized as follows:

<sup>1</sup> G.R. No. 221029, April 24, 2018 [Per J. Peralta, En Banc].

<sup>2</sup> 223 Phil. 357 (1985) [Per J. Melencio-Herrera, First Division].

<sup>3</sup> 509 Phil. 108 (2005) [Per J. Quisumbing, First Division].

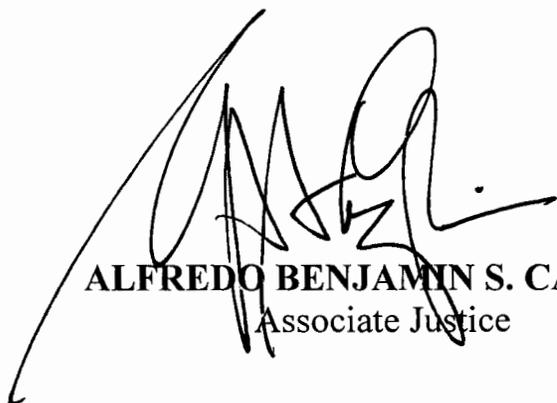
<sup>4</sup> 625 Phil. 494 (2010) [Per J. Carpio, Second Division].



1. Owing to the nationality principle, all Filipino citizens are covered by the prohibition against absolute divorce. As a consequence of such prohibition, a divorce decree obtained abroad by a Filipino citizen cannot be enforced in the Philippines. To allow otherwise would be to permit a Filipino citizen to invoke foreign law to evade an express prohibition under Philippine law.
2. Nevertheless, the effects of a divorce decree obtained by a foreign national may be extended to the Filipino spouse, provided the latter is able to prove (i) the issuance of the divorce decree, and (ii) the personal law of the foreign spouse allowing such divorce. This exception, found under Article 26(2) of the Family Code, respects the binding effect of the divorce decree on the foreign national, and merely recognizes the residual effect of such decree on the Filipino spouse.<sup>5</sup>

In contrast with the divorce decree at issue in *Manalo*, the divorce decree herein was obtained not by petitioner alone, but jointly by petitioner and her then spouse who, in turn, is a Japanese national. Thus, the requirements for the application of the exception under Article 26(2) have been met in this case, *i.e.*: (1) there is a valid marriage that has been celebrated between a Filipino citizen and a foreigner; and (2) a valid divorce is obtained **by the alien spouse** capacitating him or her to remarry.<sup>6</sup>

For these reasons, I vote to **GRANT** the Petition.



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

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<sup>5</sup> J. Caguioa, Dissenting Opinion in *Republic v. Manalo*, G.R. No. 221029, April 24, 2018, p. 6.

<sup>6</sup> *Republic v. Orbecido III*, supra note 3.