

SPECIAL THIRD DIVISION

[CA-G.R. CV NO. 99218, May 13, 2014]

IN THE MATTER OF PETITION FOR JUDICIAL RECOGNITION OF FOREIGN ADOPTION JUDGMENT

**SPS. HIDEAKI AND ESTRELLA NAKADA, PETITIONERS-
APPELLEES, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-
APPELLANT.**

D E C I S I O N

BUESER, J.:

Before Us is an appeal under Rule 41 in relation to Rule 44 of the Rules of Court, assailing the Order^[1] dated 28 April 2012 of the Regional Trial Court (RTC) of Bacoor, Cavite, Branch 89 granting the petition for judicial recognition of the foreign adoption judgment of Geoffrey Mallari Garces ("Geoffrey") and Georgiana Jette Mallari Garces ("Georgiana"), filed by Hideaki Nakada ("Hideaki") and Estrella Nakada ("Estrella") in BSP- 2012-18.

THE ANTECEDENT FACTS

Petitioner Estrella was previously married to one Romano O. Garces ("Romano") on 2 July 1994. They begot two (2) children, namely: Geoffrey Mallari Garces and Georgiana Jette Mallari Garces born on 14 September 1994 and 17 March 1997, respectively.

On 10 March 2011 a decision was rendered by RTC of Pasig declaring their marriage null and void, which was duly annotated in the Certificate of Marriage of petitioner Estrella and Romano, and reads as follows:

"PURSUANT TO THE DECISION DATED MARCH 10, 2011 RENDERED BY JUDGE LEILI CRUZ SUAREZ OF THE REGIONAL TRIAL COURT, NATIONAL CAPITAL JUDICIAL REGION, BRANCH 261, PASIG CITY, UNDER JDRC NO. 8346, THE MARRIAGE BETWEEN THE HEREIN PARTIES CELEBRATED ON JULY 2, 1994 IS HEREBY DECLARED AN ABSOLUTE NULLITY."^[2]

Thereafter, on 1 March 2011 petitioner Estrella married petitioner Hideaki as evidenced by a copy of the Report of Marriage^[3] issued by the Philippine Embassy in Tokyo, Japan.

On 26 July 2011 petitioners filed the petition for adoption of Geoffrey and Georgiana, who were both minors at that time, in Yokohama Family Court in Japan and the corresponding Judgment^[4] granting the petition was issued on 11 July 2011, which reads as follows:

"xxx xxx xxx

"(2) As we recognized in former judgment of permission, this adoption meets to the benefit of the minors and satisfies the legal requirements even now.

Hence, this court passes the judgment over this case as described at THE TEXT OF JUDGMENT because it is reasonable to permit this petition which is filed by the petitioner husband."

The same was duly authenticated^[5] by the Embassy of the Philippines and was duly registered^[6] in the Family Registry of Hideaki; that to give effect to the foreign adoption of the children and to reflect the legal relationship of the children with petitioners Hideaki and Estrella, the decree must first be recognized in the Philippines through a court order.

Hence, petitioners Hideaki and Estrella filed on 2 February 2012 with RTC of Bacoor, Cavite, Branch 89 a Petition for the Judicial Recognition of Foreign Adoption Judgment^[7] rendered by the Yokohama Family Court.

Then, on 28 April 2012 the court *a quo* rendered the assailed Order^[8] and the dispositive portion of the said Decision is hereunder quoted:

"ACCORDINGLY, the petition for the judicial recognition of the judgment of adoption issued by the Yokohama Family Court, Japan, for the adoption of Geoffrey Mallari Garces and (sic) Georgina Jette Mallari Garces is granted.

The Civil Registrar (sic) Cainta, Rizal is ordered to make the necessary entries in the certificates of live birth of (sic) in conformity with the aforesaid Judgment.

Furnish copies of this Order the Office of the Solicitor General, the Civil Registrar General, the National Statistics Office, the Offices of the Civil Registrars of Cainta, Rizal and Bacoor, Cavite, and Romano Garces at his last known address.

SO ORDERED."

Hence, this appeal.

ISSUE

Whether or not the recognition of the adoption decree rendered by the Yokohama Family Court in accordance with Japanese law is proper, considering that the adoptees are Filipino citizens whose adoption is governed by Philippine law.

THE RULING OF THE COURT

After a careful and judicious scrutiny of the whole matter with the applicable laws and jurisprudence in the premises, We find the present appeal is bereft of merit.

It is the allegation of the oppositor-appellant in its Brief dated 28 June 2013 that adoption is governed by the national law of the adoptee; that the process of adoption is a matter affecting the status of the adoptee and his/her legal relationship with his/her biological parents or others possessing legal custody; hence, pursuant to the nationality principle embodied in Article 15 of the New Civil