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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

RAEMARK S. ABEL,
Petitioner,

G.R. No. 234457

Present:

-versus-

LEONEN, J., *Chairperson*,
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J., *JJ.*

MINDY P. RULE, OFFICE OF
THE CIVIL REGISTRY
GENERAL-PHILIPPINE
STATISTICS AUTHORITY, AND
THE CITY CIVIL REGISTRY
OFFICE OF MANILA, AND ALL
OTHER PERSONS HAVING OR
CLAIMING ANY INTEREST,
Respondents.

Promulgated:
May 12, 2021
MisRDCB-ff

X-----X

DECISION

LEONEN, J.:

In a foreign divorce between a Filipino and an alien, it is immaterial which spouse initiated the divorce proceedings abroad in light of the fundamental equality of women and men before the law. Once a divorce decree is issued by a competent foreign court, the alien spouse is deemed to have obtained the divorce as required in Article 26(2) of the Family Code.

This Court resolves a Petition for Review on Certiorari¹ under Rule 45 of the Rules of Court, assailing the Orders² of the Regional Trial Court, which dismissed a Petition for recognition of foreign judgment for being

¹ Rollo, pp. 52-79.

² Id. at 86-89, 90-91. The July 5, 2017 and September 6, 2017 Orders in Special Proceeding Case No. 17-137507 were penned by Acting Presiding Judge Acerey C. Pacheco of the Regional Trial Court of Manila, Branch 7.

contrary to public policy.

On December 18, 2005, Raemark S. Abel (Abel), a citizen of the United States of America, and Mindy P. Rule (Rule), a Filipino citizen, got married in the City of Los Angeles, California.³

On November 18, 2008, Abel and Rule jointly sought the summary dissolution of their marriage before the Los Angeles Superior Court.⁴ They neither acquired community assets or liabilities nor bore any children during the time they were married.⁵

Their Joint Petition for the summary dissolution of marriage was timely filed within five years from the date of their marriage. They also waived their rights to appeal, move for a new trial, and ask for spousal support in their petition.⁶

On July 31, 2009, the Superior Court of California dissolved Abel and Rule's marriage.⁷ Seven days later, Abel received a copy of the judgment of dissolution.⁸

Meanwhile, Abel reacquired his Filipino citizenship and became a dual citizen of the Philippines and the United States of America on December 3, 2008.⁹ On the other hand, Rule became a citizen of the United States of America on September 21, 2012.¹⁰

On January 10, 2017, an authenticated California judgment dissolving Abel and Rule's marriage was recorded with the City Registry Office of Manila.¹¹ Abel then filed a Petition for the judicial recognition of foreign divorce and correction of civil entry¹² before the Regional Trial Court.

On February 22, 2017, the Regional Trial Court¹³ found the Petition to be sufficient in form and substance and directed Abel to cause its publication in a newspaper of general circulation, once a week, for three consecutive weeks.¹⁴

³ Id. at 106.

⁴ Id. at 285–286.

⁵ Id. at 86.

⁶ Id. at 285–288.

⁷ Id. at 283–284.

⁸ Id. at 87.

⁹ Id. at 278.

¹⁰ Id. at 289.

¹¹ Id. at 87.

¹² Id. at 92–103. This petition was docketed as Special Proceeding No. 17-137507 and raffled to Regional Trial Court of Manila, Branch 7.

¹³ Id. at 301–305.

¹⁴ Id. at 305.

The Office of the Solicitor General filed an Opposition¹⁵ to Abel's petition. It claimed that the divorce sought to be recognized was not obtained by the alien spouse, contrary to law, because Abel and Rule jointly filed the petition for summary dissolution of marriage.¹⁶ The Office of the Solicitor General stated:

25. For the same reason, while she was still a Filipino citizen, private respondent cannot file for and obtain a divorce decree **jointly** with her foreigner spouse, as apparently allowed under California law, since private respondent is incapacitated to do such act under her own national law. She does not have the legal capacity to give consent to a divorce that requires the approval of both spouses to be given legal effect. Private respondent, as a Filipino citizen, is prohibited by her national law to initiate, pursue, and conclude divorce proceedings of whatever sort, whether solely at her own instance or together with her foreigner spouse.¹⁷ (Emphasis in the original)

The Office of the Solicitor General also claimed that the Joint Petition was tantamount to a severance of marriage upon a stipulation of facts, confession of judgment, or even collusion between the parties, which are all against State policy.¹⁸

In his Reply,¹⁹ Abel asserted that the divorce was obtained in the course of judicial proceedings and not through mutual agreement.²⁰ He also denied that the divorce was against public policy because he, as the foreign spouse, was the one who obtained it. Further, he maintained that Article 26(2) of the Family Code does not state that the foreign judgment should be solely obtained by the foreign spouse.²¹ Abel then emphasized that the divorce was not vitiated by collusion or any other vice that would cause the denial of recognition of the foreign judgment.²²

On July 5, 2017, the Regional Trial Court²³ found merit in the Opposition and dismissed the Petition.

The Regional Trial Court held that the joint filing of a divorce decree by Abel and Rule contravened Article 26(2) of the Family Code, which only allowed the alien spouse to obtain a divorce decree.²⁴ It stated:

¹⁵ Id. at 306–318.

¹⁶ Id. at 312–314.

¹⁷ Id. at 314–315.

¹⁸ Id. at 315.

¹⁹ Id. at 322–332.

²⁰ Id. at 323–324.

²¹ Id. at 324–327.

²² Id. at 327–330.

²³ Id. at 86–89.

²⁴ Id. at 88.

The fact [that] the subject divorce was jointly filed by the petitioner who was then a US citizen and the private respondent who was then a Filipino citizen contravenes the tenor of Art. 26(2) of the Family Code. It is clearly stated under the said law that it is only the alien spouse who is allowed to obtain the decree of divorce for purposes of capacitating him or her to remarry. At the time the parties obtained the subject divorce, the private respondent was still a Filipino citizen, thus, she is bound by the *lex nationali* principle and cannot obtain, by and for themselves, divorce decrees abroad. The second paragraph of Article 26 of the Family Code authorizes Philippine courts to adopt the effects of a foreign divorce provided the same is obtained by the alien spouse. Conversely, that paragraph denies recognition of foreign divorce if obtained by the Filipino spouse. Clearly, Article 26 does not allow a Filipino spouse to jointly obtain a divorce with his/her foreign spouse as this is contrary to Article 15 in relation to Article 17(3) of the New Civil Code.²⁵

The dispositive of the Order reads:

WHEREFORE, from the foregoing, the *Opposition* filed by the Office of the Solicitor General is given due course and the instant petition is hereby **DISMISSED** as in (sic) contravenes public policy. This necessarily **CANCELS** the hearing scheduled on July 14, 2017.

Meantime, following the dismissal of this case, the Request for the issuance of *Subpoena Duces Tecum Et Ad Testificandum* filed by the petitioner, through counsel on July 4, 2017 and addressed to the Branch Clerk of Court is now **moot**.

SO ORDERED.²⁶ (Emphasis in the original)

Abel moved for reconsideration, but the Regional Trial Court denied his motion.²⁷ The dispositive portion of its September 6, 2017 Order reads:

WHEREFORE, for lack of merit, petitioner's *Motion for Reconsideration (of the Order dated 5 July 2017)* is hereby **DENIED**.

SO ORDERED.²⁸ (Emphasis in the original)

In his Petition for Review on Certiorari,²⁹ petitioner Abel insists that the California Judgment granting his divorce from private respondent Rule is not contrary to public policy and, hence, is capable of recognition and enforcement in the Philippines.³⁰

Petitioner asserts that a literal reading of Article 26(2) of the Family Code does not prohibit the recognition of a divorce jointly obtained by the

²⁵ Id. at 88–89, RTC Order.

²⁶ Id. at 89.

²⁷ Id. at 90–91.

²⁸ Id. at 91.

²⁹ Id. at 52–79.

³⁰ Id. at 66–69.

Filipino spouse and foreign spouse.³¹ He claims that the legislative intent behind Article 26 of the Family Code was to eliminate the anomalous situation where the Filipino spouse remains married to the foreign spouse even after the latter, through their national laws, has already been released from their marital bonds. He argues that this legislative intent will be upheld by recognizing the California Judgment.³²

Petitioner likewise points out the peculiarities of his case, where he, as a dual citizen of the Philippines and the United States, is still considered married to private respondent under Philippine law. On the other hand, private respondent, who has since become a citizen of the United States, is now free to remarry under the laws of the United States.³³ Because of this, petitioner claims that he is unable to validly register in the Philippines his second marriage in the United States. This allegedly results in his failure to safeguard the interest of his new spouse and their minor child over properties he has acquired in the Philippines.³⁴ In the absence of any ground that would warrant the denial of recognition, petitioner posits that the California Judgment should be recognized as part of the comity of nations.³⁵

In its Comment,³⁶ public respondent Republic, through the Office of the Solicitor General, stresses that the Philippines still follows a policy against the recognition of absolute divorce.³⁷ It explains that Article 26(2) of the Family Code only recognizes a divorce obtained by the alien spouse, not by the Filipino spouse.³⁸ As such, it claims that a divorce jointly obtained by a Filipino and an alien cannot fall within the exception under Article 26(2) as it is "not initiated or obtained *solely* by the alien spouse."³⁹ It adds that the same cannot be judicially recognized in the Philippines as it goes against existing public policy and discriminates against other Filipinos.⁴⁰

Additionally, public respondent maintains that a jointly obtained divorce is anathema to the State's policy of disallowing annulment of marriages and legal separation obtained through collusion by the parties.⁴¹

In his Reply,⁴² petitioner insists that the joint divorce he and private respondent obtained from the California court falls within the exception provided by Article 26(2) of the Family Code as held in *Republic v.*

³¹ Id. at 69-70.

³² Id. at 70-72.

³³ Id. at 72.

³⁴ Id. at 73.

³⁵ Id. at 75-76.

³⁶ Id. at 345-360.

³⁷ Id. at 349-354.

³⁸ Id. at 353-354.

³⁹ Id. at 355.

⁴⁰ Id. at 346.

⁴¹ Id. at 357-358.

⁴² Id. at 376-393.

Manalo.⁴³ He also maintains that Article 26(2) does not require the alien spouse to solely obtain the divorce, as alleged by public respondent.⁴⁴

With his reacquisition of his Philippine citizenship, therefore becoming a dual citizen of the Philippines and the United States of America, and private respondent's naturalization as a citizen of the United States of America, petitioner claims that he now finds himself at a disadvantage as his marital ties with private respondent have been fully severed under foreign law but subsist under Philippine law, making her his compulsory heir.⁴⁵

Moreover, petitioner underscores that the joint divorce was not vitiated by collusion as the ground cited for his divorce from private respondent was "irreconcilable differences [that] have caused the irreparable breakdown of their marriage."⁴⁶ He adds that collusion in divorce proceedings is an agreement between the spouses to make it appear that one or both spouses committed a matrimonial offense or suppress evidence of a valid defense to enable the other spouse to obtain a divorce. He stresses that nothing of that sort happened between him and private respondent when they jointly filed for a divorce.⁴⁷

In lieu of a comment, private respondent sent a Letter-Explanation,⁴⁸ which was treated by this Court as her comment to the Petition.⁴⁹ She says she does not object to the Petition and hopes that her divorce from petitioner be recognized in the Philippines "so we can fully and freely live our new lives."⁵⁰

The sole issue for this Court's resolution is whether a divorce decree jointly obtained by a Filipino and their alien spouse can be judicially recognized in the Philippines.

I

This is not a novel issue.

In *Republic v. Manalo*⁵¹ and succeeding cases,⁵² we have consistently

⁴³ Id. at 379.

⁴⁴ Id. at 378–379.

⁴⁵ Id. at 380–381.

⁴⁶ Id. at 387.

⁴⁷ Id.

⁴⁸ Id. at 430–432.

⁴⁹ Id. at 437.

⁵⁰ Id. at 430.

⁵¹ 831 Phil. 33 (2018) [Per J. Peralta, En Banc].

⁵² *Racho v. Tanaka*, 834 Phil. 21 (2018) [Per J. Leonen, Third Division]; *Morisino v. Morisino*, 834 Phil. 823 (2018) [Per J. Perlas-Bernabe, Second Division]; *Juego-Sakai v. Republic*, 836 Phil. 810 (2018) [Per J. Peralta, Second Division]; *Nullada v. Civil Registrar*, G.R. No. 224548, January 23, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65038>> [Per J. Reyes, Jr., Third Division];

held that it is irrelevant if the foreign or Filipino spouse initiated the foreign divorce proceeding. Thus, the question that should be raised before the courts "is not who among the spouses initiated the proceedings but rather if the divorce obtained . . . was valid."⁵³ In *Manalo*:

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

Moraña v. Republic, G.R. No. 227605, December 5, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65800>> [Per J. Lazaro-Javier, Third Division]; *Galapon v. Republic*, G.R. No. 243722, January 22, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65987>> [Per J. Caguioa, First Division]; and *Kondo v. Civil Registrar General*, G.R. No. 223628, March 4, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66091>> [Per J. Lazaro-Javier, First Division].

⁵³ *Racho v. Tanaka*, 834 Phil. 21, 41 (2018) [Pet J. Leonen, Third Division]

husband or wife. A Filipino who initiated a foreign 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.⁵⁴ (Emphasis in the original, citations omitted)

This interpretation finds support in the State's constitutional fiat to "ensure fundamental equality before the law of women and men."⁵⁵

Republic Act No. 9710, or the Magna Carta of Women, likewise "ensures the substantive equality of women and men" through "the abolition of the unequal structures and practices that perpetuate discrimination and inequality."⁵⁶ Section 19⁵⁷ of the Magna Carta of Women then directs the

⁵⁴ *Republic v. Manalo*, 831 Phil. 33, 57-59 (2018) [Per J. Peralta, En Banc].

⁵⁵ CONST. art. II, sec. 14 states:

SECTION 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

⁵⁶ Republic Act No. 9710 (2009), sec. 2 provides:

SECTION 2. *Declaration of Policy.* — Recognizing that the economic, political, and sociocultural realities affect women's current condition, the State affirms the role of women in nation building and ensures the substantive equality of women and men. It shall promote empowerment of women and pursue equal opportunities for women and men and ensure equal access to resources and to development results and outcome. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men.

The State condemns discrimination against women in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments consistent with Philippine law. The State shall accord women the rights, protection, and opportunities available to every member of society.

The State affirms women's rights as human rights and shall intensify its efforts to fulfill its duties under international and domestic law to recognize, respect, protect, fulfill, and promote all human rights and fundamental freedoms of women, especially marginalized women, in the economic, social, political, cultural, and other fields without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education, and status.

The State shall provide the necessary mechanisms to enforce women's rights and adopt and undertake all legal measures necessary to foster and promote the equal opportunity for women to participate in and contribute to the development of the political, economic, social, and cultural realms.

The State, in ensuring the full integration of women's concerns in the mainstream of development, shall provide ample opportunities to enhance and develop their skills, acquire productive employment and contribute to their families and communities to the fullest of their capabilities.

In pursuance of this policy, the State reaffirms the right of women in all sectors to participate in policy formulation, planning, organization, implementation, management, monitoring, and evaluation of all programs, projects, and services. It shall support policies, researches, technology, and training programs and other support services such as financing, production, and marketing to encourage active participation of women in national development.

⁵⁷ Republic Act No. 9710 (2009), sec. 19 provides:

SECTION 19. *Equal Rights in All Matters Relating to Marriage and Family Relations.* — The State shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure:

- (a) the same rights to enter into and leave marriages or common law relationships referred to under the Family Code without prejudice to personal or religious beliefs;
- (b) the same rights to choose freely a spouse and to enter into marriage only with their free and full consent. The betrothal and the marriage of a child shall have no legal effect;
- (c) the joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

State to eliminate discrimination on matters related to marriage and family relations and ensure that men and women have “the same rights to enter into and leave marriages.”⁵⁸

Laws do not exist in a vacuum and must be harmonized with other laws and jurisprudence.⁵⁹ Thus, Article 26(2) of the Family Code, when read together with Section 19 of Republic Act No. 9710, can only be interpreted to mean that it is immaterial who initiated the divorce proceedings abroad. In a concurring opinion to *Manalo*, it was emphasized that “[o]nce a divorce decree is issued, the foreign spouse is deemed to have ‘obtained’ a divorce which capacitates him or her to remarry. The same status should therefore be afforded to the Filipino spouse.”⁶⁰ Moreover, our laws:

... never intended for the Filipino to be at a disadvantage. For so long as the Constitution itself guarantees fundamental equality, the absurd result from a literal and almost frigid and unfeeling interpretation of our laws should not hold. To say that one spouse may divorce and the other may not contributes to the patriarchy. It fosters an unequal relationship prone to abuse in such intimate relationships.⁶¹

II

Here, petitioner and private respondent jointly filed for the summary dissolution of their marriage and their petition was granted by the Superior Court of California.⁶²

Public respondent avers that the divorce decree cannot be recognized in our jurisdiction because it was not obtained solely by petitioner, who was then the foreign spouse, as required by Article 26(2) of the Family Code.⁶³

Public respondent is mistaken.

(d) the same personal rights between spouses or common law spouses including the right to choose freely a profession and an occupation;

(e) the same rights for both spouses or common law spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property;

(f) the same rights to properties and resources, whether titled or not, and inheritance, whether formal or customary; and

(g) women shall have equal rights with men to acquire, change, or retain their nationality. The State shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Various statutes of other countries concerning dual citizenship that may be enjoyed equally by women and men shall likewise be considered.

Customary laws shall be respected: *Provided, however,* That they do not discriminate against women.

⁵⁸ Republic Act No. 9710 (2009), sec. 19(a).

⁵⁹ *Valencia v. Court of Appeals*, 449 Phil. 711, 726 (2003) [Per J. Bellosillo, Second Division].

⁶⁰ J. Leonen, Concurring Opinion in *Republic v. Manalo*, 831 Phil. 33, 82 (2018) [Per J. Peralta, En Banc].

⁶¹ *Id.* at 85.

⁶² *Rollo*, pp. 283–284.

⁶³ *Id.* at 355.

Article 26 of the Family Code reads:

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.

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 likewise have capacity to remarry under Philippine law.

A clear and plain reading of the provision shows that what is only required is that the divorce must have been validly obtained abroad by the alien spouse. It does not impose an additional requirement for the alien spouse to solely obtain the divorce.

Adopting public respondent's strained interpretation will likewise cause this Court to close its eyes to the fact that the laws in some foreign countries "allow joint filing for a divorce decree to ensure that there be less incrimination among the spouses, a more civil and welcoming atmosphere for their children, and less financial burden for the families affected."⁶⁴

The reality of joint petitions for divorce was acknowledged in *Galapon v. Republic*.⁶⁵

In *Galapon*, Cynthia Galapon, a Filipino, and Noh Shik Park, a South Korean national, got married in Manila. A few months later, they filed for a divorce by mutual agreement in South Korea and their divorce was confirmed by the Cheongju Local Court.⁶⁶

Back in the Philippines, Galapon filed a petition for judicial recognition of foreign judgment. Her petition was granted by the Regional Trial Court. This ruling was reversed by the Court of Appeals, holding that "the divorce decree in question cannot be recognized in this jurisdiction insofar as Cynthia is concerned since it was obtained by mutual agreement."⁶⁷

In reversing the Court of Appeals and reinstating the Regional Trial

⁶⁴ J. Leonen, Concurring Opinion in *Republic v. Manalo*, 831 Phil. 33, 82 (2018) [Per J. Peralta, En Banc].

⁶⁵ *Galapon v. Republic*, G.R. No. 243722, January 22, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65987>> [Per J. Caguioa, First Division].

⁶⁶ Id.

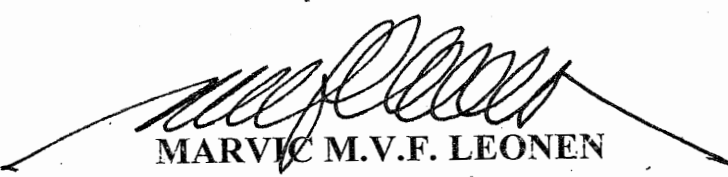
⁶⁷ Id.

Court decision, this Court in *Galapon* referred to the ruling in *Manalo* that it is immaterial if the foreign or Filipino spouse initiated the divorce proceeding.⁶⁸ *Galapon* emphasized that “[p]ursuant 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*; and (iii) obtained solely by the Filipino spouse.”⁶⁹

Applying *Manalo* and the later case of *Galapon* to the present case, that the divorce decree was obtained jointly by petitioner, then a citizen of the United States of America, and private respondent, then a Filipino citizen, is of no moment. They are deemed to have obtained the divorce as required in Article 26(2) of the Family Code, capacitating them to remarry under the Philippine law.

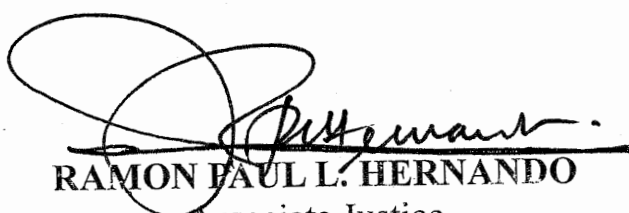
WHEREFORE, the Petition for Review on Certiorari is **GRANTED**. The July 5, 2017 and September 6, 2017 Orders of the Regional Trial Court, Branch 7, Manila in Special Proceeding Case No. 17-137507 are **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the court of origin for further proceedings and reception of evidence.

SO ORDERED.




MARVIC M.V.F. LEONEN
Associate Justice

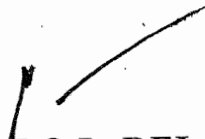
WE CONCUR:



RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice

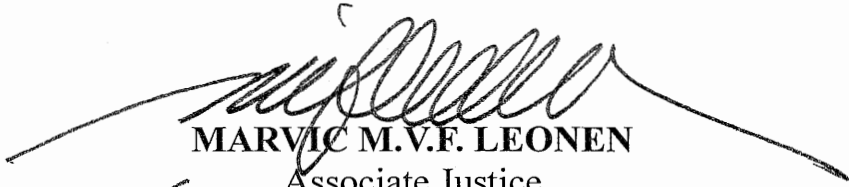
⁶⁸ Id.

⁶⁹ Id.


JHOSEP Y. LOPEZ
Associate Justice

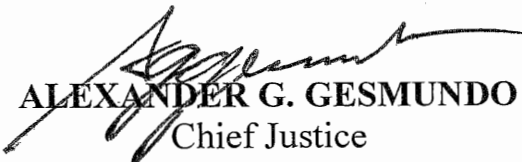
ATTESTATION

I attest 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's Division.


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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's Division.


ALEXANDER G. GESMUNDO
Chief Justice