

MEMORANDUM CIRCULAR NO. 2007—003

TO : ALL REGIONAL DIRECTORS/OICs, PROVINCIAL STATISTICS OFFICERS/OICs, CITY/MUNICIPAL CIVIL REGISTRARS

**FROM : CARMELITA N. ERICTA
Civil Registrar General**

SUBJECT : Supreme Court Decision on Article 26 of Family Code of the Philippines (Republic of the Philippines vs. Cipriano Orbecido III GR No. 154380, October 5, 2005)

DATE : February 15, 2007

The facts of the case are as follows:

In 1981, Cipriano Orbecido married Lady Mayros Villanueva, both are Filipinos. In 1996, Ms. Villanueva left for the United States where she became a naturalized American citizen. In 2000, Mr. Orbecido discovered that his wife obtained a decree of divorce and subsequently married another man.

Later, Mr. Orbecido filed a petition in court to declare himself capacitated to remarry under the Philippine law. The Office of the Solicitor General (OSG) opposed the petition, citing that the provision of Article 26 (2) of the Family Code applies only to “mixed marriage” (or marriage solemnized between a Filipino and a foreigner).

Article 26 of the Family Code of the Philippines provides that:

**Article 26 – All marriages solemnized outside the Philippines, in accordance with the laws in force in their country where they were solemnized, and valid their as such, should also be valid in this country, except those prohibited under Article 35, 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.”