

SECOND DIVISION

[G.R. No. 248035, November 27, 2019]

**SPOUSES JOON HYUNG PARK AND KYUNG AH LEE, PETITIONERS,
VS. HON. RICO SEBASTIAN D. LIWANAG, PRESIDING JUDGE OF
THE REGIONAL TRIAL COURT OF MAKATI CITY, BRANCH 136,
RESPONDENT.**

R E S O L U T I O N

HERNANDO, J.:

For resolution is a Petition for Review on *Certiorari*^[1] filed under Rule 45 of the Rules of Court which seeks to set aside the November 21, 2018 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 157452 which dismissed the Petition for *Certiorari* under Rule 65 of the Rules of Court for being filed out of time, and the June 19, 2019 Resolution,^[3] which denied the Motion for Reconsideration thereof. Finally, the instant Petition prays that the case be remanded to the Regional Trial Court (RTC) for continuation of the adoption proceedings.

Antecedent Facts

Petitioners Spouses Joon Hyung Park and Kyung Ah Lee (petitioners) are American citizens residing in the Philippines, particularly in Makati City . They are the petitioners in the Petition for Adoption with Change of Name of the minor "Mayca Alegado" a.k.a. "Innah Alegado" (Innah) before the RTC of Makati City, docketed as Sp. Proc. Case No. R-MKT-16-01300-SP, and raffled to Branch 136 thereof presided over by respondent Judge Rico Sebastian D. Liwanag (respondent Judge).^[4]

Petitioners have been residing in the Philippines since 2007 (in the case of petitioner Park) and since 2009 (in the case of petitioner Lee). They have been gainfully employed in the Philippines for almost the same length of time that they have been residing in the country. Petitioner Park is the President of two Philippine Economic Zone Authority (PEZA)-located corporations, Wyntron, Inc. and Danam Philippines, Inc., while petitioner Lee is the Senior Adviser of Banco De Oro's (BDO's) Korean Desk.^[5]

Innah was born on December 13, 2012 in Tuguegarao City. She was barely 22 days old when rescued by a non-government organization from trafficking and referred to the Department of Social Welfare and Development (DSWD) Field Office in Cagayan. Innah's biological mother attempted to give her away in exchange for transportation fare.^[6]

Innah is now six years old. She was a little over one year old when her care and

custody was officially bestowed by the DSWD upon petitioners on January 18, 2014, through a Pre-Adoption Placement Authority.^[7]

Petitioners have also adopted another girl, Hannah, through domestic adoption. The RTC of Makati City, Branch 144, granted Hannah's adoption on August 30, 2016. Hannah is now 10 years old, and Innah considers her as her older sister.^[8]

The DSWD processed petitioners' application for adoption of Innah, and issued on May 30, 2016 its Affidavit of Consent. The DSWD's Affidavit of Consent instructed petitioners to file a petition for domestic adoption, stating that the prospective adoptive parent shall initiate judicial proceeding by filing the petition to adopt not later than 30 days from date of receipt of the DSWD's written consent to adoption.^[9]

Ruling of the Regional Trial Court

In an Order^[10] dated September 11, 2017, respondent Judge found that since petitioners are both foreigners, then the Petition for Adoption with Change of Name of the minor Innah presented a proper case of inter-country adoption, instead of considering said petition as being appropriately filed under the Domestic Adoption Act of 1998. Thus, pursuant to Section 32^[11] of the Rule on Adoption and Section 30^[12] of the Amended Implementing Rules and Regulations on Inter-Country Adoption,^[13] the trial court directed the transmittal of a copy of the petition and its annexes to the Inter-Country Adoption Board (ICAB) for appropriate action. The dispositive portion of the Order, reads:

WHEREFORE, the Court directs the transmittal of a copy of the petition and its annexes, duly certified to be a true copy, to the Inter-Country Adoption Board for appropriate action. Consistent with Rule 39, Section 1 of the Rules of Court, the branch clerk of court shall comply with this Order upon the expiration of the period to appeal from this Order if no appeal has been duly perfected.

This Order amounts to a case disposal. The October 27 and November 24, 2017 settings are **CANCELLED**.

IT IS SO ORDERED.^[14]

On October 6, 2017, petitioners filed a Motion for Reconsideration (First Motion for Reconsideration) praying for respondent Judge to: (a) reconsider and set aside the Order dated September 11, 2017; (b) give petitioners time to confer with the ICAB and submit a best interest assessment; and (c) allow the Deposition through Written Interrogatories to proceed. Said Motion for Reconsideration was denied by respondent Judge in its Order^[15] dated June 19, 2018. Petitioners received a copy of said Order on July 2, 2018.^[16]

On July 4, 2018, petitioners filed a Manifestation and Second Motion for Reconsideration,^[17] which partly reads:

2. Very recently, it has come to the attention of the Petitioners that the Supreme Court and ICAB entered into an agreement regarding the treatment of foreigners who reside in the Philippines and file a petition for adoption through the courts. Attached as Annex "A" is a copy of the DSWD Memorandum dated 1 June 2018,^[18] which refers to this agreement.

3. Accordingly, in reference to OCA Circular 213-2017, foreigners who reside in the Philippines should secure a certification from their Foreign Adoption Agencies and/or Embassies that since they are not residents in their countries and they are residing in the Philippines, the said agencies could not issue the documents required by the domestic courts in support of their Petition for domestic adoption. **"If ever their cases will be endorsed to ICAB by the court, ICAB will file a manifestation on this matter so that the domestic adoption could be pursued."**

4. In light of this supervening event, Petitioners pray for a reconsideration of the Order dated 19 June 2018 and that they be given thirty (30) days from notice to secure the necessary certification.^[19] (Emphasis supplied)

In an Order^[20] dated July 10, 2018, respondent Judge denied the foregoing Manifestation and Second Motion for Reconsideration for being a prohibited pleading. Petitioners received a copy of said Order on July 19, 2018. Petitioners pointed out that they have 60 days from receipt of the Order, or until September 17, 2018, to file a Petition for *Certiorari* under Rule 65 of the Rules of Court, with the CA.^[21]

Ruling of the Court of Appeals

On September 12, 2018, petitioners filed a Petition for *Certiorari* under Rule 65 of the Rules of Court with the CA, which assailed respondent Judge's Orders dated September 11, 2017, June 19, 2018, and July 10, 2018.^[22]

However, in its November 21, 2018 Resolution, the CA dismissed the Petition for *Certiorari* for being filed out of time. The CA reasoned that the 60-day period should have been counted from the denial of petitioners' First Motion for Reconsideration, not the second. Said Resolution partly reads:

In this case, the petitioners alleged that they received the 19 June 2018 Order, which denied their first *Motion for Reconsideration*, on 2 July 2018. Following the express provision of Section 4, Rule 65 of the Rules of Court, the petitioners had 60 days from 2 July 2018, or until 31 August 2018, within which to file a petition for *certiorari*. Instead, the petitioners filed a *Manifestation and Second Motion for Reconsideration*. Only upon the denial of their second Motion for Reconsideration did the petitioners initiate the *certiorari* proceeding. Considering that the instant Petition for *Certiorari* was filed only on 12 September 2018, this Court cannot give due course thereto for being filed out of time.^[23]

Petitioners filed a Motion for Reconsideration. They argued that the transmittal of the copies of the records of the case to the ICAB was in the nature of an interlocutory order, and not a final decision; and as such, a second Motion for Reconsideration was permissible.^[24] However, in the CA Resolution dated June 19, 2019, it denied petitioners' Motion for Reconsideration.

Aggrieved, petitioners filed the instant Petition for Review on *Certiorari* under Rule 45 of the Rules of Court on the following grounds: (i) the CA erred in dismissing the Petition for *Certiorari* for being filed out of time; it should have resolved the Petition on the merits; (ii) the 60-day period should be counted from the receipt of the Order denying their Manifestation and Second Motion for Reconsideration, which they received on July 19, 2018. Hence, when they filed their Petition for *Certiorari* with the CA on September 12, 2018, it was well within the 60-day period, which ended on September 17, 2018; (iii) respondent Judge committed grave abuse of discretion amounting to lack or excess of jurisdiction in referring the Petition for Adoption to the ICAB since the Petition was appropriately filed under the Domestic Adoption Act of 1998; (iv) substantial compliance with the Home Study and certification requirements is sufficient because such requirements are not jurisdictional; and (v) adoption laws must be construed liberally to promote the best interest of the child.^[25]

The Court's Ruling

We resolve to **GRANT** the instant petition. Thus, the instant case should be remanded to the RTC for continuation of the adoption proceedings.

First, the nature of the trial court's case disposal is being raised as an issue. Was the "case disposal" equivalent to a final order such that a second motion for reconsideration is prohibited in accordance with Section 5, Rule 37 of the Rules of Court? Petitioners assert that the trial court's Order referring the case to the ICAB was an interlocutory order, which was a temporary disposal of the case subject to determination by the ICAB, after it has gone through the records, on whether inter-country adoption is appropriate and feasible under the circumstances. Petitioners deny that the Manifestation and Second Motion for Reconsideration was filed with undue disregard of the orderly presentation and just resolution of the issues. Petitioners further point out that said Second Motion for Reconsideration was not a rehash of the arguments in the First Motion for Reconsideration since it was filed on the ground of supervening event that was newly discovered by the petitioners.^[26] Consequently, petitioners claim that the 60-day period of the Petition for *Certiorari* under Rule 65 of the Rules of Court should be counted from the receipt of the Order denying their Manifestation and Second Motion for Reconsideration, or on July 19, 2018. Hence, when they filed their Petition for *Certiorari* with the Court of Appeals on September 12, 2018, it was well within the 60-day period.

This Court finds that a relaxation of the rules of procedure is necessary in the instant case in order to promote the best interest of the adoptee child, Innah. In *Heirs of Deleste v. Land Bank of the Phils.*,^[27] the Supreme Court pronounced :

Time and again, this Court has held that a strict and rigid application of technicalities

must be avoided if it tends to frustrate rather than promote substantial justice. As held in *Sta. Ana v. Spouses Carpo*:

Rules of procedure are merely tools designed to facilitate the attainment of justice. If the application of the Rules would tend to frustrate rather than to promote justice, it is always within our power to suspend the rules or except a particular case from their operation. Law and jurisprudence grant to courts the prerogative to relax compliance with the procedural rules, even the most mandatory in character, mindful of the duty to reconcile the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.

Our recent ruling in *Tanenglian v. Lorenzo* is instructive:

We have not been oblivious to or unmindful of the extraordinary situations that merit liberal application of the Rules, allowing us, depending on the circumstances, to set aside technical infirmities and give due course to the appeal. **In cases where we dispense with the technicalities, we do not mean to undermine the force and effectivity of the periods set by law. In those rare cases where we did not stringently apply the procedural rules, there always existed a clear need to prevent the commission of a grave injustice. Our judicial system and the courts have always tried to maintain a healthy balance between the strict enforcement of procedural laws and the guarantee that every litigant be given the full opportunity for the just and proper disposition of his cause.** (Emphasis supplied, citations omitted)

In addition, We find that the petitioners did not sleep on their rights and simply allowed the 60-day period from the denial of the First Motion for Reconsideration to lapse. Rather, petitioners filed the Manifestation and Second Motion for Reconsideration with the RTC in order to secure the necessary certification from their Foreign Adoption Agencies and/or Embassies which would reflect that since they are not residents in their countries and are residing in the Philippines, the said agencies could not issue the documents required by the domestic courts in support of their Petition for Adoption. The foregoing effort of petitioners was not meant to cause a delay on the proceeding but to actually assist the court in the speedy disposal of the case.

Second, petitioners assert that respondent Judge erred in referring the Petition for Adoption to the ICAB since said Petition was appropriately filed under the Domestic Adoption Act of 1998. They claim that the Domestic Adoption Act clearly confers jurisdiction on Family Courts to hear adoption cases filed by aliens who have been residing in the Philippines for at least three continuous years.^[28]

Petitioners point out that contrary to the pronouncement of the RTC, the instant case is not appropriate for inter-country adoption proceedings because the Inter-Country Adoption Act of 1995^[29] applies to aliens who permanently reside abroad. However, in the instant case, petitioners do not permanently reside in the U.S. They have been residing in the Philippines for more than three continuous years prior to the filing of their Petition for Adoption, as required by the Domestic Adoption Act. To support their

claim and while the adoption proceeding was pending before the trial court, petitioners prepared the written deposition of Ms. Tifany Markee, an expert in U.S. immigration and inter-country adoption laws, who was deposed by the Philippine Consulate in Los Angeles, California, U.S.A. She certified that petitioners are deemed habitual residents outside the U.S. since they have resided for more than two years with Innah in the Philippines. This being the case, under U.S. laws, they are in fact exempted from adopting through inter-country adoption.^[30]

Petitioners point out that it is through a full-blown trial that they could present sufficient evidence to prove that they are qualified to adopt. Thus, petitioners assert that:

63. x x x By ordering the transmittal of the case to the ICAB, respondent deprived petitioners of the opportunity to present evidence to establish the relevant U.S. law, their capacity to adopt under such law, and the adoptee's capacity to immigrate to the U.S. as petitioners' legitimate child.

64. Petitioners have already gone as far as securing authenticated copies of the relevant California laws on adoption and U.S. immigration laws, as well as deposing through written interrogatories an expert witness. If the proceedings before the respondent court are allowed to take its due course petitioners will be able to formally offer documentary and testimonial evidence to substantially comply with the certification requirement.^[31]

A comparative review of the relevant provisions on the Domestic Adoption and Inter-Country Adoption particularly on those who are qualified to adopt and where to file the application for adoption shows the following:

Domestic Adoption	Inter-Country Adoption
<p>SECTION 4 . <i>Who may adopt.</i> - The following may adopt :</p> <p>(1) Any Filipino citizen of legal age, in possession of full civil capacity and legal rights, of good moral character, has not been convicted of any crime involving moral turpitude; who is emotionally and psychologically capable of caring for children, at least sixteen (16) years older than the adoptee, and who is in a position to support and care for his children in keeping with the means of the family. The requirements of a 16-year difference between the age of the adopter and adoptee may be</p>	<p>SECTION 9. <i>Who May Adopt.</i> - <u>An alien or a Filipino citizen permanently residing abroad</u> may file an application for inter-country adoption of a Filipino child if he/she:</p> <p>a) is at least twenty - seven (27) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application unless the adopter is the parent by nature of the child to be adopted or the spouse of such parent;</p> <p>b)if married his/her spouse must jointly file for the adoption;</p> <p>c) has the capacity to act and assume all rights and responsibilities of parental</p>

waived when the adopter is the biological parent of the adoptee or is the spouse of the adoptee's parent;

(2) Any **alien possessing the same qualifications as above-stated for Filipino nationals:**

Provided, that his country has diplomatic relations with the Republic of the Philippines, **that he has been living in the Philippines for at least three (3) continuous years prior to the filing of the petition for adoption and maintains such residence until the adoption decree is entered,** that he has been certified by his diplomatic or consular office or any appropriate government agency to have the legal capacity to adopt in his country, and that his government allows the adoptee to enter his country as his adopted child . *Provided, further* , That the requirements on residency and certification of the alien's qualification to adopt in his country may be waived for the following:

(i) a former Filipino citizen who seeks to adopt a relative within the fourth (4th) degree of consanguinity or affinity or

(ii) one who seeks to adopt the legitimate child of his Filipino spouse; or

(iii) one who is married to a Filipino Citizen and seeks to adopt jointly with his spouse a relative within the fourth (4th) degree of consanguinity or affinity of the Filipino spouse.

(3) The guardian with respect to the ward after the termination of the guardianship and clearance of

authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his / her country;

d) has not been convicted of a crime involving moral turpitude;

e) is eligible to adopt under his/her national law;

f) is in a position to provide the proper care and support and to give the necessary moral values and example to all his children, including the child to be adopted;

g) agrees to uphold the basic rights of the child as embodied under Philippine laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act;

h) comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and that adoption is allowed under is/her national laws; and

i) possesses all the qualifications and none of the disqualifications provided herein and in other applicable Philippine laws. (Emphasis supplied)

(Inter-Country Adoption Act of 1995, Republic Act No. 8043, [June 7, 1995])

his financial accountabilities.

Husband and wife shall jointly adopt, except in the following cases:

(i) if one spouse seeks to adopt the legitimate child of one spouse by the other spouse; or

(ii) if one spouse seeks to adopt his own illegitimate child: Provided, however, That the other spouse has signified his consent thereto; or

(iii) if the spouses are legally separated from each other.

In case husband and wife jointly adopt or one spouse adopts the illegitimate child of the other, joint parental authority shall be exercised by the spouses.

(Rule on Adoption, A.M. No. 02-6-SC [August 22, 2002]); See also Section 7, Domestic Adoption Act of 1998, Republic Act No. 8552 [February 25, 1998])

SECTION 6. Venue. - The petition for adoption shall be filed with the Family Court of the province or city where the prospective adoptive parents reside. *(Rule on Adoption, A.M. No. 02-6-02-SC [August 22, 2002])*

SECTION 28. Where to File Petition.- A verified petition to adopt a Filipino child may be filed by a foreign national or Filipino citizen permanently residing abroad with the Family Court having jurisdiction over the place where the child resides or may be found

It may be filed directly with the Inter-Country Adoption Board.

(Rule on Adoption A.M. No. 02-6-02-SC [August 22, 2002]) (See also, Section 10 of Inter-Country Adoption Act of 1995, Republic Act No. 8043 [June 7, 1995])

In addition, Section 32 of A.M. No. 02-6-02-SC provides that:

SECTION 32. *Duty of Court* . - The court, after finding that the petition is sufficient in form and substance and a proper case for inter-country adoption, shall immediately transmit the petition to the Inter-Country Adoption Board for appropriate action. (*Rule on Adoption, A. M. No. 02-6-02-SC, August 22, 2002*)

We note that petitioners, who are both American citizens, have been residing and have been gainfully employed in the Philippines since the year 2007 (in the case of petitioner Park) and since 2009 (in the case of petitioner Lee), and are thus living in the Philippines for at least three continuous years prior to the filing of the petition for adoption, as required by the Domestic Adoption Act.

In view of the foregoing, this Court finds that petitioners' Petition for Adoption was appropriately filed under the Domestic Adoption Act in order for the appropriate Family Court or RTC to take cognizance thereof.

Furthermore, We also take cognizance of the agreement^[32] entered into between the Supreme Court and the ICAB regarding the treatment of foreigners who reside in the Philippines and who file a petition for adoption through the courts. Thus, said agreement which is incorporated in the DSWD's Memorandum dated June 1, 2018, *Re: Domestic Adoption by Foreigners Habitually Residing in the Philippines*, reads:

This is to share with you the agreements between the Supreme Court and the Inter-country Adoption Board (ICAB), relative to cases of foreign adoptive families who are habitually or permanently residing in the Philippines.

The Supreme Court *en banc* in OCA Circular 213-2017 states that foreigners who have filed an application for adoption with the assistance and approval of the DSWD MUST attach the following to their petition to the courts:

1. A Certification Declaring a Child as Legally Available for Adoption (CDCLAA);
2. Home Study Report to be prepared by an ICAB accredited Foreign Adoption Agency, if not possible/available, a Certification regarding the same should be executed by the Central Authority or Embassy of the receiving country.
3. A Certification regarding the alien's legal capacity to adopt and that his/her government allows the adoptee to enter his/her country as his/her adopted child. If not possible, a Certification should be executed by the Central Authority or Embassy of the receiving country.

This implies that these foreigners should still secure a certification from their Foreign Adoption Agencies and/or

Embassies that since they are not residents in their countries and habitually residing in the Philippines, the said agencies could not issue the documents required by the domestic courts in support to their Petitions filed for domestic adoption. **If ever their cases will be endorsed to ICAB by the courts, ICAB will file a manifestation on this matter so that the domestic adoption could be pursued.** (*Emphasis supplied*)

Thus, even if the instant adoption proceeding would be referred to the ICAB, as what the RTC did, there is still a high probability that the ICAB will file a manifestation so that the domestic adoption before the trial court could be pursued, considering the circumstances of the case. Consequently, the referral to the ICAB would only cause a delay in the adoption proceedings, a matter that would be clearly prejudicial to the interest of the adoptee and the petitioners.

At this juncture, it must also be stressed that the Office of the Solicitor General (OSG), in its Comment,^[33] noted that the dismissal by the CA was based purely on procedural grounds. Citing *Aguam v. Court of Appeals*,^[34] the OSG opined that: "It is a far better and more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal to attain the ends of justice rather than dispose of the case on technicality and cause a grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not miscarriage of justice."^[35]

In addition, We also note that petitioners' effort during the proceedings in the trial court have already gone as far as securing authenticated copies of the relevant California laws on adoption, U.S. immigration laws, the taking of expert witness Ms. Tiffany Markee's deposition through written interrogatories, and the submission of several documents to support their petition for adoption. We also take cognizance of the fact that the child, Innah, had been living with petitioners for six years and has recognized them as her parents.

In view of this, We hold that since the case properly falls under the Domestic Adoption Act, it is for the best interest of the child that the instant case be speedily disposed by continuing the proceedings in the trial court for the determination of whether petitioners are indeed qualified to adopt the child, instead of inappropriately referring the instant domestic adoption case to the ICAB where the proceedings may have to start anew and might be referred back to the trial court for the continuation of the domestic adoption proceedings. Settled is the rule that in adoption proceedings, the welfare of the child is of paramount interest. The Supreme Court's pronouncement in *In the Matter of the Adoption of Stephanie Nathy Astorga Garcia*^[36] is instructive:

*Liberal Construction of Adoption
Statutes In Favor Of Adoption—*

It is a settled rule that adoption statutes, being humane and salutary, should be liberally construed to carry out the beneficent purposes of adoption. The interests and welfare of the adopted child are of primary and paramount

consideration, hence, every reasonable intendment should be sustained to promote and fulfill these noble and compassionate objectives of the law.

Lastly, Art. 10 of the New Civil Code provides that:

"In case of doubt in the interpretation or application of laws, it is presumed that the lawmaking body intended right and justice to prevail."

This provision, according to the Code Commission, "is necessary so that it may tip the scales in favor of right and justice when the law is doubtful or obscure. It will strengthen the determination of the courts to avoid an injustice which may *apparently* be authorized by some way of interpreting the law." (Citations omitted)

Accordingly, We find that petitioners' Petition for Adoption was appropriately filed under the Domestic Adoption Act of 1998 which the appropriate Family Court or RTC can properly take cognizance of.

ACCORDINGLY, the instant Petition for Review on *Certiorari* is **GRANTED**. The assailed Resolutions dated November 21, 2018 and June 19, 2019 rendered by the Court of Appeals in CA-G.R. SP No. 157452 are hereby **REVERSED and SET ASIDE**. The instant case is **REMANDED** to the Regional Trial Court of Makati City, Branch 136, which is **DIRECTED** to continue with **DISPATCH** the adoption proceedings with change of name involving the minor "Mayca Alegado" a.k.a. "Innah Alegado."

SO ORDERED.

*Perlas-Bernabe, Reyes, Jr. A, Inting and Zalameda, * JJ., concur.*

* Designated additional member per Special Order No. 2727 dated October 25, 2019.

[1] *Rollo*, pp. 3-22.

[2] *Id.* at 28-31; penned by Associate Justice Geraldine C. Fiel-Macaraig and concurred in by Associate Justices Ramon R. Garcia and Eduardo B. Peralta, Jr.

[3] *Id.* at 32-33.

[4] *Id.* at 5.

[5] *Id.* at 6.

[6] *Id.* at 5.

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *Id.* at 40-41.

[11] SEC. 32. *Duty of Court.* The court, after finding that the petition is sufficient in form and substance and a proper case for inter-country adoption, shall immediately transmit the petition to the Inter-Country Adoption Board for appropriate action. (A.M. No. 02-6-02-SC, effective August 22, 2002.)

[12] SEC.30. *Where to File Application.* The application shall be filed with the Board through the Central Authority or an accredited Foreign Adoption Agency (FAA) in the country where the applicant resides. Foreigners who file a petition for adoption in the Philippines under the Domestic Adoption Act of 1998 otherwise known as RA 8552, the Court, after finding the petition to be sufficient in form and substance and a proper case for inter-country adoption, shall immediately transmit the petition to the Board for appropriate action. The Board shall then act on the application following the procedures described in these Rules.

[13] Republic Act No. 8043.

[14] *Rollo*, p. 41.

[15] *Id.* at 48.

[16] *Id.* at 49.

[17] *Id.* at 49-50.

[18] *Id.* at 52; Re: Domestic Adoption by Foreigners Habitually Residing in the Philippines dated June 1, 2018, issued by the DSWD.

[19] *Id.* at 49.

[20] *Id.* at 53.

[21] *Id.* at 9.

[22] *See id.* at 30.

[23] *Id.* at 30.

[24] *Id.* at 10.

[25] *Id.* at 10-11.

[26] *Id.* at 13.

[27] 666 Phil. 350, 371-372 (2011), citing *Cusi-Hernandez v. Diaz*, 390 Phil. 1245, 1252 (2000); *Piglas Kumao (Sari-Sari Chapter) v. National Labor Relations Commission*, 409 Phil. 735, 744-745 (2001); *Sta. Ana v. Spouses Carpo*, 593 Phil. 108, 123-124 (2008); and *Tanenglian v. Lorenzo*, 573 Phil. 472 (2008).

[28] *Rollo*, p. 13.

[29] SECTION 9. *Who May Adopt.* - An alien or a Filipino citizen permanently residing abroad may file an application for inter-country adoption of a Filipino child[.] (Republic Act No. 8043)

[30] *Rollo*, p. 16.

[31] *Id.* at 19.

[32] *Id.* at 52: Re: Domestic Adoption by Foreigners Habitually Residing in the Philippines dated June 1, 2018, issued by the DSWD.

[33] *Id.* at 54-57.

[34] 388 Phil. 587, 594 (2000).

[35] *Rollo*, pp. 55-56.

[36] 494 Phil. 515, 527 (2005).



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