

## International Comity and Family Law: A Marriage Yet To Be Celebrated

*Edzyl Josef G. Magante*

*52 ATENEO L.J. 372 (2007)*

*SUBJECT(S): INTERNATIONAL LAW, FAMILY LAW*

*KEYWORD(S): FOREIGN MARRIAGES, NATIONALITY RULE*

As the title suggests, international comity and family law in the Philippines, because of principles peculiar to local law. International comity usually involves the application of laws of foreign jurisdiction to the local setting as a sign of respect and goodwill for other nations. Nevertheless, this principle may be overturned by local laws and on grounds of public policy. The Author examines two instances under the Family Code where local law has resisted the coming of comity.

The two instances involve the Nationality Rule and Article 26 of the Family Code. The Author also situates the recognition of foreign marriages under a constitutional framework. This involves due process, the equal protection clause, and the non-establishment clause found in the 1987 Constitution. Finally, the Author re-examines the doctrine of public policy as a means of resolving comity issues under Family Law.