

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE MARRIAGE OF ANTONIA REYES MEDINA,
Petitioner-Appellee,

and

GIL RAMOS MEDINA,
Decedent,

v.

VIRGINIA BONIFACIO MEDINA,
Respondent-Appellant.

Supreme Court No. 2018-SCC-0005-FAM
Superior Court No. 18-0024

OPINION

Cite as: 2019 MP 14

Decided December 27, 2019

Jane Mack, Saipan, MP, for Petitioner-Appellee.

Steven P. Pixley, Saipan, MP, for Respondent-Appellant.

BEFORE: ALEXANDRO C. CASTRO, Chief Justice; JOHN A. MANGLOÑA, Associate Justice; PERRY B. INOS, Associate Justice.

CASTRO, C.J.:

¶ 1 Respondent-Appellant Virginia Bonifacio Medina (“Bonifacio”) appeals the Superior Court’s (“trial court”) Order which invalidated her marriage to Gil Ramos Medina (“Medina”) and validated Medina’s second marriage to Petitioner-Appellee Antonia Reyes Medina (“Reyes”). Bonifacio argues that (1) Philippine law controls the validity of her marriage to Medina, and (2) the trial court erred in finding her marriage invalid under both Commonwealth and Philippine law. For the following reasons, we AFFIRM the Order invalidating the marriage between Bonifacio and Medina.

I. FACTS AND PROCEDURAL HISTORY

¶ 2 In 1993, the Philippine Consul officiated Bonifacio and Medina’s marriage at the Philippine Consulate in Saipan, CNMI. Bonifacio and Medina’s marriage was memorialized in a Philippine marriage contract and recorded in a registry with the Philippines. Bonifacio did not provide any evidence for the Philippine Consul’s authority to solemnize the marriage under CNMI law.¹ There is no record that Bonifacio or Medina submitted a marriage license application with the accompanying fees as required by CNMI law.²

¶ 3 Shortly after the marriage ceremony, Bonifacio returned to the Philippines and gave birth to their first child. Medina remained in the CNMI.

¶ 4 Four years later in 1997, Reyes and Medina got married in Chuuk, Federated States of Micronesia.³ In their marriage application, Medina stated he

¹ 8 CMC § 1202(c) requires that marriage ceremonies “be performed by a duly authorized person as provided in this chapter.” A duly authorized person includes “an ordained minister, a judge, the Governor or . . . *any person authorized by law* to perform marriages.” 8 CMC § 1203 (emphasis added). A foreign consul is not specifically identified as one of those persons “authorized by law to perform marriages” in the CNMI. *Id.*; see generally *Miezigiel v. Holder*, 33 F. Supp. 3d 184 (E.D.N.Y. 2014) (holding Article 25 of the Consular Convention between Poland and the United States requires that foreign consuls apply the law of New York, the receiving state).

² 8 CMC § 1202(b) provides, in relevant part: “[t]o obtain a license to marry, the parties shall file with the Governor or a mayor an application in writing If the statements in the application are satisfactory and it appears that the parties are free to marry, the Governor or a mayor shall issue to the parties a license to marry.” 8 CMC § 1202(a) specifies that “[u]pon the filing of an application for the license, the Governor or a mayor shall collect from the parties” relevant fees such as a marriage license application fee.

³ The Order reflects that the marriage between Reyes and Medina was not in dispute. *In Marriage of Antonia Reyes Medina and Gil Ramos Medina*, FCD Case No. 18-0024 (Super. Ct. Feb. 26, 2018) (Order Re Valid Marriage at 2) (“Order”). At trial, counsel for Bonifacio stated that “[i]t seems like they followed procedures in Chuuk and we are not challenging that.” Tr. 5.

had no prior marriages.

¶ 5 Reyes and Medina returned to Saipan and continuously lived together as husband and wife. They filed for joint bankruptcy in 2007 and filed joint taxes continuously from 2012 on, reflecting that Medina worked in the CNMI as a bus driver. He also acquired humanitarian parole from the United States Department of Homeland Security based on his marriage to Reyes and on his relationship to their reared son, who is also Reyes' biological grandson.

¶ 6 Medina visited the Philippines twice after his marriage to Reyes: in 2001 for seventeen days, and in 2017 for twenty-seven days. During his 2001 visit, Bonifacio and Medina conceived a second child.

¶ 7 In 2017, Medina took his own life at his and Reyes's home in Saipan. He left a handwritten note addressed to Reyes, her children, and their reared son.

¶ 8 The day before the funeral viewing and cremation in Saipan, a representative from the Philippine Consulate informed Reyes of Medina's 1993 marriage to Bonifacio. The representative asserted Bonifacio's desire to repatriate the remains to the Philippines for burial because Bonifacio has rightful claim to them.

¶ 9 Reyes filed a petition in the trial court seeking a declaration that she, not Bonifacio, was the lawful wife of Medina. Bonifacio remained in the Philippines.

¶ 10 The trial court found it is CNMI law, not Philippine law, that governs the validity of the marriage between Bonifacio and Medina. It determined the marriage was invalid because it "did not comply with several strict statutory requirements." Order at 4, 5. In particular, there was no evidence to show that Bonifacio or Medina submitted an application for a marriage license as 8 CMC §§ 1201–1204 requires. Failure to comply with these requirements was "fatal to the validity of the marriage." *Id.* Furthermore, even if Philippine law governed the validity of the marriage, it failed to comply with Philippine law.

¶ 11 Bonifacio timely appeals the trial court's determinations.

II. JURISDICTION

¶ 12 We have jurisdiction over final judgments and orders of the Commonwealth Superior Court. NMI CONST. art. IV, § 3.

III. STANDARD OF REVIEW

¶ 13 We review *de novo* whether Philippine law should govern the validity of the marriage performed by the Philippine Consul in the Philippine Consulate. *See Swanson v. Image Bank, Inc.*, 77 P.3d 439, 441 (Ariz. 2003) (holding choice of law issues are questions of law, which are reviewed *de novo*); *see also Islam v. Islam*, 2009 MP 17 ¶ 7 ("The inlaid questions of law are subject to *de novo* review.").

IV. DISCUSSION

A. *Governing Law*

¶ 14 Although Bonifacio concedes that the validity of a marriage is generally “governed by the law of the [jurisdiction] wherein the marriage took place,” she argues “the facts and circumstances of this case weigh in favor [of] a deviation from this general rule.” Reply Br. 2. Relying on a conflict of law analysis which includes international comity principles, Bonifacio maintains that Philippine law controls the validity of her marriage to Medina. In particular, because the Philippines bears the most substantial relationship to Bonifacio and Medina, it is Philippine law that determines the marriage’s validity. We review choice of law issues *de novo*. *Swanson*, 77 P.3d at 441; *Islam*, 2009 MP 17 ¶ 7.

¶ 15 As there is no choice of law statute concerning marriage in the CNMI, we look to the Restatement (Second) of Conflict of Laws (“Restatement”) since “the rules of the common law, as expressed in the restatements of the law . . . shall be the rules of decision in the courts of the Commonwealth.” 7 CMC § 3401.

¶ 16 Restatement Section 283(2) states: “[a] marriage which satisfies the requirements of the [jurisdiction] where the marriage was contracted will everywhere be recognized as valid unless it violates the strong public policy of another [jurisdiction] which had the most significant relationship to the spouses and the marriage at the time of the marriage.”⁴ Put differently, if the marriage is valid in the contracting jurisdiction, it will be recognized everywhere as valid unless it violates a strong public policy of the jurisdiction with the most substantial relationship. The Restatement’s comments suggest that a marriage may be invalid if mandatory requirements of the contracting state are not complied with. “The [jurisdiction] where the marriage was contracted has a substantial interest in having persons who marry within its territory comply with its local requirements as to formalities at least to the extent these requirements are mandatory.” RESTATEMENT § 283(2), comment (i).

⁴ Our review of other jurisdiction’s precedent reveals that “at the time of the marriage” is a flexible period of time, where courts examine the relationship in its entirety. For instance, the Sixth Circuit discussed the substantial relationship a couple had with the state of Ohio because the decedent and his first wife lived in Ohio during the duration of their union. *DaimlerChrysler Corp. Healthcare Benefits Plan v. Durden*, 448 F.3d 918, 925 (6th Cir. 2006). The court then noted that the decedent and his second wife lived in Ohio from the time of their wedding to the decedent’s passing. *Id.* Additionally, the Pennsylvania Supreme Court decided on the validity of a couple’s marriage based on their domicile before and after their marriage. *Lenherr Estate*, 314 A.2d 255, 258 (Pa. 1974) (“Since [the couple] were residents of Pennsylvania before and after their West Virginia marriage, we have no trouble concluding that Pennsylvania has the most significant relationship to the spouses and the marriage.”). Similarly, in *Matter of Faraj*, the couple were only in New Jersey for the purposes of the marriage ceremony; however, they lived in New York for the entirety of their marriage and therefore New York was held to be the jurisdiction with the most substantial relationship to the couple. 72 A.D.3d 1082 (N.Y. App. Div. 2010).

¶ 17 In *Miezigel v. Holder*, 33 F. Supp. 3d 184 (E.D.N.Y. 2014), the Eastern District of New York addressed whether to recognize a marriage solemnized in a Polish consulate in New York. There, the couple’s consulate marriage was held invalid for immigration purposes because it was performed in the consulate, rather than by “the appropriate civil authority in the state where the marriage ceremony was performed.” *Id.* at 187. The *Holder* court noted that “the Supreme Court, the Second Circuit Court of Appeals, and the New York State Court of Appeals all have held that the validity of a marriage generally is governed by the law of the place where the marriage was celebrated or solemnized.” *Id.* at 190. The couple conceded that the marriage ceremony did not comply with New York law; however, they argued that the marriage was authorized under Polish law and therefore should be recognizable everywhere. *Id.* at 191. Acknowledging the Restatement’s flexibility, the court concluded that “[e]ven assuming, arguendo, that the USCIS were obligated to follow the Second Restatement, the agency’s decision to apply New York law in this case was reasonable, because New York State had the most significant relationship to the spouses and the marriage, as the Second Restatement requires.” *Id.* at 190 (internal quotation marks omitted). The court found the couple’s argument that “the intention of the parties seeking to be married is paramount under the Second Restatement” to be “frivolous in light of New York State’s statutory requirements for entering into a valid marriage.” *Id.* at 192 (internal quotation marks omitted). New York law contains a number of such requirements, such as the marriage being solemnized by an authorized person and the submission of a marriage license. *See generally* N.Y. DOM. REL. LAW § 11.

¶ 18 Just as in New York, there are a number of requirements for couples wishing to marry in the CNMI, which we held mandatory in *Santos v. Commonwealth*, 2017 MP 12. There, we discussed “whether our marriage statutes, viewed as a whole, were intended to abrogate marriage at common law.” *Id.* ¶ 12. We noted the mandatory nature of the statutory marriage requirements, stating “our statutes require certain formal procedures to be followed.” *Id.* ¶ 18. “These provisions, when viewed in their entirety, ostensibly reflect the legislature’s intent to void other forms of marriage which do not comply with these requirements.” *Id.* We determined these statutory requirements were mandatory since “[t]o interpret otherwise would defeat the purpose and spirit of our marriage statutes as a whole, rendering them utterly meaningless.” *Id.*

¶ 19 The relevant mandatory provisions can be found in Title 8 of the Commonwealth Code, governing Family Law and Probate. 8 CMC § 1202(b) mandates that couples “shall file” an application with the Governor or mayor to acquire a marriage license. The Governor or mayor “shall collect” fees from the couple once the application for a license has been submitted. 8 CMC § 1202(a)(1).⁵ Furthermore, “it is necessary that” the marriage ceremony must be

⁵ *Contra* the trial court, the submission of the marriage certificate is not a mandatory requirement *on the part of the couple*. 8 CMC § 1204 states: “[n]ot later than 10 days after the ceremony, *the person performing the marriage* shall send a copy of the

solemnized by a duly authorized person. 8 CMC § 1201. Authorized persons include “an ordained minister, a judge, the Governor or . . . any person authorized by law to perform marriages.” 8 CMC § 1203.

¶ 20 Where a couple fails to meet the mandatory marriage requirements, the marriage may be held invalid. Bonifacio does not demonstrate that the Philippine Consul was duly authorized to solemnize marriages. Additionally, neither a marriage license application nor any fees were submitted by Medina or Bonifacio. Consequently, no marriage license application for Bonifacio’s marriage to Medina was ever submitted or recorded with the court. Medina and Bonifacio failed to comply with the statutorily prescribed marriage requirements.

¶ 21 Even if we were to undertake a conflict of laws analysis as to which jurisdiction bears the most substantial relationship to the couple, we would still find that CNMI law controls, not Philippine law. To be sure, Bonifacio and her children with Medina spent the entirety of their lives in the Philippines. Medina, on the other hand, spent the vast majority of his life in Saipan while married to Bonifacio. Furthermore, Medina clearly sought to make Saipan his home. He filed his taxes in the CNMI, citing at least one dependent in his tax returns. He worked in Saipan as a bus driver, had a social security number, and sought U.S. citizenship. Medina held himself out as being married to Reyes, and issued a note to her and their reared children upon his death. It is therefore evident that while Bonifacio spent her life in the Philippines, Medina spent his in the CNMI.

V. CONCLUSION

¶ 22 For the foregoing reasons, we find the marriage between Bonifacio and Medina performed in the Philippine Consulate in Saipan invalid because it failed to comply with the mandatory marriage requirements under CNMI law. Even applying the Restatement, Medina had a substantial relationship with the CNMI, not the Philippines. The trial court’s order is therefore AFFIRMED.

SO ORDERED this 27th day of December, 2019.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLOÑA
Associate Justice

marriage certificate to the clerk of courts of the Commonwealth Trial Court to be recorded in the marriage registry” (emphasis added). Although a requirement, this is not a requirement bearing upon the couple, but on the person performing the marriage.

/s/

PERRY B. INOS
Associate Justice