



Republic of the Philippines  
Eighth Judicial Region  
**REGIONAL TRIAL COURT**  
**Branch 11**  
Municipality of Calubian

**MAUREEN G. MULVANEY,**  
Petitioner,  
-versus-

R-SJ-2024-179-SP  
Case No. \_\_\_\_\_

**SPOUSES DAVID AND  
ILYN OCANG OLESEN,**  
Respondent.

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**PETITION FOR RECOGNITION OF  
FOREIGN JUDGMENT/ORDER**

Petitioner, through counsel, and unto this Honorable Court, respectfully states:

**I. Nature and Purpose of Petition**

1. This is a Petition for Recognition and Enforcement of Foreign Judgment pursuant to Rule 39, Section 48 of the 1997 Rules of Civil Procedure, seeking to recognize and enforce the **Agreement and Final Order RE Visitation** and the **Order Joining Third Party Respondent: Ilyn Ocang Olesen** by the Superior Court for the State of Arizona in and for the County of Maricopa for the case docketed as No. FC2019-098271.

**II. Parties**

2. Petitioner is Maureen G. Mulvaney, of legal age and resident of 16026 36<sup>th</sup> St., Phoenix, AZ 85048-7322. She may be served with notices, orders and other processes of this Honorable Court through undersigned legal counsel/Attorney-in-fact,<sup>1</sup> with office address at Lumbré Mapa Reli Law and Notarial Office, Unit 1 KYD Bldg. Lot 4 Malaki Subdivision, Brgy. 91 Abucay, Tacloban City.
3. Respondents are Spouses David Charles Olesen and Ilyn Ocang Olesen, both of legal age, residents of 2616 Hackworth St., Ashland, Kentucky, USA 41101 with email address at

<sup>1</sup> Annex "A" - Special Power of Attorney

[davidyesdude@gmail.com](mailto:davidyesdude@gmail.com) and Sitio Punod Gamay, Brgy. Tinago, San Isidro, Leyte, respectively, where they may be served with notices, orders and other processes of this Honorable Court.

### **III. Statement of Material Facts and Compliance with requirements**

1. Petitioner, MAUREEN G. MULVANEY is the maternal grandmother of minors [REDACTED] and [REDACTED]
2. [REDACTED] was born on March 14, 2013 while [REDACTED] was born on March 15, 2015 to former spouses MAYRE GIE OLESEN AND DAVID CHARLES OLESEN in Arizona, United States of America.
3. On December 2017, MAYRE GIE OLESEN AND DAVID CHARLES OLESEN obtained divorce of their marriage by virtue of Maricopa County Case number FC2017-090737.
4. Subsequently, Respondents DAVID CHARLES OLESEN and ILYN OCANG OLESEN married each other on June 8, 2019.
5. MAYRE GIE OLESEN, birth mother of the children and petitioner's daughter, died on September 16, 2019.
6. Soon after, Petitioner filed Case No. FC2019-098271 before the Superior Court for the State of Arizona in the County of Maricopa whereby Petitioner, MAUREEN G. MULVANEY, and DAVID CHARLES OLESEN entered into a Visitation Agreement with respect to the two minor children.
7. The Court approved the Agreement between the parties and issued the Agreement and Final Order RE Visitation on May 17, 2021.<sup>2</sup>
8. On April 17, 2021, Respondent ILYN OCANG OLESEN filed a Petition for Adoption with before the Superior Court of the State of Arizona, County of Maricopa, Juvenile Division.
9. On September 2021, the Court granted Respondent's petition for adoption, making ILYN OCANG OLESEN the legal mother of the children with equal parental rights.

<sup>2</sup> Annex "B" - Agreement and Final Order RE Visitation issued by Superior Court of Arizona, Maricopa County.

10. On February 3, 2023, Petitioner discovered that the minor children were taken by Respondent ILYN OLESEN to the Philippines with consent of Respondent DAVID OLESEN, without prior notice and in violation of the rights of Petitioner granted under the Visitation Agreement issued by the Court of Arizona.
11. On account of the violation of the Visitation Agreement, Petitioner filed a case for Contempt against Respondent's spouse, David Olesen on February 14, 2023.
12. Petitioner likewise filed a Motion for JOINDER OF THIRD PARTY RESPONDENT OF ILYN OLESEN for Case No. FC2019-098271 in order to make the Agreement and Order RE Visitation issued by the Court binding upon her.<sup>3</sup>
13. The Court granted the said motion and issued the Order dated May 11, 2023.<sup>4</sup>

#### IV. Grounds for Petition

This Petition for Recognition and Enforcement of Foreign Judgment is filed pursuant to Rule 39, Section 48 of the 1997 Rules of Civil Procedure:

**Section 48.** Effect of foreign judgments or final orders. — The effect of a judgment or final order of a tribunal of a foreign country, having jurisdiction to render the judgment or final order is as follows:

- (a) In case of a judgment or final order upon a specific thing, the judgment or final order, is conclusive upon the title to the thing, and
- (b) **In case of a judgment or final order against a person, the judgment or final order is presumptive evidence of a right as between the parties and their successors in interest by a subsequent title.** (emphasis supplied)

Sections 24 and 25 of Rule 132 of the Rules on Evidence further requires:

**Section 24.** *Proof of official record.* — The record of public documents referred to in paragraph (a) of Section 19, when

<sup>3</sup> Annex "C" – Motion for Joinder of Third Party Respondent: Ilyn Olesen

<sup>4</sup> Annex "D" - Order Joining Third Party Respondent: Ilyn Olesan Olesen

admissible for any purpose, **may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record**, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in foreign country, **the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines** stationed in the foreign country in which the record is kept, and authenticated by the seal of his office.

**Section 25.** *What attestation of copy must state.* — Whenever a copy of a document or record is attested for the purpose of evidence, the **attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be.** The attestation must be under the official seal of the attesting officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

All these requisites laid down by the law for the recognition of foreign orders or judgment have been complied with.

## V. Discussion

**The Agreement and Order RE Visitation and Order Joining Third Party Respondent: Ilyn Ochang Olesen were issued in conformity with the laws of the State of Arizona, USA**

Section 25-409 of the Arizona Revised Statutes which deals with Legal Decision-Making and Parenting Time states, to wit:

C. Pursuant to section 25-402, subsection B, paragraph 2, a person other than a legal parent may petition the superior court for visitation with a child. **The superior court may grant visitation rights during the child's minority on a finding that the visitation is in the child's best interests and that any of the following is true:**

1. **One of the legal parents is deceased** or has been missing at least three months. For the purposes of this paragraph, a parent is considered to be missing if the parent's location has not

been determined and the parent has been reported as missing to a law enforcement agency.

2. The child was born out of wedlock and the child's legal parents are not married to each other at the time the petition is filed.

**3. For grandparent or great-grandparent visitation, the marriage of the parents of the child has been dissolved for at least three months.**

4. For in loco parentis visitation, a proceeding for dissolution of marriage or for legal separation of the legal parents is pending at the time the petition is filed.

D. A petition filed under subsection A or C of this section must be verified or supported by affidavit and must include detailed facts supporting the petitioner's claim. The petitioner must also provide notice of this proceeding, including a copy of the petition and any affidavits or other attachments, and serve the notice pursuant to the Arizona rules of family law procedure to all of the following:

**1. The child's legal parents.**

2. A third party who possesses legal decision-making authority over the child or visitation rights.

3. The child's guardian or guardian ad litem.

4. A person or agency that possesses physical custody of the child or claims legal decision-making authority or visitation rights concerning the child.

5. Any other person or agency that has previously appeared in the action.

The Court likewise issued an order joining the Respondent to Case No. FC2019-098271 pursuant to Arizona Revised Statute 25-314, granting Petitioner's motion to join ILYN OCANG OLESEN as one of the respondents to said case.

The relevant provision of the Arizona Revised Statute provides:

Section 25-314. Pleadings; contents; defense; joinder of parties; confidentiality

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D. The court may join additional parties necessary for the exercise of its authority.

**Respondents were duly notified of the two court orders issued by the Superior Court of Arizona for Maricopa County**

Respondent David C. Olesen was an original party to the Case No. FC2019-098271. His signature affixed on the Agreement and Final Order of Visitation is proof of notice of the said Order. Respondent, through his then counsel Jay Hall, was likewise furnished a copy of the Order Joining Ilyn Ochang Olesen as a third party respondent.

On May 15, 2023, the Court issued an order allowing alternative service by way of substituted service or via email to Respondent Ilyn Ochang Olesen.<sup>5</sup>

Pursuant to said Order, Petitioner's counsel for the said case furnished Respondent a copy of the Petition for Contempt Re: Grandparent Visitation, the Amended Petition for Contempt re: Grandparent Visitation, the Order Joining Third Party Respondent: iLyn Ochang Olesen and the Order Allowing Alternative Service by way of email on June 28, 2023 to her email address [ilyno@yahoo.com](mailto:ilyno@yahoo.com).

Respondent Ilyn Ochang Olesen received and responded to the email on July 5, 2023 giving the dates for which she would be available to attend mediation for the case.

**Requisites for proving and for recognition of foreign judgment have been complied with**

In compliance with the Rules of Court, a copy of the above-cited applicable provisions of the Arizona Revised Statutes, attested by the Executive Director of the Arizona Legislative Council under oath before a Notary Public and authenticated by means of Apostille by the secretary of State for the State of Arizona, United States of America is attached to the instant petition.<sup>6</sup>

A certified true copy of the decision of the Superior Court of Arizona issued by the Clerk of Superior Court and authenticated by

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<sup>5</sup> Annex "E" – Order allowing alternative service

<sup>6</sup> Annex "F" – Provisions of Arizona Revised Statutes

means of Apostille by the secretary of State for the State of Arizona, United States of America is likewise attached to the petition.

**Respondents are liable to pay Cost of litigation and Attorney's fees**

Respondents should be held liable to answer for all costs incurred and arising from the filing of this case including attorney's fees, docket fees and other expenses of litigation.

Art. 2208 of the Civil Code of the Philippines provides:

In the absence of stipulation, attorney's fees and expenses of litigation, other than judicial costs, cannot be recovered, except:

xxx

**(2) When the defendant's act or omission has compelled the plaintiff to litigate with third persons or to incur expenses to protect his interest;**

xxx

Complainant was compelled to secure services of counsel and file a case before this Honorable Court for the recognition and enforcement of the orders issued by the Superior Court of Arizona on account of the willful acts of respondents to render the Agreement and Order RE Visitation nugatory and ineffective.

Respondents, in bad faith and in connivance with each other, deliberately circumvented the order and breached the obligations set forth in the subject foreign court orders.

Respondents intentionally deprived Petitioner of her visitation rights when Respondents surreptitiously took the minor children, [REDACTED] and [REDACTED] outside of the State of Arizona, United States of America, beyond the reach of the authority of the said court.

**VI. Summary of witnesses and intended testimony**

1. Petitioner Maureen G. Mulvaney will testify to prove her rights established under the subject foreign court order, to testify to the circumstances of this case, to prove and identify the relevant documents. Due to the time and challenges of coordinating and interviewing Petitioner remotely, subscribing the said judicial affidavit under oath and having the same apostilled, Petitioner prays

that she be allowed to submit the same within a reasonable time after filing of the instant Petition.

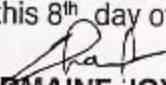
2. An expert witness will testify to prove the relevant foreign law/s.

## PRAYER

**WHEREFORE**, Petitioner most respectfully prays that this Honorable Court issues an order:

1. Recognizing the Agreement and Order RE Visitation issued by the Superior Court of Arizona, Maricopa County under Case No. FC2019-098271;
2. Recognizing the Order Joining Third Party Respondent: ILYN OCANG OLESEN for Case No. FC2019-098271 issued by the Superior Court of Arizona, Maricopa County;
3. Enforcing and giving full effect to all the terms and provisions set forth under the Agreement and Order RE Visitation for minor children [REDACTED] and [REDACTED];
4. Award payment of costs of litigation and attorney's fees to Petitioner on account of the bad faith of the Respondents which compelled the filing of this case.

All such other reliefs as may be just under the premises.  
Respectfully submitted this 8<sup>th</sup> day of February, 2024.

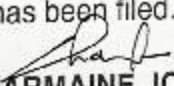
  
**CHARMAINE JOY V. LUMBRE**  
**COUNSEL FOR PETITIONER**  
**Attorney-in-fact**

Roll of Attorneys No. 64028  
PTR No. 8484570 1-09-2024 issued at Tacloban City  
IBP Lifetime Member Roll No. 019108  
MCLE Compliance No. VII-0015270 issued on 4-11-22  
Lumbre Mapa Reli Law and Notarial Office  
Unit 1 KYD Bldg. Lot 4 Malaki Subd.  
Brgy. 91 Abucay, Tacloban City  
[lumbremapareli@gmail.com/09396434948](mailto:lumbremapareli@gmail.com/09396434948)

**VERIFICATION AND CERTIFICATE OF NON FORUM SHOPPING**

I, **CHARMAINE JOY V. LUMBRE**, of legal age, resident of Tacloban City, Attorney-in-fact for Maureen G. Mulvaney, after having been duly sworn in accordance with law, depose and state that:

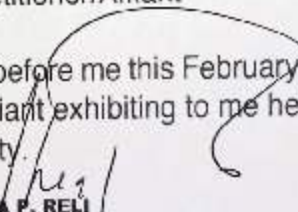
1. I am the counsel/attorney-in-fact of Petitioner in the above-stated case and on behalf of Petitioner, I caused the preparation of the foregoing Petition;
2. I have read and understood its contents and the allegations in the pleading are true and correct based on my personal knowledge, or based on authentic documents;
3. The Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. Petitioner has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency of the Philippines and, to the best of our knowledge, no such other action or claim is pending therein, if there is such other pending action or claim, a complete statement of the present status thereof; and
6. If I should thereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five (5) calendar days therefrom to the court/office wherein our aforesaid Petition has been filed.

  
**CHARMAINE JOY V. LUMBRE**  
Attorney-in-fact for Petitioner/Affiant

SUBSCRIBED AND SWORN to before me this February 8, 2024 in the City of Tacloban, Philippines, affiant exhibiting to me her IBP ID no. 64028 as competent proof of identity.

Doc No. 78  
Page No. 18  
Book No. XI  
Series of 2024



  
**RHEA P. RELI**  
Notary Public until December 31, 2024  
Commission No. 2023-01-17  
Roll of Attorney's No. 67411  
PTR No. 8484569 01/09/2024  
IBP Lifetime Member Roll No. 017147  
MCLE Compliance No. VII-0015274  
Unit 1, KYD Bldg., Lot No. 4, Malaki Subd.,  
Brgy. 91 Abucaay, Tacloban City, Phils.