

FIRST DIVISION

[G.R. No. 185374, March 11, 2015]

**SIMPLICIA CERCADO-SIGA AND LIGAYA CERCADO-BELISON,
PETITIONERS, VS. VICENTE CERCADO, JR., MANUELA C. ARABIT,
LOLITA C. BASCO, MARIA C. ARALAR AND VIOLETA C. BINADAS,
RESPONDENTS.**

D E C I S I O N

PEREZ, J.:

Not too long ago, we were called to pass upon the issue of the probative value of a marriage contract issued by the church to prove the fact of marriage.^[1] Once again, it behooves upon us to determine whether the marriage contract or *Contrato Matrimonial*, as it is denominated in this case, is sufficient to prove the fact of marriage.

This Petition for Review on *Certiorari* assails the 5 August 2008 Decision^[2] of the Court of Appeals and its 14 November 2008 Resolution^[3] in CA-G.R. CV No. 89585 reversing the 30 January 2007 Decision^[4] of the Regional Trial Court (RTC) of Binangonan, Rizal, Branch 69, which nullified the Extrajudicial Settlement of Estate of the Deceased Vicente Cercado, Sr. (Vicente) and Leonora Ditolan (Leonora).

In their Complaint against respondents Vicente Cercado, Jr., Manuela C. Arabit, Lolita Basco, Maria C. Aralar, Violeta C. Binadas and the Registrar of Deeds of Binangonan, Rizal, petitioners Simplicia Cercado-Siga (Simplicia) and Ligaya Cercado-Belison (Ligaya) claimed that they are the legitimate children of the late Vicente and Benita Castillo (Benita), who were married last 9 October 1929 in Pililla, Rizal. Petitioners alleged that during the lifetime of their parents, their father acquired by gratuitous title a parcel of land identified as Lot No. 7627 Cad 609-D located at Barangay Kinagatan, Binangonan, Rizal with an area of 6,032 square meters and covered by Tax Declaration No. BIP-021-0253. Petitioners claimed that upon the death of their father Vicente and by virtue of intestate succession, ownership over the subject land pertained to them as heirs; that upon the death of Benita, her share was acquired by petitioners by operation of law. Sometime in September 1998, petitioners read from a newspaper a notice that the estate of Vicente and a certain Leonora Ditolan has been extrajudicially settled by their heirs, respondents herein. Upon verification, petitioners were furnished a copy of the Extrajudicial Settlement of the Estate (Deed) executed and signed by respondents. Petitioners insist that Vicente and Leonora were not married or if they were so married, then said marriage was null and void by reason of the subsisting marriage of their parents, Vicente and Benita. Petitioners prayed for the declaration of the Deed as null and void; for the Office of the Register of Deeds of Rizal to correct the entry on the marital status of Vicente; and for the payment of damages and attorney's fees.^[5]

To prove the marriage between Vicente and Benita, petitioners presented the following documents: 1) Contrato Matrimonial or the marriage contract;^[6] 2) Certification dated 19 November 2000 issued by Iglesia Filipina Independiente of its acceptance of original marriage contract;^[7] 3) Certification of non-production of record of birth of Simplicia issued by the Office of the Municipal Civil Registrar of Pililla, Rizal;^[8] 4) Certificate of Baptism of Simplicia;^[9] 5) Certification of non-production of record of birth of Ligaya issued by the Office of the Municipal Civil Registrar of Pililla, Rizal;^[10] and 6) Joint Affidavit of two disinterested persons attesting that Ligaya is the child of Vicente and Benita.^[11]

In their Answer, respondents alleged that they are the legitimate heirs of Vicente and Leonora, who were married on 27 June 1977 as evidenced by a marriage certificate registered with the Local Civil Registrar of Binangonan, Rizal. They averred that petitioners are not the real-parties-interest to institute the case because they failed to present their birth certificates to prove their filiation to Vicente; that the marriage between Vicente and Benita was not valid; that the document showing that Vicente was married to Benita is not a certified true copy; and that they are now *estopped* by laches.^[12]

On 30 January 2007, the RTC rendered judgment in favor of petitioners. The dispositive portion reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. The Extra-Judicial Settlement of Estate of the deceased Vicente Cercado, Sr. and Benita Ditanlan is hereby declared null and void and therefore no force and effect;
2. The [petitioners] and the [respondents] are entitled to share pro-indiviso in the subject property as follows:
 - a. 2,639 square meters – For [petitioner] Simplicia Cercado-Siga;
 - b. 2,639 square meters – For [petitioner] Ligaya Cercado-Belison;
 - c. 150.8 square meters – For [respondent] Vicente Cercado, Jr.;
 - d. 150.8 square meters – For [respondent] Manuela C. Arabit;
 - e. 150.8 square meters – For [respondent] Lolita C. Basco;
 - f. 150.8 square meters – For [respondent] Maria C. Aralar; and
 - g. 150.8 square meters – For [respondent] Violeta C. Binadas;
3. In the event that the property has already been sold by the [respondents], they are hereby ordered to pay the [petitioners] the amount equivalent to their share, at the time the subject property was sold;
4. [respondents] to pay [petitioners] the amount of P30,000.00 attorney's fees; and

5. To pay the cost of suit.^[13]

The trial court reduced the issues into three: 1) whether the Extra-Judicial Settlement of the Estate of the Deceased Vicente Cercado, Sr. and Leonora Ditablan-Cercado is valid; 2) whether petitioners are entitled to recover from respondents their share in the property; and 3) whether petitioners are entitled to damages and attorney's fees.

In resolving the issues, the trial court relied on the following material findings:

The [petitioners] are the legitimate children of the late Vicente Cercado, Sr. and Benita Castillote/Castillo who were married on October 9, 1929, as evidenced by a *Contrato Matrimonial* x x x.^[14]

The trial court first upheld the validity of the marriage between Vicente and Benita and considered the subsequent marriage between Vicente and Leonora as void and bigamous before it concluded that the subject property was part of the conjugal property of Vicente and Benita. Consequently, the trial court held that the Deed is null and void because it deprived Benita of her share of the property as surviving spouse and impaired the shares and legitimes of petitioners.^[15] Thus, the trial court ruled that petitioners are entitled to recover from respondents their share in the property subject of this action.

Respondents appealed from said judgment and assigned the following errors: 1) the trial court erred in passing upon the validity of the marriage between Vicente and Leonora; 2) the trial court failed to consider the probative value of the certificate of marriage between Vicente and Benita; 3) the trial court failed to consider the probative value of the certificate of live birth to prove filiation; and 4) the trial court erred when it relied on the baptismal certificate to prove filiation.^[16]

The appellate court ruled that the trial court "can pass upon the issue of the validity of marriage of Vicente and Leonora [because] no judicial action is necessary to declare a marriage an absolute nullity and the court may pass upon the validity of a marriage even in a suit not directly instituted to question the same, as long as it is essential to the determination of the case before it."^[17] However, the appellate court found that the *Contrato Matrimonial* of Vicente and Benita, being a private document, was not properly authenticated, hence, not admissible in evidence. Moreover, the appellate court did not consider the baptismal certificate submitted by petitioners as conclusive proof of filiation. The Joint Affidavit executed by a certain Mario Casale and Balas Chimlangco attesting to the birth of Ligaya to Vicente and Benita was not given credence by the appellate court for being a hearsay evidence. For failure of petitioners to prove their cause of action by preponderance of evidence, the appellate court reversed and set aside the Decision and Resolution of the RTC.

Petitioners filed a Motion for Reconsideration, but the Court of Appeals denied it in its Resolution^[18] dated 14 November 2008.

Hence, the instant petition based on the following grounds:

I

THE RESPONDENT COURT OF APPEALS COMMITTED A REVERSIBLE ERROR WHEN IT DID NOT CONSIDER THE MARRIAGE CONTRACT AS A PUBLIC DOCUMENT – AND SO WITH ITS DUPLICATE ORIGINAL. THE CONTRATO MATRIMONIAL BUTTRESSED A CERTIFICATION ISSUED BY THE IGLESIA FILIPINA INDEPENDIENTE IS A PUBLIC DOCUMENT, [IT] BEING REQUIRED BY LAW TO BE KEPT NOT ONLY BY THE CHURCH CONCERNED BUT BY THE OFFICE OF THE LOCAL CIVIL REGISTRAR – AND THE NATIONAL STATISTIC OFFICE. AND THE DUPLICATE ORIGINAL COPY OF THE SAME IS ALSO CONSIDERED ORIGINAL (SECTION 4, RULE 130) (AND HENCE ALSO A PUBLIC DOCUMENT UNDER THE RULE) ON EVIDENCE.

II

THE COURT OF APPEALS, WITH ALL DUE RESPECT, COMMITTED ANOTHER REVERSIBLE ERROR, WHEN IT DID NOT CONSIDER THE SAID DUPLICATE ORIGINAL OF THE SUBJECT MARRIAGE CONTRACT AS AN ANCIENT DOCUMENT, BESIDES, THE SAID DOCUMENT, MORE THAN 30 YEARS IN EXISTENCE IS CONSIDERED AS AN ANCIENT DOCUMENT, OUTSIDE THE NEEDED REQUIREMENT OF AUTHENTICATION APPLICABLE TO PRIVATE DOCUMENT.

III

THE APPELLATE COURT COMMITTED A REVERSIBLE ERROR WHEN IT IGNORED THE PROBATIVE VALUE OF A BAPTISMAL CERTIFICATE AND PETITIONERS' PARENTS YEARS [OF] COHABITATION. THE BAPTISMAL CERTIFICATE WHILE NOT ADMISSIBLE AS DIRECT EVIDENCE FOR A MARITAL CONTRACT, THE SAME IS OF STRONG EVIDEN[T]IARY SUPPORT TO THE EXISTENCE OF MARRIAGE OF [PETITIONERS'] PARENTS, EVIDENCED BY EXHIBIT "A" AND EXHIBIT "A-1" AND BY THE CERTIFICATE OF ITS DESTRUCTION DURING WORLD WAR II, ALSO, BY THE OPEN AND PUBLIC COHABITATION OF [PETITIONERS'] PARENTS, ADDED THE PRESUMPTION IN FAVOR OF SUCH MARRIAGE, BOLSTERED BY THE OPEN AND PUBLIC COHABITATION.

IV

THE APPELLATE COURT COMMITTED ANOTHER REVERSIBLE ERROR WHEN IT IGNORED THE WEIGHT AND PROBATIVE VALUE OF THE JOINT AFFIDAVIT OF TWO (2) DISINTERESTED PERSONS. THE AFFIDAVIT OF TWO (2) DISINTERESTED PERSONS BEING A REQUIREMENT BY THE LOCAL CIVIL REGISTRAR AND/OR THE NSO TO SUPPORT THE EXISTENCE OF [PETITIONERS'] PARENTS MARRIAGE, AND IN THAT SINCE BECOMES ALSO A PUBLIC DOCUMENT OR AT THE VERY LEAST, A CIRCUMSTANTIAL DOCUMENTARY PROOF, WHICH IF ADDED TO THE BAPTISMAL CERTIFICATE EXHIBIT "H-1", THE CONTRATO MATRIMONIAL AND THE

CERTIFICATION ISSUED BY THE IGLESIA FILIPINA INDEPENDIENTE TAKEN TOGETHER, PLUS THE OPEN AND PUBLIC COHABITATION OF THE [PETITIONERS'] PARENTS MARRIAGE, AND THE PRESUMPTION OF MARRIAGE PROVIDED FOR BY LAW, BANDED TOGETHER, ARE STRONG EVIDENCE TO PROVE THE EXISTENCE OF [PETITIONERS'] PARENTS MARRIAGE.

V

THE COURT OF APPEALS COMMITTED ANOTHER YET SERIOUS REVERSIBLE ERROR, WHEN IT DID NOT CONSIDER THE RESPONDENTS' PARENTS' MARRIAGE AS BIGAMOUS. THE NULLITY OF THE [RESPONDENTS'] PARENTS' MARRIAGE, FOR BEING BIGAMOUS, AND BEING THE INCIDENT NECESSARILY INTERTWINED IN THE ISSUES PRESENTED, AND IT BEING A BIGAMOUS MARRIAGE, CAN BE COLLATERALLY ATTACK[ED] OR SLAIN AT SIGHT WHEREVER AND WHENEVER ITS HEAD (THE [RESPONDENTS'] PARENTS MARRIAGE) IS EXHIBITED.^[19]

Petitioners insist that the *Contrato Matrimonial* is a public document because it is required by law to be recorded in the local civil registrar and the National Statistics Office (NSO). Petitioners claim to have in their possession a duplicate original of the *Contrato Matrimonial* which should be regarded as original. Petitioners emphasize that the certification issued by the Iglesia Filipina Independiente Church, the joint affidavit of two disinterested persons, the baptismal certificate presented by petitioners, and the open and public cohabitation of petitioners' parents are sufficient proof of their marriage.

Granting that the *Contrato Matrimonial* is a private document, petitioners maintain that said document should be considered an ancient document which should be excluded from the requirement of authentication.

Petitioners aver that the Court of Appeals should have considered the marriage between Vicente and Leonora as bigamous.

In their Comment,^[20] respondents submit that the *Contrato Matrimonial* is a private document and the fact that marriages are required to be registered in the local civil registrar does not *ipso facto* make it a public document. Respondents assert that the certificate of baptism is likewise a private document which tends to prove only the administration of the sacrament of baptism and not the veracity of the declarations therein. Respondents moreover refute the certification issued by the local civil registry arguing that it does not prove filiation but only the fact that there is no record of Ligaya on file with said office.

With respect to the joint affidavit attesting to the marriage of Vicente and Benita, respondents assert that it is inadmissible for being a hearsay evidence because the two affiants were never presented on the witness stand.

The validity of the Extrajudicial Settlement of the Estate of Vicente and Leonora hinges on the existence of the first marriage of Vicente and Benita.