

THIRD DIVISION

[G.R. No. 197099, September 28, 2015]

EUGENIO SAN JUAN GERONIMO, PETITIONER, VS. KAREN SANTOS, RESPONDENT.

DECISION

VILLARAMA, JR., J.:

At bar is a petition for review on certiorari of the Decision^[1] and Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 88650 promulgated on January 17, 2011 and May 24, 2011, respectively, which affirmed the Decision^[3] of the Regional Trial Court (RTC) of Malolos City, Bulacan, Branch 8. Both courts *a quo* ruled that the subject document titled *Pagmamana sa Labas ng Hukuman* is null and void, and ordered herein petitioner Eugenio San Juan Geronimo (Eugenio), who was previously joined by his brother Emiliano San Juan Geronimo (Emiliano) as co-defendant, to vacate the one-half portion of the subject 6,542-square meter property and surrender its possession to respondent Karen Santos. In a Resolution^[4] dated November 28, 2011, this Court ordered the deletion of the name of Emiliano from the title of the instant petition as co-petitioner, *viz.*:

x x x The Court resolves:

x x x x

(2) to **AMEND** the title of this petition to read "Eugenio San Juan Geronimo, petitioner vs. Karen Santos, respondent," considering the sworn statement of Eugenio San Juan Geronimo that he does not know whether his brother is still alive and that his brother did not verify the instant petition; x x x^[5]

The following facts were found by the trial court and adopted by the appellate court in its assailed Decision, *viz.*:

On April 17, 2001, plaintiff Karen Santos, claiming to be the only child of deceased Rufino and Caridad Geronimo filed a complaint for annulment of document and recovery of possession against the defendants Eugenio and Emiliano Geronimo who are the brothers of her father. She alleged that with the death of her parents, the property consisting of one-half of the parcel of land located at San Jose, Paombong, Bulacan with Tax Declaration No. 99-02017-00219 and belonging to her parents was passed on to her by the law on intestacy; that lately, she discovered that defendants executed a document entitled *Pagmamana sa Labas ng Hukuman* declaring themselves as the only heirs of spouses Rufino and Caridad and adjudicating to themselves the property in question; and that consequently they took possession and were able to transfer the tax

declaration of the subject property to their names. She prayed that the document Exhibit C be annulled and the tax declaration of the land transferred to her, and that the defendants vacate the property and pay her damages.

In an amended answer, the defendants denied the allegation that plaintiff was the only child and sole heir of their brother. They disclosed that the deceased Rufino and Caridad Geronimo were childless and took in as their ward the plaintiff who was in truth, the child of Caridad's sister. They claimed that the birth certificate of the plaintiff was a simulated document. It was allegedly impossible for Rufino and Caridad to have registered the plaintiff in Sta. Maria, Ilocos Sur because they had never lived or sojourned in the place and Caridad, who was an elementary teacher in Bulacan never filed any maternity leave during the period of her service from August 1963 until October 1984.

The plaintiff took the stand and testified that her parents were Rufino and Caridad Geronimo. The defendants Eugenio and Emiliano were the half-brothers of her father Rufino, being the children of Rufino's father Marciano Geronimo with another woman Carmen San Juan. Rufino co-owned Lot 1716 with the defendants' mother Carmen, and upon his death in 1980, when the plaintiff was only 8 years old, his share in the property devolved on his heirs. In 1998, some 18 years later, Caridad and she executed an extra-judicial settlement of Rufino's estate entitled *Pagmamahanan Sa Labas ng Hukuman Na May Pagtalikod Sa Karapatan*, whereby the plaintiffs mother Caridad waived all her rights to Rufino's share and in the land in question to her daughter the plaintiff. Be that as it may, in 1985, guardianship proceedings appeared to have been instituted with the Regional Trial Court of Malolos by Caridad in which it was established that the plaintiff was the minor child of Caridad with her late husband Rufino. Caridad was thus appointed guardian of the person and estate of the plaintiff.

The plaintiff further declared that she and her mother had been paying the real estate taxes on the property, but in 2000, the defendants took possession of the land and had the tax declaration transferred to them. This compelled her to file the present case.

Eugenio Geronimo, the defendant, disputes the allegation that the plaintiff is the only child and legal heir of his brother Rufino. He disclosed that when Rufino's wife could not bear a child, the couple decided to adopt the plaintiff who was Caridad's niece from Sta. Maria, Ilocos Sur. It was in 1972, 13 years after the marriage, when Karen joined her adoptive parents' household. Believing that in the absence of a direct heir, his brother Emiliano and he should succeed to the estate of their brother, they executed in 2000 an extra-judicial settlement called *Pagmamana sa Labas ng Hukuman*.

Eugenio was able to obtain a copy of the plaintiffs alleged birth certificate. It had irregular features, such as that it was written in pentel pen, the entry in the box *date of birth* was erased and the word and figure *April 6, 1972* written and the name *Emma Daño* was superimposed

on the entry in the box intended for the informant's signature.

Two more witnesses were adduced. Atty. Elmer Lopez, a legal consultant of the DECS in Bulacan brought the plaintiffs service record as an elementary school teacher at Paombong[,] Bulacan to show that she did not have any maternity leave during the period of her service from March 11, 1963 to October 24, 1984, and a certification from the Schools Division Superintendent that the plaintiff did not file any maternity leave during her service. He declared that as far as the service record is concerned, it reflects the entry and exit from the service as well as the leaves that she availed of. Upon inquiry by the court, he clarified that the *leaves* were reflected but the *absences* were *not*. Testifying on the plaintiffs birth certificate, Exhibit 14, Arturo Reyes, a representative of the NSO, confirmed that there was an alteration in the date of birth and signature of the informant. In view of the alterations, he considered the document questionable.^[6]

On October 27, 2006, the trial court ruled in favor of respondent, viz.:

WHEREFORE, judgment is hereby rendered as follows:

1. Declaring the document Pagmamana sa Labas ng Hukuman dated March 9, 2000 executed in favor of Eugenio San Juan-Geronimo and Emilio San Juan-Geronimo as null and void;
2. Annuling Tax Declaration No. 99-02017-01453 of the subject property in the names of Eugenio San Juan-Geronimo and Emiliano San Juan-Geronimo;
3. Ordering defendants Eugenio San Juan-Geronimo and Emiliano San Juan-Geronimo to vacate the 1/2 portion of the subject property and to surrender the possession to the plaintiff;
4. Ordering the defendants to pay the plaintiff the amount of [P]30,000.00 as attorney's fees;
5. To pay the costs of the suit.

SO ORDERED.^[7]

The trial court ruled that respondent is the legal heir - being the legitimate child - of the deceased spouses Rufino and Caridad Geronimo (spouses Rufino and Caridad). It found that respondent's filiation was duly established by the certificate of live birth which was presented in evidence. The RTC dismissed the claim of petitioner that the birth certificate appeared to have been tampered, specifically on the entries pertaining to the date of birth of respondent and the name of the informant. The trial court held that petitioner failed to adduce evidence to explain how the erasures were done. Petitioner also failed to prove that the alterations were due to the fault of respondent or another person who was responsible for the act. In the absence of such contrary evidence, the RTC relied on the *prima facie* presumption of the veracity and regularity of the birth certificate as a public document.

The trial court further stated that even granting *arguendo* that the birth certificate is questionable, the filiation of respondent has already been sufficiently proven by evidence of her open and continuous possession of the status of a legitimate child under Article 172 of the Family Code of the Philippines. The RTC considered the following overt acts of the deceased spouses as acts of recognition that respondent is their legitimate child: they sent her to school and paid for her tuition fees; Caridad made respondent a beneficiary of her burial benefits from the Government Service Insurance System; and, Caridad filed a petition for guardianship of respondent after the death of her husband Rufino. Lastly, the trial court held that to be allowed to impugn the filiation and status of respondent, petitioner should have brought an action for the purpose under Articles 170 and 171 of the Family Code. Since petitioner failed to file such action, the trial court ruled that respondent alone is entitled to the ownership and possession of the subject land owned by Rufino. The extrajudicial settlement executed by petitioner and his brother was therefore declared not valid and binding as respondent is Rufino's only compulsory heir.

On appeal, petitioner raised the issue on the alterations in the birth certificate of respondent and the offered evidence of a mere certification from the Office of the Civil Registry instead of the birth certificate itself. According to petitioner, respondent's open and continuous possession of the status of a legitimate child is only secondary evidence to the birth certificate itself. Respondent questioned if it was legally permissible for petitioner to question her filiation as a legitimate child of the spouses Rufino and Caridad in the same action for annulment of document and recovery of possession that she herself filed against petitioner and his then co-defendant. Respondent argued that the conditions enumerated under Articles 170 and 171 of the Family Code, giving the putative father and his heirs the right to bring an action to impugn the legitimacy of the child, are not present in the instant case. She further asserted that the Family Code contemplates a direct action, thus her civil status may not be assailed indirectly or collaterally in this suit.

In the assailed Decision dated January 17, 2011, the appellate court held that under Article 170, the action to impugn the legitimacy of the child must be reckoned from either of these two dates: the date the child was born to the mother during the marriage, or the date when the birth of such child was recorded in the civil registry. The CA found no evidence or admission that Caridad indeed gave birth to respondent on a specific date. It further resolved that the birth certificate presented in this case, Exhibit 14, does not qualify as the valid registration of birth in the civil register as envisioned by the law, *viz.*:

x x x The reason is that under the statute establishing the civil register, Act No. 3753, *the declaration of the physician or midwife in attendance at the birth or in default thereof, that declaration of either parent of the newborn child, shall be sufficient for the registration of birth in the civil register*. The document in question was signed by one Emma Daño who was not identified as either the parent of the plaintiff or the physician or midwife who attended to her birth. Exhibit 14, legally, cannot be the birth certificate envisioned by the law; otherwise, with an informant as shadowy as Emma Daño, the floodgates to spurious filiations will be opened. Neither may the order of the court Exhibit E be treated as the *final judgment* mentioned in Article 172 as another proof of filiation. The final judgment mentioned refers to a decision of a competent court finding the child legitimate. Exhibit G is merely an order granting letters

of guardianship to the parent Caridad based on her representations that she is the mother of the plaintiff.^[8]

Noting the absence of such record of birth, final judgment or admission in a public or private document that respondent is the legitimate child of the spouses Rufino and Caridad, the appellate court — similar to the trial court - relied on Article 172 of the Family Code which allows the introduction and admission of secondary evidence to prove one's legitimate filiation *via* open and continuous possession of the status of a legitimate child. The CA agreed with the trial court that respondent has proven her legitimate filiation, *viz.*:

We agree with the lower court that the plaintiff has proven her filiation by open and continuous possession of the status of a legitimate child. The evidence consists of the following: (1) the plaintiff was allowed by her putative parents to bear their family name *Geronimo*; (2) they supported her and sent her to school paying for her tuition fees and other school expenses; (3) she was the beneficiary of the burial benefits of Caridad before the GSIS; (4) after the death of Rufino, Caridad applied for and was appointed legal guardian of the person and property of the plaintiff from the estate left by Rufino; and (5) both Caridad and the plaintiff executed an extrajudicial settlement of the estate of Rufino on the basis of the fact that they are both the legal heirs of the deceased.

It is clear that the status enjoyed by the plaintiff as the legitimate child of Rufino and Caridad has been *open* and *continuous*, x x x The conclusion follows that the plaintiff is entitled to the property left by Rufino to the exclusion of his brothers, the defendants, which consists of a one-half share in Lot 1716.^[9]

Petitioners moved for reconsideration^[10] but the motion was denied in the assailed Resolution dated May 24, 2011. Hence, this petition raising the following assignment of errors:

- I. THAT THE COURT OF APPEALS GRAVELY ERRED AND ABUSED ITS DISCRETION, AMOUNTING TO LACK OF JURISDICTION, WHEN IT ALLOWED THE INTRODUCTION OF SECONDARY EVIDENCE AND RENDERED JUDGMENT BASED THEREON NOTWITHSTANDING THE EXISTENCE OF PRIMARY EVIDENCE OF BIRTH CERTIFICATE [EXHIBIT 14].
- II. THAT THE COURT OF APPEALS GRAVELY ERRED AND ABUSED ITS DISCRETION, AMOUNTING TO LACK OF JURISDICTION WHEN IT RULED THAT PETITIONERS HAVE NO PERSONALITY TO IMPUGN RESPONDENT'S LEGITIMATE FILIATION.^[11]

On the first issue, petitioner argues that secondary evidence to prove one's filiation is admissible only if there is no primary evidence, i.e, a record of birth or an authentic admission in writing.^[12] Petitioner asserts that herein respondent's birth certificate, Exhibit 14, constitutes the primary evidence enumerated under Article 172 of the Family Code and the ruling of both courts *a quo* that the document is not the one "envisioned by law" should have barred the introduction of secondary evidence. Petitioner expounds this proposition, *viz.*: