

SECOND DIVISION

[G.R. NO. 141501, July 21, 2006]

ELINO RIVERA, DOMINADOR CLAUREN, SOLEDAD CLAUREN DE RIVERA, TEOFILA RIVERA AND CECILIA RIVERA, PETITIONERS, VS. HEIRS OF ROMUALDO VILLANUEVA* REPRESENTED BY MELCHOR VILLANUEVA, ANGELINA VILLANUEVA, VICTORIANO DE LUNA, CABANATUAN CITY RURAL BANK, INC. AND REGISTER OF DEEDS OF NUEVA ECIJA, RESPONDENTS.

D E C I S I O N

CORONA, J.:

This petition for review on certiorari^[1] from a decision^[2] and a resolution^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 51449 touches upon questions of filiation, presumptions of co-equal acquisition and *res judicata*.

Petitioners are allegedly the half-brothers (Elinor and Dominador), the half-sister-in-law (Soledad), and the children of a half-brother (Teofila and Cecilia) of the deceased Pacita Gonzales (hereinafter Gonzales). Respondents Catalino, Lucia, Purificacion and Melchor, all surnamed Villanueva, and Arnaldo V. Avendano are allegedly the siblings, full and half-blood of Romualdo Villanueva (hereinafter Villanueva).^[4] They are denominated as the heirs of Villanueva and are represented by Melchor. They were allowed to substitute for Villanueva upon his death.^[5] The remaining respondents, Angelina Villanueva (hereinafter respondent Angelina) and husband Victoriano de Luna, are allegedly the daughter and the son-in-law, respectively, of the late Villanueva.

From 1927 until her death in 1980, Gonzales cohabited with Villanueva without the benefit of marriage because the latter was married to one Amanda Musngi who died on April 20, 1963.^[6] In the course of their cohabitation, they acquired several properties including the properties contested in this case. The disputed properties are:

- (a) Lot No. 266-B-1, with an area of 1,787 square meters, more or less, and covered by Transfer Certificate of Title No. NT-21446 [in the names of Villanueva and Gonzales], together with the residential house erected thereon and other improvements;
- (b) Lot No. 266-B-3 [included in the coverage of transfer Certificate of Title No. NT-21446], with an area of 5,353 square meters, more or less, situated at Poblacion, Talavera, Nueva Ecija;
- (c) [Lot 801-A covered by] Transfer Certificate of Title No. NT-12201 [in the names of Villanueva and Gonzales], with [an]

area of 15.400 hectares, more or less, situated at Llanera, Nueva Ecija;

- (d) [Lot 3-A covered by] Transfer Certificate of Title No. NT-51899 [in the names of Villanueva and Gonzales], with an area of 4.0019 hectares, more or less, situated at Calipahan, Talavera, Nueva Ecija;
- (e) [Lot No. 838 covered by] Transfer Certificate of Title No. NT-17193 [in the names of Villanueva, Gonzales and one Soledad Alarcon vda. de Rivera], with an area of 3.8718 hectares, more or less, situated at Talavera, Nueva Ecija;
- (f) [Lot 884-B covered by] Transfer Certificate of Title No. NT-26670 [in the name of Gonzales], with an area of 3.5972 hectares, more or less, situated at Talavera, Nueva Ecija;
- (g) Subdivision lots situated at Talavera, Nueva Ecija, covered by Transfer Certificates of Title Nos. 106813 to 106931, inclusive, although the land covered by TCT No. NT-106827 ... was already sold to one Pastor Barlaan;
- (h) Shares of stocks, tractor, jewelries and other chattels, with an approximate value of at least P100,000; and
- (i) Savings deposit with the [Philippine] National Bank, in the amount of P118,722.61.^[7]

Gonzales died on July 3, 1980 without leaving a will.

On August 8, 1980, Villanueva and respondent Angelina executed a deed of extrajudicial partition with sale,^[8] that is, an extrajudicial settlement of Gonzales' estate comprising a number of the aforementioned properties. In this document, Villanueva, for the amount of P30,000, conveyed his interests in the estate to Angelina.

Petitioners (Gonzales' half-brothers, etc.) filed a case for partition of Gonzales' estate and annulment of titles and damages, with the Regional Trial Court (RTC) of Santo Domingo, Nueva Ecija, Branch 37. It was docketed as Civil Case No. SD-857 (SD-857). In dismissing the complaint, the RTC made two findings: (1) Gonzales was never married to Villanueva and (2) respondent Angelina was her illegitimate child by Villanueva and therefore her sole heir, to the exclusion of petitioners.^[9]

Not satisfied with the trial court's decision, petitioners appealed to the CA which affirmed it. Hence, this petition.

Petitioners contend that the RTC and CA erred in finding that respondent Angelina was Gonzales' illegitimate daughter despite the RTC's ruling in another case, Special Proceedings No. SD-144 (SD-144), entitled *In the Matter of the Intestate Estate of the late Pacita C. Gonzales, Epifanio C. Rivera, petitioner, v. Romualdo Villanueva, oppositor*, in which the trial court appointed Epifanio Rivera as administrator of Gonzales' estate.^[10]

They argue that the trial court's decision in SD-144, to the effect that respondent Angelina was neither the adopted nor the illegitimate daughter of Gonzales, should have operated as *res judicata* on the matter of respondent Angelina's status.

The first issue here is whether or not the findings regarding respondent Angelina's filiation in SD-144 are conclusive on SD-857 and therefore *res judicata*. The second is the determination of her real status in relation to Gonzales. Finally, there is the question of whether or not the real properties acquired by Villanueva and Gonzales were equally owned by them.

We resolve the first issue in the negative. *Res judicata* literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." It sets forth the rule that an existing final judgment or decree rendered on the merits and without fraud or collusion by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit.^[11]

For *res judicata* to apply, the following elements must be present:

- (1) the judgment sought to bar the new action must be final;
- (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties;
- (3) the disposition of the case must be a judgment on the merits and
- (4) there, must be as between the first and second action, identity of parties, subject matter and causes of action.^[12]

A number of factors militate against the existence of *res judicata*. First, the parties in the two cases are different. Epifanio C. Rivera, who incidentally is not a party in this petition, filed SD-144 seeking letters of administration over his dead sister's estate. Villanueva was his lone opponent. On the other hand, although both Villanueva and respondent Angelina were parties in SD-857, Epifanio Rivera was not. Petitioners never alleged that Epifanio represented their interests, and vice versa.

Furthermore, in SD-144, the trial court never actually acquired jurisdiction over respondent Angelina's person. She was not even a party there, given that Villanueva did not represent her interest when he opposed Epifanio Rivera's petition.

Finally and most significantly, there was no identity of cause of action between the two suits. By their very nature, they were entirely distinct from each other. SD-144 was a special proceeding while SD-857 was an ordinary civil case. The former was concerned with the issuance of letters of administration in favor of Epifanio Rivera while the latter was for partition and annulment of titles, and damages.

Clearly, then, there was no *res judicata*. Nevertheless, this still begged the question of whether or not it was proven, as the CA held, that respondent Angelina was the illegitimate daughter of the decedent Gonzales. On this issue, we find merit in the petition.

Both the trial court and the CA ruled that respondent Angelina was the illegitimate daughter of the decedent, based solely on her birth certificate. According to the assailed decision, "the birth certificate clearly discloses that Pacita Gonzales was the

mother of Angelina Villanueva while municipal treasurer Romualdo Villanueva was denominated therein as her father."^[13] The CA found this to be adequate proof that respondent Angelina was Gonzales' *illegitimate* child.

However, a closer examination of the birth certificate^[14] reveals that respondent Angelina was listed as "adopted" by both Villanueva and Gonzales.

As a general rule, the Supreme Court is not a trier of facts.^[15] However, one of the exceptions to this rule is when the judgment of the CA is based on a misapprehension of facts.^[16] We believe this to be just such an instance.

In *Benitez-Badua v. Court of Appeals*,^[17] Marissa Benitez-Badua, in attempting to prove that she was the sole heir of the late Vicente Benitez, submitted a certificate of live birth, a baptismal certificate, income tax returns and an information sheet for membership in the Government Service Insurance System of the decedent naming her as his daughter, and her school records. She also testified that she had been reared and continuously treated as Vicente's daughter.

By testimonial evidence alone, to the effect that Benitez-Badua's alleged parents had been unable to beget children, the siblings of Benitez-Badua's supposed father were able to rebut all of the documentary evidence indicating her filiation. One fact that was counted against Benitez-Badua was that her supposed mother Isabel Chipongian, unable to bear any children even after ten years of marriage, all of a sudden conceived and gave birth to her at the age of 36.

Of great significance to this controversy was the following pronouncement:

But definitely, **the mere registration of a child in his or her birth certificate as the child of the supposed parents is not a valid adoption, does not confer upon the child the status of an** adopted child and the legal rights of such child, and even amounts to simulation of the child's birth or falsification of his or her birth certificate, which is a public document. (emphasis ours)^[18]

Furthermore, it is well-settled that a record of birth is merely a *prima facie* evidence of the facts contained therein.^[19] It is not conclusive evidence of the truthfulness of the statements made there by the interested parties.^[20] *Following the logic of Benitez, respondent Angelina and her co-defendants in SD-857 should have adduced evidence of her adoption, in view of the contents of her birth certificate. The records, however, are bereft of any such evidence.*

There are several parallels between this case and *Benitez-Badua* that are simply too compelling to ignore. First, both Benitez-Badua and respondent Angelina submitted birth certificates as evidence of filiation. Second, both claimed to be children of parents relatively advanced in age. Third, both claimed to have been born after their alleged parents had lived together childless for several years.

There are, however, also crucial differences between *Benitez-Badua* and this case which ineluctably support the conclusion that respondent Angelina was not Gonzales' daughter, whether illegitimate or adopted. Gonzales, unlike Benitez-Badua's alleged mother Chipongian, was not only 36 years old but 44 years old, and on the verge of