

THIRD DIVISION

[G.R. No. 116835, March 05, 1998]

ANTONIETTA GARCIA VDA. DE CHUA, PETITIONER, VS. COURT OF APPEALS, (SPECIAL EIGHT DIVISION), HON. JAPAL M. GUIANI, RTC, BRANCH 14, 12TH JUDICIAL REGION, COTABATO CITY, AND FLORITA A. VALLEJO, AS ADMINISTRATRIX OF THE ESTATE OF THE LATE ROBERTO L. CHUA. RESPONDENTS.

DECISION

KAPUNAN, J.:

Assailed before us in this Appeal by *Certiorari* under Rule 45 of the Rules of Court is the decision of the Court of Appeals in CA-GR Sp. No. 33101, promulgated on 19 April 1994 affirming the decision of the Regional Trial Court, Branch 14, of Cotabato City in Special Procedure Case No. 331.

As culled from the records the following facts have been preponderantly established:

During his lifetime, Roberto Lim Chua lived out of wedlock with private respondent Florita A. Vallejo from 1970 up to 1981. Out of this union the couple begot two illegitimate children, namely Roberto Rafson Alonzo and Rudyard Pride Alonzo.

On 28 May 1992, Roberto Chua died intestate in Davao City.

On 2 July 1992, private respondent filed with the Regional Trial Court of Cotabato City a Petition^[1] which is reproduced hereunder:

IN RE: PETITION FOR DECLARATION OF HEIRSHIP, GUARDIANSHIP OVER THE PERSONS AND PROPERTIES OF MINORS ROBERT RAFSON ALONZO SP. PROC. NO/ 331 and RUDYARD PRIDE ALONZO, all surnamed CHUA and ISSUANCE OF LETTERS OF ADMINISTRATION. FLORITA ALONZO VALLEJO, Petitioner.

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PETITION

COMES NOW the petitioner assisted by counsel and unto this Honorable Court most respectfully states:

1. That she is of legal age, Filipino, married but separated from her husband and residing at Quezon Avenue, Cotobato City, Philippines;
2. That sometime from 1970 up to and until late 1981 your petitioner lived with Roberto Lim Chua as husband and wife and out of said union they begot two (2) children, namely, Robert Rafson Alonzo Chua who was born in General Santos City on April 28, 1977 and Rudyard Pride Alonzo Chua who was born in Davao City on

August 30, 1978. A xerox copy of the birth certificate of each child is hereto attached as annex 'A' and 'B', respectively.

3. That the aforementioned children who are still minors today are both staying with herein petitioner at her address at Quezon Avenue, Cotabato City;

4. That Roberto Lim Chua, father of the above-mentioned minors, died intestate on May 28, 1992 in Davao City.

5. That the aforementioned deceased left properties both real and personal worth P5,000,000.00 consisting of the following:

a) Lot in Kakar, Cotabato City covered by TCT No. T-12835 with an area of 290 sq. m. estimated at P50,000.00

b) Lot in Kakar, Cotabato City covered by TCT No. T-12834 with an area of 323 sq.m. 50,000.00

c) Lot in Davao City covered by TCT No. T-126583 with an area of 303 sq.m.50,000.00

d) Lot in Davao City covered by TCT No. T-126584 with an area of 303 sq.m.50,000.00

e) Residential house in Cotabato City valued at300,000.00

f) Residential house in Davao City valued at600,000.00

g) Car, Colt Lancer with Motor No. 4G33-3 AF6393210,000.00

h) Colt, Galant Super Saloon with Motor No. 4G37-GB0165
.....545,000.00

l) Car, Colt Galant with Motor No. 4G52-52D75248
.....110,000.00

j) Reo Isuzu Dump Truck with Motor No. DA640-838635
.....350,000.00

k) Hino Dump Truck with Motor No. ED100-T47148
.....350,000.00

l) Stockholdings in various corporations with par value estimated at
.....3,335,000.00

T o t a l - - - - - P5,000,000.00

6. That deceased Roberto Lim Chua died single and without legitimate descendants or ascendants, hence, the above named minors Robert Rafson Alonzo Chua and Rudyard Pride Alonzo Chua, his children with herein petitioner shall succeed to the entire estate of the deceased. (Article 988 of the Civil Code of the Philippines).

7. That the names, ages and residences of the relatives of said minors are the following, to wit:

| <u>Names</u> | <u>Relationship</u> | <u>Ages</u> | <u>Residences</u> |
|----------------|---------------------|-------------|---|
| 1. Carlos Chua | Uncle | 60 | Quezon Avenue, Cotabato City |
| 2. Aida Chua | Auntie | 55 | RosaryHeights, Cotabato City |
| 3. Romulo Uy | Uncle | 40 | c/o Overseas Fish- ing Exporation Co. Inc., Matina, Davao City |

6. That considering the fact that the aforementioned minors by operation of law are to succeed to the entire estate of Roberto Lim Chua under the provisions of Article 988 of the New Civil Code of the Philippines, it is necessary that for the protection of the rights and interest of Robert Rafson Alonzo Chua and Rudyard Pride Alonzo Chua, both minors and heirs of deceased Roberto Lim Chua, a guardian over the persons and properties of said minors be appointed by this Honorable Court.

7. That herein petitioner being the mother and natural guardian of said minors is also competent and willing to act as the guardian of minors Robert Rafson Alonzo Chua and Rudyard Pride Alonzo Chua both staying and living with her; that petitioner possesses all the qualifications and none of the disqualifications of a guardian.

WHEREFORE, premises considered, it is most respectfully prayed:

1. That, upon proper notice and hearing, an order be issued declaring minors ROBERTO RAFSON ALONZO CHUA and RUDYARD PRIDE ALONZO CHUA as heirs to the intestate estate of deceased ROBERTO LIM CHUA;

2. That Letters of Administration be issued to herein petitioner for the administration of the estate of the deceased ROBERTO LIM CHUA;

3. That the petitioner be also appointed the guardian of the persons and estate of minors ROBERT RAFSON ALONZO CHUA and RUDYARD PRIDE ALONZO CHUA;

4. That after all the property of deceased Roberto Lim Chua have been inventoried and expenses and just debts, have been paid, the intestate estate of Roberto Lim Chua be distributed to its rightful heirs, the minors in this case, pursuant to the provisions of Article 988 of the New Civil Code of the Philippines.

5. And for such other reliefs and remedies this Honorable Court may consider fit and proper in the premises.

Cotabato City, Philippines, June 29, 1992.

(Sgd.) FLORITA ALONZO VALLEJO

(Petitioner)

The trial court issued an order setting the hearing of the petition on 14 August 1992 and directed that notice thereof be published in a newspaper of general circulation in the province of Maguindanao and Cotabato City and or Davao City.

On 21 July 1992, herein petitioner Antoinetta Garcia Vda. de Chua, representing to be the surviving spouse of Roberto Chua, filed a Motion to Dismiss^[2] on the ground of improper venue. Petitioner alleged that at the time of the decedent's death Davao City was his residence, hence, the Regional Trial Court of Davao City is the proper forum.

Private respondent filed an opposition to the Motion to Dismiss^[3] dated July 20, 1992 based on the following grounds:

(1) That this petition is for the guardianship of the minor children of the petitioner who are heirs to the estate of the late Roberto L. Chua and under Section 1, Rule 92 of the Rules of Court the venue shall be at the place where the minor resides;

(2) That the above-named minors are residents of Cotabato City:

(3) That the movant in this case has no personality to intervene nor to oppose in the granting of this petition for the reason that she is a total stranger to the minors Robert Rafson Alonzo and Rudyard Pride Alonzo, all surnamed Chua.

(4) That deceased Roberto L. Chua died a bachelor. He is the father of the above-named minors with the petitioner in this case;

(5) That movant/oppositor Antoinetta Chua is not the surviving spouse of the late Roberto L. Chua but a pretender to the estate of the latter since the deceased never contracted marriage with any woman until he died.

On 6 August 1992, private respondent Vallejo filed a Motion for Admission of an Amended Petition^[4] "in order that the designation of the case title can properly and appropriately capture or capsulize in clear terms the material averments in the body of the pleadings; thus avoiding any confusion or misconception of the nature and real intent and purpose of this petition". The amended petition^[5] contains identical material allegations but differed in its title, thus:

IN RE: PETITION FOR THE SETTLEMENT OF THE INTESTATE ESTATE OF ROBERTO CHUA, DECLARATION OF HEIRSHIP, GUARDIANSHIP OVER THE PERSONS AND PROPERTIES OF MINORS ROBERT AND RUDYARD, all surnamed CHUA and ISSUANCE OF LETTERS OF ADMINISTRATION.

FLORITA ALONZO VALLEJO,

Petitioner.

Paragraph 4 of the original petition was also amended to read as follows:

4. That Roberto Lim Chua, father of the abovementioned minors is a resident of Cotabato City and died intestate on May 28, 1992 at Davao City.

The petition contains exactly the same prayers as those in the original petitions.

Petitioner opposed the motion to amend petition alleging that at the hearing of said motion on 24 July 1992, private respondent's counsel allegedly admitted that the sole intention of the original petition was to secure guardianship over the persons and property of the minors. [6]

On 21, August 1992, the trial court issued an order^[7] denying the motion to dismiss for lack of merit. The court ruled that Antonietta Garcia had no personality to file the motion to dismiss not having proven her status as wife of the decedent. Further, the court found that the actual residence of the deceased was Cotabato City, and even assuming that there was concurrent venue among the Regional Trial Courts where the decedent had resided, the R.T.C. of Cotabato had already taken cognizance of the settlement of the decedent's estate to the exclusion of all others. The pertinent portions of the order read:

At the hearing of the motion to dismiss on August 19, 1992, counsel for movant Antonietta G. Chua presented 18 Exhibits in support of her allegation that she was the lawful wife of the decedent and that the latter resides in Davao City at the time of his death. Exh. '1' was the xerox copy of the alleged marriage contract between the movant and the petitioner. This cannot be admitted in evidence on the ground of the timely objection of the counsels for petitioner that the best evidence is the original copy or authenticated copy which the movant cannot produce. Further, the counsels for petitioner in opposition presented the following: a certification from the Local Civil Registrar concerned that no such marriage contract was ever registered with them; a letter from Judge Augusto Banzali, the alleged person to have solemnized the alleged marriage that he has not solemnized such alleged marriage. Exhibit '2' through '18' consist among others of Transfer Certificate of Title issued in the name of Roberto L. Chua married to Antonietta Garcia, and a resident of Davao City; Residence Certificates from 1988 and 1989 issued at Davao City indicating that he was married and was born in Cotabato City; Income Tax Returns for 1990 and 1991 filed in Davao City where the status of the decedent was stated as married; passport of the decedent specifying that he was married and his residence was Davao City. Petitioner through counsels, objected to the admission in evidence of Exhibits '2' through '18' if the purpose is to establish the truth of the alleged marriage between the decedent and Antonietta Garcia. The best evidence they said is the marriage contract. They do not object to the admission of said exhibit if the purpose is to show that Davao City was the business residence of the decedent.

Petitioner through counsels, presented Exhibit 'A' through 'K' to support her allegation that the decedent was a resident of Cotabato City; that he died a bachelor; that he begot two illegitimate children with the petitioner as mother. Among these exhibits are Income Tax Returns filed in Cotabato City from 1968 through 1979 indicating therein that he was single; birth certificates of the alleged two illegitimate children of the decedent; Resident Certificates of the decedent issued in Cotabato City; Registration Certificate of Vehicle of the decedent showing that his residence is Cotabato City.

It is clear from the foregoing that the movant failed to establish the truth of her allegation that she was the lawful wife of the decedent. The best evidence is a valid marriage contract which the movant failed to produce. Transfer Certificates of Title, Residence Certificates, passports and other similar documents cannot prove marriage especially so when the petitioner has submitted a certification from the