

SECOND DIVISION

[G.R. No. 95386, May 29, 1997]

**MIGUELA CAMPOS ONG, SURVIVING SPOUSE OF MANUEL ONG,
PETITIONER, VS. COURT OF APPEALS, ALFREDO ONG AND
ROBERT ONG, RESPONDENTS.
D E C I S I O N**

MENDOZA, J.:

This is a petition for review of the decision of the Court of Appeals dated January 26, 1990, affirming the decision of the Regional Trial Court, Branch 19, Cebu City, which declared Alfredo Ong, Jr. and Robert Ong the illegitimate children of Manuel Ong and thus, entitled to support. Also assailed herein is the resolution issued on August 16, 1990, denying the motion for reconsideration filed by petitioner.

Petitioner Miguela Campos Ong is the surviving spouse of Manuel Ong. The latter died on May 21, 1990, while the case was pending appeal in the Court of Appeals. On the other hand, private respondents Alfredo Ong, Jr. and Robert Ong are children of Saturnina Caballes allegedly by Manuel Ong. They brought this case to compel Manuel Ong to recognize them as his illegitimate children and to give them support.

They presented evidence showing the following:

On December 20, 1953, Manuel Ong, representing himself as Alfredo Go, was introduced to Saturnina Caballes at the Yarrow Beach Resort, a night club in Talisay, Cebu, by Constancia Lim and Vicente Sy. In no time, the two had a relationship. Since October 1954, Manuel started spending the night with Saturnina. Saturnina testified that she and Manuel Ong lived together for four months, first on A. Lopez Street and later in Talamban. In addition, Manuel Ong gave her money, a sack of rice each month, and other supplies. On June 28, 1955, Alfredo Ong, Jr. was born in Talamban. He was registered in the Local Civil Registry as Alfredo Go, Jr. On August 17, 1956, Robert Ong was born. Because the midwife told Saturnina that the child should carry her surname as she was not married to Manuel Ong, "alias" Alfredo Go, the child was therefore registered as Robert Caballes.

Thereafter, the financial support from Manuel Ong started to dwindle, until seven months later when Manuel Ong stopped seeing her. This prompted Saturnina to look for him. She discovered his identity as Manuel Ong. Saturnina asked Manuel Ong for financial support of their children, but he refused her request.

In the latter part of 1961, Saturnina and private respondents again asked Manuel Ong for monetary assistance because of financial difficulties. But Ong denied them assistance. The records disclose that on December 25, 1976, Alfredo and Robert Ong visited Manuel Ong in his house on M. J. Cuenco Avenue where they were entertained and presented to Manuel Ong by Dolores Dy, Manuel's Chinese commonlaw wife. Alfredo Ong, Jr. testified that on March 29, 1979, he was given a

China Banking Corp. check for P100.00 by Manuel Ong as his gift on his graduation from high school. Later, when Alfredo Ong was in his senior year in college, he saw Manuel in the latter's office and asked him for money to defray his educational expenses. Manuel Ong gave him P100.00 cash and told him to make a list of his school needs. After getting the list which Alfredo had prepared, Manuel Ong told him to come back. Alfredo returned with some friends in September 1982, but Manuel Ong turned down his request and ordered him to leave and threatened to call the police if he did not leave.

On September 30, 1982, Alfredo filed a complaint for recognition and support against Manuel Ong. The complaint was amended on November 25, 1982 to include Robert as co-plaintiff. After trial, private respondents were found to be the illegitimate children of Manuel Ong in accordance with Art. 283, pars. 2 and 4 of the Civil Code. Accordingly, the trial court ordered:

WHEREFORE, judgment is hereby rendered in favor of the plaintiffs:

1. declaring the plaintiffs as the illegitimate children of Manuel Ong, begotten by him with Saturnina Caballes;
2. ordering Manuel Ong to pay the said plaintiffs the monthly support of P600, effective from the date of this decision.^[1]

On appeal, this decision was affirmed by the Court of Appeals.^[2] Petitioner moved for reconsideration, but his motion was denied on August 16, 1990 for lack of merit. The appellate court cited Art. 283, par. 3 as an additional ground for ordering the recognition of private respondents as illegitimate children of Manuel Ong. Hence, this petition.

The pertinent provisions of Art. 283 of the Civil Code state:

Article 283. In any of the following cases, the father is obliged to recognize the child as his natural child:

. . . .

2. When the child is in continuous possession of status of a child of the alleged father by the direct acts of the latter or his family;
3. When the child was conceived during the time when the mother cohabited with the supposed father;
4. When the child has in his favor any evidence or proof that the defendant is his father.

Art. 289 allows the investigation of paternity of spurious children on the same grounds specified in this article and in Art. 284.

The records of this case bear out the following findings of both the Court of Appeals and the trial court: (1) that Manuel Ong introduced himself to Saturnina Caballes as Alfredo Go; (2) that Saturnina Caballes and Manuel Ong had an illicit relationship from 1954 until sometime in March of 1957, during which they had repeated sexual

intercourses; (4) that during this period, Manuel Ong gave support to Saturnina and private respondents; (5) that Dolores Dy, Manuel's commonlaw wife, treated private respondents like close relatives of Manuel Ong by giving them on November 2, 1979 and January 6, 1977 tokens of affection, such as family pictures of Dolores Dy and Manuel Ong,^[3] and by visiting them in their house on A. Lopez Street in 1980; (6) that on two occasions Manuel Ong gave money to Alfredo, first, as the latter's high school graduation gift and second, for the latter's educational support.

The trial court and the Court of Appeals dismissed Manuel Ong's claim that Alfredo tried to extort money from him. They noted that Alfredo had written his name on the piece of paper and that if this was a case of extortion, the amount demanded would have been in round figures and not P4,974.28. On this basis they concluded that the amount written on the list was the total of the itemized expenses which Alfredo Ong, Jr. was asking his father to defray as his school expenses.

Petitioner questions the morality and credibility of Saturnina Caballes. She refers to Saturnina's admission that before she had relation with Manuel she was cohabiting with a paralytic from San Fernando, in order to distinguish this case from that of *Navarro vs. Bacalla*^[4] in which the compulsory recognition of a natural child was ordered on the basis of the testimony of the mother of the child that the putative father had impregnated her. Petitioner points out that, in that case, there was also evidence presented that at no time before and during the child's conception did the mother have any relation with any other man. Thus:

Specifically, as the records shows, the paternity of defendant herein was proved by the testimony of plaintiff's mother that "he (defendant) impregnated me" and that at the time, before, and during plaintiff's conception she had no affair with any other man aside from the defendant. . . .

We agree with appellant that the foregoing evidence is included in the broad scope of paragraph 4, Article 283, New Civil Code.^[5]

To begin with, factual questions as determined by the trial court, especially rulings on the credibility of witnesses,^[6] when affirmed by the appellate court, are binding on this Court and are accorded utmost respect. It is only when it is shown that the trial court ignored or overlooked or did not appreciate correctly matters of substance which affect the results of the controversy that this Court will depart from this rule.^[7] In the case at bar, no sufficient reason has been shown for this Court not to adhere to the general rule.

Inconsistencies there are in the testimony of Saturnina Caballes, but they are not of such a nature as to put in doubt the testimony of Saturnina that Manuel Ong was the father of private respondents Alfredo Ong, Jr. and Robert Caballes. The discrepancies concern minor details and, if at all, only show that Saturnina Caballes was an uncoached witness.^[8] Saturnina testified that shortly after getting acquainted with each other, she and Manuel Ong had relation and in fact lived together at A. Lopez Street in Cebu City for four months, and that Manuel Ong gave her support consisting of money and the necessities of life, like rice.

Saturnina's testimony was corroborated by Constanca Lim Monteclaros. Constanca

was the person who introduced Saturnina to Manuel Ong. Constanca and Vicente Sy, Manuel Ong's close friend, lived together in a room in the house of Ong. She knew Manuel very well. No reason has been given why she should testify falsely against Manuel Ong.

Two circumstances are mentioned which allegedly make it improbable that Manuel Ong was the father of private respondents. The first is that Saturnina Caballes admitted having cohabited with another man before meeting Manuel Ong. The records show, however, that the man, who was a paralytic, was taken by his mother in 1953, before Saturnina started having an affair with Manuel Ong in 1954. Private respondent Alfredo Ong, Jr. was born on June 28, 1955, more than a year after the paralytic had left Saturnina. The other private respondent, Robert Caballes, was born on August 17, 1956. Hence, private respondents could not have been conceived during the period of cohabitation of their mother with the unidentified paralytic.

The other circumstance mentioned is that Manuel Ong was allegedly sterile. Ong claimed that, in addition to petitioner Miguela Campos Ong, he lived with a commonlaw wife, Dolores Dy, and with another woman named Anatolia Voloria but he had no child with anyone of them. He said that during World war II he got sick and was treated by a certain Dr. Deiparine who allegedly told him that as a result of his illness he would not be able to beget any child. Ong further claimed that he cohabited with Dolores Dy before and during his marriage with petitioner Miguela Campos Ong. His inability to procreate is said to be the reason why petitioner and Manuel Ong raised six children not related to them by blood.

We think both the trial court and the Court of Appeals correctly dismissed claims that Manuel Ong was sterile and therefore could not have been the father of private respondents. No competent medical testimony was presented to prove this claim. His testimony that he had been told by a certain Dr. Deiparine that because of an illness he contracted during the war he would no longer be able to procreate is plain hearsay.

On the other hand, the claim that although he lived with three women (including petitioner) no one bore him a child is belied by the fact that he acknowledged a certain Lourdes Balili as his natural child. The record shows that on May 24, 1948, the Court of Instance of Cebu rendered a decision which in part stated:^[9]

This is a case of acknowledgment of a natural child and support. When this case was called for trial today, the parties entered into the following agreement:

That the defendant is agreeable to acknowledge Lourdes Ong as his natural child and the mother, Victoria Balili, acknowledges the right of the said defendant to the custody of the child.

Plaintiff Lourdes Ong, therefore, is hereby declared acknowledged natural child of Manuel Ong, with the right to bear the name of natural father, who shall have the custody upon her, without prejudice for the mother to see and visit her from time to time.