

Title: **\*\*The Inheritance Rights of an Illegitimate Child: Dela Merced v. Dela Merced\*\***

Facts:

Evarista M. dela Merced, who passed away on March 23, 1987, was survived by her brother Francisco M. dela Merced, her niece Teresita P. Rupisan, and the legitimate children of her deceased sister Eugenia dela Merced-Adriano. Subsequently, Francisco died on March 19, 1988, leaving his wife, two legitimate children, and an illegitimate son, Joselito P. Dela Merced. An extrajudicial settlement was executed on April 20, 1989, by the heirs of Evarista, dividing her estate in equal shares, but excluding Joselito. He filed for annulment of the settlement on July 26, 1990, asserting his successional rights.

The case went to the Regional Trial Court, which dismissed Joselito's petition, upholding the barrier between legitimate and illegitimate families under Article 992 of the Civil Code. Dissatisfied, Joselito appealed to the Court of Appeals which reversed the decision, holding that the rights to the succession are transmitted from the moment of the death of the decedent as per Article 777 of the Civil Code. The estate of Evarista, which Francisco inherited, thus became a part of his own estate upon his death that was to be inherited by his heirs including Joselito.

Issues:

1. Whether Article 992 of the New Civil Code, establishing a barrier between legitimate and illegitimate families, applies in the case where an illegitimate child seeks to inherit from the estate of his deceased legitimate uncle (Evarista M. dela Merced), through his deceased father (Francisco M. dela Merced).
2. Whether an illegitimate child can inherit as a legal heir of his father, who is a legitimate brother of the decedent.

Court's Decision:

The Supreme Court affirmed the Court of Appeals' decision, holding that Article 992 of the New Civil Code does not apply to the case at hand since Joselito does not seek to inherit directly from his father's legitimate sister but rather from his own father's estate, which includes the latter's inheritance from Evarista. Consequently, Joselito's right to inherit from his father is supported by Article 777 of the Civil Code, which states that the rights to the succession are transmitted from the moment of the death of the decedent.

Doctrine:

The Supreme Court in this case applied the principle from Article 777 of the New Civil

Code, stating that the rights to succession are transmitted from the moment of the death of the decedent, meaning that an heir can inherit from his late father's share in the estate of the decedent uncle or relative. The impassable barrier between legitimate family and illegitimate children cited in Article 992 of the Civil Code does not apply when the inheritance in question is from the estate of the deceased illegitimate child's father and not directly from the estate of the legitimate relatives.

Class Notes:

- Key Principle: Rights to succession are transmitted from the moment of the death of the decedent (Article 777, NCC)
- Inheritance through the father's estate includes properties which the father inherited himself.
- Barrier of Article 992, NCC does not apply to indirect succession through the father.

Historical Background:

The case highlights the intricacies of Philippine inheritance law, particularly concerning illegitimate children, and exemplifies the Supreme Court's interpretation of potentially conflicting succession rights under different provisions of the New Civil Code. The decision underscores the push towards equalizing the rights between legitimate and illegitimate children in the specific realm of succession rights through their own parent's estate.