

Title: Gaspay Jr. & Eriberta S. Gaspay v. Court of Appeals and G. Gaspay Alfaro

**\*\*Facts:\*\***

Flaviano Gaspay passed away on October 14, 1983, in Tacloban City without leaving a will. He was married to Agueda Denoso, but they had no children. On July 6, 1988, Guadalupe Gaspay Alfaro filed a petition for letters of administration for Flaviano Gaspay's estate, asserting that she was his acknowledged illegitimate daughter with Claudia Pason. Petitioners Flaviano S. Gaspay, Jr. (an adopted son) and Eriberta Salvatieva Gaspay challenged the petition, arguing that Guadalupe had not been recognized or acknowledged as an illegitimate child.

The trial court dismissed the petition on December 6, 1989, stating that the evidence failed to prove Guadalupe's status and consent. It further noted that an action to compel recognition should have been brought during Flaviano's lifetime. Guadalupe appealed to the Court of Appeals, which reversed the trial court's decision on September 30, 1991, finding sufficient evidence for her recognition and voluntary acknowledgment.

**\*\*Issues:\*\***

1. Whether the Court of Appeals erred in re-evaluating the credibility of witness Martin Garin.
2. Whether the claim of illegitimate filiation can be brought after the parent's death based on open and continuous possession of status.
3. Whether Guadalupe is entitled to letters of administration.

**\*\*Court's Decision:\*\***

1. **\*\*Credibility of Witness Martin Garin:\*\***

- The Supreme Court upheld the Court of Appeals' decision to reconsider the credibility of witness Martin Garin, who testified about two letters (Exhibits "K" and "L") allegedly written by Flaviano Gaspay. These letters were essential as they demonstrated acknowledgment of Guadalupe as his daughter.
- The Supreme Court found the trial court's dismissal of Garin's testimony on grounds that he had not scrutinized the letters to be unsupported by the trial records.
- The Supreme Court agreed with the appellate court's rejection of the trial court's assumption that Garin's inability to witness Flaviano's handwriting post-1959 undermined his testimony, noting that handwriting could remain consistent over time.

2. **\*\*Illegitimate Filiation After Parent's Death:\*\***

- The Supreme Court endorsed the appellate court's view that actions for voluntary acknowledgment can be brought even after a parent's death, contradicting the trial court's conclusion.
- The Supreme Court concurred with the appellate court's assessment that Guadalupe demonstrated open and continuous possession of the status of an illegitimate child since childhood, supported by her consistent use of the Gaspay surname, including in official documents like her marriage certificate.

### 3. **Entitlement to Letters of Administration:**

- The Supreme Court affirmed that Guadalupe, being recognized as an illegitimate daughter, was entitled to letters of administration. Pursuant to Rule 78, Section 6 of the Rules of Court, since the petitioners had not applied for letters of administration within thirty days of Flaviano's death, Guadalupe, a next of kin, was appropriately appointed.

### **Doctrine:**

1. Actions based on voluntary acknowledgment of filiation can be instituted even after the putative parent's death (Vda. de Sy Quia vs. Court of Appeals, 125 SCRA 835).
2. Open and continuous possession of the status of an illegitimate child, established by consistent use of the surname and recognition, suffice for acknowledgment.

### **Class Notes:**

#### - **Key Elements in Illegitimate Filiation Cases:**

- Open and continuous possession of status.
- Voluntary acknowledgment.
- Consistency in using the surname.

#### - **Relevant Provisions:**

- Article 175 of the Family Code: Pertains to when an action for acknowledgment can be brought.
- Rule 78, Section 6 of the Rules of Court: Pertains to the granting of letters of administration when a person dies intestate.

### **Historical Background:**

- **Context: Judicial Interpretation of Filiation After Death:** The case underscores the jurisprudential approach to claims of illegitimate filiation, particularly the permissibility of such actions posthumously. This aspect is crucial in civil law jurisdictions like the Philippines, where familial and inheritance rights hinge significantly on established rules of filiation.

**\*\*In Conclusion:\*\***

The Supreme Court validated the appellate court's decision, affirming Guadalupe Gaspay Alfaro's entitlement to letters of administration and recognition as Flaviano Gaspay's acknowledged illegitimate daughter, thereby providing critical insights into the interpretation of voluntary acknowledgment and continuous possession of status posthumously.