

LEONARDO GALEON, PETITIONER, VS. MARCIAL GALEON, ZOSIMA GALEON-CANDA, MATEO GALEON, AND COURT OF FIRST INSTANCE OF QUEZON, BRANCH II, LUCENA CITY, RESPONDENTS.

G.R. No. L-30380. February 28, 1973

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/001c84e4348d/>

ANTONIO, J.:

Petitioner seeks in this petition for review by certiorari the reversal of the order of respondent court dismissing his amended complaint in Civil Case No. 6614 of the Court of First Instance of Quezon, Branch II.

The record shows that petitioner filed a complaint for partition (which was amended on August 13, 1963), against private respondents, alleging, among others, that petitioner is the illegitimate (adulterous) son of Demetrio Galeon, who during his life-time had acknowledged and recognized him as such illegitimate child, while the private respondents are Demetrio Galeon's only legitimate children begotten with his lawfully-wedded wife, Felisa Venal; that Demetrio Galeon died intestate on September 9, 1958, and was survived by his compulsory heirs, namely, the three private respondents, his surviving spouse Felisa Venal and the petitioner; that the deceased owned during his lifetime shares in the six parcels of land described in the complaint, which upon his death were inherited in intestacy by his aforementioned heirs; that on March 22, 1962, the surviving spouse Felisa Venal also died intestate, and her share in the estate of her husband was inherited by the private respondents as her only compulsory heirs; that after the death of their mother private respondents took possession of all of the lands left by the deceased Demetrio Galeon, appropriating for themselves the fruits thereof, to the exclusion of petitioner; that no partition has been made of the said estate, and there is no assurance that the private respondents will agree to an extrajudicial partition of said properties. Plaintiff therefore prayed that the court order the partition of the said properties of the deceased Demetrio Galeon in accordance with the provisions of the New Civil Code; that the private respondents be ordered to render an accounting of the produce thereof; and that petitioner be granted such other relief as may be just and equitable in the premises.

Private respondents moved to dismiss the amended complaint on the grounds that petitioner "has no legal capacity or personality to sue"; that the amended complaint does not state a cause of action; and that the petitioner's cause of action, if any, is barred by the statute of limitations.

In its order dated February 2, 1966, respondent court dismissed the amended complaint on the ground that petitioner "has no legal personality to sue", because according to said court, "nowhere in his pleading is the allegation or proof that petitioner's filiation has been duly established as required by Article 887 of the Civil Code."

Submitted for resolution is whether or not from the averments in the amended complaint, petitioner has shown a present substantial interest in the real properties left by the deceased Demetrio Galeon, as to entitle him to file the action for partition.

The questioned portion of the amended complaint states as follows:

"2. That the plaintiff is an illegitimate (adulterous) son of one Demetrio Galeon, who during his lifetime, has acknowledged and recognized him as such illegitimate child, while the defendants are his only legitimate children with his lawfully wedded wife, Felisa Venal;"

It must be noted that the amended complaint was dismissed by the respondent court on the "lack of personality of the petitioner to sue, because there is no "allegation or proof that plaintiff's filiation has been established. * * *."

The dismissal of the amended complaint by the respondent court on the ground therein stated was in effect a dismissal based on the insufficiency of the averments in said amended complaint to show that petitioner has a cause of action.[1]

It is well settled that in a motion to dismiss a complaint based on lack of cause of action, "the question submitted to the court for determination is the sufficiency of the allegations of fact made in the complaint to constitute a cause of action, and not whether these allegations of fact are true, for said motion must hypothetically admit the truth of the facts alleged in the complaint; * * *." [2] The test of the sufficiency of the facts, is whether or not, accepting the veracity of the facts alleged, the court could render a valid judgment upon the same in accordance with the prayer of the complaint. [3] The uniform ruling of this Court is that the trial court "may not inquire into the truth of the allegations, and find them to be false before a hearing is had on the merits of the case". [4] If the court finds the allegations to be sufficient but doubts their veracity, it is incumbent upon said court to deny the motion to dismiss and require the defendant to answer. The veracity of the assertions could be ascertained at the trial on the merits. [5]

Tested by the aforecited criteria, does the complaint state facts sufficient to constitute a cause of action?

As early as *Reyes, et al. v. Zuzuarregui, et al.*, [6] Justice J.B.L. Reyes in his concurring opinion therein, advocated that illegitimate children other than natural, should be acknowledged in the same manner as natural children. This aspect of his concurring opinion became the majority opinion in *Paulino v. Paulino*. [7]

Thus the case of *Paulino v. Paulino* has declared certain principles that may be applied in the case at bar. In that case *Genoveva Catalan Paulino* sought her share of the inheritance in the estate of the late *Marcos Paulino* claiming and alleging that "she is the illegitimate (spurious) child of *Marcos Paulino*, begotten by him and *Rustica Catalan* on 3 January 1916 in *Los Baños, Laguna*, while the former was lawfully married to *Dionisia Hernandez* * * *". The defendant in that case moved for the dismissal of the plaintiff's complaint on the ground that it stated no cause of action, and that, even if it did, the same was barred. The trial court, holding that the plaintiff's action to establish her filiation as the illegitimate (spurious) child of the deceased brought after the latter's death, when she had reached the age of 35 years, was already barred, dismissed her complaint. On appeal We sustained the order of dismissal, explaining that while it is that by their motion to dismiss the appellees therein are "deemed to have admitted that the appellant is the illegitimate spurious, not natural child of the deceased *Marcos Paulino*," such admission was not sufficient to entitle her to inherit from her alleged putative father. We said that "it is necessary to allege that her putative father had acknowledged and recognized her as such. Such acknowledgment is essential and is the basis of her right to inherit. There being no allegation of such acknowledgment the action becomes one to compel recognition which can not be brought after the death of the putative father."

Similarly in *Nable v. Nable* [8] where a person claiming to be the illegitimate child of the deceased testator sought to establish her filiation in the testamentary proceeding by alleging in her motion that she "is in continuous possession of the status of a child of the late *Don Vicente Nable* by the direct acts of the latter and/or his family" and that she had evidence to prove that the deceased was her father, We ruled that "there being no allegation of her recognition or acknowledgment by the alleged father in the petition to establish her filiation, the same, therefore, states no cause of action and the dismissal thereof by the lower court was proper".

Clearly inferable from the aforecited cases, is that since acknowledgment is essential and is the basis of the right of a spurious child to inherit in the estate of his deceased putative parent under Articles 287, 887 and 895 of the New Civil Code it is necessary as a basis for his claim in the estate to allege that his putative father had acknowledged and recognized him as such. It is therefore evident that the questioned averment in petitioner's amended complaint substantially complies with the aforestated requirement. For the case at bar is not an action to compel recognition of petitioner as the illegitimate (spurious) child of the deceased Demetrio Galeon. Rather it is an action by one who alleges as a matter of fact that he is an acknowledged and recognized illegitimate child of said deceased, for the partition of his estate. As to whether or not petitioner was actually acknowledged and recognized by Demetrio Galeon as his illegitimate child, is a question of fact, which will depend upon the evidence to be presented at the trial.[9] Inasmuch as such alleged acknowledgement and recognition by Demetrio Galeon, of petitioner as the illegitimate child, other than natural, of the latter was deemed hypothetically admitted in private respondents' motion to dismiss based on lack of cause of action, the dismissal of the case would therefore be premature. It deprived petitioner of the opportunity of submitting proof of his acknowledgment and recognition. It amounted to a denial of his day in court.[10]

It is true that the allegation in question is rather vague, as it does not state the manner or form in which such voluntary recognition of petitioner was made, whether in a record of birth, a will, statement before a court of record, or in any authentic writing.[11] But this Court, speaking thru Chief Justice Moran, in *Co Tiamco v. Diaz*,^[12] explained that under "the new Rules of Court, an action cannot be dismissed upon the ground that the complaint is vague, ambiguous, or indefinite (see Rule 8, section 1), because the defendant, in such case, may ask for more particulars (Rule 16) or he may compel the plaintiff to disclose more relevant facts under the different methods of discovery provided by the Rules (Rules 18, 20, 21, 22 and 23). Professor Sunderland once said: 'The real test of a good pleading under the new rules is whether the information given is sufficient to enable the party to plead and prepare for trial. A legal conclusion may serve the purpose of pleading as well as anything else if it gives the proper information. If the party wants more he may ask for more details in regard to the particular matter that is stated too generally.' (Vol. XIII, Cincinnati Law Review, January 1939)."

IN VIEW OF THE FOREGOING CONSIDERATIONS, the petition is hereby granted. Accordingly, the order of respondent court dismissing the complaint is set aside, and the case is ordered remanded to the court a quo for further proceedings. Costs against private respondents.

Zaldivar, Ruiz Castro, Fernando, Makasiar, and Esguerra, JJ., concur.

Concepcion, C.J., concur in the dissenting opinion of Justices Makalintal, Teehankee, and Barredo.

Makalintal, Teehankee, and Barredo, JJ., dissent in separate opinions.

[1] *Casimiro v. Roque and Gonzales*, 98 Phil. 880, 883-884; *Gonzales, et al. v. Alegarbes, et al.*, 99 Phil. 213, 215.

[2] *Casimiro v. Roque and Gonzales*, 98 Phil. 880, 883-884; *Gonzales et al, v. Alegarbes et al*, 99 Phil. 213, 215.

[3] *Garcon v. Redemptorist Fathers*, 17 SCRA 341, 345; *P.N.B. v. Hipolito*, 13 SCRA 20, 23; *Alquique v. De Leon*, 7 SCRA 513.

[4] *Garcon v. Redemptorist Father*, supra; *Ramos v. Condez*, 20 SCRA 1146, 1150; *Remitera v. Vda. de Yulo*, 16 SCRA 251.

[5] *Garcon v. Redemptorist Fathers*, supra; *Republic Bank v. Cuaderno*, 19 SCRA 671, 677; *Lim v. De Los Santos*, 8 SCRA 798, 803.

[6] 102 Phil. 346, 354.

[7] 3 SCRA 730, 734.

[8] 18 SCRA 1104, 1108.

[9] Malig v. Bush, 28 SCRA 449, 452-453.

[10] Pastor v. Pestaño, 107 Phil. 685.

[11] Article 278 New Civil Code, Paulino v. Paulino, supra.

[12] 75 Phil. 672, 687, 688.

DISSENTING OPINION

MAKALINTAL, J.:

I concur in the dissenting opinions of Mr. Justice Teehankee and Mr. Justice Barredo. The Civil Code (Art. 278) does not merely speak of recognition (voluntary), but of recognition in specific ways: "in the record of birth, a will, a statement before a court of record, or in any authentic writing." The particular circumstance relied upon, among these four, constitutes an essential element of the cause of action and must therefore be alleged for the complaint to be considered sufficient. If the test of sufficiency, as stated in the opinion of the majority, "is whether or not, accepting the veracity of the facts alleged, the court could render a valid judgment upon the same in accordance with the prayer of the complaint," I do not believe that a judgment declaring herein petitioner as having been voluntarily acknowledged by his supposed father during the latter's lifetime would be justified on the basis of the questioned allegation in the complaint. The mere statement that "Demeterio Galeon . . . has acknowledged and recognized him (petitioner) as such illegitimate (adulterous) child," even if accepted as true, would still leave the court uncertain, and therefore unable to declare, just how such acknowledgment came about – whether in one of the modes enumerated in the Code, and if so, which one, or in some other manner not authorized for purposes of voluntary acknowledgment.

DISSENTING OPINION

TEEHANKEE, J.:

I dissent from the main opinion, on the ground that the mere allegation in the amended Complaint that "plaintiff is an illegitimate (adulterous) son of one Demetrio Galeon, who during his lifetime has (sic) acknowledged and recognized him as such illegitimate child" is not sufficient to constitute a cause of action for partition against "defendants (who) are (the deceased's) only legitimate children with his lawfully wedded wife, Felisa Venal."

Such action brought in 1963 long after the death in 1958 of the deceased Demetrio Galeon against the lawful and compulsory heirs of the deceased to recover the alleged share in inheritance of petitioner was premised on the bare conclusion of fact that petitioner had been "acknowledged and recognized ... as (an) illegitimate child."

As conceded in the main opinion,[1] "the allegation in question is rather vague, as it does not state the manner or form in which such voluntary recognition of petitioner was made, whether in a record of birth, a will, statement before a court of record, or in any authentic writing" which are the only modes recognized in Article 278 of the

Civil Code for making such voluntary recognition of an illegitimate child.

Without such official, judicial or written acknowledgment of the illegitimate child, which in such cases constitutes the ultimate fact, as against a mere conclusion, which must be duly alleged in the Complaint as required by Rule 8, section 1, the Complaint does not state a sufficient cause of action, for as was emphasized in *Paulino vs. Paulino*,^[2] cited in the main opinion as stating the prevailing rule, "such acknowledgment is essential and is the basis of (the) right to inherit,' or to recover a claimed inheritance as in this case.

The lower court, therefore, properly dismissed the amended complaint for partition, on the ground of lack of personality or capacity on petitioner's part to sue, since there was no "allegation or proof that plaintiff's filiation has been established" i.e., that due recognition of petitioner as an illegitimate child was made in the official, judicial or authentic writing required by Article 278 of the Civil Code.

Without such official or written recognition, petitioner's pro-posed action would be but an exercise in futility, causing needless expense and anxiety on the part of the widow and legitimate children as the lawful compulsory heirs of the deceased and unduly taking the time and attention which the courts need for the disposition and resolution of truly contentious cases.

As to the procedural question of whether the status of petitioner as an acknowledged illegitimate child was deemed hypothetically admitted upon private respondents' filing of their motion to dismiss petitioner's complaint on the ground of lack of cause of action, the case of *Paulino* thus disposed of the question, holding that "(I)t is true that by their motion to dismiss the appellees are deemed to have admitted that the appellant is the illegitimate spurious, not natural, child of the deceased Marcos Paulino. Such an admission, however, does not entitle her to inherit from her alleged putative father. It is necessary to allege that her putative father had acknowledged and recognized her as such. Such acknowledgment is essential and is the basis of her right to inherit. There being no allegation of such acknowledgment the action becomes one to compel recognition which can not be brought after the death of the putative father."^[3]

The ultimate fact of due acknowledgment and recognition of the illegitimate child may only be duly averred by alleging the mode whereby such acknowledgment was made, as circumscribed by Article 278 of the Civil Code, whether in "a record of birth, a will, a statement before a court of record or in any authentic writing. " Concededly, no such averment of the mode of recognition was made by petitioner in his amended complaint and hence, no admission can be inferred as to the essential fact of due acknowledgment, which in turn is the very basis of any right to inherit. Without such essential basis, petitioner's complaint should stand dismissed for lack of cause of action.

Without such essential basis of a valid acknowledgment made by the putative father during his lifetime, petitioner's action becomes - in the language of *Paulino* - "one to compel recognition which cannot be - brought after the death of the putative father."^[4]

I vote, therefore, for the affirmance of respondent court's dismissal order and for the dismissal of the herein petition.

[1] At page 5, emphasis supplied.

[2] 3 SCRA 730 (1961).

[3] At pages 734-735; emphasis supplied.

[4] See also Sotto vs. Sotto, 17 SCRA 243 (1966) citing Zuzuarregui vs. Zuzuarregui, 102 Phil 346 and Gabriña vs. Latorre, 92 Phil 1079.

DISSENTING OPINION**BARREDO, J.:**

The main opinion assumes that the allegation in the petitioner's complaint to the effect that "Demetrio Galeon, ... during his lifetime, has acknowledged and recognized him (petitioner) as such illegitimate child" is one of ultimate fact and, hence, complies with the ruling in Paulino vs. Paulino, 3 SCRA 730. Personally, I am not sure that it is.

I would like to clarify that a distinction should exist, for purposes of pleading, between an ultimate fact and a conclusion of fact. Under the rules, the former is what a pleading should allege; the latter is not allowed. More importantly, there must be a difference between a conclusion of law, on the one hand, and a conclusion of fact as well as an ultimate fact, on the other. To my mind, to say that a child has been acknowledged by his father, whether as legitimate or illegitimate, is not strictly speaking a statement of an ultimate fact; it is at the very least a conclusion of fact, if it is not a conclusion of law, both of which have no place in pleadings.

I maintain that the ultimate facts in a case of acknowledgement are those showing the specific form and manner of such acknowledgement. For instance, if the acknowledgement has been made in a public instrument, that specific fact must be alleged in the pleading together with the substance of the document, and in addition, the whole document or a copy thereof must either be reproduced in the body of the pleading or attached thereto. This is clearly what Section 7 of Rule 8 requires, when it says:

"Sec. 7. Action or defense based on document. – Whenever an action or defense is based upon a written instrument or document, the substance of such instrument or document shall be set forth in the pleading, and the original or a copy thereof shall be attached to the pleading as an exhibit, which shall be deemed to be a part of the pleading, or said copy may with like effect be set forth in the pleading."

As may be easily realized, the advantageous effect of this requirement is that if after all, the document does not exist or that from the very nature of things the pleader knows that he cannot sustain the ultimate facts he needs to allege, he may refrain, as he should, from making the needed allegation or even desist altogether from suing or defending, thus resulting in the avoidance of multiplicity of suits.

Accordingly, it is my opinion that the complaint of the petitioner in this case does not really pass the test laid down in Paulino, (supra) and, therefore, the order appealed from is in the result, technically correct.

I disagree, however, with the way the trial court disposed of the incident. What should have been done, to avoid this appeal, was merely to require the plaintiff to amend his complaint. While I recognize that the option to do amend or not to amend lies in the plaintiff, I believe that to simplify procedures and save time and effort, members of the bar or practitioners should be made to understand that it is to the better interest a more speedy administration of justice, to which all lawyers are committed, for them to agree to more practical procedures suggested by the court, even if they have to suffer a little loss of face, rather than insist on technical positions that may turn out later on as not approvable by the Supreme Court. In other words, when a trial court orders amendment of a pleading, the party concerned would do well to abide with such order, unless, of course, it can be

clearly shown that the same is palpably capricious and whimsical because it has no basis whatsoever.

In view of all the foregoing, I vote to affirm the order appealed from because in effect it is technically correct, with the clarification, however, that petitioner is not barred from filing an amended complaint making the proper allegations. In effect, the result of my vote would be practically the same as the judgment in the main opinion, except that I feel that the correct legal basis thereof should be as above indicated.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.