

NARCISO PABLO, JR., PETITIONER, VS. EMILIO PABLO, RESPONDENT.

Ponente: YBAÑEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/29caf52c9634/>

YBAÑEZ, J.:

This is a Petition for Review from the Decision dated 15 December 2011,[1] of the Regional Trial Court, Branch 19, Bangui, Ilocos Norte, in Civil Case No. 1261-19, disposing that:

WHEREFORE, the judgment of the Municipal Trial Court is hereby set aside and direct defendant-appellant and plaintiff-appellee, who is in good faith, to comply with the objective of the law embodied and explicitly stated in Article 448 of the New Civil Code of the Philippines, to wit: the owner of the land on which anything has been built, sown or planted in good faith shall have the right to appropriate as his own the works, sowing or planting after payment of the indemnity provided for in Articles 546 and 548, or to oblige the one who built or planted to pay the price of the land, and x x x. However, the builder or planter cannot be obliged to buy the land if its value is considerably more than that of the building or tree. In such case, he shall pay reasonable rent if the owner of the land does not choose to appropriate the building or trees after proper indemnity. The parties shall agree upon the terms of the lease and in case of disagreement, the court shall fix the terms thereof.

No pronouncement as to costs.

SO ORDERED.[2]

which reversed the Decision dated 23 June 2011 of the Municipal Circuit Trial Court of Bangui-Pagudpod-Adams-Dumalneg, Bangui, Ilocos Norte, in Civil Case No. 271-B,[3] declaring the plaintiff (petitioner herein) and the defendant (respondent herein) as co-owners of the subject property being heirs of the late spouses Faustino Pablo and Andrea Lauricio and ordering the partition of the subject lot between the parties in equal shares in accordance with the proposal in paragraph 9 of the complaint, taking into consideration the portion where their respective houses are built.

The Facts

As summarized by the RTC, the facts of this case are:

In the memorandum of the plaintiff, he asserted that he and defendant-appellant are co-owners of the subject land having acquired the same by inheritance from their common ancestor Faustino Pablo married to Andrea Lauricio. The said spouses in turn acquired the same by purchase from the late Narciso Rivera who acquired the same from the original owner, Toribio Rivera. The late spouses Faustino Pablo and Andrea Lauricio were survived by their children – the defendant Emilio Pablo and Narciso Pablo, now deceased, and is survived by

the plaintiff Narciso Pablo, Jr. and Rogelio Pablo. After the death of the spouses Faustino Pablo, and Andrea Lauricio and their son Narciso Pablo, the share of the parties on said lot remained undivided despite the fact that they constructed their respective houses thereon. Thus, contending that the share of the parties in the above-described parcel of land are as follows: an undivided $\frac{1}{2}$ share to plaintiff Narciso Pablo, Jr. and Rogelio Pablo, an undivided $\frac{1}{2}$ share to defendant Emilio Pablo. A partition on said parcel of land was then proposed by the Plaintiff that the same shall be divided into two (2) equal shares taking into consideration the sites of the respective houses of the parties. However, Defendant-Appellant refused the proposal of partition notwithstanding repeated demands.

Earnest efforts were exerted to settle the case amicably between the parties being close relatives but to no avail averring that plaintiff has no interest or right to ask for partition on the subject lot and he is misrepresenting himself as the heir of Narciso Pablo.

For the defendant's part through his children whom he had appointed as his attorney-in-fact, denies that Narciso Pablo, Jr. (Narciso Francisco, Jr) has any rightful claim on the property now subject of litigation for he categorically stated that Narciso Pablo, Jr. (Narciso Francisco, Jr.) is not a rightful heir as he claims to be, for the latter is misrepresenting himself as the lawful heir of his brother Narciso Pablo. He maintains that after his brother's released (sic) from incarceration at the National Bilibid, his brother with his wife Gloria Favilla went to live with them at Lanao, Bangui, Ilocos Norte. Gloria Favilla died in 1964 while his late brother died in 1970. Their union did not promise any offspring. In 1972, spouses Mauro Francisco and Fidela Francisco begged him to take Narciso Francisco (Narciso Pablo, Jr.) for a while as they needed to sort their problematic affairs in their Manila residence promising to return and get back Narciso Francisco (Narciso Pablo, Jr.) as soon as they settle their quandary. Having that benevolent heart, he acceded to the appeal of the spouses knowing and expecting them to come back but said assurance of getting back their child never came to realization. Nonetheless, he supported and provided the needs of Narciso Francisco (Narciso Pablo, Jr.) till (sic) the latter was strong enough to sustain or buttress himself. In 1988, plaintiff beseeched Emilio Pablo to allow him to build his house on a small portion of the subject property which was granted with the condition that if Emilio Pablo will need the said property, Narciso Francisco (Narciso Pablo, Jr.) must have to voluntarily leave said parcel of land. Soon after, he learned that Narciso Francisco (Narciso Pablo, Jr.) was in the process of selling the property. Surprised and angered, he ordered plaintiff to leave and vacate the property but instead of absconding, plaintiff filed a case for Ownership and Partition solely on the ground of having the initiative to have assumed his name as Narciso Pablo, Jr. through self-serving entries he supplied the Local Civil Registrar's Office of Bangui, Ilocos Norte when he himself applied for late registration of his birth at the age of 23 to 24.[4]

On 20 June 2006, Narciso Pablo, Jr., filed against Emilio Pablo, a complaint for Ownership and Partition before the Municipal Circuit Trial Court of Bangui-Pagudpod-Adams-Dumalneg, Bangui, Ilocos Norte. Said complaint was docketed as Civil Case No. 271-B.[5]

In a Decision dated 23 June 2011,[6] the MCTC declared the plaintiff (petitioner herein) and the defendant (respondent herein) as co-owners of the subject property being heirs of the late spouses Faustino Pablo and Andrea Lauricio and ordered the partition of the subject lot between the parties in equal shares and in accordance with the proposal in paragraph 9 of the complaint, taking into consideration the portion where their respective houses are built.

Aggrieved thereby, defendant Emilio Pablo perfected an appeal before the RTC, Branch 19, Bangui, Ilocos Norte. In a Decision dated 15 December 2011, said court reversed and set aside the MCTC Decision and disposed of the case in the manner aforesaid.[7]

The Issues

Before Us, petitioner Narciso Pablo, Jr. contends that:

1. THE HONORABLE RTC SERIOUSLY ERRED IN ALLOWING A COLLATERAL ATTACK BY THE RESPONDENT UPON THE FILIATION OR LEGITIMACY OF THE PETITIONER;

(2) THE HONORABLE RTC REVERSIBLY ERRED WHEN IT DISCARDED THE CERTIFICATE OF LIVE BIRTH OF THE PETITIONER AND HELD IT TO BE COMPLETELY SELF-SERVING;

(3) THE HONORABLE RTC MANIFESTLY ERRED IN FAILING TO APPRECIATE THAT THE PETITIONER'S CERTIFICATE OF LIVE BIRTH BEING AN OFFICIAL RECORD/DOCUMENT IS PRIMA FACIE EVIDENCE OF THE FACTS STATED THEREIN;

(4) THE HONORABLE RTC UTTERLY ERRED WHEN IT FAILED TO CONSIDER THAT, BY PREPONDERANCE OF EVIDENCE, PETITIONER HAS SHOWN HIS RIGHTS AS A CO-OWNER OF THE SUBJECT LOT.[8]

Our Ruling

The Petition is not meritorious.

The issues for determination before Us are:

1. Whether the respondent could still impugn the filiation of petitioner as the son of the late Narciso Pablo? and

2. Whether the petitioner has adduced preponderant evidence to prove that he is the son of the late Narciso Pablo?

Anent the first issue, petitioner, relying on Articles 170-171 of the Family Code,[9] as amended, contends that respondent could not attack, as a defense in the instant case, petitioner's filiation because an independent action must be brought for the said purpose. Moreover, even if respondent is considered a proper party to impugn petitioner's legitimacy, he still cannot properly do so because the one year period to file an independent action already lapsed.

This is misplaced.

A careful reading of the said articles will show that the same do not contemplate a situation like in the instant case, where a child is alleged not to be the child of nature or biological child of a certain couple. Rather, these articles govern a situation where a husband (or his heirs) denies as his own a child of his wife. Thus, under Article 166, it is the husband who can impugn the legitimacy of the said child by proving: (1) it was physically impossible for him, to have sexual intercourse with his wife within the first 120 days of the 300 days which immediately preceded the birth of the child; (2) that for biological or other scientific reasons, the child could not have been his child; and (3) that in case of children conceived by insemination, the written authorization or

ratification by either parent was obtained through mistake, fraud, violence, intimidation or undue influence. Articles 170 and 171 reinforce this reading as they speak of the prescriptive period within which the husband or any of his heirs should file the action impugning the legitimacy of said child.[10] The ruling in *Ida Labagala vs. Nicolasa Santiago, et. al.*,[11] is instructive on this point,viz:

Article 263 refers to an action to impugn the legitimacy of a child, to assert and prove that a person is not a man's child by his wife. However, the present case is not one impugning petitioner's legitimacy. Respondents are asserting not merely that petitioner is not a legitimate child of Jose, but that she is not a child of Jose at all. Moreover, the present action is one for recovery of title and possession, and thus outside the scope of Article 263 on prescriptive periods.

Petitioner's reliance on *Sayson* is likewise improper. The factual milieu present in *Sayson* does not obtain in the instant case. What was being challenged by petitioners in *Sayson* was (1) the validity of the adoption of Delia and Edmundo by the deceased Teodoro and Isabel Sayson, and (2) the legitimate status of Doribel Sayson. While asserting that Delia and Edmundo could not have been validly adopted since Doribel had already been born to the Sayson couple at the time, petitioners at the same time made the conflicting claim that Doribel was not the child of the couple. The Court ruled in that case that it was too late to question the decree of adoption that became final years before. Besides, such a challenge to the validity of the adoption cannot be made collaterally but in a direct proceeding.

In this case, respondents are not assailing petitioner's legitimate status but are, instead, asserting that she is not at all their brother's child.[12] xxx.

Indubitably, We cannot fault the RTC if it did not consider petitioner's position and did not apply the said article to the facts at bar since the respondent is not impugning petitioner's legitimate status but instead asserting, not merely that petitioner is not the legitimate child of Narciso, but that he is not a child of Narciso at all. Also, the present action is one of ownership and partition and Article 263 of the Family Code, as amended, on prescription does not apply.

Anent the second issue, petitioner contends that he had adduced by preponderance of evidence that he is the son of the late Narciso Pablo making him a co-owner of the subject property.

We are not persuaded.

We agree with the RTC that there is no competent evidence to support the claim that petitioner is the legitimate son of the late Narciso Pablo. As succinctly stated by the RTC that:

What is mind-boggling in this case at bar is that, plaintiff-appellee Narciso Pablo, Jr. was allegedly born on June 19, 1963. His claimed parents Gloria Favilla died in 1964 while Narciso Pablo, Sr. died in 1970. His claimed brother Rogelio Favilla Pablo's Birth Certificate was registered or entered in the Records of Birth in the Local Civil Registry. If his brother's Birth Certificate was duly registered, why not Plaintiff Narciso Pablo, Jr. who was allegedly born on (sic) 1963 wherein his parents were still alive considering the dates of their demise? If he is indeed the son or child of Gloria and Narciso as he claim or assert to be, how come his birth was not accordingly registered like that of his brother, made it properly recorded by the parents? Moreso, (sic) if in truth he is a legitimate son of his parents, why was he surnamed Francisco when his parents were still breathing? Indubitably, his alleged parents could have rectify (sic) it especially when he was to enter

elementary and his father was still alive on the time.

xxx xxx xxx.

Lest it be misunderstood that plaintiff-appellee personally supplied all the informations which were entered in his birth record at the age of 23 to 24 per his testimony during cross examination. Understandably, his parents did not participate in it precisely because they were dead already. But why is it that he supplied all the facts needed in the registry of birth when in fact he could just ask the civil registrar to have a copy of a certified copy of it considering that all registrations made on said office are complied and preserved? Truth was that, there was no registry of birth in his name and birth certificate made and signed by his alleged parents who were still living that time. Birth Certificate must be signed by the parents to be adequate proof of paternity. Thus, it has been held that if the alleged father did not sign in the birth certificate, the placing of his name by the mother, or doctor or registrar, is incompetent evidence of paternity of said child. Unsigned birth certificates are not evidence of recognized filiation.

Explicitly, said birth certificate as an end product of a self-serving and expedient maneuvering of plaintiff-appellee has no leg to stand up in law for purposes of filiation or in proving his successional rights over the estate of the father (sic) of the defendant-appellant. Likewise, as correctly argued by defendant-appellant, birth certificate and high school records could not measure up to constitute an open continuous possession of the status of a legitimate child if the alleged parents has long been dead per the specific dates in this case. There is reasonable reservation upon this court in contemplating the years provided for indeed it is a backdrop that will not favor the plaintiff-appellee.

In fine, We find and so hold, that the RTC correctly ruled that petitioner failed to prove by preponderance of evidence that he is the son of the late Narciso Pablo making him a co-owner of the subject property.

WHEREFORE, the instant petition is DISMISSED, and the Decision dated 15 December 2011 of the RTC, Branch 19, Bangui, Ilocos Norte is AFFIRMED.

SO ORDERED.

Dimaampao, (Chairperson), and Sadang, JJ., concur.

[1] Rollo, pp. 29-36.

[2] Ibid, pp. 9-8 of the Decision dated 15 December 2011.

[3] Rollo, p. 7 of the Decision dated 23 June 2011, pp. 37-43.

[4] Ibid., pp. 1-2 of the the Decision dated December 15, 2011.

[5] Rollo, pp. 44-47.

[6] Ibid., pp. 37-43.

[7] Ibid, pp. 7-8 of the Decision dated 15 December 2011.

[8] Rollo, p. 6 of the Petition, pp. 9-75.

[9] Article 170. The action to impugn the legitimacy of the child shall be brought within one year from the knowledge of the birth or its recording in the civil register, if the husband or, in a proper case, any of his heirs, should reside in the city or municipality where the birth took place or was recorded.

If the husband or, in his default, all of his heirs do not reside at the place of birth as defined in the first paragraph or where it was recorded, the period shall be two years if they should reside in the Philippines; and three years if abroad. If the birth of the child has been concealed from or was unknown to the husband or his heirs, the period shall be counted from the discovery or knowledge of the birth of the child or of the fact of registration of said birth, whichever is earlier.

Article 171. The heirs of the husband may impugn the filiation of the child within the period prescribed in the preceding article only in the following cases:

- (1) If the husband should die before the expiration of the period fixed for bringing his action;
- (2) If he should die after the filing of the complaint without having desisted therefrom; or
- (3) If the child was born after the death of the husband.

[10] Teofista Babiera vs. Presentacion Catotal, G.R. No. 138493, June 15, 2000, 333 SCRA 487, 495.

[11] G.R. No. 132305, December 4, 2001.

[12] Ibid.

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.