

DEOGRACIAS SERRANO, PETITIONER AND APPELLANT, VS. ANDRES SERRANO ARAGON, OPPONENT AND APPELLEE.

G.R. No. L-6759. February 21, 1912

Ponente: TRENT, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4a93d8e60e8b/>

TRENT, J.:

Deogracias Serrano applied to the Court of Land Registration for the inscription of a parcel of land situated in the district of Paco, city of Manila. This land is divided by a "pilapil" into two lots, described in the petition as parcel A and parcel B, the first containing 4,776.90 square meters, and the second 1,729.95 square meters.

This application was contested by Andres Aragon with respect to one-half of parcel A, which he alleged belonged to him by inheritance from his deceased mother. The opponent further alleged that parcel B belongs to the two sisters Isidra and Maxima Serrano.

Judgment was rendered by the land court, the Honorable Pedro Concepci6n presiding, directing that parcel A be inscribed in the names of Deogracias Serrano and the opponent, Andres Aragon, and that parcel B be inscribed in the names of the petitioner and his sister, Isidra Serrano. From this judgment the petitioner appealed.

It is admitted that the two small parcels of land sought to be registered are properly described in the petition and that the same belonged to Maximo Serrano and Valentina Aragon, both now deceased.

This case presents two issues: First, is the opponent Andres Aragon a son of Maximo Serrano and Valentina Aragn? and, second, did Isidra Serrano sell to the petitioner all of her right, title, and interest in the land sought to be registered before the institution of this suit?

As to the first issue, it is admitted by all concerned that Maximo Serrano and his wife Valentina Arag6n have both been dead for more than ten years; that the baptismal certificate presented by the petitioner shows that "on December 1, 1860, there was solemnly baptized and anointed with holy oil one Andres Aragon, a child two days old, of the legitimate marriage of Don Teodorico (Aragon);and Dona Lucia Vasquez," and that the godfather of this infant was one Marcelino Aragon; that Andres Aragon never at any time lived with the said Maximo and Valentina, and that he always signed his name "Andres Aragon." Furthermore, the opponent does not even claim that he at any time prior to the institution of this action in the court below (which was long after the death of Maximo Serrano and his wife Valentina and also of Teodorico Aragon and his wife Lucia Vasquez) asserted that he is a brother of the petitioner.

What is the kind and character of evidence which, under these admitted facts, public policy and public necessity ought to require to establish the opponent's right to inherit a part of the estate left by the deceased Maximo Serrano and Valentina Aragon?

The opponent claims to be a natural child of Maximo Serrano and Valentina Aragon, legitimized by their subsequent marriage.

Only natural children can be legitimized. (Art. 119, Civil Code.) The legitimation of natural children shall take place by the subsequent marriage of their parents, provided that the parents in every case acknowledge such children either before or after the marriage. (Arts. 120 and 121, *supra*.)

The recognition or acts constituting recognition is or are and has or have always been purely voluntary on the part of the father, except, perhaps, in cases arising under the criminal law. (5 Phil. Rep., 1.) [1] This is not true in regard to the mother. Under the law in force prior to the Civil Code, proof of maternity was sufficient to impose upon the mother the duty of recognizing the children. The same is true under the present law. (5 Phil. Rep., 1.) There is not now and never has been a single presumption in favor of illegitimate children except that stated in article 130 of the Civil Code. They must establish by competent proof every essential requisite required by law before they can be declared natural children and entitled to the benefits as such. In the case of the father, there must be presented an authentic document wherein the paternity of the illegitimate child is expressly acknowledged; or it must be shown that such child or person has enjoyed the uninterrupted status of a natural child. The mere fact of birth gives no legal right to the child and imposes no legal duty upon the father. Again, the mere fact that one is the father of a natural child does not impose upon him the obligation to recognize it as his natural child. (5 Phil. Rep., 1.)

While proof of maternity is sufficient to impose upon the mother, as we have said, the obligation to recognize the child, yet this is not of itself sufficient, either under the Law of Toro or the Civil Code to give it the status of a natural child. In order to give the child such a status, it is necessary to show also that at the time of its conception (under the Law of Toro, conception or birth) its parents could have married with or without dispensation. (Art. 119, *supra*; Law 11 of Toro; 8 Phil. Rep., 135.[1])

The right to claim the acknowledgment of a natural child lasts, as a general rule, only during the life of his presumed parents. An action for such acknowledgment may, as an exception, be exercised against the heirs of the presumed parents in two cases: the first in the event of the death of the latter during the minority of the child, and second upon the discovery of some instrument of the express acknowledgment of the child, executed by the father or mother, the existence of which was unknown during the life of the latter. (13 Phil. Rep., 249.[2])

Public policy, indeed public necessity, demands that before an illegitimate child be admitted into a legitimate family, every requisite of the law be completely and fully complied with. No one should ever be permitted upon doubtful evidence to take from legitimate children the property which they and their parents have, by industry, fidelity, and frugality, acquired. To do so would, in many instances where the legitimate children had "labored unsparingly in order that they might have the comforts of life and the joys of home," be manifestly contrary to the very plainest principles of justice. And again, if this can ever be done upon oral testimony alone, after the lips of the alleged father and mother have been closed by death, such testimony must be "clear, strong, and convincing."

These rules and principles of law are indisputable and must serve as our guide in the consideration and determination of the question presented. In the light of them, let us now turn to the evidence and ascertain whether or not the opponent has shown that he is a natural son of Maximo Serrano and Valentina Aragon, legitimized by subsequent marriage.

Andres Aragon, according to his baptismal certificate, was born on the 29th of November, 1860, and was, at the time he testified in the court below, fifty years of age. For the purpose of showing that he is a natural child of Maximo Serrano and Valentina Aragon, legitimized by a subsequent marriage of the said Maximo and Valentina, he presented several witnesses, the first being Isidra Serrano, thirty years of age and a legitimate daughter of the said Maximo Serrano and Valentina Aragon. This witness first stated that according to her understanding Andres is a natural son of her deceased parents, he having been born before their marriage. Later

she stated that she understood that Andres was a legitimate son of her said parents. This witness further testified that the only reason she had for stating that Andres is either a natural or legitimate child of her parents is that her whole family addressed him as "cuya." On cross-examination this witness admitted that the word "cuya" is used also in addressing a first cousin as well as the eldest brother. On account of the age of this witness, of course she could not have had personal knowledge of the birth of Andres. If the word "cuya" is applied to first cousin the same as to eldest brother as was understood by this witness, then her testimony is of no value whatever as even tending to establish the contention of the opponent, especially when we take into consideration that Andres is, as a matter of fact, the first cousin of this witness and according to her own testimony never lived in the house with her parents. The testimony of this witness, if it could be considered of weight, is discredited by the fact that she is now an enemy of her brother, the petitioner, and is opposed to the registration of these parcels of land on the ground that she claims that she has not sold all of her interest to the petitioner.

The next witness presented by the opponent is Tomasa Aragon, 58 years of age, and a daughter of Teodorico Aragon and Lucia Vasquez. This witness testified that her father and mother had no child named Andres; that Andres, the opponent, was born in her parent's home; that she witnessed the birth of this child Andre's and that she was eleven years of age at that time. It will be noted that at the time this witness testified Andres was fifty years of age. This fact is not questioned. Then this witness would have been only eight years old when Andres was born. This witness is interested in this case to the extent that she is trying to assist her brother Andres Aragon to obtain a part of the property left by the deceased Maximo and Valentina. She admits that Andres never lived in the house with Maximo and Valentina. These admissions taken into consideration, together with the fact that this witness never at any time prior to the commencement of this action asserted that Andres was not her brother, and considering her age at the time Andres was born, leaves her testimony very doubtful indeed.

The next witness, Petrona Aragon, 59 years of age, testified that she knows that Andre's is the son of Maximo Serrano and Valentina Aragon because Andre's always called Maximo "father" and that she did not know why Andres never lived with his parents. This witness does not state that Maximo ever called Andres his son or acted in any manner which would tend to show that he, Maximo, recognized Andres as his natural son.

Isidra Aragon stated that Andres is not her brother but her first cousin; that she knows this to be a fact because Andres was born in her home and is the son of Valentina Aragon and Maximo Serrano, and that at all the family gatherings Andre's was addressed by Deogracias and his brothers and sisters as "cuya." According to the admitted facts, this witness was only five years of age when Andres was born. She gives no other reason why Andres is not her brother, but she does state that Andres never lived in the house with Maximo and Valentina.

The next witness is Mariano Basa, 27 years of age, and husband of Isidra Serrano, who testified that his wife's family always addressed Andres as "brother."

The last witness presented by the opponent was Isidoro Aragon, 39 years of age. This witness testified that in the family reunions he observed that the children of Maximo Serrano and Valentina Aragon always addressed Andres as brother, that Andres never lived in the house with this family, and that Andres always signed his name "Andres Aragon."

The testimony of these witnesses would be doubtful if there were nothing else in the record. They all admit that the opponent never lived in the house of Maximo Serrano and Valentina Aragon, and that the opponent always signed, his name "Andres Aragon," and furthermore^ neither of these witnesses had ever at any time up to the commencement of this action claimed that Andres is the brother of the petitioner.

On the other hand, we have the testimony of the petitioner and that of his sister Maxima Serrano, who testified to the effect that Andres is not their brother, that they never recognized him as such nor called him by that name.

The testimony of these two witnesses is corroborated by the baptismal certificate of the opponent, which shows that he is not the son of Maximo Serrano and Valentina Aragon and their testimony is further corroborated by the admitted facts that Andres never lived in the house with their parents, and that he always signed his name "Andre's Aragon." The record of the church from which the baptismal certificate was taken, has stood uncontradicted for fifty years. The opponent, by allowing this record to so stand and by always signing his name "Andres Aragon" not only led the people in that vicinity to believe that he is the legitimate son of Teodorico Aragon and Lucia Vasquez, but also no doubt led the deceased Maximo and Valentina to believe the same thing. He made no attempt to correct this alleged error until after the parties most interested had died. He now seeks to besmirch the good names of Maximo and his wife Valentina at a time when they cannot defend themselves, their names, and legitimate children.

While it may be that this action can not be considered as an action on the part of Andres Aragon to establish that he is a natural child legitimized by subsequent marriage of Maximo Serrano and Valentina Aragon, a confirmation of the judgment appealed from would have practically the same effect as a judgment now declaring that he is in fact such a son. It was to stop such unreasonable claims that the legislature placed upon the statute books article 137 of the Civil Code. This article expressly provides that actions for the claims of natural children can be instituted only during the life of the presumed parents. There are only two exceptions to this rule, and it is not claimed that the opponent comes within either of these exceptions. In view of the express provisions of this article, we presume that no one would claim that the opponent could successfully maintain an action against the heirs of the deceased Maximo Serrano and Valentina Aragon to compel them to acknowledge that he is the natural son legitimized by subsequent marriage of their parents. The provisions contained in this article are based upon the very soundest reasons and natural justice. Illegitimate children should not be admitted into the home of a legitimate family unless the proof is strong and convincing showing that every requirement of the law has been strictly complied with. The writers of the code no doubt had in mind that there would arise instances where certain illegitimate children, on account of the strong temptation due to the large estates left by deceased persons, would attempt to establish that they were natural children of such persons in order to get part of the property; and furthermore, they considered that it is nothing but just and right that alleged parents should have a personal opportunity to be heard. It was for these reasons and others equally as well founded that article 137 was enacted.

In reference to the claim of Isidra Serrano that she did not sell to her brother all of her interest in the two lots sought to be registered, it is sufficient in our opinion to say that the private document itself which she admits to have signed shows clearly that she did sell all of her interest in these two lots. Aside from this document, there is the testimony of the petitioner and his sister Maxima to the effect that Isidra did in fact sell him all of her interest in these two parcels of land.

We have often said that we will be slow to reverse a judgment of the trial court when it must be reversed upon questions of fact. In this case we think the trial court failed to give due weight and credit to the important admitted facts as above stated.

For these reasons, the judgment appealed from is reversed and judgment will be entered in favor of the petitioner directing the inscription of the land as prayed for in his petition, without costs.

Arellano, C. J., Torres, Mapa, Johnson, Carson, and Moreland, JJ., concur.

[1] Buenaventura vs. Urbano.

[1] Capistrano vs. Estate of Gabino,

[2] Conde vs. Abaya.

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.