

**SATURNINO ESCOVAL ET AL., PLAINTIFFS AND APPELLEES, VS.
LORENZO ESCOVAL ET AL., DEFENDANTS AND APPELLANTS.***G.R. No. L-2712. October 25, 1950*

Ponente: MORAN, C.J.

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This is an appeal from a decision of the Court of First Instance of Tarlac wherein defendants Francisco, Lorenza and Delfin surnamed Escoval, are compelled to recognize plaintiffs Saturnino, Luz and Bienvenido surnamed Escoval as natural children of one Faustino Escoval, deceased, and in consequence cadastral lot No.4012 of Paniqui, Tarlac, was ordered delivered to said plaintiffs.

The facts found by the lower court are as follows: On April 18, 1937, Faustino Escoval died unmarried, leaving a parcel of land designated as lot No.4012 of the Cadastral Survey of Paniqui, Tarlac, covered by original Certificate of Title No. 13633 of said province. On February 23, 1946, Francisco Escoval, Lorenza Escoval and Delfin Escoval, brothers and sister of the deceased, executed a "deed of extrajudicial partition and absolute sale" wherein they partitioned said parcel of land among themselves and Lorenza Escoval, married to Juan Arellano, purchased the shares of her co-heirs Francisco and Delfin. On March 31, 1946, spouses Juan Arellano and Lorenza Escoval sold to Francisco Llabres the same parcel of land for the sum of P2,500 and Transfer Certificate of Title No.23351 was issued in favor of the purchaser.

It turned out, however, and it is also a fact found by the trial court that minor plaintiffs were begotten by Purificacion Arcilla with Faustino Escoval, both unmarried, and have been in continuous possession of the status of natural children of said Faustino Escoval as justified by the latter's conduct of supporting them, caring for them and living with them as his natural children; and that the birth certificate of Luz Escoval is an indubitable writing wherein Faustino Escoval's paternity is expressly recognised by him with his authentic signature.

The judgment appealed from is as follows:

"IN VIEW OF THE FOREGOING, judgment is rendered in favor of the plaintiffs against the defendants: first, compelling the defendants to recognize minor plaintiffs Saturnino Escoval, Luz Escoval and Bienvenido Escobal; second, the extrajudicial partition as well as all transfers of Certificate of Title No.13633 are hereby annulled, restoring to its original force and effect said Certificate of Title No.13633; third, ordering Francisco Llabres to deliver the land in question to the plaintiffs; fourth, ordering defendants Lorenza Escoval, Francisco Escoval and Delfin Escoval to pay their co-defendant Francisco Llabres the amount of P1,000 with legal interests from March 6, 1946, and P1,500 with legal interests from March 31, 1946, until those amounts are fully paid; and fifth, sentencing said defendants Escovals to pay legal costs to the plaintiffs."

Only defendants Delfin and Lorenza surnamed Escoval appealed and the only issue in their appeal is whether or not, under the facts found by the trial court, plaintiffs may be declared as acknowledged natural children of the deceased Faustino Escoval, and whether or not the defendants surnamed Escoval may be compelled to make the acknowledgment.

The judgment appealed from is predicated upon Article 135 of the Civil Code which reads:

"Art. 135. The father may be compelled to acknowledge his natural child in the following cases:

- When an indubitable writing of his exists in which he expressly acknowledge his paternity.
- When the child is in the uninterrupted possession of the status of a natural child of the defendant father, justified by the conduct of the father himself or that of his family.

* * * * *

It is maintained that the conduct of the father in supporting his children, caring for them and living together with them is not sufficient recognition of their status as natural children if at the same time he never presented them to his brothers and sisters and to his other relatives. There is, however, no finding by the trial court of such negative fact which may or may not be justifiable depending on whether the father and his relatives were or were not in good terms. There being no data on this matter, the conduct of the father in treating his children continuously as such in his own house, spontaneously and without concealment, though without publicity, is sufficient proof of the uninterrupted possession of the status of natural children as referred to in the above provision. And there is further the birth certificate of Luz Escoval duly signed by the deceased Faustino Escoval wherein his paternity is expressly recognized by him. The authenticity of Faustino Escoval is signature in that certificate is admitted by the appellants in their brief.

Appellants seem, to hold the theory that to compel acknowledgment of natural children, the action may be brought only against the father because "only the father is obliged to acknowledge said natural child". But article 137 of the Civil Code authorizes action after the death of the parents if they die during the minority of the children, and here plaintiffs are still minors.

Furthermore, the action to compel recognition of natural children and the action by such natural children to recover property inherited by them may be joined in one complaint against the same defendants under Rule 2, Section 5 of the Rules of Court as well as under the former rulings of this Court in *Briz vs. Briz* 43 Phil. 763; and *Suarez vs. Suarez* 43 Phil. 903. In the first case we held:

"The question whether a person in the position of the present plaintiff can in any event maintain a complex action to compel recognition as a natural child and at the same time to obtain ulterior relief in the character of heir, is one which in the opinion of this court must be answered in the affirmative, provided always that the conditions justifying the joinder of the two distinct causes of action are present in the particular case. In other words, there is no absolute necessity requiring that the action to compel acknowledgment should have been instituted and prosecuted to a successful conclusion prior to the action in which that same plaintiff seeks additional relief in the character of heir * * *"

All the legitimate heirs who may be affected by the action for recognition are made defendants in the instant case. And there being sufficient proof that minor plaintiffs have been in an uninterrupted possession of the status of natural children of the deceased Faustino Escoval defendants-appellants were rightly compelled by the trial court to make the acknowledgment and the natural children thus acknowledged were rightly declared to be the owners of Lot No.4012 to the exclusion of defendants who are merely brothers and sister of the deceased. Therefore, the partition by defendants amongst themselves, the sale to Lorenza Escoval by her alleged co-heirs, and the conveyance to Francisco Llabres are all null and void.

For all the foregoing, the judgment of the lower court is hereby affirmed, the costs of this Court to be paid-by appellants Delfin Escoval and Lorenza Escoval.

Paras, Feria, Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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