

TOMAS CORPUS, PLAINTIFF-APPELLANT, VS. ADMINISTRATOR AND/OR EXECUTOR OF THE ESTATE OF TEODORO R. YANGCO, RAFAEL CORPUS, AMALIA CORPUS, JOSE A. V. CORPUS, RAMON L. CORPUS, ENRIQU...*G.R. No. L-22469. October 23, 1978*

Ponente: AQUINO, J.

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Teodoro R. Yangco died in Manila on April 20, 1939 at the age of seventy-seven years. His will dated August 29, 1934 was probated in the Court of First Instance of Manila in Special Proceeding No. 54863. The decree of probate was affirmed in this Court's 1941 decision in *Corpus vs. Yangco*, 73 Phil. 527. The complete text of the will is quoted in that decision.

Yangco had no forced heirs. At the time of his death, his nearest relatives were (1) his brother, Luis R. Yangco, (2) his sister, Paz Yangco, the wife of Miguel Ossorio, (3) Amalia Corpus, Jose A. V. Corpus, and Ramon L. Corpus, the children of his half brother, Pablo Corpus, and (4) Juana (Juanita) Corpus, the daughter of his half brother Jose Corpus. Juanita died in October, 1944 at Palauig, Zambales.

Teodoro R. Yangco was the son of Luis Rafael Yangco and Ramona Arguelles, the widow of Tomas Corpus. Before her union with Luis Rafael Yangco, Ramona had begotten five children with Tomas Corpus, two of whom were the aforementioned Pablo Corpus and Jose Corpus.

Pursuant to the order of the probate court, a project of partition dated November 26, 1945 was submitted by the administrator and the legatees named in the will. That project of partition was opposed by the estate of Luis R. Yangco whose counsel contended that an intestacy should be declared because the will does not contain an institution of heir. It was also opposed by Atty. Roman A. Cruz, who represented Juanita Corpus, Pedro Martinez and Juliana de Castro. Juanita Corpus was already dead when Atty. Cruz appeared as her counsel.

Atty. Cruz alleged in his opposition that the proposed partition was not in conformity with the will because the testator intended that the estate should be "conserved" and not physically partitioned. Atty. Cruz prayed "que declare que el finado no dispuso en su testamento de sus bienes y negocios y que ha lugar a sucesion intestada con respecto a los mismos, y que señale un dia en esta causa para la recepcion de pruebas previa a la declaracion de quienes son los herederos legales o abintestato del difunto".

The probate court in its order of December 26, 1946 approved the project of partition. It held that in certain clauses of the will the testator intended to conserve his properties not in the sense of disposing of them after his death but for the purpose of preventing that "tales bienes fuesen malgastados o desfilparrados por los legatarios" and that if the testator intended a perpetual prohibition against alienation, that condition would be regarded "como no puesta o no existente". It concluded that "no hay motivos legales o morales para que la sucesion de Don Teodoro R. Yangco sea declarada intestada." (See *Barretto vs. Tuason*, 50 Phil. 888, which cites article 785 of the

Spanish Civil Code as prohibiting perpetual entails, and *Rodriguez vs. Court of Appeals*, L-28734, March 28, 1969, 27 SCRA 546.)

From that order, Pedro Martinez, Juliana de Castro, Juanita Corpus (deceased) and the estate of Luis R. Yangco appealed to this Court (L-1476). Those appeals were dismissed in this Court's resolutions of October 10 and 31, 1947 after the legatees and the appellants entered into compromise agreements. In the compromise dated October 7, 1947 the legatees agreed to pay P35,000 to Pedro Martinez, the heirs of Pio V. Corpus, the heirs of Isabel Corpus and the heirs of Juanita Corpus. Herein appellant Tomas Corpus signed that compromise settlement as the sole heir of Juanita Corpus. The estate of Luis R. Yangco entered into a similar compromise agreement. As the resolutions dismissing the appeals became final and executory on October 14 and November 4, 1947, entries of judgment were made on those dates.

Pursuant to the compromise agreement, Tomas Corpus signed a receipt dated October 24, 1947 wherein he acknowledged that he received from the Yangco estate the sum of two thousand pesos (P2,000) "as settlement in full of my share of the compromise agreement as per understanding with Judge Roman Cruz, our attorney in this case" (Exh. D or 17).

On September 20, 1949, the legatees executed an agreement for the settlement and physical partition of the Yangco estate. The probate court approved that agreement and noted that the 1945 project of partition was pro tanto modified. That did not set at rest the controversy over the Yangco estate.

On October 5, 1951, Tomas Corpus, as the sole heir of Juanita Corpus, filed an action in the Court of First Instance of Manila to recover her supposed share in Yangco's intestate estate. He alleged in his complaint that the dispositions in Yangco's will imposing perpetual prohibitions upon alienation rendered it void under article 785 of the old Civil Code and that the 1949 partition is invalid and, therefore, the decedent's estate should be distributed according to the rules on intestacy.

The trial court in its decision of July 2, 1956 dismissed the action on the grounds of *res judicata* and *laches*. It held that the intrinsic validity of Yangco's will was passed upon in its order dated December 26, 1946 in Special Proceeding No. 54863 approving the project of partition for the testator's estate.

Tomas Corpus appealed to the Court of Appeals which in its resolution dated January 23, 1964 in CA-G.R. No. 18720-R certified the appeal to this Court because it involves real property valued at more than fifty thousand pesos (Sec. 17[5], Judiciary Law before it was amended by Republic Act No. 2613).

Appellant Corpus contends in this appeal that the trial court erred in holding (1) that Teodoro R. Yangco was a natural child, (2) that his will had been duly legalized, and (3) that plaintiff's action is barred by *res judicata* and *laches*.

In the disposition of this appeal, it is not necessary to resolve whether Yangco's will had been duly legalized and whether the action of Tomas Corpus is barred by *res judicata* and *laches*. The appeal may be resolved by determining whether Juanita Corpus, the mother of appellant Tomas Corpus, was a legal heir of Yangco. Has Tomas Corpus a cause of action to recover his mother's supposed intestate share in Yangco's estate?

To answer that question, it is necessary to ascertain Yangco's filiation. The trial court found that Yangco's "a su muerte tambien le sobre vivieron Luis y Paz apellidados Yangco, hermanos naturales reconocidos por su padre natural Luis R. Yangco". The basis of the trial court's conclusion that Teodoro R. Yangco was an acknowledged natural child and not a legitimate child was the statement in the will of his father, Luis Rafael Yangco, dated June 14, 1907, that Teodoro and his three other children were his acknowledged natural children. His exact words are:

"Primera. Declaro que tengo cuatro hijos naturales reconocidos, llamados Teodoro Paz, Luisa y Luis, los cuales son mis unicos herederos forzosos." (Exh. 1 in Testate Estate of Teodoro Yangco).

That will was attested by Rafael del Pan, Francisco Ortigas, Manuel Camus and Florencio Gonzales Diez.

Appellant Corpus assails the probative value of the will of Luis R. Yangco, identified as Exhibit 1 herein, which he says is a mere copy of Exhibit 20, as found in the record on appeal in Special Proceeding No. 54863. He contends that it should not prevail over the presumption of legitimacy found in section 69, Rule 123 of the old Rules of Court and over the statement of Samuel W. Stagg in his biography of Teodoro R. Yangco, that Luis Rafael Yangco made a second marital venture with Victoria Obin, implying that he had a first marital venture with Ramona Arguelles, the mother of Teodoro.

These contentions have no merit. The authenticity of the will of Luis Rafael Yangco, as reproduced in Exhibit 1 herein and as copied from Exhibit 20 in the proceeding for the probate of Teodoro R. Yangco's will, is incontestable. The said will is part of a public or official judicial record.

On the other hand, the children of Ramona Arguelles and Tomas Corpus are presumed to be legitimate. A marriage is presumed to have taken place between Ramona and Tomas. *Semper praesumitur pro matrimonio*. It is disputably presumed "that a man and woman deporting themselves as husband and wife have entered into a lawful contract of marriage"; "that a child born in lawful wedlock, there being no divorce, absolute or from bed and board, is legitimate", and "that things have happened according to the ordinary course of nature and the ordinary habits of life" (Sec. 5[z], [bb] and [cc], Rule 131, Rules of Court).

Since Teodoro R. Yangco was an acknowledged natural child or was illegitimate and since Juanita Corpus was the legitimate child of Jose Corpus, himself a legitimate child, we hold that appellant Tomas Corpus has no cause of action for the recovery of the supposed hereditary share of his mother, Juanita Corpus, as a legal heir, in Yangco's estate. Juanita Corpus was not a legal heir of Yangco because there is no reciprocal succession between legitimate and illegitimate relatives. The trial court did not err in dismissing the complaint of Tomas Corpus.

Article 943 of the old Civil Code provides that "el hijo natural y el legitimado no tienen derecho a suceder abintestato a los hijos y parientes legítimos del padre o madre que lo haya reconocido, ni ellos al hijo natural ni al legitimado". Article 943 "prohibits all successory reciprocity mortis causa between legitimate and illegitimate relatives" (6 Sanchez Roman, Civil Code, pp. 996-997 cited in *Director of Lands vs. Aguas*, 63 Phil. 279, 287. See 16 Scaevola, *Codigo Civil*, 4th Ed., 455-6).

Appellant Corpus concedes that if Teodoro R. Yangco was a natural child, he (Tomas Corpus) would have no legal personality to intervene in the distribution of Yangco's estate (p. 8, appellant's brief).

The rule in article 943 is now found in article 992 of the Civil Code which provides that "an illegitimate child has no right to inherit ab intestato from the legitimate children and relatives of his father or mother; nor shall such children or relatives inherit in the same manner from the illegitimate child".

That rule is based on the theory that the illegitimate child is disgracefully looked upon by the legitimate family while the legitimate family is, in turn, hated by the illegitimate child. The law does not recognize the blood tie and seeks to avoid further grounds of resentment (7 Manresa, *Codigo Civil*, 7th Ed., pp. 185-6).

Under articles 944 and 945 of the Spanish Civil Code, "if an acknowledged natural or legitimated child should die without issue, either legitimate or acknowledged, the father or mother who acknowledged such child shall succeed to its entire estate; and if both acknowledged it and are alive, they shall inherit from it share and share alike. In default of natural ascendants, natural and legitimated children shall be succeeded by their natural brothers and sisters in accordance with the rules established for legitimate brothers and sisters." Hence, Teodoro R. Yangco's

half brothers on the Corpus side, who were legitimate, had no right to succeed to his estate under the rules of intestacy.

Following the rule in article 992, formerly article 943, it was held that the legitimate relatives of the mother cannot succeed her illegitimate child (*Cacho vs. Udan*, L-19996, April 30, 1965, 13 SCRA 693. See *De Guzman vs. Sevilla*, 47 Phil. 991).

Where the testatrix, Rosario Fabie, was the legitimate daughter of Jose Fabie, the two acknowledged natural children of her uncle, Ramon Fabie, her father's brother, were held not to be her legal heirs (*Grey vs. Fabie*, 68 Phil. 123).

By reason of that same rule, the natural child cannot represent his natural father in the succession to the estate of the legitimate grandparent (*Llorente vs. Rodriguez*, 10 Phil. 585; *Centeno vs. Centeno*, 52 Phil. 322; *Allarde vs. Abaya*, 57 Phil. 909). The natural daughter cannot succeed to the estate of her deceased uncle, a legitimate brother of her natural mother (*Anuran vs. Aquino and Ortiz*, 38 Phil. 29).

WHEREFORE, the lower court's judgment is affirmed. No costs.

SO ORDERED.

Barredo, (Acting Chairman), Antonio, Concepcion, Jr., and Santos, JJ., concur.

Fernando, J., on leave.

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