

IN THE MATTER OF THE ADOPTION OF THE MINOR SANTIAGO SEÑERES, DR. FERNANDO P. HOFILEÑA AND CORAZON DE GUIA-HOFILEÑA, PETITIONERS AND APPELLANTS, VS. REPUBLIC OF THE PHILIPPINES, ...

G.R. No. L-26476. August 31, 1970

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9a20cad2903f/>

DIZON, J.:

Appeal from a decision of the Juvenile and Domestic Relations Court of Manila in Special Proceedings No. G-00100 dismissing the petition filed by the therein petitioners - hereinafter referred to as appellants - for the adoption of the minor Santiago Señeres.

The following facts are not disputed:

Petitioners are husband and wife. The husband is a physician and a professor of Pediatrics and Mental Hygiene at the University of Santo Tomas; engaged in the practice of medicine since 1948 and he and his wife, have an annual income of around P18,000.00. They own not only the house where they live in Manila but also own resi-dential and agricultural lands in Occidental Negros. They are childless, but on September 6, 1962, they filed a petition with the Juvenile and Domestic Relations Court of Manila for the adoption of the minors Lourdes and Reynaldo Yusay, children of Dr. Eduardo G. Yusay and Eva Hofileña-Yusay. On November 14, 1962 the above-named Court granted the petition in a decision that has long become executory.

On March 23, 1966 appellants filed with the same Court a similar petition for the adoption of another minor named Santiago Señeres born on May 11, 1961 to appellants' housemaid, Veronica E. Señeres and a certain Felix Lisondra. Since birth said minor had been and has until now remained in the care of appellants who had become so much attached to him that they finally decided to adopt him in accordance with law, with the full consent of the minor's mother.

After the required publication had been accomplished and notices served in accordance with law to the Office of the Solicitor General and the Chief, Office of Child Welfare, Social Welfare Administration, the case was set for hearing and evidence was presented. Thereafter, the lower court rendered the appealed decision dismissing the petition upon the ground that the provisions of Article 335, paragraph (1) of the Civil Code prohibits the intended adoption because appellants had already previously adopted the two minors mentioned heretofore. In the present appeal, therefore, the sole question to be resolved is whether or not a person who already has an adopted child may still legally adopt another.

Article 335, paragraph (1) of the Civil Code upon which the appealed decision is based reads as follows:

"ART. 335. The following cannot adopt:

(1) Those who have legitimate, legitimated, acknowledged natural children, or natural children by legal

fiction;".

Well known is the rule of statutory construction to the effect that a statute clear and unambiguous on its face need not be interpreted; stated otherwise the rule is that only statutes with an ambiguous or doubtful meaning may be the subject of statutory interpretation (2 Sutherland Statutory Construction, 3rd Ed., Section 4502, p. 316).

Similarly well known is the rule that words and phrases used in law which have acquired a precise legal meaning are to be understood in their proper technical sense unless it plainly appears that they were not so used by the Legislature (Black Interpretation of Laws, 2nd Ed., p. 182).

The words used in Article 335(1) of the Civil Code in enumerating the persons who "can not adopt" appear to be clear and unambiguous and have a clearly defined meaning in law.

"Legitimate children" are those conceived during the marriage and, in certain cases, those conceived before but born during the marriage (4 Castan, 6th Ed., p. 6; Article 255, Civil Code).

"Legitimated children" are those originally natural children but later considered as legitimate by virtue of their recognition by both parents and the latter's sub-sequent marriage (4 Castan supra; Article 271, Civil Code).

"Natural Children" are children "born outside of wedlock of parents who, at the time of the conception of the former, were not disqualified by any impediment to marry each other" (Article 269, Civil Code). On the other hand, "acknowledged natural children" are natural children duly acknowledged or recognized by the father and mother jointly, or by only one of them (Article 276, Civil Code).

Finally, "natural children by legal fiction" are "children conceived or born of marriages which are void from the beginning" (Article 289, Civil Code).

That "adopted children" do not fall within the meaning of anyone of the above kinds of descendants seems to be clear. As a matter of fact, the Office of the Solicitor General, instead of filing a brief for the Republic of the Philippines as appellee in this case, submitted for the record the following:

"MANIFESTATION

COMES NOW oppositor-appellee, through the undersigned counsel, and to this Honorable Court respectfully states:

1. That on March 23, 1961, a petition for adoption was filed with the Juvenile & Domestic Relations Court;
2. That on June 1, 1966, a decision was rendered by the Juvenile & Domestic Relations Court, dismissing the petition on the ground that the petitioners has already an adopted child and therefore can no longer legally adopt another;
3. That the Republic of the Philippines is the oppositor-appellee in this appeal in-terposed by Dr. Fernando P. Hofileña and Co-razon de Guia-Hofileña from said decision of the Juvenile & Domestic Relations Court;
4. That upon a careful study of the issues raised and discussed in petitioners-appellants' brief and taking into account on the following commentaries, to wit:

'May a person who has an adopted child still adopt another? This article does not prevent him from doing so'. - (Capistrano, Civil Code of the Philippines 1950 ed. Vol. 1, p. 305; Francisco, Civil Code of the Philippines, Annotated and Commented, 1953 ed. Vol. 1, p. 876).

'A person with an adopted child may still adopt.' - (Padilla, Civil Law, Civil Code Annotated 1961 ed. Vol. I, p. 855).

'The law says that if you have legitimate, legitimated, acknowledged natural children or natural children by legal fiction, you cannot adopt. By implication therefore those who have adopted children may adopt.' (Paras, Civil Code of the Philippines, Annotated, 1965 ed. Vol. I, p. 612).

'It should be noted that the fact that a person has illegitimate children, who are not natural, or adopted children, does disqualify him further from another child.' (Tolentino Commentaries & Jurisprudence on the Civil Code of the Philippines, 1953 ed. Vol. 1, p. 639).

'Under the doctrine, however, of *inclusio unius est exclusio alterius*, the illegitimate children, who are spurious, and adopted children not having been mentioned in the enumeration, it is submitted that a person who has an illegitimate spurious child or an adopted child can still adopt.' (Coquia, Comments and Cases on Civil Law, 1959 ed. Vol. 1, p. 399).

We deem it unnecessary to submit oppositor appellee's brief, and on the basis of petitioners-appellants pleading, we are submitting this case for decision.

WHEREFORE, it is most respectfully prayed that this Honorable Court consider this case submitted without oppositor-appellee's brief.

Manila, Philippines, March 14, 1967."

It is clear from the foregoing manifestation that the Office of the Solicitor General agrees with the views expressed by the distinguished commentators cited therein to the effect that a person who has already an adopted child may still adopt another.

Reasons for the law to the above effect may perhaps be found in these considerations: the persons who, in accordance with the provisions of Article 335(1) of the Civil Code, can not adopt are related by blood with the children whose existence prevents them from adopting any other child; the provision took into account the need to save or protect the successional or hereditary rights of living children related to them by blood; upon the other hand, the adoption of a minor child does not create or establish blood relationship between him and the adopter; neither does the adopted child become the legitimate or legitimated or natural child of the adopter, nor does he become a natural child of the latter by legal fiction; adoption is, undoubtedly, a mere act of generosity on the part of the adopter and should not prevent the adopting parent or parents from carrying out another act of generosity by adopting another child. True, an adopted child acquires successional rights by virtue of his adoption but it is plain to see that such right is not based on the same consideration - blood relationship - that sustains the successional right of children in relation to their natural parents.

WHEREFORE, the appealed decision is hereby reversed and set aside and, as a result, judgment is rendered allowing appellants to adopt the minor Santiago Señeres as prayed for in their petition. Without costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

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.