

CONSOLACION ROSETE, CHARITO ROSETE, MARY LO ROSETE, AND ELIZABETH ROSETE, ALL MINORS, ASSISTED BY THEIR MOTHER EUGENIA CARAG, AS GUARDIAN AD LITEM, PLAINTIFFS AND APPELLEES, VS....

G.R. No. L-15055. July 21, 1961

Ponente: DE LEON, J.

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DE LEON, J.:

On August 8, 1956, Consolacion Rosete, Charito Rosete, Mary Lo Rosete, and Elizabeth Rosete, all minors, assisted by their mother Eugenia Carag, filed a complaint in the Juvenile and Domestic Relations Court against Pablo Rosete, praying that they be recognized as the latter's illegitimate children. The complaint alleges in substance that sometime in January, 1945, defendant, who was legally married to another with whom he had several children, met plaintiffs' mother, Eugenia Carag, in Cagayan province, fell in love with her, and after a serious courtship with promise of marriage, prevailed upon her to live with him; that plaintiffs were conceived and born during the time their mother cohabited with the defendant; that while defendant had been supporting plaintiffs, the support given was insufficient for their sustenance, education and other indispensable needs; and that plaintiffs are seeking to establish their filiation and paternity with defendant in order that they may be entitled to claim for support under the law.

In his answer, as later amended, defendant Pablo Rosete denied the material allegations of the complaint and alleges that he never had any love affair with Eugenia Carag; that the said Eugenia Carag is a woman who is wont to have love affairs and had cohabited with several men; that plaintiffs are not his children but children had by Eugenia Carag with other men; and that he had never maintained nor supported said children, much less recognized them as his own. By way of affirmative and special defenses, defendant alleges that the complaint states no cause of action, the relief prayed for being contrary to law, and that it, likewise, states no factual allegations upon which the prayer for recognition would stand. As counterclaim, defendant claims damages due to the alleged malicious filing of the complaint.

At the trial, during which both testimonial and documentary evidence were presented, Eugenia Carag testified in support of the complaint. For the defense, the defendant Pablo Rosete testified in his own behalf. His wife, Gregoria Basa, as well as Leopoldo Alovra and Victoriano Latupan also testified in his favor.

On August 18, 1958, the Juvenile and Domestic Relations Court, discrediting the evidence presented by defendant and believing in that adduced for the plaintiffs, rendered judgment, the dispositive part of which reads:

"IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered compelling the defendant, by virtue of the provisions of Article 289, taken together with Article 283 (particularly paragraphs 2, 3 and 4 of the latter article), of the new Civil Code, to recognize the minors Consolacion, Charito, Maria Lourdes and Elizabeth, all surnamed Rosete, as his illegitimate children, with all the rights and privileges which the law extends to similar persons of the same status. The said defendant is further ordered to pay, by way of attorney's fees, the sum of

three hundred pesos (P300.00), plus the costs of this suit."

Dissatisfied with the above decision, defendant appealed directly to this Court, claiming, in his brief, that the trial court denied him a fair trial and of his constitutional right not to be compelled to testify against himself, since he was not allowed to appear merely through counsel and was compelled to write on a piece of paper portions of a latter allegedly written by him. He also claims that the trial court erred in giving "undue credence to the faltering, uncorroborated and self-serving testimony devised and concocted by the supposed claimant Consolacion (must be Eugenia) Carag," and in not giving full probative value to the "very natural, open and straightforward, positive clear and convincing testimony" offered by him and his witnesses, and also in not absolving him and dismissing plaintiffs' complaint.

Section 38-E of Republic Act No. 409, otherwise known as the Charter of the City of Manila, as amended by Republic Act No. 1461, which created the Juvenile and Domestic Relations Court, provides that decisions and orders of that court shall be appealed in the same manner and subject to the same conditions as appeals from the courts of first instance.

It appearing that the present appeal involves largely questions of fact, the constitutional questions raised not being substantial, we find and so hold that the same comes within the jurisdiction of the Court of Appeals pursuant to section 2 of Republic Act No. 2613, amending the Judiciary Act of 1948.

Wherefore, this case is ordered certified to the Court of Appeals for determination in accordance with law.

Bengzon, Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and Natividad, JJ., concur.

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