

CLAUDIA MEJIA, ET AL., PLAINTIFFS AND APPELLANTS, VS. CASILDA M. DE MEJIA, DEFENDANT AND APPELLEE.*G.R. No. L-18882. November 29, 1963*

Ponente: CONCEPCION, J.

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This is an appeal from an order of dismissal of the Court of First Instance of Ormoc City, which has been certified to us by the Court of Appeals, only questions of law being raised therein.

Alleging that they are "voluntarily recognized illegitimate children" of Teofilo Mejia, who died in 1942, plaintiffs Claudia, Feliciano, Narcisa, Felipe, Julita and Alfredo, all of whom claim to be surnamed Mejia, instituted this case against the widow of the deceased, defendant Casilda M. de Mejia, for the partition of eight (8) parcels of land situated in Puerto Bello, municipality of Merida, province of Leyte, which are said to belong to the conjugal partnership of said spouses, and recovery of damages on account of defendant's refusal to recognize plaintiffs' claim in and to said properties and to give them the corresponding share in the products thereof as alleged heirs of the deceased.

Upon denial of her motion to dismiss the complaint, defendant filed an answer denying specifically that either she or the deceased had recognized any of the plaintiffs and that the parcels of land above referred to belonged to the aforementioned conjugal partnership or to the deceased alleging, as special defenses, that plaintiffs' cause of action, if any, is barred by the statute of limitations and that said parcels of land belong to the Hacienda Casilda, Inc., an agricultural corporation which should be included as party in this case; and setting up a counterclaim for damages allegedly sustained owing to the institution of this case.

Upon the filing of plaintiffs' reply, the case was, on motion filed by them, set for hearing. However, on the date set therefor, after hearing the views expressed by opposing counsel relative to their respective contentions, the Court, instead of proceeding with the reception of evidence, required both parties to submit their memoranda on the issues raised in defendant's answer. After the presentation of such memoranda, the lower court issued the order appealed from, dismissing the complaint without costs, upon the ground that, under the provisions of the Civil Code of Spain, which were in force in the Philippines at the time of the demise of Teofilo Mejia, adulterous children—as plaintiffs seemingly are—are entitled to no more than the right to support; that, although the Civil Code of the Philippines now grants to said children some successional rights, the same cannot be given retroactive effect; and that, accordingly, the complaint does not state facts sufficient to constitute a cause of action.

A reconsideration of this order having been denied, plaintiffs interposed the present appeal, in which the main issue raised is whether, as alleged adulterous children of the late Teofilo Mejia, plaintiffs are entitled to the benefits of the successional rights granted to such children by the Civil Code of the Philippines, despite the fact that the same was enacted and became effective several years after the death of their alleged father. Plaintiffs invoke Article 2264 of said Code, pursuant to which the aforementioned successional rights "shall also be acquired by children born before the effectivity" thereof. This provision is subject, however, to the qualification,

prescribed in Article 2253 of the same Code, that "if a right should be declared for the first time" therein—and such is, admittedly, the nature of the right invoked by plaintiffs herein—"it shall be effective at once * * * provided said new right does not prejudice or impair any vested or acquired rights". (See, also, Report of the Code Commission, p. 167.) When Teofilo Mejia died in 1942, his heirs, under the Civil Code of Spain, which was then in force, acquired the right to succeed him in his estate, without the successional rights now conferred to adulterous children by the Civil Code of the Philippines. As a consequence, plaintiffs cannot avail of such rights without impairing those of the heirs of the deceased in 1942, under the provisions of the Spanish Civil Code. Hence, Art. 2263 of our Code provides that:

"Rights to the inheritance of a person who died * * * before the effectivity of this Code, shall be governed by the Civil Code of 1889, by other previous laws and the Rules of Court. The inheritance of those who, with or without a will die after the effectivity of this Code shall be adjudicated and distributed in accordance with this new body of law and by the Rules of Court; but the testamentary provisions shall be carried out insofar as they may be permitted by this Code * * *" (Uson vs. Del Rosario, 92 Phil., 530; Montilla vs. Montilla, L-14462, June 30, 1961; Bulos vs. Tecson, L-18285, October 31, 1962.)

The lower court did not err, therefore, in concluding that plaintiffs herein have no right to share in the alleged estate of the deceased Teofilo Mejia. This notwithstanding, the lower court was not justified in dismissing the complaint herein for, although, as a general rule, the "obligation to support another ceases with the death of the person upon whom the obligation devolves", pursuant to Article 150 of the Civil Code of Spain, this rule is subject to the exception found in Article 845 of the same Code, reading:

"Illegitimate children who have not the status of natural children shall be entitled to support only.

"The obligation of the person who is bound to support them shall be transmitted to his or her heirs and shall continue until such children attain their majority, or, in case they should be incapacitated, while the incapacity lasts."

It is alleged in the complaint herein that three (3) of the plaintiffs herein, namely, Felipe, Julita and Alfredo Mejia, are minors. This was on February 14, 1957, when said complaint was filed. Some of the other plaintiffs might have, also, been minors fifteen (15) years prior thereto, when their alleged father, Teofilo Mejia, died in 1942. At any rate, the obligation to support his adulterous children who were minors in 1942, was not extinguished upon his death, but was "transmitted" to his heirs and "shall continue until such children attain their majority, or, in case they are incapacitated, while their incapacity lasts". In other words, assuming hypothetically that the allegations of the complaint are true, such of the plaintiffs as were minors in 1942 had a cause of action against the defendant, though neither for partition nor for accounting, but merely for the enforcement of said right of support.

Wherefore, the order appealed from is reversed, and the record of this case hereby remanded to the lower court for further proceedings, with the costs of this instance against defendant-appellee, Casilda M. de Mejia. It is so ordered.

Bengzon, C. J., Padilla, Labrador, Paredes, and Makalintal, JJ., concur.

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