

MARIA MOLATO ET AL., PETITIONERS VS. CELEDONIA ARCOS ET AL., RESPONDENTS.

G.R. No. L-1760. August 26, 1949

Ponente: TUASON, J.

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TUASON, J.:

This cause is before this Court on appeal by certiorari from the Court of Appeals.

Celedonio Arcos died intestate leaving several parcels of land, a widow named Maria Molato and two children named Salvador Arcos and Alfredo Arcos and had by Maria Molato. Claiming to be the legitimate children of the deceased Celedonio Arcos by a previous marriage with one Severina Monarca, the plaintiffs, Celedonia Arcos and Raymundo Arcos, commenced the present action in the Court of First Instance of Iloilo against Celedonio Arcos' surviving wife and his two children by the latter, demanding a share in the decedent's estate.

The defendants alleged, and the Court of First Instance found, that the plaintiffs' father was one Pedro Corate. More, they alleged, and the Court found, that Celedonio Arcos and the plaintiffs' mother, Severina Monarca, were never married.

But the Court of Appeals believed differently and reversed the trial court's decision. It concluded "from the evidence submitted that the appellants Celedonia Arcos and Raymundo Arcos are legitimate children of the late Celedonio Arcos," and held that they are entitled to share Celedonio Arcos' estate equally with Arcos' children by his second wife, "without prejudice to the rights, hereditary or conjugal, of Maria Molato, as the surviving spouse of the second marriage."

The questions decided by the Court of Appeals and brought here for review are legitimately and exclusively questions of fact. There was no departure from the usual course of judicial proceedings, nor a violation of any of the rules of evidence. Appellees' Exhibits 1 to 8 are not agreements between the parties, the terms of which may not, according to Section 22 of Rule 123, be varied by oral evidence. What is more, the Court of Appeals merely construed these exhibits and weighed their probative value; it did not undertake to alter their meaning.

As this Court may review only questions of law, this appeal will be dismissed with costs. It is so ordered.

Moran, Ozaeta, Feria, Bengzon, Padilla, Montemayor, and Reyes, concur.

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