

INTESTATE ESTATE OF THE DECEASED GAVINO REYES. MARIANO RODRIGUEZ, MARTA RODRIGUEZ AND CONCEPCION RODRIGUEZ, PETITIONERS AND APPELLEES, VS. ZOILO REYES, RESPONDENT AND APPELLEE.*G.R. No. L-7760. September 30, 1955*

Ponente: REYES, J.B.L., J.

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It is of record that the spouses Gavino Villota y Reyes (alias Gavino Reyes) and Rosa Venal had acquired during their marriage certain properties among which were lots Nos. 5976, 43, 44, 45 and 46 and 200 of the Cadastral Survey of Sariaya, Quezon province. The husband Gavino Villota y Reyes having died intestate on April 20, 1935, without leaving issue, his widow Rosa Venal, without judicial settlement of her husband's estate, sold the aforesaid lots to the appellants Rodriguez sometime in the year 1939.

On June 28, 1948, appellee Zoilo Reyes, allegedly a nephew of the late Gavino, instituted proceedings in Court for the settlement of the latter's estate, and was appointed Administrator (Special Proceedings No. 3029). In that capacity Zoilo filed an inventory of the estate of the deceased, and included therein the lots sold by the widow Rosa Venal to appellants Rodriguez. Later, the administrator petitioned the Court to declare as heirs of the deceased Gavino, his alleged nephews Zoilo and Andres Reyes (children of the late Luciano de los Reyes) and Martin Macatangay (son of Luciano's daughter Josef a Reyes, a predeceased sister of Andres and Zoilo Reyes).

The declaration of heirship was opposed by the appellants Rodriguez, since it would undermine their title by purchase from Gavino's widow, Rosa Venal. The Rodriguezes claimed that the widow was the sole true heir of Gavino Villota y Reyes; that Luciano Reyes (father of claimants Zoilo and Andres Reyes and grandfather of Martin Macatangay) was an illegitimate offspring of Gavino's mother (Maxima de los Reyes) of an unknown father, before Maxima married Juan Villota, father of the late Gavino Villota y Reyes.

The Court of First Instance rejected the opposition of appellants herein, and by order of April 27, 1953, held: (1) that the heirship of Zoilo and Andres Reyes and of Martin Macatangay was res judicata in view of the decision of the same Court in Civil Case No. 4656, Basilia Coronel vs. Rosa Venal, Mariano Rodriguez and Concepcion Rodriguez, which decision was affirmed by the Court of Appeals in CA-GR No. 6880-R; (2) that the order appointing Zoilo Reyes as administrator of Gavino's estate established the relationship that the said decedent bore to Andres and Zoilo Reyes; and (3) that Luciano de los Reyes, while born illegitimate, had been legitimated by the marriage of his mother, Maxima de los Reyes, to Juan Villota and became thus capable of inheriting from his brother Gavino; hence the descendants of Luciano were entitled to inherit to the exclusion of the widow.

The Rodriguez oppositors appealed to the Court of Appeals. The latter, by decision of April 17, 1954 (CA-GR No. 11553-R), affirmed that of the inferior court, on the ground that the prior adjudication in Civil Case No. 4656 of the Court of First Instance of Tayabas, sustained by the Court of Appeals in a final judgment rendered in G. R. No. 6880-R, constituted estoppel by judgment on the fact that Zoilo Reyes, his brother Andres and his sister

Josefa (now represented by her son, Martin Macatangay), were the heirs of the deceased.

We granted certiorari to review this decision of the Court of Appeals.

The prior adjudication upon which both Courts below relied, as conclusively establishing the successional rights of claimants Reyes and Macatangay, was a finding made by the Courts of First Instance of Quezon, Tayabas, in deciding Civil Case No. 4656 of that Court. That suit was brought by one Basilia Coronel against Rosa Venal (widow of Gavino Villota y Reyes), Mariano Rodriguez and Concepcion Rodriguez (the last two being the oppositors-appellants in the case now before us). The plaintiff therein sought to annul and set aside the conveyance of lot No. 46 of the Sariaya Cadastre, made by Rosa Venal in favor of the Rodriguezes on July 22, 1939, on the strength of a prior sale in favor of said plaintiff, Basilia Coronel, made by the spouses Gavino Villota and Rosa Venal in 1929. The Court of First Instance annulled the sale of the lot in favor of oppositors Rodriguez, and directed the Register of Deeds to cancel the corresponding certificate and issue another in the name of Basilia Coronel. In the course of its decision, the Court found that Rosa Venal included lot 46 by mistake among the properties she sold to the Rodriguezes; but it also made the following pronouncement:

"When she (Rosa Venal) sold the whole property again in 1939 alone, she was not its exclusive owner for Gavino Reyes left nephews in the persons of Andres and Zoilo Reyes, children of his deceased brother Luciano Reyes. In the law and order of succession, brothers and sisters, nephews and nieces precede the surviving spouse." (Exhibit G.; Appendice 1, Appellee's brief. P. 71.)

The case was appealed to the Court of Appeals, where it was docketed as CA-G. R. No. 6880-R. In due time, the Fourth Division of said Court rendered judgment affirming the decision of the Court of First Instance, holding that:

"Assuming as fact the due execution of Exhibit B, the instrument through which Rosa Venal sold lot No. 46 to the defendants, no validity can be given thereto, for Rosa Venal could not have disposed then of that property, as it no longer belonged to her. Its inclusion in the sale must have been an obvious mistake. * * *

"That appellants' contention that Rosa Venal is liable to them for the value of lot No. 46 is preposterous, because she asserted, and we believe it to be true, that she sold it to none other than Basilia. Moreover, if that lot was really included in the sale, the least that can be said is that it was a mistake."

But the Court of Appeals passed sub silentio the finding that the deceased Gavino Villota Reyes had left nephews who preceded his widow in the succession.

Upon these facts we hold that the finding of the Court of First Instance in its case No. 4656, as to Zoilo and Andres Reyes, could not give rise to res judicata nor to estoppel. Both bars to relitigation require that the later suit should be between the same parties or their privies, a condition that does not obtain in the present case. The first litigation was between the appellants Rodriguez and Basilia Coronel; while the second case, now before us, is between the Administrator of the estate of Gavino Villota y Reyes, on the one hand, and the Rodriguezes on the other. Obviously, there is no identity of parties.

The Court of Appeals sought to turn the objection by holding that:

"It could be said that the herein administrator and the plaintiff in that case (i.e., Basilia Coronel) are privies of the deceased Gavino Reyes, while Mariano Rodriguez and Concepcion Rodriguez, the herein oppositors-appellants, were the defendants-appellants in said civil case."

The error in this reasoning lies in the assumption that the rule of conclusiveness of judgments can operate against or in favor of different plaintiffs, provided they are both privies of a common predecessor (causante), when in reality the rule requires them to be privies of each other, and such privity must be by title subsequent to the

commencement of the first action or proceeding (Rule. 39, section 44(b); 30 Am. Jur., 957; I Moran, Commentaries on the Rules of Court, pp. 869-870 and cases therein cited). The administrator of Gavino Villota y Reyes is not a successor in interest of Basilia Coronel; if at all, the interest he represents is anterior to that of Basilia (who was Gavino's vendee) and hence, it can not be affected favorably or unfavorably by the adjudication in her suit.

"Similarly, a judgment in. favor of or adverse to the interest or title of an assignee or grantee, rendered in an action to which the assignor or grantor is not a party, is not conclusive as between the assignor or grantor and the succesful assailant of the assignee's or grantee's interest or title." (Kapiolani Estate vs. Atcherly, 50 L. Ed., 1229; Radford vs. Meyers, 58 L. Ed, 454; Bergson vs. Hood, 116 ALE 951)

It stands to reason that as the finding that Zoilo and Andres Reyes were nephews of Gavino Reyes was made in an action wherein Gavino was not a party, it can not be invoked by the appellants Rodriguez against him or his administrator; and if this be so, neither should said pronouncement be invoked by the administrator against the Rodriguezes, for estoppels must be mutual (Andres vs. Pimentel, 21 Phil., 434).

Finally, it is well to note that the finding relied upon is merely to the effect that Andres and Zoilo Reyes were nephews of Gavino, but it does not state that they were legitimate nephews, as is necessary in order to enable them to succeed ahead of the widow; and that such finding was not confirmed by the Court of Appeals, that rendered the final judgment setting at rest the prior litigation.

Neither is estoppel or res judicata derivable from the pronouncement contained in the order of September 2, 1948, appointing Zoilo Reyes as administrator of the estate of Gavino Villota y Reyes. The statement therein that "the persons nearest of kin to the deceased are his surviving spouse and the children of Zoilo Reyes, the herein petitioner, and Andres Reyes, both of whom are brothers of the deceased" was entirely extraneous and unnecessary (obiter) for the purpose of the order itself; so much so that the finding is being modified by the order of declaration of heirs, dated April 27, 1953, now under appeal. In addition, there is no showing that the oppositors-appellants were served with notice of the petition to appoint the administrator, nor that they appeared at the hearing thereof.

There being no estoppel, contrary to the holding of the Court of Appeals, we are forced to examine the correctness of the finding of the Court of First Instance that Luciano de los Reyes (father of claimants Zoilo and Andres Reyes, and grandfather of Martin Macatangay) was a legitimated son of Juan Villota and Maxima de los Reyes, and therefore, a legitimate brother, for all intents and! purposes, of the decedent Gayino Villota y Reyes, with right to succeed the latter in the absence of descendants and ascendants. The point was not touched upon by the Court of Appeals.

It is unquestioned that according to his baptismal certificate, Exhibit 3, Luciano de los Reyes was born on January 7, 1871, of Maxima de los Reyes, single, and an unknown father (padre: desconocido); and said certificate adds:

"Legitimidad: No legitimado" (legitimo).

It is also admitted that almost two (2) years later, on Noveiriber 26, 1872, Juan Villota was eanonically married to Maxima de los Reyes, mother of Luciano (Exhibit K). According to the governing law of the time (1871), which was the Law of XI of Toro, in order that this marriage should produce the legitimation of Luciano, it must appear (1) that Luciano was the son, not only of Maxima, but of Juan Villota as well; (2) that Juan Villota and Maxima de los Reyes could contract marriage with each other, "justamente y sin dispensacion" when Luciano was conceived or when he was born; and (3) that Juan Villota should have acknowledged Luciano to be his natural son, though such recognition need not be express but may be implied from the acts of the alleged father (Allarde vs. Abaya, 57 Phil., 909). Plainly, the marriage is by itself no proof of. recognition, for Juan Villota might have

been ignorant of Luciano's birth (*Siguiong vs. Siguiong*, 8 Phil., 5).

Now, the record before us is totally barren of proof as to any personal acts of recognition by Juan Villota with regard to Luciano; nor is there evidence on the question of who was Luciano's father. The Court of First Instance cites no proof; and the evidence of the appellees is merely to the effect that Gavino and Luciano were "full blood brothers", which is, only a conclusion of the witnesses and irrelevant to the issue of legitimation or recognition, especially under the laws of Toro. For under the Law XI the son had to be acknowledged by the parent and by no other person, said law expressly requiring "con tanto que el padre le reconozca por su hijo." (Sent Trib. Sup. of Spain, 23 June 1868). It is well to recall here that the conferment of the status of acknowledged natural child by acts of the members of the parent's family (authorized by Article 135, No. 2, of the Spanish Civil Code of 1889) was entirely without precedent in the pre-Codal legislation of Spain and its colonies.

Not only have the appellees failed to prove that their predecessor Luciano de los Reyes was the offspring of Juan Villota, or that the latter in any way acknowledged Luciano as his son; but these are on record plain indicia that such acknowledgment or legitimation never took place. Thus Exhibit J, the certificate of the marriage of Luciano de los Reyes with Agripina Gragasa in 1898, expressly recites:

"* * * case" por palabras de presente y con licencia dada por el R. P. Fr. Miguel Gonzalez, en esta Iglesia de mi cargo segun rito de Nuestra Madre Iglesia, a Luciano de los Reyes, hijo de Maxima de los Reyes, del pueblo de Candelaria del barangay No. 25; con Agripina Gragasa, india soltera, hija de Engracio Gragasa y Apolinario Abordo, * * *."

It will be noticed that (1) the identity of Luciano's father remains unknown down to 1898, since only his mother's name is recorded; (2) that his mother is not described as widowed; and (3) that Luciano did not bear the surname of his alleged father, Juan Villota. These facts are incompatible with the theory that Juan Villota had acknowledged and legitimated Luciano. Had he done so, there would be no reason why Luciano should not bear the paternal surnames to which the legitimation entitled him, or why he should have withheld the name of Juan Villota as his father on such a solemn occasion. The Spanish law, from the Fuero Real down to the Code of 1889, strictly and consistently adhered to the maxim of the Canon Law (the Decretal of Pope Alexander III) that those legitimated by marriage of the parents should be considered legitimated.[1] In view of the social importance given to legitimacy, especially in the past century, it is inconceivable that Luciano, if really legitimated by both parents, should prefer to hide his paternity and appear as illegitimate before the woman he was to marry.

In the absence of reliable proof that Juan Villota had begotten and acknowledged Luciano de los Reyes as his natural son,, his legitimation can not be declared duly proved.

"To hold otherwise would make possible the admission of fraudulent claims made after the decease of a married couple, based upon an allegation that the claimant was the fruit 'of illicit relations prior to their marriage, and without any attempt to show that the putative father had ever recognized the claimant as his child or even knew of its existence; and the mere possibility that such claimants might present themselves would, cast doubt and confusion on many inheritances, and open wide the door to a form of fraud which the legitimate heirs would find great difficulty in combating." (*Siguiong vs. Siguiong*, supra.)

And without such legitimation, Luciano could not succeed to the estate of Gavino Villota y Reyes, in view of Article 943 of the Civil Code of 1889 (later clarified by Article 992 of the new Civil Code):

"Art. 943. A natural child has no right to succeed ab intestate legitimate children and relatives (of the father or mother who has acknowledged, it; nor shall such children or relatives so inherit from the natural child."

"Art. 992. (New Civil Code) An illegitimate child has no right to inherit ab intestate 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."

And the disqualification of Luciano to succeed Gavino Villota extended under these articles to Luciano's own progeny, Zoilo and Andres and Martin Macatangay, since they could not represent him (Sent. Tribunal Supremo of Spain, 24 June 1897; 7 Manresa, Comentarios (6th ed.) pp. 140-141).

In conclusion, we hold:

- (1) That a vendor or his administrator may not be concluded,, favorably or unfavorably, by a prior judgment rendered in an action between his vendee and other parties;
- (2) That a finding in an order appointing an administrator for a decedent's estate, to the effect that certain persons are the next of kin of the deceased, can not conclude persons who were not as yet parties to the proceeding ;
- (3) That a natural child, not recognized as required by the law XI of Toro, is not legitimated by the subsequent marriage of his parents; and therefore, he is barred from succeeding to the legitimate issue of said parents.
- (4) That such disqualification to inherit extends to the descendants of the unrecognized natural child.

In view of the foregoing, the decision appealed from is reversed and the declaration of heirs made on April 27, 1953, by the Court of First Instance 6f Quezon in Special Proceedings No. 3029, is revoked and set aside. Let the records be remanded to the Court of origin for a new hearing to determine the true intestate heirs of the deceased Gavino Villota y Reyes, to the exclusion of claimants Reyes and Macatangay, in accordance with law and this opinion. So ordered.

Bengzon, Acting C. J., Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J. B. L., JJ., concur.

[1] "tanta est vis matrimonii, ut qui antea sunt geniti, post contractum matrimonium legitimi habeantur". Or as the Siete Partidas stated it: tan grand fuerza ha el matrimonio, que luego que el padre e la madre son casados, se fazen por ende lot fijos legitimos" (Part IV, Tit. XIII, l.a.)

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