

BEATRIZ PATERNO, ET AL., PLAINTIFFS-APPELLANTS, VS. JACOB T. PATERNO, ET AL., DEFENDANTS-APPELLEES.*G.R. No. L-23060. June 30, 1967*

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

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This is an appeal from the order of the Juvenile and Domestic Relations Court dismissing its Civil Case No. 01124, for want of jurisdiction.

After their complaint in Civil Case No. 33467 of the Court of First Instance of Manila[1] was dismissed for lack of jurisdiction, because the principal question involved therein was the paternity of the late Dr. Jose P. Paterno, the minors Beatriz and Bernardo Paterno, represented by their mother, Feliza Orijuela, commenced a proceeding, on April 18, 1958, in the juvenile and Domestic Relations Court (Civ. Case No. 01124) against Jacoba T. Paterno and Luis, Vicente, Tomas, Susana and Maria Lucia, all surname Paterno, the surviving widow and legitimate children of the said de-ceased.

Plaintiffs minors alleged in their complaint, inter alia, that they are two of the three children of Jose P. Paterno (who died in-testate on April 17, 1956) begotten out of wedlock with Feliza Orijuela, conceived and born at the time when the deceased was cohabiting with the latter; that they were in continuous possession and enjoyment of the status of children of the deceased, shown by his direct and overt acts and those of his family; that on June 26, 1956, after the demise of Jose P. Paterno, the defendants, in evident bad faith and in fraud of plaintiffs, as compulsory heirs, executed a deed of extrajudicial partition, dividing among themselves the estate of the deceased consisting of real and personal properties; that on account of the unlawful and malicious deprivation by defendants, of their rightful share in the decedent's estate, plaintiffs have incurred actual expenses amounting to P20,000.00; and that, as illegitimate children of the deceased Dr. Paterno, they are entitled to support and maintenance for their education and well-being. It was, therefore, prayed the court that (1) their mother Feliza Orijuela be appointed guardian ad litem; (2) they be declared illegitimate (adulterous) children of the deceased Dr. Jose P. Paterno; (3) defendants be compelled to recognize them as compulsory heirs of the deceased; (4) the "Extrajudicial Settlement of Estate" entered into by the defendants be declared null and void; (5) their share and participation in the estate be determined, and defendants be compelled to deliver the same to them; (6) defendants be sentenced, jointly and severally, to pay them actual damages in the sum of P20,000.00, exemplary damages for P10,000.00, and moral damages in such amount as the court may fix, and costs. They also asked for support pendente lite, for not less than P2,000.00 a month.

It appears from the records that upon defendants' filing their answer, the Honorable N. Almeda-Lopez started reception of plaintiffs' evidence. However, on January 11, 1964, prior to a scheduled continuation of the hearing, the Honorable Judge C. Julianio-Agrava, who was appointed to the Court, required the parties to show cause why the case should not be dismissed for lack of jurisdiction. On April 4, 1964, and after both parties had submitted their respective memoranda, the court finally ordered the dismissal of the case, for the reason that where an illegitimate child seeks to participate in the estate of the deceased putative father, the action becomes essentially

one for recovery of plaintiff's supposed share in the estate and the question of paternity becomes merely an incident thereto. As the main issue falls within the jurisdiction of the ordinary courts, the incidental question of paternity should also be resolved there, if the splitting of causes of action is to be avoided. This is the order now subject of the present appeal.

The parties are agreed that the issue of paternity is within the competence of the Juvenile and Domestic Relations Court to entertain. It cannot be denied either that cases falling within the jurisdiction of the said special court are specifically enumerated and claims for participation in the estate of a deceased putative parent, and for damages are not included therein.[2] However, it is also specifically provided in Republic Act 1401, that should any Matter ordinarily cognizable by the Juvenile and Domestic Relations Court arise as an incident in any case, in the ordinary courts, such incidental matter is to be resolved in that main case. The issue to be determined here, therefore, is which of plaintiffs' claims (filiation or participation) constitutes the main cause and which is merely an incident thereto.

In declaring itself without jurisdiction to take cognizance of the case, the trial court ruled that the main action here is that for participation in the estate of the deceased, the issue of paternity becoming merely an incident thereto; thus, all the issues should be passed upon by the probate or the ordinary court.

The inherent defect in this conclusion is that it practically assumes that plaintiffs have a right to share in the estate of the supposed father. Hence, the giving of more weight and importance to the claim against the estate. But that should not be so. It must be remembered that for an illegitimate child not natural to be entitled to the successional rights mentioned in Articles 287 and 887 of the Civil Code, there must be admission or recognition of his paternity.[3] However, in this case, there was no allegation in the appellants' complaint that they were voluntarily acknowledged or recognized by the deceased as his illegitimate children. Instead, it was therein alleged that they were in continuous possession of the status of illegitimate children of the late Dr. Paterno, which is a ground for compulsory recognition under Article 283 of the Civil Code. In fact, plaintiffs prayed the court to compel the defendants-legitimate heirs of the decedent to recognize their status as illegitimate (adulterous) children of Dr. Paterno. Clearly, before the claim to participate in the estate may be prosecuted, plaintiffs' right to succeed must first be established. Differently stated, plaintiffs' main action is that for recognition of their status as illegitimate children of the deceased, upon which the right to share in the hereditary estate of the putative father would rest.

On the other hand, we cannot sustain appellants' contention that the matters of partition of the estate of the deceased and their claim for damages may be entertained by the Juvenile and Domestic Relations Court, in the exercise of "such incidental powers as are generally possessed by courts of first instance." (Sec. 1, Rep. Act , 1401).

It must be realized that the Juvenile and Domestic Relations Court is a court of special jurisdiction, established as an experimental or pilot-project in the City of Manila, to determine how a tribunal specializing in cases and proceedings affecting children and domestic relations can contribute in the drive to curb juvenile delinquency.[4] The intent of the lawmakers to confer on such court only limited jurisdiction is indubitable. In fact, as originally drafted, paragraph (f) of Section 1 of the bill which became Republic Act 1401 reads, "actions involving the conjugal partnership." It was, however, amended to read "actions for the separation of property of the spouses", precisely so as not to deprive the regular courts of jurisdiction over testate proceedings.[5] The discussion in Congress on this point is enlightening --

"MR. ENVERGA. I have in mind that this matter also refers to the estate of the decedent, because the terminology is too general, conjugal partnership, and whenever there is conjugal partnership property involved, it is my belief that, according to this bill, the case should be presented in the juvenile delinquency court. Is that correct?

"MR. FRANCISCO. I am grateful to the gentleman from Quezon for his question, because it would clarify the matter. The purpose is not to include settlement of the estate of the deceased. We are clarifying this for purposes of interpretation later. That is why I am grateful to the gentleman for his question, because I believe that the purpose of the Committee and the spirit of the bill is to give jurisdiction to this court over questions affecting conjugal partnership between husbands and wives who are alive. This would not affect the settlement of the estate of deceased persons."[6]

In granting to the Juvenile and Domestic Relations Court "such incidental powers generally possessed by the court of first instance", the law, therefore, could not have intended to confer on this special tribunal jurisdiction over all, subject matter cognizable by the ordinary court of first instance. The term "incidental powers" must refer to - the authority to issue such orders or writs and take such measures as might be necessary to carry out the functions of the Juvenile and Domestic Relations Court.

The above conclusion will, not constitute a violation of the rule against splitting of cause of action. The prohibition provided in the Rules of Court is against the institution of more than one suit for a single cause of action. (Sec. 3; Rule 2, Revised Rules of Court). But, as alleged in the complaint, the bases for plaintiffs' various claims would not be the same. By the creation of the Juvenile and Domestic Relations Court, with its exclusive jurisdiction over cases involving paternity and acknowledgment, recognition of children and recovery of hereditary shares can no longer be properly joined as causes of action, since each lies within the jurisdiction of a different tribunal.

WHEREFORE, the order of dismissal appealed from, insofar as it affects the issue of paternity, is hereby set aside, and the case is returned to the Juvenile and Domestic Relations Court for determination of that particular issue. Costs against the defendants-appellees.

SO ORDERED.

Concepcion, C.J., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.

[1] wherein plaintiffs-minors sought to be declared illegitimate children and, therefore, heirs of the deceased Jose P. Paterno, entitled to participate in the decedent's estate.

[2] "SEC 38-A. --The Juvenile and Domestic Relations Court.-- xxx xxx xxx

"Provisions of the Judiciary Act to the contrary notwithstanding, the court shall have exclusive original jurisdiction to hear and decide the following cases after the effectivity of this Act:

“(a) Criminal cases cognizable by the Municipal Court and the Court of First Instance of Manila wherein the accused is under sixteen years of age at the time of the trial;

“(b) Cases involving custody, guardianship, adoption, paternity and acknowledgment;

“(c) Annulment of marriages, legal separation of spouses, and action for support;

“(d) Proceedings brought under the provisions of articles one hundred sixteen, two hundred twenty-five, two hundred fifty-two and three hundred thirty-two of the Civil Code;

“(e) Petitions for the declaration of absence and for the change of name;

“(f) Actions for the separation of property of spouses;

“(g) Proceedings affecting a dependent or neglected child, as hereinafter defined.

"The court shall likewise have such incidental powers as are generally possessed by courts of first instance.

"If any question involving any of the above matters should arise as an incident in any case pending in the ordinary courts, said incident shall be determined in the main case." (Rep. Act 1401)

[3] Noble vs. Noble, G. R. No. L-17742, Dec. 17, 1966; Paulino vs. Paulino, G. R. No. L-15091, Dec. 28, 1961.

[4] Explanatory Note to House Bill. No. 2650, which became Republic Act 1401.

[5] House Congressional Record, Vol. II, No. 65, May 5, 1955, pp. 2388-2389.

[6] Ibid., p. 2379.

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