

RODERICK DAOANG, AND ROMMEL DAOANG, ASSISTED BY THEIR FATHER, ROMEO DAOANG, PETITIONERS, VS. THE MUNICIPAL JUDGE, SAN NICOLAS, ILOCOS NORTE, ANTERO AGONoy AND AMANDA RAMOS-AGONO...

G.R. No. L-34568. March 28, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review on certiorari of the decision, dated 30 June 1971, rendered by the respondent judge* in Spec. Proc. No. 37 of the Municipal Court of San Nicolas, Ilocos Norte, entitled: "In re Adoption of the Minors Quirino Bonilla and Wilson Marcos; Antero Agonoy and Amanda R. Agonoy, petitioners", the dispositive part of which reads, as follows:

"Wherefore, Court renders judgement declaring that henceforth Quirino Bonilla and Wilson Marcos be, to all legitimate intents and purposes, the children by adoption of the joint petitioners Antero Agonoy and Amanda R. Agonoy and that the former be freed from legal obedience and maintenance by their respective parents, Miguel Bonilla and Laureana Agonoy for Quirino Bonilla and Modesto Marcos and Benjamina Gonzales for Wilson Marcos and their family names 'Bonilla' and 'Marcos' be changed with 'Agonoy', which is the family name of the petitioners.

"Successional rights of the children and that of their adopting parents shall be governed by the pertinent provisions of the New Civil Code.

"Let copy of this decision be furnished and entered into the records of the Local Civil Registry of San Nicolas, Ilocos Norte, for its legal effects at the expense of the petitioners"[1].

The undisputed facts of the case are as follows:

On 23 March 1971, the respondent spouses Antero and Amanda Agonoy filed a petition with the Municipal Court of San Nicolas, Ilocos Norte, seeking the adoption of the minors Quirino Bonilla and Wilson Marcos. The case, entitled: "In re Adoption of the Minors Quirino Bonilla and Wilson Marcos, Antero Agonoy and Amanda Ramos-Agonoy, petitioners", was docketed therein as Spec. Proc. No. 37[2].

The petition was set for hearing on 24 April 1971 and notices thereof were caused to be served upon the Office of the Solicitor General and ordered published in the ILOCOS TIMES, a weekly newspaper of general circulation in the province of Ilocos Norte, with editorial offices in Laoag City[3].

On 22 April 1971, the minors Roderick and Romel Daoang, assisted by their father and guardian ad litem, the petitioners herein, filed an opposition to the aforementioned petition for adoption, claiming that the spouses Antero and Amanda Agonoy had a legitimate daughter named Estrella Agonoy, oppositors' mother, who died on 1 March 1971, and therefore, said spouses were disqualified to adopt under Art. 335 of the Civil Code[4].

After the required publication of notice had been accomplished, evidence was presented. Thereafter, the Municipal Court of San Nicolas, Ilocos Norte rendered its decision, granting the petition for adoption[5].

Hence, the present recourse by the petitioners (oppositors in the lower court).

The sole issue for consideration is one of law and it is whether or not the respondent spouses Antero Agonoy and Amanda Ramos-Agonoy are disqualified to adopt under paragraph (1), Art. 335 of the Civil Code.

The pertinent provision of law reads, as follows:

"Art. 335. The following cannot adopt:

(1) Those who have legitimate, legitimated, acknowledged natural children, or children by legal fiction;

xxx xxxxx xxxxx".

In overruling the opposition of the herein petitioners, the respondent judge held that "to add grandchild or grandchildren in this article where no grandchild is included would violate to (sic) the legal maxim that what is expressly included would naturally exclude what is not included".

But, it is contended by the petitioners, citing the case of *In re Adoption of Millendez*[6], that the adoption of Quirino Bonilla and Wilson Marcos would not only introduce a foreign element into the family unit, but would result in the reduction of their legitimes. It would also produce an indirect, permanent and irrevocable disinheritance which is contrary to the policy of the law that a subsequent reconciliation between the offender and the offended person deprives the latter of the right to disinherit and renders ineffectual any disinheritance that may have been made.

We find, however, that the words used in paragraph (1) of Art. 335 of the Civil Code, in enumerating the persons who cannot adopt, are clear and unambiguous. The children mentioned therein have a clearly defined meaning in law and, as pointed out by the respondent judge, do not include grandchildren.

Well known is the rule of statutory construction to the effect that a statute clear and unambiguous on its face need not be interpreted; stated otherwise, the rule is that only statutes with an ambiguous or doubtful meaning may be the subject of statutory construction[7].

Besides, it appears that the legislator, in enacting the Civil Code of the Philippines, obviously intended that only those persons who have certain classes of children, are disqualified to adopt. The Civil Code of Spain, which was once in force in the Philippines, and which served as the pattern for the Civil Code of the Philippines, in its Article 174, disqualified persons who have legitimate or legitimated descendants from adopting. Under this article, the spouses Antero and Amanda Agonoy would have been disqualified to adopt as they have legitimate grandchildren, the petitioners herein. But, when the Civil Code of the Philippines was adopted, the word "descendants" was changed to "children", in paragraph (1) of Article 335.

Adoption used to be for the benefit of the adaptor. It was intended to afford to persons who have no child of their own the consolation of having one, by creating through legal fiction, the relation of paternity and filiation where none exists by blood relationship[8]. The pre-sent tendency, however, is geared more towards the promotion of the welfare of the child and the enhancement of his opportunities for a useful and happy life, and every intend-ment is sustained to promote that objective[9]. Under the law now in force, having legitimate, legitimated, acknowledged natural children, or children by legal fiction, is no longer a ground for disqualification to adopt[10].

WHEREFORE, the petition is DENIED. The judgment of the Municipal Court of San Nicolas, Ilocos Norte in Spec. Proc. No. 37 is AFFIRMED. Without pronouncement as to costs in this instance.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

[*] Judge Pascual C. Barba.

[1] Rollo, pp. 19-20

[2] Id., p. 8

[3] Id., p. 12

[4] Id., p. 13

[5] Id., p. 14

[6] G.R. No. L-28195, June 10, 1971, 39 SCRA 499

[7] 2 Sutherland, Statutory Construction, 3rd. ed., Section 4502, p. 316

[8] In re Adoption of Resaba, 95 Phil. 244

[9] Santos vs. Aranzanso, 123 Phil. 160

[10] Child and Welfare Code, Art. 28

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