

INTESTATE ESTATE OF JULIA DE LA PENA, DECEASED. DIEGO DE GUZMAN ET AL., PETITIONERS AND APPELLANTS, VS. RUPINO SEVILLA ET AL., OPPONENTS AND APPELLANTS.

G.R. No. L-21570. August 30, 1924

Ponente: ROMUALDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f006c1e53310/>

ROMUALDEZ, J.:

This is an appeal from an order dated July 20, 1923, of the Court of First Instance of Nueva Ecija, denying the petition both of the petitioners and of the opponents for declaration of heirs and denying also the authority to sell certain property, which was applied for by the former.

Both parties have appealed from this order, each assigning errors thereto.

This case is concerned with the inheritance of the deceased Julia de la Pena.

The evidence shows that this Julia de la Pena was daughter of Julio Sevilla and Catalina de la Pena, who were not married. The petitioners have introduced evidence to the effect that Julia de la Pena was an adulterous child because Julio Sevilla was married with Josefa Gutierrez who was alive at the time. The fact is that Julia de la Pena was a child of unmarried parents, and therefore she was not a legitimate child, nor does she appear to have been legitimated, and is, at most, an acknowledged natural child, supposing it not to have been proven that she was an adulterous child, as alleged by the petitioners.

Now, the persons entitled to succeed a natural child in an intestate succession are the father or mother who acknowledged it (art. 944, Civil Code), and in default of either, its natural brothers (art. 945, Civil Code). It was not proven nor is it contended that the petitioners or the opponents are parents or brothers of the deceased Julia de la Pena; and with the exception of the relatives mentioned in said articles 944 and 945 of the Civil Code, no other relative of the natural child has the right to succeed it, as is clearly provided by article 943 of the same Code.

It is, therefore, clear that neither the petitioners nor the opponents can be declared heirs of the deceased Julia de la Pena without a will.

We find no error in the order appealed from, except in its last disposition which says "In lieu thereof, the estate is awarded to the State." We think this awarding is premature because the requirements of sections 750 to 752 of the Code of Civil Procedure have not previously been complied with.

The order appealed from is affirmed in other respects, without pronouncement as to costs, with instruction to the lower court to furnish the provincial fiscal of Nueva Ecija a copy of this decision for such action as may be proper under the aforesaid sections 750 to 752 of the Code of Civil Procedure. So ordered.

Johnson, Street, Malcolm, Avancena, Villamor, and Ostrand, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.