

**TESTATE ESTATE OF GUILLERMO PUATU Y CONSTANTINO,
DECEASED. ROSARIO CAMPOS FERNANDEZ, PETITIONER AND
APPELLEE VS. DR. SANTIAGO T. PUATU, VICTORIA T. PUATU,
MARIANO T. PUATU, ROSA...**

G. R. No. 10071. October 31, 1957

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10071/>

CONCEPCION, J.:

This is an appeal from an order of the Court of First Instance of Manila declaring that appellee Rosario Campos Fernandez is the widow of Guillermo Puatu y Constantino.

Alfonso Puatu, represented by Atty. Arsenio B. Cruz, instituted this case on June 15, 1953. In the petition filed therefor, it was alleged that Guillermo Puatu y Constantino had died in Manila, on June 1, 1953; that the deceased was single, of age, Filipino and resident of Manila; that his only heirs are his nephews, namely, Alfonso (the petitioner), Emiliana and Mateo, all sur-named Puatu, 'and Pedro, Natividad, Gregorio and Flordeliza, all surnamed Atienza y Puatu; that the deceased had some properties, but no debts; and that he died intestate. Petitioner prayed that Mateo Puatu be appointed administrator of the estate of the deceased.

An urgent motion to dismiss, dated September 19, 1953, with alternative motion to revoke the letters of administration issued to said Mateo Puatu, was filed by Santiago, Victoria, Mariano, Rosario, Luz, Alejandro, Guillermo, Jr., Nicolas, Emeteria, Hermongenes, Aurora, Soledad, Isabel, Guillerma, Eugenia, Rosalinda and Felizarda, all surnamed Puatu. The motion alleged that said petitioners are the acknowledged natural children of the deceased, with whom they had lived continuously, from their birth up to the time of his death; that they are his sole heirs; that Alfonso Puato did not mention their names in his petition, dated June 15, 1953, in order to give the impression that he had a right to institute the proceedings and to avoid service of notice upon the movants; and that there is no need of said proceedings for the settlement of the estate of the deceased, inasmuch as they had paid the only obligation left by the latter upon his death, and they are all in agreement as to the partition of his estate, which they had been administering ever since his last illness. Accordingly, the movants prayed that the proceedings be dismissed and the letters of administration issued to Mateo Puatu revoked, or, else, that said letters of administration be revoked, and Alejandro Puatu be appointed, in lieu of Mateo Puatu, as administrator of the estate of the deceased.

On month later, or on October 19, 1953, said movants— hereinafter referred to as children of the decedent—filed a notice of discovery and petition for probate of a will, stating that, after the filing of their motion of September 19, 1953, they had found a copy of the last will and testament executed by the decedent on November 12, 1944, bearing a stamp of the Court of First Instance of Manila, showing, that the original of said document had been filed with said court, on November 16, 1944, for safekeeping, and praying that said will be admitted to probate and letters of administration issued to Alejandro T. Puatu, one of the acknowledged natural children of the deceased. The latter's aforementioned nephews, Mateo, Emiliana and Alfonso, all surnamed Puatu—then

represented by Atty. Nicanor S. Sison, who had, meanwhile, substituted Atty. Cruz—objected thereto, upon the ground that the instrument presented for probate is not authentic; that it is not the original will; that it is written in a language (English) not known to the deceased; and that it had not been executed conformably to law. Soon, thereafter, Atty. Sison filed a similar opposition to the probate of said instrument, on behalf of Rosario Campos Fernandez, who claimed to have been married to the deceased in Spain on May 15, 1896.

After due hearing, the court, by an order dated August 20, 1954, allowed the aforementioned instrument to probate as the last will and testament of Guillermo Puatu y Constantino, appointed his son, Alejandro T. Puatu, as administrator of the estate of the decedent, revoked the letters of administration issued to Hateo Puatu, and ordered him to turn over said estate to Alejandro T. Puatu. Said nephews of the deceased announced their intention to appeal from this order, but, thereafter, they withdrew their notice of appeal, and stated that they accepted said order of August 20, 1954, and had no interest in the properties of the deceased. Thus, said order became final and executory.

As Rosario Campos Fernandez later urged the court to settle her civil status, evidence was taken thereon and subsequently an order was issued on October 5, 1955, holding that she is the lawful surviving spouse of the deceased. A reconsideration of this order, as well as a new trial, were, thereafter, denied, whereupon the children of the deceased perfected their appeal. Our jurisdiction over the same is due to the fact that the estate of the decedent is worth more than P50,000.00.

The record shows that, during his lifetime, Guillermo Puatu y Constantino lived maritally, first in Plaridel, and then in Baliuag, Bulacan, with Nemesia Talastas—now deceased—who begot him the following children, whose ages, in October, 1953; are given after their respective names:

1. Dr. Santiago T. Puatu

41

years

2. Victoria T. Puatu

38

"

3. Mariano T. Puatu

36

"

4. Rosario T. Puatu-Cruz

34

"

5. Lira Luz T. Puatu-Ortencio

82

"

6. Alejandro T. Puatu

28

"

7. Guillermo T. Puatu, Jr

26

"

8. Atty. Nicolas T. Puatu

24

"

9. Emeteria T. Puatu

22

"

10. HermoKencs T. Puatu

19

"

11. Aurora T. Puatu

17

"

Several years after the commencement of said relations with Nemesia Talastas, Guillermo maintained a house in Manila, where he stayed—whenever in the city—with Sole-dad Gador, who begot him the following children, whose ages, in October, 1953, are stated after their respective names:

1. Solcddad G. Puatu

14

years

2. Isabel G. Puatu

13

"

3. Guillerma G. Puatu

9

"

4. Eugenia G. Puatu

6

"

5. Rosalinda G. Puatu

4

"

6. Felizarda G. Puatu

3

"

These seventeen (17) children bore his surname and were always supported by him. Since their respective births, they lived with him and enjoyed the status of acknowledged natural children. In fact, he acknowledged them as such in public instruments and they have been judicially declared by final judgment as having said status. The only question for determination in this appeal is whether appellee Rosario Campos Fernandez has ever been married to the deceased, Guillermo Puatu y Constantino.

In support of the affirmative answer, said appellee introduced evidence to the effect that Guillermo Puatu y Constantino was in Spain, in 1896; that appellee, a Spanish subject, was then doing "las labores de casa" in his residence in Madrid, Spain, that Guillermo and she contracted marriage, on May 15, 1896, before a catholic priest, by the name of Alfonso Garcia, in the parish church of "Nuestra Señora del Pilar," in said city; that the sponsors to the wedding were Antonio Pueo, his wife; Manuela Ferrer, and Dr. and Mrs. Dominador Gomez; that there were other persons present at the wedding, including Juan Pedru, Juan Llusia and Maria Bernat; that, immediately thereafter, the couple lived publicly as husband and wife in Spain, up to the year 1902, when they came to the Philippines and continued their marital life in Manila, and, later on, in Baliuag, Bulacan; that, in 1917, after discovering that he was unfaithful to her, she returned to Spain, where she remained continuously thereafter; that she never returned to the Philippines; and that they never had any offspring.

The main evidence for the. appellee consisted of her own deposition, taken in Spain. By way of corroboration, as regards the wedding and the marital life of Guillermo Puatu and appellee in Spain, she introduced, also the testimony of Juan Pedru and Juan Llusia, similarly taken in that State. With respect to their marital relations in the Philippines, the corroborative evidence consists of the testimony of Simeon Constantino and that of the nephews of the decedent, Emiliana Puatu and Mateo Puatu.

The lower court held that appellee is the surviving spouse of the deceased, because they had publicly lived together as husband and wife in Spain and then in the Philippines for about twenty-one (21) years; because they are presumed, therefore, to "have entered into a lawful contract of marriage", pursuant to Rule 123, section 69 (bb), of the Rules of Court; and because this presumption is bolstered up by the aforementioned testimony of the appellee, corroborated by that of Juan Pedru and Juan Llusia.

Generally, the findings of fact made in an appealed decision are entitled to great weight, for the lower court has seen and heard the witnesses during the trial, whereas the appellate court has no opportunity to observe their behaviour on the witness stand. However, in the case at bar, His Honor the trial Judge had no such opportunity, as regards the witnesses mentioned in the proceeding paragraph, their depositions having been taken in Spain. Besides, two (2) of the three (3) witnesses who testified in the Philippines—Emiliana Puatu and Mateo Puatu—belong to the group of nephews whose interest is adverse to that of appellants herein. In fact, Mateo Puatu, was the former administrator removed upon appellant's petition and the probate—likewise, at their instance—of the will of the decedent.

Again, the following circumstances affect adversely the credibility and weight of appellee's evidence, namely:

- Although appellee claims to have had some correspondence with the deceased, she could not produce a single communication of the latter. Her only explanation, to the effect that "no tiene costumbre de guardar correspondencia," and that "no puede exhibir correspondencia por no tenerla," is far from satisfactory.

- According to her own testimony, ever since she returned to Spain, in 1917, the deceased did not support her. What is more, she never asked or demanded any support from him. Although she would have us believed that, once in a while, she received money from him, through an acquaintance coming from the Philippines, there is no documentary evidence whatsoever in support of this or any other part of her testimony. Thus, there is absolutely no evidence deserving full faith and credence, bearing out said testimony. On the contrary, there are records of unimpeachable character pointing in the opposite direction. Thus, for instance—

- Appellee explained her failure to produce the marriage contract with the deceased by saying that the document was lost during the Spanish civil war, and that, likewise, the records of the church of "Nuestra Señora del Pilar" in Madrid were then destroyed. However, no entry relative to said marriage appears either in the civil registry of Madrid [1] or in the records of the diocese to which said church belongs.[2] What is more—according to a certification attached to appellants' motion for reconsideration and new trial—no priest by the name of Alfonso Garcia—who, allegedly, solemnized the marriage—appears in the records of the Bishopric of Madrid.[3]

Upon the other hand, there are records to the effect that the appellee was considered single in the Philippines, and that the decedent claimed to be a bachelor and was regarded as such. For instance—

a. In the records of the Spanish Consulate in Manila, the following entry appears:

"EN MATRICULA No. 121, folio 161, año 1916, Dona Eosakio Campos ekanhez natural do la Zubia, provincia de Granada, (Espafia), soltera, macida en el año 1871, llego a Filipinas en el año 1902, y en su fecha de inscripcion en este Consulado, fue el 27 de Abril de 1916." (Exhibit 13-A; italics ours.)

It is true that appellee does not appear to have given the foregoing data. The same, however, were furnished personally by Ramon Abril Llullas, who signed on her behalf. Hence, she presumably authorized him to do so. At any rate, said records of the Spanish Consulate in the Philippines are public official records, which are over forty (40) years old. As such, they are prima facie evidence of the facts therein stated. (Rule 128, sections 35, 38 and 39, Rules of Court.)

b. The petition of Alfonso Puatu, with which this proceedings was commenced, states that the decedent was, at the time of his death, "single", and Alfonso Puatu so testified at the hearing of said petition—before the appellants' intervention in this case.

c. Original certificates of title Nos. 12968, 15809 and 14758 of the office of the register of deeds of Eulacan (Exhibits 10, 11 and 14), were issued in favor of "Guillermo Puatu, single, of Baliuag, province of Bulacan, P. I.", on August 18, September 17 and September 8, 1930, respectively.

d. The same status is given in a deed of lease, executed by Guillermo Puatu in favor of Felipe Bernardino, in November 13, 1946 (Exhibit 5).

e. To the same effect is the death certificate of the decedent (Exhibit B).

f. In the public instruments, Exhibits X and Y (marked, also, as Exhibits 8 and 9) dated, respectively, November 12, 1944 and May 20, 1948, whereby the decedent acknowledged appellants herein as his natural children, he stated that his status was "single."

g. This status was confirmed by the decision in Civil Case No. 25519 of the Court of First Instance of Manila, dated February 6, 1954, approving said acknowledgment of appellants herein as the natural children of Guillermo Puatu, which decision is already final and executory. [4]

h. In his last will and testament (Exhibit 7)—which has already been allowed to probate—the deceased described appellants herein as his acknowledged natural children and named them as his heirs.

In the light of these facts, and of the circumstance that, admittedly, the appellee and the decedent had, since 1917, lived separately from each other—not only in different houses, but thousands of miles away from each other—for thirty five (35) years, the least we can say is that the presumption of marriage, relied upon in the decision appealed from, has been sufficiently offset. Indeed, some members of the Court are inclined to believe that the preponderance of the evidence militates in favor of appellants herein. Considering, however, that the certification by the Bishopric of Madrid-Alcala, relative to the non-existence of a Father Alfonso Garcia, and the decision approving the acknowledgment of appellants herein as natural children of the deceased, are not, as yet, part of the evidence in connection with the incident under consideration—said documents being those relied upon in support of the motion for new trial, which was denied by the lower court—and in order to avoid any possible injustice to the parties herein, resulting, either from the application of technical legal rules, or from the handicaps under which they may find themselves, owing to the problems of distance and time they have to overcome, and to other factors having analogous effects, this Court believes that it would be best to remand the records to the lower court for a new trial and the reception, not only of the evidence aforementioned, but, also, of such other evidence as may be pertinent, relevant and material to the issue under consideration.

Wherefore, the order appealed from is hereby set aside, and the records remanded to the lower court for new trial, with costs against the appellee. It is so ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A. Bautista Angelo, Labrador, Reyes, J. B. L., Endencia and Felix, JJ., concur.

[1] The municipal judge and officer in charge of the civil registry for the district of Buenavista, Madrid, certified, on July 5, 1955:

"Que examinados los libros indices de la Sección II de este Registro civil de mi cargo correspondientes al día quince de Mayo de mil ochocientos noventa y seis, no se halla en ellos ninguna inscripción de matrimonio referente a Don Guillermo Puatu Constantino con Dona Rosario Campos Fernandez, aunque en la mencionada fecha la parroquia del Pilar pertenecía a la demarcación de este distrito ya que hay inscritos en los libros de Matrimonios de este Registro civil por esa fecha. En los libros de Matrimonios celebrados en la mencionada parroquia." (Exhibit 16-B; italics ours.)

[2] Similarly, the officer in charge of the records of the diocese of Madrid-Alcala, certified, on August 1, 1955:

"Que examinados los indices de los libros de matrimonio de este archivo no se halla inscrito en ellos el expediente matrimonial referente a D. Guillermo Puatu Constantino con Dona Rosario Campos Fernandez en el año mil ochocientos noventa y seis, Asimismo no se halla el nacimiento expedido en los legajos de los expedientes matrimoniales instruidos en la Pwrtorquia de NtYft. Sra. Del Pilar de esta capital, dado que de este Obispado de Madrid-Alcala dependen todas las Parroquias de esta Capital y por consiguiente sus respectivos archivos se encuentran dentro de su jurisdicción eclesiástica." (Exhibit 17— B; italics ours.)

[3] "The Chancellor-Secretary of the Bishopric of Madrid, certified, on October 17, 1955:

"Que, registrados los libros de licencias sacerdotales que se conservan en este obispado desde el año de 1896, no aparece el nombre de ningún sacerdote llamado D. Alfonso Gareia. * * *" (Annex D, Record on Appeal, p. 346; italics ours)

[4] Said decision was not introduced in evidence at the hearing of the incident under consideration. Copy thereof had been attached to appellant's motion for new trial, which was denied. It appears, however, that copy of said

decision had already been presented in evidence in this proceedings, in connection with another incident therein, presumably the probate of the will. At any rate, it is not disputed that appellants are children of the deceased, that the latter had acknowledged them as his natural children and that this act has merited judicial approval.

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.