

JULIO PAREJA, ET AL., PETITIONERS AND APPELLANTS, VS. PAZ PAREJA, ET AL., RESPONDENTS AND APPELLEES.

G. R. No. 10419. April 16, 1958

Ponente: LABRADOR, J.

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LABRADOR, J.:

In G. R. No. L-5824,* promulgated May 31, 1954, entitled "Intestate Estate of the Deceased Natividad Pareja. Paz Pareja, petitioner-appellee, vs. Julio Pareja, Regina Pareja and Jose Pareja, oppositors-appellee, Soledad Pareja Marcial, oppositors-appellant", Julio, Regina and Jose, all surnamed Pareja, and Soledad Pareja Marcial sought for a court's order declaring them as acknowledged natural children of the intestate. We found that the only possible basis for their right to be declared acknowledged natural children is an official document entitled "Information for Membership Insurance" signed by the Intestate in his capacity as an employee insured under the Government Service Insurance System. This document bears the signature of the Intestate, is dated March 12, 1939, and designates the following as his beneficiaries: "Julio Pareja—Son; Regina Pareja—Daughter; Jose Pareja—Son; Paz Pareja—Daughter." (Exhibit A, page 2). We held that this document is an indubitable document within the meaning of Article 135, paragraph 1 of the Spanish Civil Code, and under the subsequent Article 137, paragraph 2, recognition may be had even after the death of the father or mother if the indubitable document, before unknown, is discovered and the action for acknowledgment commenced within six months following the discovery. Our ruling on this point and the final judgment we entered is as follows:

"The record discloses that the deceased died during the war, and that the petition for administration was presented by Paz Pareja on May 21, 1945. No allegation is made therein that Paz Pareja and the other appellees are natural children of the deceased. From these facts we infer that the appellees herein may not have been aware of the existence of Exhibit A, 'Exhibit A appears to have been secured from the Government Service insurance system on December 10, 1949, while the trial took place on December 10, 1949. However, unless evidence is submitted that the appellees had no knowledge of the existence of the said document more than six (6) months prior to December 2, 1949, they may not invoke or take advantage of the provisions of said Article 137, paragraph 2, of the Spanish Civil Code.

"Wherefore, the order appealed from is hereby reversed, but the appellees are hereby granted the right to secure a declaration that they are recognized natural children under the provisions of Article 137, paragraph 2, of the Spanish Civil Code, the same to be exercised within thirty (30) days from the date on which this decision becomes final, subject to the condition above-mentioned. Without costs." (Dec. G. R. No. L-5824, *supra*.)

The present action was brought in pursuance of the above judgment. The petitioners allege in their complaint that they came to know of the application for insurance of the Intestate, after the Intestate's death, and in the month of November, 1949. The oppositors deny the above allegation stating that petitioners have knowledge of the application for insurance membership and took no steps to secure their acknowledgment as natural children during the lifetime of the Intestate, and that more than 10 years have lapsed between the date of the presentation of the official document and the bringing of the action.

The petition was heard principally upon documentary evidence and upon the following agreed fact:

"5.—Que los recurrentes se entraron del hecho de que el finado Natividad Pareja estaba asegurado despues de muerte, del mencionado finado." (p. 9 Record of Appeal.)

The trial court found that petitioners have not introduced evidence to the effect that they did not have knowledge of the existence of the indubitable document for a period of more than 6 months before December 2, 1949, and therefore dismissed the petition.

On this appeal the finding of the trial court to the effect that no evidence was submitted in accordance with the previous decision of this Court is not disputed. Evidently, reliance is made on the claim that Exhibit A is a public document. We have already decided that this is not the public document described in Article 131 of the Civil Code, which may be the basis of an action for recognition. We are afraid that counsel for petitioners-appellants failed to understand the import of our previous decision; at least there is no attempt to comply with it.

Finding no error in the decision appealed from, we hereby affirm it, with costs.

Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur. Judgment affirmed.

*95 Phil., 16

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