

ARTEMIO G. ILANO, PETITIONER, VS. THE COURT OF APPEALS AND MERCEDITAS (SIC) S. ILANO, REPRESENTED BY HER MOTHER, LEONCIA DE LOS SANTOS, RESPONDENT.

G.R. No. 104376. February 23, 1994

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-104376/>

NOCON, J.:

After the great flood, man was commanded to go forth, be fertile, multiply and fill the earth. Others did not heed the sequence of this command because they multiply first and then go. Corollarily, it is now commonplace for an abandoned illegitimate offspring to sue his father for recognition and support.

The antecedent facts are narrated in the trial court's decision, as follows:

Leoncia first met petitioner Artemio G. Ilano while she was working as secretary to Atty. Mariano C. Virata. Petitioner was one of the clients of Atty. Virata. On several occasions, she and petitioner took lunch together. In less than a year's time, she resigned from her work.

Sometime in 1957, Leoncia, then managing a business of her own as Namarco distributor, met petitioner again who was engaged in the same business and they renewed acquaintances. Since then, he would give her his unsold allocation of goods. Later, he courted her for more than four years. Their relationship became intimate and with his promise of marriage, they eloped to Guagua, Pampanga in April, 1962. They stayed at La Mesa Apartment, located behind the Filipinas Telephone Company branch office, of which he is the president and general manager. He came home to her three or four times a week.

The apartment was procured by Melencio Reyes, Officer-in-Charge of the Filipinas Telephone Company branch office. He also took care of the marketing and paid rentals, light and water bills.[1] Unable to speak the local dialect, Leoncia was provided also by Melencio with a maid by the name of Nena. Petitioner used to give her P700.00 a month for their expenses at home.

In June, 1962, Leoncia, who was conceiving at that time, was fetched by petitioner and they transferred to San Juan St., Pasay City. In October, 1962, she delivered a still-born female child at the Manila Sanitarium. The death certificate was signed by petitioner.[2] Thereafter, while they were living at Highway 54, Makati, private respondent Merceditas S. Ilano was born on December 30, 1963 also at the Manila Sanitarium. Her birth was recorded as Merceditas de los Santos Ilano, child of Leoncia Aguinaldo de los Santos and Artemio Geluz Ilano.[3] Leoncia submitted receipts issued by the Manila Sanitarium to show that she was confined there from December 30, 1963 until January 2, 1964 under the name Mrs. Leoncia Ilano.[4]

The support by petitioner for Leoncia and Merceditas was sometimes in the form of cash personally delivered by him thru Melencio, thru Elynia (niece of Leoncia)[5] or thru Merceditas herself,[6] and sometimes in the form of a check like Manila Banking Corporation Check No. 81532,[7] the signature appearing thereon having been identified by Leoncia as that of petitioner because he often gives her checks which he issues at home and saw him

sign the checks.[8] Both petitioner and his daughter admitted that the check and signature are those of the former.[9]

During the time that petitioner and Leoncia were living as husband and wife, he showed concern as the father of Merciditas. When Merciditas was in Grade I at the St. Joseph Parochial School, he signed her Report Card for the fourth and fifth grading periods[10] as her parent. Those signatures were both identified by Leoncia and Merciditas because he signed them at their residence in their presence and of Elynia.[11] Since Merciditas started to have discernment, he was already the one whom she recognized as her Daddy.[12] He treated her as a father would to his child. He would bring home candies, toys, and anything a child enjoys. He would take her for a drive, eat at restaurants, and even cuddle her to sleep.[13]

When petitioner ran as a candidate in the Provincial Board of Cavite, he gave Leoncia his picture with the following dedication: "To Nene, with best regards, Temiong." [14]

In May, 1963, Ruth Elynia Mabanglo, niece of Leoncia, lived with Leoncia and petitioner. She accompanied her aunt when she started having labor pains in the morning of December 30, 1963. Petitioner arrived after five o'clock in the afternoon. When the nurse came to inquire about the child, Leoncia was still unconscious so it was from petitioner that the nurse sought the information. Inasmuch as it was already past seven o'clock in the evening, the nurse promised to return the following morning for his signature. However, he left an instruction to give the birth certificate to Leoncia for her signature, as he was leaving early the following morning.

Prior to the birth of Merciditas, Elynia used to accompany her aunt and sometimes with petitioner in his car to the Manila Sanitarium for prenatal check-up. At times, she used to go to his office at 615 Sales St., Sta. Cruz, Manila, upon his instructions to get money as support and sometimes he would send notes of explanation if he cannot come which she in turn gave to her aunt.[15] They stayed at 112 Arellano St., then at Sta. Cruz, Manila in 1966 before they finally transferred to Gagalangin in 1967. Petitioner lived with them up to June, 1971 when he stopped coming home.

Petitioner's defense was a total and complete denial of any relationship with Leoncia and Merciditas. He disowned the handwritten answers and signatures opposite column 16 of the death certificate of a female child surnamed Ilano, although in column 13 thereof opposite father's name the typewritten name, Artemio G. Ilano, appears. He also denied the following: all the notes alleged to have been received from him by Elynia for delivery to Leoncia; the signatures appearing in Merciditas' Report Card; and being the source of a photo of himself with a handwritten dedication. He admitted that Manila Banking Corporation Check No. 81532 including the signature is his. He was sick on December 30, 1963 and was hospitalized on January 7, 1964.[16] He does not understand why this, case was filed against him.[17]

Melencio admitted that he was the one who procured the apartment for Leoncia, leased it in his name, paid the rentals and bought the necessities therefor. He and Leoncia lived together and shared the same bed. They later transferred to San Juan St., Pasay City and to Highway 54, Makati. He stopped visiting her in March or April, 1963 because he planned to get married with another which he eventually did in September, 1963.

Diosdado Datu, fish vendor, usually delivered to the apartment fishes ordered by Melencio which were received by Leoncia.

Nilda Ilano Ramos, daughter of petitioner, does not know Leoncia; neither has she been brought to their family home in Imus, Cavite. On December 30, 1963, her father was at their home because he got sick on December 25, 1963 and was advised to have a complete bed rest. Her father was hospitalized on January 7, 1964. She denied that her father was at the Manila Sanitarium on December 30, 1963; that he fetched a certain woman on January 2,

1964, at the Manila Sanitarium because he was at their home at that time; and that her father lived with a certain woman in 1963 up to June, 1971 because all this time he was living with them in Imus, Cavite. He was working and reporting to the office everyday and when he goes to Guagua or Manila on business, her mother or brother goes with him.

Victoria J. Ilano, petitioner's wife, further corroborated the previous testimonies about petitioner's sickness on December 30, 1963 and hospitalization on January 7, 1964. It could not be true that her husband, during the years 1963 to 1968, lived three (3) times a week with a certain Leoncia de los Santos because her husband never slept out of their house and that in his capacity as President and Chairman of the Board of the Filipinas Telephone Company he does not go to Guagua even once a year because they have a branch manager, Melencio Reyes.

After weighing the contradictory testimonies and evidence of the parties, the trial court was not fully satisfied that petitioner is the father of Merciditas, on the basis of the following:

- 1) petitioner and Leoncia were not in cohabitation during the period of Merciditas' conception;
- 2) testimony of Melencio that he frequented the apartment where Leoncia was living, took care of all the bills and shared the same bed with her;
- 3) the birth certificate of Merciditas was not signed by petitioner;
- 4) petitioner denied his signature in the monthly report card of Merciditas; and
- 5) there is no clear and sufficient showing that support was given by petitioner to Merciditas.

Thus, it rendered judgment on April 24, 1981 dismissing the complaint.[18]

Fortunately for private respondent, respondent Court of Appeals did not share the same view as the trial court. A review of the testimonial and documentary evidence adduced by private respondent led respondent court to the firm conclusion that petitioner as her father, entitling her to support. The dispositive portion of its decision dated December 17, 1991 reads:

"WHEREFORE, the Decision appealed from is REVERSED and judgment is hereby rendered declaring plaintiff MERCEDITAS S. ILANO as the duly acknowledged and recognized illegitimate child of defendant ARTEMIO G. ILANO with all the rights appurtenant to such status.

Defendant is directed to pay the plaintiff support in arrears at the rate of EIGHT HUNDRED (P800.00) PESOS a month from the date of the filing of the complaint on August 16, 1972 up to August 15, 1975; ONE THOUSAND (P1,000.00) PESOS a month from August 16, 1975 to August 15, 1978; ONE THOUSAND THREE HUNDRED (P1,300.00) PESOS a month from August 16, 1978 to August 15, 1981; and ONE THOUSAND FIVE HUNDRED (P1,500.00) a month from August 16, 1981 up to the time she reached the age of majority on December 30, 1984.

Defendant is further ordered to pay the plaintiff the sum of P10,000.00 as attorney's fees plus the costs.

SO ORDERED."[19]

The motion for reconsideration was denied in the resolution dated February 26, 1992.[20]

Hence, the present petition.

We shall resolve the following pertinent errors allegedly committed by respondent court:

- 1) in awarding "back support" even in the absence of recognition or of a judgment declaring petitioner father of Merciditas with finality;

- 2) in not ruling that an adulterous child cannot file an action for recognition; and
- 3) in deciding matters of substance manifestly against established decisions of this Court.

Petitioner argues that since the complaint against him has been dismissed by the trial court, therefore, there was absolutely no obligation on his part to give support to Merciditas. It would have been only from the date of the judgment of the trial court that support should have commenced, if so granted. Under the law in force when the complaint was filed, an adulterous child cannot maintain an action for compulsory recognition. In order that the birth certificate may constitute a voluntary recognition, it must be signed by the father. Equivocal act, such as signing under the caption "parent" in the report card, is not sufficient. Merciditas has never been to the family home of petitioner at Imus, Cavite; nor introduced to his family; nor brought around town by him, treated as his child, introduced to other people as his child, led people to believe that she was part of his family.

The petition utterly lacks merit.

Under the then prevailing provisions of the Civil Code, illegitimate children or those who are conceived and born out of wedlock were generally classified into two groups: (1) Natural, whether actual or by fiction, were those born outside of lawful wedlock of parents who, at the time of conception of the child, were not disqualified by any impediment to marry each other (Article 119, old Civil Code; Article 269, new Civil Code) and (2) Spurious, whether incestuous, adulterous or illicit, were those born of parents who, at the time of conception, were disqualified to marry each other on account of certain legal impediments.[21] Since petitioner had a subsisting marriage to another at the time Merciditas was conceived,[22] she is a spurious child. In this regard, Article 287 of the Civil Code provides that illegitimate children other than natural in accordance with Article 269[23] and other than natural children by legal fiction are entitled to support and such successional rights as are granted in the Civil Code. The Civil Code has given these rights to them because the transgressions of social conventions committed by the parents should not be visited upon them. They were born with a social handicap and the law should help them to surmount the disadvantages facing them through the misdeeds of their parents.[24] However, before Article 287 can be availed of, there must first be a recognition of paternity[25] either voluntarily or by court action. This arises from the legal principle that an unrecognized spurious child like a natural child has no rights from his parents or to their estate because his rights spring not from the filiation or blood relationship but from his acknowledgement by the parent. In other words, the rights of an illegitimate child arose not because he was the true or real child of his parents but because under the law, he had been recognized or acknowledged as such a child.[26] The relevant law on the matter is Article 283 of the Civil Code, which provides:

"ART. 283. In any of the following cases, the father is obliged to recognize the child as his natural child:

- (1) In cases of rape, abduction or seduction, when the period of the offense coincides more or less with that of the conception;
- (2) When the child is in continuous possession of status of a child of the alleged father by the direct acts of the latter or of his family;
- (3) When the child was conceived during the time when the mother cohabited with the supposed father;
- (4) When the child has in his favor any evidence or proof that the defendant is his father."

While the aforementioned provision speaks of the obligation of the father to recognize the child as his natural child, for the purpose of the present case, petitioner is obliged to recognize Merciditas as his spurious child. This provision should be read in conjunction with Article 289 of the Civil Code which provides:

"ART. 289. Investigation of the paternity or maternity of (other illegitimate) children x x x is permitted under

the circumstances specified in articles 283 and 284."

In reversing the decision of the trial court, respondent court found, as it is likewise our finding, that private respondent's evidence to establish her filiation with and the paternity of petitioner is too overwhelming to be ignored or brushed aside by the highly improbable and fatally flawed testimony of Melencio and the inherently weak denials of petitioner:

"Significantly, the Court a quo believed that plaintiffs mother and defendant carried an intimate relations. It nonetheless was not satisfied that defendant is the father of the plaintiff because it is not convinced that her mother and defendant were in cohabitation during the period of her conception, and took into account the testimony of Melencio S. Reyes who frequented the apartment where Leoncia de los Santos was living and who positively testified that he took care of all the bills and that he shared the same bed with plaintiffs mother.

The court a quo completely ignored the fact that the apartment at Guagua was rented by the defendant, and that Melencio Reyes, who was a mere employee and godson of the defendant with a monthly salary of P560.00 was a mere subaltern of the latter, and only frequented the place upon instruction of the defendant to take care of the needs of the plaintiff.

As pointed out by appellant, Leoncia and Artemio stayed in an apartment at the back of the Guagua Telephone System owned by and of which Artemio was the General Manager (TSN, p. 46, 8/18/73) and Melencio was the Officer-in-Charge in the absence of Artemio whose residence and main office was in Cavite. There, for the first time, Leoncia met Melencio (TSN, pp. 3-4, 1/25/74). The apartment in Guagua was rented in the name of Melencio. As Leoncia does not speak the Pampango dialect (TSN, p. 50, 8/18/73), Artemio gave Leoncia the instruction to call upon Melencio for whatever Leoncia needs (TSN, pp. 11-12, 1/25/74). Thus, it was Melencio who procured all the supplies and services needed in the apartment for which procurement Melencio gives to Leoncia the corresponding receipts of payment for liquidations of cash advances Artemio or the Guagua Telephone System or Leoncia herself, gives to Melencio (Exhs. A, A-1 to 14; TSN, p. 32, 8/13/73; TSN, pp. 7, 12 and 14, 1/25/74).

At the Guagua apartment, Artemio would visit Leoncia three or four times a week and sleeps there (TSN, p. 47, 8/13/73). Artemio was giving Leoncia an allowance of P700.00 a month (TSN, p. 38, 7/18/73).

Leoncia got pregnant and Artemio found it difficult to commute between Cavite and Guagua so that in June 1962, Artemio transferred Leoncia to Calle San Juan, Pasay City (TSN, pp. 19-20, 7/18/73) where they were known as husband and wife (id. p. 41). In leaving Guagua for San Juan, Pasay City, Leoncia was fetched by Artemio in a car driven by Artemio himself. (pp. 9-11, Appellant's Brief)

Even as Artemio and Leoncia lived and transferred to several places heretofore mentioned, Melencio continued to be a trusted man Friday of Arnemio who would deliver notes (Exhs. "F", "F-1" and "F-3") and money from Artemio to Leoncia. For reference, among the notes identified by Leoncia as having come from defendant were the following:

'Exh. "F-I"

'Dear Ne,

Magsimula akong makausap ni Gracing ay nagkaroon ako ng diferencia sa paa at ngayon ay masakit pa.

`Si Miling ay ngayon lamang nakarating dito kung hindi ka aalis diyan ay si Miling na lamang ang utusan mo sa Makati kung may kailangan ka dian.

Sgn.'

'Mayroon akong nakitang bahay na mayayari malapit sa municipio ng Makati. Ipakikita ko sa iyo kung papayag ka.

'Sabihin mo kay Miling kung hindi ka aalis diyan bukas ay pupunta ako.

'Walang makitang bahay sa San Juan.

Sgn.'

Exh. "F-2"

Ne, sa Viernes ay pupunta ako dian marami akong ginagawa.

Sgn.'

Exh. "F-3"

'Ne, si Miling ay bukas pupunta dito ay sa tanghali ay pupunta ako diyan (11:30 am) Wala akong pera ngayon kaya bukas na, Sigurado yon.

Sgn.'

Exh. "F-4"

'Dear Ne, Pacencia ka na at hindi ako nakapaglalakad gawa ng mataas ang dugo, kaya minsan-minsan lamang ako makapunta sa oficena.'

'Ibigay mo ang bayad sa bahay sa Sabado ng umaga, pipilitin kong makarating dian sa Jueves.

Sgn.'

"The address 'Ne' in the beginning of these notes refer to Leoncia whose nickname is 'Nene' but which Artemio shortens to 'Ne'. Miling is the nickname of Melencio. The 'Gracing mentioned in Exh. 'F-1' refers to Gracia delos Santos, a sister-in-law of Leoncia who was with Artemio when Leoncia was removed from the hospital during the birth of Merciditas.' (pp. 17-19, Appellant's Brief). These tiny bits of evidence when pieced together ineluctably gives lie to defendant's diversionary pretense that it was with Melencio S. Reyes with whom the mother lived with during her period of conception.

The attempt of Melencio S. Reyes to show that he was the lover of Leoncia being in the apartment and sharing together the same bedroom and the same bed hardly inspires belief.

xxx xxx xxx.

Undoubtedly, the role played by Melencio S. Reyes in the relationship between Leoncia and appellant (sic) was that of a man Friday although appellant (sic) would not trust him to the hilt and unwittingly required him to submit to Leoncia an accounting of his expenditures (Exhs. A, A-1 to A-14) for cash advances given to him by Leoncia, Artemio or Guagua Telephone System which would not have been the case, if it were true that there was an intimate relationship between him and plaintiff's mother.

Evidently, following the instruction of his employer and Godfather, Melencio foisted on the court a quo the impression that he was the lover and paramour of Leoncia but since there was really no such relationship, he could not state the place in San Juan or Highway 54 where he took Leoncia, nor how long they stayed there belying his pretence (sic) of an intimate relationship with plaintiff's mother."^[27]

Having discredited the testimonies of petitioner and Melencio, respondent court then applied paragraph (2) of Article 283:

The court a quo did not likewise consider the evidence as sufficient to establish that plaintiff was in continuous possession of status of a child in view of the denial by appellee of his paternity, and there is no clear and sufficient evidence that the support was really given to plaintiff's mother. The belated denial of paternity after

the action has been filed against the putative father is not the denial that would destroy the paternity of the child which had already been recognized by defendant by various positive acts clearly evidencing that he is plaintiff's father. A recognition once validly made is irrevocable. It cannot be withdrawn. A mere change of mind would be incompatible with the stability of the civil status of person, the permanence of which affects public interest. Even when the act in which it is made should be revocable, the revocation of such act will not revoke the recognition itself (1 Tolentino, pp. 579-580, 1983 Ed.).

To be sure, to establish 'the open and continuous possession of the status of an illegitimate child,' it is necessary to comply with certain jurisprudential requirements. 'Continuous' does not, however, mean that the concession of status shall continue forever but only that it shall not be of an intermittent character while it continues (De Jesus vs. Syquia, 58 Phil. 866). The possession of such status means that the father has treated the child as his own, directly and not through others, spontaneously and without concealment though without publicity (since the relation is illegitimate) (J.B.L. Reyes and R.C. Puno, Outline of Philippine Civil Law, Vol. 1, 1964 ed., pp. 269-270 citing Coquia vs. Coquia, CA 50, O.G. 3701). There must be a showing of the permanent intention of the supposed father to consider the child as his own, by continuous and clear manifestation of paternal affection and care. (Tolentino, Civil Code of the Philippines, Vol. 4 1983 ed., p. 602). (Mendoza vs. Court of Appeals, G.R. No. 86302, September 24, 1991.)

It was Artemio who made arrangement for the delivery of Merceditas (sic) at the Manila Sanitarium and Hospital. Prior to the delivery, Leoncia underwent prenatal examination accompanied by Artemio (TSN, p. 33, 5/17/74). After delivery, they went home to their residence at EDSA in a car owned and driven by Artemio himself (id. p. 36).

Merceditas (sic) bore the surname of 'Ilano' since birth without any objection on the part of Artemio, the fact that since Merceditas (sic) had her discernment she had always known and called Artemio as her 'Daddy' (TSN, pp. 28-29, 10/18/74); the fact that each time Artemio was at home, he would play with Merceditas (sic), take her for a ride or restaurants to eat, and sometimes sleeping with Merceditas (sic) (id. p. 34) and does all what a father should do for his child - bringing home goodies, candies, toys and whatever he can bring her which a child enjoys which Artemio gives to Merceditas (sic) (TSN, pp. 38-39, 5/17/74) are positive evidence that Merceditas (sic) is the child of Artemio and recognized by Artemio as such. Special attention is called to Exh. "E-7" where Artemio was telling Leoncia the need for a 'frog test' to know the status of Leoncia.

Plaintiff pointed out that the support by Artemio for Leoncia and Merceditas (sic) was sometimes in the form of cash personally delivered to her by Artemio, thru Melencio, thru Elynia (Exhs. "E-2" and "E-3", and "D-6"), or thru Merceditas (sic) herself (TSN, p. 40, 5/17/74) and sometimes in the form of a check as the Manila Banking Corporation Check No. 81532 (Exh. "G") and the signature appearing therein which was identified by Leoncia as that of Artemio because Artemio often gives her checks and Artemio would write the check at home and saw Artemio sign the check (TSN, p. 49, 7/18/73). Both Artemio and Nilda admitted that the check and signature were those of Artemio (TSN, p. 53, 10/17/77; TSN, p. 19, 10/9/78).

During the time that Artemio and Leoncia were living as husband and wife, Artemio has shown concern as the father of Merceditas (sic). When Merceditas (sic) was in Grade 1 at the St. Joseph Parochial School, Artemio signed the Report Card of Merceditas (sic) (Exh. "H") for the fourth and fifth grading period(s) (Exh. "H-1" and "H-2") as the parent of Merceditas (sic). Those signatures of Artemio were both identified by Leoncia and Merceditas (sic) because Artemio signed Exh. "H-1" and "H-2" at their residence in the presence of Leoncia, Merceditas (sic) and of Elynia (TSN, p. 57, 7/18/73; TSN, p. 28, 10/1/73). x x x.

xxx xxx xxx

When Artemio run as a candidate in the Provincial Board of Cavite, Artemio gave Leoncia his picture with the following dedication: "To Nene, with best regards, Temiong". (Exh. "I"). (pp. 19-20, Appellant's Brief)

The mere denial by defendant of his signature is not sufficient to offset the totality of the evidence indubitably

showing that the signature thereon belongs to him. The entry in the Certificate of Live Birth that Leoncia and Artemio was falsely stated therein as married does not mean that Leonia is not appellee's daughter. This particular entry was caused to be made by Artemio himself in order to avoid embarrassment.

It is difficult to believe that plaintiffs mother, who is a mere dressmaker, had long beforehand diabolically conceived of a plan to make it appear that defendant, who claims to be a total stranger, was the father of her child, and in the process falsified the latter's signatures and handwriting.”[28]

Granting *ex gratia* argumenti that private respondent's evidence is not sufficient proof of continuous possession of status of a spurious child, respondent court applied next paragraph (4) of Article 283:

"x x x plaintiffs testimonial and documentary evidence x x x (is) too replete with details that are coherent, logical and natural which cannot be categorized as mere fabrications of an inventive and malicious mind of which Leoncia de los Santos was not shown to possess.

The natural, logical and coherent evidence of plaintiff from the genesis of the relationship between Leoncia and appellee, their living together as husband and wife in several places, the birth of the first still-born child, the circumstances of plaintiff's birth, the acts of appellee in recognizing and supporting plaintiff, find ample support from the testimonial and documentary evidence which leaves no room to reasonably doubt his paternity which may not be infirmed by his belated denials.

Notably, the court *a quo* did not consider plaintiffs evidence as lacking in credibility but did not deem them as convincing proof that defendant is the father since the Certificate of Live Birth was not signed by appellee and since the monthly report card is not sufficient to establish recognition, considering the denial of the defendant of his signature appearing thereon.

While defendant's signature does not appear in the Certificate of Live Birth, the evidence indubitably disclose(s) that Leoncia gave birth on December 30, 1963 to Merceditas (sic) at 4:27 p.m. at the Manila Sanitarium. Artemio arrived at about 5:00 (TSN., 25, 5/17/74). At about 7:00 p.m., a nurse came (id. p. 26) who made inquiries about the biodata of the born child. The inquiries were directed to Artemio in the presence of Elynia who heard the answers of Artemio which the nurse took down in a sheet of paper (id. p. 28). The inquiries were about the name of the father, mother and child. After the interview the nurse told them that the information has to be recorded in the formal form and has to be signed by Artemio (id. p. 30) but because there is no office, as it was past 7:00 p.m., the nurse would just return in the morning for Artemio's signature. Artemio gave the instruction to the nurse to give the biodata to Leoncia for her signature as he was leaving very early the following morning as in fact Artemio left at 5:00 a.m. of December 31, 1963 (id. p. 33). Artemio stayed in the hospital in the evening of December 30, 1963 (id. p. 26). As pointed out in *Castro vs. doubt of Appeals*, 173 SCRA 656:

'The ruling in *Roces vs. Local Civil Registrar of Manila* (102 Phil. 1050 [1958] and *Berciles v. Government Service Insurance System* (128 SCRA 53 [1984]) that if the father did not sign in the birth certificate, the placing of his name by the mother, doctor, registrar, or other person is incompetent evidence of paternity does not apply to this case because it was Eustaquio himself who went to the municipal building and gave all the data about his daughter's birth. x x x.'

x x x the totality of the evidence, as pointed to above, is more than sufficient to establish beyond reasonable doubt that appellee is the father of the plaintiff Merceditas (sic) Ilano.

As elucidated in *Mendoza vs. Court of Appeals*, *Supra*:

x x x x x x x x

'x x x although Teopista has failed to show that she was in open and continuous possession of the status of an illegitimate child of Casimiro, we find that she has nevertheless established that status by another method.

‘What both the trial court and the respondent did not take into account is that an illegitimate child is allowed to establish his claimed filiation by "any other means allowed by the Rules of Court and special laws," according to the Civil Code, x x x. Such evidence may consist of his baptismal certificate, a judicial admission, a family Bible in which his name has been entered, common reputation respecting his pedigree, admission by silence, the testimonies of witnesses, and other kinds of proof admissible under Rule 130 of the Rules of Court.’”[29]

The last paragraph of Article 283 contains a blanket provision that practically covers all the other cases in the preceding paragraphs. “Any other evidence or proof” that the defendant is the father is broad enough to render unnecessary the other paragraphs of this article. When the evidence submitted in the action for compulsory recognition is not sufficient to meet the requirements of the first three paragraphs, it may still be enough under the last paragraph.[30] This paragraph permits hearsay and reputation evidence, as provided in the Rules of Court, with respect to illegitimate filiation.[31]

As a necessary consequence of the finding that private respondent is the spurious child of petitioner, she is entitled to support. In awarding support to her, respondent court took into account the following:

"The obligation to give support shall be demandable from the time the person who has a right to recover the same needs it for maintenance, but it shall not be paid except from the date of judicial or extrajudicial demand. (Article 203, Family Code of the Philippines.)

The complaint in this case was filed on August 14, 1972. Plaintiff, having been born on December 30, 1963, was about nine (9) years old at the time and was already of school age spending about P400.00 to P500.00 a month for her school expenses alone, while defendant was earning about P10,000.00 a month. She attained the age of majority on December 30, 1984 (Article 234, Supra). She is therefore entitled to support in arrears for a period of twelve (12) years, four (4) months and fourteen (14) days, which is hereby fixed at P800.00 a month for the first three (3) years; and considering the declining value of the peso as well as her needs as she grows older, at a graduated increase of P1,000.00 a month for the next three (3) years; P1,300.00 a month for the succeeding three (3) years; and P1,500.00 a month for the last three (3) years, four (4) months and fourteen (14) days until she attained the age of majority.

This being an action for legal support, the award of attorney's fees is appropriate under Article 2208 (6) of the Civil Code. Moreover, the court deems it just and equitable under the given facts and circumstances that attorney's fees and expenses of litigation should be recovered.”[32]

We concur with the foregoing disposition, in the absence of proof that it was arrived at arbitrarily.

The other allegation of petitioner that the appeal was prosecuted almost ten years after the decision of the trial court was rendered does not deserve any consideration because it appears that it is being raised for the first time in this petition.[33]

WHEREFORE, the petition is hereby DENIED. The decision of the Court of Appeals dated December 17, 1991 and its resolution dated February 26, 1992 are AFFIRMED.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Puno, JJ., concur.

[1] Exhs. "A," "A-1," "A-2," "A-3" and "A-4".

[2] Exhs. "B" and "B-1".

[3] Exh. "C".

- [4] Exhs. "D" and "D-1".
- [5] Exhs. "E-2," "E-3," and "E-6".
- [6] TSN, May 17, 1974, pp. 40-41.
- [7] Exh. "G".
- [8] TSN, July 18, 1973, p. 49.
- [9] TSN, October 17, 1977, p. 53; TSN, October 9, 1978, p. 19.
- [10] Exhs. "H," "H-1" and "H-2".
- [11] TSN, July 18, 1973, p. 57; TSN, October 1, 1973, p. 28.
- [12] TSN, October 18, 1974, pp. 28-29.
- [13] TSN, October 18, 1974.
- [14] Exh. "1."
- [15] Exhs. "E," "E-1," "E-2," "E-3" and "E-4".
- [16] TSN, October 9, 1978, p. 13.
- [17] TSN, December 11, 1978, p. 25.
- [18] Records, p. 693.
- [19] Rollo, p. 55.
- [20] Rollo, p. 58.
- [21] *Castro, et al. v. Court of Appeals, et al.*, G.R. Nos. 50974-75, May 31, 1989, 173 SCRA 656.
- [22] TSN, March 5, 1979, p. 6.
- [23] ART. 269. x x x. Children born outside wedlock of parents who, at the time of the conception of the former, were not disqualified by any impediment to marry each other, are natural.
- [24] Commentaries and Jurisprudence on the Civil Code of the Philippines by Arturo M. Tolentino, 1983 Edition, p. 615 citing Commission, p. 89.
- [25] *Paterno, et al. v. Paterno, et al.*, GR. N. L-23060, June 30, 1967, 20 SCRA 585.
- [26] *Castro, et al. v. Court of Appeals, et al.*, supra, citing *Alabat v. Vda. de Alabat*, 21 SCRA 1479 [1967]; *Mise v. Rodriguez*, 95 Phil. 396 [1954]; *Magallanes, et al. v. Court of Appeals, et al.*, 95 Phil. 795 [1954]; *Canales v. Arrogante, et al.*, 91 Phil. 6 [1952]; *Malonda v. Malonda*, 81 Phil. 149 [1948]; *Buenaventura v. Urbano, et al.*, 5 Phil. 1 [1905]; and *Reyes v. Court of Appeals*, 135 SCRA 439 [1985].
- [27] Rollo, pp. 43-49.
- [28] Rollo, pp. 50-53.
- [29] Rollo, pp. 49-50, 53-54.
- [30] *Navarro v. Bacalla*, G.R. No. 20607, October 14, 1965, 15 SCRA 114.

[31] Commentaries and Jurisprudence on the Civil Code of the Philippines by Arturo M. Tolentino, 1983 Edition, pp. 607-608.

[32] Rollo, pp. 54-55.

[33] Cordero v. Cabral, G.R. No. 36789, July 25, 1983, 123 SCRA 532.

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.