

**MARIA BALTAZAR ET AL., PLAINTIFFS AND APPELLANTS, VS.
APOLONIA ALBERTO (ALIAS BASILISA BALTAZAR) ET AL.,
DEFENDANTS AND APPELLEES.**

G.R. No. 10557. January 29, 1916

Ponente: TRENT, J.

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TRENT, J.:

In this case the plaintiff claims to be the sole heir of the deceased Julian Baltazar. The estate was awarded to the defendant, Basilisa Baltazar in probate proceedings concluded in the year 1911, she having established to the satisfaction of the court that she was the sole heir of the deceased. The remaining defendants were merely tenants on the estate and, at the trial, renounced all interest in the case. There is no dispute as to the identity of the property. The plaintiff claims that she is the granddaughter of the deceased. The defendant claims that she is his only daughter.

The evidence for the plaintiff centers around her birth certificate, which shows that she was the daughter of Nicolas Baltazar and Ambrosia Castillo, her paternal grandparents being Julian Baltazar (the deceased) and Bernabela Andrada. It is conceded that the plaintiff's parents are correctly described in this birth certificate, but the defendant's evidence is to the effect that her grandparents were not those described in the said certificate. Witnesses for the defendant testified that the real surname of the plaintiff's father, Nicolas Baltazar, was Olipas. They say that he did not originally live in Urdaneta, Pangasinan, where the property in dispute is located; that his first wife was one Catalina Sagun, who accompanied him to Urdaneta and there died. After her death, Nicolas Olipas was appointed cabeza de barangay and it was then that he took the surname Baltazar and afterwards married the plaintiffs mother under that name. These witnesses claim that his father was Simon Olipas and his mother Andrada. After the death of Simon Olipas the widow married Julian Baltazar (the deceased), during which union the property in dispute was acquired and the defendant was born. In support of this contention, Exhibit 4 was presented as the marriage certificate of Nicolas Olipas and Catalina Sagun. This shows that Nicolas Olipas, son of Simon Olipas and Bernabela Andrada, married Catalina Sagun. Both sides conceded that Nicolas Baltazar married twice and that his first wife was Catalina Sagun. Witnesses for the defendant say that Nicolas Olipas and Nicolas Baltazar are the same person. On the other hand, witnesses for the plaintiff deny this, and explain the fact that both married a Catalina Sagun by saying that there must have been two Catalina Saguns, one in Urdaneta, Pangasinan, and one in Naguilian, La Union. But this does not explain the fact that the mother of Nicolas Olipas is shown in the marriage certificate as Bernabela Andrada. To fully support the plaintiff's theory, there must have been not only two Catalina Saguns, but two mothers named Bernabela Andrada, one the mother of Nicolas Olipas, and one the mother of Nicolas Baltazar. Such a double coincidence, of course, favors very strongly of improbability. Nor was the plaintiff able to produce a marriage certificate showing the marriage of Nicolas Baltazar to Catalina Sagun. Furthermore, that Nicolas Olipas did come to Urdaneta and live there is not disputed by the plaintiff. Plaintiff has produced both the birth certificate and the marriage certificate of the defendant, neither of which agree as to the identity of her parents. These discrepancies are explained as errors by the

defendant.

In short, the documentary evidence offered by neither party entirely supports the testimony of their respective witnesses. Birth, marriage, and death certificates issued by the parish priests under the Spanish regime are merely presumptive evidence of the facts contained in them. (*Adriano vs. De Jesus*, 23 Phil. Rep., 350.) The testimony of the witnesses for the respective parties is hopelessly in conflict. Under such circumstances, the opinion of the trial judge as to the credibility of the witnesses must carry great weight on appeal. The trial judge having heard the witnesses testify and observed their demeanor on the witness stand, it would be presumptuous on our part to reverse his findings of fact unless we could establish some conclusion from the facts inconsistent with those findings or there were some inherent weakness in the evidence upon which the trial judge based his conclusions. After a careful examination of the record, we have arrived at the conclusion that there is no sufficient reason for disagreeing with the findings of fact made by the court below. The judgment appealed from is therefore affirmed, with costs of this instance against the plaintiff. So ordered.

Arellano, C. J., Torres, Carson, and Moreland, JJ., concur.

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