

JOHN PAUL E. FERNANDEZ, ET AL., PETITIONERS, VS. THE COURT OF APPEALS AND CARLITO S. FERNANDEZ, RESPONDENTS.*G.R. No. 108366. February 16, 1994*

Ponente: PUNO, J.

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The legal dispute between the parties began when the petitioners filed Civil Case No. Q-45567 for support against the private respondent before the RTC of Quezon City. The complaint was dismissed on December 9, 1986 by Judge Antonio P. Solano,[1] who found that "(t)here is nothing in the material allegations in the complaint that seeks to compel (private respondent) to recognize or acknowledge (petitioners) as his illegitimate children," and that there was no sufficient and competent evidence to prove the petitioners' filiation.[2]

Petitioners plodded on. On February 19, 1987, they filed the case at bench, another action for recognition and support against the private respondent before another branch of the RTC of Quezon City, Branch 87. The case was docketed as Civil Case No. Q-50111.

The evidence shows that VIOLETA P. ESGUERRA, single, is the mother and guardian ad litem of the two petitioners, CLARO ANTONIO FERNANDEZ and JOHN PAUL FERNANDEZ. Violeta and the private respondent, CARLITO S. FERNANDEZ, met sometime in 1983, at the Meralco Compound tennis courts. A Meralco employee and a tennis enthusiast, Carlito used to spend his week-ends regularly at said courts, where Violeta's father served as tennis instructor.

Violeta pointed to Carlito as the father of her two sons. She claimed that they started their illicit sexual relationship six (6) months after their first meeting. The tryst resulted in the birth of petitioner Claro Antonio on March 1, 1984, and of petitioner John Paul on February 11, 1985. Violeta further claimed that she did not know that Carlito was married until the birth of her two children. She averred they were married in civil rites in October, 1983. In March, 1985, however, she discovered that the marriage license which they used was spurious.

To bolster their case, petitioners presented the following documentary evidence: their certificates of live birth, identifying respondent Carlito as their father; the baptismal certificate of petitioner Claro which also states that his father is respondent Carlito; photographs of Carlito taken during the baptism of petitioner Claro; and pictures of respondent Carlito and Claro taken at the home of Violeta Esguerra.

Petitioners likewise presented as witnesses, Rosario Cantoria,[3] Dr. Milagros Villanueva,[4] Ruby Chua Cu,[5] and Fr. Liberato Fernandez.[6] The first three witnesses told the trial court that Violeta Esguerra had, at different times,[7] introduced the private respondent to them as her "husband". Fr. Fernandez, on the other hand, testified that Carlito was the one who presented himself as the father of petitioner Claro during the latter's baptism.

In defense, respondent Carlito denied Violeta's allegations that he sired the two petitioners. He averred he only served as one of the sponsors in the baptism of petitioner Claro. This claim was corroborated by the testimony of Rodante Pagtakhan, an officemate of respondent Carlito who also stood as a sponsor of petitioner Claro during his

baptism. The private respondent also presented as witness, Fidel Arcagua, a waiter of the Lighthouse Restaurant. He disputed Violeta's allegation that she and respondent Carlito frequented the said restaurant during their affair. Arcagua stated he never saw Violeta Esguerra and respondent Carlito together at the said restaurant. Private respondent also declared he only learned he was named in the birth certificates of both petitioners as their father after he was sued for support in Civil Case No. Q-45567.

Based on the evidence adduced by the parties, the trial court ruled in favor of petitioners, viz.:

"In view of the above, the Court concludes and so holds that the plaintiffs minors (petitioners herein) are entitled to the reliefs prayed for in the complaint. The defendant (herein private respondent) is hereby ordered to recognize Claro Antonio Carlito Fernandez, now aged 6, and John Paul Fernandez, now aged 41/2, as his sons. As the defendant has admitted that he has a supervisory job at the Meralco, he shall give the plaintiffs support in the amount of P2,000 each a month, payment to be delivered to Violeta Esguerra, the children's mother and natural guardian, within the first five (5) days of the month, with arrears reckoned as of the filing of the complaint on February 19, 1987.

"SO ORDERED."

On appeal, the decision was set aside and petitioners' complaint dismissed by the respondent Court of Appeals^[8] in its impugned decision, dated October 20, 1992. It found that the "proof relied upon by the (trial) court (is) inadequate to prove the (private respondent's) paternity and filiation of (petitioners)." It further held that the doctrine of res judicata applied because of the dismissal of the petitioners' complaint in Civil Case No. Q-45567. Petitioners' motion for reconsideration was denied on December 22, 1992.

Petitioners now contend that the respondent appellate court erred in: (1) not giving full faith and credit to the testimony of Violeta Esguerra; (2) not giving weight and value to the testimony of Father Liberato Fernandez; (3) not giving probative value to the numerous pictures of respondent Carlito Fernandez taken during the baptismal ceremony and inside the bedroom of Violeta Esguerra; (4) not giving probative value to the birth certificates of petitioners; (5) giving so much credence to the self-serving and incredible testimony of respondent Carlito Fernandez; and (6) holding that the principle of res judicata is applicable in the case at bar.

We find no merit in the petition.

The rule is well-settled that findings of facts of the Court of Appeals may be reviewed by this court only under exceptional circumstances. One such situation is when the findings of the appellate court clash with those of the trial court as in the case at bench. It behooves us therefore to exercise our extraordinary power, and settle the issue of whether the ruling of the appellate court that private respondent is not the father of the petitioners is substantiated by the evidence on record.

We shall first examine the documentary evidence offered by the petitioners which the respondent court rejected as insufficient to prove their filiation. Firstly, we hold that petitioners cannot rely on the photographs showing the presence of the private respondent in the baptism of petitioner Claro (Exh. "B--8", Exh. "B-12", Exh. "H" and Exh. "I"). These photographs are far from proofs that private respondent is the father of petitioner Claro. As explained by the private respondent, he was in the baptism as one of the sponsors of petitioner Claro. His testimony was corroborated by Rodante Pagtakhan.

Secondly, the pictures taken in the house of Violeta showing private respondent showering affection to Claro fall short of the evidence required to prove paternity (Exhibits "B", "B-1", "B-2", "B-7", "B-14" and "B-15"). As we held in *Tan vs. Trocio*, 192 SCRA 764, viz:

"x x x The testimonies of complainant and witness Marilou Pangandaman, another maid, to show unusual

closeness between Respondent and Jewel, like playing with him and giving him toys, are not convincing enough to prove paternity. The same must be said of x x x (the) pictures of Jewels and Respondent showing allegedly their physical likeness to each other. Said evidence is inconclusive to prove paternity and much less would prove violation of complainant's person and honor." (Underscoring supplied)

Thirdly, the baptismal certificate (Exh. "D") of petitioner Claro naming private respondent as his father has scant evidentiary value. There is no showing that private respondent participated in its preparation. On this score, we held in *Berciles vs. Systems, et al.* 128 SCRA 53 (1984):

"As to the baptismal certificate, Exh. "7--A", the rule is that although the baptismal record of a natural child describes her as a child of the decedent, yet, if in the preparation of the record the decedent had no intervention, the baptismal record cannot be held to be a voluntary recognition of parentage. x x x The reason for this rule that canonical records do not constitute the authentic document prescribed by Arts. 115 and 117 to prove the legitimate filiation of a child is that such canonical record is simply proof of the only act to which the priest may certify by reason of his personal knowledge, an act done by himself or in his presence, like the administration of the sacrament upon a day stated; it is no proof of the declarations in the record with respect to the parentage of the child baptized, or of prior and distinct facts which require separate and concrete evidence."

In *Macandang vs. Court of Appeals*, 100 SCRA 73 (1980), we also ruled that while baptismal certificates may be considered public documents, they can only serve as evidence of the administration of the sacraments on the dates so specified. They are not necessarily competent evidence of the veracity of entries therein with respect to the child's paternity.

Fourth, the certificates of live birth (Exh. "A"; Exh. "B") of the petitioners identifying private respondent as their father are not also competent evidence on the issue of their paternity. Again, the records do not show that private respondent had a hand in the preparation of said certificates. In rejecting these certificates, the ruling of the respondent court is in accord with our pronouncement in *Roces vs. Local Civil Registrar*, 102 Phil. 1050 (1958), viz:

"x x x Section 5 of Act No. 3793 and Article 280 of the Civil Code of the Philippines explicitly prohibited, not only the naming of the father or the child born outside wedlock, when the birth certificate, or the recognition, is not filed or made by him, but, also, the statement of any information or circumstances by which he could be identified. Accordingly, the Local Civil Registrar had no authority to make or record the paternity of an illegitimate child upon the information of a third person and the certificate of birth of an illegitimate child, when signed only by the mother of the latter, is incompetent evidence of fathership of said child." (Underscoring supplied)

We reiterated this rule in *Berciles*, op. cit., when we held that "a birth certificate not signed by the alleged father therein indicated is not competent evidence of paternity."

We have also reviewed the relevant testimonies of the witnesses for the petitioners and we are satisfied that the respondent appellate court properly calibrated their weight. Petitioners capitalize on the testimony of Father Liberato Fernandez who solemnized the baptismal ceremony of petitioner Claro. He declared on the witness stand:

"Q

Do you recall Father, whether on that occasion when you called for the father and the mother of the child, that both father and mother were present?

A

Yes.

Q

Would you able to recognize the father and the mother who were present at that time?

A

Yes.

Q

Please point to the court?

A

There (witness pointing to the defendant, Carlito Fernandez).

Q

For instance, just give us more specifically what question do you remember having asked him?

A

Yes, like for example, 'do you renounce Satan and his works?'

Q

What was the answer of Fernandez?

A

Yes, I do.

Q

I just want to be sure, Father, will you please look at the defendant again. I want to be sure if he is the person who appeared before you on that occasion?

A

I am sure."

(TSN, May 23, 1986, pp. 14-16)

However, on cross examination, Father Fernandez admitted that he has to be shown a picture of the private respondent by Violeta Esguerra to recognize the private respondent, viz:

"Q

When was the, approximately, when you were first shown this picture by Violeta Esguerra?

A

I cannot recall.

Q

At least the month and the year?

A

It must be in 1986.

Q

What month in 1986?

A

It is difficult. . .

Q

When was the first time you know you are going to testify here?

A

Let us see, you came there two times and first one was you want to get a baptismal certificate and then the second time was I asked you for what is this? And you said it is for the court.

Q

On the second time that Ms. Violeta Esguerra went to your place, you were already informed that you will testify here before this Honorable Court?

A

Yes.

Q

And you were shown this picture?

A

Yes.

Q

An you were informed by this Ms. Violeta Esguerra that this man wearing the blue T-shirt is the father?

A

Yes, sir.

Q

So, it was Violeta Esguerra who . . .

A

Yes."

(TSN, May 23, 1986, pp. 18 to 22)

Indeed, there is no proof that Father Fernandez is a close friend of Violeta Esguerra and the private respondent which should render unquestionable his identification of the private respondent during petitioner Claro's baptism. In the absence of this proof, we are not prepared to concede that Father Fernandez who officiates numerous baptismal ceremonies day in and day out can remember the parents of the children he has baptized.

We cannot also disturb the findings of the respondent court on the credibility of Violeta Esguerra. Her testimony is highly suspect as it is self-serving and by itself, is insufficient to prove the paternity of the petitioners.

We shall not pass upon the correctness of the ruling of the respondent appellate court applying the doctrine of res judicata as additional reason in dismissing petitioners' action for recognition and support. It is unnecessary considering our findings that petitioners' evidence failed to substantiate their cause of action.

IN VIEW WHEREOF, the petition is DISMISSED and the Decision of the respondent court in CA-G.R. CV No. 29182 is AFFIRMED. Costs against petitioners.

SO ORDERED.

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

[1] Presiding judge of Branch 86, RTC Quezon City.

[2] In this regard, Judge Solano held:

x x x

"(Petitioners') certificates of birth imputing filiation to defendant as the putative father are incompetent evidence.

"The baptismal certificates, upon the other hand, is not an indubitable writing that is impressed with authority to establish filiation with those alleged as the parents of the child baptized.

"The oral testimony of Violeta Esguerra, uncorroborated as it were, by competent evidence, is inadequate to sustain a conclusion that defendant indeed is the father of plaintiffs."

[3] She is a neighbor of Violeta Esguerra.

[4] She is the obstetrician who delivered the petitioners. Dr. Villanueva is the mother-in-law of Violeta Esguerra's brother.

[5] She is a friend and former officemate of Violeta Esguerra.

[6] He is the priest who officiated over the baptism of petitioner Claro Antonio Fernandez. Fr. Fernandez actually testified in Civil Case No. Q-45567. The whole records of the earlier case were presented as evidence in this case.

[7] In the case of Rosario Cantoria, she first met private respondent Carlito (who was introduced by Violeta as her "husband") when she (Rosario) was taking care of Violeta after the birth of petitioner John Paul Fernandez. Dr. Villanueva was first introduced to Carlito (as Violeta's "husband") on March 1, 1984, after she (Dr. Villanueva) delivered petitioner Claro Antonio Fernandez. Ruby Chua Cu met Violeta's "husband" (Carlito) at the baptism of petitioner Claro Antonio Fernandez.

[8] Through its Fifth Division, composed of Associate Justices Serafin E. Camilon (chairman), Jorge S. Imperial (ponente), and Cancio C. Garcia. The case was docketed as CA-G.R. CV No. 29182.

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